
Report of the Head of Strategic Investment**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 25-Apr-2019****Subject: Planning Application 2018/91866 Demolition of existing dwelling and erection of 4 dwellings 1, Ouzelwell Lane, Thornhill Lees, Dewsbury, WF12 9EP****APPLICANT**

Z Hyder, Hyder Living

DATE VALID

07-Jun-2018

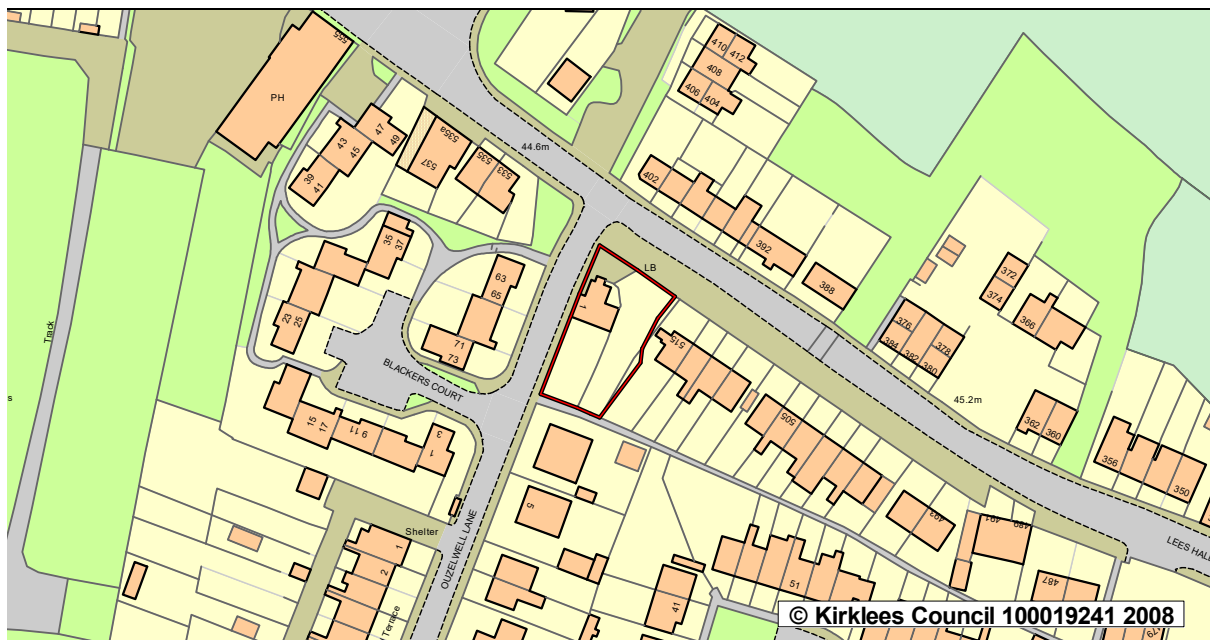
TARGET DATE

02-Aug-2018

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: **Dewsbury South**

No

Ward Members consulted
(referred to in report)

RECOMMENDATION: **REFUSE**

1. The proposed dwellings, by virtue of the combination of their scale and design, would result in an incongruous and cramped form of development on this prominent corner site. The proposals would therefore be harmful to visual amenity and fail to add to the overall quality of the area and would not be visually attractive. As such, the proposals would be contrary to Policy PLP 24 (as modified) of the Kirklees Local Plan as well as the aims of Chapter 12 of the National Planning Policy Framework.

2. The proposed dwellings, due to a combination of the proximity to the rear site boundary and the scale of the dwellings, would result in the overlooking and overbearing impact on the rear elevation and rear garden area of no.515 Lees Hall Road. As such, the proposals would be harmful to residential amenity and contrary to Policy PLP 24 (as modified) of the Kirklees Local Plan as well as the aims of Chapter 12 of the National Planning Policy Framework, which seeks to, amongst other things, ensure that developments function well.

