

**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: 2021/62/91100/W

Site Address: 423, New Hey Road, Salendine Nook, Huddersfield,
HD3 3XE

Description: Formation of vehicular access

Recommending Officer: Lucy Taylor

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.

Emma Thompson

AUTHORISED OFFICER

Date: 17-May-2021

Officer Report.

Reference: 2021/91100

Location: 423, New Hey Road, Salendine Nook, Huddersfield, HD3 3XE

Proposal: Formation of vehicular access.

Site Description.

423 New Hey Road is a two-storey end of terrace property located in Salendine Nook, Huddersfield. The property is constructed from stone with a gable roof and is very similar in appearance to others located within the streetscene, whereby there is a strong sense of similarity with regard to the appearance of the dwellings located along New Hey Road. Furthermore, many of the properties located in the immediate vicinity, like 423 New Hey Road have vehicular access to the front of there properties, in the form of a driveway. The driveway at 423 New Hey Road fronts a public footpath which runs alongside the A640 – New Hey Road.

The site is unallocated on the Kirklees Local Plan.

Description of Proposal.

Permission is sought for the formation of vehicular access.

Formation of Vehicular Access:

It should first be acknowledged that work to convert the front garden of 423 into a driveway begun on 09/12/2020 and at present, a driveway is visible to the front elevation with a dropped kerb along the pavement outside the property. The driveway has parking availability for 2 cars.

In order to create this driveway, designated front garden amenity spaces was excavated and a boundary wall to the front elevation of the property demolished. The driveway covers the entirety of the space to the front of the dwelling, from the front elevation of the dwelling up to where the boundary of curtilage for the property meets the public pavement. The driveway is surfaced with patterned concrete and a small drain has been installed within the ground at the bottom of the driveway, which runs across the entire width.

History of Negotiations.

Confirmation was sought regarding the construction materials that had been used when converting the front garden amenity space into a driveway. Most importantly, what the driveway had been surfaced with, to accord with 2009 guidance and be permeable, given that the development is classified to be hard surfacing within the curtilage of a property.

The applicant provided the requested information, informing the case officer that the driveway was surfaced with patterned concrete.

Relevant Planning History.

No relevant planning history.

Representations.

We are currently undertaking 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 which expired on 13th May 2021 – no representations were received.

Consultation Responses.

KC, Highways Development Management – considered the application to be acceptable on highways grounds.

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

The site is Unallocated on the Kirklees Local Plan.

Kirklees Local Plan:

- **LP1** – Achieving Sustainable Development
- **LP2** – Place Shaping
- **LP21** – Highway Safety and access
- **LP22** – Parking
- **LP24** – Design
- **LP28** – Drainage
- **LP34** – Conserving and enhancing the water 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 February 2019, 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 challenges of climate change, flooding and coastal change

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
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) 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 NPPF.

Policy LP1 goes on further to state that “the council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.”

In terms of extending and making alterations to a property Policy LP 24 of the Kirklees Local Plan will be used to assess, in conjunction with Chapter 12 of the National Planning Policy Framework regarding design.

In the case of this application, the principle development on the application site is acceptable and shall be assessed against other material planning considerations below.

1. Impact on Visual Amenity:

In terms of visual amenity, general design considerations are set out in Policy LP24 of the Local Plan and Chapter 12 of the NPPF, which seek to secure good design in all developments by ensuring that they respect and enhance the character of the townscape and protect amenity.

Whilst it has been acknowledged that the already undertaken excavation of the front garden and replacement driveway area has altered the previous

visual appearance of the site, the works have been concluded to be acceptable visually. This is because many other properties within the immediate streetscene have driveways to the front elevation like the one at 423 New Hey Road and therefore, the works blend with the existing similarity established along New Hey Road. Furthermore, the style of driveway laid at the site harmonises appropriately with the host dwelling and streetscene, surfaced with grey patterned concrete which corresponds visually with the existing public pavement to which it fronts. Finally, this type of surfacing is commonly used upon driveway developments and therefore, visually suits its purpose.

A dropped vehicle crossing has also been created along the public pavement to the front of the driveway. This is appropriate with regard to visual amenity as it hasn't affected the visual appearance of the site or streetscene due to the principal development been very minor in extent, size and scale. It has also not changed or altered the public pavement in anyway or required any further works to be carried out or construction materials to be used. It should also be noted that pedestrians can continue to use the footway, whilst providing the on-site parking through the development of a driveway.

Having taken into account the above, it is considered that the proposal would have an acceptable impact on visual amenity in accordance with Policy LP24 of the KLP, alongside Chapter 12 of the NPPF.

2. Impact on Residential Amenity

Given the nature of the proposed, it has been considered that there would be no material overbearing, overshadowing or overlooking on the amenities of the neighbouring sites. This will accord with Policy LP24 of the KLP.

3. Impact on Highway Safety

KC Highways Development Management have been formally consulted as part of this application. In this instance, the officer has noted that the proposed driveway is acceptable on highways grounds for the following reasons:

- Numerous examples of front garden off street parking exist along the streetscene and therefore, with this parking style already established locally there should be no increase in highway safety issues because of the driveway at 423 New Hey Road.
- A drainage channel to the rear of the footway has been added, this provides a level of sustainable drainage and stops run off of surface water from going on to the adopted highway. Due to this drainage the surfacing of patterned concrete is acceptable.
- Waste storage and collection is expected to be done as previous and there is sufficient parking space on the parking area to store a bin awaiting collection.

A note will also be attached to the decision notice which states that 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.

Overall, the proposal has been considered acceptable from a highway and drainage perspective, as the scheme will provide appropriate off street parking for the residents of 423 New Hey Road and has an appropriate drainage channel in the form of a drain to the bottom of the driveway. Therefore, the proposal accords with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the NPPF.

4. 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 predates 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.

In this case, due to the nature of the proposal it is not considered reasonable to require the applicant to put forward any specific resilience measures.

Bats

The application site lies within the bat alert layer on the Council's GIS system. As such, careful attention has been paid when looking for evidence of bat roof potential.

In this instance, the property appeared well sealed around the eaves and roof area and it was judged unlikely to contain roosting bats.

The formation of vehicular access requires no alterations to the dwellinghouse itself or its roof, therefore, due to the nature of the development no detriment is posed to roosting bats.

Even so, as a cautionary measure, a note will be added to the decision notice stating that if bats are found development shall cease and the advice of a licensed bat worker sought. This is to accord with the aims of Chapter 15 of the NPPF.

5. Representations

No representations were received.

6. 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: 2021/91100

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 Policy LP24 of the Kirklees Local Plan.

3. The driveway as indicated on the hereby approved location plan has been laid out with a hardened and drained surface 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) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order) this shall be so retained, free of obstructions and available for parking.

Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking and to ensure that

the additional hardstanding area is appropriately drained to mitigate flood risk in accordance with Policies LP21, LP22, LP28 and LP34 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

Note: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 41 of the Conservation of Habitats and Species Regulations 2010. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Note: The granting of planning permission does not authorise the carrying out of works within the highway and the changes to the access within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (vehicle crossings over footways and verges). You are required to consult the Design Engineer (Kirklees Street Scene: 01484 221000) with regard to obtaining this permission and approval of the construction specification. Interference with the highway without such permission is an offence which could lead to prosecution.

Note: The application site is located in a low coal risk area.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Plans - Location Plan	-	-	26.3.21

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 amended plans were sought or submitted.

Report Dated: 14.5.21