

## REPORT OF THE STRATEGIC DIRECTOR REGENERATION TO THE MEETING OF THE AREA PLANNING PANEL (SHIPLEY) TO BE HELD ON 23 JULY 2009

**E**

### SUMMARY STATEMENT– PART TWO

#### Applications Recommended for Approval

The sites concerned are:

10	The Bungalow, West Lane, Baildon	Page 24	<b>Baildon</b>
11	1 Royd Avenue, Gilstead	Page 31	<b>Bingley</b>
12	Menston Garage, 46 Bradford Road, Menston	Page 35	<b>Wharfedale</b>
13	Butler House, Butler Lane, Baildon	Page 41	<b>Baildon</b>
14	20 Glen Rise, Baildon	Page 45	<b>Baildon</b>

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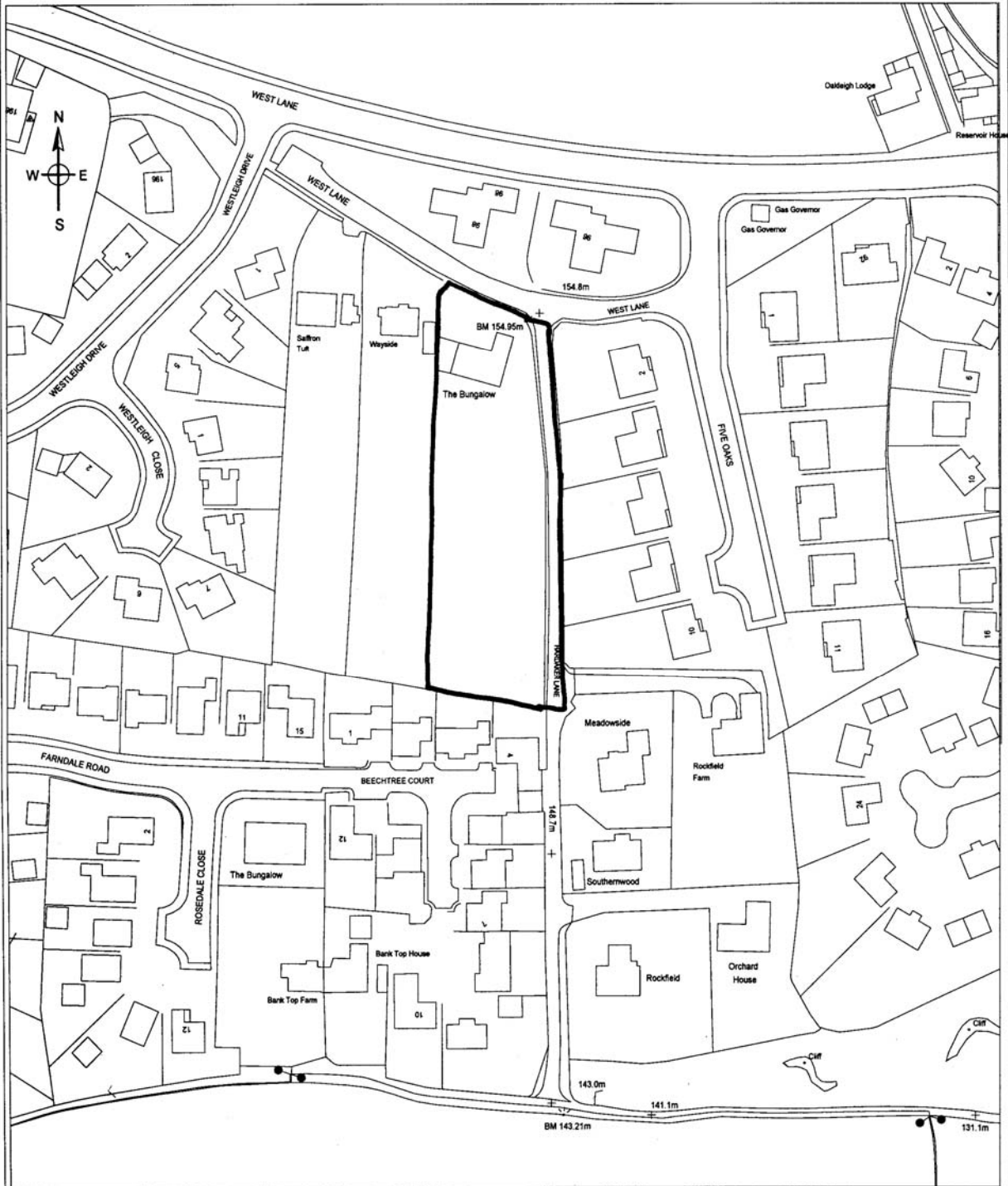
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# SHIPLEY AREA PLANNING PANEL

DATE  
23 JULY 2009



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**ITEM No. 10**

LOCATION

**THE BUNGALOW, WEST LANE, BILDON**

**Date:** 23<sup>rd</sup> July 2009  
**Item No;** 10  
**Ward:** Baildon  
**Recommendation:** That planning permission be granted subject to conditions and a S278 Agreement.  
**Application Number:** 08/07421/FUL

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

Full application for the construction of four new detached dwellings at The Bungalow, West Lane, Baildon, BD17 5DW.

The application includes bringing the initial section of the adjacent bridleway, Hardaker Lane, up to adoptable standards.

**Site Description:**

The bungalow, West Lane, Baildon is a detached bungalow sited in substantial grounds. The bungalow is sited to the front of the plot leaving a large rear garden. The garden has small gradient and a small but notable level change. Running adjacent to the site along the eastern boundary is Hardaker Lane, a public bridleway. The bridleway also provides access to a number of properties and is notably lined with protected trees and established hedgerows.

**Relevant Site History:**

04/04933/OUT - Erection of two Bungalows – Refused

05/00866/OUT - Construction of one bungalow in rear garden – Refused

06/09456/PMI - Initially one dwelling to the rear with facilities for the possibility of expanding into the rear of the two adjoining gardens - PMIOK

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

The site is unallocated on the RUDP. The following policies are relevant:

UDP1 - Promoting Sustainable Patterns of Development

UR2 - Promoting Sustainable Development

UR3 - The Local Impact of Development

D1 - General Design Considerations

TM12 - Parking standards for residential developments

TM19A - Traffic management and road safety

NE4 - Trees and Woodlands

NE5 - Retention of Trees on Development Sites

NE6 - Protection of Trees during Development

**Parish Council:** Baildon – No comments

**Publicity and Number of Representations:** Advertised by individual neighbour notification letters, site notice, and in the T&A, with responses requested by 30<sup>th</sup> January 2009, 15<sup>th</sup> January 2009, and 5<sup>th</sup> January 2009 respectively. Nine letters of objection have been received.