1.0 INTRODUCTION:

1.1 The application relates to a site at no.1 Ouzelwell Lane, off Lees Hall Road, Thornhill Lees. The application is for the demolition of the existing detached dwelling and the erection of 4 dwellings.

1.2 The application has been brought to the Heavy Woollen Planning Sub-Committee at the request of Ward Councillor Masood Ahmed for the following reasons:-

1. My constituent and his agent have addressed all the issues you have raised, (see below email that they sent you on 6th November).

2. The reduced amenity space should NOT be an issue as there are different houses of all shapes and forms within close proximity and walking distance that meet the needs of the wider and diverse community it serves.

1.3 The Chair of the Heavy Woollen Planning Sub Committee has confirmed that Councillor Ahmed's reason for making this request is valid having regard to the Councillors' Protocol for Planning Sub Committees.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site is located at no.1 Ouzelwell Lane which is a corner site at the junction with Lees Hall Road. It covers approximately 0.06 hectare in area. It is an elongated site with frontage onto both Ouzelwell Lane to the west and Lees Hall Road to the north. It currently comprises of no.1 Ouzelwell Lane, a traditionally built detached dwelling with natural stone slate roof and its associated garden area.
- 2.2 It is a level site with a low brick boundary wall with some small trees and hedging to the side and rear boundaries. Immediately to the eastern boundary is no.515 Lees Hall Road and its associated garden area and to the south is no.3 Ouzelwell Lane.
- 2.3 The site is within a mainly residential area of varying types of housing, including detached and terraced dwellings. It is unallocated on the Kirklees Local Plan.

3.0 PROPOSAL:

- 3.1 The application seeks planning permission for the demolition of the existing dwelling and the erection of 4 dwellings in the form of two pairs of two storey, semi-detached dwellings. The dwellings forming Plots 1 and 2 would have rooms in their roof space. The dwellings are positioned towards the front of the site (towards Ouzelwell Lane) where there would be a small yard area with a small garden area to the rear. Parking would be provided to the side of each dwelling.
- 3.2 Each pair of dwellings is designed with a dual pitched roof and a central gable feature end facing the front of the site. There would be a single storey element to the rear. Plot 1, which is the corner site between Lees Hall Road and Ouzelwell Lane, would be slightly larger having 4 bedrooms; Plots 2 to 4 would be 3 bedroom properties.
- 3.3 Materials would be red brick for the facing material and blue-grey concrete roofing tiles.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2018/90032 – Demolition of existing dwelling and erection of 4 dwellings. Refused.

Reason for refusal of this previous application:

1. The proposed dwellings by virtue of the combination of the scale and design, in particular the treatment of the elevation facing Lees Hall Road, would result in an incongruous and cramped form of development on this prominent corner site. The proposals would therefore be harmful to visual amenity and fail to take the opportunities available for improving the character and quality of the area and the way it functions. As such, the proposals would be contrary to Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

2. The proposed dwellings due to a combination of the proximity to the boundary and the scale of the dwellings, would result in overlooking and overbearing impact on the rear elevation and rear garden area of no. 515 Lees Hall Road. As such, the proposals would be harmful to residential amenity and contrary to Policy PLP24 of the Kirklees Publication Draft Local Plan and Chapter 12 of the National Planning Policy Framework.

3. The proposed maximum surface water discharge rate would be 9.3 l/s and reduced to 6l/s by the use of an attenuation tank sited in the rear gardens of houses 01 and 02. As this is a Greenfield Site the Council's standing advice to applicants is that surface water discharge must be restricted to 5 l/s. No calculations are given as to how the tank would work which in any case would result in a discharge rate greater than 5l/s. Policy PLP 28 of the Kirklees Publication Draft Local Plan states that the 5l/s discharge rate is the maximum starting point and levels lower than this should be achieved where possible. As such the proposals are considered to result in an increase in flood risk from surface water outside of the site contrary to Policy PLP28 of the Kirklees Publication Draft Local Plan and Chapter 10 of the National Planning Policy Framework.

