KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	2017/62/92536/W
Site Address:	rear of, The Lodge, Daisy Lea Lane, Lindley, Huddersfield, HD3 3LP
Description:	Erection of detached dwelling (within a Conservation Area)
Recommending Officer:	Farzana Tabasum

DECISION – conditional full permission

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Teresa Harlow

AUTHORISED OFFICER

Date: 15-Nov-2017

Site Description
The application site relates to an area of land in association and used a curtilage to no. 34 Daisy Lee Lane, Lindley. The site is accessed by an existing vehicular drive from Daisy Lee Lane which also forms part of the application red line boundary. A number of mature trees exist on the periphery of the site boundary as well as within the site. In the south west corner of the site exists a dilapidated garage/structure which is clearly in a derelict and unsafe state and areas of hard standing. Land levels within the site are fairly level with a slight slope down towards the southern end of the site.

The site is surrounded by residential properties consisting of a linear form along the road frontages and a more sporadic form of development to the rear of plots along the road frontage.

The site lies in Edgerton Conservation Area.

Description of Proposal
The proposals as now amended seeks permission for the erection of a detached dwelling and detached garage block comprising of a triple garage to serve the new proposed dwelling and double garage to serve the existing dwelling. The garage block is proposed to be sited in the northern part of the site with the dwelling in the most southern part. The proposals would also involve widening the existing access vehicular from Daisy Lee Lane and relocation of the gates back into the site. Bin storage is shown to be provided adjacent to the vehicular access point as well as adjacent to the proposed garden store in the garage block. The submitted plans indicate the removal of the existing dilapidated garage/structure in the south west corner of the site. It is intended to face the dwelling and garage block in regular coursed natural stone walling and natural blue slates to the roof.

History of negotiations/amendments received
14/08/17- Revised plan (not acceptable)
08/09/17 – further revised plan (still not acceptable)
12/09/17 – revised plans (acceptable) but Arboricultural information relating to old plans
14/09/17 – revised elevations with roof lights
05/10/17 –revised arboricultural information in relation to revised layout

Relevant Planning History
2016/93702- outline application for one dwelling – granted April 2017

Representations

Final publicity date expired 1st September 2017. No representations are received.

Consultation Responses

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

K.C Highways – support the proposals subject to conditions
K.C Conservation & Design - support amended scheme for one dwelling & reduced garage block
K.C. Tree officer – support subject to condition for works to be carried out in accordance with revised AMS
K.C Ecology – information on previous outline consent remains valid

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

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

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

The site is unallocated on the UDP Proposals Map and lies within Edgerton Conservation Area with a listed building nearby and remains as such on the on Kirklees Publication Draft Local Plan

Kirklees Unitary Development Plan:
- D2: Unallocated Land
- BE1: Design Principles
- BE2: Quality of Design
- BE5: New Development within Conservation Areas
- BE12: Space about buildings
- T10: Highway Safety
- T19: Parking Standards

Kirklees Publication Draft Local Plan: Submitted for examination April 2017:
- **PLP 1** – Achieving sustainable development

- **PLP 2** – Place shaping
- **PLP 21** – Highway safety and access
- **PLP 22** - Parking
- **PLP 24** – Design
- **PLP33** - Trees
- **PLP35** – Historic Environment

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

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

- **NPPF6:** Delivering a wide choice of high quality homes
- **NPPF7**: Requiring good design
- **NPPF10**: Meeting the challenge of climate change, flooding and coastal change
- **NPPF11**: Conserving and enhancing the natural environment
- **NPPF12**: Conserving and enhancing the historic environment

Assessment
The following matters are considered in the assessment below –

1) Principle of development
2) Impact on visual amenity & character of conservation area
3) Impact on residential amenity
4) Impact on highway safety
5) Other matters (trees, air quality and biodiversity)
6) Representations
7) Conclusion

1 – Principle of development:

The principle of the erection of a detached dwelling and garage was approved earlier this year under application no. 16/93702. The current proposal is now submitted in full and seeks permission for a layout different to that approved previously. However , there is no change in material considerations or on site as such the principle remains acceptable. All other relevant matters are considered below.

2 – Impact on visual amenity & character of conservation area
The application site is on unallocated land. Policy D2 of the UDP applies which requires that new development on unallocated sites does not prejudice 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.

The site lies within Edgerton conservation area. Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires special attention to be paid in the exercise of planning functions to the desirability of preserving or enhancing the appearance or character of the Conservation Area.

Chapter 12 of the NPPF aims to conserve and preserve the historic environment. In particular, paragraph 131 and 137 of the framework echoes the sentiments outlined within section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990, seeking for preservation and enhancement of conservation areas.

