



PLANNING SUPPORTING STATEMENT IN SUPPORT OF  
DETAILED APPLICATION FOR 1NO BLOCK OF 2NO  
APARTMENTS

LAND AT 2 AND 4 NEWLANDS AVENUE, CLAYTON WEST,  
HUDDERSFIELD

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## **CONTENTS**

- 1.0 INTRODUCTION
- 2.0 THE SITE AND PROPOSAL
- 3.0 PLANNING POLICY
  - 3.1 Local Planning Policy
    - 3.1.1 Unitary Development Plan Review
  - 3.2 Central Government Policy Advice
    - 3.2.1 The National Planning Policy Framework
- 4.0 ISSUES
  - 4.1 The Development Plan
  - 4.2 Other Material Considerations
    - 4.2.1 Housing Land Supply
    - 4.2.2 Highways
    - 4.2.3 Residential Amenity
- 5.0 CONCLUSION

## **1.0 INTRODUCTION**

This application, which is submitted in detail, seeks planning permission for one block of 2no apartments on land at no's 2 and 4 Newlands Avenue, Clayton West.

The application is supported by the following information:

- (i) Detailed layout and elevation plans – Stephen A Welcer;
- (ii) Planning Support Statement – Townsend Planning Consultants; and
- (iii) Highways Report – Paragon Highway Consultants.

This statement is submitted in support of the application and to provide the Council with full information to aid the authority in the discharge of its development control function.

This statement deals with issues of planning policy and government guidance. A Highway Report is also submitted to provide full information regarding access to the site.

Overall, it is considered that this proposal which forms sustainable development is wholly acceptable when judged in the context of the Development Plan and all material considerations (including the recently revised National Planning Policy Framework).

It is noted that the Council currently do not have a five year land supply. This site can usefully assist in providing in some small way

much needed housing in a sustainable area. This matter should be weighed heavily in favour of the proposal.

This statement now proceeds to outline the details of the site and the proposal, following which Government Guidance and Development Plan Policy is considered. The various issues that the proposal raises are then considered in detail. Finally, the conclusion is drawn that the proposal is acceptable in the context of the Development Plan and all relevant material considerations.

## **2.0 THE SITE AND PROPOSAL**

The subject site extends to some 394 square metres or thereabouts and currently forms a part of the large gardens to no's 2 and 4 Newlands Avenue, which constitutes a pair of semi-detached properties.

The subject site is located within the settlement of Clayton West in a predominantly residential area constructed to a high density.

The subject site is situated within a sustainable urban area with schooling, shopping and public transport routes within a short walking distance.

It is considered that the site forms an underused urban resource currently constituting gardens which are far too large for the host properties (both of which are owned by the applicant). The site is accessed by a constrained essentially single track highway.

Planning permission is sought in detail for the construction of one block of 2no one bedroom apartments. It is clear from the submitted scheme that the proposal can be achieved and meet the Council's space about buildings standards. Furthermore, sufficient garden land will be retained by the host properties and the proposal will provide sufficient amenity space for an apartment development.

It is acknowledged that the access to the site is constrained and as part of the proposal highway improvements in the form of a passing bay are provided. It is considered that this will be to the benefit of all

highway users and will more than offset any alleged harm by the increase in traffic movements generated by the further 2no one bedroom apartments. A full detailed highways report is provided with this submission.

It is considered that this proposal will help in some small way to assist the Council in meeting its housing objectives and will introduce a new form of housing in the immediate area. It is clear that the proposal will not harmfully impact on properties around and can usefully add to land supply.

Overall, the proposal constitutes sustainable development and will assist in the Council meeting its housing land supply shortfall.

### **3.0 PLANNING POLICY**

#### **3.1 Local Planning Policy**

The Development Plan consists of the saved policies of the Kirklees MDC Unitary Development Plan (adopted in March 1999). Clearly, given the age of the document, the weight that can be given to such policies is limited unless they are consistent with the NPPF.

The site is unallocated in the UDP.

##### **3.1.1 Unitary Development Plan Review**

The following policies are relevant to the consideration of this application:-

(i) Policy D2

Policy D2 states:

***“PLANNING PERMISSION FOR THE DEVELOPMENT (INCLUDING CHANGE OF USE) OF LAND AND BUILDINGS WITHOUT NOTATION ON THE PROPOSALS MAP, AND NOT SUBJECT TO SPECIFIC POLICIES IN THE PLAN, WILL BE GRANTED PROVIDED THAT THE PROPOSALS DO NOT PREJUDICE***

***(I) THE IMPLEMENTATION OF PROPOSALS IN THE PLAN;***

- (II) THE AVOIDANCE OF OVER DEVELOPMENT;**
- (III) THE CONSERVATION OF ENERGY;**
- (IV) HIGHWAY SAFETY;**
- (V) RESIDENTIAL AMENITY;**
- (VI) VISUAL AMENITY;**
- (VII) THE CHARACTER OF SURROUNDINGS;**
- (VIII) WILDLIFE INTERESTS; AND**
- (IX) THE EFFICIENT OPERATION OF EXISTING AND PLANNED INFRASTRUCTURE.”**

It is considered that this proposal would not prejudice proposals of the Plan and would not constitute over-development. Conservation of energy measures can be included (which can be dealt with by condition). Highway safety will be improved. Residential amenity of both future occupiers and adjacent dwellings would be safeguarded. Visual amenity of the site will not be harmed. The proposal does not conflict with wildlife interests and the proposal fits in with existing infrastructure being located within the built-up settlement.

