
Report of the Head of Strategic Investment**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 15-Nov-2018****Subject: Planning Application 2018/92605 Erection of 6 dwellings and ancillary building and associated landscaping former, Woodwell House, Mayman Lane, Batley****APPLICANT**

Richard Webb, MCCH

DATE VALID

09-Aug-2018

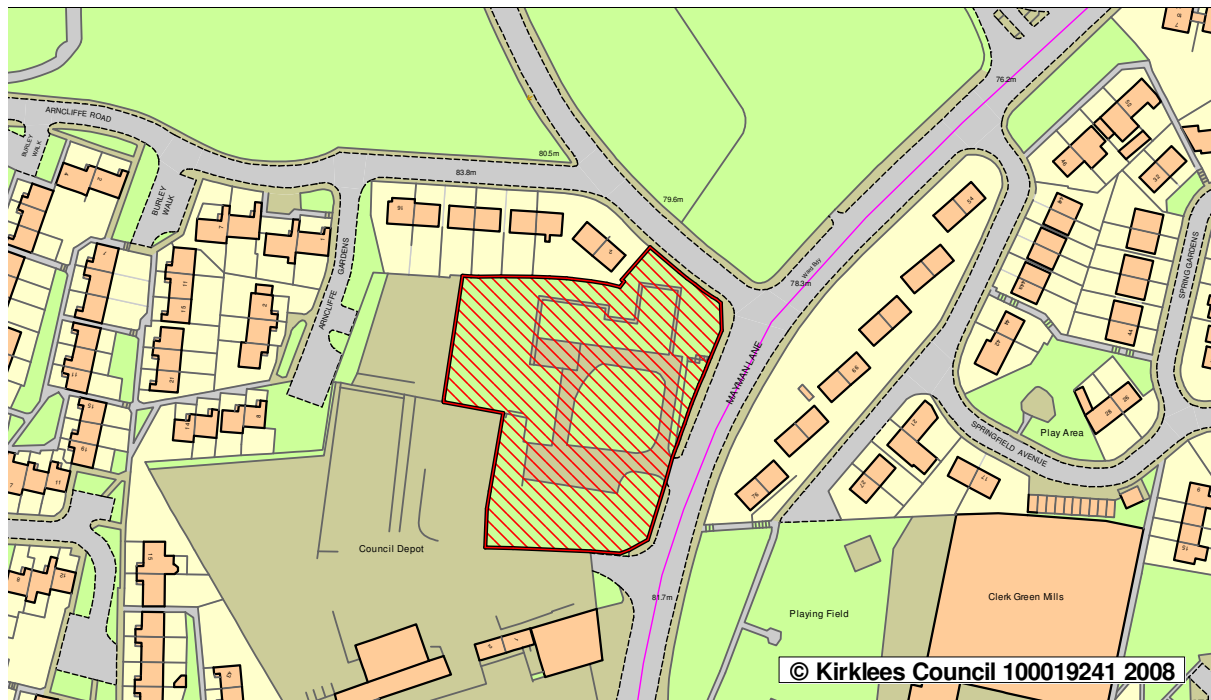
TARGET DATE

04-Oct-2018

EXTENSION EXPIRY DATE

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<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: Batley East

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION: DELEGATE approval and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This application is reported to the Heavy Woollen Planning Sub-Committee as the application is for residential development on a site in excess 0.5 hectares. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a vacant area of enclosed land which is currently used by the Council as storage, with an area of 0.54 hectares, and formerly the Woodwell House residential home. The site is enclosed by a chain mail fence with an existing access to Mayman Lane. There are several groups of mature trees within the site with an area of hardstanding to the front of the site.
- 2.2 To the North of the site are a row of semi-detached bungalows along Arncliffe Road with a Council depot to the South. To the South are further residential dwellings set at a higher land level adjacent to Mayman Lane.
- 2.3 The site is set on the border of the Cross Bank Batley Conservation Area, which is to the north of the application site.
- 2.4 The site is unallocated land on the Kirklees Unitary Development Plan proposals map. The site allocation is proposed to change within the Draft Publication Local Plan to a housing site (ref: 1702); the application site only covers part of the proposed allocation.