Policy BE5 of the UDP states that proposals for new development within conservation areas, including extensions should respect the architectural qualities of surrounding buildings and their materials of construction, and contribute to the preservation or enhancement of the character and appearance of the area. Policy PLP35 of the PDLP follows this theme.

The Edgerton Conservation area appraisal describes this part of the conservation area amongst other things as:

> *"primarily developed in the early twentieth century but it has a relatively loose grain similar to other parts of the designated area. The houses are set back from the highway with hedges, fences or stone walls to the front gardens. There are two cul-de-sac developments on the north side of Daisy Lea Lane and due to the smaller plot sizes along West Avenue this section has a much tighter urban grain.*
> *The majority of buildings within the character area were constructed in the first half of the twentieth century and as a result the architectural treatment is slightly different from the rest of the Conservation Area, although the buildings have similar details, including canted bay windows, mullion windows, stone kneelers and corbels. The roof form is relatively simple with sprocketed eaves, with steeply pitched gables and tall chimney stacks.*
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> *Within the character area the prevalent building materials are similar to the rest of the designated area, with the use of natural stone for walls, slate or stone slate roofing and timber sash or casement windows. In addition to the traditional roofing materials, there are a significant number of early twentieth century buildings which have red clay roofs. Enclosure to the street is generated by hedges along East and West Avenue, in addition to stone walls found along Talbot Avenue. Daisy Lea Lane and Occupation Road are unique in the designated area due the high dry stone walls that line the highway and the absence of a pavement. Within the character area there is little evidence of the historic floorscape, although the stone kerbs remain insitu along Talbot Avenue"*

The proposals would be infilling a small plot in a location set back into the site not clearly visible from any road frontages. The proposals would be retaining the majority of the existing stone boundary to the front and all other boundaries. With regard to trees, the more prominent mature planting and trees along the west boundary will remain with the smaller specimens and

those of less amenity value along the east boundary being removed and replaced with a new planting scheme. This will ensure an immediately mature setting to the new building thus aiding it to blend into the locality. The subdivision of the plot and a shared access utilising the exiting access is also acceptable as plot sizes vary in the conservation area. It is therefore considered that the proposed layout would be in keeping with the character and appearance of the surround development in this conservation area.

The proposals as now amended would provide a moderate sized garage block and in part be sited to the front of the existing dwelling and face the principal elevation of the new dwelling.

In terms of design, scale and materials both the proposed the dwelling and garage block as now amended are considered to be of a scale and design which, although unique in its own right, does incorporate a number of features (tall chimney stack and high pitch roofs) which would identify the strong local vernacular in building design. This together with the proposed facing materials, retained boundary treatments and the proposed siting would retain a sense of local identity which would be in keeping with the characteristics of this conservation area which are considered could be adequately accommodated on this site, in accordance with the relevant policies stated above and Policies PLP24 and 35 of the PDLP as well as section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990.

Finally, to retain and preserve the characteristics of the conservation area and to prevent overdevelopment of the site permitted it is considered necessary to withdraw permitted development rights for any structures in the curtilage areas and alterations to the dwelling and associated garage

3) Impact on residential amenity

The impact of the development on residential amenity needs to be considered in relation to Policies D2 and BE12 of the UDP and Policy PLP24 of the PDLP.

UDP Policy BE12 sets out minimum separation distances to maintain privacy and open space for the occupants of residential development. Distances less than the recommended minimums will only be accepted if by reason of permanent screening, changes in levels, or innovative design, no detriment would be caused to existing or future occupiers. .

Having regard to the layout, orientation and position of openings in each elevation (together with the existing levels, existing boundary treatment and distances proposed within the site in relation to the surrounding properties as well as internally within the site) between the proposed dwelling and garage block I am of the opinion the development is unlikely to affect the amenities of the existing and future residents. The proposal is therefore considered to have an acceptable impact on the amenity of surrounding properties, and sufficient space about dwelling distances can be achieved internally within the

site. The proposal would therefore comply with Policies BE12 and D2 and Policies PLP24 of the PDLP.

4) Impact on highway safety

The highway impact of the development has been assessed in relation to Policies T10 and T19 of the UDP, Policies PLP 21 and 22 of the PDLP

Highway Officers make the following assessment:

"The development consists of the erection of one detached five bedroomed dwelling with a triple garage and large courtyard to allow internal turning; this increases the parking provision detailed in the outline application. Drawing No. 3152 (0-) 07 shows improvements to the existing access, bin storage provision, and gates set back from the public highways. These proposals are considered acceptable from a highway point of view and we have no wish to resist the granting of planning permission.