**Summary of Representations Received:**

- Overlooking/ loss of privacy
- Loss of outlook
- Drainage issues
- Overshadowing

- Traffic issues in Baildon
- Damage/Loss of hedges, trees, wildlife habitat
- Inadequate vehicular access to Hardaker Lane
- Work has already commenced [*nb – No development has taken place that would require planning permission*].
- Nuisance during construction [*nb – This is not a material planning consideration*]

### **Consultations:**

**Design and Conservation:** Development is unlikely to have a detrimental impact upon the Saltaire World Heritage Site.

**Trees:** As the existing road has been proved capable of being improved without significant 'rebuilding' the proposal is deemed acceptable in terms of the protected trees

- Method statement of tree friendly construction required
- No works to protected trees
- Details of all underground and over ground services to be provided prior to commencement required.

**Highways DC:** As a result of discussions, the plans have undergone numerous amendments in order to achieve the current position which officers now consider to be acceptable.

**Drainage:** Separate drainage system required within the site boundary and car parking areas are to be drained using road type gullies.

**British Horse Society:** Concerns regarding conflict of variety of users due to new road surface and increased width encouraging more vehicle use and at greater speeds; requests traffic calming methods (sleeping Policemen) and additional signage.

**Yorkshire Water Services Limited:** On site and off-site main laying will be required. Records indicate there are no water mains in Hardaker Lane. A water supply can be provided under the terms of the Water Industry Act, 1991. The site should be developed with separate systems of drainage and surface water on and off site, details of which are required.

**Rights Of Way:** Development affects a Footpath. Limestone must not be used in the construction of the highway. Standard construction requirements should be adhered to. The planned improvements will benefit existing residents who use Hardaker Lane for access.

**Northern Gas Network:** No response

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

1. Access/Highway issues
2. Impact on the protected trees
3. Impact on neighbouring amenity
4. Design and impact on the character of the area

### **Appraisal:**

This application is for four substantial detached dwellings behind The Bungalow, West Lane, with access provided via Hardaker Lane.

This is the third application to develop the rear garden of The Bungalow. The previous two applications were refused due to the inadequacy of the access arrangements. The current application hopes to overcome the previous reasons for refusal by bringing the section of Hardaker Lane adjacent to the site up to adoptable standards. Hardaker Lane is currently classed as a bridleway although it also provides vehicular access for a number of dwellings.

The main issues of the application will now be discussed:

1. Access/Highway Issues Access to the site is currently taken from Hardaker Lane. This is a bridleway and currently not hard surfaced, although there is evidence of previous surfacing. In consultation with the Council's Highways officers, the applicant has gone to some lengths to design a scheme that overcomes previous highway objections. As a result, the initial section of Hardaker Lane will be brought up to adoptable standards and will incorporate traffic calming measures. The highway improvements proposed will provide adequate visibility splays at the junction with West Lane and at the newly proposed turning head. Provision is also made for the turning of refuse vehicles.

Concerns have been raised regarding a potential impact on other users of the bridleway, in particular horse riders. It is not foreseen that the proposal will result in a significantly detrimental impact on other road users. As noted above, traffic calming measures would be in place to control the speed of vehicles and the works would also involve the widening of the highway and junction improvements. With regards the surfacing of the road, it is apparent that the road was previously surfaced and that the adjoining roads are all surfaced. It is therefore considered that the surfacing of the road would not result in an unacceptable impact on other road users.

2. Impact on the protected trees Hardaker Lane is lined by 5 established protected trees which form an integral part of the character and appearance of the locality. After initial concerns that the proposed highway improvements would result in the loss of these trees, the applicant has submitted tests results detailing the existing condition of the road. The test results prove that the existing road can be brought up to adoptable standards without detrimentally impacting the long term prosperity of the protected trees.
3. Impact on neighbouring amenity The layout of the development is considered acceptable and unlikely to significantly impact neighbouring amenity. Distances between existing and proposed dwellings are in line with Council guidelines and no unacceptable levels of overlooking or overshadowing are anticipated. It is also noteworthy that the established boundary treatment already in situ will be retained providing good screening between the properties concerned.
4. Design and impact on the character of the area The proposed detached dwellings are considered to adequately reflect the character and appearance of the locality. The layout of the development is also deemed to be comparable to that of the neighbouring streets. The applicant has also indicated the nature of the boundary treatment which will also tie in with the character and appearance of the area.

#### **Recommendation:**

In conclusion, officers consider that the proposal will not unduly impact neighbouring resident's amenity and that the character and appearance of the area will be maintained. Accordingly approval is recommended.

**Community Safety Implications:** None anticipated as a result of this development

**Reasons for Granting Planning Permission:** The development would be appropriate and in accordance with policies UR2, UR3, D1, D3, TM12, TM19A, NE4, NE5 and NE6 of the Replacement Bradford Unitary Development Plan (2005).

**Conditions of Approval:**

1. 3-year time limit on commencement of development.
2. The development shall not begin until a method statement showing tree friendly construction of all surfaces to be laid, constructed, or re-laid within the root protection areas, defined on a tree protection plan to BS 5837, has been submitted and approved in writing by the Local Planning Authority. The method statement shall be site specific and detail the means of protecting the roots spreads of the oak trees along Hardaker Lane for the duration of the development.

The submitted details shall be carried out in accordance with the approved scheme or any variation the Local Planning Authority agrees to in writing.

Reason: To safeguard the roots of trees on site to safeguard visual amenity and to accord Policies NE5 and NE6 of the Unitary Development Plan.

3. There shall be no works to protected trees, including work to tree roots or buttresses or works which is likely to impact upon tree roots or tree buttresses, without prior written approval by the Local Planning Authority.

Reason: To ensure control over the possible damage to roots of important vulnerable protected trees given the proximity of approved construction

4. The development shall not be begun, nor shall any demolition, site preparation, groundwork's, materials or machinery be brought on to the site until details of all underground and over ground services have been submitted and approved in writing. No services, or the works to implement the services, shall be shown under the canopy spreads of protected trees.

Reason: To ensure tree damage is minimised and to safeguard the visual amenity provided by the trees on the site to accord with Policies NE4, NE5, and NE6 of the Replacement Unitary Development Plan.

