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:	2018/62/90731/W
Site Address:	The Lodge, 34, Daisy Lea Lane, Lindley, Huddersfield, HD3 3LP
Description:	Erection of detached dwelling and garage (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: 29-May-2018

Officer Report
Site Description
The application site relates to an area of curtilage land in association with 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. The site has been cleared of landscaping and some trees following the previous permission under application no. 2017/92536. 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 seeks a modified proposal to that recently approved 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 modifications include the siting of the garage to be closer to the driveway and an alteration to the shape and footprint of the garage block. The proposals would also involve widening the existing vehicular access from Daisy Lee Lane and relocation of the gates back into the site. Bin storage is shown to be provided adjacent to the gated access.

The only modifications proposed to the previously approved dwelling consist of minor alterations to some of the openings and siting of the dwelling further back into the site form the rear boundary. 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
09/05/18- Revised elevations & floor plans & agreement to extension of time
10/05/18 - arboricultural information in relation to revised layout (4 documents)

Relevant Planning History
2016/93702- outline application for one dwelling – granted April 2017
2017/92536 – erection of detached dwelling & garage block - granted 15/11/17
2018/90569 – erection of extensions – granted 21st May 2018

Representations
Final publicity date expired 18th April 2018. 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 – verbal advice sought - support the proposals subject to conditions as on previous permission
K.C Conservation & Design - verbal confirmation to support, following revisions to 2018/90569.
K.C. Tree officer – support subject to condition for works to be carried out in accordance with revised AMS received on 10/05/18

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

<u>1 – Principle of development</u>:

As noted above the principle for the erection of a detached dwelling and garage was approved in 2017. Subsequently, permission was granted for a two storey detached dwelling and garage block under application no. 17/92536. The current proposals seek modifications (as listed above) to this approved scheme, which although minor cannot be dealt with under a non material application.

The site has now been cleared and a further application was recently granted for an extension to the Lodge front of this site. Other than this there appears to be no change in policy or on site as such the principle remains acceptable. All other relevant matters are considered below.

<u>2 – Impact on visual amenity & character of conservation area</u>

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.*
>
> *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. As before 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 are again shown to be retained with the smaller specimens and those of less amenity value along the east boundary now having being removed. 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, with the now modified siting of both the garage block and dwelling 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 modified 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 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 modified siting (in comparison to the previously approved scheme) 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 it is considered necessary to withdraw permitted development rights for any further structures in the curtilage areas to that shown on drawing no. 3152(0-) 07 revision H and alterations to the dwelling and associated garage. This can be conditioned.

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 was previously assessed in relation to Policies T10 and T19 of the UDP, Policies PLP 21 and 22 of the PDLP

Highway Officers made the following assessment on consideration of application no. 2017/92536.

"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.

Highway Officers, have verbally summarised that the modified proposals show adequate turning to allow access and egress to both sections of the garage block, bin storage areas and the widened drive with gates to be positioned back into the drive/site to be served from the existing vehicular access point onto Daisy Lea Lane are again acceptable. However it is considered appropriate and necessary to impose conditions in relation to surfacing and retention of turnaround areas as shown on the final revised site 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 modified layout was received during the course of the application. On assessment of this information the Council's Arboricultural Officer raises no objections subject to conditioning of the works being carried out in accordance with the approved plans including the recommendation as set out in the "Arboricultural Method Statement, reference (34 Daisy Lea Lane-Arbtech AMS01)"

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 (which may now have been removed). A joint site visit was carried out by the case and ecology officer at the time of the considering the outline application, where officers concluded the site and the structures on site had no biodiversity or ecological value.

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 previously advised given the circumstances have not altered on site the earlier advice remains valid. In this instance it is again considered to condition for the provision of a bat and bird box integral to the new dwelling as shown on the revised drawing no. 3152(0-) 07 revision H, to enhance 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:18/90731
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, BE5 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. The hereby approved dwelling and garage block shall be externally faced using natural regular coursed stone with ashlar detailing and natural roof slates in accordance with the details accompanying this application.
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 Arboricultural Method Statement, reference (34 Daisy Lea Lane-Arbtech AMS01), dated 9th May 2018 and supporting tree protection plan reference no. Abtech TPP 01 dated May 2018. 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 Arboricultural Method Statement, reference (34 Daisy Lea Lane-Arbtech AMS01), 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 revision H 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 revision H 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) 02		05/03/18
Topographical site plan	3152 (0-) 01		05/03/18
Tree protection plan	Arbtech TPP 01 dated May 2018		10/05/18
Arboricultural Method Statement	reference (34 Daisy Lea Lane-Arbtech		10/05/18

Plan Type	Reference	Version	Date Received
	AMS01) dated 9th May 2018		
Arboricultural Impact Assessment	Arbtech AIA 01, dated May 2018		10/05/18
Materials samples details			05/03/18
Proposed site block plan & floor plans	3152 (0-) 07	H	09/05/18
Proposed elevations	3152 (0-) 08	H	09/05/18

Report Dated: 29/05/18