In view of the above the proposals would utilise an existing vehicle access to serve both the existing and proposed dwelling with adequate on site turn around and bin storage areas. To summarise, in the interest of highway safety it is considered necessary and appropriate to impose conditions in relation to surfacing and retention of turnaround areas as shown on the final revised plan. To summarise the proposals would accord with Policies D2, T10, and T19 of the UDP and PLP 21 and 22 of the DPLP.

5) Other matters (trees, air quality and biodiversity)

Impact on trees:

UDP Policy NE9 seeks to retain mature trees on development sites. The importance of retaining trees is also highlighted in paragraph 118 of the NPPF which states that "planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including . . . the loss of aged or veteran trees . . . unless the need for, and benefits of, the development in that location clearly outweigh the loss".

The trees on and adjacent to the site are protected by virtue of the site being in a conservation Area and as such have the same status as trees with Tree Preservation Orders. Accurate arboricultural information which took into account the revised layout of was received during the course of the application. On assessment of this information the Council's Arboricultural Officer confirmed that the proposed dwelling would come close to and slightly beneath the adjacent trees to be retained. However given the planned sloped roof section on the western elevation and taking account of the revised method statements recommendations no objections are raised provided the proposals are carried out in accordance with the approved plans and recommendation as set out in the Arbtech Method Statement, and supporting Tree Protection Plan dated 04/10/17.

To summarise subject to the above and other recommended condition by the Tree Officer , it is considered the long term viability of the trees to remain would not be compromised or lead to extra pressure from the proposals to fell these trees in compliance with Policy NE9 of the UDP as well as guidance in the NPPF and policies PLP24 and 33.

Air Quality

Although there are no known Air Quality issues in this specific location, in order to improve Air Quality throughout Kirklees a condition can normally be imposed to provide electric charging points to promote the use of electric vehicles. This is in accordance with paragraph 124 of the NPPF which requires the cumulative impacts on air quality from individual sites to be considered and the West Yorkshire Low Emissions Strategy. It would also accord with emerging policy PLP24 of the PDLP.

Ecology and Biodiversity:

UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site.

Paragraph 118 of the NPPF states "when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity" by applying a number of principles. These include the conservation and enhancement of biodiversity in and around developments.

The site comprises of well maintained lawns and a dilapidated garage/structure. These are considered to have no biodiversity or ecological value. A joint site visit was carried out by the case and ecology officer at the time of the outline application and a further site visit by the case officer in August on receipt of this current application. .

The Councils Ecology Officer previously stated:
"Having visited the site, I find that the conclusions of the submitted ecological report are flawed and I am satisfied that the proposals can be implemented without impacting roosting bats. No further survey work is required".

The site is also within a bat alert area. The Council's Ecology Officer confirms in this instance given the circumstances remain the same on site as considered earlier this year the advice given (above) at the outline application remains valid. Furthermore, the existing derelict structures in their current state are unlikely to have any bat roost or ecology interests. However a bat and bird box integral to the new dwelling as shown on the revised plans can be secured via condition, in the interest of enhancing the biodiversity of the site in line with the intensions of Policy EP11 of the UDP, Policy PLP24 of the PDLP and chapter 11 of the NPPF.

Drainage:

Kirklees Flood Management & Drainage officers have recommended two conditions. However, given there is no significant flood risk issues for this development it is considered that for a development of this scale drainage

matters can be adequately dealt with through an allied Building Regulations regime.

6) Representations
None received

Conclusion
The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval

Recommendation – Approve
Decision Authorisation - Delegated Powers
Application Number:17/92536
Officer Recommendation: C.F.P
Conditions and Reasons

1. The development hereby permitted shall be begun within three years of the date of this permission.
Reason: Pursuant to the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
Reason: For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with policies BE1 and BE2 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan and Policies set out in the National Planning Policy Framework.

3. Prior to the superstructure of the hereby approved dwelling commencing details of external facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed using the approved facing materials.
Reason: In the interest of visual amenity and so as to preserve the character of the
Edgerton Conservation Area in accordance with Policies BE1, BE2, and BE5 of the Kirklees Unitary Development Plan, Policies PLP24 and PLP35 of the Kirklees Publication Draft Local Plan and Policies set out in the National Planning Policy Framework.

