

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 25 March 2020

Summary Statement - Part One

O

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	6 Merville Avenue Baildon West Yorkshire BD17 5PW - 20/00018/HOU [Approve]	Baildon
B.	Land At Bolton Road Silsden West Yorkshire - 19/05189/FUL [Approve]	Craven
C.	Land To Rear Of 19 Northgate Baildon West Yorkshire BD17 6JZ - 19/01605/FUL [Approve]	Baildon
D.	Littlegarth Sheriff Lane Eldwick Bingley West Yorkshire BD16 3LS - 19/04936/VOC [Approve]	Bingley
E.	1 Summerhill Avenue Steeton With Eastburn West Yorkshire BD20 6RU - 19/05295/HOU [Refuse]	Craven

Julian Jackson
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Overview & Scrutiny Committee Area:
Regeneration and Environment

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20/00018/HOU



City of
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METROPOLITAN DISTRICT COUNCIL



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MERVILLE AVENUE

BRANTCLIFFE WAY

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**6 Merville Avenue
Baildon BD17 5PW**

25 March 2020

Item: A
Ward: BAILDON

Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
20/00018/HOU

Type of Application/Proposal and Address:
Householder planning application for the construction of a detached annex in the garden at 6 Merville Avenue Baildon West Yorkshire BD17 5PW

Applicant:
Mr Liam Kehoe

Agent:
Mr Paul Manogue

Site Description:
The application proposes the construction of a detached single storey annex in the rear garden of 6 Merville Avenue which is a two storey detached house on a cul de sac. The surrounding suburban area consists of mixture of two storey and single storey detached and semi-detached dwellings. The annex building is already under construction. All four walls (but no roof) had been erected at the time of the officer site visit in January. The nearest neighbouring properties are on land adjoining the south east boundary of the garden at Nos. 2 and 4 Merville Avenue. These are bungalows. The application site has approximately 1.8 metre high hedging to its north-west and south east boundaries with some occasional small gaps.

Relevant Site History:
18/04952/HOU - Granted -11.01.2019 - Two storey side and single storey rear extensions

The National Planning Policy Framework (NPPF):
The NPPF is a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development, which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

DS1 – Achieving Good Design
DS3 - Urban Character
DS4 – Streets and Movement
DS5 – Safe and Inclusive Places

Parish Council:

Baildon Parish Council - No response received.

Publicity and Number of Representations:

Neighbours were informed by letter.

7 objections have been received outline the following issues:

- Building is too close to the boundary.
- Windows will overlook other properties.
- Use of building with a games room and bar makes it sound like a party house and therefore noise would be an issue
- There are trees that could fall on the proposed/existing development and the hedges have already been hacked back to within my boundary to facilitate access without any consent being sought.
- Overdevelopment of the site
- Too close to the property boundaries & is too tall. It also borders a drystone wall adjacent to the moor.
- Noise - our property is adjacent to where the proposed bar/games room is to be located - therefore the noise will be an issue from loud music etc. late at night. We have endured abusive, foul language & loud radios during the renovations at No 6, albeit the owner of the property has been on site so is fully aware of what has been going on.
- Concerns regarding the development having no drains or toilet facilities.
- Parking has been an issue during the recent development works carried out at No 4 and No 6 Merville Avenue with cars abandoned on corners & generally blocking the road.
- Completely unacceptable that a person is able to commence building work and then retrospectively apply for planning permission.

Summary of Representations Received:

N/A

Consultations:

None

Summary of Main Issues:

1. Background and principle of development.
2. Impact on the character of the area.
3. Amenities of adjoining occupiers.
4. Other issues raised by the representations.

Appraisal:

Background and Principle of Development

The proposal is for a detached annex within the curtilage of a dwelling-house that is neither a listed building nor within a conservation area and so is not statutorily protected from such works. The principle of development is therefore considered acceptable subject to consideration of its impact on the locality.

Of relevance is the permitted development “fallback”. Part 1 Class E to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits free standing buildings to be built in back gardens without requiring a planning application providing these are incidental to the enjoyment of a dwelling house and subject to a limitation that the height of the building must not exceed 2.5 metres where the building is within 2 metres of the boundary.

This annex needs planning permission because the highest point will be 2.9 metres - thus not meeting this limitation.

Impact on the character of the area

The submitted plans states that the annex will consist of a games room, bar area, store and would measure 8.7metres in width, 5.2metres in depth. It will have a mono pitch roof with its highest point being 2.9 metres in height. The detached annex is sited towards the northern boundary of the residential curtilage.

The scheme proposes matching materials to the host dwelling. The proposed detached annex would appear subordinate to host dwelling and its large rear garden setting. The scheme is considered to be in keeping with the various sizes, design and scale of outbuildings within the surrounding area.

Objectors raise concerns that the scheme is overdevelopment of the site and is not in keeping with the character and form of the area.

However, the proposal is of moderate size. It is a relatively small building in comparison to this large rear garden setting, and its height is modest. The proposal is considered not to be overdevelopment of the site. Having had regard to the above, the proposed scheme is considered acceptable in terms of having no serious effects on local visual amenity or the character of the area and therefore accords with Policies DS1 and DS3 of the Core Strategy, the Householder SPD and the NPPF.

Impact on Amenities of Adjoining Occupiers

The detached annex measures 8.7metres in width x 5.2metres in depth. Its highest point being 2.9metres. The scheme requires planning permission as the building exceeds 2.5 metres in height and is within 2 metres of the boundary of the curtilage of the dwellinghouse.

However, the difference of 0.4metre in height compared to what could be building under permitted development should afforded a degree of weight when considering the proposal's impact upon the residential amenity of surrounding neighbouring properties.

