

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No: 2021/62/91246/E

Site Address: Land between, 12 & 14, Knowl Road, Mirfield, WF14 8DQ

Description: Erection of detached dwelling

Recommending Officer: Lyle Robinson

DECISION – CONDITIONAL FULL PERMISSION

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Paul Dowd

AUTHORISED OFFICER

Date: 01-Jun-2021

Officer Report

Site Description

The site is that of a brownfield site in the settlement of Mirfield comprising a garage outbuilding and hardstanding, accessed from an unadopted track from Knowl Road, the main carriageway to the west. A public right of way abuts the site to the south. Surrounding development consists of a mix of uses, with commercial premises across Knowl Road, a former police station in a sui generis use adjoining the site to the west and dwelling houses to the immediate east and north. Architecturally the built form locally consists of traditionally articulated stone buildings, although the site is not in a Conservation Area.

Description of Proposal

Planning permission is sought for a one-and-a-half storey detached dwelling with associated curtilage, necessitating the demolition of the existing outbuilding on site. The dwellinghouse would be relatively small in scale, with a mansard roof finished in slate and dormers to the front and side elevations, faced in stone along with the remainder of the elevation walls. A garage door nearly the full width of the front elevation would serve internal garaging.

History of negotiations/amendments received

This planning application is a re-submission refused planning application 2020/93344. Several refused applications precede this as detailed further in the report.

Revised plans were received on 18th May 2021, generally identical to those originally submitted save for an enlarged garage opening at the principal elevation and associated internal wall alterations. These plans were procured by the planning authority from the applicant in response to comments from Highways and to ensure that sufficient internal garaging would be provided. No further amendments have been sought thereafter.

Relevant Planning History

2020/93344 Erection of detached dwelling – Refused 08/JAN/2021

2020/90761 Demolition of existing workshop and erection of dwelling with garage/workshop at ground floor – Refused 11/AUG/2020

2019/92181 Demolition of existing workshop and erection of dwelling with garage/workshop at ground floor - Refused 15/JAN/2020

Representations

This application was publicised by neighbour letter and site notice, which expired on 28-May-2021. Following this publicity, 6 no. letters of objection were received from neighbours or members of the public.

Consultation Responses

KC Environmental Health Service – No objection subject to conditions.

KC Highways Development Management – No objection but recommend amendment to size of internal garaging. *N.B. This has been procured from the applicant by way of revised plans.*

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

The site is unallocated in the Kirklees Local Plan proposals maps.

Kirklees Local Plan:

- • **LP 01** – Achieving sustainable development
- • **LP 02** – Place shaping
- • **LP 21** – Highway safety and access
- • **LP 22** – Parking
- • **LP 24** – Design
- **LP 28** - Drainage
- • **LP 52** – Protection and improvement of environmental quality

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 19th February 2019, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- • Chapter 2 – Achieving sustainable development
- • Chapter 6 – Building a strong competitive economy
- • Chapter 8 – Promoting healthy and safe communities
- • Chapter 11 – Making effective use of land
- • Chapter 12 – Achieving well-designed places
- • Chapter 15 – Conserving and enhancing the natural environment
- • Chapter 16 – Conserving and enhancing the historic environment

Assessment

The following matters are considered in the assessment below –

- 1) Principle of development
- 2) Impact on visual amenity
- 3) Impact on residential amenity
- 4) Impact on highway safety
- 5) Other matters
- 6) Representations
- 7) Conclusion

1 – Principle of development:

Chapter 2 of the NPPF introduces the presumption in favour of sustainable development, which is the focus of policy LP1 of the Kirklees Local Plan (KLP). This policy stipulates that proposals that accord with policies in the KLP will be approved without delay unless material considerations indicate otherwise. Policy LP24 of the KLP is the overarching policy in relation to the design of all proposals, requiring them to respect the appearance and character of the existing development in the surrounding area as well as to protect the amenity of the future and neighbouring occupiers, to promote highway safety and sustainability. These considerations, along with others, are addressed in the following sections in this report.

The application site is within a settlement boundary, where development such as this is acceptable, subject to material considerations

The proposal would represent a more effective use of land than the current situation, which would contribute positively to delivering a sufficient supply of homes, in accordance with chapters 5 and 11 of the NPPF. The principle of development is thus acceptable.

