

## 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 ONE

Items include an application deferred from a previous Panel, six decisions made by the Secretary of State, a miscellaneous report to update Members on an enforcement issue and a report of enforcement complaints closed by the Area Planning Manager as Not Expedient to Pursue.

The sites concerned are:

1	Butler House, access from Kirk Drive, Baildon	(Page 2)	<b>Baildon</b>
2	5 Lower Heights Farm Keighley Road, Cullingworth	(Page 7)	<b>Bingley Rural</b>
3	3 Delph Wood Close, Gilstead	(Page 7)	<b>Bingley</b>
4	3 Farnham Close, Baildon	(Page 7)	<b>Baildon</b>
5	Land to rear of 30 Main St., Burley in Wharfedale	(Page 7)	<b>Wharfedale</b>
6	7 West Chevin Road, Menston	(Page 7)	<b>Wharfedale</b>
7	Oakbank Farm land, Childs Lane, Wrose	(Page 7)	<b>Windhill/Wrose</b>
8	20 Nab Wood Drive, Shipley	(Page 8)	<b>Shipley</b>
9	Not Expedient to Pursue sites	(Page 9)	<b>Various</b>

Mike Cowlam  
Assistant Director Economic Development

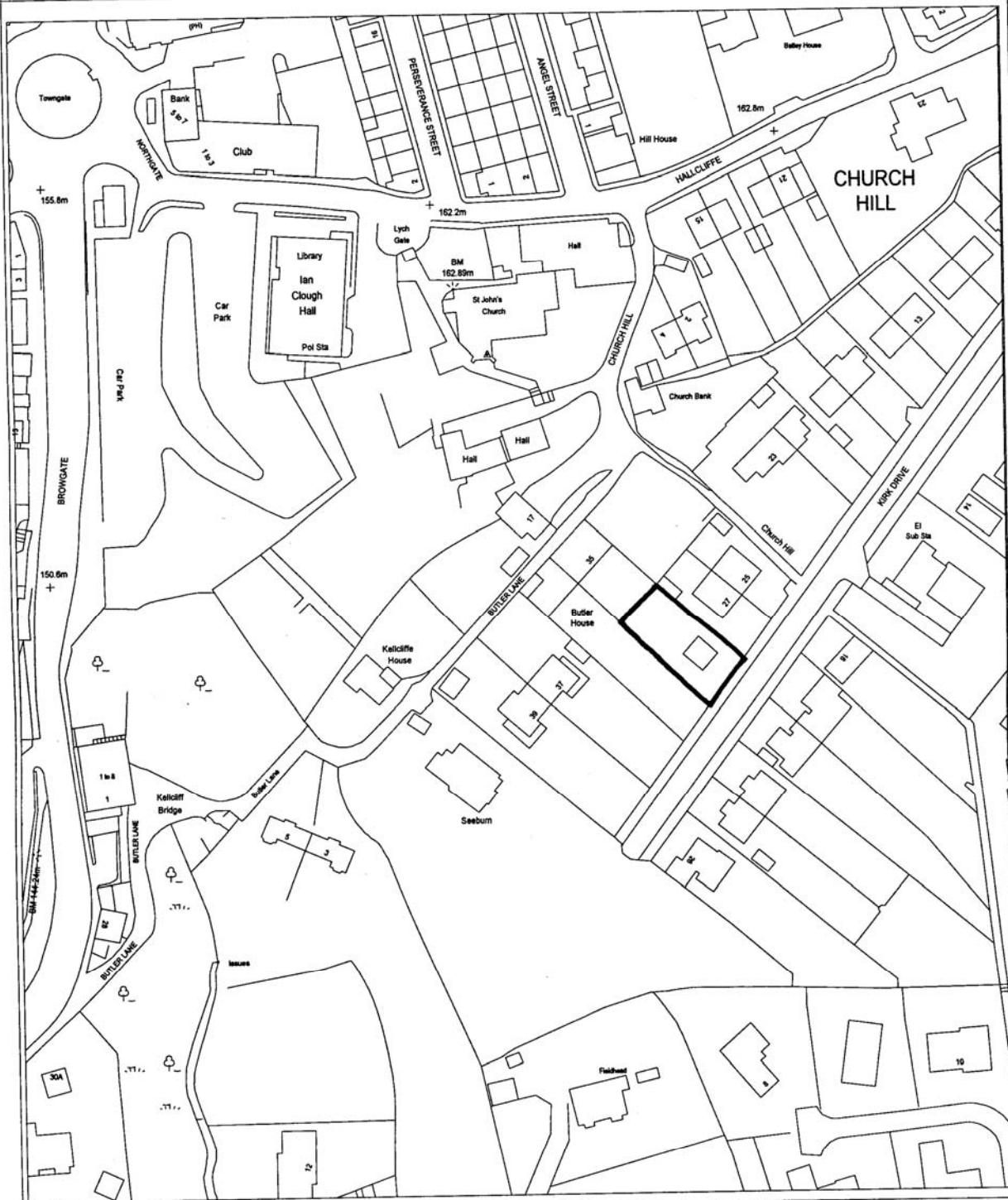
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**Improvement Committee Area**  
Regeneration and Economy

