

**Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (Keighley) to be held on 11 June 2009**

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**Summary Statement – Part Two**

**Applications Recommended for Approval**

The sites concerned are:

9. 19 Rombalds Lane, Ilkley
10. Former Highways Depot, Low Bank Lane, Oakworth

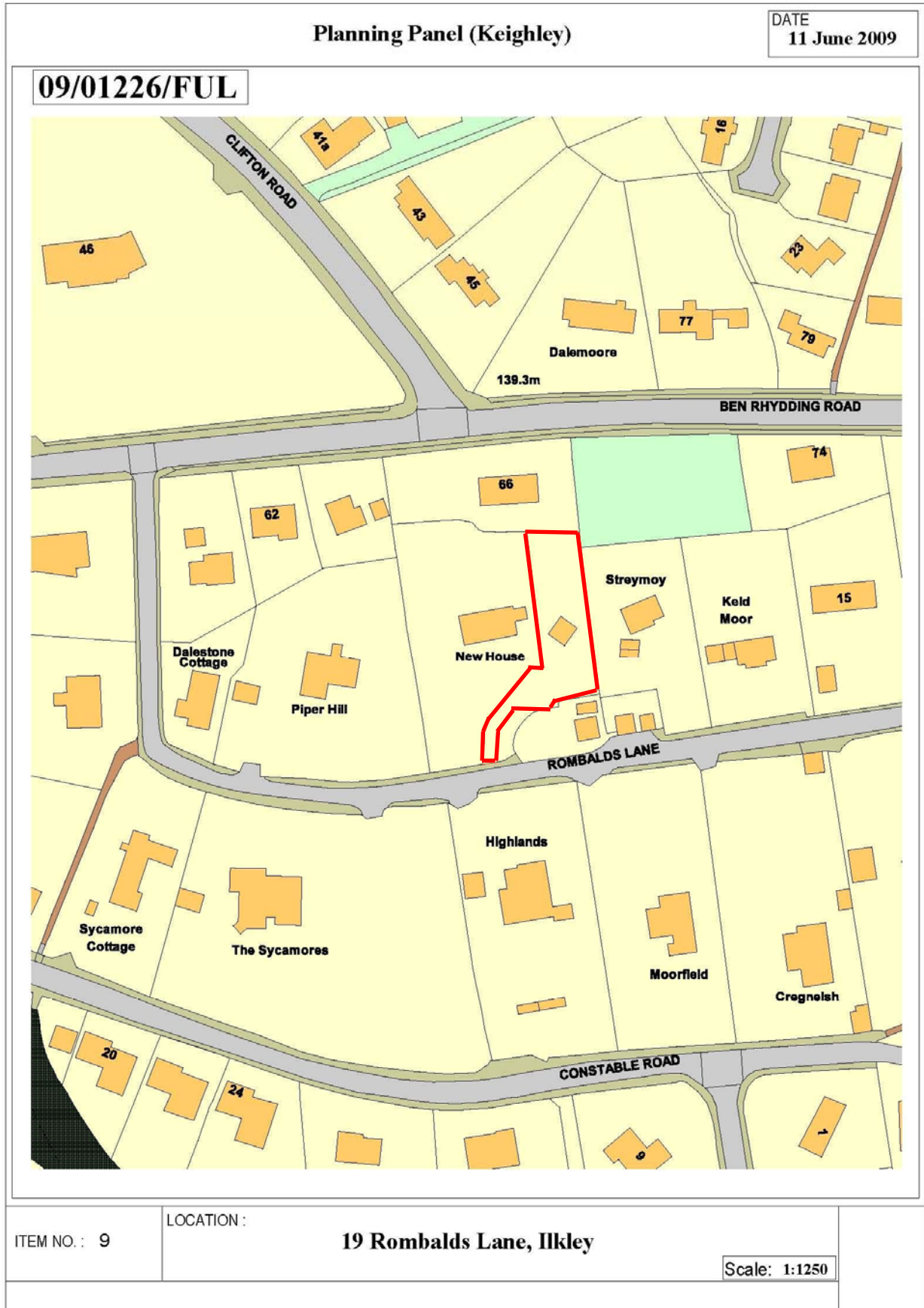
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**Improvement Committee Area:**  
Regeneration and Economy



**DATE:** 11<sup>th</sup>. JUNE 2009  
**ITEM No:** 9  
**WARD:** ILKLEY

**RECOMMENDATION:** TO GRANT PLANNING PERMISSION

**APPLICATION No:** 09/01226/FUL

**Type of Application/Proposal & Address**

Full application to construct a new 3 bedroom 2-storey house and demolish an existing free standing garage on land forming part of the garden and grounds of New House, Rombalds Lane, Ben Rhydding, Ilkley.

