

**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: 2018/62/92698/W

Site Address: 44-46, Scar Lane, Milnsbridge, Huddersfield, HD3
4PN

Description: Formation of vehicular access and hard standing to
create 2 parking spaces (within a Conservation Area)

Recommending Officer: Jason Hammond

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.**

Sarah Longbottom

AUTHORISED OFFICER

Date: 27-Nov-2018

Officer Report.

Reference: 2018/92698

Location: 44-46 Scar Lane, Milnsbridge, Huddersfield, HD3 4PN.

Proposal: Formation of vehicular access and hard standing to create two parking spaces (within a Conservation Area).

Site Description.

44-46 Scar Lane are two properties located within a block of 3 located in Milnsbridge, Huddersfield. The application relates to the two properties situated to the west. The property is constructed from natural regular coursed stone, built before 1890. The roof is gabled, with symmetrical facing gabled features on the eastern and western units. The front of the property benefits from two separated gardens, with access to the rear provide on the west side. The garden is bounded by hedging, with the middle section recently cleared.

The site is located in a predominantly residential area on a classified road. The property overlooks numerous terraced houses from across the highway, constructed in natural stone and with gabled roof forms. The site is also located close to industrial uses, with The Old Railway Goods Yard located just north and north-west to the site. There is also commercial activity just further east down the highway, with The Royal pub establishment and Huddersfield Carpet Centre. The nearby properties tend to share the same design using a traditional material palette of natural stone.

Description of Proposal.

The application is for the formation of vehicular access to allow for two new car parking spaces for the property at 44-46 Scar Lane. This would require the clearing of the central boundary hedge to the front of the building that would provide vehicular access to and from the site, with a width of 5.10 metres. It is important to note that this work had been completed during the site visit that was undertaken on 25/09/2018. A dropped kerb is proposed to allow vehicles to safely and appropriately enter the site across the pavement from the highway, this would have a width of 7.00 metres.

The parking spaces for the two vehicles are to be located in front of each of the properties in the site, with one located to the east of the site in front of no. 44 and one to the west at no. 46. The total area of the front of the property is to be laid with hardstanding, covering an area of around 80 sq./m². The existing boundary fence that separates the two gardens is to be removed to

allow for the parking and turning spaces for the two vehicles. Each car parking space is to have the dimensions of 5.00 metres by 2.50 metres.

History of Negotiations.

Amendments were requested in order to demonstrate that access was possible and safe if vehicles were parked along the highway, with amended plans showing this was possible.

Relevant Planning History.

2017/91114 – *44 Scar Lane* - Erection of two storey extension and alterations to dwelling to form additional dwelling with associated parking (within a Conservation Area). Granted in 2017, although the parking element of the proposal was removed due to concerns regarding poor visibility and the need to reverse onto the highway for access.

2013/91808 – *42 Scar Lane* – Formation of Dropped Kerb – approved

2013/91077 – *42 Scar Lane* – Formation of Dropped Kerb – refused (highway safety)

Representations.

The application was advertised by a site notice, neighbour letters and press notice which expired on 16/10/2018. No representations were received from this publicity.

Consultation Responses.

K.C. Highways DM were consulted in regards to the potential impact of the vehicular access on Scar Lane. They raised concerns over visibility and access from the highway. Clear visibility would be crucial for this site due to the access to and from the classified road, and so the existing hedging would need to be maintained to a maximum 1.00 metre height. Accessing in and out the site may also prove unsafe when considering the sharp turning points shown on the plan, and the use of on-street parking from across the highway. It was advised that the agent would need to demonstrate that safe access can be provided if vehicles were parked along the highway. Amendments were received which showed access was possible if cars were parked along Scar Lane, and this was deemed adequate in terms of highway safety.

Policy/Legislation.

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 NPPF (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 on the UDP Proposals Map and on the Kirklees Publication Draft Local Plan, but is designated within the Milnsbridge Conservation Area. The site is also located next to a Priority Employment Area, as designated on the Draft Local Plan.