# SHIPLEY AREA PLANNING PANEL

DATE  
12 FEBRUARY 2009



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**ITEM No. 1**

LOCATION

**Butler House, access from KIRK DRIVE, BILDON**

**DATE: 12 FEBRUARY 2009**

**ITEM NO. 1**  
**WARD: BAILDON (1)**  
**RECOMMENDATION: TO GRANT PLANNING PERMISSION APPLICATION**  
**SUBJECT TO CONDITION**

**APPLICATION NUMBER: 08/03723/FUL**

**Type of Application/Proposal and Address:** Full application for the construction of a contemporary split-level detached bungalow on land adjacent to Butler House and 27 Kirk Drive Baildon.

**Background:**

The Shipley Area Planning Panel considered the above planning application on 25<sup>th</sup> September 2008. (The Technical Report is attached as Appendix A).

Panel resolved that the application be deferred in order to investigate the necessary provision of off street parking for Butler House, being adequate to accommodate two cars, and being in addition to the off street parking provision included at the proposed new house, and that the application be re-submitted to the Panel for further consideration.

**Consideration:** The applicant has put forward additional information in the form of plans (162B/08/SL/A and 162B/08/A) showing a driveway inserted through the garden of Butler House and providing a parking and turning area below the retaining wall in front of Butler House, screened from views on Kirk Drive with Beech Hedge, Rowan and a Holly Tree.

The proposals have been put before the Councils Conservation Officer for revised comments. The Conservation officer states that he cannot support the proposed parking for Butler House and maintains that the garden, pedestrian gateway and wall to either side fronting Kirk Drive must remain undisturbed to maintain the setting of Butler House.

**Conclusion and recommendation:** Revised plans showing the additional parking for Butler House would result in a negative impact upon the setting of the grade II listed Butler House. The recommendation and reason for granting planning permission as set out in the Technical Report attached at Appendix A remain unchanged.

Appendix A – Technical Report 25<sup>th</sup> September 2008 Planning Panel Meeting item number 8 follows:

## APPENDIX A

**ITEM NO: 8**

**WARD: BAILDON (1)**

**RECOMMENDATION: TO GRANT PLANNING PERMISSION**

**APPLICATION NUMBER: 08/03723/FUL**

**Type of Application/Proposal and Address:** Construction of contemporary split-level detached bungalow on land adjacent to Butler House and 27 Kirk Drive Baildon.

**Site Description:** An existing detached double garage occupies the site of the proposed new dwelling, on land adjacent to number 27 Kirk Drive.

Levels fall across the site towards Kirk Drive, with the existing garage excavated into the slope.

Kirk Drive consists of a mixture of property types, detached; semi detached and bungalow properties of varying ages are located in the immediate area. To the northeast and elevated above the site is number 27 Kirk Drive, a mid 20<sup>th</sup> century semi detached bungalow in brick with concrete tiles to the roof.

To the north west and located at a higher level is the grade II Listed Butler House and Baildon Conservation Area. The long front garden area of Butler House runs along the southwestern boundary down towards Kirk Drive.

The site and adjacent garden area to Butler House contain a number of mature trees protected by TPO.

### **Relevant Site History:**

07/07992/OUT - Construction of 3/4 bedroom detached dwelling with integral garage in grounds of Butler House with access to Kirk Drive - Withdrawn

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

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

### **Relevant Policies**

UDP1 – Promoting Sustainable Patterns of Development

UR2 – Promoting Sustainable Development

UR3 - Local Impact of Development

D1 – General Design Considerations

H5 – Residential Development of Land

H7 – Housing Density - Expectation

TM12 – Parking Standards for Residential Developments

### **Parish Council:**

No response received

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

This has been done via neighbour notification letters, with an expiry date of 28.07.2008 and site notice with an expiry date of 15.08.2008

The Council has received 12 letters of representation in objection to the proposal, one from a local councillor and one from the local MP.

