

---

**Report of the Head of Development and Master Planning**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 17-Oct-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**

10-Sep-2019

---

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 complete the list of conditions including those contained within this report and issue the decision.**

**1.0 INTRODUCTION:**

- 1.1 This application was originally 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 previously confirmed that Cllr Lees-Hamilton's reasons for referral to committee was valid having regard to the Councillor's Protocol for Planning Committees. As such, the application was originally included on the Heavy Woollen Committee agenda dated 5 September 2019 and a site visit was carried out by members on that day.
- 1.3 However, after members visited the site, the item was deferred from that agenda. This was because, since members were being asked to approve the point of access as part of this outline application, they requested further detail in respect of the impact on the streetscene as a result of the initial proposal to reduce the height of the wall along the entire site frontage in order to achieve the proposed sight lines.
- 1.4 The application is now brought to the Heavy Woollen Planning Sub-Committee with the additional information requested.

## **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. The scheme includes details of alterations to the existing boundary wall to the front of 99 Knowl Road to improve the access and includes increasing the size of the access into the site and reducing the height of a section of the walling (*the proposal is no longer to reduce the entire length of the existing walling along the frontage of the site following comments raised by members at the previous committee meeting*).
- 3.3 In terms of scale of the proposed dwelling, 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 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.
- 5.2 The plans originally submitted as part of this planning application 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 was amended to reduce the overall height of the dwelling.

- 5.3 The initially submitted location plan indicated that the bin store and the parking for 99 Knowl Road would be outside the red line boundary of the application site. It is acknowledged that the whole of the site is currently in the ownership of the applicant however for clarification purposes, the agent has submitted an additional plan indicating, in blue, all land owned by them.
- 5.4 At the previous committee meeting on 5 September 2019, members requested a street scene to show how the front wall was to be reduced in height to better understand how this would look within the street scene and to ensure the visual aspects of this element of the scheme would be acceptable in terms of visual amenity. The proposed street scene elevation has been submitted and demonstrates only a small section of the wall to be reduced in height, taking on board the comments raised by members at the previous meeting. The agent has also submitted an additional statement about the benefits of the proposal for enabling the redevelopment of 99 Knowl Road. A topographical survey outlining the land levels has also been received.

## **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 27<sup>th</sup> 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 are 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 and prior to the September committee, these were advertised. Two objections were received from the same interested party with respect to the amended details. Any new issues raised which have not been summarised above are included below and are based on the amended plans and additional detail:

- The development in its current form would be contrary to Local and National Policy.
- The application should be deferred from the committee agenda as the neighbours were not informed of the officer's recommendation or the inclusion of the application on the agenda for September 5<sup>th</sup>.
- The amended drawings appear to include additional information rather than changes to the scheme which appears to remain the same as initially proposed.
- The site section is misleading.
- The west elevation of the new dwelling is that which will face the bungalows on York Grove. It is enormous and truly oppressive with its vast, largely unbroken and featureless roof and walls.

- The south elevation is overwhelming with considerable overlooking potential including a potential balcony.
- The existing ground levels will be built up to create a new domestic garden.
- The drawings and scheme remain woefully poor with little detail. The design of the dwelling remains anonymous contributing nothing to the character and distinctiveness of the area.

7.5 Given the additional information requested by members did not fundamentally alter the scheme or its proposed scale, the additional information has not been re-advertised.

## 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** – Having reviewed the amended plans there are no objections. 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 part of 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.

**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. In addition, a condition is recommended in relation to the installation of one electric vehicle charging point.

### 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 will need to demonstrate sufficient avoidance, mitigation, and 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 with various boundary treatments. 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 part of the wall to the frontage being reduced in height to improve visibility onto Knowl Road (*NOTE: an assessment in regard to the reduction in height of part of the wall from a visual amenity / character of the streetscene perspective is set out at paragraph 10.30 of this report*). 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 (as demonstrated on the updated Location Plan). Given that the existing access is to be widened as indicated in the site plan submitted 02/09/2019. (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 Following receipt of amended plans and prior to the September committee, these were re-advertised. The amended plan publicity period ended on 3 September 2019. Officers respond to the matters raised as follows:

- The development in its current form would be contrary to Local and National Policy.

**Response:** *The application has been fully considered having regards to both the Kirklees Local Plan and the National Planning Policy Framework as outlined in the officer report. The application is considered, by officers, to comply with the relevant policies.*

- The application should be deferred from the committee agenda as the neighbours were not informed of the officer's recommendation or the inclusion of the application on the agenda for September 5<sup>th</sup>.

