

## REPORT OF THE STRATEGIC DIRECTOR REGENERATION TO THE MEETING OF THE AREA PLANNING PANEL (SHIPLEY) TO BE HELD ON 12 FEBRUARY 2009

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### SUMMARY STATEMENT – PART TWO

Applications recommended for approval

The sites concerned are:

10	41 Glenaire Drive, Baildon	(Page 12)	<b>Shipley</b>
11	28 Lansdowne Close, Baildon	(Page 19)	<b>Baildon</b>
12	Jenny Lane Playing Fields, Heygate Lane, Baildon	(Page 24)	<b>Baildon</b>

Mike Cowlam  
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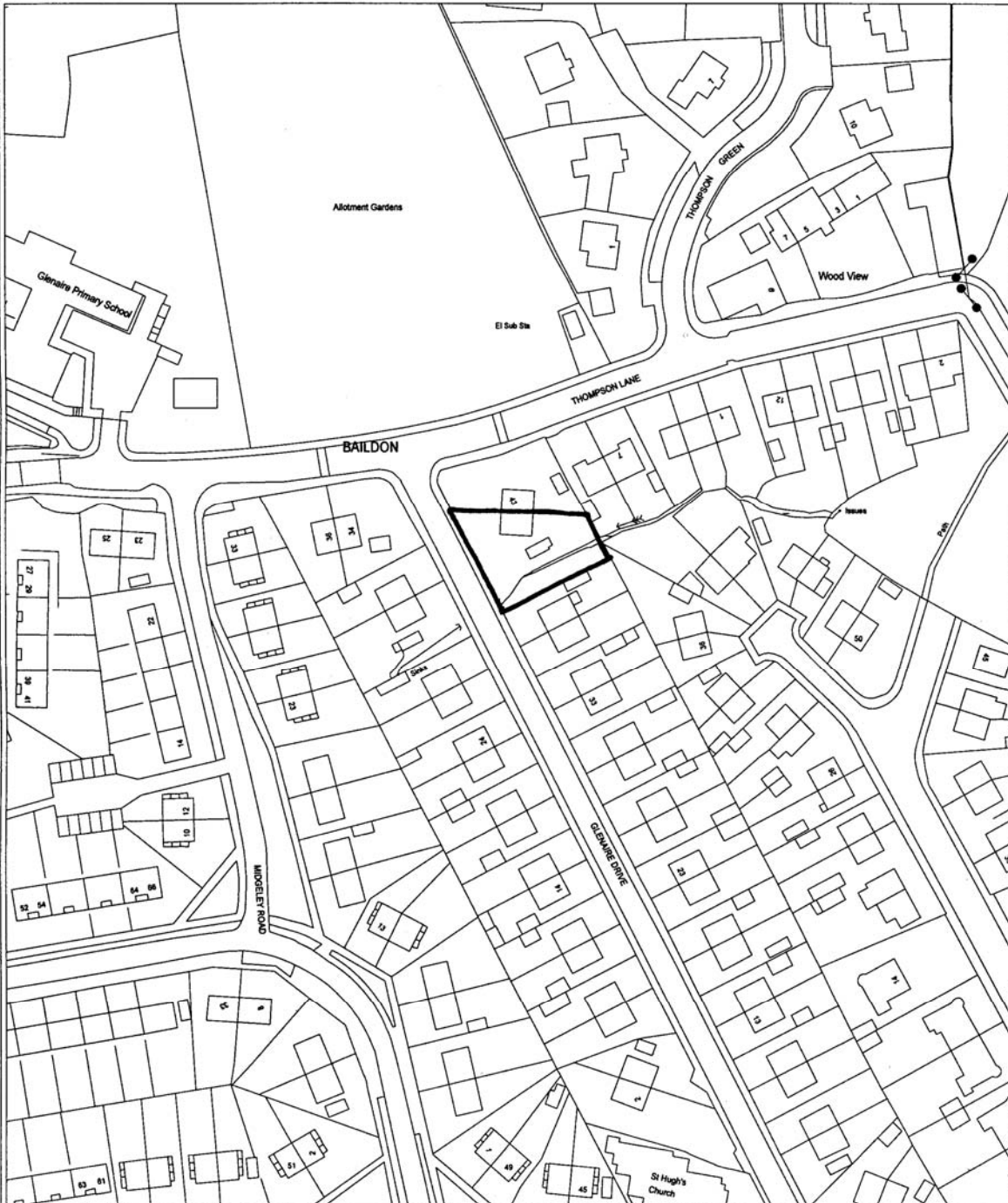
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**Improvement Committee Area**  
Regeneration and Economy

