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Report of the Head of Planning and Development

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Dec-2021

Subject: Planning Application 2021/90025 Outline application for erection of assisted supported living accommodation (within a Conservation Area) land opp, former garages, Stocks Walk, Almondbury, Huddersfield, HD5 8XB

APPLICANT
S Mungofa

DATE VALID	TARGET DATE	EXTENSION EXPIRY DATE
19-Jan-2021	16-Mar-2021	16-Dec-2021

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: Almondbury

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION: Refuse

1. The proposed building would be sited in close proximity to a protected tree to the west of the application site and therefore pruning would be necessary to accommodate the building which would disfigure the tree and threaten the public amenity value. Furthermore, due to the proximity of the building to the tree there would be ongoing conflict that would significantly increase the pressure to prune or fell this tree in the future. For these reasons the proposal would be contrary to Policy LP33 of the Kirklees Local Plan.

1.0 INTRODUCTION:

1.1 This is an application for outline planning permission (reference 2021/90025) for the erection of assisted supported living accommodation (within a Conservation Area) at Land opposite former garages, Stocks Walk, Almondbury, Huddersfield, HD5 8XB.

1.2 The application is brought before Huddersfield Sub-Committee for determination in accordance with the Council's Scheme of Delegation at the request of Ward Councillor McGuin for the reason outlined below:

'To allow members the chance to consider the layout and scale of the development proposals and whether it would be deemed to be acceptable despite the impact it may have on adjacent mature trees'.

1.3 The Chair of Sub-Committee has accepted that the reason for making this request is valid having regard to the Councillor's Protocol for Planning Sub-Committees.

2.0 SITE AND SURROUNDINGS:

2.1 The application site relates to Land opposite former garages, Stocks Walk, Almondbury, Huddersfield HD5 8XB.

2.2 The application site formerly comprised of dilapidated timber and pre-fabricated residential garages with corrugated roofs. However, these garages have now been removed from the site which now lies vacant and is screened by Heras fencing. The site is accessed from Stocks Walk to the north, Stocks Walk is a part adopted road.

2.3 To the north of the site is the Old Clergy House which comprises of 3 residential dwellings and is Grade 2 Listed, to the east is a block of residential properties, to the west are football pitches and the Almondbury Bowling Club, to the south is a library and Wesley Centre which is a community centre. The site is also

located within Almondbury Conservation Area, with mature trees located to both the south and west of the site. These trees are preserved due to being within the Almondbury Conservation Area.

2.4 Materials found within neighbouring buildings consist of stone and grey slate roof tiles.

3.0 PROPOSAL:

3.1 The applicant is seeking outline permission for the erection of assisted supported living accommodation (within a Conservation Area). The application seeks to agree principle, scale, layout, appearance and access with landscaping to be reserved for future consideration under a reserved matters application.

3.2 Access to the building is proposed to be taken off Stocks Walk through the existing access which is proposed to be widened.

3.3 Indicative plans and additional information provided show the construction of a large building which is to be separated into 3 supported living apartments with a room and bathroom for the caretaker. Car parking is to be provided to the front of the building for 3 vehicles. Amenity space is to be provided around the dwelling in all directions.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Pre-app – reference no. 2020/20161 for residential development.

4.2 2020/90872 – Works to trees in CA. Approved 12th May 2020.

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

5.1 Amendments were sought to reduce the overall scale, size and massing of the proposed building in the interests of visual amenity. Additional information was also requested by the Council's Tree officer in the form of an Arboricultural Impact Assessment and Arboricultural Method Statement. Surface water discharge calculations and a drainage plan were also requested by the Lead Local Flood Authority (LLFA).

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).

6.2 The application site is within the designated Almondbury Conservation Area and also within a Bat Alert Area. There are also Listed Buildings to the north, and Urban Greenspace and a Public Right Of Way (PROW) to the west.

