KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2017/62/94173/W

Site Address: 50, Arthur Street, Golcar, Huddersfield, HD7 4DJ

Description: Formation of vehicular access

Recommending Officer: Laura Yeadon

DECISION – conditional full permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 14-Feb-2018

Officer Report

Site Description

50 Arthur Street is a detached property located within an area defined as Unallocated Land within the Kirklees UDP. The property is two storeys in height, constructed from brick with a garden and driveway to the front, leading to an attached single storey garage with a larger garden to the rear. The front of the property, as with the other properties along Arthur Street is open, with ornamental shrubs marking the front and side boundary of the site. The wider street scene is comprised of dwellings of similar styles and construction materials.

Description of Proposal

Permission is sought for the formation of a vehicular access.

The proposed access would be taken from the front boundary and would involve the removal of four kerb stones which would widen the existing drive. The existing path to the front of the property would be retained. No construction materials have been proposed however it is likely that to accommodate the widened driveway, the lawn to the front of the property would be removed and a hardstanding formed. The property benefits from full Permitted Development Rights.

History of negotiations/amendments received

No negotiations have taken place nor have any amendments been sought or received.

Relevant Planning History

No history

Representations

Final publicity date expired 8th February 2018 – no representations received

Parish/Town Council comments – not applicable

Consultation Responses

None required

Policy

The statutory development plan comprises:

The Unitary Development Plan (UDP). This report will refer only to those policies of the UDP 'saved' under the direction of the Secretary of State beyond September 2007.

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is Unallocated Land on the UDP Proposals Map and is proposed to be retained as such on Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated land
- **BE1** – Design principles
- **BE2** – Quality of design
- **T10** – Highway safety
- **T19** – Parking provision

Kirklees Publication Draft Local Plan (PDLP):

- **PLP 1** – Achieving sustainable development
- **PLP 2** – Place shaping
- **PLP 24** – Design
- **PLP21** – Highways safety and access
- **PLP22** – Parking

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 7 – Requiring good design
- Chapter 10 – meeting the challenge of climate change, flooding and coastal change

Assessment

The following matters are considered in the assessment below –

1) Principle of development
1) Impact on visual amenity
2) Impact on residential amenity
3) Impact on highway safety
4) Other matters
5) Representations
6) Conclusion

1 – Principle of development:

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states "planning permission for the development … of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]". All these considerations are addressed later in this assessment.

Furthermore, the site is without notation on the Publication Draft Local Plan. Policy PLP1 states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

2 –Impact on visual amenity:

In terms of visual amenity, the application seeks permission to widen the existing driveway by way of the removal of 4 no. kerb stones. To enable the driveway to be constructed, this would result in either the total loss of partial loss of the lawned area to the front of the property. Whilst the street scene is characterised by both driveways and garden areas to the front of the properties, these vary in terms of soft and hard landscaping. In addition, the property benefits from full Permitted Development Rights and therefore, permission is not required to create further hardstanding, subject to the conditions specified within the General Permitted Development Order. No proposed materials have been submitted as part of the application however, these can be conditioned to accord with current legislation. It is not considered that the removal of 4 no. kerb stones and the widening of the existing driveway would have a detrimental effect on visual amenity and

therefore would accord with Policies BE1 and BE2 of the UDP, Policy PLP24 of the Publication Draft Local Plan and Chapter 7 of the NPPF.

3 – Impact on residential amenity:

With regard to residential amenity, the proposed works would not extend the property and would not create any additional habitable accommodation. As such, it is not considered that the works would have any significant impact on the occupiers of neighbouring properties and therefore complies with Policies BE1 and NE2 of the UDP, Policy PLP24 of the Publication Draft Local Plan and Chapter 7 of the NPPF.

4 – Impact on highway safety:

The proposal is to create an enlarged vehicular access to the property. There is an existing driveway and dropped kerb which leads to an attached single garage. Therefore, the existing arrangements enable 2 no. vehicles to be accommodated off-street and within the site. The widening of the driveway and the removal of 4 no. kerb stones to widen the access from the Arthur Street, which is an adopted although not classified road, is not considered to have a detrimental impact on parking provision which would be detrimental to highway safety. Therefore, the proposal is considered to be acceptable in terms of Policies T10 and T19 of the UDP, Policies PLP21 and PLP22 of the Publication Draft Local Plan and Chapter 7 of the NPPF.

5 – Other matters:

There are no other matters for consideration.

6 – Representations:

No representations have been received.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

Recommendation **Approve**

Decision Authorisation - Delegated Powers

Application Number: 2017/94173

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies D2, BE1, BE2, T10 and T19 of the Kirklees Unitary Development Plan, Policies PLP21 and PLP22 of the Publication Draft Local Plan and Chapter 7 of the NPPF.

3. The development shall not be brought into use until all area indicated to be used for parking on the submitted plan have been marked out, and laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) these areas shall be so retained thereafter.
Reason: In the interests of amenity and traffic safety and to avoid an increase in flood risk through surface water run-off and in accordance with Unitary Development Plan Policy T10 and Policies PLP21 and PLP24 of the Publication Draft Local Plan and Chapter 10 of the National Planning Policy Framework.

FOOTNOTE: The granting of planning permission does not authorise the carrying out of works within the highway, for which the written permission of the Council as Highway Authority is required. You are required to consult the Design Engineer, Flint Street, Fartown, Huddersfield (Kirklees Street Care: 0800 7318765) with regard to obtaining this permission and approval of the construction specification. Please also note that the construction of vehicle crossings within the highway is deemed to be major works for the purposes of the New Roads and Street Works Act 1991 (Section 84 and 85). Interference with the highway without such permission is an offence which could lead to prosecution.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	TQRQM17363131940220		6th January 2018

Plan Type	Reference	Version	Date Received
Proposed site plan			6th January 2018

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Report Dated: 13th February 2018