5. Offsite Highway Improvement Before Use: Before any of the dwellings to be constructed as part of the development are brought into use the works associated with Hardaker Lane leading to the site hereby approved shall be laid out, hard surfaced, sealed and drained in accordance with the approved plan numbered 6329.1 L(0) 03 Rev C and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

6. HA01: Construct Access Before Occupation: Before any of the dwellings to be constructed as part of the development are brought into use the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered

6329.1 L(0) 03 Rev C and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety.

7. HA10: Visibility Splays - 900mm Height Limit: Before any of the dwellings to be constructed as part of the development are brought into use, the visibility splays hereby approved on plan numbered 6329.1 L(0) 03 Rev C shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road ref: 8074 (14-JUL-09) *July 14, 2009 1:48 PM* Page 2 of 2 level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety.

8. HA24: Provision of Domestic Parking Before Use: Before the development is brought into use the off street parking facility hereby approved shall be laid out, hard surfaced, sealed and drained within the curtilage of the site. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

9. HA35: Gates Not to Open over Highway: Any gates to be constructed, as part of the development shall not open over the highway.

Reason: In the interests of highway safety.

10. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development hereby permitted shall not be begun until a construction plan has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall contain the following details:

- i) hours of construction work, including any works of demolition
- ii) hours of delivery of materials
- iii) location of materials storage compound including loading/unloading areas
- iv) car parking areas for construction workers, sales staff and customers
- v) wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the site
- vii) extent of and surface treatment of temporary road access leading to compound/storage areas
- viii) temporary warning and direction signing on the approaches to the site

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated, and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants.

11. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no development falling within Class(es) A to E of Part(s) 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To accord with Policy UR3 of the Replacement Unitary Development Plan.

13. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before the development commences, and the development shall be constructed in the approved materials

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

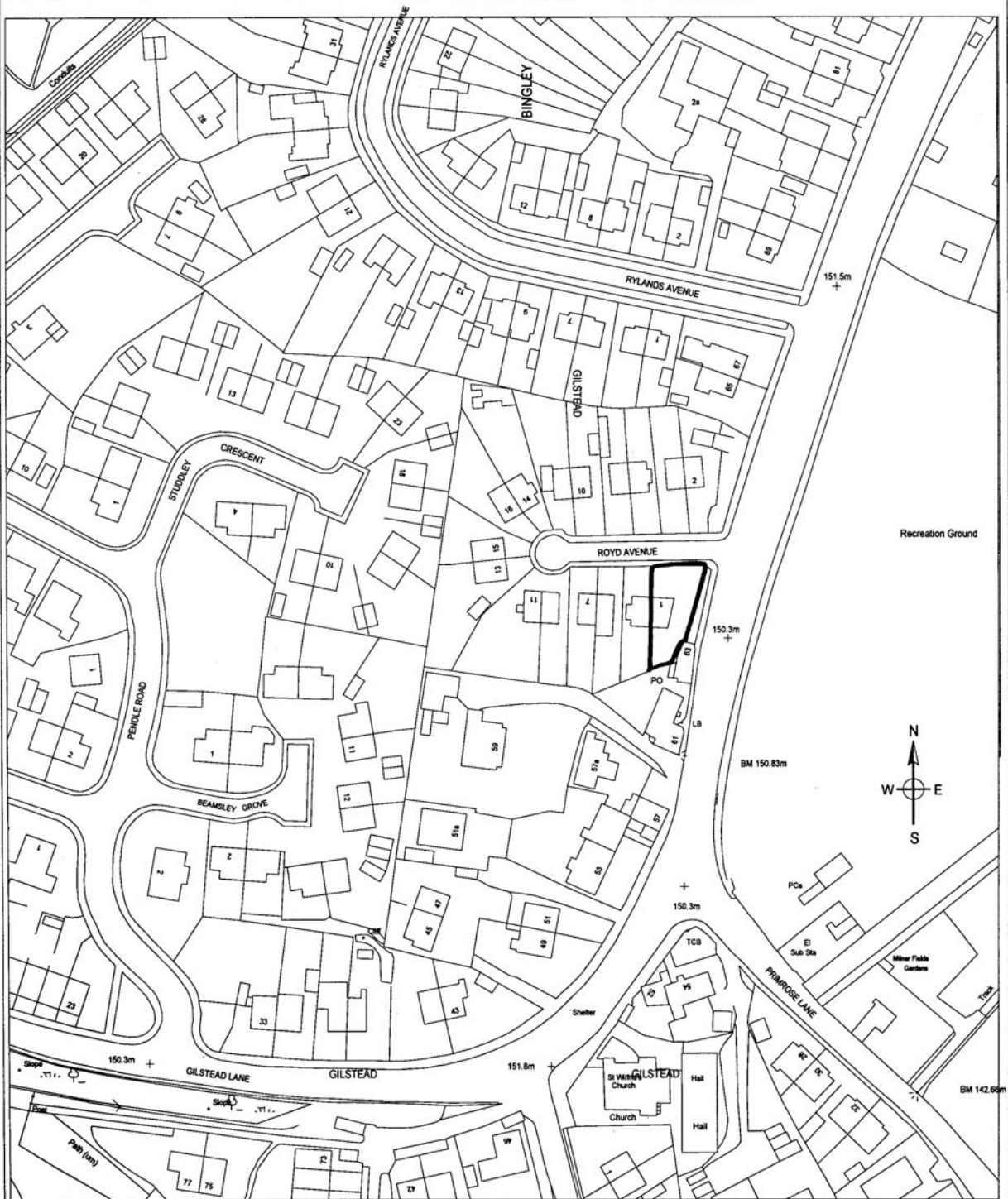
14. The access road (along Hardaker Lane) depicted on drawing 6329.1 L(0) 03 Rev C dated 5<sup>th</sup> June 2009 shall be constructed to adoptable standards & dedicated as public highway prior to commencement of the development hereby approved.

Reason: In the interests of highway safety.



# SHIPLEY AREA PLANNING PANEL

DATE  
23 JULY 2009



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**ITEM No. 11**

LOCATION

**1 ROYD AVENUE, GILSTEAD**

**23 JULY 2009**

**Item Number: 11**

**Ward: BINGLEY**

**Recommendation: TO GRANT PLANNING PERMISSION WITH CONDITIONS**

**Application Number: 09/01176/FUL**

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

Full application to construct a single storey 'granny annexe' extension to the side of 1 Royd Avenue, Gilstead, Bingley.

**Site Description:**

The application property is a semi detached dwelling located at the junction of Royd Avenue and Gilstead Lane. The site slopes west to east and has a retaining wall supporting the garden area to the side of the property, this being the boundary with Gilstead Lane. The boundary to Gilstead Lane is marked by a conifer hedge.