6.3 **Kirklees Local Plan (LP):**

- LP1 – Achieving Sustainable Development
- LP2 – Place Shaping
- LP3 – Location of New Development
- LP7 – Efficient and Effective Use of Land and Buildings
- LP11 – Housing Mix and Affordable Housing
- LP21 – Highways and Access
- LP22 – Parking
- LP24 – Design
- LP30 – Biodiversity & Geodiversity
- LP35 – Historic Environment
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protecting and Improvement of Environmental Quality

6.4 **Supplementary Planning Documents:**

- Kirklees Highways Design Guide (2019)
- Housebuilders Design Guide SPD (2021)
- Nationally Described Space Standards
- National Design Guide
- Kirklees Waste Storage and Collection Guidance

6.5 **National Planning Policies and Guidance:**

- Chapter 2 – Achieving Sustainable Development
- Chapter 5 – Delivering a sufficient supply of 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 3 representations have been received in objection to the proposals, details are summarised below.

- Concerns over parking and increase in traffic to the site;

Officer note: Noted, the Council's Highways DM team has been consulted on the proposals and their comments can be found within the consultation responses section of this report.

- Concerns that the proposal will impact on the setting of a Listed Building in a Conservation Area;

Officer note: The Council's Conservation & Design team have been consulted on the proposals; their comments can be found under the consultation responses section of this report.

- If the proposals were single storey in height they would be much more acceptable;

Officer note: Noted.

- The wall going around the Old Clergy House, Stocks Walk, Cemetery Walk and abutting Hallows Court is all within the curtilage of a Grade II Listed Building, the wall itself is listed;

Officer note: Noted. Impact on heritage assets is assessed below within the visual amenity section of this report.

- The proposals should be built from natural stone;

Officer note: Noted. If permission is granted a condition would be provided requesting that the applicant constructs the building from natural stone rather than the tumbled and dyed coursed stone proposed within the submitted plans.

- Concerns over the loss of light into adjacent properties nos. 11, 12 and 14 Hallows Court;

Officer note: Noted. Amended plans have been received in which the scale and size of the proposals have been reduced, thus reducing potential impact on overshadowing and loss of light to these properties.

- What is assisted living accommodation, will the caretaker live in or is the office just for day use?.

Officer note: Assisted living accommodation allows individuals to live on their own and keep some of their independence whilst also receiving support in areas such as washing, dressing and taking medication. A caretaker will be in the office to provide around the clock care to the occupiers of the flats.

7.2 1 general comment has been made on the application; details are summarised below.

- Concerns over parking and increase in traffic to the site;

Officer note: The Council's Highways DM team have been consulted on the proposals and provide comments within the consultation responses section of this report.

7.3 **Parish/Town Council**

N/A.

7.4 **Local Ward Members**

Councillor McGuin made contact with officers to highlight concerns over the scale and size of the proposed building and that the materials in which it was to be constructed in should be natural stone. Amended plans were received which reduced down the overall scale, size and massing of the scheme and construction materials were also discussed with the applicant's agent to address the concern raised by Councillor McGuin. He also queried whether or not there would be enough space within the parking spaces allocated to the front of the flats for a disabled user. This query was raised with the Council's Highways officer's and it was confirmed that the parking space for flat 1 has a 1200mm footway to one side and 1000mm space at the end of the bay. This is considered sufficient for a residential parking space and that there would be no

need for a 1200mm space to both sides as suggested within the Highways Design Guide.

Officer note: Councillor McGuin called in the application to planning committee on the 11th October 2021 as he wants to allow members the chance to consider the layout and scale of the development proposals and whether it would be deemed to be acceptable despite the impact it may have on adjacent mature trees.

8.0 CONSULTATION RESPONSES:

Statutory:

8.1 **KC Environmental Health –** Comments received 2nd February 2021. No objections to the proposals but do recommend conditions and informatives relating to unexpected contamination, electric vehicle charging points and construction site working times.

8.2 **KC Trees –** Comments received 10th February 2021. As no information has been provided to demonstrate that a development of this scale and layout can be accommodated whilst avoiding long term impact on the adjacent trees, the Council's tree officer objects to the proposal.