4.2 2017/20256 - Pre application enquiry for erection of 6 dwellings.

Pre-application advice given: 6 dwellings of 2/3 storeys would be an overdevelopment of the site. Should be reduced to a maximum of 4 dwellings of two storeys to allow for the recommended level of parking, appropriate amenity space and some form of soft landscaping to the front. No plans were submitted to show the proposed 4 dwellings and therefore no assessment was carried out at the pre-application stage for the 4 dwellings.

4.3 2009/93195 - Erection of detached dwelling. Approved.

4.4 2006/90337- Outline application for erection of one detached dwelling. Approved.

4.5 2004/91669 - Outline application for erection of one detached dwelling. Refused.

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

5.1 Amended plans received 6/11/18 after discussions with the agent. The plans include the following amendments:

- Removal of dormers to the front and rear elevations of dwellings. This would be replaced by a gable feature on Plot 1.
- Reduction in height of dwellings on Plots 3 and 4.
- Change to side elevation of Plot 1 facing Lees Hall Road, showing a stepped design rather than the previously proposed "cranked" design.
- Changes to the parking layout to Plot 1 showing three parking places within the ownership of the applicant.
- Obscure glazing proposed in the first floor bedroom windows to the rear elevation of houses on Plots 3 and 4.

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).

The site is unallocated on the Kirklees Local Plan.

6.2 Kirklees Local Plan:

- **PLP 1** - Presumption in favour of sustainable development (as modified)
- **PLP 11** - Housing mix and affordable housing (as modified)
- **PLP 20** - Sustainable Travel (as modified)
- **PLP 21** - Highway safety and access (as modified)
- **PLP 22** - Parking (as modified)
- **PLP 24** - Design (as modified)
- **PLP 28** – Drainage (as modified)
- **PLP 51**- Protection and improvement of local air quality (as modified)
- **PLP 52** - Protection and improvement of environmental quality (as modified)
- **PLP 53** - Contaminated and unstable land (as modified)

6.3 Supplementary Planning Guidance / Documents:

None relevant

6.4 National Planning Policy Framework:

- **Chapter 5** - Delivering a sufficient supply of homes
- **Chapter 12** – Achieving well designed places
- **Chapter 14** - Meeting the challenge of climate change, flooding and coastal change
- **Chapter 15** - Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 Two letters of objection received.

In summary the issues raised are:

- Two large trees would be affected.
- Development would block view.
- Insufficient space for 4 dwellings and 9 parking spaces.
- Red brick would be out of keeping.
- Would be a shame to lose the old stone property.

8.0 CONSULTATION RESPONSES:

- 8.1 The following is a brief summary of Consultee advice; in most cases the consultation advice has been repeated from the previous application 2018/90032 (more details are contained in the Assessment section of the report, where appropriate):

8.2 Statutory:

K.C. Highways Development Management – No objection subject to conditions regarding surfacing and bin storage/collection area. It is also noted that the parking/access for Plot 1 is located on land owned by the Council and the parking provision would not be acceptable without this area of land.

Coal Authority - Inadequate Coal Mining Risk Assessment, however conditions can be imposed requiring intrusive ground investigation works and remediation if required. This has been confirmed with the Coal Authority on 1/04/19.

8.3 Non-statutory:

KC Landscaping - No comments received.

KC Ecology- The Bat survey indicates the building has a moderate potential for bat roosts. Therefore, further survey required and mitigation measures included. These can be conditioned.

Yorkshire Water- No objection in principle subject to appropriate condition.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is unallocated on the Kirklees Local Plan (KLP) as such Policy PLP 1 (as modified) is applicable and suggests that proposals that accord with the policies in the KLP (and where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
- 10.2 Policy PLP 3 (as modified) suggests that development will be permitted where it supports the delivery of housing and employment growth in a sustainable way by (amongst others) providing access to a range of transport choices and access to local services.

