# 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:** 2018/62/92101/W

**Site Address:** 264, Scar Lane, Golcar, Huddersfield, HD7 4AU

**Description:** Formation of vehicular access

**Recommending Officer:** Laura Yeadon

**DECISION – Full Conditional 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.**

Neil Bearcroft

***AUTHORISED OFFICER***

**Date: 09-Aug-2018**

Officer Report

Site Description

264 Scar Lane is a med-terraced property located within an area defined as Unallocated Land within the Kirklees UDP. The property is two storeys in height, constructed from brick and render with garden areas to the front and rear. The front garden is separated from the roadside by a stone wall. The wider site is predominantly residential comprising of terraced, semi-detached and detached dwellings.

**Description of Proposal**

Permission is sought for the formation of vehicular access.

The proposed access would be taken from Scar Lane and would require the removal of the front boundary wall. The proposed construction materials would be kerb stones and tarmac. The property benefits from full Permitted Development Rights.

**History of negotiations/amendments received**

No amendments have been sought however confirmation was required in terms of the amount of walling to be removed.

**Relevant Planning History**

No history

**Representations**

Final publicity date expired 26th July 2018 – no representations received

Parish/Town Council comments – not applicable

**Consultation Responses**

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

Kirklees Highways Development Management – no objection subject to appropriate footnotes

**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 the UDP Proposals Map and on the 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
- **PLP21** – Highway safety and access
- **PLP22** – Parking
- **PLP 24** – Design
- **PLP28** - Drainage

**National Policies and Guidance:**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published July 2018, 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 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and costal 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 to create parking to the front of the property. This would result in the total loss of amenity area to the front of the property. The street scene is characterised by both soft and hard landscaping with a number of properties within the terraced row s along Scar Lane having driveways to the front of the properties. The wall to the front of the property would be removed to accommodate vehicular access however this is typical within the street scene and therefore raises no concerns. Addition, the attached property No. 266 has also recently been granted consent for identical works.

As such, there are minimal concerns regarding visual amenity.

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. The use of a parking area to the front of the property would introduce vehicles manoeuvring within close proximity to neighbouring properties. This would have some impact on amenity but in the context of the existing use of Scar Lane it is not considered to be undue. As such, it is not anticipated that the proposed works would have a significant impact on residential amenity, compliant with local and national policy.

4 – Impact on highway safety:

Scar Lane is a classified 'B' road. Highways Development Management were formally consulted and offer no objection to the scheme subject to notes being attached to the decision notice regarding the surfacing and draining of the parking area and to contact Kirklees Street Scene with regards to the dropped crossing.

5 – Other matters:

*Drainage* – the application details propose tarmac as the finishing surface for the parking area however this is not a permeable surface and would not be self-drainage, therefore it is considered reasonable and necessary to impose a condition on the decision notice stating that the surface should be permeable to prevent flood risk through surface water run-off. This would also be in compliance with Policy PLP28 of the Publication Draft Local Plan and highway safety policies T10 and PLP21.

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**: 2018/92101

**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 14 of the National Planning Policy Framework.

3. The formation of any parking area between the front elevation of the dwelling and the highway shall be drained and surfaced 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) the parking area 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 PLP28 of the Publication Draft Local Plan and Policies in the National Planning Policy Framework.

**NOTE:** 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 Scene: 01484 221000) 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 | | | 27th June 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. No negotiations have taken place nor have any amended plans been sought or submitted.

**Report Dated:** 9th August 2018