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:	2017/62/92489/W
Site Address:	Land at, Wood View and Wiggan Lane, Deighton, Huddersfield
Description:	Erection of 9 apartments and ancillary accommodation
Recommending Officer:	Adam Walker

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.

Teresa Harlow

AUTHORISED OFFICER

Date: 08-Sep-2017

Officer Report

Site Description

The site forms a parcel of land at the junction of Wiggan Lane and Wood View in Huddersfield and predominantly comprises an area of hard surfacing with some areas of soft landscaping to the boundaries. The site slopes up slightly from north to south. Some limited informal parking appears to take place on the land.

The site lies within a residential area and is surrounded by dwellings of mixed type and design.

Description of Proposal

The proposal is for a three storey residential block that would provide nine apartments for
supported living along with ancillary accommodation for staff. Each of the apartments would have one bedroom.

The Design and Access Statement provides details on the use of the building. It states that “the residential accommodation is specifically designed for vulnerable adults with mental health, learning disabilities and physical disabilities who may need occasional support in their daily lives. The aim is to help these vulnerable people lead an independent life in good quality, well-equipped accommodation with access to on-site support as and when required. The property will have a 24/7 care and support service operated from an office base that is located within the property, this includes a staff sleep-in facility”. One of the apartments on the ground floor would accommodate a person with physical disabilities and the remainder would be for people with mental health/learning disabilities.

Access to the site is off Wood View. Three parking spaces are provided to the front of the
building and there is a courtyard area to the south eastern corner of the site providing amenity space.

History of negotiations/amendments received

The proposal has been subject to formal pre-application advice. The submitted scheme is very similar to that proposed at pre-application stage but has attempted to address comments made in relation to scale.

Relevant Planning History

No planning history directly relevant to this application.

Representations

The application has been publicised by site notice and neighbour notification letters.

One representation has been received. A summary of the representation is provided as follows:

- Loss of view and obstruct light to a property to the south
- Negative impact on property value

Consultation Responses

The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

Health & Safety Executive - HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Policy

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the UDP Proposals Map and unallocated on Kirklees Publication Draft Local Plan.

Access considerations

One of the apartments is specifically intended for a resident with physical disabilities and the building is considered to address Equality Act considerations.

Kirklees Unitary Development Plan:

- BE1 – Design principles
- BE2 – Quality of design
- BE12 – Space about buildings
- D2 – General development policy
- T10 – Highway safety
- T19 – Parking standards
- NE9 – Retention of mature trees

Kirklees Publication Draft Local Plan (PDLP):

PLP1 Presumption in favour of sustainable development
PLP3 Location of new development

PLP7 Efficient and effective use of land and buildings
PLP21 Highway safety and access
PLP22 Parking
PLP24 Design

National Policies and Guidance:
National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, together with Circulars, Parliamentary Statements and associated technical guidance.

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

- 'Core planning principles'
- Chapter 6 – Delivering a wide choice of high quality homes
- Chapter 7 – Requiring good design
- Chapter 8 – Promoting healthy communities
- 'Decision-taking'

Assessment

<u>General principle:</u>

The site has no specific allocation on the Unitary Development Plan Proposals Map.
Policy D2 of the UDP states "planning permission for the development … of land and
buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]". These considerations include highway safety, residential amenity, visual amenity, the character of the surroundings and the avoidance of overdevelopment.

The application site is within a residential area and the proposals are therefore compatible with the character of the area. Detailed consideration of the amenity impacts and highway safety matters are provided separately within this assessment.

The development will provide nine apartments for supported living. The council's Commissioning and Health Partnerships service were consulted on the scheme at pre-application stage and commented that the proposals would meet supported accommodation needs identified in the council's relevant strategies.

Chapter 6 of the NPPF seeks to deliver a wide choice of quality housing and states that
housing applications should be considered in the context of the presumption in favour of
sustainable development.

The proposal would help to meet a specific local need in terms of the nature of the residential accommodation and will boost the supply and choice for this type of housing. The principle of the development is therefore considered to be in line with the objectives of chapter 6 of the NPPF.