**Officer Response:** *The website and neighbour notification letters notes that the Local Planning Authority do not inform interested parties of relevant committee dates either in writing or by site notice.*

- The amended drawings appear to include additional information rather than changes to the scheme which appears to remain the same as initially proposed.

**Officer Response:** *The scheme has been reduced substantially in terms of height from the initially proposed with the eaves height being reduced from 5m to 3m and the overall height being reduced from 8.1m to 6.5m.*

- The site section is misleading.

**Officer Response:** *This application is for outline permission including scale and access. Officers have carried out a site visit and have considered to impact upon occupants along York Grove, particularly 1 York Grove which is the closest property which would be affected (when considering the indicative position of the new dwelling). The topography of the site has been fully appreciated by Officers and the relationship which would be formed with the neighbouring properties. As such, the proposed 'scale', in the opinion of officers, is acceptable.*

- The west elevation of the new dwelling is that which will face the bungalows on York Grove. It is enormous and truly oppressive with its vast, largely unbroken and featureless roof and walls.

**Officer Response:** *It is acknowledged that there would be some impact on the neighbouring properties. However, the overall height of the scheme has been reduced at the officer's request during the course of the application and this, together with the orientation of the new dwelling relative to the existing properties along York Grove, is considered to allow for a development which would have an acceptable impact on residential amenity.*

- The south elevation is overwhelming with considerable overlooking potential including a potential balcony.

**Officer Response:** *This application is for outline planning permission assessing scale and access. At this stage, the appearance of the dwelling, as shown on the submitted plans, is for indicative purposes only. However, Officers have still considered the potential impact of a dwelling in this location on the neighbouring occupants. Given the indicative orientation / appearance of the new dwelling relative to the neighbouring properties, the opportunities for overlooking are not considered to be significant.*

- The existing ground levels will be built up to create a new domestic garden.

**Officer Response:** *This application is for outline planning permission considering scale and access. The section detail indicates only very minor changes to the existing land level. However, as part of the reserved matters (layout, appearance and landscaping) full topographical details, including any changes to land levels, would need to be shown on the submitted plans.*

- The drawings and scheme remain woefully poor with little detail. The design of the dwelling remains anonymous contributing nothing to the character and distinctiveness of the area.

**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.*

- 10.23 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.

## 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 *Air quality* - In accordance with Government guidance on air quality mitigation, outlined within the NPPG and Chapter 15 of the NPPF, and Local Plan Policy contained within LP24 and LP51 and the West Yorkshire Low Emission Strategy Planning Guidance seeks to mitigate Air Quality harm. Given the scale and nature of the development officers seek the provision of one electric vehicle charging point per dwelling with a dedicated parking space. The purpose of this is to promote modes of transport with low impact on air quality. A condition is recommended in this respect.
- 10.29 *Climate Change* - Chapter 12 of the Local Plan relates to climate change and states that: “Effective spatial planning is an important part of a successful response to climate changes as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to the economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore the inclusion of electric vehicle charging point(s), which are recommended to be secured via condition, would contribute positively to the aims of climate change.

10.30 *Impact on street scene as a result of the proposed works to form the access –* As set out above, the application was deferred from the previous Heavy Woollen Planning Sub-Committee due to concerns raised by members in regard to the impact of the proposed access works on the character and visual amenity of the street scene. The original scheme was to reduce the height of the existing stone boundary wall along the full frontage of the site. However, taking on board the concerns raised by members, officers met with the applicant's agent and amended / additional plans have subsequently been submitted. The amended plans demonstrate that only part of the boundary wall would now be reduced in height so as to provide an acceptable access into the site. These amendments, in the opinion of officers, and when taking into account the diverse nature of boundary treatments and heights within the vicinity, are considered acceptable from a visual amenity and highway safety perspective, in accordance with policies LP21 and LP24 of the KLP as well as chapter 12 of the NPPF.

10.31 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 and wall reduced for the extent shown on the submitted plan.
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. Provision of electric vehicle charging point (one charging point per dwelling with a dedicated parking space).
9. Footnote relating to an Arboricultural Method Statement.
10. Footnote relating to suggested construction hours due to the close proximity of unrelated residential properties.

**Background Papers:**

**Application file:**

<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