**Relevant Site History:**

05/03254/FUL - Erection of a fish and chip shop in lieu of garage – Refused 29 June 2005

05/00503/FUL - Construction of a garage in the garden – Approved 18 February 2005

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

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

- D1 - General Design Considerations
- UR3 - The Local Impact of Development
- TM19A - Traffic management and road safety
- D4 - Community Safety

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

**Parish Council:** Not applicable

**Publicity and Number of Representations:**

The application was publicised by neighbour notification letters with an expiry date for representations of 13<sup>th</sup> May 2009. Nine letters of representation have been received.

**Summary of Representations Received:**

- Potential use for retail/hot food takeaway and associated problems.
- Potential loss of amenity planting along verge of Gilstead Lane. Gilstead Village Society note that the pedestrian access to the development is via the exiting pedestrian gate and footway crossing from Gilstead Lane which they consider to be acceptable. They do not wish to see any further access formed over the grass verge forming part of Gilstead Lane which has been planted to improve the local environment.
- Lack of adequate car parking facilities – vehicles parked on the highway would restrict visibility.
- Unclear whether road closure required as with previous application.
- Potential use as a separate dwelling.
- Unworkable design - big difference in ground levels between existing dwelling and highway.

**Consultations:** None required.

**Summary of Main Issues:** The main issues for consideration are i) impact on the local environment; ii) impact on neighbouring occupants; iii) impact on Highway Safety; and iv) community safety implications

**Appraisal:**

Impact on the local environment

The proposed extension would stretch along the full length of the side of the existing dwelling and extend a further 2m to the rear.

The extension would be subordinate to the existing property, and would relate well in terms of the scale, roof pitch, proportion and materials. Natural stone and blue slate are proposed for construction. The plans have been amended to incorporate matching windows on the side elevation and the retention of the conifer hedge on the boundary to Gilstead Lane.

Concerns have been expressed by local residents about the accuracy of the submission in relation to ground levels. The agent provided a section to show the relationship of the extension with Gilstead Lane which is considered to satisfactorily demonstrate that the proposal is viable.

There will be no impact on the Gilstead Lane verge. Pedestrian access is to be retained in the existing position.

It is not considered that this development would harm the visual amenity of the street scene and, as such, it would accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

Impact on neighbouring occupants

The application is for self contained accommodation – bed/sitting room area, kitchen and bathroom – attached to the dwelling and must be considered on this basis. There is no indication that the extension is to be used for commercial purposes and if consent is granted for this extension planning permission would be required for any non-residential use. Conditions can be attached to any consent to ensure the extension is not used as a separate dwelling.

The extension is set far enough away from neighbouring properties not to adversely affect their light or outlook. There will be no overlooking from side and rear windows of neighbouring properties owing to their relationship with the neighbouring properties. The potential for overlooking of the residents at 83 Gilstead Lane from the rear south facing window (bathroom) has been addressed by the incorporation of an obscure glazed top opening window.

It is not considered that the proposed extension will adversely affect the residential amenity of any neighbouring occupants and as such will accord with Policies UR3 and D1 of the Replacement Unitary development Plan.

Impact on Highway Safety

Objections have been raised over the loss of parking spaces and increased on street parking. In addition, it has been asserted that this will lead to reduced visibility at the junction of Gilstead Lane and Royd Avenue, resulting in an adverse impact on highway safety. Although no further off street parking is to be provided, the existing on site parking space and access will remain. This is considered to be sufficient to serve the property and

the proposed extension and it is not considered that the provision of this additional accommodation will result in conditions prejudicial to highway safety.

**Community Safety Implications:**

There are no community safety implications.

**Conclusion**

Approval is recommended for the extension for the following reason: The proposed extension 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. There are no highway safety or community safety implications. As such this proposal is considered to be in accordance with Policy UR3, D1, TM19A and D4 of the Replacement Unitary Development Plan and the Revised House Extensions Policy.

**Recommended Conditions of Approval**

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby permitted shall be constructed of facing and roofing materials to match the existing building as specified on the submitted plans.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

3. The development hereby approved shall only be carried out in accordance with the additional plans reference 09/010/1A received by the Council on 8 June 2009 showing an obscure glazed window in the south facing elevation, and sectional drawing showing the retention of trees/shrubs at the boundary.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

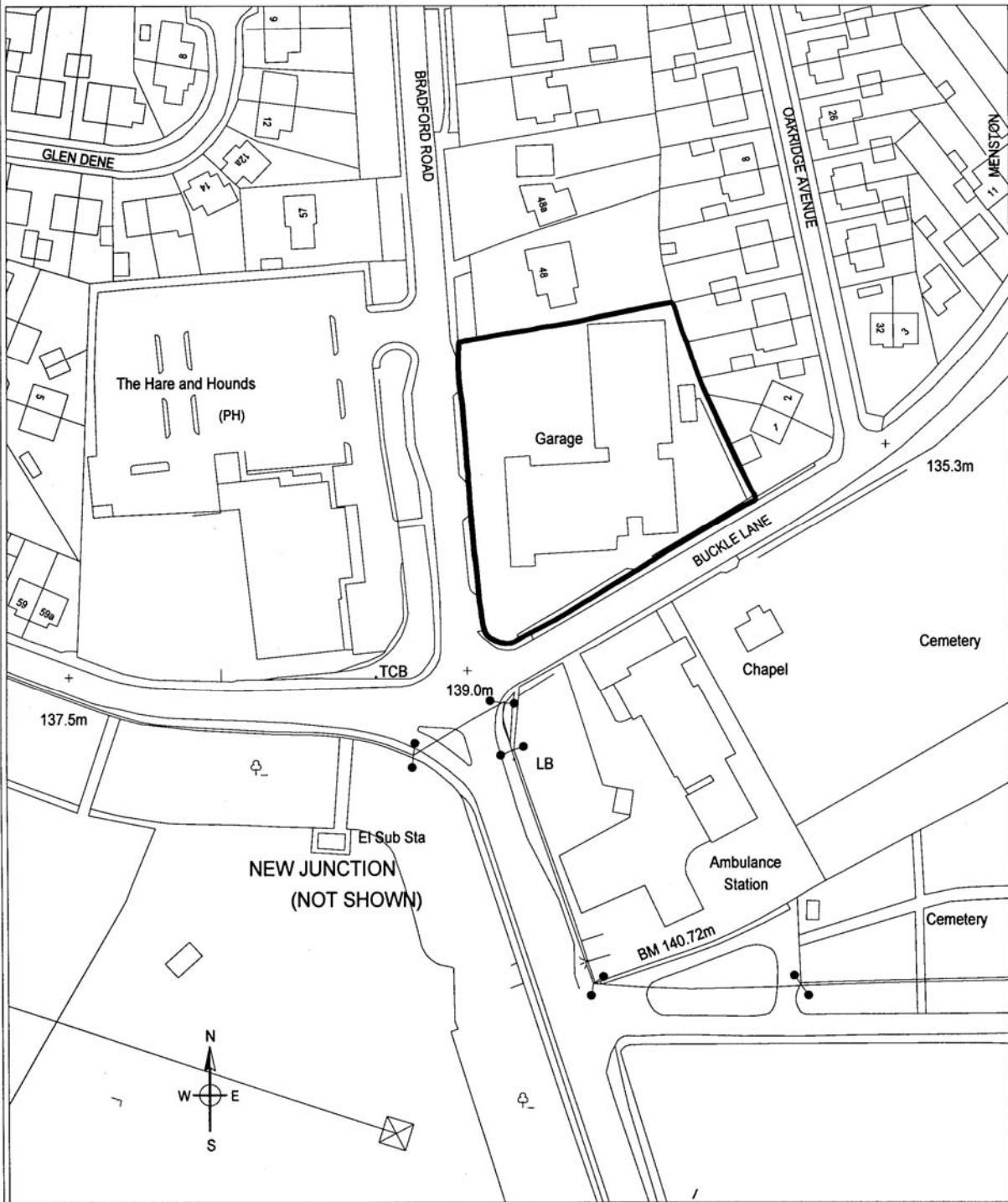
4. The extension hereby permitted shall only be occupied in connection with and incidental to the occupation of the existing dwelling and shall at no time be severed and occupied as a separate, independent dwelling unit.