The scheme proposes no windows in its side elevations facing 2 and 4 Melville Avenue. The windows will mostly be confined to the south elevation that faces towards 2 Merville Avenue via a very acute angle. The proposed building is located 1.40metres away from west boundary with 2 Merville Avenue and is 4metres away from the closest part of that property. The nearest window of 6 Merville Avenue is located 4.3metres away from the main openings of the annex. There is 1.8metre hedging that provides screening towards 2 Merville Avenue.

The annex would cause a degree of overlooking towards adjoin houses but is mostly screened by the existing hedges.

It is considered that the proposal will cause a degree of overshadowing and affect outlook from 2 Merville Avenue but these effects are not considered sufficient to warrant refusal. Further to this it should be noted that a building what would be 0.4metre less in height than the proposal could be built under permitted development. It is considered that the additional 0.4metres in height is considered to cause significant adverse effect of dominance or overshadowing to warrant refusal in this instance.

Objectors raise concerns in relation from noise from the proposed use of the building and from parties occurring at unsociable hours. The building is to be used as a games room and bar area for purposes ancillary to the main dwelling. Such use is likely to be occasional and the property owner has similar rights to use their open garden for purposes incidental to the enjoyment of the dwelling house.

Despite the acknowledged fact that the annex is close to the adjoining bungalows, it is not considered that occasional use of the building for the purposes stated would cause unreasonable issues of noise nuisance. If noise nuisance does occur this can be controlled under more relevant Environmental Health legislation that is separate to planning legalisation.

It is, however, recommended that to prevent the undesirable establishment of an annex that is used separately and independently of the control of the householder, a condition be imposed to require that the development permitted shall only be occupied or used in connection with and ancillary to the occupation of 6 Merville Avenue.

Objectors also raise concern about noise and parking during construction. It is acknowledged that disturbance can occur during construction but given relatively small size of the structure it does not seem necessary to impose a condition to limit construction hours.

Having had regard to the above, and subject to the above condition, it is considered that the proposal would not cause significant detrimental impact on the residential amenities of either existing or future occupants and is in accordance with Policy DS5 of the Core Strategy, the Householder SPD and the NPPF.

Other issues

Objectors raise concerns in relation to drainage of the annex. These issues for a development of its size can be resolved during a building regulations submission.

Objectors raise concerns in relation to cutting down and damage to trees in the garden but noted any trees/hedges/bushes that have been removed were not protected by tree preservation orders and the site is not located within a conservation area. Given, this they could be removed lawfully by the property owner at any time.

Objectors also protest about the building already being under substantial construction. However, pending service of an enforcement notice, such unauthorised development is not against the law. The applicant is seeking to regularise the situation via this application and the impact of the development needs to be considered on its planning merits and against planning policies.

Community Safety Implications:

None foreseen

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission

Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development would not have a detrimental effect on local visual amenity or residential amenity. The application is therefore to be in accordance with Policies DS1, DS3, DS4 and DS5, the Householder SPD of the Core Strategy and the NPPF.

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 approved shall only be carried out in accordance with the drawing number DA-18-130-003. Rev A received as part of the original planning application number 20/00018/HOU on 6 January 2020.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

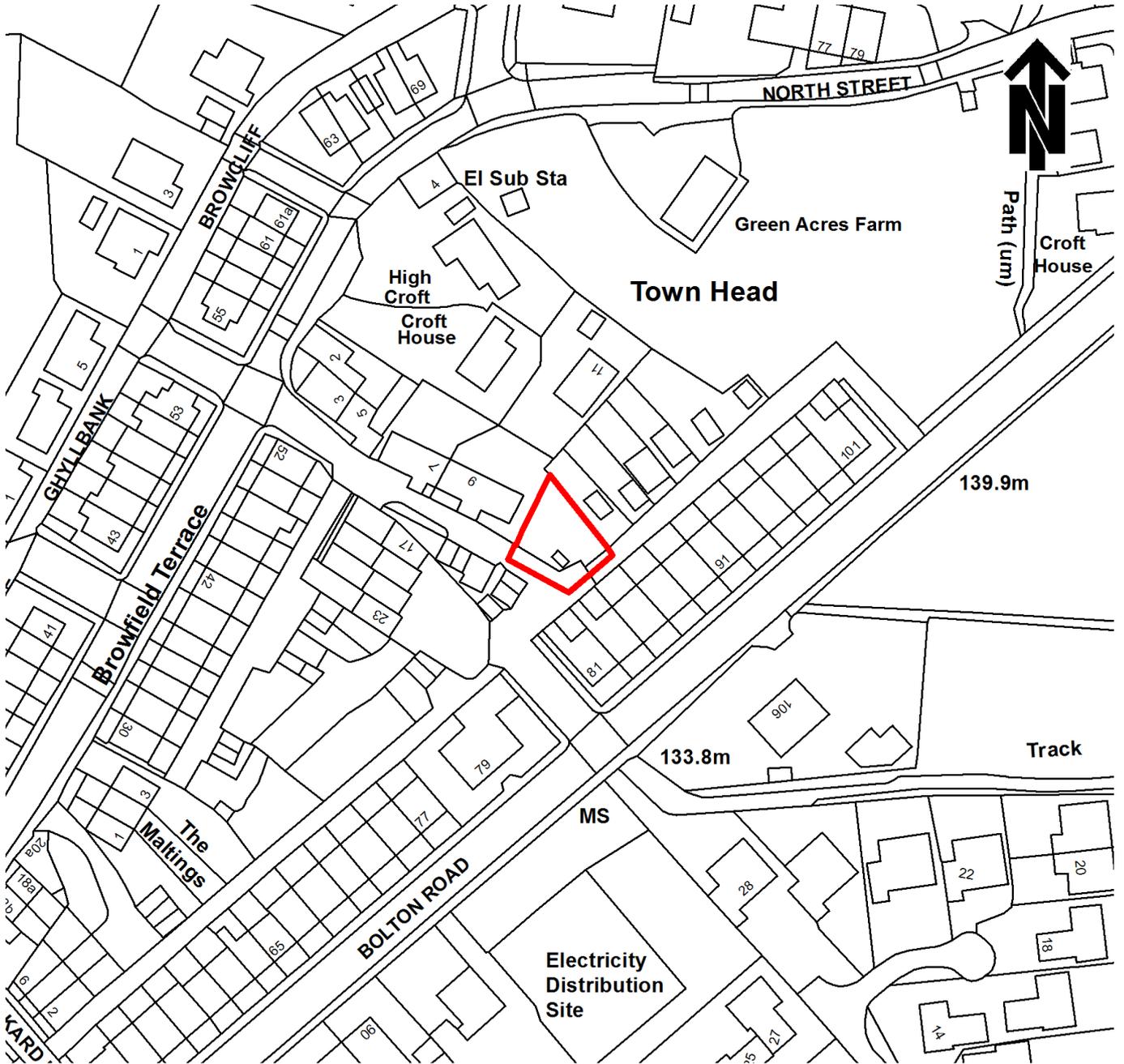
3. The development hereby permitted shall only be occupied or used in connection with and ancillary to the occupation of the existing premises or use at 6 Merville Avenue Baildon and shall at no time be severed and occupied as a separate independent unit.