3.0 PROPOSAL:

- 3.1 The application is sought to provide supported living residential dwellings for six residents with learning disabilities with a mix of private and shared outdoor space with ancillary facilities for a potential of 12 support staff including a private office and overnight accommodation for up to two staff with appropriate access and parking provision.

- 3.2 The proposed residents would be adults with learning disabilities and who may also be on the autistic spectrum with an aim to allow the individuals to live as independently as possible within the community.
- 3.3 The dwellings will be made up of two blocks of three one bedroom bungalows with a staggered layout from West to East across the site. Each dwelling would benefit from a private enclosed garden to the front and rear with canopy to both elevations provided by the roof form. Access to the dwellings would be provided via secure gate access adjacent to the staff block.
- 3.4 The existing access would be upgraded to improve highway safety and pedestrian access. The access road would lead to two private vehicular parking areas with a pick up/drop off area adjacent to the staff block.
- 3.5 It is proposed to landscape the remaining site, between the residential blocks and the site boundary to provide screening and interest.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 98/0025 Erection of new entrance porch, conservatory and meeting room
Granted under Reg. 3 General Regulations

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The case officer has been in negotiations with the agent following the initial formal consultation response from K.C Highways Development Management. It was requested by the Council's Highways Development Management Officer that detailed plans be submitted to show visibility splays of 2.4m x 43m along the site frontage with all obstructions cleared; location of adequate bin storage within the site and swept paths for an 11.85m refuse collection vehicle demonstrated at the site access and internally. The amended plans were received on 20.09.2018.
- 5.2 Negotiations have also taken place in relation to a Public Open Space contribution.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). 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 Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the Nation Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not carry from those within the UDP, do not attract significant unresolved objections and are consistent with the Nation Planning Policy Frameworks (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The site is unallocated on the Kirklees Unitary Development Plan proposals map. However, as part of the Kirklees Publication Draft Local Plan, it is proposed to change to part of a wider housing allocation (ref: 1702).

6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D2 – Unallocated Land

BE1 – Design principles

BE2 – Quality of design

BE12 – Space about buildings

T10 – Highway Safety

T19 - Parking

EP11 – Ecological Landscaping

G6 – Contaminated land

H18 – Public open space

EP4 – Noise sensitive development

EP11 – Integral landscaping scheme to protect/enhance ecology

NE9 – Retention of mature trees

6.4 Kirklees Publication Draft Local Plan: Submitted for examination April 2017 (PDLP)

PLP 21 – Highway Safety and Access

PLP 22 – Parking

PLP 24 – Design

PLP 33 - Trees

PLP 30 – Biodiversity and Geodiversity

PLP 52 – Protection and improvement of environmental quality

PLP 53 – Contaminated and unstable land

PLP 63 – New open space

6.5 National Planning Policy Framework (NPPF):

Chapter 5 – Delivering a sufficient supply of sustainable homes

Chapter 11 – Making effective use of land

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

Chapter 16 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 No representations were received following the period of public consultation

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways Development Management – No objection subject to the addition of conditions which require the areas to be surfaced and drained; visibility splays to be provided and the relocation of the bus stops opposite the site entrance.

The Coal Authority – No objection subject to the addition of a condition requiring site investigation works prior to commencement of the development.

Local Lead Flood Authority – No objection subject to a condition requiring full drainage details to be submitted prior to the commencement of the development.

8.2 **Non-statutory:**

K.C Conservation and Design - No objection

K.C Ecology – No objection subject to the addition of condition which requires the submission of additional ecological information.

K.C Trees – No Objection

K.C Landscape – No objection subject to condition requiring the submission of a landscape and planting plan. Public Open Space contribution should be sought.