## **Summary of Representations Received:**

Overshadowing  
Overlooking  
Out of Keeping  
Impact on a Listed Building  
Impact on Trees  
Traffic and Parking

## **Consultations:**

**Drainage** – No objection subject to separate drainage systems being provided within the site boundary, discharge to any existing drainage system to be proven hydraulically and structurally adequate, results of percolation test results to be submitted for approval for the proposed soakaways; and development being undertaken in such a way that overland surface water patterns are not altered to the detriment of adjacent landowners.

**Heritage and Conservation** – No objections, subject to the deletion of proposed parking spaces at Butler House.

**Trees** – No objection subject to condition regarding protective fencing and replanting.

## Main Issues:

The main issues to be considered in this case relate to i) principle of development, ii) amenity considerations, iii) impact on Listed Building, street scene/visual amenity, iv) trees and v) traffic and highway safety.

## Appraisal:

### Principle of Development

Policy H5 of the RUDP supports the principle of building dwellings on previously developed land providing the proposal would not conflict with other RUDP Policies. Additional dwellings 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 policies UDP1, UR2, and H5 of the RUDP.

Policy H7 of the RUDP encourages efficient use of land through higher density developments and provides minimum density requirements for new developments. Sites outside of Town Centres are expected to provide a density of between 30 to 50 dwellings per hectare. It is considered that the proposal represents a more efficient use of land by providing an additional dwelling on a site, which at present only provides a garage facility. Given the adjacent grade II listed, Butler House and the prevailing density of development existing at Kirk Drive, the proposal is considered acceptable in respect of density.

## **Amenity**

The proposed dwelling has been designed to minimise the opportunity for overlooking and overshadowing of neighbouring properties. The height of the proposed dwelling has been kept low with the use of a flat, sedum roof and set into the bank in this excavated site. The proposed dwelling would be located 3 metres from the shared boundary to 27 Kirk Drive where the proposed dwelling would project 2.7 metres above the current ground level at the boundary. Accordingly no issues regarding loss of amenity through overshadowing are foreseen.

Only one window has been included to the elevation facing number 27 and this would serve a bathroom with the plans showing it to be obscure glazed. Windows and openings to the rear elevation of the proposed dwelling would not afford any overlooking of properties to the rear by reason of the change in levels. Similarly no overlooking of the garden area from the southwest elevation would be afforded as there is only a single, high-level window proposed.

The property would be set back from the highway by a distance of close to 7 metres. As such it is not considered that undue overlooking of properties across Kirk Drive (18 & 20) would be afforded from a distance of 24 metres.

### **Impact on Listed Building**

The proposed dwelling has been sympathetically designed to minimise intrusion into the garden space of Butler House and into views of the Listed Buildings from Kirk Drive. The design and Conservation team have been consulted and suggest that the proposed dwelling would represent an improvement in the setting of the Listed Building compared with the current detached double garage. The proposed dwelling is modern in design, however the street scene within which it would be located is varied. It is considered that the proposed dwelling would sit comfortably within the naturally sloping site and the use of split levels, iroko board and a sedum roof would help to blend the new dwelling into surrounding garden and vegetated areas.

### **Trees**

The Councils Arboricultural Officer has assessed the proposals and tree survey submitted with the application and has no objection to the proposed scheme subject to condition being attached with regards protective fencing and replanting.

### **Traffic and Highway Safety**

The proposed dwelling provides two off street parking spaces in line with required standards. Whilst the loss of the garage would result in a lack of off street parking for Butler House parking on street at Church Hill and a large frontage on Kirk Drive is unrestricted. Whilst objection has been received raising concerns with regards to an intensification of on street parking, it is not considered that the proposal would result in conditions prejudicial to highway safety.

### **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, approval is recommended subject to the conditions set out below.

### **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 the setting of a listed building, the character of the adjoining conservation area, residential amenity and traffic safety and acceptably accords with the provisions of the Replacement Unitary Development Plan Policies UDP1, UR2, UR3, D1, H5 and TM12.