# SHIPLEY AREA PLANNING PANEL

DATE  
12 FEBRUARY 2009



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**ITEM No. 10**

LOCATION

**41 GLENAIRE DRIVE, BAILDON**

**DATE: 12 FEBRUARY 2009**

**ITEM NO: 10**  
**WARD: SHIPLEY (22)**  
**RECOMMENDATION: TO GRANT PLANNING PERMISSION**

**APPLICATION NUMBER: 08/05106/FUL**

**Type of Application/Proposal and Address:** Full application for the construction of a detached dwelling in the side garden area of number 41 Glenaire Drive, Baildon

**Site Description:** A side garden area to number 41 Glenaire Drive, Baildon. The property is a semi detached dwelling in dashed render with red roof tiles and is located within a wider residential area. The pair of semis occupy a corner plot at the junction of Glenaire Drive and Thompson Lane, to the north of which are allotments. The site slopes gradually towards the south east and a water course runs through the site close to the boundary with no. 39 Glenaire Drive. There is a protected beech tree in the front garden area of the application site, adjacent to the highway. The site is not within a conservation area and no listed buildings are affected.

Relevant Site History:

07/03460/FUL - Construction of semi-detached dwellings in garden of existing property, refused 18<sup>th</sup> June 2007.

07/07354/PMI – Pre-application enquiry. Officers advise that a detached dwelling in the garden could be acceptable in principle.

08/02328/FUL - Single detached dwelling in garden, refused 27<sup>th</sup> May 2008 due to overdevelopment/poor relationship with neighbouring buildings, and insufficient information with regard to flood risk.

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

The site is unallocated on the Replacement Bradford Unitary Development plan (2005) (RUDP). Relevant policies are:

UDP1 – Promoting Sustainable Patterns of Development

UR2 – Promoting Sustainable Development

UR3 - Local Impact of Development

UR4 – The Sequential Approach to Accommodating Development

D1 – General Design Considerations

TM2 – Impact of Traffic and its Mitigation

TM12 – Parking Standards for Residential Developments

TM19A – Traffic Management and Road Safety

NR16 – Surface Water Run Off and Sustainable Drainage Systems

Other, national, planning guidance is contained in PPS3 – Housing.

**Parish Council:**

Baildon Parish Council object to the proposal due to resultant loss of open space; impact on street scene; impact on trees; insufficient parking; building over a public sewer; and increased flood risk.

**Publicity and Number of Representations:**

The proposal was advertised via neighbour notification letters with an expiry date of 23<sup>rd</sup> September 2008 and a site notice with an expiry date of 25<sup>th</sup> September 2008.

46 letters of objection have been received from neighbours.

**Summary of Representations Received:**

Objector's concerns can be summarised as follows:

- Overdominance and density
- Flood risk
- Damage to trees
- Loss of amenity
- Parking and traffic
- Environmental sustainability
- Overlooking and overshadowing
- Impact on street scene

**Consultations:**

Drainage – No objection subject to drainage on separate systems with surface water to the watercourse. Advise that the application be referred to the Environment Agency.

Environment Agency – Suggest conditions to ensure that the proposal is undertaken in accordance with the submitted Flood Risk Assessment.

Yorkshire Water – Suggest conditions be attached regarding details of foul and surface water drainage.

Trees – No objection subject to conditions regarding underground service runs and an appropriate methodology being submitted and approved.

Highways – (Verbal advice at Case Conference) No objection subject to a condition requiring parking areas to be surfaced, sealed and drained prior to first occupation.