**Site Description**

New House is a large, modern, mock Georgian 2 storey house, built in stone with flat brown tiles, probably dating from the 1960's, in a plot of about 0.31 hectares. The land slopes down from Rombalds Lane so that New House stands about 3m below road level, and is about 33m back from the road. Rombalds Lane is an unadopted, quiet residential cul-de-sac, with a reasonable tarmac surface but no footways and no turning head. It serves 16 houses. Footpaths connect from the end of the road to a network of other paths through Wheatley Raikes – a public woodland.

Other houses on the road are all detached. Those on the higher, south side generally date from the early 20<sup>th</sup>. Century and are of significant size and built in stone or stone and white render. Those on the lower, north side are modern houses or bungalows dating from the 1960's or 1970's, generally in stone or stone and render, but with at least one partly in timber cladding. Apart from a split level house about 100m. to the west, on a right angled bend, houses on both sides are set well back from the road, with the degree of set back on the north side varying from 15m to 33m.

The plot for the new dwelling presently forms the eastern side garden of New House, together with an existing 3.5m wide drive off Rombalds Lane. The plot is about 22 metres by 7 metres. Part of it is at present occupied by a double garage which is to be demolished. The plot contains trees down the slope towards the rear (north). The eastern boundary is marked by a coniferous and rhododendron hedge some 2 to 3 metres high. There is an area of land outside the application site, at higher level, about 14 to 16 metres deep, which lies between the application plot and Rombalds Lane, and is owned by the applicant. This area contains trees and shrubs and two timber buildings, one a garage, in a poor state of repair.

**Relevant Site History**

88/7/05018: Detached house in front of New House. Refused.

93/7/00149: Detached house in front of New House. Refused in 1993 and Appeal dismissed in 1994.

05/07960/FUL: Application for detached house adjacent to east side of New House, with detached garage close to Rombalds Lane. Application withdrawn.

07/00410/FUL: Detached house (well forward of and to south-east) of New House. Refused. Appeal dismissed, 1 November 2007.

**Development Plan and Other Policies**

**National Policy**

PPS1 advises of the need for more sustainable use of land, and for developments to incorporate good design.

PPS3 encourages more efficient use of land for housing, with emphasis on proximity to public transport, whilst also not compromising the quality of the environment and ensuring good provision for recreation, including private gardens.

### **Replacement Unitary Development Plan (RUDP) Proposals and Policies**

The site is unallocated on the RUDP Proposals Map.

#### **Relevant Policies**

UDP 3 –quality of the built and natural environment

UR3 – local planning considerations

H7 and H8 – housing density

D1 – general design considerations

TM19A – traffic management and road safety

NE4/NE5/NE6 – retaining and protecting and enhancing tree cover on development sites.

### **Town/Parish Council**

Ilkley Parish Council recommends refusal and asked for referral to Panel, citing overdevelopment, out of character, parking issues and previous refusal on appeal.

### **Publicity and Number of Representations**

By neighbour notification letter and by site notice, expiring 23 April 2009.

3 objections received.

### **Summary of Representations Received**

1. Development is out of character with the area.
2. Loss of views.
3. Loss of natural light to adjacent house.
4. Adverse impact on outlook (especially from adjacent house to east).
5. House will be too close to the eastern boundary.
6. Lack of garages for existing and proposed house, with possible extra on-street parking.
7. Difficulties in selling adjacent house because of proposal.
8. Decision should follow previous refusals and dismissed appeals.

### **Consultations**

#### **Highways DC**

Highways advice has been that one extra house was acceptable on Rombalds Lane, although a turning facility, lacking in the road at present, would be helpful.

#### **Drainage/BC**

Needs separate drainage system within the boundary.

**Tree Officer** : Does not oppose loss of grey poplars that need to be removed to accommodate the house.

### **Summary of Main Issues**

Previous refusals and appeal.

Impact on character and appearance of the area, including street scene.

Impact on neighbouring occupiers.

Trees.

Highway safety and parking.

Desirability of more efficient use of land.

## **Appraisal**

### **Previous Refusals and Appeal**

The applicant has made previous attempts to develop an additional house on this very sizeable plot. The 1993 proposal was for a house on the site of the derelict garages to the south of the curtilage. This was dismissed at appeal due to the adverse effects on the character of the area from a house that would have been substantially closer to the road than any other property nearby.

The 2007 application (07/00410/FUL) was for a larger house than that now proposed and would have been set much further forward towards Rombalds Lane. This was refused for the following reasons:

1. The adverse effect on the amenities of the occupiers of the adjacent house, Streymoy, by allowing unduly close overlooking of private garden space and by creating an unduly visually oppressive and over dominating feature in close proximity to the garden of that house.
2. The proposed house would be detrimental to the character and high environmental quality of the area, because it would be sited in close proximity to the road frontage, with little space to either side of the house, in contrast to the prevailing pattern of development along this part of the road. It would undermine the quality of the environment.

In dismissing the appeal against refusal of application 07/00410/FUL in 2007, the Inspector supported the above reasons for refusal in relation to the house then proposed, but did not consider that the one infill house raised any highway safety concerns.