### **Conditions of Approval:**

1. 3-year time limit on commencement of development.
2. Sample materials to be submitted and agreed in writing by the LPA prior to commencement of development.
3. Provision of domestic parking before use commences.
4. Development to be undertaken in such a manner as to not alter overland surface water flow patterns to the detriment of adjacent landowners.
5. Separate Drainage required within site boundary
6. Details regarding soakaway to be submitted to and approved by the LPA prior to commencement of development
7. Protective fencing – trees
8. Tree removal and replanting scheme required

## DECISIONS MADE BY SECRETARY OF STATE

Item No	Ward	Location
<b>APPEALS ALLOWED</b>		
2	Bingley Rural	5 Lower Heights Farm, Keighley Road, Cullingworth  Farm store for the dry storage of feed, hay and farm implements and the parking of a tractor  08/02826/FUL
3	Bingley	3 Delph Wood Close, Gilstead  Construction of a new dwelling in garden  08/01086/FUL
4	Baildon	3 Farnham Close, Baildon  Gable extension to form first floor bedroom with en-suite and ground floor WC and kitchen.  08/02301/FUL
<b>APPEALS DISMISSED</b>		
5	Wharfedale	Land to rear of 30 Main Street, Burley in Wharfedale  Construction of a single storey three bedroom detached house with integral garage  08/04465/FUL
6	Wharfedale	7 West Chevin Road, Menston  Construction of a two storey three bedroom detached dwelling with integral garage  07/10518/FUL
7	Windhill/Wrose	Oakbank Farm land, Childs Lane, Wrose  Construction of 10 detached dwellings  08/00053/OUT

**12 February 2009**

**Item No: 8**

**Ward – 22 Shipley**

**Recommendation: That the report be noted**

**Location: 20 Nab Wood Drive, Shipley.**

### **Prosecution/Enforcement Action Update**

Planning Panel Members may recall that the Area Planning Manager authorised that an Enforcement Notice be issued against the owner of the above property for the unauthorised construction of a wall and fence adjacent to the highway. The Enforcement Notice required the owners to either demolish the wall or reduce it in height to no more than 1m, this being the height permitted by the Town & Country Planning (General Permitted Development) Order 1995 (as amended). This was the second such Enforcement Notice served on the owner of this property.

The owner failed to comply with the requirements of the Enforcement Notice by the due date, 9 April 2008. Therefore on 26 June 2008 the Area Planning Manager authorised prosecution proceedings to be instigated. Summonses were then drafted and issued in October 2008.

On the 15 January 2009 Mr Zakir Ahmed appeared before Bradford Magistrates to answer a charge of failing to comply with the requirements of the Enforcement Notice. He entered a plea of guilty and the Magistrates fined him £115 and he was further ordered to pay the Council's costs of £921.

The requirements of the Enforcement Notice were eventually complied with in early January 2009; the wall has been reduced to 1m.



**ENFORCEMENT COMPLAINTS CLOSED BY AREA PLANNING  
MANAGER AS NOT EXPEDIENT TO PURSUE**

**Date: 12 February 2009**

**Item No: 9**

**Ward: Bingley (ward 02)**

**Site Location: Park House The Green Bingley**

**Complaint ref No: 07/00430/TPOCN**

**Recommendation: That the report be noted.**

**Description:** Damage to protected tree

**Reason:** It is not considered that there is a clear breach of planning control which would warrant further enforcement action

**Date Enforcement file closed:** 02 January 2009

**Ward: Windhill And Wrose (ward 28)**

**Site Location: Land Off Thackley Old Road Shipley**

**Complaint ref No: 07/01069/ENFUNA**

**Recommendation: That the report be noted.**

**Description:** Unauthorised tipping

**Reason:** It is not considered that there is a clear breach of planning control which would warrant further enforcement action

**Date Enforcement file closed:** 02 October 2008

**Ward: Windhill And Wrose (ward 28)**

**Site Location: Land To The West Of 31 Shann Street Bolton Woods**

**Complaint ref No: 05/00008/TPOCN**

**Recommendation: That the report be noted.**

**Description:** Damage to protected trees

**Reason:** It is not considered that there is a clear breach of planning control which would warrant further enforcement action

**Date Enforcement file closed:** 23 December 2008

**Ward: Bingley Rural (ward 03)**

**Site Location: Bingley Roofing and Stone Centre Greenside Lane Cullingworth**

**Complaint ref No: 07/01058/ENFCOU**

**Recommendation: That the report be noted.**

**Description:** Alleged unauthorised change of use of premises

**Reason:** It is not considered that there is a clear breach of planning control which would warrant further enforcement action

**Date Enforcement file closed:** 6 January 2009