Reason: To prevent the undesirable establishment of a separate independent unit and in the interests of amenity and highway safety and to accord with Policies DS5 and the householder SPD.

19/05189/FUL



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**Land At
Bolton Road Silsden**

25 March 2020

Item: B
Ward: CRAVEN

Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
19/05189/FUL

Type of Application/Proposal and Address:

Full application for the construction of bungalow and car space and new Bitmac surfacing and drainage to parts of unadopted back and side streets at land behind Bolton Road, Silsden.

Applicant:

Mr Charles Bartle

Agent:

LARK Architects Ltd

Update on Application:

The Area Planning Panel that convened on the 26th February 2020 were minded to defer this application and resolved the following:

“That the application be deferred for further investigation to establish the position and extent of culverts or watercourses under or near the site, and to require amendments to the parking space layout.”

Further discussions have been held with Yorkshire Water and the Council’s Drainage Section. It has been confirmed that the watercourse that formerly ran through the site, and is clearly shown on historic OS maps of the area, has been diverted. This is why this issue did not come up on the initial search of the constraints of the site.

What is not known is the condition of any culvert or other apparatus that may be present beneath the site. It is therefore necessary and reasonable to condition that requires an intrusive ground investigation to determine the extent of any land drainage network and submit it to the Council along with proposals for dealing with any watercourses, culverts or land drains existing within the site boundary. A ‘pre-commencement’ condition has been agreed with the applicant’s agent that requires that the condition of the land is determined before any building work can start on site.

Notwithstanding the above, further objections to the application have been received including photographs showing water flowing down back Bolton Road.

Additional alterations have been made to the application concerning the extent of the red line boundary. Previously this extended to the centre line of Townhead to the south west of the site. This red line has been amended to follow the boundary of line of the plot to the south

west which runs parallel to the front of number 9 Townhead. This means that the resurfacing of this part of the highway is no longer proposed as part of the application.

The Highways Engineer's comments on the proposed development have remained unaltered.

One other issue that was mentioned at the Panel meeting was the proximity of trees to the site. It is noted that there are no protected trees within close proximity of the site and the proposed works are unlikely to impact negatively on any trees that are near to the site.

Site Description:

The site is a small 0.02 ha garden area associated with the end terrace house dwelling at 81 Bolton Road. The land is separated from the back yard of the dwelling by an unsurfaced access serving the back of the terrace. Another similar plot of land exists to the north. A hedge runs along the southern frontage of the land and another modern bungalow is visible beyond the site and standing at a higher level. Access to the site is from either Bolton Road via a poorly surface unadopted access from the south of Townhead from the north. The surrounding area is mainly residential.

Relevant Site History:

14/04246/FUL - Construction of bungalow. Refused 01.12.2014.

Reason for refusal of that application:

The proposal dwelling house would be accessed via an unadopted road of substandard geometric layout, poor drainage and inadequate lighting, which already serves a number of other dwellings. The intensification of use of this access is likely to lead to conditions prejudicial to highway safety and cause conflicts between highway users, including pedestrians. No proposals are put forward to mitigate the impact of the development on highway safety. The development would be contrary to Policies TM19A and TM2 of the Replacement Unitary Development Plan for the Bradford District.

15/00218/FUL - Construction of bungalow and car space and new Bitmac surfacing and drainage to parts of unadopted back and side streets. Granted 12.03.2015

This permission has not been implemented. What is proposed is not materially different to that granted permission under application 15/00218/FUL

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development, which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

HO9 Housing Quality
DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
SC9 Making Great Places

Parish Council:

Silsden Town Council

Publicity and Number of Representations:

Application was publicised by individual notification letters and site notice. The publicity period expires on 27th January 2020. To date, a total of seven letters of objection have been received. An objection has also been received from Silsden Town Council

Summary of Representations Received:

Silsden Town Council objects:

- Over development of a plot on an unadopted road,
- Drainage issues in this area.
- Concerns for displacement parking particularly holistically as Skipton Properties due to develop 62 houses at Tannery corner.

Seven objections received from local residents:

- Surrounding area has been subject to infilling in recent years and further development is planned. Local housing requirements have been met.
- Surface water is a concern and back Bolton Road has been damaged by severe rain.
- There is a culverted watercourse under or close to back Bolton Road which could be damaged by the development.
- Traffic is a concern for the area, including several incidents and a serious accident of Bolton Road.

