
Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 23-Nov-2017

Subject: Planning Application 2017/92274 Formation of off street parking 90 A, Radcliffe Road, Wellhouse, Huddersfield, HD7 4EZ

APPLICANT

Paul High

DATE VALID

22-Sep-2017

TARGET DATE

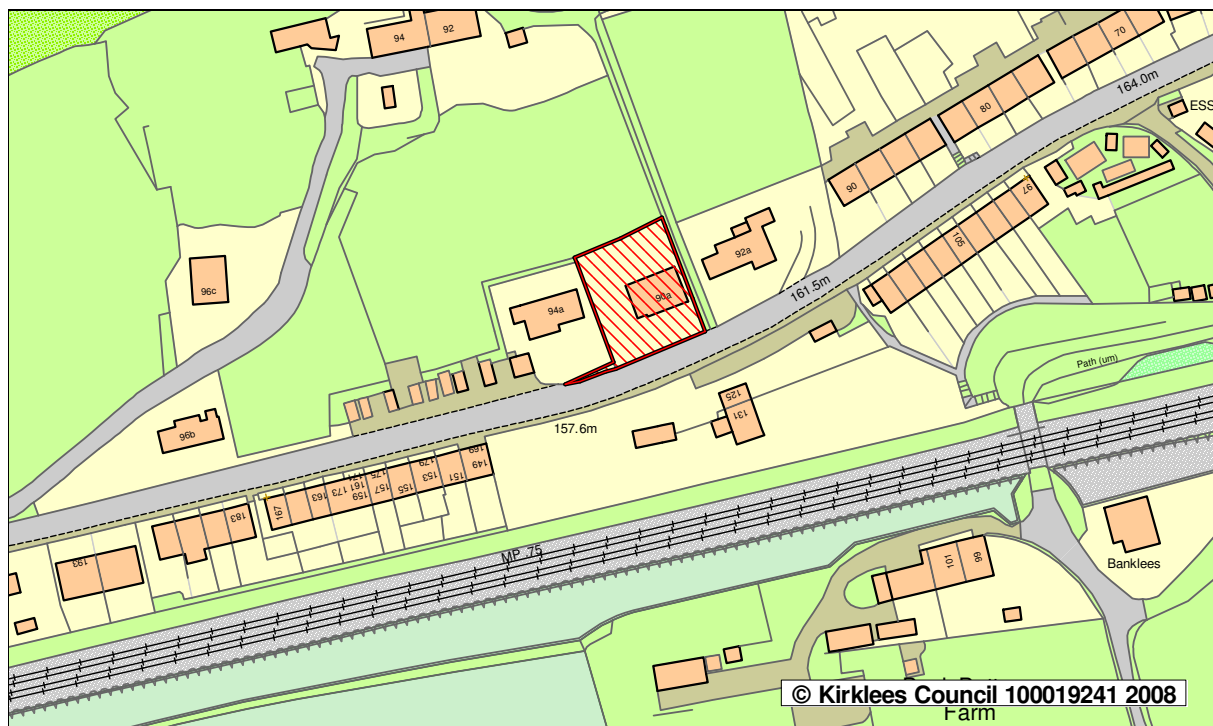
17-Nov-2017

EXTENSION EXPIRY DATE

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<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Colne Valley

No

Ward Members consulted

RECOMMENDATION:

REFUSE for the following reasons:

1. The application site is located within the designated Green Belt, whereby, as set out in the National Planning Policy Framework (NPPF) paragraph 90, engineering operations which fail to preserve the openness of the Green Belt are to be considered inappropriate development. The extent of the regrading works proposed, new retaining walls and hard surface would not preserve the openness of the Green Belt and would not accord with paragraph 90. The development would, by definition, be inappropriate in the Green Belt and harmful to the Green Belt. There are no very special circumstances to justify the development that would clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness and any other harm. The proposal is contrary to specific policies of the NPPF which indicate development should be restricted. Furthermore it is contrary to Policy PLP57(c.) of the Publication Draft Local Plan.

2. The proposed access does not provide visibility splays to the classified C556 Radcliffe Road which comply with Manual for Streets. Furthermore the submitted details do not demonstrate that the driveway could provide a gradient of no steeper than 1:20 for the first 5 metres into the site from the highway. The consequence is that the development would not provide a safe and suitable access to the highway and would be detrimental to highway safety. This would be contrary to Policy T10 of the Kirklees Unitary Development Plan and Policy PLP21 of the Publication Draft Local Plan.

1.0 INTRODUCTION:

1.1 This application is reported to sub-committee at the request of ward councillor Rob Walker. The reason for this request is:

1.2 "I think it could potentially improve the difficult parking and road safety highways issues in the area. This view is supported by the immediate neighbours. I feel that this needs to be explored in more detail. It would make more likely the linked improvement to housing amenity".