The development would also help to support jobs through the care element provided to the residents which would support economic growth, in line with the NPPF.

Visual amenity and character of the area:

The proposal is for a three storey building that fronts onto Wood View and the design includes single and two storey elements to the front elevation. The three storey elements of the building are broken up by differing eaves and ridge heights. The existing site slopes up gently towards the rear (south) and the building would be dug down into the site with a low retaining wall formed along the rear boundary.

A three storey building would not be out of keeping with the character of the area given that there is other three storey development within the immediate vicinity on both Wiggan Lane and Wood View. Section drawings have been provided which show the relationship with the nearest surrounding houses which demonstrate that the overall height of the building would not appear unduly incongruous within the site's immediate context.

The building would be lower in height than the large detached property to the east (256 Deighton Road) and lower in height than the two storey properties at the rear as a result of the topography of the area. The building would generally be the same height as the dwelling to the front, which is set down slightly from the site, albeit the rear part of the building would be approximately 0.5m higher than this neighbouring property; nevertheless I do not consider this to be significant in terms of the visual impact on the streetscene. There are bungalows immediately to the west and it is

acknowledged that the proposal would be considerably higher than these properties. However, considering the scale of existing buildings within the immediate vicinity and the fact that the proposal has a comparable overall height to adjacent buildings on balance I am satisfied that the three storey scale of the proposal would not result in any unacceptable detriment to the visual amenity or character of the area.

The massing of the building has been mitigated with the inclusion of single and two storey elements to the front, an asymmetrical roof profile to southern elevation gable end and a stepped profile to the western elevation. These factors combined with the building being set down slightly relative to Wiggan Lane help to alleviate the impact of the building's mass within the streetscene. The building is also set back from Wood View and is set in somewhat from Wiggan Lane which also helps to lessen the impact of the building as perceived at street level. There is a pinch point at the front of the building where it would be very close to Wiggan Lane although the separation then increases gradually up to about 2.4m. It is noted that the width of the building is comparable to 256 Sheepridge Road and is on generally the same building line at the front. In summary I consider the scale and mass of the building to be acceptable.

The building's footprint relative to the size of the plot is fairly substantial although a reasonable sized courtyard area is provided in the south east corner along with parking space and bin storage to the front and some areas of hard and soft landscaping to the western side and rear. As such I consider the proposal to be acceptable in this regard.

There are a variety of facing materials found within the surrounding area including natural
stone, artificial stone, brick and render. Facing materials are artificial stone and concrete tiles which would harmonise with the modern housing development on Wood View in terms of type. A condition requiring approval of samples is recommended.

No specific details of landscaping have been provided but this can be conditioned.

In conclusion it is considered that the application satisfies policies BE1 and BE2 of the UDP and guidance in the NPPF.

<u>Residential amenity:</u>

Policy BE12 of the UDP sets out the council's space about buildings policy.

The layout meets policy BE12 requirements in respect of separation distances between
habitable windows in the north elevation of the building and habitable windows within
neighbouring dwellings on the opposite side of Wood View.

The separation distances between habitable windows in the rear elevation of the building and habitable windows in the properties to the rear also accord with policy BE12. The southern gable end forms a blank elevation. Apartments do not have permitted development rights and so windows could not be formed in this elevation in the future without requiring consent.

It is considered that the separation distance to the garden areas of adjoining properties at the rear is acceptable. The southern gable end of the building would be close (approx. 1.8m) to the boundary with 2 and 6 Wiggan Lane although some physical separation is afforded by a narrow strip of land and detached garages belonging to these neighbours. This serves to mitigate the massing of the building on the neighbours' amenity space. The building is set in from the boundary with 258 Deighton Road by 9.5m; this is sufficient to prevent any significant impacts on this neighbouring rear garden in terms of massing and whilst there is a slight shortfall (1m) in terms of Policy BE12 separation distance from the living room window in apartments 3, 5 and 8 I do not consider that this would result in any significant harm to privacy. No objections have been received from this neighbour.