- A new garage has been built on back Bolton Road that restricts the space to manoeuvre from the site.
- Access to the site is over third party land.
- The proposed road surfacing is inadequate.
- The proposed exit point from the site is onto a blind corner.
- There is a query over land ownership.
- Owls and bats have been seen in the area and should not be disturbed by the development.
- Back Bolton Road is frequently obstructed by parked cars.
- Sewerage in Silsden is already inadequate.
- The proposed leyandii hedge will block light.
- The site has always been a garden and would appear cramped with a bungalow on it.

Consultations:

Highways DC : This application is similar to a previously approved application (15/00218/FUL) which was supported by Highways DC subject to conditions. There are no highway objections to raise about the proposed development subject to highway conditions to secure provision of car parking and the improvement of the access roads leading to the site.

Yorkshire Water: No observation comments are required.

Drainage: no objection subject to conditions re porous surfacing materials. Additional information has been provided that show that there is no watercourse beneath the site.

Summary of Main Issues:

1. Principle of development.
2. Impact on residential amenity.
3. Design and impact on visual amenity.
4. Highway safety.
5. Drainage.
6. Community Infrastructure Levy.

Appraisal:

Principle of development

According to section 38(6) of the Planning and Compulsory Purchase Act 2004 planning decisions “must be made in accordance with the development plan unless material considerations indicate otherwise.”

The National Planning Policy Framework is a material consideration and since the proposal is for residential development it is necessary to consider paragraph 11 of the NPPF which states that there is a presumption in favour of sustainable development. This means that for decision making:

“Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed 6 ; or

- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

At present the Council's 5 year housing supply, as of 1st April 2019, stands at 2.06 years. With this in mind it is necessary to refer to NPPF footnote 7 that confirms that not having a 5 year housing supply of land means that the policy is out of date and therefore permission should be granted unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed ; or
- ii). Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Planning permission for an almost identical development was granted in 2015. However, that permission lapsed in 2018. This is a material consideration in the determination of this application however, as the permission has lapsed the weight it carries has reduced.

The Core Strategy was adopted in 2017 and so post-dates the 2015 permission which means that the proposed development has not been considered against current locally adopted policies.

The site comprises a garden that is, unusually, not contiguous with the dwelling it serves which is number 81 Bolton Road. To the rear of the terrace on Bolton Road (between numbers 81 to 101) is an unmade access track and this acts to divide the application plot from the terrace. At present the site comprises a lawn, shed, patio and other domestic accoutrements.

The surrounding land is characterised by a tight grain of development with housing along Townhead to the rear of the site and other garages and outbuildings to the north east accessed off the unmade track to the rear of the terrace.

In that the site is in a residential area and comprises domestic land the principle of developing the land is accepted.

Impact on residential amenity.

Criterion F of Core Strategy policy DS5 states that development should "Not harm the amenity of existing or prospective users and residents."

The development site rises from the south east to the north east. The submitted elevation drawings show that the proposed dwelling will be dug in slightly in order to create a level ground floor. This means that there are steps up to the front door.

The height of the side, north west, elevation which is close to the boundary with 9 Townhead. The plans show that the wall has an eaves height of 2.7m at around 1.4m from the boundary hedge. The height to the roof ridge is shown as 4.4m. The size of the proposed bungalow and the distance to the boundary coupled with the boundary hedge is sufficient to mean that the amenity of the existing residents at 9 Townhead would not be detrimentally affected by the proposed development. The window in the northwest elevation is to serve the bathroom and so would be obscurely glazed.

The proposed principle elevation faces south east towards Townhead and would not face directly towards any nearby dwellings. The rear of the properties on Bolton Road face towards the site and would be around 9m from the proposed dwelling at the nearest point, increasing to 13m. The proposed bungalow has been designed so that its principal windows do not face towards existing residential properties.

The size, position within the site and window arrangement of the proposed bungalow have been considered and design to ensure that the amenity of nearby residents are protected and the development complies with the relevant policy in respect of not harming the amenity of existing nearby residents.

Design and impact on visual amenity.

Criterion A of Core Strategy policy states “New housing development should be high quality and achieve good design.” This is consistent with NPPF paragraph 124 which states “Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

The proposed development is identical to the dwelling granted planning permission in 2015. As has been noted, the 2015 permission has lapsed, however, it does demonstrate that dwelling of the size and design proposed now has been considered appropriate in the recent past.

The proposal is for a two bedroomed bungalow which would fill a large proportion of the plot and provide 1 off street parking space.

The proposed dwelling is considered to be appropriate in terms of the size, height, position in the site and building materials. It would sit unobtrusively in the plot and be reflective of the building materials found locally.

The intention to retain part of the hedge to the southern boundary would help reduce the visual impact of the proposal from the unmade rear access and adjoining properties. The area is mixed in terms of its appearance with terraced properties quite dominant in number but also other building designs are present including bungalows like the one above the site to the north. The drawings propose that the bungalow is faced in coursed natural stone and grey render with a natural blue slate roof with photo voltaic panels. These materials are found locally and are sympathetic to the character of the area. It is considered that the proposal would not have any significant adverse impact on the character of the street scene.

Photovoltaic panels are increasingly commonly found on domestic buildings and in light of Core Strategy policy EN6 and the NPPF’s support for renewable energy

Highway safety.

As was the case with application 15/00218/FUL there is no objection to the proposed development from the Council’s Highways DC officer. The road is an unadopted road and as such is not maintained at the public expense. It is noted that the quality of the carriageway along back Bolton Road and Town Head is poor and potholed.

There is an existing vehicular access point into the site at the south west corner. The proposal would utilise this existing entrance point into the site and provide one allocated off street parking space which, for the size of the proposed dwelling, is appropriate.