Reason: The establishment of an independent residential unit would give rise to an over-intensive use of a site and lead to unsatisfactory relationship between independent dwellings and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

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# SHIPLEY AREA PLANNING PANEL

DATE  
23 JULY 2009



For reference only (Crown Copyright)

**ITEM No. 12**

LOCATION

**MENSTON GARAGE, 46 BRADFORD ROAD, MENSTON**

**ITEM No.** 12  
**DATE:** 23 JULY 2009  
**WARD:** WHARFEDALE  
**RECOMMENDATION:** THAT PERMISSION BE GRANTED SUBJECT TO  
CONDITIONS AND SUBJECT TO A SECTION 106/278  
AGREEMENT  
**APPLICATION No:** 09/01864/FUL

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

Full planning application for extension, re-cladding and refurbishment of existing premises including 2 new MOT bays, extensions to rear, and new wash bay with screens at the existing car dealership at 46 Bradford Road, Menston, LS29 6BX. Yellow road lining is also proposed to immediately adjacent streets.

The application is part retrospective since some elements have been completed.

**Site Description:**

The site occupies a large plot opposite the Hare and Hounds public house in Menston. It is bounded by Bradford Road to the west, Buckle Lane to the south and residential properties to the north and east. The existing buildings range in height and form, are between one and two storeys in height, and are constructed/clad in a variety of materials. The showroom section is orientated east-west in the southern half of the site, while the workshop and parts store are orientated north-south in the north east corner of the site. At the rear of the workshop abutting the rear boundaries of residential properties on Oakridge Avenue is an outside area which has previously been used for washing cars in preparation for display. The area to the front of the workshop and alongside the showroom is used for the outdoor display of vehicles for sale, along with staff and visitor parking, with the previous layout providing hardstanding for vehicle numbers in excess of 85. Hedges of varying heights run along the north and east boundaries between the site and adjoining houses. Other boundaries have low stone walls or low hooped rails. The buildings had been vacant and in a state of disrepair for some time before the extension/refurbishment works began.

**Relevant Site History:**

The site has been used as a car showroom and/or garage for over 50 years. There is an extensive planning history primarily relating to extensions and alterations to the premises including:

- 78/03395/FUL – New showroom and offices – granted.
- 78/07753/FUL – Paint store – granted.
- 82/00089/FUL – Single storey extension – granted.
- 85/02495/FUL – Car painting and baking plant – granted.
- 90/06889/FUL – first floor extension to parts store – granted.

More recently, application ref: 08/03897/FUL for “re-cladding and refurbishment of existing car dealership showroom and workshop buildings with single storey rear extension to form wash bay, valeting bay and tool store” was withdrawn on 23<sup>rd</sup> February 2009 when the previous applicant’s went into administration. Prior to being withdrawn, the application was considered by Shipley Area Planning Panel on 23<sup>rd</sup> October 2008. Members resolved that consideration of the application be deferred ‘in order to investigate, amongst other issues, the wash bay structure and position, and distances between hedges and buildings, any overlooking fenestration; and that the application be re-submitted to the Panel for further consideration’. Productive negotiations continued post Panel but liquidation resulted in the application being withdrawn. Negotiations have continued (with the same planning agent) under this current planning application.

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

The site is unallocated on the RUDP. Relevant policies are:

UR3 – The local impact of development

D1 – General design considerations

NE4 – Trees and woodlands

TM19A – Traffic management and road safety

TM11 – Parking standards for non-residential developments

D4 – Community Safety

### **Parish Council:**

Menston Parish Council recommended part refusal on the ground that the car wash would cause access problems for local residents. After it was explained to the Parish Council that the car wash area was for valeting the cars on show at the garage itself and not for members of the public to use, the Parish Council withdrew their objection.

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

The application was advertised by means of neighbour notification letters and a site notice with representations being requested by 28<sup>th</sup> May 2009. Two representations have been received.

### **Summary of Comments:**

- The extension has brought the building much closer to my rear boundary. This is now higher than my hedge. It is a visual intrusion and now towers above my back garden, overshadowing it much more than it did.
- The plans indicate two door openings out to the rear very close to our boundary. I am concerned that these will be used as circulation routes and not only as emergency exits. Even with the screens to the front of the door with the removal of trees and building up to the boundary this has meant a loss of privacy for me.
- The existing building was red brick. The proposal to clad the rear extension in grey or even green will result in a more industrial appearance not in keeping with the residential area. To obscure it completely with hedges would require them to be dense and some 20 feet (6m) high.
- Several “chimneys” have appeared on the building, these are not on the plans. Some appear to be 4-5 feet (1.2-1.5m) high giving the appearance of an industrial landscape when viewed from my bedroom window.
- Staff parking is inadequate. Parking is available over the road at the Hare and Hounds pub however with no formal agreement how will this be enforced? This will lead to parking on Oakridge Avenue, a residential cul-de-sac.
- There is no reference on the application form to trees which are the subject of a preservation order.
- The hours of opening seem to be an extension of previous limits. We now have 12 hours a day, 6 days a week and slightly shorter on a Sunday in close proximity to a residential area.