(ii) Policy BE1

**“ALL DEVELOPMENTS SHOULD BE OF GOOD QUALITY DESIGN SUCH THAT IT CONTRIBUTES TO A BUILT ENVIRONMENT WHICH:-**

- (I) CREATES OR RETAINS A SENSE OF LOCAL IDENTITY;**
- (II) IS VISUALLY ATTRACTIVE;**

- (III) PROMOTES SAFETY INCLUDING CRIME PREVENTION AND REDUCTION OF HAZARDS TO HIGHWAY USERS;**
- (IV) PROMOTES HEALTHY ENVIRONMENT; INCLUDING SPACE AND LANDSCAPING ABOUT BUILDINGS AND AVOIDANCE OF EXPOSURE TO EXCESSIVE NOISE OR POLLUTION.**
- (V) IS ENERGY EFFICIENT IN TERMS OF BUILDING DESIGN AND ORIENTATION AND CONDUCTIVE TO ENERGY EFFICIENT MODES OF TRAVEL IN PARTICULAR WALKING, CYCLING, USE OF PUBLIC TRANSPORT.”**

The proposal will provide a good quality housing development which will not detract from the local identity of the area and will be visually attractive. The proposed scheme, by virtue of design and layout, will ensure that safety and crime prevention measures are incorporated. The proposal does not raise any new highway issues and will result in highway improvements. In terms of a healthy environment, there is clearly sufficient space around the buildings and landscaping measures can be incorporated. The site is in a sustainable location close to schools, shops and public transport routes.

- (iii) Policy BE2

**“NEW DEVELOPMENT SHOULD BE DESIGNED SO THAT:-**

- (I) IT IS IN KEEPING WITH ANY SURROUNDING DEVELOPMENT IN RESPECT OF DESIGN, MATERIALS, SCALE, DENSITY, LAYOUT, BUILDING HEIGHT OR MASS;**
- (II) THE TOPOGRAPHY OF THE SITE (PARTICULARLY CHANGES IN LEVEL) IS TAKEN INTO ACCOUNT;**
- (III) SATISFACTORY ACCESS TO EXISTING HIGHWAYS CAN BE ACHIEVED;**
- (IV) EXISTING AND PROPOSED LANDSCAPE FEATURES INCLUDING TREES ARE INCORPORATED AS AN INTEGRAL PART OF THE PROPOSAL.”**

It is considered that the proposal will not be out of place in terms of details such as materials, scale or density in such as mixed use area. The juxtaposition of development around the site has been taken into account in the proposed layout. Satisfactory access can be achieved and a landscaping scheme will be incorporated which no doubt can be dealt with by condition.

(iv) Policy BE12

BE12 states:-

**“NEW DWELLINGS SHOULD BE DESIGNED TO PROVIDE PRIVACY AND OPEN SPACE FOR THEIR OCCUPANTS, AND PHYSICAL SEPARATION FROM ADJACENT**

**PROPERTY AND LAND. THE MINIMUM ACCEPTABLE DISTANCE WILL NORMALLY BE:-**

- (I) 21M BETWEEN A HABITABLE ROOM WINDOW OF A DWELLING AND A HABITABLE ROOM WINDOW OF A FACING DWELLING;**
- (II) 12M BETWEEN A HABITABLE ROOM WINDOW OF A DWELLING AND A BLANK WALL OR A WALL CONTAINING A WINDOW OF NON HABITABLE ROOM;**
- (III) 10.5M BETWEEN A HABITABLE ROOM WINDOW OF A DWELLING AND THE BOUNDARY OF ANY ADJACENT UNDEVELOPED LAND; AND**
- (IV) 1.5M BETWEEN ANY WALL OF A NEW DWELLING AND THE BOUNDARY OF THE ADJACENT LAND (OTHER THAN A HIGHWAY).**

**DISTANCES LESS THAN THESE WILL BE ACCEPTABLE IF IT CAN BE SHOWN THAT BY REASON OF PERMANENT SCREENING, CHANGES OF LEVEL OR INNOVATIVE DESIGN NO DETRIMENT WOULD BE CAUSED TO EXISTING OR FUTURE OCCUPIERS OF THE DWELLING OR ANY ADJACENT PREMISES OR POTENTIAL DEVELOPMENT LAND WHICH MAY AFFECT IT."**

As shown on the submitted plans, this proposal conforms to the general approach adopted in terms of space about building standards.