### **Proposal Details**

This new application proposal is for a 2 storey house but it differs from the 2007 scheme because it would be smaller and would stand between New House and the adjacent house called Streymoy, with no significant projection forward of the "building line". A gap of approximately 9.9 metres would be kept to Streymoy and some 8.3 metres to New House. The gap to the eastern boundary with Streymoy would be 1.7 metres. The house would be lower in height than either existing house, partly because it would be built into the slope at the front. Roof ridges would run from front to back, and the first floor rooms would use much of the roof space, thus giving low eaves heights to boundaries. The front part of the house, which would have a lower roof height, would project about 2.8 metres forward of New House, but not forward of Streymoy to the east. Drive space would be provided in front of the house, sufficient for up to 3 cars, with turning space. Ample parking is retained for New House.

### **Character of Area/Street Scene/ Design/Appearance**

It is considered that previous reasons for rejecting a house on this site have been overcome by the reduced height and bulk of the building and by re-siting the proposed dwelling so it does not significantly project beyond the front wall of New House. The proposed house, with its modern, clean cut design and subservient height, would fit well visually between the two existing houses and appear in much better balance with them. Like its neighbours, it would not have a great impact on the street scene because set well back, down a slope, with substantial frontage vegetation providing much screening. Indeed, the proposed house would hardly be seen from outside the site. The proposed house would be slightly nearer to its neighbours than others on the same side of the lane, but space between buildings to either side would still be significant.

New House is stone faced, with a hipped roof and Stremoy is mainly brick and render with a ridge roof. They are markedly different in design, materials and appearance. Materials for the proposed house are specified as render and coursed, smooth cut stone, with limited areas of hardwood cladding, and a natural slate roof. The stone proposed on the front west corner and western elevation would relate well to the stonework of New House, while white render to the frontage would relate to the white rendered frontage of Stremoy. The house design incorporates sustainable features to achieve zero carbon emissions in relation to heating, hot water, ventilation and lighting, including glazed areas placed to allow passive solar heating, high levels of insulation, solar panels for hot water, heat recovery ventilation and “grey” water recycling. Limited areas of timber cladding is specified as “accoya”, timber from sustainable sources treated to achieve long life but with no toxicity. It is considered that the modern design and choice of materials for the proposed house are appropriate.

The new dwelling would retain the character of this suburban locality and due to the revised siting and reduced scale compared with rejected proposals would accord with the existing character of the locality and comply with Policies D1, D5 and UR3 of the RUDP.

### **Impact on Neighbouring Occupants**

Main windows in the proposed house would face north and south and cause no overlooking. There would be two ground floor, high level windows in the eastern side wall serving a combined kitchen and dining room (the latter also having a large rear facing window), but no windows at 1<sup>st</sup> floor level facing east. The high level windows are shown to be above eye-level and this arrangement should avoid any direct overlooking eastwards to Stremoy. The boundary hedge is also shown to be retained, and has a height of about 3 metres - sufficient to screen views from the ground level windows. The combination of the low floor level of the proposed house and its low eaves height would also greatly limit shadowing of the garden and houses to either side and avoid any significant loss of light to either. Roof lights in the very shallow side facing roof slopes would be set too high to allow a direct view out.

Side facing windows to a hall and stairway in the western elevation would face New House, but would not overlook any habitable room windows. Neither the inevitable change of view from adjacent houses, nor possible effects on sale of the unoccupied adjacent house, are issues which would justify refusal. Other houses in Rombalds Lane and those to the north at a lower level would be little affected due to levels and the dense vegetation.

### **Effects on trees and landscaping**

The application was accompanied by a detailed tree survey. It is proposed to remove 4 grey poplars at the rear of the site. These are noted in the tree Report as being poor specimens because of previous topping. It is also proposed to prune but retain hedging on the eastern boundary, and remove an area of mature laurel hedge some 17 metres back from the frontage. Other trees, hedges and shrubs at the front and rear would be retained, sufficient to give good cover and significant screening. The architect has stated that new planting is intended to the front of the site. It is considered that none of the trees to be removed to accommodate development has any significant public amenity value. Removal of the grey poplars is not opposed by the Council's Tree Officer. Subject to securing additional planting, the scheme will preserve local landscape character.

### **Highway Safety**

Although Rombalds Lane is sub standard in terms of width, lack of footways and passing places and there is a sharp bend towards Ben Rhydding Road, the lane serves only 16 houses and is lightly trafficked with speeds tending to be low due to the restricted width. Previous Highway Officer advice has been that one additional dwelling is acceptable from a highway point of view and the previous Inspector had no reservations about the capacity of the lane to accommodate this amount of new development. Both New House and the proposed house would have adequate space for parking and turning, even though no new garages are proposed. The one additional house, sharing the existing drive, is not considered to pose a serious problem for other highway users in terms of convenience or safety. It would not be possible to provide a turning space off Rombalds Lane without loss of frontage vegetation and a build up of levels, with adverse impact on the street scene.

