
Report of the Head of Development and Master Planning

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 05-Sep-2019

Subject: Planning Application 2019/91529 Outline application for erection of one detached dwelling 99, Knowl Road, Mirfield, WF14 9RQ

APPLICANT

R Tattersfield

DATE VALID

22-May-2019

TARGET DATE

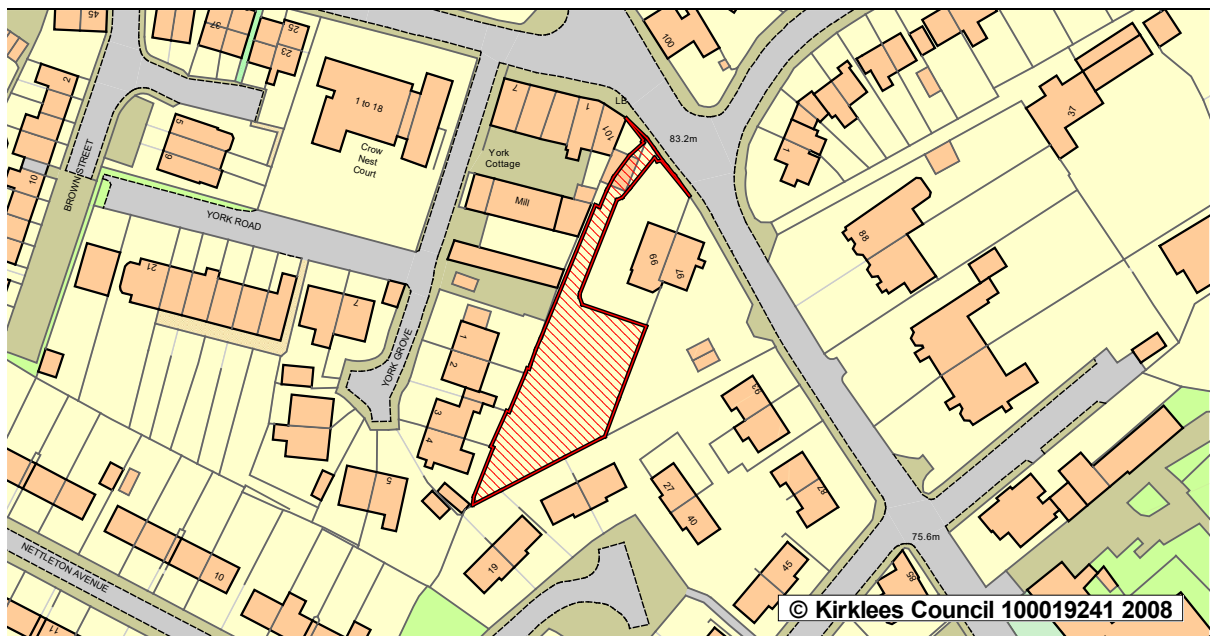
17-Jul-2019

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<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: Mirfield

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to:

1. Await the expiration of the amended plan publicity (3 September 2019);

Subject to there being no new material planning considerations raised, should any further representation be received, that have not been addressed in this report, complete the list of conditions including those contained within this report and release the planning permission.

1.0 INTRODUCTION:

1.1 This application is brought to the Heavy Woollen Planning Sub-Committee at the request of Ward Councillor Lees-Hamilton for the reasons set out below:

"I have been contacted by several residents who live near to this proposal, I too share their concerns, the highway network along this section of Knowl Road is very congested due to parking for nearby business, the road is narrow as is the footway, it is also a very busy section of road.

I feel that to build another dwelling here is inappropriate on the grounds of highway safety and over intensification of the site.

If you are minded to approve this planning application I should like the application to be referred to the heavy woollen planning committee for determination, I would also like to request a site visit please".

1.2 The Chair of the Sub-Committee has confirmed that Cllr Lees-Hamilton's reasons for the referral to committee are valid having regard to the Councillor's Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS:

2.1 99 Knowl Road, Mirfield is a stone built semi-detached property with a modest garden to the front, a narrow existing access from the road and significant gardens to the side and rear. The application site comprises of the land to the rear of the dwelling including access from Knowl Road along the side of the dwelling. The site is steeply sloping and is currently overgrown.

