

Wigan Council

Report to Planning Committee

9th March 2010

Application No: A/10/73800 (Video)

Speaking arrangements:

Major development. One speaker against for 4 minutes One speaker in favour for 4 minutes.

Applicant: Adactus Group

Development Proposed: Part alternative to previous approved scheme A/07/69862 to allow 7no. one bedroom apartments, 4no. two bedroom apartments, staff sleeping area and alterations to parking provision, together with erection of 1.2m high railings and gates to front.

Location: 22 Hope Street Ince

Ward: Abram

Representations

51 individual letters of objection.

Councillor Brierley has expressed concern about the impact of the proposal.

Site Description:

The application site consists of land at the end of Hope Street with an apartment building that has recently been constructed but not occupied. The site is bounded by residential properties to the north, south and east, with railway sidings being located to the west of the site. Properties on adjacent plots at 18 and 20 Hope Street are bungalows but the majority of the properties in the area are two storey.

Proposals:

The proposal seeks a change of use from the approved scheme which comprised 13 single bedroom apartments and replace it with 7 no. one bedroom apartments, 4 no. two bedroom apartments, staff sleeping area and alterations to the parking provision, together with the erection of railings and gates. This is because Adactus Housing Association have been awarded funding to provide short-term accommodation for women and children needing support and seeking refuge from domestic violence.

The apartments will be owned by Adactus and will be run and managed by a suitable service provider. This will be chosen by the Wigan Supporting People Partnership. There

will be support staff available at the premises to provide 24 hour support 7 days a week dealing with the day to day supervision and management of the site.

Supplementary Documents

Design and Access Statement

This document is available for inspection by the Committee on request in the Department and is available on the website.

Policy Context

UDP Allocation:

The site is unallocated within the Replacement Unitary Development Plan

Relevant Policies/Guidance

R1B - New Housing Sites

R1D - The Design of New Residential Development and House Extensions

R1E - Open Space in New Housing Developments

EV3A - Design of New Development

A1S - Parking in New Development

Previous Relevant Decisions:

A/03/58523 - Outline Application - Residential Development including layout of vehicular access - Approved 06.05.2004

A/04/62288 - To erect 1 no. detached dwellinghouse - Approved Conditionally 25.10.2004

A/06/67792 - To erect 15 no. apartments - Refused 30.01.2007

A/07/69132 - To erect 13 no. apartments with associated parking and landscaping withdrawn 27.07.2007

A/07/69862 - To erect one block of 13 no. apartments, with associated parking areas, amenity space, bin/cycle stores and landscaping (revision to A/07/69132) - Approved 13.11.2007

Consultations:

Engineers Highways and Traffic - No Objections

Drainage - No Objections in principle

United Utilities - No Objections

Environment Agency - No Objections

Greater Manchester Police - Any Comments received will be reported verbally

Anti Social Behaviour Team - Any Comments will be reported verbally

Representations

Councillor Brierley has raised objections about the impact of the proposal on existing residents in particular a fear of crime and has requested that the application be determined by Members following a site visit.

51 individual letters have been received and a sample is attached for Members consideration. The grounds of objection are:

- fear of crime and anti-social behaviour
- noise and disturbance
- lack of parking and highway safety
- inappropriate location for the proposed use
- 1.8 m gates and fence not appropriate in the streetscene
- experience of similar facility in locality and
- decrease in property values

Assessment

Material Considerations:

Principle of Development

Layout and Design

Impact on amenity of neighbouring property

Car parking and highway safety

Principle of Development

Members will be aware that a previous scheme has been approved for 13 no. 1 bedroom apartments. That permission was granted on 13 November 2007 following a Committee site visit to assess at first hand the relationship of the proposed building to existing residential properties. The proposal is now to alter the number and composition of the flats. 7 no. 1 bedroom apartments and 4 no. 2 bedroom apartments together with a staff sleeping area are proposed along with alterations to parking provision, together with the erection of 1.2 m high railings and gates to the front.

In reaching a view on this application it is first necessary to determine whether the use falls within Class C3 'Dwellinghouses' of The Town and Country Planning (Use Classes) Order 1987 as amended. This is a complex issue as the term 'dwellinghouse' is not defined in the Use Classes Order. Nor is the definition limited to exclude flats. The question of whether a particular building is a dwellinghouse is therefore one of fact and degree.

The use class not only includes families, or people living together under arrangements for provision of care, but also other groups of people, not necessarily related to each other, who choose to live on a communal basis as a single household.