Officer note: Following receipt of the requested Arboricultural Impact Assessment and a preliminary Arboricultural Method Statement, the trees officer notes that works will be required to T2 with a reduction in the canopy by 2m and a crown lift of 2m. the officer believes this to be excessive and is not supported in general due to the significant change this work would be imposing on the tree's natural shape and form. This would force the tree to conform to an unnatural shape which would result in repeated pruning being necessary. Repeating pruning would open up new wounds to the tree on a regular basis which increases the risk of infection and decay. All of which adversely affect the trees amenity value and long-term viability. In addition, the shade patterns of the adjacent trees show the site will be heavily shaded throughout the say, further exacerbating the pressure to prune or fell the trees described above. Whilst it is accepted that the early part of the day will not be affected by these trees, consideration must be given to the surrounding buildings too which include Almondbury Methodist Church to the south, which would further limit light to the property. For the above reasons the Council's tree officer objects to the proposals.

8.3 **KC Lead Local Flood Authority –** Comments received 22nd January 2021. LLFA object to the planning application and require further information to be provided on the management of surface water on site.

Officer note: Whilst no additional information was provided by the applicant's agent to overcome their concerns a Preliminary Drainage Assessment was provided via email on the 22nd November 2021. This assessment is awaiting consideration by an LLFA officer. However, given the recommendation of refusal it is considered reasonable to condition that this information is submitted at reserved matters stage in relation to the layout of the proposal should members resolve to approve. The applicant's agent would be required to provide a proposed discharge rate and point, as well as an outline drainage layout (including any attenuation requirements) and associated calculations.

8.4 **KC Highways Development Management** – Comments received 3rd February 2021. Highways have no objections to the proposals but do recommend conditions relating to surfacing and draining, construction access and storage and access for waste.
Officer note: Following discussions with the applicant's agent and highways officers it was agreed that the proposed condition for storage and access for collection of waste was no longer needed.

8.5 **West Yorkshire Archaeology Advisory Service:** Comments received 18th February 2021. No objections to the proposals although if permission is granted an appropriate level of archaeological observation and recording should be carried out during the development. This will be secured via a condition.

Non-Statutory:

8.6 **KC Conservation & Design –** Comments received 17th March 2021. No objections to the proposals although concerns are raised in respect to the overall scale and size of the proposed building, materials and detailing.
Officer note: Amended plans were received which reduced down the overall scale, size and massing of the building in which the C&D officer stated that the scheme looked much better overall as there is now a view through to the old rectory. The officer did propose that a small single dwelling may be more appropriate in this setting however, the applicant's agent stated that the scheme would not be viable and believed that this request was unreasonable. Following discussions between officers it was concluded that on balance the scheme as submitted was acceptable in this instance.

8.7 **KC Designing Out Crime Officer –** Comments received 18th March 2021. No objections to the proposals but does provide advice on respect to boundary treatments and the security standards of doors and windows.

The above is a summary of the consultation responses received. Full responses from consultees can be viewed on the Council's Planning webpage.

9.0 MAIN ISSUES

- Principle of development
- Impact on Visual Amenity/Heritage Assets
- Impact of the proposed development upon privacy and amenity of neighbouring properties
- Impact on highway safety
- Other matters
- Conclusion

10.0 APPRAISAL

Principle of development

Sustainable Development

10.1 NPPF paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

10.2 The dimensions of sustainable development will be considered throughout this proposal.

10.3 Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

10.4 The site is without notation on the KLP Policies Map. Policy LP2 states that:

'All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement'.

10.5 As set out in the Authority Monitoring Report (AMR), the assessment of the required housing (taking account of under-delivery since the Local Plan base date and the required 5% buffer) compared to the deliverable housing capacity, windfall allowance, lapse rate and demolitions allowance shows that the current land supply position in Kirklees is 5.88 years supply. The 5% buffer is required following the publication of the 2020 Housing Delivery Test results for Kirklees (published 19th January 2021).

10.6 As the Kirklees Local Plan was adopted within the last five years the five-year supply calculation is based on the housing requirement set out in the Local Plan (adopted 27th February 2019). Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

10.7 Policy generally seeks to support residential development upon unallocated sites. However, LP7 establishes a desired target density of 35 dwellings per hectare. This is further supported by Principle 4 of the Housebuilders Design Guide. The application site is approximately 262m^2, with 3 flats proposed. Given the restricted nature of the site the density proposed in this instance would be acceptable.