**Main issues:**

The main issues to be considered in this case relate to i) the principle of development, ii) amenity considerations, iii) visual amenity/street scene, iv) traffic and highway safety, and v) drainage/flood risk, and (vi) trees.

### **Appraisal:**

The application is a resubmission of refused application ref:08/02328/FUL which has been amended to address the two reasons for refusal. The footprint of the proposed house remains the same, however its height has been reduced from three to two storeys to address the first reason for refusal. Further, supporting information and correspondence from the Environment Agency has been submitted to address the second reason for refusal.

Each of the main issues will now be considered in turn.

#### Principle of development

National and local planning policy supports the principle of building dwellings on previously developed land providing the proposal would not conflict with other RUDP Policies. An additional dwelling within this established residential area would conform to surrounding uses. Further, the principle of development satisfies sustainability objectives, representing an appropriate use of a 'brown field site' within the urban area and with access to existing infrastructure. As such, the principle of development is considered to be acceptable under RUDP policies UDP1, UR2, UR4 of the RUDP.

#### Amenity considerations

The proposal is for a two storey detached dwelling set in an existing side garden area. The proposed dwelling would front Glenaire Drive and be positioned on the building line established within the street. It would be set two metres from the shared boundary with number 39 Glenaire Drive and 4 metres from the rear corner of the parent dwelling, number 41.

The side elevations of the proposed dwellings are shown as blank with no windows and the rear garden area would be twelve and a half metres in length. Accordingly the proposed dwelling would not result in unacceptable overlooking of neighbouring properties. The height of the proposed dwelling would be commensurate with those either side and the separation with adjacent houses is such that no issues regarding overshadowing are foreseen. The adjacent number 29 does have a large window to its side elevation which has been inserted; however this appears to be a secondary window and as it is located to the south of the proposed dwelling, it is considered that the amenity of the occupants of number 29 would not be significantly harmed.

For these reasons, it is considered that the development would acceptably accord with the provisions of policies D1 and UR3 of the RUDP.

#### Street scene/visual amenity

Glenaire Drive comprises of semi detached dwellings and whilst the proposal is for a detached dwelling, it has been designed and proposes materials to ensure it blends acceptably within the street scene. The site slopes gradually towards the south east and the roof height has been amended from the previously refused application such that it now sits comfortably in the street scene between numbers 41 and 39 Glenaire Drive.

By conditioning materials it is considered that the proposal could be successfully integrated into the locality whilst making more efficient use of the land. As such, the proposal would accord with guidance contained in PPS3 and with RUDP policies UR3 and D1.

#### Traffic and highway safety

The proposed dwelling provides an area of hard standing block paving to accommodate the required 1.5 spaces per dwelling required across the development in line with policy TM12 of the RUDP.

The Highways Officer was consulted via a case conference during which he indicated no objection subject to a condition being attached to ensure the parking areas were laid out, surfaced, sealed and drained prior to occupation. As such, it is not felt that the proposal would be detrimental to highway safety. It therefore accords with RUDP policies TM2, TM12 and TM19A.

#### Drainage/Flood Risk

The site has a small watercourse running through it, entering on the east side from an adjacent garden and running west towards Glenaire Drive, where it enters a culvert running under the road. The applicant has obtained consent from the Environment Agency to divert the watercourse and partially culvert it closer to the boundary with number 39 Glenaire Drive.

The proposal involves the construction of a bund to ensure that in the event of the watercourse flooding the flood water would not overflow into the adjacent and lower lying number 39, Glenaire Drive.

The application has been accompanied by a Flood Risk Assessment (FRA) which has been forwarded to the Environment Agency and to the Council's Drainage Officer for comments.

Consultation response from the Council's Drainage department confirm no objection subject to conditions on any approval to provide that an emergency overflow be incorporated into the bund design and that the overflow must not discharge into adjacent properties.

Consultation response from the Environment Agency requests that condition be attached to ensure that the development is undertaken in accordance with the submitted flood risk assessment.