### **Densities**

The proposal would make more efficient use of land as encouraged by both national and local planning policies. Densities would still be lower than is suggested as a minimum in RUDP Policy H7, but what is proposed seems a reasonable compromise between the objective of higher residential densities and the desirability of safeguarding the character of the area and the amenity of neighbours. Alternative plots for new houses on the site have been rejected at appeal in order to protect this character.

### **Other Matters**

There is no advice from the Council's Drainage Section to suggest that sewers are a problem, and none of the other matters raised by objectors appear to amount to viable reasons for refusal. Previous refusals and appeals related to different proposals and the Council has to assess this new application on its merits. It is considered that the revised siting and reduced bulk of the house now proposed would allow the character of the area to be appropriately protected and overcome previous reasons for refusal.

### **Community Safety Implications**

None.

### **Reasons for Granting Planning Permission**

The proposal is considered to have overcome previous reasons for refusal due to the reduction in the size of the dwelling and its positioning further back into the site, so that it would be unobtrusive and better related to the layout, scale and height of adjacent and neighbouring dwellings and retaining a better balance of space between buildings. It would now appear appropriate to the character of the area and raises no significant concerns in respect of highway safety. The proposed dwelling would not have any significant adverse impact on the amenity of occupants of neighbouring dwellings. The scheme would retain the most significant trees and other vegetation on the site. The development is considered to accord with Policies UDP3, UR3, D1, NE4/NE5/NE6 and TM19A of Bradford's Replacement Unitary Development Plan.

### **Conditions of Approval**

1. 3 years for commencement of development
2. Samples of materials required to be submitted and approved prior to commencement of development and the development constructed using the materials so approved.
3. Tree protective fencing to be installed around retained trees prior to development commencing and retained for the construction period.

4. Requirement for details of arrangements for drainage to be approved prior to commencement of development and subsequently implemented during construction.
5. New tree/shrub planting details to be submitted, agreed prior to commencement of development and then implemented prior to occupation of the new dwelling.

**Footnote**

Developer to investigate sustainable drainage techniques for surface water.





**DATE:** 11 JUNE 2009  
**ITEM No:** 10  
**WARD:** Worth Valley (ward 29)  
**RECOMMENDATION:** TO GRANT PLANNING PERMISSION  
**APPLICATION No:** 08/00263/FUL

**Type of Application/Proposal & Address**

Full planning application for construction of 12 one bedroom flats (in two rows of six) at the former Highways Depot on Low Bank Lane, Oakworth, Keighley BD22 7PH.

**Site Description**

This application relates to a parcel of land 1033m<sup>2</sup> in area set within an area of residential housing together with its frontages onto Windsor Road/Low Bank Lane and a cul de sac called Griffie Gardens. The site was last used by the Council as a highways depot. It still includes leftover debris and rubble from those days and a single storey, stone building occupies the north west corner of the site. Previous vehicular access to the depot site was directly from Windsor Road. The site boundaries to the roads are low stone walls. To the south of the site are the rear gardens of a row of houses on Windsor Crescent, adjoining to the east is a car parking court to housing forming part of the recently completed Taywood Homes development (Berrington Way). The northern edge of the site includes a verge alongside Griffie Gardens – a residential cul de sac across which the end wall of a terrace of traditional housing called Griffie View which faces onto Low Bank Lane but has rear access via Griffie Gardens. Residential development in this locality is generally two storeys high and built in a mixture of coursed stone, brick and render with blue slate and brown and blue artificial tiles for roofing.

**Relevant Site History**

No previous planning applications related to this site.

**Replacement Unitary Development Plan (UDP) Proposals and Policies**

The site is unallocated on the RUDP Proposals map but shown adjacent to the national/local cycle network.

The following RUDP Policies are relevant

[UDP1](#) Promoting Sustainable Patterns of Development

[UR3](#) The Local Impact of Development

[H7](#) Housing Density – Expectation

[H8](#) Housing Density - Efficient Use of Land

[TM2](#) Impact of Traffic and its Mitigation

[TM12](#) Parking Standards for Residential Developments

[TM19A](#) Traffic Management and Road Safety

[D1](#) General Design Considerations

[D4](#) Community Safety

[P5](#) Development Close to Former Landfill Sites

**Town/Parish Council**

Keighley Town Council : Recommends approval.

### **Publicity and Number of Representations**

Application publicised by site and press notices and individual neighbour notifications for both the originally submitted plans and also the amended plans received by the Council on the 2<sup>nd</sup> March 2009. Publicity of amended plans expired on 23<sup>rd</sup> April 2009. 27 letters of representation have been received (from 13 addresses).