K.C Environmental Health – No objection subject to the addition of a condition which requires further information to be submitted with regards to contaminated land following submission of the Phase 1 Contaminated Land Report. A condition is also recommended for the provision of electric vehicle charging points.

9.0 **MAIN ISSUES**

- Principle of development
- Visual amenity/local character
- Residential amenity
- Highway issues
- Representations
- Other matters

10.0 **APPRAISAL**

Principle of development

10.1 The site is unallocated within the Kirklees Unitary Development Plan (UDP), therefore policy D2 applies. Policy D2 states that “planning permission for the development of land and buildings without notation on the UDP proposals map, and not subject to specific policies in the plan, will be granted provided that proposals do not prejudice the following:

- The implementation of proposals in the plan;
- The avoidance of over-development;
- The conservation of energy;
- Highway Safety;
- Residential Amenity;
- Visual Amenity;
- The character of the surroundings;
- Wildlife interests; and
- The efficient operation of existing and planned infrastructure.

- 10.2 It is noted that the 'land ay Mayman Lane' is marked as an unlisted asset of community value. This listing expired on 8th August 2018 with no member of the public coming forward prior to this time to buy the land.
- 10.3 As the proposed development is for a residential development which would provide supported residential accommodation for six residents with learning disabilities it is considered that the development would be of benefit to the local community by providing a much required service.

Impact on visual amenity

- 10.4 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. Paragraph 127 of chapter 12 of the NPPF sets out that, amongst other things, planning decisions should ensure that developments function well and add to the overall quality of the area; is visually attractive as a result of good architecture, layout and appropriate and effective landscaping and; is sympathetic to local character and history
- 10.5 The proposal seeks permission to provide supported living residential dwellings for six residents with learning disabilities with a mix of private and shared outdoor space with ancillary facilities for a potential of 12 support staff including a private office and overnight accommodation for up to two staff members.
- 10.6 The proposed development is considered to be acceptable in terms of scale, layout and design of the proposed dwellings and staff block. The development offers generous living accommodation set within extensive landscaped setting set back from Mayman Lane.
- 10.7 The two blocks of three residential bungalows are staggered in built form. This adds interest to the development and in turn creates a level of screening from neighbouring residents. The dwellings are single storey in height which is in keeping with the neighbouring properties on Arncliffe Road. Although the materials proposed are not necessarily in keeping it is noted that there is a mix of materials within the area and as the dwellings are set within the site with a generous landscaped buffer, the materials are considered to be acceptable.
- 10.8 The application site increases in gradient from East to West. As a result, plots 3 and 6 would be at a slightly higher level than the attached plots 2 and 5. It is proposed to add a retaining wall to the West of the dwelling block which is acceptable as views would be limited. The materials of the wall have not been specified therefore to mitigate any impact on visual amenity a condition is recommended to be added should permission be granted for full details of the retaining wall.
- 10.9 The 1.5 storey staff block is located to the North East of the application site. The staff accommodation is 9.2m in width with a length of 10.7m at a height of 4.2m to the eaves and overall height of 7m of the pitched roof. The block has a sheltered area of 2.1m to the South corner leaving the front elevation set back. The front and side (South) elevations comprise of floor to ceiling glazed windows at ground floor which is considered to add interest to this elevation.

- 10.10 The North West and North East elevations are limited in fenestration. The North West elevations include window openings at first floor and roof lights only leaving a blank area under the eaves level. As this elevation faces into the site there are limited views from the street scene and therefore no considered impact on visual amenity. The North East elevation holds only an entrance door to the West with the remaining gable left blank. This is considered to be mitigated by the buffer of the parking area and some landscaping between the building and the street scene.
- 10.11 The parking area is proposed along the frontage of the site to the East adjacent to Mayman Lane. The entrance road leads to a parking area to the South East and another to the North. The frontage would be planted to create a screen from the street scene and to add interest to the site. There are no details of any boundary treatment along this boundary, as such, full details are recommended to be conditioned should permission be granted.
- 10.12 In summary, there would be no undue harm to the visual amenity enjoyed by occupiers of neighbouring properties or the wider streetscene. As such, the application is considered to comply with Policies D2, BE1 and BE2 of the UDP, Policy PLP24 of the PDLP and guidance contained within Chapter 12 of the NPPF.