There is a public sewer which runs through part of the site and within 3 metres of the proposed house. Also the proposed garage for the parent dwelling, number 41 would be built over the sewer. The garage however is a replacement for one recently demolished and would be erected on an existing concrete base. Yorkshire Water have not raised

objection, stating in consultation response that they would look to control the matter under Requirement H4 of the Building Regulations.

### Trees

The Council's Arboricultural officer has been consulted regarding the application as the front garden of number 41 contains a large protected Beech tree. He accepts that the position of the driveway and house would not have a harmful effect upon the protected tree subject to conditions being attached regarding the proposed service runs and that details are submitted and approved regarding areas of hard standing and driveways within the root protection area.

It is considered that the development could be completed with suitable conditions attached to ensure the long term health of the protected Beech Tree in accordance with Policies NE5 and NE6 of the RUDP.

### **Conclusion:**

For the reasons noted above, and despite the receipt of objections, it is considered that the proposal represents appropriate development that – with appropriate conditions – would adequately protect the residential, visual and general amenities of the site and the surrounding area. Accordingly, a conditional approval is recommended.

### **Community Safety Implications:**

There are no significant community safety implications arising from this proposal.

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

It is considered that the proposed dwelling is acceptable in terms of its impact on residential amenity and traffic safety and acceptably accords with the provisions of the Replacement Unitary Development Plan Policies UR3, D1, H5, P4, TM2 and TM19A.

### **Conditions of Approval:**

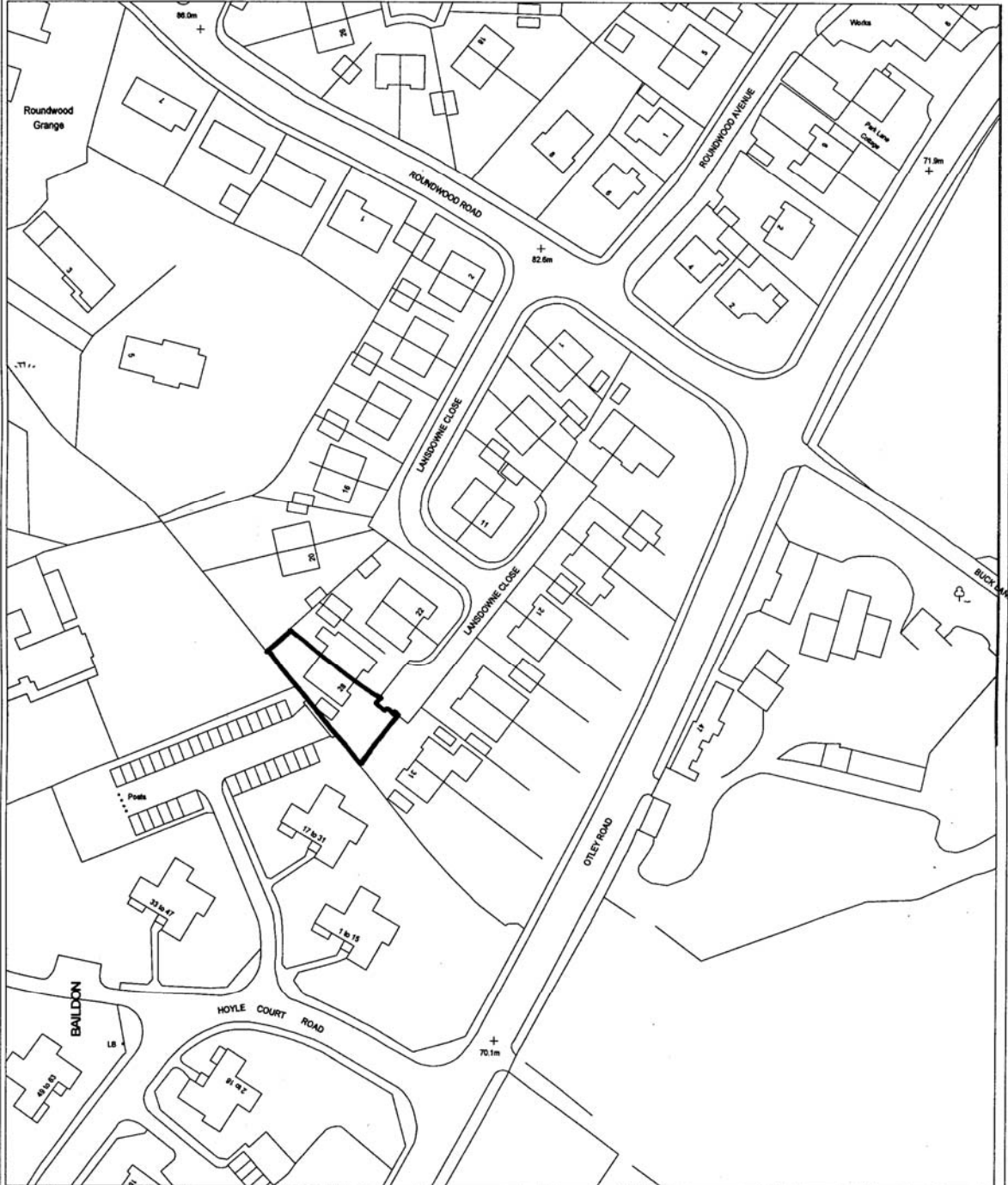
1. Development to commence within 3 years.
2. Vehicular access to be provided before first occupation.
3. Domestic parking area to be provided, surfaced, sealed and drained before first occupation.
4. Prior to the commencement of development, details shall be submitted to and approved in writing by the LPA showing the appropriate incorporation of an emergency overflow for excess flood water in the bund design and the development shall be carried out in accordance with the approved details. Emergency overflow must not discharge into adjacent private properties.
5. Development to be undertaken in such a manner as to not alter overland surface water flow patterns to the detriment of adjacent landowners.
6. No piped discharge of surface water until details are supplied and approved. Development to be carried out in accordance with approved details.
7. Drain on a separate system with surface water to the watercourse.