### **Summary of Representations Received**

1. Griffie Gardens is a restricted cul de sac with a poor junction with Low Bank Lane. It is unsuitable for use as the access to this high number of new dwellings. It will lead to safety problems and make the street unsafe for children to play.
2. Due to the scale of development, existing residents on Griffie Gardens will suffer parking and access problems during and after construction.
3. Traffic accessing the development along Griffie Gardens will affect a disabled parking bay of an adjoining resident.
4. Unrestricted access to Griffie Garden is needed in case of emergency and there are fears construction would affect access to existing homes.
5. Parking is inadequate.
6. Objectors call for the access to be taken off the main road or via the underused car park at the bottom of Berrington Way, behind the site.
7. Drainage / flooding problems in the area. Cellars flood. The old 'chipping yard' flooded suggesting defective drains.
8. The development will result in loss of communal green space on Griffie Gardens which has been used as a children's play area for many years. Children write to say they want the green area to be kept.
9. 12 flats are too many. It is an overdevelopment. Residents understood the development would be 4 or 5 houses not 12 flats. 8 dwellings would fit on the site much better.
10. Damage will be caused to trees and hedges of 2 Griffie Gardens not shown on plans.
11. The construction management plan submitted with the application is deficient and cannot meet HSE requirements.
12. Proposed hours of working would cause problems with existing residents going to work or children going to school. These problems need resolving if the scheme is approved.
13. Loss of light and over viewing will be caused to neighbours and the development will hem in existing residents in what is supposed to be a rural area.
14. Access to the flats will interfere with safe access to an adjoining garage.
15. Consider publicity for the application by the Council has not been carried out correctly and there has been a lack of consultation with the residents by the developer.
16. The applicant caused trees to be chopped down and should be made to replace them.
17. The gable wall of the block containing apartments 1-6 is far too close to the highway.
18. Site traffic would cause more structural damage to 1 Griffie View.
19. Objection that part of the land for development is presently highway land.
20. Revised plans are inaccurate and misleading e.g. the plans fails to show the existing footpath that runs down Griffie Gardens, the developer even proposes to use part of that land as their entrance to the site.
21. Amended plans make access to Griffie Gardens even more dangerous by the introduction of walled gardens on what is currently a large pavement on Low Bank Lane thus reducing sight lines for entering and exiting Griffie Gardens and the proposed development.
22. A covenant is said to relate to the wall to Griffie Gardens

### **Consultations**

**Drainage Service Unit:** seeks conditions on any approval and highlights the need to obtain Yorkshire Waters views on public sewer crossing the site.

**Environment Agency:** Has no comments to make.

**Yorkshire Water Services Ltd.:** Has no objection in principle to the proposed sewer diversion and seek conditions on any approval reserving details of drainage.

**The Mineral and Waste Team:** Has no comments to make in respect of any adverse impact from nearby former landfill sites.

**Environmental Protection:** No concerns relating to likely noise, odour or lighting nuisance affecting the proposed development or neighbouring residents. Suggest a condition limiting hours of operation at the construction stage. Given the previous history of the site it is probable that contamination has occurred of the made and natural ground beneath the site. Environmental Protection Officers recommend conditions to deal with contamination for inclusion on any approval.

**West Yorkshire Police Architectural Liaison Officer:** The application as originally submitted did not conform to Policy D4 of the RUDP in the areas of natural surveillance and defensible space. These matters have now been addressed by the amended plans.

**Highways Development Control Section:** Have been involved in providing comments both on the original submission and the amended plans. This development would have a relatively low traffic generation and the Council's Highway Officer considers that the proposed access, which has been designed to adoptable standards, is acceptable as it is designed to a standard capable of serving over 100 dwellings.

The Council's Highway Officer advises against using the former depot access onto Windsor Road to serve new residential development. This is a historical feature but is poorly located being directly opposite Low Bank Lane junction and close to the point where Griffé Gardens emerges into the road. With new developments it is not advisable to create new accesses in such close proximity to existing junctions. Highways would object to any redevelopment of this site that proposed to continue using the existing access. Redevelopment of this site is an opportunity to rationalise accesses in this location.

The Highway Officer has no objection to the use of highway land for the development as proposed in this application.

The Highway Officer has looked at swept paths of cars and delivery/emergency vehicles and is satisfied that the proposed widening of Griffé Gardens will enable swept paths to be accommodated and will not make the existing traffic situation any worse. The swept paths would avoid the existing disabled parking space.

Parking on site is considered to be at an acceptable level given the site's location adjacent to a bus route.

### **Summary of Main Issues**

1. Principle of residential development
2. Appropriateness of design and external appearance
3. Impact on neighbouring residents and their living conditions

4. Use of Griffie Gardens for access and impact on local highway safety
5. Loss of open space
6. Comments on other representations

### **Appraisal**

The proposal is for redevelopment of the depot site for 12 small flats accommodated in two two-storey rows one set behind the other with a parking court between them. Access is proposed from Griffie Gardens and includes the widening of the section of Griffie Gardens between the site entrance and the junction with Low Bank Lane/Windsor Road. The scheme has been subject to a number of amendments to resolve design, access and layout issues.