Impact on residential amenity

- 10.13 The closest residential properties to the application site are 2-6 Arncliffe Road to the North and 74-76 Springfield Avenue to the East. To the South and South West of the site is a Kirklees Council Waste Transfer depot.
- 10.14 Nos. 2 and 4 Arncliffe Road are semi-detached bungalows which are built at an angle to the North boundary of the site. There is a proposed separation distance of 15.7m from plot 4 and no.2 Arncliffe Road which increases to 20.3m to no.4 Arncliffe Road. The proposed residential dwellings would be separated from the neighbouring properties by both private and shared amenity space with mature trees. Due to the distance and the different elements of landscaping, there is considered to be no undue impact on the residential amenity of existing neighbouring residents or future occupiers.
- 10.15 No.6 Arncliffe Road is a semi-detached bungalow located to the North of the application site. There is a proposed separation distance of 26.2m between the rear elevation of plot 5 and the neighbouring property. It is therefore considered that there would be no impact on the residential amenity of the neighbouring property or future residents.
- 10.16 Nos.74 and 76 Springfield Avenue are two storey semi-detached dwellings located to the East of the site at a much higher land level. There is a separation distance of 39m to plot 1 and therefore there is considered to be no undue impact on residential amenity.
- 10.17 There is a high level window proposed within the rear elevation of plots 1-6 which would serve a bathroom. Although the window is 1.7m above floor level a condition is recommended for the window to be obscurely glazed to ensure there is no impact on residential amenity of future occupiers.

- 10.18 With regards to the proposed staff block, this is proposed to the North East of the site adjacent to plot 4. There is no considered impact on the residential amenity of occupants of neighbouring properties as a result of this element. There are however windows proposed at ground level to serve two bedrooms for staff which would directly face onto the residential amenity space for plot 1. It is considered that due to the proposed boundary treatment along this boundary and the nature of the development to provide care for the residents it is considered acceptable.
- 10.19 In summary, the application is considered to be acceptable with regards to residential amenity, complying with Policy D2 of the UDP, Policy PLP24 of the PDLF and guidance contained within Chapter 12 of the NPPF.

Highway Safety

- 10.20 The application proposes a residential development of six assisted living units with ancillary staff accommodation. The access to the site would be provided by an existing access which is proposed to be upgraded. The required visibility splays at the entrance of 2.4m x 43m are achievable subject to the removal of the existing fence.
- 10.21 The application site provides 20 parking spaces and cycle storage within the site which is considered to meet the recommended standard. There is adequate space for the required on site turning for refuse vehicles within the site with associated refuse storage and collection point(s) identified. Although the recommended dragging distance from the residential properties to the bin storage/collection point is exceeded, on balance, it is considered to be acceptable in this instance due to the nature of the proposals.
- 10.22 In all, the proposal is considered acceptable from a highway safety and efficiency perspective, in accordance with Policies D2 and T10 of the UDP and Policy PLP21 of the PDLF.

Representations

- 10.23 No representations were received following the period of public consultation for the application.

Other Matters

- 10.24 ***Environmental Health*** - A formal consultation was requested from Environmental Health as part of the assessment process. The Environmental Health Officer confirmed that the proposed development is partly on land which is considered to be potentially contaminated by a previous use.
- 10.25 As the proposed residential development is one which is sensitive to land contamination, the applicant submitted a Preliminary Land Contamination and Geotechnical Risk Assessment (ref: 23-24-19-1-6007/DSR1). The report advises that the site had been previously developed and is likely to have some made ground and identifies some potentially contaminating uses in close proximity to the site. It is advised to progress to a Phase 2 Intrusive investigation to assess the soils for contamination and the monitoring of ground gas.

