

**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: 2018/62/91869/E

Site Address: 286, Huddersfield Road, Roberttown, Liversedge,
WF15 7QQ

Description: Formation of vehicular access and parking

Recommending Officer: Liz Chippendale

DECISION - REFUSE

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

Julia Steadman

AUTHORISED OFFICER

Date: 03-Aug-2018

Officer Report

Site Description

286 Huddersfield Road, Roberttown, Liversedge is located on land which is unallocated within the Kirklees UDP. The dwelling is a two storey, stone built mid terrace with enclosed garden to the front and rear.

To the North is a commercial site operated by Newsmith Stainless Ltd; to the East are residential properties and to the North East is a retail development with open fields to the South. The site is approximately 27m from the signalled junction of Huddersfield Road, Sunny Bank Road and Child Lane.

Description of Proposal

Permission is sought for the formation of a vehicular access from Huddersfield Road to provide off-street parking for two vehicles.

History of negotiations/amendments received

No amendments were requested throughout the application process.

Relevant Planning History

No relevant planning history

Representations

Final publicity date Expires: 12 July 2018

A summary of the comments received is set out below:

No comments were received as a result of the public consultation period.

Parish/Town Council comments – N/A

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

K.C. Highways Development Management – *Object – further details are set out in the main assessment below.*

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within

the Kirklees Unitary Development Plan (Saved 2007). 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 48 of the National Planning Policy Framework (2018). 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 (2018), 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 both the UDP Proposals Map and on the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan:

- D2 – Land with no notation
- BE1 – Design principles
- BE2 – Quality of design
- T10 – Highway safety
- T19 – Parking standards

Kirklees Publication Draft Local Plan (PDLP):

- PLP 1 – Presumption in favour of sustainable development
- PLP 22 - Parking
- PLP 24 – Design

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 24th July 2018, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial statements and associated technical guidance.

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

- Chapter 12 – Achieving well-designed places

Assessment

1- Principle of Development

The site is unallocated land within the Kirklees UDP. Policy D2 states that “planning permission for the development of land and buildings without notation on the UDP proposals map, and not subject to specific policies in the

plan, will be granted provided that proposals do not prejudice [a specific set of considerations]”.

The site is also unallocated within 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.

An assessment of the considerations specified will be addressed below.

2- Visual amenity

The proposed vehicle access will be finished with tarmac and the existing boundary wall removed. Although there will be some loss of planting/vegetation to the frontage this is considered acceptable as it is considered to have a minimal aesthetic value.

The vehicle access would not be considered to impact upon visual amenity and in accordance with policies D2, BE1 and BE2 of the UDP; Policies PLP1 and PLP24 of the PDLP and Chapter 12 of the NPPF.

3- Residential amenity

The proposed vehicle access is considered to be acceptable in terms of residential amenity as there is not considered to be any undue impact in terms of overshadowing, overlooking or noise.

It is considered that the proposal does not impact upon the residential amenity of any surrounding occupants and complies with the aims of policies D2, BE1 and BE2 of the Kirklees UDP; Policies PLP1 and PLP24 of the PDLP and Chapter 12 of the NPPF.

4- Highway safety

KC Highways DM were consulted as part of the application process; objections have been raised to the proposed vehicle access and parking.

Huddersfield Road is a classified road and therefore the site should offer internal turning to ensure highway safety which this proposal fails to do due to the limited size of the site area.

The site is located in very close proximity to a busy signalised junction of Huddersfield Road, Sunny Bank Road and Child Lane. The addition of a vehicle access in such close proximity to this junction would be of detriment to highway safety. It is considered that the sight lines to the left would be sub-standard in addition too poor visibility of pedestrians walking along Huddersfield Road adjacent to the site.

There is a driveway to the West of the site but this appear to be in conjunction with the public house and therefore pre-date the installation of the signalled

junction which is also considered to be the case for nos.274-278 Huddersfield Road to the rear.

It is evident that there is a vehicle access at no.288 Huddersfield Road to the West, however, there is no record of planning permission having been submitted or granted for this site.

In light of the above it is considered that the proposed vehicle access and parking would be detrimental to highway safety and therefore not comply with policies D2 and T10 of the UDP and policy PLP 21 of the PDLP.

5- Other matters

There are no other matters considered relevant to the determination of this application.

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 proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

Recommendation - Refuse

Decision Authorisation - Delegated Powers

Application Number: 2018/91869

Officer Recommendation: Refuse

Reasons for refusal:

1. The proposed vehicle access and parking is considered to detrimentally impact highway safety at the signalised junction of Huddersfield Road, Sunny Bank Road and Child Lane. The proposed access fails to provide internal turning and sufficient sight lines to an acceptable standard. To approve the application, which would be significantly harmful to highway safety and efficiency, would be contrary to Policies D2 and T10 of the Kirklees Unitary Development Plan and Policy PLP 21 of the Kirklees Publication Draft Local Plan.

Plan Type	Reference	Version	Date Received
Location plan	1739-01		11.07.2018
Design and access statement			11.07.2018

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. The case officer did not enter into negotiations or request amended plans for the proposed development as it was considered that the application could not be amended to make is acceptable due to the constraints of the site.

Report Dated:

02.08.2018