2.2 The surrounding properties are residential and comprise of a variety of ages and style, together with a mix of single and two storey properties.

3.0 PROPOSAL:

3.1 The proposal is for outline planning permission for the erection of one dwelling, with matters of access and scale to be considered at this stage.

3.2 In regard to access, this would be from Knowl Road and is proposed to be taken to the west side of the existing dwelling.

3.3 In terms of scale, the plans indicate a one and a half storey property which would be positioned approximately 21 metres (m) from the rear elevation of no.99 Knowl Road. The width is proposed to be 12m with a depth of 8.8m, an eaves height of 3m and an overall height of 6.5m.

3.4 Details of materials have not been submitted with this application as it is considering the scale only (along with access). Materials would be considered at the reserved matters stage, as part of the 'appearance', should outline planning permission be granted.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 None

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 The initially submitted plans showed a larger building with an average eaves height of 5m and an overall height of 8.1m. This was considered to be excessive for the site and would have had the potential to harm the amenity of the occupiers of the neighbouring 1 York Grove and 25 Littlemoor Road. As such, the scheme has been amended to reduce the overall height of the dwelling.

5.2 A formal pre-application enquiry was submitted prior to receipt of the planning application. Officers confirmed that the principle of development was likely to be accepted in this sustainable location.

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

6.2 The application site is unallocated on the Kirklees Local Plan.

6.3 Kirklees Local Plan:

LP 1 – Achieving sustainable development

LP 2 – Place shaping

LP3 – Location of new development

LP7 – Efficient and effective use of land and buildings

LP11 – Housing mix and affordable housing

LP21 – Highway safety and access

LP 22 – Parking
LP 24 - Design
LP33 - Trees
LP 53 - Contaminated land

6.4 National Planning Guidance:

Chapter 5 – Delivering a sufficient supply of homes

Chapter 12 – Requiring good design

Chapter 15 – Conserving and enhancing the natural environment

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 Three 3 representations have been received. The concerns raised are summarised as follows:-

- The proposed dwelling is an overdevelopment the site that would be out of character and out of scale with the immediate surrounding area and development type which is predominantly bungalows.
- Insufficient detail has been submitted to demonstrate how the proposed dwelling would sit relative to the neighbouring properties given the topography of the site.
- The size, bulk and massing will have an overbearing impact on the surrounding bungalows.
- Loss of privacy.
- Overshadowing to the neighbouring properties.
- Increase in vehicles would impact an already busy, congested and dangerous junction.
- The indicative design is not of a particularly high standard, being of an anonymous character which neither contributes nor responds to local character and distinctiveness.
- The submitted plans indicate the existing single storey extension to the rear of 99 Knowl Road would be removed. Would this require permission to rebuild in the future and would they be allowed to build to the boundary line?
- The plans indicate the existing walling to the front would be reduced in height, will this be done sensitively to the remaining walling to the front of the adjoining property?
- The plans also show gates to the side of 99 for the new dwelling, would this leave the front of 99 Knowl Road open which could allow for issues with local youths hanging around?
- Will there be a caveat to ensure 99 Knowl Road is occupied prior to the new dwelling being built?
- There is no detail on the design of the garage, roof type, how close to the boundary with 97 will it be built.
- Potential loss of privacy from windows in the west elevation.
- Would the new dwelling prevent other properties on Knowl Road from having an extension in the future?

7.2 Officers comments will be made in Section 10 of this report in response to the concerns raised above.

7.3 Mirfield Town Council have been consulted although no response has been received.

7.4 Following receipt of amended plans, these have been re-advertised. The amended plan publicity period ends on 3 September 2019. To date, no further representations have been received.

8.0 CONSULTATION RESPONSES:

8.1 The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

8.2 Statutory:

K.C. Highways Development Management – No objection, the access is shown to be widened to allow two vehicles to pass at the entrance, the gates are shown to be set back and the wall frontage is shown to be reduced to improve visibility onto Knowl Road. In addition, sufficient off-street parking is shown to be retained to serve the existing house as well as the proposed house. A bin collection point is also shown at the proposed site access. Condition recommended regarding the increase in width of the access.