Kirklees Unitary Development Plan:

- **D2** – Unallocated Land
- **BE1** – Design Principles
- **BE2** – Quality of Design
- **BE5** – New Development in Conservation Areas
- **T10** – Highway Safety
- **T19** – Car Parking in New Developments

Kirklees Publication Draft Local Plan:

- **PLP 1** – Achieving Sustainable Development
- **PLP 2** – Place Shaping
- **PLP 21** – Highway Safety and Access
- **PLP 22** – Parking
- **PLP 24** – Design
- **PLP 35** – Heritage

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, 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 9** – Promoting sustainable transport
- **Chapter 12** – Achieving well-designed places
- **Chapter 16** – Conserving and enhancing the historic environment

Assessment.

The following matters that will be considered as part of the assessment of the proposal are set below. These considerations will be looked at in detail individually:

- 1) Principle of development
- 1) Impact on visual amenity, including designated heritage assets
- 2) Impact on residential amenity
- 3) Impact on highway safety
- 4) Other matters
- 5) Representations
- 6) Conclusion

Principle of development:

The site is unallocated within the Kirklees Unitary Development Plan but is set within the Milnsbridge Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities shall pay special attention in order to preserve or enhance the character and setting of buildings or land within a Conservation Area. This relates to Policy BE5 of the UDP, Policy PLP35 of the PDLP and Chapter 16 of the National Planning Policy Framework regarding the historic environment.

A Conservation Area Appraisal has been produced for the Milnsbridge Area which places importance on the key characteristics of the assets of Milnsbridge. Stone buildings and the urban and rural mix adds to the unique character and industrial heritage of the area. The Appraisal notes the importance of undesignated assets in the area, all of which are important to the setting and character of Milnsbridge. No Character Assessment of the Milnsbridge area has been provided in the Kirklees Unitary Development Plan.

In terms of extending and making alterations to a property, Policies BE1, BE2, BE13 and BE14 of the UDP will be used to assess the proposals, in conjunction with Chapter 12 of the NPPF regarding design.

As such, new development on this site will be assessed alongside these matters, as well as other material considerations. These include ensuring the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area. These considerations will be discussed below.

Impact on visual amenity, including designated heritage assets:

The proposal is located on Scar Lane, a main road with a variety of uses including residential, industrial and commercial. The area shares a traditional design with natural stone being the prominent material, and terraced housing being the common housing type.

The proposal for the vehicular access involves the removal of some hedging to the front of the property, and removal of vegetation and fencing inside the site to allow for the hard surfacing. The removal of the hedging has already commenced when a site visit was taken, although the fencing and garden vegetation still remained. In terms of visual appearance, this impact is considered to be minimal as only a small portion of hedging is to be removed and would not alter the visual amenity of the area. Hedging is not particularly common in this area but the remaining hedging ensures that the character of the building and area are retained, as such preserving the character of the Milnsbridge Conservation Area. The hedging would also allow for the vehicles to be screened and as such allow the two parking spaces to not impact the character of the building.

However, the replacement of the gardens with the new hardstanding area would be considered to be a visual change of the property and would be removing vegetation from the site. The Conservation Area Appraisal acknowledges that the mix of urban and rural elements contribute to Milnsbridge's unique character, with the removal of these gardens being of compromise to this. However, it is deemed that the hedges still provide adequate greenery for the area and the hardstanding removes the need of maintenance of the gardens as these were not of kept condition during the site visit. Only a small section of boundary wall is to be demolished with a height less than one metre and would therefore constitute relevant demolition in the Conservation Area.

The proposal is therefore regarded as acceptable for permission in this regard as it would not significantly harm the visual amenity of the area or upon the

Conservation Area, complying with Policies BE2, BE5 BE13 and BE14 of the Kirklees UDP, and PLP2, PLP24 and PLP35 of the Kirklees Draft Local Plan as well as in accordance of Chapters 12 and 16 of the National Planning Policy Framework regarding design and the historic environment.