8. Details for means of disposal for foul and surface water drainage required and no buildings shall be occupied prior to completion of approved foul water drainage works.
9. Details and a methodology of works designed to protect the health and future wellbeing of the protected tree from construction works and thereafter shall be submitted to and approved in writing prior to the commencement of development, and the development to accord with the approved details.
10. Protective fencing to be provided around the trees during construction works.



# SHIPLEY AREA PLANNING PANEL

DATE  
12 FEBRUARY 2009



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**ITEM No. 11**

LOCATION

**28 LANSDOWNE CLOSE, BALDON**

**DATE: 12 FEBRUARY 2009**

**ITEM NO: 11**  
**WARD: BAILDON**  
**RECOMMENDATION: TO GRANT PLANNING PERMISSION**

**APPLICATION NUMBER: 08/06373/FUL**

**Type of Application/Proposal and Address:**

Full planning permission is sought for the construction of a side extension at 28 Lansdowne Close, Baildon, to provide additional living accommodation and a replacement garage. The additional living accommodation would incorporate an altered roof form from hip to gable. The replacement garage – which would be attached to and set in front of the new living accommodation - would have a flat roof. The length of the side extension from front to rear would be 13.5 metres. Materials of construction would match those of the original dwelling.

This proposal has been amended. The initial application proposed a detached garage in the front garden.

**Site Description:**

The application property is a semi-detached bungalow with a driveway and garden to the front and a smaller garden area to the rear. There is a detached garage to the side of the house. The property is located at the end of a residential cul-de-sac in a wider residential area. The properties in the immediate vicinity vary in design and size and include bungalows, semi-detached dwellings and blocks of flats (served via Hoyle Court Road). A garage court serving the blocks of flats is situated immediately to the south west of the application site. The site is not within or adjacent to a conservation area and there are no listed buildings or protected trees nearby.

**Relevant Site History:**

None.

**Replacement Unitary Development Plan (RUDP):**

The site is unallocated on the Replacement Bradford Unitary Development Plan (2005).

Relevant policies are:

UR3 - The Local Impact of Development

D1 - General Design Considerations

TM19A - Traffic Management and Road Safety

Further supplementary planning guidance is contained in the Council's approved Revised House Extension Policy (2003).