The supporting text states:-

***“A reasonable amount of space should be provided around new dwellings in the interests of the amenity of future residents and to prevent over looking and undue loss of privacy to any existing residents.”***

At 4.27 it goes on to state:-

***“The Council is aware that in many cases a pragmatic approach can be taken in respect of space requirements within residential areas. In many cases where infill development is proposed it may be reasonable to accept existing space standards within the immediate locality if this ensures the privacy or amenity of existing residents if not detrimentally affected. “***

### 3.2 Central Government Policy Advice

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the planning authority must determine the application in accordance with the statutory development plan (insofar as it is material to the application) unless material considerations indicate otherwise. The importance of the statutory development plan in the decision making process necessitates an examination of the relationship of the policies of the plan to one another and to Government guidance, principally through the NPPF and retained circulars.

### 3.2.1 National Planning Policy Framework

The NPPF was published on the 24<sup>th</sup> July 2018. At Para 2 of the introduction it states:

***“Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.”***

At Para 7 it states:

***“The purpose of the planning system is to contribute to the achievement of sustainable development.”***

The Framework sets out three objectives in respect of sustainable development – an economic objective, a social objective and an environmental objective. In this instance in terms of the economic objective, the proposal will result in economic activity. In terms of the social objective, it will provide much needed starter homes for the local community. With regard to the environmental objective, the proposal will form infill development within a settlement without impacting harmfully on issues of biodiversity and the natural environment.

Para 11 states:

***“Plans and decisions should apply a presumption in favour of sustainable development... For decision taking this means:***

***...c. Approving development proposals that accord with an up to date development plan without delay.”***

At Para 38 with regard to decision taking, it states:

***“Local planning authorities should approach decisions on proposed development in a positive and creative way... Decision makers at every level should seek to approve applications for sustainable development where possible.”***

Section 5 deals with delivering a sufficient supply of homes. At Para 73 with regard to maintaining supply and delivery it states that there should be a minimum of five years worth of housing land available.

Section 11 deals with making effective use of land. At Para 117 it states:

***“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses...”***

At Para 118 it states:

***“Planning policies and decisions should:  
...d. Promote and support the development of underutilised land and buildings.”***

At Para 122 with regard to achieving appropriate densities, it states:

***“Planning policies and decisions should support development that makes efficient use of land...”***

Section 12 deals with achieving well designed places and states that good design is a key aspect of sustainable development.

Para 127 states that decisions should ensure that developments meet a number of criteria. That is the case in this instance. The site will:

- a. function well;
- b. be visually attractive;
- c. be sympathetic to the local character, maintain a strong sense of place and provide a high standard of amenity for existing and future users.

It is clear that this proposal conforms with the NPPF.

## **4.0 ISSUES**

### **4.1 The Development Plan**

The starting point for the consideration of this application in the context of Section 38(6) is the Development Plan.

It will be noted that the policies of the Development Plan pre-date the National Planning Policy Framework and are somewhat out of step with current up to date guidelines.

It is clear by reference to the NPPF that the Council's policies on housing land supply are no longer relevant. It is also considered that other policies of restraint carry little weight for the reasons set out below.

It is considered that there are no policies in the development plan which would preclude development of the site.

### **4.2 Other Material Considerations**

It is considered that in the context of the other material considerations, this clearly points to the grant of planning permission.

#### **4.2.1 Housing Land Supply**

At para 49 of the NPPF, it outlines that housing applications should be determined in the context of the presumption in favour of

sustainable development and that policies for the supply of housing should not be considered up-to-date if the LPA does not have a five year land supply of deliverable sites. This should weigh heavily in favour of the proposal.

#### 4.2.2. Highways

A Highways Statement is submitted with this application. There will be benefit to the issue of highway safety and any increase in traffic movements is more than offset by the improvements proposed. This proposal offers betterment in highway terms.

#### 4.2.3 Residential Amenity

It is shown in the submitted scheme that the proposal can be undertaken without giving harm to issues of residential amenity in respect of existing and future occupiers of the dwellings proposed and around the site. It will also be noted that space about dwellings standards set out in the Council's development plan are fully accorded with. Sufficient amenity space is retained for both of the existing properties. The new development has sufficient space around to provide sufficient amenity space as would be expected for an apartment development.

## **5.0 SUMMARY / CONCLUSION**

The development of this site will assist in the Council providing much needed housing in a highly sustainable urban location.

The submission sets out that the proposal meets all standards in terms of the Council's residential amenity policies. The proposal also offers benefit in highway terms.

It is considered in the light of the Development Plan and all materials considerations that planning permission should be forthcoming. Nevertheless, the applicant remains willing to discuss all aspects of the proposal with the Council.