### **Consultations:**

Environmental Health - Not aware of any recent justified complaints of nuisance arising from the operation of this business. The proposal to incorporate a wash bay at the rear has been noted but it is presumed that this will only operate during conventional working hours. Therefore, no objections or concerns are raised. Ideally the use should not operate outside normal working hours, i.e. 0730-1800hrs.

Highways – No concerns. The use of the site will remain as existing.

Trees – Concern at quality of plans. Clarification is required that there are no changes to existing trees.

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

Main issues for consideration are i) scope of development; ii) impact on local and residential amenity; iii) design and appearance / impact on the street scene; iv) impact on trees; and v) parking and traffic issues.

### **Appraisal:**

#### Scope of development

The use of the site and buildings as a garage/car dealership is long established. This proposal is for the recladding of the existing building and the erection of a rear extension and screened wash bay to facilitate the conversion to a modern, branded dealership.

The use of the rear of the site to wash cars will be formalised with the provision of a screened wash bay. This use will remain incidental to the use of the site as a car showroom and the car wash will not be available for public use. The site will be set out as existing and no changes are proposed to the access or egress.

#### Impact on local and residential amenity

The rear extension provides a covered enclosed valeting bay and a tool store. The extension is single storey in height and sits against and at a lower level than the original building. The extension is positioned within 1m of the rear boundaries of the adjoining properties on Oakridge Avenue, infilling the previous gap between the rear of the original building and the boundary with houses at 3 and 4 Oakridge Avenue. These properties have hedges along their boundary to approximate heights of between 2.5m and 3m+ providing varying degrees of screening from the development. The rear of the original building was positioned between 1m and 5m from the rear site boundary and was visible from the adjacent dwellings. The extension has brought the buildings closer to the neighbouring residential properties and has made them more prominent. However, the extension is seen against the bulk of the large original building. It is not felt that the extension has had an unduly detrimental impact on neighbouring residents in terms of overbearing or overshadowing than was the case with the original buildings.

The enclosure of the car washing and valeting operations, which are understood to have been undertaken in the open at the rear of the buildings for many years, is to be welcomed and should result in a reduction in the noise and disturbance experienced by these near neighbours. It is appropriate, however, to limit the times of operation of the site in order to protect residential amenity.

#### Design and appearance / Impact on the street scene

The cladding of the building is a response to the branding requirements of the new dealership operator. The glass front of the main showroom section of the building will be framed in dark blue panels. The workshop and back of house areas are finished in grey or silver. The applicant has offered to clad the rear extension (detailed above) in a different colour - such as dark green - to help it blend better with the surroundings. Neighbour objections to the "industrial" nature of the cladding of the rear extension have been carefully considered. However, it is felt that use of a dark coloured cladding on this rear section would be appropriate and should diminish the "industrial" perception of this long established commercial site (which previously displayed red brick elevations). A condition requiring samples of the colour of cladding should be attached to any permission.



The existing hard standings on site will be retained and repaired where necessary and there will be some limited landscaping between the wash bay screens and Buckle Lane. Overall these changes are considered to be appropriate. It is considered that they will generally improve the appearance of the structures and site which had fallen into a state of disrepair.

#### Impact on trees

The site is not within a conservation area and prior to the commencement of works there were no protected trees on or adjacent to the site and the developer was able to legitimately remove trees from within the site. The large mature ash tree located on Buckle Lane adjacent to the wash bay area and the mature beech on land adjacent to the north east corner of the site are now protected by a Tree Preservation Order, made since development commenced. These trees will not be affected by the development subject to this application. The issue of the existing boundary hedge between the site and properties on Oakridge Avenue, and in particular it's trimming, is a private legal issue between the parties involved.

#### Parking and traffic issues

Concerns regarding the provision of staff parking have been raised by neighbours who believe that an under-provision on site will result in on-street parking. The site is easily accessible by public transport and has hard standing for a large number of vehicles. Additional parking is available at the Hare and Hounds public house on the opposite side of Bradford Road, which has a large car park. Given that the use of the site is well established, the issue of parking is outside the scope of this application. However, the applicants have offered to extend the yellow lining around the boundary of the site to prevent inappropriate on street parking. There are existing double yellow lines at the traffic lighted cross road junction with Buckle Lane and Bradford Road. It is proposed to extend these along the southern site boundary to the junction with Buckle Lane and Oakridge Avenue and along the Bradford Road site frontage. This would have the benefit of improving visibility for vehicles exiting Oakridge Avenue. These highway works necessitate a legal agreement under Sections 106 and 278 of the Planning and Highways Acts. Planning permission, if granted, should be subject to such agreement.

**Recommendation:** That permission be granted subject to conditions and subject to the applicant entering into a section 106/278 legal agreement to provide the costs of processing and implementing a Traffic Regulation Order (essentially to provide double yellow lines on immediately adjacent streets) before the premises subject to the works in the application are brought back into use. All costs associated with the TRO are to be borne by the applicant.

#### **Community Safety implications**

The proposed development does not present any community safety implications.

#### **Reasons for Decision:**

The proposal development is not considered harmful to residential amenity or the street scene and therefore complies with the requirements of policies D1, UR3, UDP3 and P7 of the Replacement Unitary Development Plan.