K.C. Environmental Health – No objection, subject to condition relating to the reporting of unexpected contamination. The condition is considered necessary because the site has been identified as potentially contaminated land due to its proximity to a mill.

8.3 Non-statutory:

K.C. Ecologist – No objection raised subject to the inclusion of a condition requiring the submission of up-to-date ecological survey information at the reserved matters stage for Landscaping and Layout. The report shall demonstrate sufficient avoidance, mitigation, compensation and enhancement measures to provide a biodiversity net gain.

9.0 MAIN ISSUES

- Principle of development
- Impact on visual amenity as a result of scale
- Impact on residential amenity as a result of scale
- Point of access and impact on highway safety
- Biodiversity
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP 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. Chapter 5 of the NPPF refers specifically to 'delivering a sufficient supply of homes', with paragraph 59 stating that "*to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed ...*". In addition, Policy LP11 of the KLP sets out that "*all proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating a mixed and balanced communities in line with the latest evidence of housing need*".

- 10.2 In this case, the application site forms part of the curtilage associated with the host dwelling, no.99 Knowl Road, this is therefore considered to constitute a greenfield site for the purposes of assessing the application when taking into account the definitions set out in the glossary in Annex 2 of the NPPF.
- 10.3 Policy LP7 of the KLP refers to the efficient and effective use of land and buildings. The policy encourages the development of previously developed land provided that it is not of high environmental value however, it also encourages that priority be given to ... derelict ... land that is not of high environmental value (point c).
- 10.4 Having visited the site, officers are of the opinion that the site is predominantly derelict and in a poor state. It holds limited weight in terms of amenity or environmental value (which shall be assessed further below) and as such, the principle of erecting a new dwelling in this sustainable location, is considered acceptable and would comply with the overall aims of the KLP and NPPF.
- 10.5 With the principle of residential development being considered acceptable by officers, the matters specifically applied for as part of this outline application shall now be assessed. In this instance, those matters for consideration are scale and access.

Impact on visual amenity as a result of scale:

- 10.6 Policy LP24 of the KLP sets out that proposals should promote good design by ensuring the form, scale layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. This is consistent with chapter 12 of the NPPF which sets out under paragraph 127 that planning policies and decisions should ensure that developments, amongst other things, are sympathetic to local character and are visually attractive as a result of good architecture, layout etc.
- 10.7 In this instance, the properties within this area are varied in terms of character and style with some diversity in the size of the curtilage associated with each property. As there is no defining character to the dwellings in the vicinity, the erection of a new dwelling to the rear of 99 Knowl Road would not appear out of character with its surroundings. Whilst it is acknowledged that 'layout' is a reserved matter, indicative details have been submitted with this application, demonstrating the position of the proposed dwelling. Whilst back-land development can appear incongruous in the majority of instances, in this particular case, due to the position of dwellings along York Grove (to the west/south-west) and Littlemoor Road (to the east/south-east), the erection of a new dwelling to the rear of no.99 Knowl Road would not, in the opinion of officers, appear out of keeping with the layout of the surrounding area.
- 10.8 The submitted details include a proposed site plan which shows the footprint of the proposed new dwelling with the proposed curtilage at a scale which would allow for the new dwelling and the original house to retain a reasonable amount of space. The overall height of the proposed dwelling has been reduced to a one and a half stories with an eaves height of 3m and an overall height no more than 6.5m. Given there are bungalows to the south east and south west of the site, together with the sloping topography of the site, the scale of the proposed dwelling would be considered to be acceptable.

Summary

- 10.9 Overall, in terms of visual amenity, the scale indicated for the proposed dwelling within the rear garden of 99 Knowl Road can be considered to be acceptable without harming the character of the host property and the neighbouring dwellings, in accordance with Policy LP24 of the KLP and Chapter 12 of the NPPF. The detail of the design and materials would be submitted and considered at the reserved matters stage, should outline permission be granted.

