

**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: 2020/62/93050/W

Site Address: Four Horseshoes Yard, Market Street, Milnsbridge,
Huddersfield, HD3 4ND

Description: Formation of vehicular access (within a Conservation
Area)

Recommending Officer: Laura Yeadon

DECISION – Refused

**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.**

Neil Bearcroft

AUTHORISED OFFICER

Date: 10-Mar-2021

Officer Report

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f93050>

Site Description

The site is a forecourt, operated as a hand car wash which is located within the Milnsbridge Conservation Area within the Kirklees Local Plan. The forecourt is relatively flat and hosts a portacabin building within the south-western corner and the site is bound by fencing. The access is via a private access off Market Street which is shared with a number of commercial units. Adjacent to the site, to the south-east is the 4 Horseshoes Public House and facing the site are industrial buildings.

Description of Proposal

Permission is sought for the formation of a vehicular access.

It is proposed that an access would be formed within the northern boundary of the site to allow vehicles to enter the site by the existing entrance and for a new exit to be formed along with a dropped crossing onto Market Street. The application form states that the lowering of the pavement would be less than 4 metres in length. Bollards are in place within the pavement of the location of the proposed access.

History of negotiations/amendments received

Following receipt of the consultation response from Highways, this was sent to the applicant and discussion took place regarding the possibility of moving the access to a different point within the site, no acceptable alternative was provided.

Relevant Planning History

2017/93694 Erection of canopy and re-siting of cabin (within a Conservation Area)

Conditional Full Permission

2017/91454 Change of use from car sales to car wash and valet (within a Conservation Area)

Conditional Full Permission

1998/93477 Erection of 4 no. precast concrete garages

Conditional Full Permission

Representations

We are currently undertaking the legal statutory publicity requirements, as set out at Table 1 in the Kirklees Development Management Charter. As such, we have publicised this application via neighbour notification letters, site notice and newspaper advertisement.

Final publicity date expired 20th November 2020 – one representation received with the following being a summary of comments:

- This would make access and exit a lot easier as sometimes the current entry and exit causes congestion the to road that feeds other units on the site

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):

K.C. Highways Development Management – recommend refusal of the scheme

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 within the Milnsbridge Conservation Area on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP 1** – Achieving sustainable development
- **LP 2** – Place shaping
- **LP 21** – Highway safety and access
- **LP 24** – Design
- **LP35** – Historic environment

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 9 – Promoting sustainable transport
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

Principle of development:

The site is within the Milnsbridge Conservation Area. Section 72 of the Listed Buildings & Conservation Areas Act (1990) requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area. This is mirrored in Chapter 16 of the National Planning Policy Framework and also LP35 of 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.

The principle of a car wash being operated within the site was established under application number 2017/91454.

Impact on visual amenity and the Conservation Area:

The proposal includes removing/opening up the existing gates within the boundary screening abutting the pavement. The bollards would also be required to be removed and a dropped crossing formed. Opening up the fencing is not considered to affect the character of the area or the wider Conservation Area and would not be unduly detrimental to visual amenity when taking into account surrounding development. As such, the development could be supported from a visual amenity perspective complying with Policy LP24 and LP35 of the Kirklees Local Plan.

Impact on residential amenity:

The development by reason of its scale, position and nature would have little effect on residential amenity of the occupants of the neighbouring houses on Market Street.

Impact on highway safety:

Turning to highway safety, Policies LP21 and 22 of the Local Plan have been considered along with the KC Highway Design guide. The policies seek to ensure that new developments have an acceptable impact on highway safety.

Comments were sought from the Council's Highways Officers who confirm that bollards were erected due to an illegally constructed drop crossing between the Old Post Office pub and the bus stop on Market Street after a permission was denied. Highways Officers confirm that the work was carried out by the Council to prevent the access being used. Concerns are also raised due to the poor visibility onto Market Street from the proposed access and also a bus stop is adjacent. On-street parking also occurs outside the Old Post Office pub which will further reduce visibility from the proposed access.

Given the poor visibility, proximity of the bus stop and on-street parking issue, Highway Officer considered that the proposal would have an unacceptable impact on highway safety grounds and recommend refusal of the planning application. The proposal would therefore not comply with Policy LP21 of the Kirklees Local Plan and Highway Design Guide SPD.

Other matters:

Climate Change - On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. The proposal is for minor alterations to the boundary treatments of the existing dwelling to create a vehicular access. As such, no specific measures were required in terms of the planning application.

6 – Representations:

One representation received with the following being a summary of comments and LPA response:

- This would make access and exit a lot easier as sometimes the current entry and exit causes congestion the to road that feeds other units on the site

Response: Noted

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 proposals do not accord with the development plan and/or 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

APPROVE

Decision Authorisation - Delegated Powers

Application Number: 2020/93050

Officer Recommendation: Refuse

1. The proposed vehicular access, by reason of its location would result in poor visibility onto Market Street, which would be exacerbated due to the existing on-street parking provision and the adjacent bus stop. The proposed access would therefore unacceptably increase the risk to the safety of highway users. The proposed development would thereby cause undue detrimental harm to highway safety contrary to Policy LP21 (a) & (e) of the Kirklees Local Plan, the Highway Design Guide Supplementary Planning Document and Chapter 9 of the National Planning Policy Framework.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			12 th October 2020
Proposed site plan			12 th October 2020
Supporting Statement			12 th October 2020

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. Following receipt of the consultation response from Highways, this was sent to the applicant and discussion took place regarding the possibility of moving the access to a different point within the site, however the application was determined as submitted.

Report Dated: 10th March 2021

Coal none

