

**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: 2019/62/92366/W

Site Address: 142, Wessenden Head Road, Meltham, Holmfirth,
HD9 4HR

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: 25-Sep-2019

Officer Report

Site Description

142 Wessenden Head Road is an end terraced property which is located within a sloping site and is two storey in height, constructed from stone and has garden areas to both the front and rear. The property is located on an adopted classified C road which links Holmfirth Road to Greenfield Road. Access to the rear of the property where a garage is located is off a private track.

Description of Proposal

Permission is sought for the formation of vehicular access.

The proposed access would be taken from Wessenden Head Road and would require the removal of the front boundary wall. The proposed construction materials would be tarmac with brick edging and permeable borders for plants on either side. The property benefits from full Permitted Development Rights.

History of negotiations/amendments received

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

Relevant Planning History

1999/90560 Erection of single storey extension
Conditional Full Permission

2002/92481 Erection of detached double garage
Conditional Full Permission

2017/91588 Variation of condition 8 (garage use) on previous permission
2002/92481 for erection of detached double garage
Granted

Representations

Final publicity date expired 4th August 2019 – no representations received

Meltham Town Council – support the application

Consultation Responses

Highways Development Management – no response to date

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 Unallocated Land on the Kirklees Local Plan.

Kirklees Local Plan

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety and access
- **LP 22** – Parking
- **LP 24** – Design
- **LP 28** – 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 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
- Chapter 14 – 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 Kirklees Local Plan. Policy LP1 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.

In this case, 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:

In terms of visual amenity, the application seeks to create a parking area to the front of the property. This would result in the total loss of amenity area to the front of the dwelling. The street scene is characterised by both soft and hard landscaping with a number of properties within the street scene of Wessenden Head Road having driveways to the front and/or sides. Part of the wall to the front boundary of the property would need to be removed to form the vehicular access however this is not dissimilar to the arrangement and the attached neighbouring dwelling.

It is therefore considered that the works would cause minimal harm in terms of visual amenity and would comply with Policy LP24 of the Kirklees Local Plan and advice within the National Planning Policy Framework.

3 – Impact on residential amenity:

With regard to residential amenity, the proposed works would not extend the property nor would it create any additional habitable accommodation. The use of the 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 Wessenden Head Road it is not considered to be undue. As such, it is not considered that the proposed works would have a significant impact on residential amenity, compliant with local and national policy.

4 – Impact on highway safety:

Wessenden Head Road is a classified ‘C’ road and is subject to a 30mph speed limit at this point. Highways Development Management were formally consulted as part of the application process however, at the time of writing this report, no comments had been received. Taking a view on the application from a highways perspective, it is considered that the additional manoeuvres associated with the parking space would not have a significant detrimental impact on highway safety. It would replicate similar movements from other properties along the road and as the road is subject to a 30mph speed limit the presence of vehicles manoeuvring in the road would not be perceived as a significant hazard. In the interests of highway safety a condition should be

attached to the decision notice regarding the surfacing and draining of the parking area to avoid surface water run-off in the interests of highway safety. Also, a note should be added to contact Kirklees Street Scene with regards to the dropped crossing. This would be to accord with Policies LP21 of the Kirklees Local Plan and advice within the NPPF.

5 – Other matters:

Drainage – the application details proposed tarmac as the finishing surface with brick edging and a permeable surface for plants on either side. It is noted that tarmac is not a permeable surface and would not self-drain. However, the application submission clarifies that water from this impermeable surface would be directed to a border rain garden (planted borders). This is considered to be an acceptable form of drainage system as, provided there is a depression within the borders this can be planted with suitable plants to help slow runoff. Therefore, it is considered reasonable and necessary to impose a condition on the decision notice stating that the surface should be designed in accordance with DCLG guidance on the permeable surfacing of front gardens to prevent flood risk through surface water run-off as noted above in the assessment on highway safety. This would also be in compliance with Policy LP28 of the Kirklees Local Plan and highway safety Policy LP21 as well as advice within the NPPF.

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: 2019/92366

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, LP22, LP24 and LP28 of the Kirklees Local Plan and advice within 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 (England) 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 Policies LP21 and LP28 of the Kirklees Local Plan and advice within 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			5 th August 2019
Proposed site plan with photograph			5 th August 2019
Proposed site plan with dropped kerb			5 th August 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. No negotiations have taken place and no amended plans have been sought or submitted as it was considered that the proposal was acceptable in its submitted format.

Report Dated: 24th September 2019