Impact on residential amenity as a result of scale:

- 10.10 Policy LP24 of the KLP sets out that proposals should promote good designed by ensuring that, amongst other things, *“the provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings...”*

Impact on 99 & 97 Knowl Road

- 10.11 The site plan submitted indicates that the new dwelling would be sited a minimum of 21m from the original property, 99 Knowl Road and the adjoining 97 Knowl Road. This distance, together with the sloping nature of the site (with the proposed dwelling being at a lower level than nos.99 and 97 Knowl Road) are considered to minimise the potential impacts of the scale of the new dwelling on the amenity of the occupants of these neighbouring properties to the north-east. In terms of protecting privacy and limiting the potential for an overbearing and oppressive impact, officers are satisfied that the dwelling, at the scale proposed, would not have any significant detrimental impact on the occupiers of nos.97 & 99 Knowl Road.

Impact on 1 York Grove

- 10.12 The new dwelling is proposed to be positioned some 12.5m from the rear elevation of the neighbouring 1 York Grove which is a semi-detached bungalow located to the west of the application site. The submitted plans indicate the side elevation of the new dwelling, which is proposed to be blank and with a limited eaves height of 3m, would be positioned parallel to the neighbour's property. It is acknowledged that this would affect the outlook of the rear elevation and impact upon the amenity space of the neighbouring property. However, the height of the dwelling is proposed to be limited and there would be no openings within the side elevation (which would be conditioned as part of any subsequent reserved matters application when assessing the 'appearance', should outline planning permission be granted).

25 Littlemoor Road

- 10.13 The new dwelling is proposed to be built some 16.9m from the rear elevation of the neighbouring 25 Littlemoor Road which occupies a position to the south of the proposed dwelling. This neighbouring property does occupy a lower position than the host property and is also a single storey dwelling. Whilst there would be no potential for overshadowing, there would be potential for an overbearing impact. This is mitigated to a degree by the proposed separation distance between the properties together with the limited scale of the proposed dwelling

with its one and a half storey scale proposed. Furthermore, the orientation of the dwelling relative to the neighbouring property is such that the rear most corner of the dwelling would be closest (16.9m) to no.25. Officers are satisfied that, although there would be some impact, this would not be so significant to the amenity of the occupiers of the neighbouring 25 Littlemoor Road so as to warrant refusal of the scheme.

Summary

- 10.14 In all, the proposal is considered to be acceptable in terms of residential amenity given the scale proposed and the indicative layout indicated on the submitted plans. The proposals would comply with the aims of Policy LP24 of the KLP.

Point of access and impact on highway safety

- 10.15 As previously set out, 'access' is a matter for consideration at this time and as such, consultation has been carried out with Highways Development Management (HDM).
- 10.16 The application site is located on the western side of Knowl Road, opposite the junction with West Royd Avenue. It is also in close proximity to the junction with The Knowl where there is a short parade of commercial premises (approx. 30m). The proposal is to provide access for the new dwelling via the existing vehicular access serving no.99 Knowl Road.
- 10.17 The existing access is shown to be widened to 6.0m on the proposed site plan which is sufficient to allow two vehicles to pass at the entrance. The gates are shown to be set back with the wall to the frontage being reduced to improve visibility onto Knowl Road. Furthermore, the vehicular generation associated with one dwelling would not significantly intensify the use of Knowl Road.
- 10.18 Sufficient parking is shown to be retained to serve the existing house and the new dwelling, along with the provision of bin storage points. A bin collection area is shown at the entrance to the site, off Knowl Road, but is outside the red line boundary of the application site – it is however, within the ownership of the applicant. Given that the existing access is to be widened (it is recommended to be widened to 6.0m to allow for improved turning and manoeuvring which shall be secured via recommended condition) and sufficient off-street parking is proposed to serve both the new and existing dwellings, the proposals are considered acceptable.
- 10.19 With the inclusion of appropriate conditions, the proposal is considered to be acceptable in terms of highway safety and efficiency, complying with the aims of Policies LP21 and LP22 of the Kirklees Local Plan.