1.3 The chair of sub-committee has confirmed that Cllr Walker's reason for making this request is valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 Bank Top, 90A Radcliffe Road is currently an inter-war bungalow located within designated Green Belt. The property is set in an elevated position to the north of Radcliffe Road. Pedestrian access to the property is via a Public Right of Way COL/82/50 which runs alongside the eastern boundary of the site. There is no vehicular access to the dwelling but the applicants own a garage in a garage court around 35 metres to the west of the site.
- 2.2 The boundary of the property with Radcliffe Road consists of a stone retaining wall with mature landscape above. This is the predominant boundary treatment along the northern boundary of Radcliffe Road in the vicinity of the application site. There is no footway to the northern side of the road and there are double yellow lines along both sides of the road. There is a footway to the southern side of the road.
- 2.3 This particular property has a bungalow to either side with the surrounding area comprised of mainly terraced properties. There is no uniform character to the street scene with the dwellings within the area differing in terms of design, scale and construction materials.

3.0 PROPOSAL:

- 3.1 This is to create off-road parking for the dwelling. It would consist of the formation of a 4 metre wide vehicular access point to the western side of the property which would sweep across the front of the dwelling terminating towards the eastern boundary of the site with a 5.5m diameter turntable accommodating two vehicles. The access would include visibility splays of 24m x 2m which would, in part, require third party land to achieve. In order to form the access and drive engineering operations would be required to regrade the front garden area. This would result in the removal of existing landscape, the reduction in height of the retaining wall along the boundary to no more than 1m in height and the construction of a new retaining wall to the north of the driveway. The existing pedestrian access via the public right of way is shown to be retained.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2016/94008 - raise roof of the dwelling to form first floor accommodation and the erection of a side extension and alterations. Granted April 2017.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Concerns were raised with the agent regarding the impact of the engineering operations on the Green Belt and highway safety implications of the scheme (gradients and lack of achievable sight lines). This resulted in amended plans which increased the proposed visibility splays, including 3rd party land. This required formal notice to be served on the owners of no. 94a to the west of the site and the application was re-validated from the date notification of this was undertaken. The appraisal is based on the amended plans received in September 2017.
- 5.2 As part of the application the applicant has submitted a supporting statement to accompany the application. This will be referred to in the appraisal.

6.0 PLANNING POLICY:

- 6.1 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 216 of the National Planning Policy Framework. 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 National Planning Policy Framework (2012), 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 designated Green Belt within the UDP and the Publication Draft Local Plan

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **BE1** – Design principles
BE2 – Quality of design
T10 – Highway Safety
R13 – public rights of way.

- 6.3 Kirklees Publication Draft Local Plan: Submitted for examination April 2017 (PDLP)

PLP21 – highway safety
PLP24 - design
PLP57 – the extension, alteration or replacement of existing buildings

National Planning Policy Framework:

- 6.4 Chapter 7 – Requiring good design
Chapter 9 – Protecting Green Belt land

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was publicised by neighbour notification letter and site notice, expiring 10th August 2017. The amended plans were not publicised but the neighbouring property, no. 94a, was formally notified of the application by the agent on 22nd September 2017. As a result 6 letters of support, from 5 addresses, have been received. The reasons for supporting the application can be summarised as:

- parking is a problem along Radcliffe Road, in particularly in the evenings and at weekends. Any proposal to create further off-street parking should be encouraged.
- there are other access points to properties in the area, for instance no 92a Radcliffe Road and the entrance/exit to Spring Terrace, that don't have clear sight lines but which don't cause highway safety issues
- the proposal would be an innovative and creative solution to the current parking issue
- support the proposal and suggest that the speed limit along Radcliffe Road is re-considered.
- the development is aesthetically pleasing and would have a positive impact on the area.
- support the proposal but raise some concerns over the visual impact of elevated cars viewed from Radcliffe Road. These should be shielded by planting.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Kirklees Highways Development Management: Cannot support the application as the sight lines in the proposal are still below standard in both directions, minimum of 2m x 30m required.

Health and Safety Executive – do not advise, on safety grounds, against the granting of planning permission in this case (taken from the previous application to extend the property. There would be no increase in persons residing at the property as a result of this application).

9.0 MAIN ISSUES

- Principle of development
- Urban design and landscape issues
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The proposed development would amount to engineering operations on land designated Green Belt within the statutory development plan. Paragraph 90 (Chapter 9) of the NPPF states that engineering operations are not inappropriate development within the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. Where it is considered a development does not preserve openness, then this would be deemed 'inappropriate'. Such development is, by definition, harmful to the Green Belt and should only be approved in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other consideration (paragraphs 87-89 NPPF).