It is proposed to carry out some highway improvements as part of the development. This amounts to improvement works to the access which front the site and which is claimed within the applicant's ownership. These works are shown on drawing 893 02 Revision A and comprise bitmac surfacing of a section of the road to the frontage on back Bolton Road which incorporates some drainage via gullies to the sewer. This should help reduce potholing and standing water on this part of back Bolton Road

Whilst these improvements will not be comprehensive and, indeed, are rather incremental, nonetheless, by providing a better surface to part of the carriageway and introducing some positive drainage there will be an improvement to local highway conditions commensurate with the scale of the development. It is unusual for unadopted roads to benefit from wholesale upgrade and in planning terms the developer is required to mitigate the impact the development would have, not for the developer to address wider problems in terms of the road surfacing. In this instance the proposed resurfacing is adequate to mitigate the impact that this scale of development would have and to ensure improved connectivity of the site for future occupiers.

In respect of the wider safety concerns, it has already been noted that the site is within an area with a high development density which in turn leads to a relatively high number of vehicles traveling along Bolton Road and the surrounding roads. Coupled with this is the number of vehicles parked on the road due to the terraced houses not having any allocated off street parking.

In policy terms the NPPF has a requirement to ensure "safe and suitable access to the [development] site can be achieved for all users." [paragraph 108(b)] and states in paragraph 109 that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

In terms of the access point to the site, it is already in use. The proposal is to surface the driveway with block paving and the area surrounding the site to the southeast in bitmac (which is form of tarmac). A two bedroomed dwelling is unlikely to result in a significant uplift in vehicle movements to and from the site. Given that the site already provides parking for 81 Bolton Road it is not considered that the proposed development of one dwelling would cause a demonstrable increase in the number of vehicles using Bolton Road, back Bolton Road or Townhead. The development is not considered to be unacceptable in highway safety terms since the access point onto the adapted carriageway is unaltered by the development and the impacts of the development on the road network cannot be considered to be severe.

It has been pointed out by objectors that a new detached garage has been built close to the access point into the site which has narrowed the width of Townhead/back Bolton Road. However, this garages and the ones to the south west of the access point, are not constructed on the highway and as such do not obstruct it.

Drainage.

Neither Yorkshire Water nor the Council's Drainage Section have raised objections to this proposal. The proposed dwelling would drain surface and foul water into the combination sewer that runs under back Bolton Road as shown on the proposed site plan (drawing

number 02). The plans include gullies to help drain the road which will be an improvement on the existing situation. The issue of the former beck/culvert has been addressed above.

It is noted that a number of objectors have raised drainage as a problem and that water runs down back Bolton Road and into some of the rear of the properties on Bolton Road. However, the relevant consultees, which includes the statutory water undertaker, Yorkshire Water, have raised no objection to the proposal. There is no evidence that by draining the site to the mains public sewer will increase flood risks.

Community Safety Implications:

None significant

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission

The proposed development of the site with one dwelling house has been accepted previously and is considered to continue to be acceptable in principle in view of the lack of a 5 year housing land supply and the sustainable location of the site within the built up area. There are not considered to be any significant impacts in terms of highway safety, residential amenity and visual impact on the character of the area. The scheme provides for some improvement of the access to the site which is considered an appropriate level of mitigation of the highway impact of the proposal. The proposal is therefore considered to comply with policies HO9, DS1, DS3, DS4 and DS5 of the Core Strategy DPD (2017) and guidance contained in the National Planning Policy Framework.

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. Prior to the commencement of the development, hereby approved, an intrusive investigation of the site in order to determine the extent of any land drainage network shall be carried out and submitted to the local planning authority. Should the investigation reveal the presence of any land drainage network detailed proposals for dealing with any watercourses, culverts or land drains existing within the site boundary shall be submitted to the local planning authority for approval.

Reason: In order to ensure the site can be safely developed and to reduce the risk of flooding so as to comply with policies DS5 and EN7

3. Before development above damp proof course level proceeds on the site, arrangements shall be made with the Local Planning Authority for the inspection

of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

4. Before the development is brought into use, the off street car parking facility for the dwelling shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15.

Reason: In the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document.