The common feature of all premises which can generally be described as dwelling houses is that they are buildings that ordinarily afford the facilities required for day to day private domestic existence. The criteria for determining whether the use of particular premises should be classified within the C3 use class include both the manner of the use and the physical condition of the premises. Premises can properly be regarded as being used as a single dwelling house where they are:

- a single, self contained unit of occupation which can be regarded as being a separate 'planning unit' distinct from any other part of the building;
- designed, or adapted, for residential purposes containing the normal facilities for cooking, eating and sleeping associated with the use as a dwelling house; and

- used as a dwelling, whether permanently or temporarily, by a single person, a family, or more than one person living together like a family, as a single household.

As an example sheltered housing developments would normally fall within this use class.

In this case all the apartments will operate as separate family accommodation with an element of 24 hour supervision provided on the site. This will take the form of a support worker on site permanently, a manager available during office hours and an operations manager who will attend the site. These staff will manage the property and support residents to plan for the future. I consider that this means that the use of the individual apartments within the building would still fall within the C3 Use Class as the existing approval. Consequently it must be accepted that the principle this of development is already established.

Layout and Design

The approved layout included 6 parking spaces to the front and a further 10 spaces to the rear together with a 1.2 metre high close boarded fence approximately 3 metres in front of the building.

It is now proposed to provide 9 parking spaces to the front of the property and a further 2 spaces to the rear. At the front of the premises the close boarded fence which was originally proposed has been amended by 1.2 metre ornate railings in the same position.

In terms of the design and layout I consider the scheme to be acceptable. It is not fundamentally different to the approved scheme.

Impact on the Amenity of neighbouring property

UDP policy G1A states inter-alia that all new development and changes of use will be carefully considered and only be permitted where there would be no significant adverse impact on the amenity of nearby existing land uses by virtue of noise, smell, fumes, light spillage, traffic or on-street parking, visual intrusion or other nuisance.

One of the concerns raised by residents is the fear of crime and anti-social behaviour should the use be permitted. Instances of such activity are primarily matters for the Police and the Courts. However in determining planning applications such matters can be material planning considerations. It is for Committee to decide whether it is such a consideration in each individual case and if so what weight they will attach to it. In order to attach weight to concerns about these matters there must be evidence to show that it is likely to happen.

The applicant has provided additional information regarding the day to day running of the premises and experience of other properties managed on their behalf in the area. Their statement is attached. The site at Brecon Close mentioned by neighbours is a homeless persons unit (hpu) managed by Wigan and Leigh Housing. It is used as temporary accommodation for anyone who approaches the Council. The hpu is completely separate from domestic violence refuges in that they are owned and managed for different purposes. There is a clear need for additional places for people suffering from domestic violence to provide support and security.

The key test in terms of applying policy G1A is that a proposal should not give rise to significant amenity problems. I have assessed the proposal and submitted statement and consider that there is no evidence to suggest that this would be the case and consequently I consider that the proposal would not conflict with policy G1A.

Car parking and highway safety

A total of 11 car parking spaces are to be provided and this is consistent with UDP policy. This site is in a highly sustainable location within the urban area and close to amenities in the neighbourhood.

Observations on Representations Received

A number of concerns have been raised by neighbours and need careful consideration in the determination of the submission.

In my view there is no clear evidence to suggest that the proposal will give rise to criminal activities or anti-social behaviour or indeed noise and disturbance to mean that the proposal would conflict with the amenity considerations set down within policy G1A. It has been agreed that the use will remain in Class C3 Dwellinghouse category of the Use Classes. The applicant has provided a detailed account of the proposed day to day operations and evidence from other establishments in the area which do not give rise for concern. I have no evidence to contradict this evidence which is copied for Members.

Objectors refer to a 1.8 metre gate and fencing but the applicant has agreed to amend this. It has been replaced with 1.2 m ornate railings to the front and 2.1 metres to the rear, so visually the proposal is deemed acceptable.

As Members are aware the issues regarding a rise or fall in property values is not a matter for consideration in the determination of a planning application, as there is no evidence that this would result in a devaluation of property.

Conclusion:

It has been established that the use would still fall within Class C3 'Dwellinghouse' of the Use Classes Order. Therefore any proposed change to alternative uses such as a residential institution or a hostel would require a further grant of planning permission.

This proposal has generated a significant level of concern and opposition from Members and local residents. Councillor Brierley requests that Members visit the site to see first hand the relationship of the property to neighbouring residents. In addition 51 individual neighbour letters have been received. These have been carefully considered and assessed against national and local planning policy. In my opinion when tested against the relevant policies of the UDP the proposal is deemed acceptable and in my opinion should be approved.

Recommendation

Approved with Conditions

1. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the details shown on plan reference 2263/P/02 and 2263/C/03 Rev A received 15.02.2010.
2. All car parking, means of enclosure and treatment of hard surfaces not built upon shall be completed before the dwellings hereby approved are occupied.
3. Notwithstanding the details submitted before first occupation of the units full details for fencing, railings and boundary treatment shall be submitted to and agreed in writing with the Local Planning Authority. The development shall not be carried out except in complete accordance with the agreed details.
4. The apartment on the ground floor shown on the approved plan to be used to provide facilities shall only be used for purposes ancillary to the main use of the building, and no other office facility shall be provided at the site.