Many objectors say they do not oppose residential redevelopment, but not at this density or with this means of access. The principal concerns of objectors are recognised as being

1. The high number of dwellings being proposed.
2. The amount of traffic this would generate.
3. The use of Griffie Gardens as the means of access for this high number of dwellings.
4. Loss of the grass verge area alongside Griffie Gardens.

#### **1. Principle of residential development**

This proposal involves redevelopment of a largely open, former Council depot site set in the built up area in the village of Oakworth. The development would be on previously developed land and the site is well located in relation to local services and public transport being adjacent to a bus route which runs day time services Monday to Friday at 12 minute intervals providing access to the central bus station at Keighley providing easy access to a wide range of facilities and services. The site is well located and redeveloping it for residential use is acceptable having regard to Policies UDP1 and UR2 of the RUDP and guidance in PPS3 on "Housing".

Residential redevelopment would also benefit the surrounding area of housing by removing the possibility of the site returning, without requiring planning permission, to use as a depot, or some similar storage yard or distribution use that could cause nuisance to occupiers of surrounding residential properties. There are no objections to loss of the site for depot or other industrial use as such uses would be incompatible with surrounding residential properties which are quite tightly grouped around the site. The principle of residential re-use would be acceptable in relation to Policy E4 of the RUDP.

The proposal would result in redevelopment of 120 dwellings per hectare which is well above densities expected by PPS3 and Policies H7 and H8 of the RUDP. The applicant justifies the form of development and the high density by referring to a similar development he has carried out at Providence Lane in Oakworth and for which there was found to be strong demand.

#### **2. Appropriateness of design and external appearance**

Although they are flats, the development is proposed in the form of two rows of what look like conventional two-storey terrace houses orientated SW/NE. The rows are 16.6 metres long by 9.8 metres wide and with an overall height of 8.5 metres. This height is comparable to a conventional semi detached house. The ridges will be set slightly lower than Griffie View and below the ridge height of semis on Windsor Crescent.

The two blocks would be set one behind the other parallel with Low Bank Lane. Each block houses six flats – three upstairs and three downstairs. The block nearest the road is designed to be set back behind small front garden walls with all apartments having front doors facing the street. The rear block will be situated behind the parking court serving all apartments to the rear (east) of the site with all front doors being located on the elevation facing the parking court. Windows are to be framed by art. stone heads, cills, jambs and mullions. Guttering is supported by traditional style corbelling.

The design of the blocks of apartments is simple and reflects the form and character of traditional housing in the Oakworth area with the arrangement of doors and windows having been amended to incorporate mullions to reflect local traditional housing. Roofs would be in flat blue grey concrete tiles and walls finished in coursed artificial stone with sawn stone surrounds. Window frames and gutters/pipes would be UPVC. Existing development in the immediate area is of mixed character and there is a variety of materials used including natural and artificial stone, render and brick for walling. Natural blue slate and artificial concrete tiles are seen in local roofs. The development will not impinge on Oakworth Conservation Area which is some distance away.

Boundary treatment would consist of railings on stone walls and 1.8 metre gap board fencing to the backs of houses on Windsor Crescent. The form of enclosure to the front gardens would complement the character of the area.

In terms of its scale, massing, height, materials and general appearance, the development is in considered keeping with the character of the locality and the proposal will accord with Policies D1 and UR3 of the UDP.

### **3. Impact on living conditions of neighbours**

The proposed blocks would have windows facing east west either out towards Low Bank Lane/Windsor Road or onto the parking court serving the development. The gables would be positioned to face towards the rear gardens of houses on Windsor Crescent and towards Griffe Gardens and the side wall of 1, Griffe View. However, the design limits windows in the gable to small windows (to landings and bathrooms) which are clearly labelled on the drawings as obscure glazed. It is proposed to impose a planning condition to ensure that such glazing is installed and retained. Subject to this it is not considered that the new flats would cause any significant loss of privacy to any existing neighbours.

Objections from neighbours suggest that the windows of Flats 7 and 8 would have an oblique view towards the rear elevation of 1 Griffe Garden. But the angle of view and degree of separation are such that this would not cause an unreasonable loss of privacy.

The distance between the two blocks over the parking court would be 19 metres. It is considered that sufficient space has been left between the two rows of flats to ensure appropriate standards for future occupiers.

The flats would be sited 12 metres north of the rear elevations of the dwellings on Windsor Crescent. This separation and the fact that the flats are no higher than a conventional house are sufficient to ensure that the dwellings on Windsor Crescent will not be adversely affected by overshadowing. In order to protect residents on Windsor

Crescent from loss of privacy and light nuisance from vehicles using the car park a 1.8 metre close boarded fence is to be erected along the boundaries with the Windsor Crescent dwellings between the bin store and 1.8 metre high wall at right angles to apartment 12.