10.8 Paragraph 69 of the NPPF recognises that *"small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should…support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes".*

10.9 The application site comprises of a medium sized plot surrounded predominantly by residential dwellings, with the Old Clergy House which comprises of 3 residential dwellings being located to the north, to the east is a block of residential properties, to the west are football pitches and the Almondbury Bowling Club, and to the south is a library and Wesley Centre which is a community centre. Whilst the Local Planning Authority can demonstrate a five-year land supply, it is noted that the development of this plot would contribute to the housing supply in the district. In this case, the principle of development is considered to be acceptable, and the proposal shall now be assessed against all other material planning considerations, including design, visual and residential amenity, as well as highway safety.

10.10 The proposal will also be assessed against all other material planning considerations, including design, visual and residential amenity, as well as highway safety.

10.11 These issues along with other policy considerations will be addressed below.

Impact on Visual Amenity and Heritage Assets

10.12 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act requires that the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act requires that Local Planning Authorities pay special attention to preserving or enhancing the character and appearance/setting of buildings or land within a Conservation Area.

10.13 Policy LP35 of the Kirklees Local Plan requires that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets. This is supported by paragraph 202 of the NPPF.

10.14 Paragraph 199 of the NPPF requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

10.15 Paragraph 194 of the NPPF requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting, consult the historic environment record, use appropriate expertise where necessary and where there is known or potential archaeological interest, submit an appropriate desk-based assessment and, where necessary, a field evaluation.

10.16 Paragraph 5.5 of the Council's Housebuilders Design Guide SPD outlines that "great weight will be placed on the importance of good design where a proposed development may impact on a designated heritage asset or its setting".

10.17 Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

10.18 Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following:

'The form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape' and that *'extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers'.*

10.19 This is further supported within Chapter 16 of the NPPF and the recently published National Design Guide which supports good design that functions well and adds to the overall quality of an area and retails a strong sense of place whilst protecting heritage assets. Policy LP7 supports the efficient use of land, and this is further detailed within Chapter 11 of the NPPF.

10.20 Paragraph 5.5 of the Council's Housebuilders Design Guide SPD outlines that "great weight will be placed on the importance of good design where a proposed development may impact on a designated heritage asset or its setting".

10.21 Principle 15 of the above SPD sets out that the design of the roofline should relate well to the site context, including topography, views and heights of buildings and roof types. Principle 14 goes on to say that the design of windows and doors are expected to relate well to the street frontage and neighbouring properties and reflect local character in style and materials. Principle 13 seeks to ensure consideration is given to use locally prevalent materials and finishing to reflect the locality.

10.22 The application is submitted in outline with landscaping reserved for later consideration. The applicant proposes a large two-storey detached building constructed in stone with a pitched and hipped slate roof within a medium sized plot of land. The building is to provide 3 apartments for supported living, with a built-in caretaker's office. 3 off-street car parking spaces are to be provided to the front of the with amenity areas provided around the perimeter of the building.

10.23 Given the restricted nature of the site the proposed layout is considered to be the only suitable option within the plot. However, amended plans were requested by officers to reduce down the overall scale and size of the building as submitted originally, this was to ensure the site did not appear cramped or overdeveloped, and to allow views across to the Grade II Listed Building to the rear (the Old Clergy), it was also important that the residential amenity of adjacent neighbouring properties was not significantly impacted upon. The scheme was altered by removing 1 no. flat from the proposals to allow the building to incorporate an integral care takers office and bathroom, whilst also removing part of the two storey and single storey element to the eastern elevation of the building, providing a larger separation distance between the proposals and the adjacent neighbouring properties to the east.

10.24 In respect to the design of the building, amendments have been made to simplify the design to allow the building to blend in with its location rather than detract attention away from the adjacent Listed Building. The design as submitted is discussed in more detail below within the Conservation and Design officer's comments, but the proposals are now considered to be acceptable in this location. Furthermore, whilst the plans still show that tumbled & dyed coursed stone is to be used within the external walls of the building discussions have been had with the applicant's agent in which it is proposed that should planning permission be granted the building should be constructed from natural stone, this could be satisfied with a pre-commencement condition.