4. The development shall not be brought into use until all areas indicated to be used for access and parking areas have been laid out with a hardened and

drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) those areas shall be so retained, free of obstructions and available for the use(s) specified on the submitted/listed plan(s) thereafter.
Reason: In the interests of amenity and traffic safety, to ensure adequate space within the site for vehicle movements and parking, and in the interest of mitigating an increase in flood risk, to accord with Policies D2 and T10 of the Unitary Development Plan, Policy PLP24 of the Publication Draft Local Plan as well as the aims of the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order), no buildings or extensions falling within Classes A-E of Part 1, Schedule 2 of the order shall be undertaken without the prior written consent of the Local Planning Authority.
Reason: To prevent overdevelopment of the site, so as not to detract from the amenities of adjoining properties, in the interests of the long term viability of trees within the site and preserve the setting of the Conservation Area and to accord with Policies D2, BE2, NE9 and BE5 of the Kirklees Unitary Development Plan and policies within the National Planning Policy Framework and Policies PLP24, PLP33 and PLP35 of the Kirklees Publication Draft Local Plan.

6. The development shall be completed in accordance with the advice and directions (recommendations) contained in the Arbtech Method Statement, and supporting Tree Protection Plan dated 04/10/17.These shall be implemented and maintained throughout the construction phase and retained thereafter.
Reason: To protect trees in the interests of visual amenity, to preserve the character of this conservation area in accordance with Policies NE9 and BE5 of the Kirklees Unitary Development Plan, Policies PLP24, 33 and 35 of the Publication Draft Local Plan and guidance in the National Planning Policy Framework

7. Details of any additional tree works required during the construction process, that is not identified within the submitted information approved as part of this application, shall be submitted to and approved in writing by the Local Planning Authority prior to the work being carried out. The works shall thereafter be carried out in complete accordance with the approved details.
Reason: In the interests of visual amenity and to ensure the long term viability of these trees is not been compromised in accordance with the requirements of Policy NE9 of the Unitary Development Plan, Policy PLP33 of the Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework.

8. Before first occupation of the approved dwelling the developer shall provide written and/or photographic evidence to the Local Planning Authority to demonstrate that the arboricultural supervision specified in the Arbtech Method Statement, and supporting Tree Protection Plan, dated 04/10/17, was undertaken. The development shall not be brought into use until this evidence has been approved in writing by the Local Planning Authority.
Reason: In the interests of visual amenity and to ensure the long term viability of these trees has not been compromised in accordance with the requirements of Policy NE9 of the Unitary Development Plan, Policy PLP33 of the Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework.

9. The development shall be completed with the inclusion of bat roosting and bird nesting features in the locations shown on drawing no. 3152 (0-) 07 Rev E before the dwelling is first occupied and retained thereafter
Reason: To maintain and enhance ecological interest within the site, in accordance with the guidance contained within the National Planning Policy Framework. Policy EP11 of the Kirklees Unitary Development Plan and Policy PLP24 of the Publication Draft Local Plan.

10. An electric vehicle recharging point as shown on drawing no. 3152 (0-) 07 Rev E shall be installed within the approved garage block before the dwelling is first occupied. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. The electric vehicle charging point so installed shall thereafter be retained.
Reason: To accord with the guidance contained in Chapter 4 and Chapter 11 of the National Planning Policy Framework , the West Yorkshire Low Emissions Strategy and guidance contained within PLP 24 and PLP21 of the Kirklees Publication Draft Local Plan

NOTE: The responsibility for securing a safe development rests with the developer and/or landowner. It is advised where a site could be affected by land stability issues this be taken into account and dealt with appropriately by the developer and/or landowner

NOTE- The granting of planning permission does not override any private ownership rights or legal covenants that apply to the land forming part of this planning application.

NOTE: To minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside the hours of:

07.30 and 18.30 hours Mondays to Fridays
08.00 and 13.00hours , Saturdays

With no working Sundays or Public Holidays
In some cases, different site specific hours of operation may be appropriate.

Under the Control of Pollution Act 1974, Section 60 Kirklees Environment and Transportation Services can control noise from construction sites by serving a notice. This notice can specify the hours during which work may be carried out.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	3152 (LP)01		20/07/17
Topographical site plan	NDP/317/SP		20/07/17
Tree protection plan	Arbtech TPP 01		04/10/17
Arboricultrual Method Statement dated 4th Oct 2017			04/10/17
Proposed site plan with tree info	3152 (0-) Reve E proposed plans		04/10/17
Tree/ Arboricultrual survey 8 pages	Dated 17th August 2016		04/10/17
Design & Access statement including Conservation/ Heritage assessment	Dated July 2017		20/07/17
Existing site plan	NDP/317/SP		20/07/17
Tree Constraints plan	ArbtechTOP 01		20/07/17
Proposed site block plan	3152 (0-) 07	E	14/09/17
Proposed elevations	3152 (0-) 08	C	14/09/17

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The case officer negotiated with the agent to secure a dwelling of an appropriate footprint and scale to preserve the character of the conservation area and to ensure the long term viability of the protected trees is maintained. The recommendation is based on revised plans.

Report Dated: 14/11/17