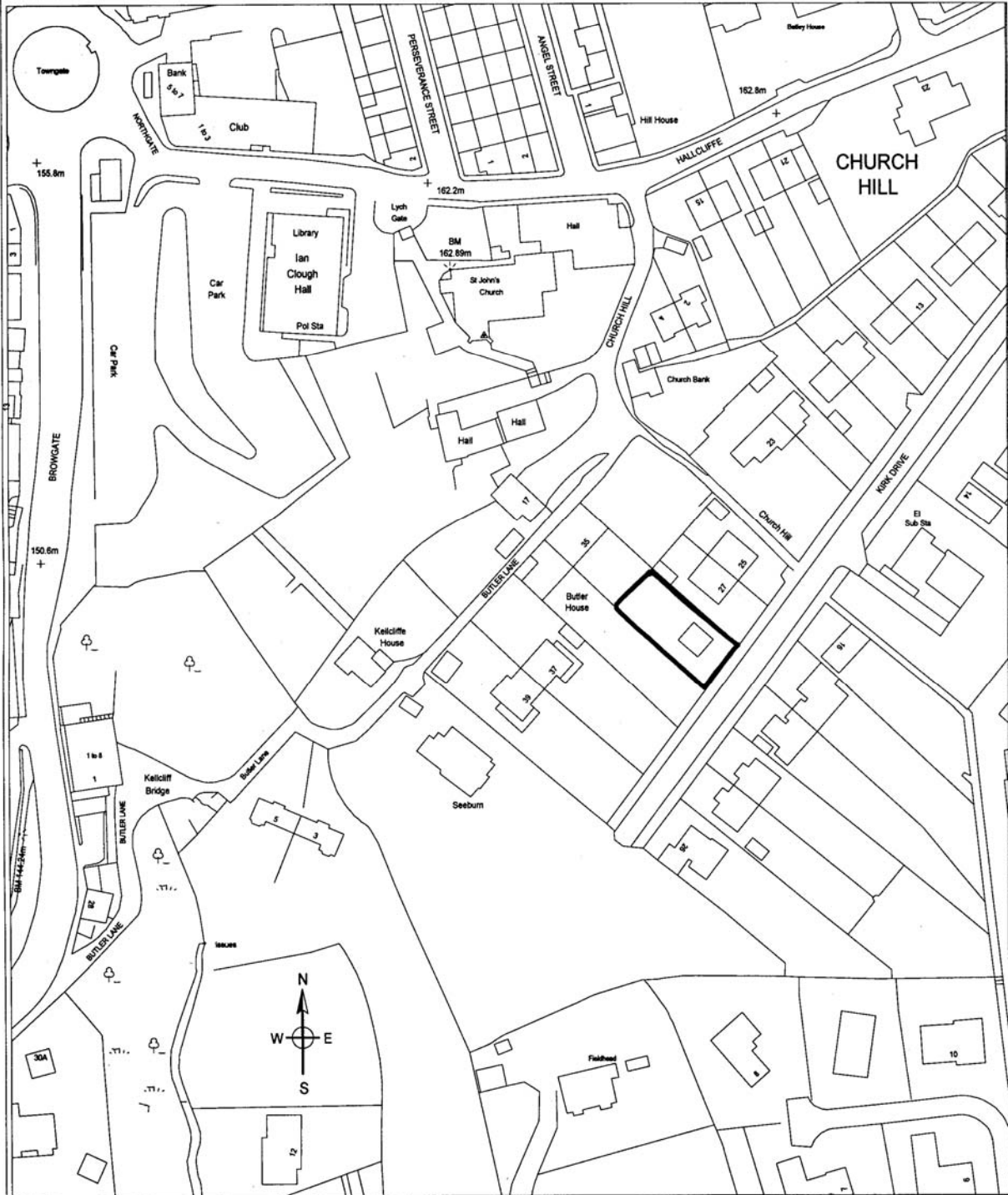
#### **Conditions:**

1. Commencement to take place within 3 years of development.
2. Development to accord with amended drawings received 10<sup>th</sup> July 2009 showing an extended TRO.

3. Samples of cladding material to be submitted and approved in writing by the LPA prior to the commencement of development, and the development to be completed in accordance with the approved details.
4. Drainage details for the car wash bay to be submitted and approved in writing by the LPA prior to the commencement of development, and the development to be completed in accordance with the approved details.
5. Hours of operation to be limited to between 07:30 – 18:00 Monday to Saturday and 10:00 -16:00 Sundays and public and bank holidays

# SHIPLEY AREA PLANNING PANEL

DATE  
23 JULY 2009



For reference only (Crown Copyright)

**ITEM No. 13**

LOCATION

**BUTLER HOUSE, BUTLER LANE, BILDON**

**Date:** 23 JULY 2009  
**Item No:** 13  
**Ward:** BAILDON  
**Recommendation:** TO GRANT PLANNING PERMISSION WITH CONDITIONS  
**Application No:** 09/01999/FUL

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

This is a full planning application for the construction of a detached bungalow in the garden of Butler House, Butler Lane, Baildon, BD17 6NE. The application is a resubmission of one which has been approved previously by the Shipley Area Planning Panel on 19<sup>th</sup> March 2009. The application has been resubmitted to reduce the scale of the proposed dwelling and to re-orientate the main living accommodation from the rear to the front of the building. The design of the front elevation has also changed.

### **Site Description**

The site is part of the garden of Butler House, Butler Lane, Baildon, which is a stone built grade II listed dwelling. The garden has a vehicular access on to Kirk Drive and a stone built garage currently occupies the site of the proposed dwelling. The surrounding area is residential in nature consisting of a mix of property types of varying ages. The Baildon Conservation Area is located directly to the north of the site. The land within the site slopes fairly steeply from the rear wall of Butler House down to Kirk Drive.

### **Relevant Site History**

08/03723/FUL - Construction of contemporary split level detached bungalow on land adjacent to 27 Kirk Drive Baildon – Granted 23.03.2009

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

The site is unallocated on the Replacement Unitary Development Plan. Relevant policies are:

Policy UR3	Local Impact of Development
Policy H7	Density
Policy H8	Density
Policy D1	General Design Considerations
Policy TM2	Impact of Traffic and Its Mitigation
Policy TM12	Parking Standards for Residential Developments
Policy TM19A	Traffic Management & Road Safety
Policy BH4A	Setting of Listed Buildings
Policy BH7	Conservation Areas
Policy NE4	Trees & Woodland
Policy NE5 & NE6	Retention and Protection of Trees on Development Sites

Also of relevance is national 'Planning Policy Statement 3: Housing'.

### **Town/Parish Council**

Baildon Parish Council – "No comment"

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

The application was advertised by neighbour notification letters, an advertisement in the local press and the display of a site notice. The publicity period expired on the 12<sup>th</sup> June 2009. Four letters of objection including correspondence from two local Councillors have been received. The Councillors request that the application be referred to the Area Planning Panel should Officers be minded to approve the application.

## **Summary of Representations**

- The proposed dwelling would not fit into the current surroundings. The window treatment is unsympathetic to Butler House and adjacent properties.
- The proposal will affect the privacy and character of neighbouring properties.
- The current application differs from the planning permission granted – living accommodation is now overlooking neighbours
- Proposal would increase traffic in the area – insufficient parking provision in the area.

The above issues are considered in the appraisal (below).

There is also an expressed concern that residents were assured previously that no further planning permission or alterations to the planning permission would be considered. This is for a larger bungalow and could encourage further applications.