Impact on residential amenity:

The site shares its boundary to properties to the east, with properties from the south also being impacted by the proposal. Therefore, development at 44-46 Scar Lane has the potential to have some form of impact upon these neighbours. The impacts that may affect these properties are set out and discussed below:

- *42 Scar Lane* – This property is located to the east of the site, and shares its boundary as to where the proposed vehicular access is to be located. The proposal would increase activity around the site and has the potential to disturb this property in regards to noise, but this harm is considered to be less than substantial when considering 42 Scar Lane also benefits from a front driveway. The removal of on-street parking would also benefit this property by relieving pressure on the highway.
- *55, 57 & 59 Scar Lane terraces* – These properties are located to the south and overlook the site from across the highway. These properties would be impacted by the visual changes of the proposal, although any impact in this regard would be minimal as the visual amenity impact has been assessed to be of no harm. However, vehicles accessing to and from the site may have impact upon vehicles parked on this side of the highway although this impact is mitigated when considering the benefit of reducing the on-street parking.

Having considered the above factors affecting neighbouring properties and relevant policies, the proposed vehicular access is not deemed to result in any significant harm upon the residential amenity. The removal of on-street parking is deemed to benefit the neighbours and the wider area by relieving pressure from the highway.

Impact on highway safety:

The proposal would ensure two much needed off-street car parking spaces for the properties at 44-46 Scar Lane, alleviating pressure from the busy highway. Access to and from the site was initially deemed to be unsafe by K.C Highways in regards to parked vehicles from across the highway and adequate turning space, although amendments were received demonstrating that access can be made with parked vehicles.

Therefore, the proposal would be considered to be safe in terms of highway safety and as such complies with Policies D2, T10 and T19 of the UDP and Policies PLP 21 and PLP 22 of the Draft Local Plan. It is important to note that a condition shall be added to ensure boundary treatments are kept to a maximum height of 1.00 metre to allow for adequate sight lines for access from the site.

Other matters:

There are no other matters for consideration.

Representations:

No public representations were received for this proposal.

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, its impact upon the setting of the Milnsbridge Conservation Area and other material considerations. It is considered that the development would constitute sustainable development being of no significant harm and is therefore recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers.

Application Number: 2018/92698

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 schedule 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, BE13 and BE14 of the Kirklees Unitary Development Plan and Policy PLP24 of the Kirklees Publication Draft Local Plan.

3. The development hereby permitted shall only be brought into use when there is no obstruction to visibility 1.00m above the adjacent site frontage. Thereafter, the site frontage shall be retained at a height of no more than 1.00m.

Reason: In the interests of highway safety and to accord with Policies T10 and T19 of the Kirklees Unitary Development Plan and Policies PLP 21 and PLP 22 of the Kirklees Publication Draft Local Plan.

4. The approved vehicle parking areas shall be surfaced and drained 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 superseded before being first brought into use and thereafter retained throughout the lifetime of the development.

Reason: In the interests of amenity, in the interest of appropriate drainage, and to ensure adequate space within the site for vehicle movements and parking in accordance with Policies BE1, BE2, BE5, and T10 of the Kirklees Unitary Development Plan, Policies PLP 21 and PLP 22 of the Kirklees Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

NOTE: The granting of planning permission does not override any private legal rights or consents that may be required. It is the responsibility of the applicant / developer to ensure that all appropriate consents are in place prior to any development commencing; during the period of construction existing access for neighbouring properties is maintained; and no damage is caused to the access driveway or surrounding properties.

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 for the purposes of Section 184 of the Highways Act 1980. 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. It should be noted that there is a lighting column adjacent to the existing access which may need to be moved to create the new access and this might need to be included in these works. 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
Existing and Proposed Plans	18389/P-01	A	22/11/2018
Conservation / Heritage Statement			14/09/2018
Location Plan	18389/P-02	A	28/08/2018

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.

Initial submitted plans were deemed insufficient in demonstrating access to and from the site if vehicles were parked alongside the highway. Amended plans were received on 22/11/2018 that demonstrated this was possible and these were deemed adequate in terms of highway safety.

Report Dated:

26/11/2018