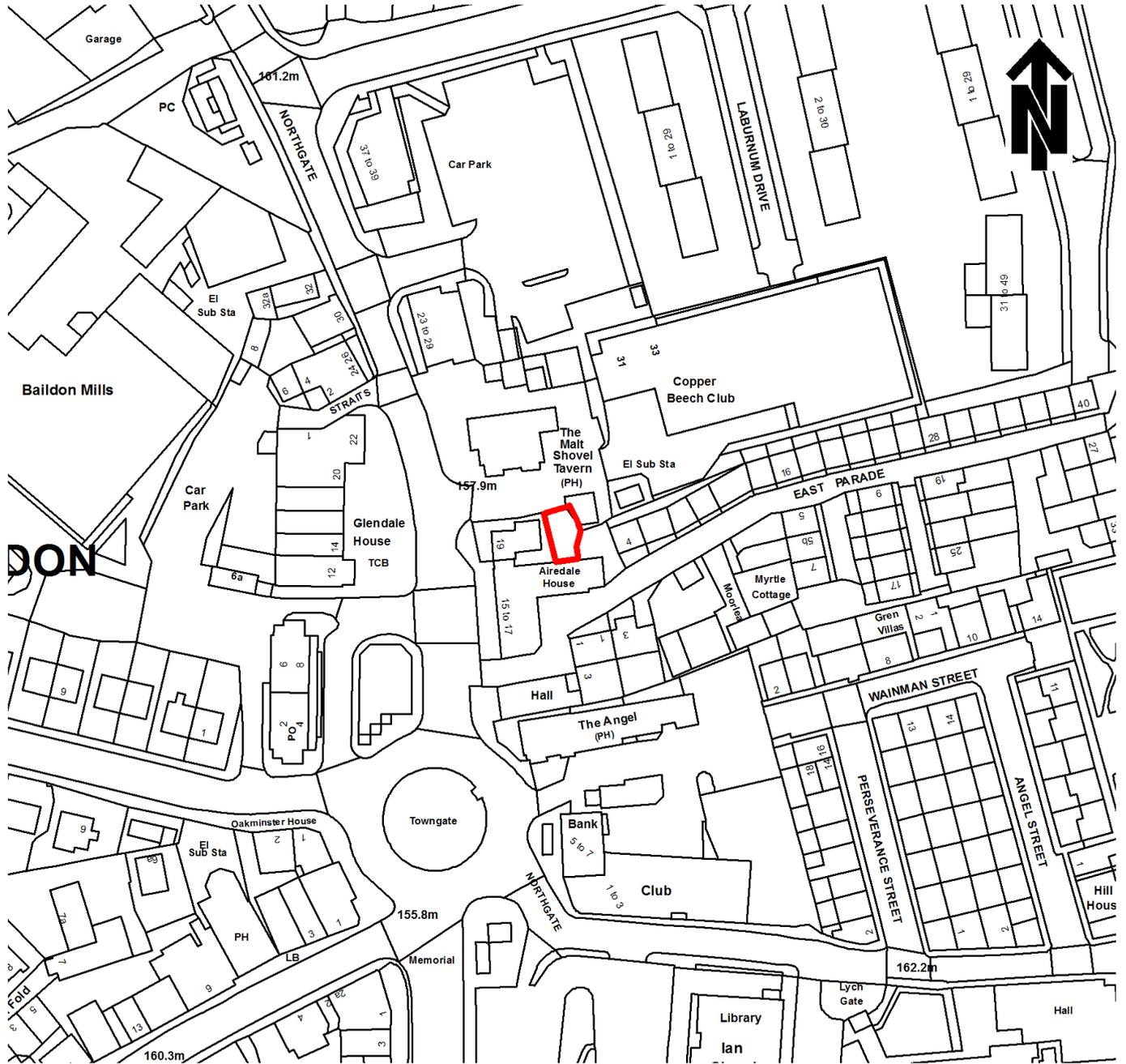
5. Before any part of the development is brought into use, the works to the accesses fronting the site by means of bitmac surfacing and draining via gullies to the sewer shall be carried out in accordance with details shown on approved Site Layout Plan 693 02 Revision A, and to a technical specification to be submitted to and approved in writing by the Local Planning Authority before those works are carried out.

Reason: In the interests of highway safety and to improve the connectivity of the site to accord with Policy DS4 of the Core Strategy Development Plan Document.

19/01605/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Land To Rear Of 19 Northgate
Baildon BD17 6JZ**

25 March 2020

Item: C
Ward: BAILDON

Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
19/01605/FUL

Type of Application/Proposal and Address:
Construction of a single-storey private hire vehicle booking office on land to the rear of 19 Northgate, Baildon BD17 6JZ.

Applicant:
Miss Louise Hogg trading as Baildon Private Hire

Agent:
Kevin Ratcliffe

Site Description:
The application site formerly comprised a small gravelled area of land to the rear of 19 Northgate within the centre of Baildon; a booking office has now been built on site and is operating (see below). Immediately to the east of the site is a detached lock up garage, and to the west, at a slightly lower level, is 19A Northgate, a ground floor residential flat which has habitable windows which look towards the site. Immediately to the north is a vehicular access which serves the grade II listed Malt Shovel public house opposite as well as acting as the service road to the nearby Baildon Co-Op store. Parking restrictions in the form of a yellow box marking is in place on this access road to prevent indiscriminate parking to ensure that it is clear of obstruction at all times. Northgate, the B6151, is a well-used classified road forming the main route through Baildon with double yellow lines along its route close to the site.

Relevant Site History:
This planning application was considered by the Area Planning Panel on 10 July 2019. It was recommended for refusal on highway and residential amenity grounds although Members voted to grant planning permission for the development. However, the issue of the planning permission was challenged in the High Courts and the decision was voluntarily quashed on 8 January 2020. Essentially the Court found that the Local Planning Authority had not:-

- i) Fulfilled its obligations as to S72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in that insufficient regard had been paid to the impact of the development on the Conservation Area, and
- ii) Fulfilled the duty to give reasons for the approval, particularly as the decision was contrary to officer recommendations, and that those reasons were not specified in the decision notice.

The practical effect of quashing the decision is that the application becomes 'live' again and so requires re-determination.

However, following the dispatch of the original decision notice building works commenced on site and the structure is now complete and operational. Having inspected the site, it is apparent that the scheme as built does not accord with the originally submitted drawings as previously considered by Members last July. Amended plans have therefore been submitted which represent the structure as built. In summary, the main points of difference are that:-

1. The building is no longer detached – it is attached to an adjacent garage building
2. The customer booking window has been deleted as has the external covered customer waiting area. The applicant has advised that the majority of bookings are made remotely through dedicated phone lines and/or online.
3. The building has been built with a mono-pitched roof as opposed to the previously shown gabled structure with a dual-pitched roof.
4. The external door to provide access to the toilet facilities has been deleted.

The revised proposal has been re-publicised accordingly with new site notices posted and further comments invited from all original contributors and relevant consultees. The Council therefore needs to review and reconsider the application in light of the judicial review decision and the amended scheme that has been submitted.

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development, which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) are saved for the purposes of formulating the Local Plan for Bradford, and remain applicable until adoption of Allocations and Area Action Plan development plan documents.

Core Strategy Policies

- DS1 Achieving good design
- DS3 Urban Character
- DS4 Streets and Movement
- DS5 Safe and inclusive places
- EN3 Historic Environment

EN8 Environmental Protection
TR2 Parking policy

Saved RUDP Policies

The site falls within Baildon Local Centre and Conservation Area

Parish Council:

Baildon Town Council

Publicity and Number of Representations(*on the original scheme considered on 10 July 2019*):

By press and site notice and letters to neighbours. Overall expiry date 10.5.2019

A petition with over 30 signatories has been received against the proposal together with 21 letters of objection.