256 Deighton Road lies to the east and has a blank gable facing onto the site. The eastern
elevation of the proposed building contains a small number of non-habitable windows serving internal circulation space that would face onto the curtilage of 256 Deighton Road at a distance of approximately 8m. There are no significant concerns with the relationship between the proposal and this neighbouring property.

To the west of the site is 3 Wiggan Lane which is a bungalow with main habitable windows in its front elevation. There are main bedroom and living room windows as well as secondary living room windows in the western elevation of the proposed building. The separation distance is around 18m which represents a shortfall of some 3m in respect of policy BE12. The bedroom and secondary living room windows serving apartments 1, 4 and 7 have the most direct relationship with windows within 3 Wiggan Lane, with the other windows (serving apartments 3, 6 and 9) being at a somewhat oblique angle and slightly further away which results in less impact.

Having considered the relationship between windows in the western elevation and 3 Wiggan Lane I feel that it is just about acceptable. This is essentially a main elevation to main elevation relationship across a public highway where I think 18m separation would afford an acceptable degree of privacy. The living room windows in apartments 1, 4 and 7 are secondary openings and therefore not classed as main habitable windows and the bedroom windows, by the very nature of their use, mean that the potential for any significant sense of overlooking is much more limited. It is noted as well that no objections have been received from this neighbour. On balance the relationship is considered to be acceptable, especially when considering the wider benefits of the scheme in terms of bringing this vacant piece of land into productive use and delivering a specific type of housing to support more vulnerable people in the community and providing job opportunities.

The ground floor windows in the western elevation are very close to the adjacent footway which raises issues around privacy for future occupiers. The sections suggest that some boundary treatment would be provided that would afford a limited degree of screening. This relationship is however clearly acceptable to the developer and I do not consider it to be a significant cause for concern.

Highway safety:

Consultation was carried out with Highways Development Management under the pre-application enquiry and the highway issues have not materially changed through this planning application submission.

It is not expected that residents of the development will have private vehicles and on balance it is considered that parking generated by staff and visitors can be
safely accommodated within the site and on the surrounding highway network.

There are no concerns with the point of access of Wood View although there is currently a telegraph pole which is located in the middle of the proposed access which will need relocating accordingly.

Bin stores are provided.

The application accords with Policy T10.

Other matters:

The site lies within Flood Zone 1 on the Environment Agency's Flood Map and there are not considered to be any significant flood risk or drainage issues with this site.

The nature and location of the site are such that there are not considered to be any
significant ecological constraints to the development. Biodiversity enhancement is
considered appropriate in the form of a bird box on the building and any new planting being of native species. This can be conditioned.

There are a number of protected trees adjacent to the site and some of these are relatively
close to the eastern and southern site boundaries. The trees do not appear to overhang the site and there is a reasonable degree of separation to the proposed building. There are not any significant concerns with the impact on protected trees.

The site is not identified as contaminated land on the council's records although it is

adjacent to land that is identified as contaminated and which was remediated as part of the
housing development that now forms Wood View. The proposal site historically contained a Methodist chapel and Sunday School and does not appear to have formed part of the
commercial development that previously existing to the north. Environmental Services were consulted at pre-app stage and did not raise any significant concerns with
the proposal.

It is considered appropriate for a single electric vehicle charge point to be provided for the development to accord with current guidance on air quality. This can be conditioned.
The floor plans as shown on drawing number PL 001 do not correspond with drawing number PL 002 (proposed floor plans) and drawing number PL 003 (proposed elevations) in respect of the window arrangement in the western elevation. The application has been assessed on the basis of the floor layouts as shown on drawing number PL 002.

Representations:

One representation has been received from a property at the rear. The separation distance between the neighbour's windows and the opposing wall of the proposed building (blank gable) is around 19m which exceeds Policy BE12 requirements by 7m and this substantially mitigates the three storey height of the building when considering potential loss of light. The gable end would also be reasonably well separated from the objector's garden as already mentioned in this assessment.