Biodiversity

- 10.20 Although the site is not located within an area identified as being used by bats, the site is currently overgrown which offers potential for local wildlife to use the area. Having consulted with the Council's Biodiversity Officer, this is not considered to prevent the principle of the proposal for residential purposes from being supported provided a condition is imposed requiring the submission of up-to-date ecological survey information at the reserved matters stage for

Landscaping and Layout (should this outline planning permission be granted). The report would need to demonstrate sufficient avoidance, mitigation, compensation and enhancement measures to provide a biodiversity net gain. The inclusion of the above condition would ensure compliance with the aims of Chapter 15 of the NPPF.

Representations

10.21 Three representations have been received as a result of the statutory publicity period. The concerns raised are summarised and addressed by Officers as follows:-

- The proposed dwelling is an overdevelopment the site that would out of character and out of scale with the immediate surrounding area and development type which is predominantly bungalows.

Officer response: *This concern relates to the impact on the character of the area and how the new dwelling would fit in with the area. The properties in the area are predominantly residential with varying styles and sizes. The proposal would bring a modern dwelling into the area where there are a mix of house types. The scale (height) of the proposed dwelling has been reduced to one and a half storey property which is considered, by officers, to form an appropriate relationship with the neighbouring properties.*

- Insufficient detail has been submitted to demonstrate how the proposed dwelling would sit relative to the neighbouring properties given the topography of the site.

Officer response: *An additional plan has been submitted which provides sections between the new dwelling and 99 Knowl Road and the new dwelling relative to the neighbouring 1 York Grove. On the basis of these plans, the scale of the proposed dwelling is considered satisfactory when taking into account the land levels.*

- The size, bulk and massing will have an overbearing impact on the surrounding bungalows.

Officer response: *Amended plans have been submitted demonstrating the height of the new dwelling being substantially reduced. The impact of the scale of the new dwelling on the occupants of the neighbouring properties has been assessed in the 'residential amenity' section of this report.*

- Loss of privacy.

Officer response: *Overlooking has been considered within the residential amenity section of this report and considered to be acceptable.*

- Overshadowing to the neighbouring properties.

Officer response: *Overshadowing has been considered within the residential amenity section of this report. It is considered, by officers, that the proposed new dwelling, due to its limited scale, would result in no significant overshadowing impact upon the neighbouring occupants.*

- Increase in vehicles would impact an already busy, congested and dangerous junction.

Officer response: *Highway safety including access and parking have been considered by Highways Development Management. Given the proposed improvements in terms of the access and the provision of sufficient off-street parking for both the existing and new dwellings, the proposal is not considered to be harmful to highway safety and efficiency. Furthermore, the vehicular movements associated with one dwelling would not significantly impact upon the local highway network so as to warrant refusal of the scheme.*

- The indicative design is not of a particularly high standard, being of an anonymous character which neither contributes nor responds to local character and distinctiveness.

Officer response: *This application is for outline permission considering access and scale at this time only. As such, full elevational/detailed drawings are not required at this stage and consideration in terms of the 'appearance' of the dwelling would take place at reserved matters, should outline permission be granted.*

- The submitted plans indicate the existing single storey extension to the rear of 99 Knowl Road would be removed. Would this require permission to rebuild in the future and would they be allowed to build to the boundary line?

Officer response: *There is no restriction in terms of planning policy or legislation with respect to building up to the boundary. This would be a civil issue. Furthermore, this application is considering access and scale for the new dwelling, not alterations to the existing dwelling.*

- The plans indicate the existing walling to the front would be reduced in height, will this be done sensitively to the remaining walling to the front of the adjoining property?

Officer response: *This application is assessing the principle of a dwelling to the rear of 99 Knowl Road in terms of the access and scale. More detailed issues of 'layout' and 'appearance' would be considered as part of the subsequent reserved matters application should outline planning permission be granted. Furthermore, only the walling within included within the red line boundary of the application site can be conditioned to be reduced in height.*

- The plans show gates to the side of 99 for the new dwelling, would this leave the front of 99 Knowl Road open which could allow for issues with local youths hanging around?

Officer response: *This application is assessing the principle of a dwelling to the rear of 99 Knowl Road in terms of the access and scale. More detailed issues of 'layout' would be considered as part of the subsequent reserved matters application should outline planning permission be granted.*

- Will there be a caveat to ensure 99 Knowl Road is occupied prior to the new dwelling being built?