In support, around 90 representations have been received including one from a local Ward Councillor.

Summary of Representations Received:

In Objection:

1. The proposed Taxi Office is deficient in terms of parking provision. This will result in an increase in demand for on street parking in a location where such on street car parking is under provisioned to the severe detriment of highway safety.
2. This stretch of Northgate is very busy already and the proposal would cause chaos with extra cars accessing the site.
3. Baildon is already well served by taxi firms and there is a lack of need for the proposal.
4. The proposed booking office is situated in the entrance of a busy delivery yard that has wagons and vans being driven in and out, this alongside parked taxis and pedestrians using it would have safety implications that would surely have more risk than benefits to the community
5. Noise and disruption to neighbouring residents from customers of the taxi office especially at the weekends and late into the evening.
6. The proposal would have a negative impact on the conservation area.
7. The site is owned by the brewery.

In Support:

1. Baildon Taxis provide a valued service and residents wish to see this business retained in the village.
2. Previous office was in a dangerous location along the main road and this new base could be safer
3. The applicant is an experienced and well-respected operator
4. Baildon Taxis are being forced to relocate to alternative premises as their lease has expired on their existing site

Several representations give no specific comments.

A Baildon Ward Councillor has stated that the office is simply a relocation of an existing well established and well regarded business and that it should be supported with a provision that

there should be no drop-offs or pick-ups on Northgate itself. The building would be in keeping with the conservation area.

A general comment from a nearby business has also been received stating that they presently have an arrangement for the application firm to park on their land as and when necessary and that this could continue.

ADDITIONAL PUBLICITY:

The application has since been re-publicised in view of the Judicial Review outcome and to draw attention to the fact that the scheme under consideration, as built, is different from the originally submitted plan. The expiry date for further comments was 26.2.2020.

One further letter of support has been received stating that they were surprised to receive an e-mail from the planning office stating that the plans for the taxi office were to be reconsidered as they believed that planning permission had already been granted. They reiterated that application firm is a long standing trusted Baildon company that has served the community for years. The new office is in a far better and safer position than their previous base. Vehicles no longer hold up the flow of traffic through Baildon at one of the narrowest points or cause obstruction to cars coming out of the Co-Op car park.

A further general comment has been made querying whether or not planning consent has been granted as the taxi business is currently in operation.

Consultations:

(Responses on amended scheme)

Highways DC: No objection to the amended scheme. The tabled plan indicates that there would be no walk-in customer booking or waiting nor welfare facilities for vehicle drivers. On that basis the Highways Engineer would support the application.

Design and Conservation Team: As built, the proposal does not cause significant harm to the character of the conservation area.

Summary of Main Issues:

Highway Safety Implications
Impact on amenity of residential neighbours
Visual Amenity
Heritage Impacts
Representations

Appraisal:

The proposal seeks approval to construct a single storey building to be used as a booking office by Baildon Taxis. The business has previously operated for many years from a nearby unit at 28 Northgate but explains that termination of the lease is forcing and urgent relocation to alternative premises within Baildon. The applicant has emphasised the importance of this to both the community and those relying on the business for their livelihoods. The submitted Design and Access Statement confirms the applicant is looking for a base within Baildon that would improve customer safety and alleviate the congestion caused by the boarding and alighting of passengers outside the existing booking office on Northgate.

The building is small and is similar in form and scale to a domestic garage, and positioned so that it adjoins an adjacent garage building with a floor area of about 8sqm. The building is now in situ and has been built in local natural stone with a shallow mono-pitched roof and stone surrounds to doors and windows.

The layout of the building also differs from the previously considered scheme in that it no longer incorporates a covered waiting area to the front or a dedicated booking window. There is an expectation therefore that any customers would not need to wait outside the premises for their vehicle. The Local Planning Authority is also mindful that a proportion of fares would be booked remotely via telephone or online. The toilet area is now only accessible to office staff.

The application form states that three full-time equivalent staff will be employed from the office on a 24-hour basis. Documentation submitted in support advises that there are 25 drivers currently employed by the business.

Highway Safety Implications

As originally submitted, the proposal raised concerns around highway safety in view of the deficiencies of the proposed parking arrangements and the restricted nature of the existing access road.

Appendix 4 of the Council's Core Strategy sets the parking standard for a private hire booking office as a minimum of five spaces, or 1 space for every 4 cars operating from the site. Notwithstanding this, the proposal provided two parking spaces and fell substantially short of the minimum provision. The Council's Highway Engineer initially objected to the development for this reason as it was considered that any increase in vehicles using the access road could result in overspill parking close to the junction of a busy classified road, Northgate, conflicting with other road users to the detriment of highway and pedestrian safety.

The amended scheme seeks to address this concern by limiting the nature of the business in that by operating as a purely telephone/remote booking facility, customers would no longer need to call in-person to the site and wait for a vehicle. Vehicles would therefore no longer need to park along, manoeuvre or make otherwise use of the restricted access road alongside the unit. The removal of the welfare facility would also serve to discourage vehicle drivers from parking up and making use of the facilities in between fares. The Council's Highway Engineer is satisfied that the implementation of these measures would be sufficient to overcome their previous concerns and on this basis the proposal is considered to accord with Policies DS4 and TR2 of the Core Strategy Development Plan Document.

The Local Planning Authority is aware that the premises have been inspected by the Council's Hackney Carriage and Licencing Enforcement Officers who have confirmed that there are benches within the unit but that on no occasion have customers been seen within the premises. In their view, notwithstanding the assertions put forward by the applicant, this premises would appear to operate as a traditional 'walk-in' base with customers waiting on site for a car to become available. Officers are mindful that whilst the Council's Highway Engineer would not support an application for a conventional private vehicle hire booking office, Baildon Taxis have been operating from the building for about 6 months without any undue highway concerns. This would serve to weaken the previous argument that the

development would result in conditions that would be harmful to highway safety and therefore a refusal on highway grounds could be difficult to substantiate.