10.25 In respect to amenity areas, principle 17 of the Housebuilders Design Guide SPD discusses outdoor amenity areas. It highlights that external space should be able to provide space for activities such as playing, drying clothes and waste storage. Outdoor space should also be in part, able to receive direct sunlight for part of the day, all times of the year. Garden spaces found within dwellings on Stocks Walk typically comprise of both front and rear amenity areas however, dependent on the type of property these amenity areas may only relate to a small portion of land to either the front, side or rear. Given the variation in types of amenity areas and gardens provided in the area it is therefore considered that the proposed space to be provided in this instance would be appropriate given the use of the flats and reflect the immediate area. Whilst it is acknowledged that the site will be subject to some shadowing from the adjacent neighbouring buildings and mature trees to the south and west, it is considered that given the proposed use of the building that this would not be detrimental to the residential amenity of the future occupiers of the property and therefore would meet the requirements of principle 17 of the Housebuilders Design Guide SPD.

10.26 Moving on to potential impacts on heritage assets, the application site is located within the Almondbury Conservation Area and is directly in front of the Grade II Listed Old Clergy House (now 1, 2 and 3 Cemetery Walk). Opposite the site on the south side of Stocks Walk are The Wesley Centre, a former Wesleyan Sunday School built in 1900 and Almondbury Library constructed in 1905. Adjacent to the site to the east is a former school building which was converted into dwellings. These buildings were all constructed in the early 20th Century in natural stone with simple but high-quality detailing and they all make a positive contribution to the character of the conservation area.

10.27 Although the boundary wall to the south was historically part of the curtilage of the listed building it was in separate use at the time of listing in 1978. The west of the site appears to have been within the curtilage at this time and therefore the boundary wall on the south-west corner and western boundary would be included in the listing and any alterations to this section of the wall will require Listed Building Consent unless the applicant can demonstrate otherwise however, no alterations are proposed in this application.

10.28 The applicant has provided a Design & Access/ Heritage Statement however, no assessment has been made to establish the impact of the development on the setting of the Listed Building and whether or not there are any public benefits of the proposal that would outweigh any harm caused. In the case of a recommendation of approval officers would have sought further information from the agent in respect to the harm and public benefits of the proposals.

10.29 Given the nature of the application the Council's Conservation and Design officer was consulted, they raised concerns initially on the proposed scale, design and materials proposed within the building however, following on from the receipt of amended plans in which the massing of the building was reduced significantly and the design and materials altered and discussed to ensure that the building is more in keeping with the area and fits more sympathetically in this sensitive location, the Conservation & Design officer stated that the scheme looked much better overall as there is now a view through to the old rectory. The officer did propose that a small single dwelling may be more appropriate in this setting however, the applicant's agent stated that the scheme would not be viable and believed that this request was unreasonable. Following discussions between officers it was concluded that on balance the scheme as submitted was acceptable in this instance.

10.30 It is noted however that should planning permission be granted conditions should be imposed which require the applicant to submit further details/samples of the proposed external materials to be used in the walling, roof and windows. Details of the block setts and stone paving should also be clarified by condition to ensure that the colour and materials reflect the local vernacular.

10.31 In conclusion, the proposals are considered to be appropriate in size and scale in this location, and that subject to conditions, the submission of appropriate landscaping being provided and existing landscaping being retained, the proposals would not appear out of character or overly dominant in the general context of this site. Whilst no assessment has been provided by the applicant in respect to harm and public benefits, it is considered that there would be less than substantial harm caused to the setting of listed buildings through the development of land which is presently open. In addition, officers are of the opinion that the harm accrued is considered to be outweighed by the public benefit of providing new residential accommodation at a time of national shortage. On this basis, the proposals are considered to accord with the requirements of policies LP24 and LP35 of the Kirklees Local Plan, Chapter 12 and 16 of the National Planning Policy Framework and the Housebuilders Design Guide SPD.

Residential Amenity

10.32 The National Planning Policy Framework states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within sections B & C of the Kirklees Local Plan Policy LP24 which states that alterations to existing buildings should: -

"Maintain appropriate distances between buildings' and '…minimise impacts on residential amenity of future and neighbouring occupiers".

10.33 Principle 6 of the Housebuilders Design Guide sets out that residential layouts must ensure adequate privacy and maintain high standards of residential amenity, to avoid negative impacts on light, outlook and to avoid overlooking.