- 10.3 The site comprises of a dwellings and its associated garden area and as such, because part of the site includes the garden area, is not considered a previously-developed site under the definitions set out in Annex 2 of the National Planning Policy Framework. It is acknowledged that there is a previous approval on the site for one detached dwelling however this was decided prior to the introduction of the NPPF and when garden areas were considered as previously-developed sites. Notwithstanding the above, the site provides limited public amenity value and low ecological value. It is therefore considered that there would a presumption in favour of developing this site for residential purposes and that the principle of development would accord with the aims of the NPPF.

Urban Design issues

- 10.4 The proposed layout would be in the form of two pairs of semi-detached properties in a linear layout with frontages onto Ouzelwell Lane and amenity space to the rear. As noted above, these would be 2/3 storey on Plots 1 and 2 with rooms in the roof space and two-storey on Plots 3 and 4. The dwellings would be set forward of the existing building line on Ouzelwell Lane. Also, in relation to the rows of red brick terrace properties on Lees Hall Road, being 2/3 storey, these dwellings on Plots 1 and 2 would be fairly prominent on this corner site.
- 10.5 In terms of detailed design, one of the main issues is that the site is in a prominent corner position and the treatment of the side elevation of Plot 1 facing onto Lees Hall Road could have a significant visual impact. The original application proposed to leave this gable blank and would have mostly a rendered finish; this was considered to be at odds with most other materials used on Lees Hall Road. This re-submission now proposes to add visual interest to this elevation with a number of window openings. In addition, the dwellings would now be faced in red brick; this would match the adjacent dwellings on Lees Hall Road. In addition, the amended plans, received 6/11/18, show that the previously proposed “cranked” design has been replaced with a proposed “stepped” design. This is to accommodate the stand-off for the existing foul sewer across this part of the site. It is considered that, in general, these alterations now make this part of the development visually more appropriate, however there is still some concern by officers with the proposed rear gable on Plot 1 and full height detail resulting from the stepped design.
- 10.6 The front elevations would have a central gable feature, shared between the two attached dwellings; the removal of the previously proposed dormers now simplifies the appearance at roof level. As noted above, the proposal is now to use red brick for the facing material and as such this would create a more uniform appearance. Whilst this does not completely overcome the design concerns of officers, it is, on balance, considered to be a more satisfactory design solution.
- 10.7 In terms of the layout, this has been slightly altered from the previously refused application in order to provide parking within the ownership of the applicant. The amended plans also show a bin collection point to the front of the dwellings. In all other respects, the layout remains the same.

- 10.8 The site is angular in shape so that it narrows towards the southern boundary on Ouzelwell Lane. As a result, Plots 3 and 4 would have relatively small garden areas. This appears to be even further reduced as, according to records held by the Local Planning Authority, part of this site to the rear includes the garden area of no. 515 Lees Hall Road, which is within the ownership of Kirklees Council. The result is that the proposed dwellings would have very little amenity space or areas for appropriate landscaping; overall the dwellings would appear to be squeezed into the site resulting in a cramped form of development. Again, this would be harmful to visual amenity and would also go against good design principles in achieving a development which would function well and add to the overall quality of the area.
- 10.9 Overall, it is considered by officers that, in terms of the layout and design, the proposals would not be acceptable from a visual amenity perspective and would be contrary to Policy PLP 24 of the Kirklees Local Plan and Chapter 12 of the NPPF.