Officer response: *This application is assessing the principle of a dwelling to the rear of 99 Knowl Road in terms of the access and scale. No.99 Knowl Road is not included within the red line boundary of the application site. Furthermore, it would not be considered 'reasonable' to condition that no.99 is occupied prior to the new dwelling being built.*

- There is no detail on the design of the garage, roof type, how close to the boundary with 97 will it be built?

Officer response: *This application is assessing the principle of a dwelling to the rear of 99 Knowl Road in terms of the access and scale. More detailed issues of 'appearance' and 'layout' would be considered as part of the subsequent reserved matters application should outline permission be granted.*

- Would the new dwelling prevent neighbouring properties from having an extension in the future?

Officer response: *Each application is assessed on its own merits against the statutory development plan and national planning policy.*

- 10.22 The concerns raised in the representations have been carefully considered however, for the reasons set out in the main assessment, the proposals are considered acceptable. Furthermore, this application is an outline application whereby the only matters for consideration relate to the principle of development, along with the matters being applied for at this stage i.e. access and scale. Following a full assessment of these matters, along with relevant consultation responses, the proposals are considered to comply with relevant statutory development plan and national planning policies.
- 10.23 Following receipt of amended plans, these have been re-advertised. The amended plan publicity period ends on 3 September 2019. To date, no further representations have been received. However, should any further representations be received, they shall be reported to members in the update. The recommendation reflects this.

Other Matters

- 10.24 *Land contamination* - Environmental Services have been consulted and have confirmed that the site is identified as potentially contaminated land due to its proximity to a mill. As such, it is considered to be reasonable to include a condition on any subsequent permission regarding the reporting of unexpected contamination. This would ensure compliance with the aims of Policy LP53 of the KLP as well as Chapter 15 of the NPPF.
- 10.25 *Trees* – There are a number of mature trees located within the application site boundary, particularly along the eastern boundary with the attached property, no.97 Knowl Road. There is also at least one mature tree which overhangs the western boundary from York Grove. In addition, there is overgrown shrubbery within the application site.
- 10.26 None of the trees within the site, or immediately adjacent to it, are protected by Tree Preservation Order(s). However, Policy LP33 of the KLP is of relevance. This sets out that *“the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity”*. It continues by stating that *“proposals should normally retain any valuable or important trees where they make a contribution to public amenity...”*
- 10.27 In this instance, following consultation with the Council’s Arboricultural officer, it is not considered that any of the mature trees referred to above would be directly impacted upon by the proposals. It is however acknowledged that the tree which overhangs the site from York Grove could be indirectly impacted upon by the route of the proposed access. However, it is considered that a footnote referring to the submission of a method statement at the reserved matters stage, when assessing ‘layout’, is included, should outline planning permission be granted. In all, the proposal is considered to comply with the aims of Policy LP33 of the KLP.
- 10.28 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION

- 11.1 To conclude, the proposed dwelling, in terms of its access and scale, is considered acceptable by officers in this location. It is considered that a dwelling of the scale proposed would relate satisfactorily to the varied development within the vicinity of the site and, in the view of officers, would not result in any significant residential amenity implications. In addition, with the inclusion of appropriate conditions, the proposal is not considered to result in any undue highway safety implications either.
- 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 This application has been assessed against relevant policies in the development plan and other material considerations and it is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Development and Master Planning)

1. Standard timeframe for submission of reserved matters
2. In accordance with plans.
3. Sightline provided/retained.
4. Parking areas provided, surfaced and drained.
5. Entrance widened to 6.0 metres.
6. Reporting of any unexpected land contamination.
7. Submission of up-to-date ecological survey information at the reserved matters stage for Landscaping and Layout. The report shall demonstrate sufficient avoidance, mitigation, compensation and enhancement measures to provide a biodiversity net gain.
8. Footnote relating to an Arboricultural Method Statement.

Background Papers:

Application files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91529>

Certificate of Ownership –Certificate A signed and dated: 07/05/2019