- 10.26 The Environmental Health Officer confirmed that the findings within the report were sound and therefore recommended conditions to be added for further investigative works to be completed should planning permission be granted, in accordance with Policy G6 of the UDP, Policy PLP53 of the PDLP and Chapter 15 of the NPPF.
- 10.27 As the application is proposed for residential development it is recommended that a condition be added to require facilities for the charging of electric vehicles and other ultra-low emission vehicles in accordance with the Air Quality and Emissions Technical Planning Guidance from the West Yorkshire Low Emissions Strategy Group.
- 10.28 **Ecology** - The proposed development is considered to be acceptable as it is unlikely to result in significant impacts to protected species. The layout is considered to be appropriate and includes scope for ecological mitigation and enhancement, however, further ecological information is required in order to demonstrate a net biodiversity gain.
- 10.29 It is therefore considered necessary to add conditions to any permission which would require the submission and written approval of an Ecological Design Strategy (EDS) detailing how the scheme has been designed to take account of the ecological mitigation hierarchy and provide a net biodiversity gain.
- 10.30 Conditions are also recommended in relation to the submission of an invasive non-native species protocol which should detail the containment, control and removal of wall cotoneaster (*Cotoneaster horizontalis*) on the site. Through the inclusion of appropriate conditions, it is considered that the proposal would comply with the aims of Chapter 15 of the NPPF.
- 10.31 **Landscape** - A formal consultation was carried out with K.C Landscape as the area of the site is over the 0.4 hectares (site area 0.54 hectares). As per Policy H18 of the UDP, the application falls within the threshold for seeking a Public Open Space (POS) contribution at 30 sq.m. per dwelling. Furthermore, as the development is proposing over 5 dwellings, consideration needs to be had to the guidance set out in the Fields for Trust Guidance, which suggests securing the provision of a Local Area of Play (LAP) for developments of between 5 to 10 dwellings.
- 10.32 In respect to Public Open Space, the site proposes some communal gardens, however, this would be for the use of residents only and not open to the public due to the nature of the end use. As such, initially officers considered the appropriateness of securing an off-site POS contribution of 50% of the standard POS calculation (£8,050 reduced from £16,100).
- 10.33 The above was discussed with the applicant and it was suggested that they could contribute 25%, which would equate to £4,250. After careful consideration, and taking into account the end use and overall purpose of this specialist residential development, the advice of officers is that this contribution is not pursued. The proposal in itself is to provide a significant contribution to the community. The pre-ambles to Policy H18 of the UDP sets out that the provision of POS is important, both in terms of meeting the demands for local recreation opportunities generated by the new residents and creating an attractive site layout. In this instance, it is the opinion of officers that this proposal would achieve the above without any further contribution because i) the end users would be individuals who would not generate further needs to use recreational facilities on a regular basis, they would use the facilities

available at the site and, ii) the layout of the development has been designed to include large areas of landscaping which would be used by the residents and also provides an attractive site layout.