In response to objections from occupants of 1, Griffie View it is acknowledged that the gable elevation of the front block would be sited between 9.4 and 9.6 metres from the end wall of 1 Griffie View and that this house has two habitable room windows in its end wall - one of which is necessitated by a two storey rear extension having been built to the rear. However, the existing house would be separated from the new building by the width of Griffie Gardens and the windows are raised some distance above pavement level. The proposed development would cause only very limited overshadowing of 1 Griffie View as the effects would be mitigated by the position of the window towards the rear of the apartment block and the decreasing height of the roof of the new building due to its slope. This would still allow adequate daylight to reach the windows. The effects of the development on the outlook and daylight to 1, Griffie View are not considered to warrant refusal of the application.

Issues relating to impact on residents by traffic are dealt with below. It is acknowledged that impact on residents during construction needs to be mitigated by a limitation on hours of construction and by requiring submission of a fresh Construction Management Plan to ensure that, as far as possible, storage of cabins, equipment, materials etc occurs within the site so as to reduce disruption to Griffie Gardens. Some disruption is, however, inevitable - as it is with all building work.

#### **4. Use of Griffie Gardens for access and impact on local highway safety**

Understandably, neighbours do not want further traffic using Griffie Gardens. They fear an increase in potential accidents at the junction of Griffie Gardens and Low Bank Lane where visibility can be compromised by parked cars and garden walls. The residents suggest access off Low Bank Lane/Windsor Road onto a new mini roundabout.

However, the Council's Highway Officers are opposed to such an arrangement and consider it would be unsafe being in such close proximity to the existing junctions – including the point where Griffie Gardens emerges. Redevelopment provides an opportunity to rationalise the accesses in this location and the Highway Officers would object to any proposals that retained the existing access to the old depot. This advice has been consistent and the applicant therefore proposes to block up the old vehicular access to the depot and instead form an access to the development from Griffie Gardens.

To improve highway safety and the functioning of Griffie Gardens, the scheme allows for the widening of the carriageway of Griffie Gardens onto the existing grass verge at the side of the road and the installation of a 1.8 metre footway on this side.

Highways have raised no objection to the access proposals or the position of the access to the parking court being next to an existing garage. In addition, the proposed widening of Griffie Gardens to 6.0 metres will enable swept paths of service and emergency vehicles to negotiate Griffie Gardens without affecting the disabled person's parking space next to 1, Griffie View and without mounting the verge as happens at the moment.

In terms of trip generation, the Council's Highway Officer predicts that the development of 12 flats would generate something of the order of 29 trips arriving into the development and 31 trips departing over a 24 hour period. This is total of 60 trips over 24 hours is considered to be a very low rate of traffic generation and the existing levels of traffic on Griffe Gardens are low. The access is designed to adoptable standards and would be capable of serving well over 100 dwellings. At present it is understood that Griffe Gardens serves 15 houses, including providing the rear access to Griffe View. With the development of 12 flats it would serve 27 dwellings plus the various garages like the one immediately adjoining the site that are not associated with existing houses. Given the improvements to its width and installation of a new footway to the development, the Council's Highway Officers do not accept that there are reasonable grounds to refuse this application for traffic generation or highway safety reasons.

Access to the site from the car parking court off Berrington Way, as suggested by objectors, would also not be acceptable as it would reduce the amount of parking for that development and there could be conflict between the parked cars and vehicles moving through it for access. The applicant also has no ownership or control over the parking court so it would be unreasonable to pursue this means of access given that the Highway Officer considers that satisfactory access is already proposed for the scheme.

A construction plan has been submitted with the application to indicate how the applicant proposes to develop the site safely. It is suggested that this needs to be reviewed but generally, there seems no reason why construction storage etc would have to spill out from the site and It is not considered that there will be an increased risk to local children from this development provided it is securely fenced.

The scheme provides 12 spaces – 1 per flat. As these are 1 bedroom dwellings and as the site is close to bus routes, this level of parking is considered to comply with Policy TM12 of the UDP.

Highway Officers have no objection to the use of the verge or other highway land for development as it is considered the sections affected are redundant for highway purposes.

### **Loss of open space**

The development includes taking an area of highway verge alongside the depot to allow for the widening of Griffe Gardens to 6.0 metres and for a 1.8m footway to be installed. This would enable the swept paths of large service vehicles to be accommodated within the carriageway. Presently there is clear evidence of ruts on the grass verge which show that the refuse vehicle has to swing onto the verge. The incorporation of a 1.8m footway will benefit other occupiers of Griffe Gardens as well as residents of the new development.

Opponents of the scheme strongly oppose the loss of this grassed area which they say has been used by children for playing. However, the grassed area is not officially designated as a play area in the UDP; it contains no play equipment and is small in size. The play activity has taken place on an informal basis. An application by third parties to get this land registered as town or village green was considered and refused at the Council's Miscellaneous Licences Panel of the 19 December 2008. It is not accepted that the grass verge forms a particularly beneficial play facility. Its small size



and lack of any designated status means that its loss could not reasonably be used as a sound planning reason to refuse this application.