- 10.2 Paragraph 79 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and advises that one of the essential characteristics of the Green Belt is its openness. This is a matter of its physical presence rather than its visual qualities. In this case the proposed development would result in: the regrading of land; the reduction in height of the established boundary wall to Radcliffe Road; the formation of a new retaining wall and an elevated driveway between the dwelling and the highway. In order to provide sight lines to Radcliffe Road it would also be necessary for specific areas along the frontage to be kept clear of anything over 1 metre in height. The turntable, which provides parking for two cars, would be around 1.5m above the height of Radcliffe Road and cars parked here would be a prominent feature in the street scene, and from the public footpath along the eastern boundary of the site. Given the limited space between the turntable to the southern and eastern boundaries of the site – around 1.4m and 1.7m respectively, it is unlikely that a meaningful landscape proposal could be put forward which would mitigate the impact of the parking arrangements. From this it is concluded that the development would reduce the openness of the Green Belt contrary to the NPPF and to emerging Policy PLP 57 of the PDLP. Criterion c. of this policy requires alterations to property do not result in a greater impact on openness in terms of ‘the treatment of outdoor area...hard standings....and means of access’.
- 10.3 During the course of the application supporting statements have been provided by the applicant and agent setting out the special circumstances in support of the application. The Agent has stated that the revised scheme involves reduced ground levels and that with careful landscape and use of appropriate materials it would not impact on the openness of the Green Belt – or indeed the purposes of including land within the Green Belt. There is no disagreement between the agent and the local planning authority regarding the latter point. The development would not conflict with the purposes of including land within the green belt.
- 10.4 The applicant has set out a detailed justification for the works proposed and their benefits. These are summarised in the following text. The current pedestrian access to the property is dangerous requiring individuals to walk into the road before being able to see vehicles in either direction (from the public footpath). Furthermore, having no ‘on plot’ parking results in cars parking on double yellow lines for deliveries, weekly shopping etc. To access cars parked in the garage plot (to the west of the site) can involve walking along a road with no footway, unless one crosses to the southern side of Radcliffe Road and then back to the northern side again. Substantial building works will commence at the property shortly and a temporary access will need to be formed to the property. Observations on a number of access points on the northern side of Radcliffe Road in the vicinity of the site are provided. This concludes that the majority of access points do not achieve 43m x 2.4m visibility, many are steep or have a difficult angle of access and that on-plot parking can reduce the capacity for on street parking. In support of the proposal it is stated that the proposals would:

- Make pedestrian access to Bank Top safe with clearer visibility
- Ease the already congested parking problems in the area
- Incorporate a turn-table for cars meaning vehicles will never need to reverse into Radcliffe Road
- Ensure that the building works are delivered in a safe manner with minimum disruption to the highway.
- Whilst access cannot be created to Bank Top to fully meet modern standards it can be engineered to get much closer to those standards than any of the private drives surveyed in the applicant's report.

10.5 Whilst the development would result in the physical ability to park off-road, the specifications for the scheme, as considered in detail in the 'highway issues' section below, do not provide an acceptable sight lines to Radcliffe Road, a classified route with a 30mph speed limit. The benefits of the parking spaces, in these circumstances do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and harm to the openness of the Green Belt. Consequently, the very special circumstances necessary to justify the development do not exist.

Urban Design and Landscape issues

10.6 The existing boundary wall to Radcliffe Road is stone and natural stone retaining walls are a common feature of the area. The proposed scheme includes the partial retention of this front boundary wall which would preserve the consistent use of this material on the northern side of the road. The new retaining wall within the site is indicated to be 'faced externally with stone to LA approval'. It would also be possible to provide some limited soft landscape where space, and visibility, allows. Subject to the use of conditions regarding materials, including surfacing material for the driveway and soft landscape, it would ensure that the development would not significantly harm the character and appearance of the area. This would accord with Policies BE1 and BE2 of the UDP and Policy PLP24 of the emerging local plan. However, this would not overcome the harm to the Green Belt or the conflict with national and emerging local policy in this respect.

Residential Amenity

10.7 The dwelling is detached and is set in a spacious plot, when compared to terraced properties in the vicinity of the site. The proposed access point and driveway is set away and below the closest affected property, no. 94a Radcliffe Road. The area where car would park is set around 1.5m above the height of the road towards the east of the site. This would be at least 10 metres from the closest point of no. 92a Radcliffe Road and is separated from this property by the public footpath. The closest property across Radcliffe Road, no 125 is set below the level of the highway and presents a blank gable to the application site. Given these factors it is considered the scheme would not harm the amenities of existing residents.

- 10.8 The development would provide off street parking for the residents of the application property. On-site parking would, in principle, be of benefit to residents, this issue has also been raised by Cllr Walker stating that “it would make more likely the linked improvement to housing amenity”. However, the scheme does not meet current highway standards for an access onto Radcliffe Road, providing inadequate visibility. To construct a substandard access would result in highway safety issues being created which do not presently exist. This would be detrimental to future residential amenity through the hazardous access arrangements to the dwelling. It is recognised that the existing arrangements, involving a pedestrian access and crossing of Radcliffe Road to reach a garage court, are not ideal. However, the presence of existing accesses along Radcliffe Road that would not be deemed acceptable by modern design standards should not set a precedent for further such schemes; rather, these give good examples of the practices that should no longer be encouraged.