- 10.34 Turning to the matter of the LAP, the guidelines set out in the Fields for Trust Guidance relate to residential and mixed use developments. It sets out that the standards should be reviewed where there are high levels of student housing or sheltered accommodation. In this instance, the proposal is to provide sheltered accommodation at a low density. It is therefore considered unreasonable in this instance to seek a contribution in relation to the provision of a LAP.
- 10.35 **Trees** - There are a number of trees within the application site which are located mainly to the borders of the site and as such, an Arboricultural Report accompanied the planning application. The proposed layout avoids the majority of the tree cover on the site and those that are affected are not considered to be of high quality.
- 10.36 It is noted by the Council's Arboricultural Officer that the position of plot 3 is close to a tree group (group 3) on the Western boundary which may cause future issues due to the close proximity or shading. However, the trees are growing in close proximity to a retaining wall and are not of sufficient quality to merit a Tree Preservation Order (TPO). The submitted Arboricultural Report states that the shading from the trees would be limited to evening time only. Therefore the proposal is not considered to result in a detrimental impact to the viability of the mature trees, in accordance with the aims of Policy NE9 of the UDP and Policy PLP33 of the PDLF.
- 10.37 **Coal Mining Legacy** - The application site falls within the defined high risk development area whereby there are coal mining features and hazards which would need to be considered in the determination of the application. As required, the applicant submitted a Preliminary Land Contamination and Geotechnical Risk Assessment which has been reviewed by the Coal Authority. The submitted Assessment states that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth.
- 10.38 As such, the Coal Authority have recommended further intrusive site investigations in order to establish the exact situation regarding ground conditions and to enable the appropriate remedial measures to be identified if necessary. The recommended pre-commencement conditions would be added to the decision notice should planning permission be granted in order to ensure that the proposal complies with the aims of Chapter 15 of the NPPF.
- 10.39 **Heritage considerations** - The application site is adjacent to the Cross Bank Batley Conservation Area which is located to the North and North East. The K.C Conservation and Design Officer was consulted as part of the application process who confirmed that the development would not be considered to be out of keeping with the adjacent residential properties, nor would it affect the setting of the adjacent Conservation Area. The proposal is considered to comply with the aims of Chapter 16 of the NPPF.

10.40 *Kirklees Publication Draft Local Plan allocation and effective use of land*

As previously set out, the application site forms part of a wider proposed PDLP housing allocation referenced 1702. The wider allocation (with the inclusion of this application site) is indicated to have a capacity for 19 dwellings. In this instance, officers are of the opinion that the granting of this application for 6 residential units would not prejudice the development of the wider site for at least that number of dwellings. In terms of an efficient use of land, it is acknowledged by officers that that proposal would not result in a dense form of development. However, Chapter 11 of the NPPF does set out that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117 of the NPPF) and that planning decisions should support development that makes efficient use of land taking into account, amongst other things, the identified need for different types of housing (para.122 of the NPPF).

- 10.41 In this instance, the proposal is to provide a specific type of housing that has been identified as being required within the district and would ensure safe and healthy living conditions for future occupiers of the development. As such, officers are satisfied that the proposal would comply with the aims of the NPPF and the wider provisions of the Development Plan.

11.0 CONCLUSION

- 11.1 To conclude, the proposal would provide a much needed specific type of housing development within the district. The overall design and layout of the scheme is considered acceptable from a visual and residential amenity perspective, and, following receipt of amended plans during the course of the application, the proposal is also considered acceptable in relation to highway safety and efficiency. All other relevant matters, as outlined above, are also considered by officers to have been addressed.
- 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 the relevant policies in the development plan and other materials considerations and it is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS

1. Standard three year timeframe for the development to begin.
2. The development to be carried out in accordance with the approved plans.
3. Submission of details of building materials.
4. Submission of details of boundary treatments and retaining wall.
5. Submission of an Intrusive Site Investigation Report in relation to both contaminated land and coal mining legacy (Phase 2 Report) (Pre-commencement)
6. Submission of a Remediation Strategy in relation to both contaminated land and coal mining legacy (Pre-commencement)
7. Implementation of the Remediation Strategy in relation to both contaminated land and coal mining legacy
8. Submission of Validation Report in relation to contaminated land
9. Electric vehicle charge points
10. Submission of an invasive non-native species protocol (Pre-commencement)
11. Submission of an Ecological Design Strategy
12. Submission of a full hard and soft landscaping scheme
13. Submission of a scheme restricting the rate of surface water discharge
14. Surfacing and drainage of areas to be used by vehicles and/or pedestrians
15. Provision of visibility splays
16. Scheme for the relocation of bus stops.

Background Papers:

Link to the application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f92605>

Certificate of Ownership – Certificate B signed and dated 08.08.2018.