In response to these points, the Council is not able to decline to determine applications for planning permission in such circumstances. The current application reduces the scale of the proposal. Any future planning applications will be considered on their own merits.

## **Consultations**

Heritage Conservation – No objections subject to conditions.

Drainage – Conditions suggested.

Trees – No objections subject to condition relating to tree protection.

## **Summary of Main Issues**

The main issues relate to i) the principle of the development; ii) visual amenity; iii) highway safety; and iv) residential amenity.

## **Appraisal**

This is a full planning application for the construction of a detached bungalow in the rear garden of Butler House, Butler Lane, Baildon (accessed via Kirk Drive). The application is a resubmission of one which has been approved previously by the Shipley Area Planning Panel on 19<sup>th</sup> March 2009. The application has been resubmitted to reduce the scale of the proposed dwelling. The applicant advises that the previously approved dwelling was too large for his needs.

### Principle of the Development

The site is unallocated on the Replacement Unitary Development Plan and is not therefore protected for any uses other than those which accord with the general policies of the plan. The site is brownfield land being domestic garden area and the surrounding area is dominated by residential uses. The recent grant of permission for a dwelling on the site is a significant factor. Accordingly, the development is considered to be acceptable in principle. The development would achieve a density of around 23 dwellings per hectare which is below the requirements of PPS 3 and Policy H7 of the RUDP. Considering the historic nature of the surrounding area a higher density of dwellings would not be appropriate and the development is of small scale which does not prejudice the Council's density strategy.

Consequently the principle of the development is considered to be acceptable in principle subject to its local impact.

### Visual Amenity

This proposal reduces the scale of the proposed dwelling from that previously approved thereby further minimising the impact of the proposal on the setting of Butler House and the conservation area to a comparable level to the existing garage. The inclusion of more

extensive glazing to the front elevation is not considered to cause any significant harm to the appearance of the street scene and, in light of what has been approved previously, no significant harm to the character and appearance of the surrounding area is anticipated. The proposal is therefore acceptable in terms of its visual impact.

### Highway Safety

The addition of one further dwelling is unlikely to generate a significant increase in the number of vehicles using Kirk Drive. Construction traffic would have access to the site from Kirk Drive and while vehicular movements during the construction phase are likely to be high, this would only be for a temporary period.

The proposed site layout retains the four car parking spaces approved previously and there is some on-street parking on Kirk Drive. Overall therefore, subject to conditions requiring the provision of the car parking shown on the plans, the proposal is not considered to be harmful to highway safety.

### Residential Amenity

The proposal alters the internal layout of the building so that the bedrooms are now located towards the rear of the building and the living areas towards the front. More than 21m is retained to the properties on the opposite side of Kirk Drive and no habitable room windows are included in the side elevations. The proposal raises no concerns relating to the residential amenity of adjacent neighbours and is considered to be acceptable in terms of its impact on residential amenity.

### **Community Safety Implications**

The proposed development does not present any community safety implications.

### **Recommendation**

The application is recommended for approval for the reason given below and subject to the conditions listed below.

### **Reason for Grant of Planning Permission**

The proposed development is not considered to be harmful to visual amenity, the historic context of the site, residential amenity or highway safety and therefore complies with the requirements of Policies UR3, H7, H8, D1, TM2, TM12, TM19A, BH4A, BH7, NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

### **Conditions**

1. Development to commence within 3 years.
2. All materials to be approved prior to commencement of development and development to be undertaken with the approved materials.
3. Parking to be provided before first occupation.
4. Separate drainage systems provided within site boundary.
5. Development to be undertaken in a way that does not alter overland surface water flows.
6. Surface water storage facility to have adequate emergency outflow. Details to be agreed and the facility provided in accordance with agreed details.
7. Protective tree fencing to be provided prior to and during construction, in accordance with details agreed prior to commencement.
8. PD rights A-D removed (alterations and extensions).
9. PD rights removed (additional windows).

# SHIPLEY AREA PLANNING PANEL

DATE  
23 JULY 2009



For reference only (Crown Copyright)

**ITEM No. 14**

LOCATION

**20 GLEN RISE, BILDON**

**23 JULY 2009**

**Item Number: 14**

**Ward: BAILDON**

**Recommendation: TO GRANT PLANNING PERMISSION WITH CONDITIONS**

**Application Number: 09/02344/HOU**

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

Full planning application for the construction of a front porch at 20 Glen Rise, Baildon, BD17 5DD.

The applicant is a Council employee.

**Site Description:**

The property is a stone built 2 storey detached property with an attached garage to the side. The street is characterised by detached properties incorporating varying styles and footprints.

**Relevant Site History:**

Not applicable.

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

The site is unallocated on the Replacement Unitary Development Plan. Relevant policies are:

- D1 - General Design Considerations
- UR3 - The Local Impact of Development
- TM19A - Traffic management and road safety
- D4 - Community Safety

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

**Parish Council:**

Baildon Parish – Do not wish to comment.

**Publicity and Number of Representations:**

The application was publicised by neighbour notification letters with responses being requested by date 17 June 2009. No representations have been received.

**Summary of Representations Received:**

Not applicable.

**Consultations:**

None required.

**Summary of Main Issues:**

Main issues are i) impact on the local environment; ii) impact on neighbouring occupants; iii) impact on highway safety; and iv) community safety implications.

**Appraisal:**

Impact on the local environment

The proposed porch is a simple design and incorporates proportions that are sympathetic to the existing property. The properties in this street comprise a variety of designs and are



not sited in a uniform row. Several properties have front canopy projections and permission has been granted for a front extension at no 19 Glen Rise. This proposal is considered to be sympathetic to the existing property and the street scene and in this respect accords with Policies UR3 and D1 of the Replacement Unitary Development Plan.

Impact on neighbouring occupants

The porch is not considered to be of harm to the residential amenity of the surrounding occupants and in this respect accords with Policies UR3 and D1 of the Replacement Unitary Development Plan.

Impact on Highway Safety

There are no highway safety implications. The extension will not affect on site parking.

**Community Safety Implications:**

There are no community safety implications

**Conclusion**

Approval is recommended for the porch for the following reason: The porch is considered to relate satisfactorily to the existing property and the wider street scene, and is not of detriment to the neighbouring occupants. There are no highway safety or community safety implications. As such this proposal is considered to be in accordance with Policy UR3, D1, TM19A and D4 of the Replacement Unitary Development Plan and the Revised House Extensions Policy.

**Conditions of Approval**

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby permitted shall be constructed of facing and roofing materials to match the existing building.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

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