Residential Amenity

- 10.10 The dwellings would be adjacent to other residential development on four sides. Opposite the site, to the west, on Ouzelwell Lane are nos. 63 to 78, a two storey block of flats within the ownership of the Local Authority. These flats appear to face a central courtyard area with the majority of habitable room windows facing onto this area and away from Ouzelwell Lane. Facing onto the site, the elevation of the flats mainly comprise of small windows and kitchen windows; the distance here would be approximately 16m to the front elevation of the proposed dwellings where there would be habitable windows, this relationship is considered satisfactory.
- 10.11 To the north of the site, across Lees Hall Road, is a row of stone built terrace dwellings. The side elevation of the dwelling on Plot 1 would be approximately 21m from the front elevation of these terrace dwellings where there are habitable windows; this relationship is considered acceptable.
- 10.12 On the east side would be the garden areas and the rear elevations of the proposed dwellings. The boundary is slightly angled here with the first two plots having slightly larger gardens and separated from the adjacent plot by a greater distance. These two dwellings (Plots 1 and 2) would, in general, face the side elevation of no. 515 Lees Hall Road at a distance of approximately 9m. It would appear from the site visit that there is a habitable room window in this side elevation, although it is likely to be secondary as there is also a window in the front elevation of this dwelling.
- 10.13 In addition to the above, the rear of the proposed dwellings would be very close to the boundary with this adjacent site. Although the first floor would be set back, the distance is likely to mean that there would be some overlooking of the rear elevation and rear garden area of this dwelling, particularly from Plots 3 and 4. The amended plans have now proposed obscure glazing in the first floor bedroom windows of Plots 3 and 4, whilst this would help to mitigate overlooking, it would impact on the amenity of the occupiers of these proposed dwellings and where this treatment is proposed to the only window serving a habitable room it would result in a contrived appearance. Furthermore, given the close proximity of these dwellings to the boundary and the orientation, there would be some overbearing impact and overshadowing occurring during late afternoon/evening times.

- 10.14 With regard to the south side of the development, the dwelling on this side is a bungalow. There is a window in the side elevation of this property, no. 3 Ouzelwell Lane, which appears to be a large Kitchen/Dining room window. The distance to the side elevation of the proposed dwelling on Plot 4 would be approximately 10m and would be separated by the driveways of both dwellings and a public footpath; there are no windows proposed in the side elevation of this dwelling. Given this, it is not considered that there would be any overlooking or overbearing issues from the proposed development in relation to no. 3.
- 10.15 Whilst the relationship to other dwellings on three sides of the development is likely to be acceptable, the issues detailed above with regard to no. 515 Lees Hall Road would mean that the proposals would be harmful to residential amenity and as such would not accord with the aims of Policy PLP 24 (as modified) of the Kirklees local Plan and Chapter 12 of the NPPF.

Housing issues

- 10.16 The proposals are for two pairs of semi-detached dwellings, with one having 3 bedrooms and three having 4 bedrooms. In this respect, the development would contribute towards the housing demand in this area and as such would be, in general, in accordance with the aims of Chapter 5 of the NPPF. The proposals are for private housing and there are no affordable homes proposed.

Highway issues

- 10.17 The proposed layout indicates that there would be two parking spaces per dwelling, with three associated with the larger dwelling at Plot 1. Highways Development Management have reviewed the details of the application and have no objection but were concerned that no bin storage area had been indicated and that the parking area associated with Plot 1 would require use of Council-owned land.
- 10.18 The amended plans submitted on 6/11/18 have now addressed these issues showing a bin storage area to the front of each dwelling and 3 parking places within the ownership of the applicant.
- 10.19 Subject to condition, the proposal can be considered acceptable from a highway safety and efficiency perspective, consistent with the aims of Policies PLP21 (as modified) and PLP22 (as modified) of the Kirklees Local Plan.

Drainage issues

- 10.20 Minimal supporting information was originally submitted with application 2018/90032, regarding the hierarchy of drainage. The application form merely stated that surface water drainage would be via a sustainable drainage system. After a request from officers, a drainage layout plan was submitted showing the flow rate attenuated to 2 litres/sec. The submitted scheme proposed to reduce the flow rate from the site from 6.7l/s to 6l/s by the use of attenuation tanks. However, as this is a greenfield site, the Council's standing advice to applicants is that surface water discharge should be restricted to 5 l/s, in addition, Policy PLP 28 (as modified) of the Kirklees Local Plan states that the discharge rate should be 5 l/s per hectare and that this rate is the maximum starting point and levels lower than this should be achieved where possible.