Highway issues

- 10.9 The revised plan for this application shows visibility splays over third party land and can therefore not be guaranteed. Furthermore, the visibility splays shown on drawing number 16076D-21-P06 are marked incorrectly, demonstrating only a 24m splay eastwards to the centre line of Radcliffe Road, rather than to the carriageway edge. The actual visibility splays provided, of approximately 2m x 16m to the west and 2m x 11m to the east, would only be deemed suitable for traffic speeds of 10mph, and even this is only if the situation on Radcliffe Road was considered to be, in the words of Manual for Street, “a very lightly-trafficked and slow speed situation”.
- 10.10 Radcliffe Road is subject to a 30 mph speed limit in the vicinity of the application site. Observed traffic speeds on Radcliffe Road were 30mph, and the traffic flows were moderate, in line with its expected use as a C-classified road. There are parking restrictions to both sides of the road (no waiting at any time). The road is also a bus route. The application property is set above the highway and there is a retaining wall separating the site from the highway. In order to form the access and parking it is proposed to provide a 4m wide access which would widen to 5.5m at the top of the drive and incorporate a turntable with space for 2 vehicles to park. Use of the turntable would allow vehicles to leave the site in a forward gear. The average gradient of the access formed would be 1:12 and visibility splays of 2m x 16m and 2m x 11m would be provided to the highway.
- 10.11 Amended plans were submitted during the course of the application seeking to overcome initial objections on highway safety grounds. Despite the amendments it has not been possible to provide an access with suitable visibility to Radcliffe Road (a minimum of 2m x 30m, but a recommended 2.4m x 43m). Although vehicles, using the turntable, would be able to leave the site in a forward gear it would not be possible for drivers to have adequate sight of oncoming vehicles, nor would drivers on the highway be able to see vehicles emerging from the drive until they are within 10-15m of the access. Furthermore the access details do not demonstrate that the first 5 metres of the drive could be constructed at a sufficiently shallow gradient (1:20) for vehicles to safely enter and leave the site. Altering the design to accommodate this would exacerbate the impact of the engineering operations on the Green Belt.

- 10.12 Policy T10 of the UDP, and emerging Policy PLP21 of the PDLP both consider highway safety. New development will normally only be permitted where safe and suitable access to the site can be achieved. Unfortunately in this case it cannot. It is considered that the adverse impacts of the scheme on highway safety would significantly outweigh the benefits.
- 10.13 Public footpath Colne Valley 82 is adjacent to the development site but would not be directly affected by it. Provided it is not be interfered with or obstructed, prior to, during or after development works there would be no adverse impact on the public right of way. This would accord with Policy R13 of the UDP.

Representations

- 10.14 Six representations have been received, all in support of the application. These centre on the benefits of off road parking and the design of the scheme. These matters have been addressed in the report above. As set out earlier, issues regarding current parking arrangements along Radcliffe Road are acknowledged. If a scheme could be designed preserving the openness of the Green Belt and providing a safe and suitable access then this would overcome the reasons for refusal set out in the report.
- 10.15 Cllr Walker requested the application be determined by sub-committee. His comments concur with the representations in support of the proposal in respect of parking stating the development could “potentially improve the difficult parking and road safety highways issues in the area”. This is addressed in the report (paras. 10.9-10.13). He has also commented that “it would make more likely the linked improvement to housing amenity”. The impact of the development on residential amenity has also been addressed in the report (paras. 10.7 – 10.8)

Other Matters

- 10.16 The proposal would require hard surfaced areas and retaining structures that would alter current drainage within the site. It is important to avoid an increase in flood risk and for surface water run-off onto the highway which would be an additional hazard to traffic and pedestrians. It would be possible to deal with this matter by means of a planning condition if the scheme was acceptable.

11.0 CONCLUSION

- 11.1 In conclusion the proposed development is considered to represent inappropriate development in the Green Belt which would fail to preserve the openness of the Green Belt. Furthermore the detailed scheme would not provide a safe and suitable access which would be detrimental to highway safety.
- 11.2 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.

11.3 The application has been assessed against relevant policies in the development plan, the emerging local plan and other material considerations. It is considered that the development proposals do not accord with the development plan and that there are specific Green Belt policies in the NPPF which indicate the development should be restricted. Furthermore, the adverse highway safety impacts of the development would significantly and demonstrably outweigh the benefits when assessed against development plan policy.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92274>

Certificate of Ownership – Notice served on:

94a Radcliffe Road HD7 4EZ on 22nd September 2017.