2 –Impact on visual amenity and character of the area:

Policy LP24 of the KLP, consistent with chapter 12 of the NPPF, states, inter alia, that the form, scale, layout and details of all development respects and enhances the character of the townscape.

The proposed dwelling itself is of an unconventional design, particularly given amendments enlarging the front elevation garage opening. Massed rather diminutively, the proposed house would be articulated in a bijou design schema.

Nevertheless, the proposed building would not present as overtly contemporary given the traditional period features incorporated into the scheme, such as dormer gables at the front and side elevations and a sensitively planned mansard roof.

Turning to the palette of materials; stone facing materials and a slate finish at the roof would further assimilate the proposed building into the surrounding townscape. A condition is considered reasonable and necessary to attach to

the Decision Notice mandating the submission of materials samples prior to work commencing on the superstructure of the proposed building, to ensure that the building visually assimilates into this characterful neighbourhood of dressed stone C19 buildings.

The siting of the proposal within the plot retains adequate space to the side elevations – between nos. 14 and 12 Knowl Road – to visually absorb the increase in massing.

Finally, when viewed from the public realm at Knowl Road, the proposed building would be appropriately set back from the access track, would maintain a visually logical west to east building line, and would be of an appropriately set down height that no demonstrable harm to the character of the area would be precipitated.

The scheme would develop an existing unsightly underutilised plot of land whilst providing a scaled down dwelling in respect of the surrounding area, which features a variety of building heights and land uses. The applicant has taken on board case officer comments in the officer reports accompanying previous refusals on site and has responded with a considerably scaled down scheme which would, on balance, be appropriate in respect of materials, form, density and massing.

The development therefore would be acceptable in terms of visual amenity and would accord with policies LP24 and LP35 of the KLP and chapters 12 and 16 of the NPPF.

3 – Impact on residential amenity:

Policy LP24 of the KLP requires of developments, inter alia, a good standard of amenity for future occupants and neighbouring occupiers, as well as a minimising of the impact on residential amenity of future and neighbouring occupiers.

Several representations have been received from neighbouring properties and careful regard has been had by the case officer to study these and the submitted plans themselves. A site visit was undertaken by the case officer on 6th May 2021 to survey the site and surrounding area, including the area about the west facing elevation of 14 Knowl Road.

The proposed building has been set down and, importantly, designed with roof hips at the side elevations, to allow for continued light transmission to the west facing side elevation windows of 14 Knowl Road and east facing windows of 12 Knowl Road. In any case, 12 Knowl Road is not a residential use so less weight is afforded to loss of light here. The west facing elevation windows of 14 Knowl Road would receive little difference in evening sun as at present with light from the south aspect largely unchanged from the present situation. There would be no loss of light to no. 16 Knowl Road or to the neighbouring southern property no. 10, owing to the proposal's massing and siting.

In terms of privacy, there would be no window openings at the proposed east facing side elevation save for the proposed hallway and parking garage windows, ensuring no loss of privacy to the neighbouring eastern property 14 Knowl Road. At the west facing side elevation, three roof space window openings serving bedrooms would be created, although these would look out to 12 Knowl Road, a non-residential use unaffected outside of office hours. The proposed ground floor single storey rear element would by its nature not overlook windows and would not directly look across to neighbouring habitable room windows. Likewise, the front gable window opening, flush with the proposed front elevation wall, serving the roof space lounge, would not directly overlook neighbouring habitable room windows at 16 Knowl Road owing to the angle of this elevation fronting to the access track vis-à-vis this neighbouring dwelling and surrounding development.

For these reasons, no overbearing effect in terms of residential amenity is anticipated in respect of neighbouring residents, and the level of residential amenity afforded to future occupants of the proposed dwellinghouse at the application site is considered acceptable.

All told, therefore, policy LP24 in terms of residential amenity would be complied with.

4 – Impact on highway safety:

The original proposal incorporated internal garaging some 5m x 6m. Following comments from Highways recommending an increase to 6m x 6m, a revised plan has been submitted by the applicant responding accordingly to this. No further objections were raised from highways and it is noted that no change to the access to the public highway would be proposed

The development concerned is acceptable in terms of highway safety and parking and consistent with policies LP21 and LP22 of the KLP.