Reasons:

1. For the avoidance of doubt, and having regard to Policy EV3A of the replacement Wigan UDP.
2. To help to assimilate the proposed development into its surroundings, having regard to Policy EV3D of the replacement Wigan UDP.
3. To ensure that the details of the development are satisfactory, having regard to Policy EV3A of the replacement Wigan UDP.
4. To safeguard the amenities of the adjoining premises and the area generally, having regard to Policy G1A of the replacement Wigan UDP.

Plans Attached to Report

Location Plan

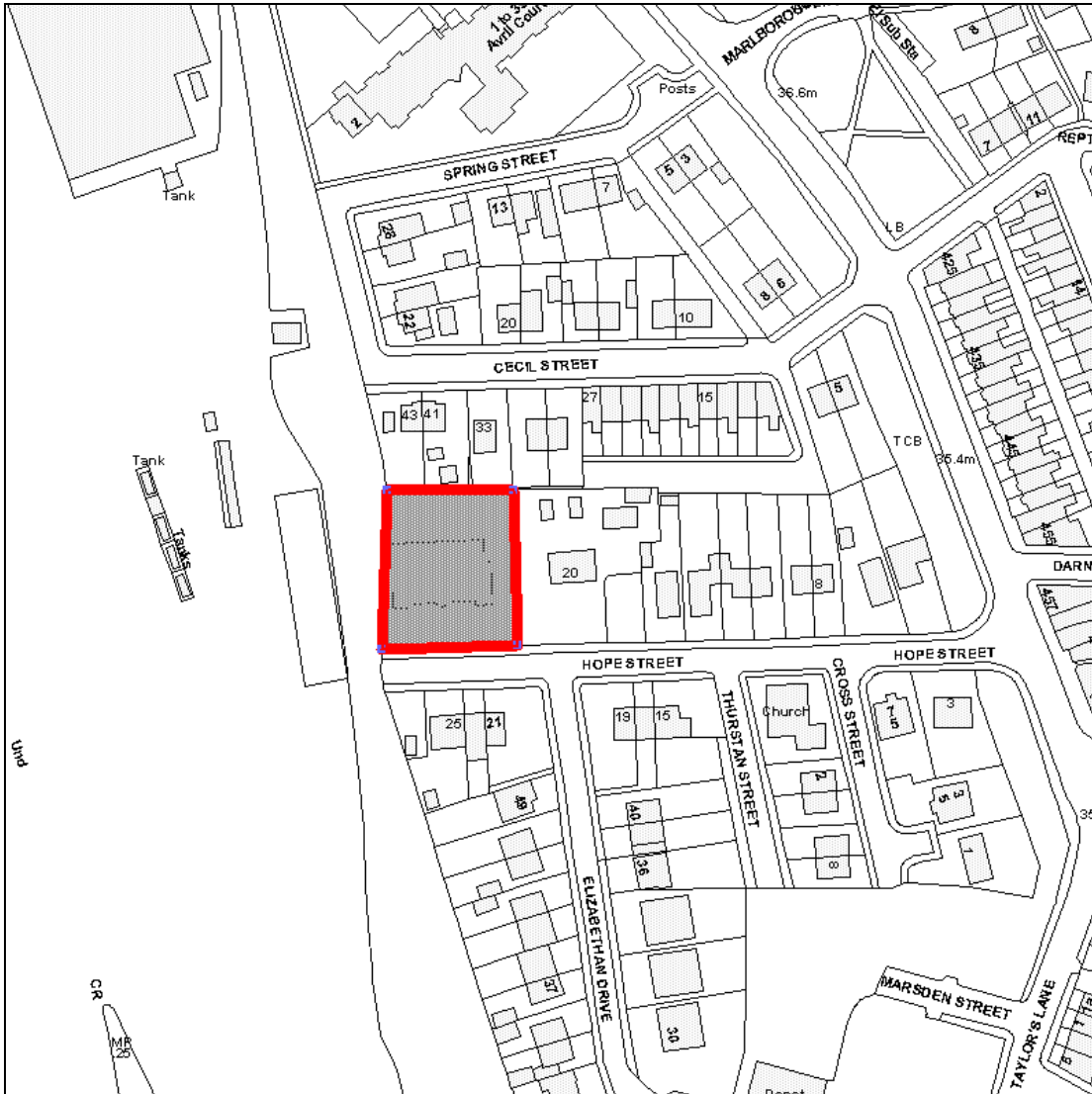
P/DR/A/10/73800

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Site Area 



This plan is representative only, to indicate the site in relation to its surroundings.

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