**Parish Council:**

Baildon Parish Council – No comments

**Publicity and Number of Representations:**

Before being revised, the application was publicised by means of neighbour notification letters which requested that representations be received by 19<sup>th</sup> November 2008. Five letters of objection were received, including one from a ward Councillor.

The application was re-advertised following amendment with representations being requested by 3<sup>rd</sup> February. No representations were received by the 30<sup>th</sup> January 2009. Any representations will be reported at Panel.

**Summary of Representations Received:**

The comments received in the first round of publicity related to the proposed detached garage. Concerns can be summarised as follows:

- The size and siting of the garage would result in overbearing and dominant development;
- The large scale of the garage would result in loss of light and overshadowing to neighbours; and
- The garage could be used for business purposes.

**Consultations:**

No statutory or internal consultations undertaken (since none were necessary or required).

**Summary of Main Issues:**

The main issues relating to this proposal are i) visual amenity, ii) residential amenity, and iii) road safety.

**Appraisal:**

Each of the main issues will now be considered.

Visual Amenity

The proposed revised side extension has no set-down in the plane of the roof as recommended in the Council's revised House Extension Policy (2003). Further, the form of the roof would change from a hip to a gable, so unbalancing the symmetry that currently exists between the pair of houses. However, it is considered that due to its location at the end a cul-de-sac, and due to the variety of property designs in the immediate area, the visual impact of the proposal would be minimal. The property is not in a dominant position and is adjacent to a lower level garage court. The lack of a set-down in this context would not lead to any terracing effect and is considered appropriate. Similarly, the change in roof form – which could be implemented on the existing bungalow as permitted development – is considered acceptable in this instance where the existing front gable feature on the bungalow will, it is considered, continue to be the dominant design feature on the pair of semis.

The materials proposed would match the host dwelling and be in character with the existing dwelling and present street scene.

The proposed garage would project forward of the principle elevation of the property. The design and siting of the garage has been amended to reduce its impact in the street scene and to avoid blocking views out of and in to Lansdowne Close from the north and south respectively. Although it steps forward of the parent house, the garage would be lower than the main body of the bungalow and would not project beyond the building line of neighbouring 22 and 24 Lansdowne Close. These factors work to reduce the dominance of the garage within the street scene, making it acceptable.

The frontage of the dwellings in this cul-de-sac are not uniform and the proposal as amended is considered to be preferable, in term of visual amenity, to the previous proposal where the garage was considered to be incongruously sited in a prominent position. Additionally, the flat roof of the proposed garage echoes those of the nearby block of flats. As such the proposal is considered to remain sufficiently visually subordinate both to the parent building and the wider street scene.

Sufficient space for amenity purposes and bin storage will remain once the garage and extension are built and as such the development complies with the House Extensions Policy. It would not be practicable to leave a gap of 1metre between the extension and the side boundary due to the effect on room sizes and therefore in this instance a gap of between 60cm and 70cm is considered acceptable.

The revised proposal is considered to satisfy RUDP policies D1 and UR3, and the Council's revised House Extension Policy (2003).

#### Residential Amenity

The revised proposal, due to its location, size and design is not considered to be unduly overbearing or overshadowing to any neighbouring property. Whilst windows have been proposed to the side elevation, they will look onto a garage court and the distance to the nearest habitable room window (upon the flats) is approximately 17 metres. This is considered to be acceptable and compliant with aforementioned policies.

The previously proposed detached garage would have had an impact on the outlook of neighbouring residential premises. Whilst not being so significant to result refusal on its own, this issue is significantly eased in the revised proposal since the garage is sited at a greater distance from the neighbouring property and is therefore considered more acceptable.

Therefore in terms of residential amenity the proposal is not considered to have any adverse effects on any neighbouring properties, thus complying with the Council's Revised House Extension Policy Document and with policies D1 and UR3 of the RUDP.

#### Road safety

The driveway to the front of the dwelling is considered large enough to accommodate a number of vehicles and it is considered that at a least two off street parking spaces will remain with the development in place. It is therefore considered that the development will not be detrimental to road or pedestrian safety. Therefore the proposal is considered to

be compliant with policies TM19A of the Bradford Council Replacement Unitary Development Plan.