5 – Other matters:

Kirklees Housing Land Supply

As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared with the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).

As the Kirklees Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to significantly boost the supply of housing.

Housing applications should be considered in the context of the presumption in favour of sustainable development.

Climate change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

The proposal is for the erection of a new dwelling. To ensure it contributes positively to mitigating the impact of climate change and air quality, a condition should be inserted to the Decision Notice requiring an electric vehicle recharging point be provided within the site for the future occupants of the dwelling. This is to comply with the aims of policy LP24 of the KLP and chapters 9 and 14 of the NPPF, which seek to promote sustainable transport and to support low carbon future.

Permitted Development Rights

It is considered reasonable and necessary to rescind Permitted Development rights classes A, B, C, D and E of Part 1 of Schedule 2 to the GPDO and Class A of Part 2 to the GPDO. This would be necessary to retain the visual amenity afforded by the proposal's siting, massing and the density of built form in the plot, as well as to avoid additional built form such as extensions, dormers and porches contributing to a possible cramped appearance of the plot and undermining the design case for the approval of the proposal in this planning application.

Drainage

Policy LP28 of the KLP establishes a hierarchy of drainage solutions with a Sustainable Urban Drainage System being the most preferable solution and Main Sewer the least preferable option. No information has been provided in terms of the method of drainage in this application form.

To reduce the risk of flooding and to comply with the Policy LP28 of the KLP, it is considered reasonable and necessary to attach to the Decision Notice to require a scheme detailing surface water and land drainage be submitted and approved before development on the superstructure of the new dwellings commences. It should also state that the dwellings should not be occupied until such an approved scheme has been provided on the site to serve the development. With this condition imposed, the proposed development could

be supported in respect of policy LP28 of the KLP and chapter 14 of the NPPF.

Public Right of Way (PROW)

Although adjoining the site to the south, the PROW would not be materially affected by implementation of an approved planning application here in respect of access or its continuing use. Notwithstanding this a site notice was affixed nearby, having regard to regulations pertaining to public rights of way. Although no planning conditions are considered necessary, an informative will be attached to the Decision Notice advising the applicant of the existence of the PROW.

6 – Representations:

Following this publicity, six letters of objection were received from neighbours or members of the public. Careful regard has been had by the case officer to study these and the submitted plans themselves.

Comments from the closest property to the application site, 14 Knowl Road, are noted. Whilst reference is made to a two-storey dwellinghouse, it is considered that the scale of the proposal now more closely resembles 1.5 stories and is appropriate in density and massing for this plot. Likewise comments about amenity from this property are noted. However, it is further noted that no habitable room windows would overlook 14 Knowl Road. Whilst some loss of evening light may occur to the amenity space at no. 14, it is considered not to be sufficiently significant to warrant refusal of planning permission. Moreover, amenity space would still be retained unaffected by the development at other parts of no. 14, such as the rear. In any case, the introduction of built form closer to the west elevation of no. 14 is considered not to adversely affect light or privacy to any significant extent and, for the reasons given, the loss of light to the south-western corner of the front amenity space is afforded only very moderate weight in the planning balance.

Comments from neighbouring properties regarding parking spaces have been noted and revised plans have been submitted to address this issue, as detailed elsewhere in this report.

7 – Conclusion:

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF, taken as a whole, constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the Development Plan and other material considerations. It is considered that the development would constitute sustainable development and is, therefore, recommended for approval.

Recommendation: Approve

Decision Authorisation - Delegated Powers

Application Number: 2021/91246

Officer Recommendation: Approve

Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

Reason: For the avoidance of doubt as to what is being permitted and to ensure the satisfactory appearance of the development on completion, in accordance with Policies LP21 and LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

3. Before the electrical system is installed a scheme detailing the dedicated facilities that will be provided for charging electric vehicles and other ultra-low emission vehicles shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall meet at least the following minimum standard for numbers and power output:

- A Standard Electric Vehicle Charging point (of a minimum output of 16A/3.5kW) for each residential unit that has a dedicated parking space.