10.34 Neighbouring properties with the most potential to be impacted by the proposals are discussed below.

Impact on the occupiers of the Old Clergy House (nos. 1, 2 & 3 Cemetery Walk)

10.35 These neighbouring properties are located to the north-west of the application site approximately 21m away. Whilst it is acknowledged that a number of windows are to be installed within the north-western elevation of the new building the majority of these windows would be for bathrooms/w.c's and therefore could be conditioned to be obscurely glazed in the interests of residential amenity given their close proximity to the above neighbouring properties rear garden/amenity areas. It is also noted that at ground floor level 2 windows are proposed within this elevation for a bedroom, given the large separation distance and the existing boundary treatments located to the north-west of the building there are no concerns in respect to overlooking or loss of privacy in this instance. It is acknowledged that during midday there would be some additional overshadowing into the rear garden areas of nos. 1, 2 and 3 of the Old Clergy House however, the properties do benefit from large garden spaces and therefore this additional shadowing is not considered to be detrimental and would not be for a prolonged period of the day. Finally, the proposed building would be viewed in context of adjacent neighbouring properties and with a separation distance of approximately 21m, the proposals are not considered to be overbearing in nature on this occasion.

Impact on the residential properties located to the east forming part of nos. 4-15 Stocks Walk

10.36 These neighbouring properties are located to the east of the application site approximately 4.8m away. As no windows are proposed within the eastern elevation of the new building there are no concerns in respect to overlooking or loss of privacy. There is to be a separation distance of approximately 8m between the eastern elevation of the proposed building and the western elevation of these adjacent neighbouring properties, the dwellings are also separated by a path which runs from Stocks Walk to the Old Clergy House. In the interests of residential amenity, the originally submitted proposals were requested to be reduced down in height to ensure that there were no concerns in respect to overshadowing or the proposals appearing overbearing in nature on these neighbouring properties. To eastern portion of the dwelling (closest to the above properties) is now single storey in height and therefore is considered to be acceptable in this location given the separation distances proposed. Whilst it is acknowledged that in the evening there will be some additional overshadowing in the amenity spaces of these neighbouring properties, with some shadowing falling on habitable room windows, this would not be for a prolonged period of the day with the morning and afternoon free from shadowing from the proposed building. This amount of overshadowing is not considered to be detrimental or sufficient enough to justify a recommendation for refusal.

Amenity of future occupiers of the proposed dwellings

10.37 Consideration must also be given to the amenity of future residents of the proposed dwellings. Principle 16 of the Housebuilders Design Guide seeks to ensure the floorspace of dwellings accord with the 'Nationally Described Space Standards' document (March 2015). Internally, the proposed dwellings would have a GIA that would comfortably exceed the minimum space standards set out in the Nationally Described Space Standards (NDSS), therefore officers are content that the proposed dwelling would provide an adequate standard of amenity for future occupiers. In addition to this, all habitable rooms have access to at least 1 window and therefore outlook and natural light are considered to be acceptable. Finally, in terms of amenity space, principle 17 of the Housebuilders Design Guide seeks to ensure adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and the character/context of the site is provided. In this instance officers consider that the amount of private amenity space provided for the proposed dwellings would be adequate given the size of the dwellings, nature of their proposed use and the context of the area.

10.38 In conclusion, taking the above into account it is considered that the proposals would not result in significant and detrimental impacts on the privacy and amenity of any neighbouring occupants, complying with Policy LP24 of the Kirklees Local Plan (b) in terms of the amenities of neighbouring properties and Chapter 12 of the National Planning Policy Framework. The proposals are also considered to be in accordance with the Council's adopted house builders design guide SPD.

Highway issues

10.39 Local Plan Policies LP21 and LP22 are relevant and seek to ensure that proposals do not have a detrimental impact to highway safety and provide sufficient parking. Furthermore, principles 12 and 19 of the Housebuilders Design Guide seeks to ensure that acceptable levels of off-street parking and waste storage are provided. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.40 Principle 12 of the Housebuilders Design Guide sets out, amongst other things that parking to serve dwellings should not dominate streets and should be to the side/rear.

10.41 Principle 19 of the above guide states that provision for waste storage and recycling must be incorporated into the design of new developments in such a way that it is convenient for both collection and use whilst having minimal visual impact on the development.