#### **5. Comments on other representations**

The covenant referred to seems to concern retention of the boundary wall but is a private matter and not a material consideration in determination of this planning application.

The flooding issue raised by third parties has not been raised as a problem by any of the drainage consultees. The development may be a means to resolve any existing problems with drainage on the old chipping site and the proposed drainage arrangements are considered to be acceptable by drainage consultees subject to diversion of the existing sewer and conditions reserving agreement of details being imposed on any approval.

The footway down Griffie Gardens is now depicted on the amended plan and account taken of this by Highways DC.

Comments that the submitted Construction Management Plan is deficient are noted. A Condition is suggested to require that a new one be submitted and approved prior to commencement of development. However, objectors should understand that the Local Planning Authorities remit in this is to ensure that disruption to residents is minimised through organisation of storage areas, contractor's cabins etc and is not to police the site on behalf of the HSE or other agencies.

Publicity for the application with regard to both the originally submitted plans and the amended plans has been carried out in accordance with Council guidelines. It is acknowledged that the amended plans were re-advertised to enable a wider range of local neighbours to comment on the revised plans. Lack of consultation between the developer and residents is a matter which the Council has no involvement in.

Objectors say that trees had already been removed from the site prior to the application being made. However, these were not protected, and so their removal cannot form a material consideration in determination of this application. It is not considered that the surviving self seeded trees growing at the edge of the site have any public amenity value.

A small tree and hedging belonging to 2 Griffie Gardens may be affected by the position of the proposed 1.8 metre high fencing and siting of the rear apartment block but only insofar as the hedging and tree would have to be trimmed back. However, the tree and hedge stand behind a wall and are not prominent in terms of public visual amenity. It is not considered that the effect of the development on the tree and hedging is so significant as to warrant refusal of the proposal.

Structural damage to 1 Griffie View is feared due to construction site traffic passing by this house. However, this would be a private legal matter and is not material to consideration of this planning application.

Policy D2 of the RUDP seeks to encourage energy efficiency in proposals. The orientation of the apartment blocks will maximise natural light and solar gain. Although the proposal does not include all the measures contained within Policy D2 this policy seeks to encourage sustainable design but does not go so far as to enforce absolute compliance.

There is no reason for refusal of this proposal on the grounds that it does not maximise energy efficiency.

### **Community Safety Implications**

The details of the application have been amended to follow guidance from the Police Architectural Liaison Officer. It does not raise community safety issues and is considered to comply with Policy D4 of the RUDP.

### **Reasons for Granting Planning Permission**

This proposal represents development of previously developed land in a sustainable location and therefore the principle of residential reuse is acceptable. The siting, design, height and materials of the buildings and the associated works are considered to be compatible with the character of the surrounding area. The development would have no significant adverse effects on the amenity of occupiers of neighbouring properties. The traffic generation from the development is considered to be within the capacity of the surrounding highway network and the proposed means of access and improvements to Griffé Gardens are considered to ensure that appropriate and satisfactory arrangements for servicing, vehicular and pedestrian access and car parking are provided for the development. The proposal is considered to accord with Policies UDP1, UR2, E4, H7, H8, UR3, D1, TM2, TM12, TM19A and D4 of Bradford's Replacement Unitary Development Plan.

### **Conditions of Approval**

- 3 year standard time starting condition
- Compliance with the amended plan 2067.1A.
- Restrict hours of construction
- Require submission and approval of further details of Construction site management prior to commencement of development and subsequent implementation of the agreed construction management plan.
- Conditions to deal with any contamination of the site encountered.
- External walling and roofing materials are to be submitted and agreed by the Council prior to commencement of development and the development subsequently built using these materials.
- The new means of access, including the widening of Griffé Gardens and provision of new footway to be implemented as shown on the approved drawing prior to occupation of the dwellings.
- Existing access from Low Bank Lane is to be completely closed and kerb restored prior to occupation of the dwellings.
- Car parking for new dwellings to be provided as shown on approved plan prior to occupation of the dwellings.
- No development to take place over or within 3m of sewer crossing the site.
- Separate drainage system required within site boundary
- Details of foul and surface water drainage to have been submitted and agreed prior to commencement of development.
- Agree details of boundary treatments prior to commencement of development and ensure implementation prior to development first occupation of development
- Side windows of apartment blocks serving hallways and bathrooms to be obscure glazed and retained as such thereafter.
- Details of lighting scheme to the car park to be approved prior to commencement of development and implemented prior to occupation of any of the dwellings.

- Provision of bin stores as shown on approved drawing prior to occupation of the dwellings
- Landscaping scheme details to be submitted and approved prior to commencement of development, and implemented in first planting season after completion of the dwellings.

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