- 10.21 Yorkshire Water has been consulted on the application due to the position of a main sewer pipe within the development site. They have not objected to the proposals subject to appropriate condition and have also commented that the discharge rate should be restricted to 2 l/s to allow connection to the public sewer.
- 10.22 The Design and Access Statement states that due to the cramped nature of the site the proposals are for permeable surfacing and attenuation of the surface water to a maximum outflow of 2 litres per second.
- 10.23 The resubmitted application includes a drainage plan along with calculations which indicates the outflow from the site would be 2l/s by the use of an attenuation tank sited in the rear gardens of Plots 1 and 2. Subject to appropriate condition, should approval be given, the proposals are considered to be in accordance with standing advice and Policy PLP28 (as modified) of the Kirklees Local plan and chapter 14 of the NPPF.

Representations

- 10.24 Two letters of objection have received. The issues raised are responded to below:
- Two large trees would be affected.
Officer Response: There are no protected trees on the site. As such, the trees could be removed at any time.
 - Development would block view (no. 400 Lees Hall Road).
Officer Response: The distance to this property would be approximately 21m across Lees Hall Road. Whilst it is acknowledged that there may be some loss of view, there would not be an overbearing relationship and there would be no loss of outlook.
 - Insufficient space for 4 dwellings and 9 parking spaces.
Officer Response: This has been assessed in the body of the report. The parking provision and layout is considered acceptable by officers.
 - Red brick would be out of keeping.
Officer Response: This has been assessed in the body of the report. The proposed facing materials are considered satisfactory by officers.
 - Would be a shame to lose the old stone property.
Officer Response: The existing building is not listed and is not considered to constitute a non-designated heritage asset.

Planning obligations

- 10.25 The scale of the development is below any threshold which would trigger contributions.

Other Matters

- 10.26 *Protected species* - Although the site lies just outside of the Bat Alert area it was considered by the Council's Ecologist that, due to the age and type of building to be demolished, a Bat Survey should be submitted with the application. The Bat Survey indicates the building has a moderate potential for bat roosts. Therefore further survey is required and mitigation measures to be included. Should the application be approved, these can be conditioned in order to ensure that the proposal complies with the aims of Chapter 15 of the NPPF.
- 10.27 *Land ownership* - Part of the site at the Lees Hall Road end is within the ownership of Kirklees Council. The plans propose that this would form the parking area associated with Plot 1. It also appears that part of the rear of the site is also within the Council's ownership and forms a section of the rear garden of no.515 Lees Hall Road, a Local Authority dwelling. Whilst notice has been served, and therefore procedurally, the application can be determined, there is concern particularly with the loss of part of a garden of no. 515.
- 10.28 The Council's position, according to the Estates section, is that planning permission should not be granted until the proposals and sale of the land has been agreed in principle.
- 10.29 Given that this land is owned by the Council, and in effect in public ownership, the loss of this land would be a material consideration. Whilst not in itself given as a reason for refusal, the factors above weigh against the proposals in the determination of this application, especially when taking into account that the off-street parking provision to serve Plot 1 would be on this land. Careful consideration therefore needs to be given that, if permission was granted, could the development be completed in accordance with the submitted plans and adequate parking provision made available within the site.
- 10.30 There are no other matters considered relevant to the determination of this application.

11.0 CONCLUSION

- 11.1 Whilst it is acknowledged by officers that this revised application has addressed some of the design issues and indicated that the required surface water flow rate can be achieved, due to the concerns set out above in relation to visual and residential amenity, the proposal is not considered acceptable in this instance.
- 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. It is considered that the development would fail to constitute sustainable development and is therefore recommended for refusal.

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91866>

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90032>

Certificate of Ownership – Notice served on Kirklees Council, disposal and acquisitions. Certificate B signed and dated 07/06/2018.