10.42 3 off-street parking spaces are to be provided to the front of the proposed building with the existing access to be widened and utilised for the proposed dwellings. Given the nature of the proposals the Council's Highways officers were consulted. Highway's officers raised no objections as 3 off-street spaces are to be provided and given that the flats are for assisted supported living accommodation, near shops and services in Almondbury centre.

10.43 Within the submitted plans bin storage points are identified to the south of the building and are to provide 3 x green and 3 x grey wheelie bins. The amount and location of these bins is considered to be acceptable from a highway's safety point of view.

10.44 For the aforementioned reasons it is concluded that the scheme would not represent any additional harm in terms of highway safety and as such complies with Local Plan Policies LP21 and LP22, the guidance contained within the National Planning Policy Framework and principles 12 and 19 of the Housebuilders Design Guide SPD. This is subject to a condition requiring the new access/parking spaces to be formed and surfaced in permeable materials.

Other Matters

Drainage

10.45 The site is within Flood Zone 1, that is land at the lowest risk of flooding (land assessed as having a less than 1 in 1,000 annual probability of river flooding). In addition to this there are no specific drainage risks associated with the site (e.g., river, culvert).

10.46 LLFA officers were consulted on the proposals and raised objections given the lack of information provided within the submission. As the officer's recommendation for the application was refusal, no further information has been provided by the applicant's agent. However, on the 22nd November 2021 a Preliminary Drainage Assessment was provided but this has not yet been assessed by an LLFA officer, therefore should planning permission be granted it is considered reasonable to attach a condition requiring the applicant's agent to provide details of the site drainage within the reserved matters application. Details would need to include a proposed discharge rate and point, as well as an outline drainage layout (including any attenuation requirements) and associated calculations.

Biodiversity/Trees

10.47 Whilst it is acknowledged that the application site is located within a Bat Alert Area there are no buildings on site to be demolished and therefore there are no significant concerns in respect to roosting bats on site. However, in accordance with Local Planning Policy LP30 and Principle 9 of the Housebuilders Design Guide, a condition is recommended that should the application be approved one integral bat roosting feature is incorporated into the new building on the east facing (side) elevation at least 6 metres above ground and not directly above doors or windows. This bat roosting feature would be installed during the period of construction and retained thereafter in the interests of creating a biodiversity net gain.

10.48 Local Plan Policy LP33 relates to trees, within this policy it states that the Council will not recommend approval for developments which directly or indirectly threaten trees or woodlands of significant amenity. In this instance the trees officer notes that works will be required to T2 (Sycamore) with a reduction in the canopy by 2m and a crown lift of 2m. The officer believes this to be excessive and is not supported in general due to the significant change this

work would be imposing on the tree's natural shape and form. This would force the tree to conform to an unnatural shape which would result in repeated pruning being necessary. Repeating pruning would open up new wounds to the tree on a regular basis which increases the risk of infection and decay. All of which adversely affect the amenity value and long-term viability of the tree. In addition, the shade patterns of the adjacent trees show the site will be heavily shaded throughout the say, further exacerbating the pressure to prune or fell the trees described above. Whilst it is accepted that the early part of the day will not be affected by these trees' consideration must be given to the surrounding buildings too which include Almondbury Methodist Church to the south, which would further limit light to the property. For the above reasons, officers do not consider the proposals to accord with Local Plan Policy LP33.

Climate Change

10.49 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan pre-dates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

10.50 Principle 18 of the Housebuilders Design Guide sets out that new proposals should contribute to the Council's ambition to have net zero carbon emissions by 2038, with high levels of environmental sustainability by ensuring the fabric and siting of homes, and their energy sources reduce their reliance on sources of non-renewable energy. Proposals should seek to design water retention into proposals.

10.51 In this case it is considered that the proposed development would have an acceptable impact on climate change as the proposals are to provide electric vehicle charging points and be constructed to modern building standards.

10.52 There are no other matters for consideration.

11.0 CONCLUSION

11.1 The NPPF has introduced a presumption if 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.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would not constitute sustainable development and is therefore recommended for refusal because, as set out in Policy LP33 of the LP, "the Council will not grant planning permission for developments which directly or indirectly threaten trees (or woodlands) of significant amenity.

Background Papers:

Application and history files.

Available at:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021/90025

Certificate of Ownership

Certificate A signed.