The objector raises loss of view as a concern. There is no right to a view although in terms of general outlook and visual amenity it is considered that the separation distance as described above is sufficient to prevent any undue harm.

The impact on the objector's property value has also been mentioned. It is well established that this is not a material planning consideration.

Conclusion

The scale and mass of the building is considered to be acceptable having regard to the site's context and local topography. The development does not fully accord with Policy BE12 however it is considered that an acceptable standard of amenity would still be provided for existing and future occupiers and on balance the separation distances are accepted having regard to the wider benefits of the scheme in terms of providing new housing and jobs. The development would not materially prejudice highway safety.

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: 17/92489

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, as amended by the Planning and Compulsory Purchase Order 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications 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 so as to ensure the satisfactory appearance of the development on completion, and to accord with Policies BE1, BE2 and T10 of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework.

3. A sample of the external walling and roofing material to be used on the building shall be submitted to (or left on site for inspection) for approval in writing by the Local Planning Authority before works to construct the superstructure of the building commences. The development shall be constructed of the approved materials and thereafter retained as such.
Reason: In the interests of visual amenity and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan.

4. Details of the external boundary treatment and bin store enclosure shall be submitted to and approved in writing by the Local Planning Authority before the building is first brought into use. The approved boundary treatment shall be provided before any of the apartments is first occupied and retained as such thereafter.
Reason: In the interests of visual amenity and to accord with Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan and guidance in the National Planning Policy Framework.

5. Prior to the development being brought into use the parking and turning areas shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. 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 (with or without modification)) these areas shall be so retained, free of obstructions and available for access, parking and turning at all times.

Reason: To ensure adequate space within the site for vehicle movements and parking and to mitigate the impact of the development on flood risk and to accord with Unitary Development Plan Policy T10 and guidance in the National Planning Policy Framework.

6. A single sparrow terrace shall be provided on the building before it is first brought into use. The sparrow terrace shall be located at least 3 metres above the ground on the northern or eastern elevation of the building. The sparrow terrace so provided shall thereafter be retained.
Reason: To provide biodiversity enhancement and to accord with Chapter 11 of the National Planning Policy Framework.

7. In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all works on site (save for site investigation works) shall cease immediately and the Local Planning authority shall be notified in writing within 2 working days. Works on site 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. No part of the site shall be brought into use until such time as the whole 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 identify and remove unacceptable risks to human health and the environment and to accord with Policy G6 of the Unitary Development Plan and guidance in the National Planning Policy Framework.

8. An electric vehicle recharging point shall be installed within the site before any of the apartments are first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.
Reason: To accord with the guidance contained in Part 4 of the National Planning Policy Framework “Promoting sustainable transport” and to encourage low carbon forms of transport in accordance with Part 11 of the National Planning Policy Framework.

9. The bin storage arrangements as shown on the approved site plan (drawing number PL 001) shall be provided before any of the apartments are first occupied and shall thereafter be retained free from obstruction and available for bin storage thereafter.
Reason: In the interests of amenity and highway safety and to accord with Policies BE1 and D2 of the Kirklees Unitary Development Plan.

Note regarding the approved plans:

The floor plans as shown on drawing number PL 001 do not correspond with drawing number PL 002 (proposed floor plans) and drawing number PL 003 (proposed elevations) in respect of the window arrangement in the western elevation. For clarity, the application has been assessed and approved on the basis of the floor layouts as shown on drawing number PL 002.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	PL 000	-	14/7/17
Proposed site plan & schedule of accommodation (not window arrangement)	PL 001	-	14/7/17
Proposed Floor Plans (except opening patio doors to APT 06)	Pl 002	-	14/7/17
Proposed Elevations	PL 003	-	14/7/17
Proposed Section	PL 004	-	14/7/17
Proposed Street Scape Views	PL 005	-	14/7/17
Existing Site Plan	-	-	14/7/17
Design & Access Statement	July 2017	-	14/7/17

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 have, 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. The scheme has been through a formal pre-application enquiry. The application was considered acceptable in its submitted form and therefore negotiations with the agent were not entered into.

Report Dated: 8/9/17