**Community Safety Implications:**

There are no significant community safety implications arising from this proposal.

**Conclusion/Reason for approval:**

The proposed development is considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the extension upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significantly adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with policies UR3, D1 and TM19A of the Replacement Bradford Unitary Development Plan (2005) and the Revised House Extensions Policy (2003). Approval is recommended subject to the conditions listed below.

**Conditions:**

1. Development to commence within 3 years.
  2. Development to be in accordance with amended plans.
  3. Materials to match existing property.
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# SHIPLEY AREA PLANNING PANEL

DATE  
12 FEBRUARY 2009



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LOCATION

**ITEM No. 12**

**Jenny Lane Playing Fields, HEYGATE LANE, BAILDON**

**DATE: 12 FEBRUARY 2009**

**ITEM No: 12**  
**WARD: BILDON**  
**RECOMMENDATION: THAT PERMISSION BE GRANTED**

**APPLICATION No: 08/06381/FUL**

**Type of Application/Proposal & Address:**

A full application for the construction of a two metre high mesh fence at Jenny Lane Playing Fields, Heygate Lane, Baildon.

**Site Description:**

Jenny Lane Playing Fields are located on fairly level ground at the top end of Baildon village. The site includes former allotments, a play ground, a football pitch and fields. The site is currently bordered by a stone wall measuring just over one metre in height. A gap in the boundary treatment exists along Jenny Lane where a concrete post and mesh fence has fallen apart. The site is adjacent to Baildon Cricket Club and rugby pitch which is enclosed by stone walls. The area to the south and west of the site is residential. A large belt of trees runs along the west of the site.

**Relevant Site History:**

08/05076/CLP: Certificate of Lawfulness in connection with proposed boundary fence maximum of 2m in height to enclose three sides of the site with two 3m wide access gates set back 4metres from the highway, issued 5<sup>th</sup> September 2008.

08/03537/CLP: Certificate of Lawfulness in connection with proposed boundary fence maximum of 2m in height to enclose three sides of the site with two 3m wide access gates, refused 7<sup>th</sup> July 2008.

96/02554/FUL: Siting of portable container for the storage of sports training equipment, approved 24<sup>th</sup> October 1996.

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

The site is allocated as Recreational Open Space on the RUDP. Relevant policies are:

UDP1 - promoting sustainable patterns of development

UDP2 - restraining development

UDP3 - quality of built and natural environment

OS3 - protection of playing fields

UR3 - the local impact of development

D1 - general design considerations

NE5 - retention of trees and development sites

**Town/Parish Council:**

Baildon Parish Council object to the scheme on the grounds that the development would be an eyesore, not provide any additional security and be an inappropriate enclosure of space. The parish council feels the development would be contrary to policies UDP2 section 2, UDP3 section 3 and UDP5 section 4. The parish council are also worried that

enclosure and neglect of the site may lead to applications for change of use of the land been looked at favourably. The parish council requested the application is determined at panel.

**Publicity and Number of Representations:**

The application was publicised by means of site notice, press advert and individual neighbour letters. The final date by which representations were requested was 19<sup>th</sup> December 2008.

**Summary of Representations Received:**

Six letters of objection have been received. The main planning considerations can be summarised as follows:

- Inappropriate visual impact on the open aspect of the area and playing fields.
- The fencing would be more suitable to an industrial area.
- The field should remain open for recreation for the people of Baildon.
- Concern that the land will be sold off as building land.
- The proposed development goes against the spirit and recommendations of the Replacement Bradford Unitary Development Plan Inspectors Report which concluded there was a need to protect the recreational and open space uses of the land.
- If the fence restricts access it will significantly reduce the available open space for local children, youths and adults.
- Baildon already suffers from an estimated 60% less play space than the National Playing Fields Association (NPFA) recommended minimum.
- It will alter the recreational habits of the local community.
- The application title suggests it is for replacement fencing but there is no apparent existing fencing to replace.