Buildings and parking spaces that are to be provided with charging points shall not be brought into use until the charging points are installed and operational. Charging points installed shall be retained thereafter.

Reason: In the interest of supporting and encouraging low emission vehicles, in the interest of air quality enhancement, to comply with the aims and objectives of Policies LP24 and LP51 of the Kirklees Local Plan and Chapters 2, 9 and 15 of the National Planning Policy Framework.

4. Before construction work commences a report specifying the measures to be taken to protect the development from noise from the nearby nursery/commercial premises shall be submitted to and approved in writing by the Local Planning Authority.

The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
- c) Detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

All noise assessments should be carried out by a competent person. Developers may wish to contact the Association of Noise Consultants <http://www.association-of-noiseconsultants.co.uk/> (020 8253 4518) or the Institute of Acoustics <http://www.ioa.org.uk> (0300 999 9675) for a list of members.

Reason: To comply with the aims and objectives of Policy LP24 of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

5. A scheme detailing surface water and land drainage shall be submitted to and approved in writing by the Local Planning Authority before development on the superstructure of the new dwelling commences. Where soakaways are proposed, the submitted scheme shall demonstrate an adequately designed soakaway as an effective means of drainage of surface water on the site. Where a septic tank is proposed, details shall be submitted to demonstrate that this is sufficient to meet the requirements on the site. The dwelling shall not be occupied until such approved drainage scheme has been provided on the site to serve the development. The development shall be thereafter retained in accordance with the approved details.

Reason: In the interests of satisfactory and sustainable drainage to accord Policy LP28 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) no development included within Classes A- E of Part 1 and Class A of Part 2 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To achieve a satisfactory site layout and to avoid harm to the residential amenity of the occupants of the neighbouring residential properties, which could otherwise arise from the development permitted by the GPDO, in accordance with Policy LP24(c) of the Kirklees Local Plan and the aims of the National Planning Policy Framework.

7. Samples of facing and roofing materials shall be submitted for approval in writing prior to development commencing on the superstructure of the dwelling hereby approved. The development shall be carried out in accordance with the approved details and thereafter retained as such.

Reason: In the interests of visual amenity and to accord with Policy LP 24 of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

8. If contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority. No part of the site shall be brought into

use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Validation Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the safe occupation of the site in accordance with Policy LP53 of the Kirklees Local Plan and paragraph nos. 178 and 179 of the National Planning Policy Framework

NOTE: Public Footpath *MIR/49/10* is adjacent to the development and must not be interfered with or obstructed, prior to, during or after development works. The Council's public rights of way unit may be contacted at Civic Centre 3, Huddersfield or by telephone 01484 221000 and ask for Sharon Huddleston.

NOTE: Electric Vehicle Charging Points

- A Standard electric vehicle charging point is one that can provide a continuous supply of at least 16A (3.5kW). A supply of 32A (7kW) is, however, more likely to be futureproof
- Standard charging points for single residential properties that meet the requirements specified in the latest version of "Minimum technical specification - Electric Vehicle Homecharge Scheme (EVHS)" by the Office for Low Emission Vehicles will be acceptable. Basically, charging points that provide Mode 3 charging with a continuous output of least 16A (3.5kW) and have Type 2 sockets would be acceptable.
- The electrical supply of the final installation should allow the charging equipment to operate at full rated capacity.
- The installation must comply with all applicable electrical requirements in force at the time of installation.

NOTE: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council's Advice for Development documents or any subsequent revisions of those documents.

NOTE To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours, Mondays to Fridays, 08.00 and 13.00 hours, Saturdays, with no working Sundays or Public Holidays. In some cases, different site-specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which the works may be carried out.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Location Plan	4464-L-1		25/MAR/2021
Proposed Elevations	4464-P-2	Rev C	18/MAY/2021
Proposed Block Plan	4461-P-1	Rev C	18/MAY/2021
Proposed Floor Plans	4461-P-1	Rev C	18/MAY/2021

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority has, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. In this case, the design of the original scheme has been amended slightly in response to Highways comments. No further amendments or details were sought thereafter.

As the submitted plans were considered acceptable, no changes were sought.