

**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: 2019/62/91634/W

Site Address: 17 , De Lacy Avenue, Almondbury, Huddersfield, HD5
8NX

Description: Installation of access platform lift

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: 23-Jul-2019

Officer Report

Site Description

17 De Lacy Avenue is a mid-terraced property located within a predominantly residential area. The dwelling is two storeys in height and has a rendered finish. The front garden currently hosts an area of off-street parking with a larger garden to the rear, beyond which is the school grounds of Almondbury Community School. Due to the topography of the area, the ground level of the property is lower than that at the roadside level.

Description of Proposal

Permission is sought for the installation of an access platform lift.

An area of garden would be excavated to install and bound the limit with the platform being a width of 1 metre, 1.5 metres in depth and 1.2 metres in height. The total height the lift would travel would be 0.83 metres.

The lift would be positioned to the front of the property allowing the access footway to be retained. Retaining walls are proposed to retain the excavated area.

History of negotiations/amendments received

No negotiations have taken place and no amended plans have been sought or submitted.

Relevant Planning History

No history

Representations

Final publicity date expired 8th July 2019 – no representations received

Parish/ Town Council – not applicable

Consultation Responses

None required

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is without notation on the Kirklees Local Plan.

Kirklees Local Plan

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety
- **LP 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 19th February 2019, 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

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 Kirklees 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. LP1 goes on further to stating that:

“The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

The case of this application, it can be stated the principle of development is acceptable subject to the assessment of impacts on visual and residential amenity and highway safety.

2 – Impact on visual amenity:

Due to the topography of the site, part of the front garden would be developed. However, the proposal is for a platform access lift which is small in scale and would not result in an overdevelopment of the site.

The design of the proposal is considered to be acceptable in terms of visual amenity. The structure is simple in design incorporating steel with a powder coated finish in Blue Sable and Perspex infill panels with a steel gate.

The platform and housing would be set back from the roadside and would be adjacent to the boundary wall to the garden and therefore would not be overly prominent within the street scene. Furthermore, the lift is required to negotiate between the front door and the roadside level and would therefore reduce the impact when at the lower level.

The overall size, scale and bulk of the design is considered to be acceptable in terms of visual amenity and would accord with Policy LP24 of the Kirklees Local Plan.

3 – Impact on residential amenity:

The lift would be set away from the shared boundary with No. 19 and it is not considered that the occupants of this property would be unduly impacted on by the proposal. The structure would be close to the shared boundary with No. 15 however there is dense screening in place by way of a hedge. As such, it is not considered that either property would be materially impacted on by the proposal.

The lift is small in scale and solely for the purposes of accessing the property and is therefore considered to be acceptable in terms of residential amenity and would comply with Policy LP24.

4 – Impact on highway safety:

Whilst it would appear that the area where the lift is proposed is on a hardstanding area, it would appear that this has been formed over time as the neighbouring properties appear to be lawned. At the time of the site visit, on street parking did not appear to be oversubscribed and once the lift is installed, one vehicle would still be able to be parked off-street. As such, this is considered to be acceptable.

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: 2019/91634

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 LP1, LP2, LP21 and LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			31 st May 2019
Proposed site plan	Sheet 1 of 6		31 st May 2019
Proposed floor plan	Sheet 2 of 6		31 st May 2019
Proposed side elevation	Sheet 3 of 6		31 st May 2019
Proposed side elevation	Sheet 4 of 6		31 st May 2019
Proposed front elevation	Sheet 5 of 6		31 st May 2019
Proposed site plan	Sheet 6 of 6		31 st May 2019
Specification sheet	Sheet 1 of 1		31 st May 2019

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. In this instance, the application was considered acceptable in its submitted form and no amendments were sought.

Report Dated: 22nd July 2019