Other issues resulting from advertisement of the application

Comment has been received alleging poor advertising of the application. Three site notices were put up surrounding the site on both Jenny Lane and Moorland Avenue. The notices were posted on 18<sup>th</sup> November 2008. The final date by which representations were requested was 19<sup>th</sup> December 2008 giving sufficient time for representations to be made. In addition the application was publicised through a press advert. Complaint has been made that the notices gave no indication as to the height of the fence. However this detail is contained within the information submitted within the application which is available for public viewing.

**Consultations:**

Trees: No objection to the proposal subject to a condition requiring the Council's written consent prior to any tree work.

Rights of way: Public footpath no. 56 is adjacent to the site. Fencing right up to the kerb edge could lead to the path being less attractive to users if it makes it feel narrow and confined.



### **Summary of Main Issues:**

The main issues relate to i) the principle of the development, ii) impact on the surrounding environment, iii) impact on the amenity of local residents, and iv) outstanding issues.

### **Appraisal:**

The main issues will now be addressed in turn.

#### Principle of development

The site is allocated as playing fields on the RUDP and is privately owned. The Council have no agreements for the use of the playing pitches and only have a lease for the play area until 2010. The play area would remain outside the fenced area. Although the fence would prevent open access to the playing fields, there is no proposal to develop them. In this context, there is no conflict with RUDP policy OS3 and the proposal is considered to be acceptable in principle.

#### Visual amenity

The proposed fencing is a mesh type measuring two metres in height. The colour and appearance could be conditioned and a dark colour would be preferred on the grounds of visual amenity. Means of enclosure in the surrounding area generally comprise stone walling measuring around 1m high. Where they are not adjacent to a highway used by vehicular traffic, planning permission is not required for fences (and other means of enclosure) that do not exceed 2 metres in height. On this basis, a certificate of lawfulness has already been granted for a 2 metre high fence around the perimeter of much of the site. With this in mind, it is considered that the proposal would not materially affect the character of the area over and above what could be erected without the need for express planning permission. The mesh type fence, particularly if dark coloured, is considered to have less of an impact on the surrounding area than other types of fencing - such as palisade fencing - which may be used to enclose sites, often without permission being required.

A condition is proposed which would necessitate the developer seeking the Council's prior approval for any tree work required in the erection of the fencing. This condition is proposed by the Council's Arboriculture officer and should ensure that any works are appropriate and ensure compliance with RUDP policy NE5.

The proposal is therefore considered to be acceptable and in accord with RUDP policies UDP3, UR3 and D1.

#### Residential amenity

The proposed fencing is not considered to adversely affect any of the neighbouring properties which surround the site. The fencing is predominantly at the far side of the site and at its closest point is still 10 metres away from a residential property. The proposed fencing is considered to be acceptable in terms of residential amenity and does not conflict with RUDP policies UR3 and D1.

### Outstanding issues

Neighbour representation raised the fact the application has been advertised as replacement fencing but it is more like a new fence. The fencing facing Jenny Lane is being replaced and this was reflected in the advertised description of development.

### **Community Safety Implications:**

The proposed fencing will enhance security of access to the Site.

### **Conclusion and Reasons for Granting Planning Permission:**

Subject to conditions the proposed fencing is considered to be acceptable in terms of design. It is not considered that the proposal will adversely affect the character and appearance of the area. The proposed development will not result in the loss of the playing fields. The proposed development is therefore considered to accord with policies UR3, D1, OS3 and NE5, UDP2, UDP3 of the RUDP.

It is recommended that permission be granted subject to the following conditions.

### **Conditions of Approval:**

1. Commence development within 3 years.
2. The fencing shall be permanently treated with a dark colour finish, details of which shall be approved in writing by the Council prior to the commencement of development.  
Reason: To ensure an appropriate appearance in the interests of visual amenity and to comply with policies UR3 and D1 of the Replacement Bradford Unitary Development Plan (2005).
3. No tree shall be worked upon or felled without written consent from the Local Planning Authority.  
Reason: To safeguard the visual amenity that the trees give to the site and to accord with policy NE5 of the Replacement Bradford Unitary Development Plan (2005).