Impact on Amenity of Residential Neighbours

The amended scheme sufficiently addresses the Council's previous concerns as to the impact of the development on nearby residents. The office no longer includes an external customer waiting area. Previously customers would have congregated outside the building whilst awaiting collection which could have led to an unacceptable level of noise and disturbance to the neighbouring flat at 19A Northgate at unsociable hours given that the business operates on a 24-hour basis. It is acknowledged that some customers may wait at the premises given that the submitted layout plans include an area of bench seating, however this would have the benefit of restricting noise to within the building. The applicant has advised that the majority of fares now booked in advance over the phone.

The amended proposal is therefore in accordance with the provisions of Policy DS5 of the Core Strategy Development Plan Document.

Visual Amenity

The office building is considered to be acceptable in terms of its design and appearance. It is constructed from local natural stone and incorporates traditional features such as stone surrounds to all windows and doors with the rear elevation having a rendered finish. It is acknowledged that the profile of the slated roof is very shallow however this serves to reduce the overall mass and bulk of the structure as well as its visual prominence. The building therefore appears as a subordinate addition to the neighbouring, larger detached domestic garage and would not appear out of place in this central village location. As submitted the scheme is considered to accord with the provisions of Policies DS1 and DS3 of the Core Strategy Development Plan Document.

Heritage Impacts

The application site is situated within Baildon Conservation Area and in close proximity to the nearby Malt Shovel public house, a Grade II listed building. Paragraph 187 of the NPPF states that local planning authorities should maintain or have access to a Historic Environment Record (HER), and at further goes on to state that, at paragraph 189, that as a minimum the relevant HER should be consulted and the heritage assets assessed using appropriate expertise where necessary.

The HER for West Yorkshire has been consulted and there is no recorded content that relates specifically to the application site. The record does not identify any further heritage assets, other than those identified above, which might be affected by this development proposal. It should be noted that the HER is essentially an index of heritage sites in any given area, there is no indication of the significance of any given asset.

The impact of the development on the identified heritage assets has also been assessed by the Council's Conservation Officer. He has taken into account the Baildon Conservation Area Appraisal, prepared by the Council's Design and Conservation Team, as well as the listed building records.

Paragraph 189 of the NPPF says that, when determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including a contribution made by their setting. The level of detail should be

proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. In support of the proposal a Heritage Statement was submitted together with a more detailed report entitled 'A site appraisal, design intent and design aesthetic document'. It is acknowledged that these documents were specifically prepared for the originally submitted scheme and that this has since been amended. However, given that the amended scheme is broadly similar to the original proposal, the submitted information remains pertinent to the revisions now at hand. In any event, the office building has been constructed which allows for a full appreciation of the actual impact of the building on relevant heritage assets.

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty in respect of listed buildings in the exercise of planning function. In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The site is within Baildon Conservation Area. Both the NPPF and Policy EN3 of the Core Strategy Development Plan Document require the Local Planning Authority to consider harm to the setting of such heritage assets. Paragraph 200 of the NPPF advises local planning authorities to look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. This is also reflected in Policy EN3 of the Core Strategy.

Harm to a heritage asset may be identified as being none, less than substantial or substantial. Where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Conservation Officer's initial consultation response considered that the development would not harm the setting of the grade II listed Malt Shovel public house which is positioned on the opposite side of the shared access way. This opinion is upheld in respect of the amended scheme.

The general scale and form of the proposed building maintains local distinctiveness in that it is to be largely constructed in coursed natural stone, with traditional stone detailing to window and door openings and blue slates to the roof. The use of a rendered finish to the rear, secondary, elevation is considered to be acceptable given that this part of the building is not open to any public vantage points.

Overall, it is considered that the development will enhance the character and appearance of Baildon Conservation Area in that it will effectively screen the adjacent dilapidated garage building and improve wider range views when seen from Northgate. This garage building is of

a block work construction with a profiled metal sheeting pitched roof that detracts from the vernacular form of the settlement core. This negative impression is further re-enforced by the condition of the adjacent land which had a rough, gravelled surface. It is noted that the Conservation Officer had a preference for the original pitched roof design however, now the structure has been constructed, the shallow pitch of the lean-to roof has some benefits in that it serves to minimise the mass and bulk of the structure so that it neither appears as a strident feature in the immediate streetscene nor impinges on key views.

The Conservation Officer is satisfied that the development, as amended, would not cause harm to the setting of the conservation area.

In conclusion, Officers are satisfied with the level of detail provided by the applicant and conclude that the amended proposal is acceptable in terms of its impact upon heritage assets, including their setting. The Local Planning Authority's duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF have been fulfilled and the proposal is also considered to accord with the requirements of Policy EN3 of the Core Strategy Development Plan Document.

Representations

It is acknowledged that the application has stemmed from the need of an existing long-standing business to relocate within Baildon and that the firm is a well-respected private hire business providing a service to the local community; this is illustrated by the amount of support for the proposal.

The amended scheme satisfactorily deals with the issue of noise and disturbance in that there is no longer an external waiting area for customers or welfare facilities for drivers. This will effectively 'design out' the need for members of the public to congregate outside and around the premises at unsociable hours. A refusal on amenity grounds cannot therefore be substantiated. An under provision of car parking and an intensification in use of the access road was previously a concern but overcome by the change in layout and business model.

The Council's Conservation Officers are satisfied that the proposal will not result in harm to the character and appearance of the conservation area or the setting of the adjacent listed building and note that it will have a beneficial effect on these identified heritage assets in that it would mask a neighbouring, dilapidated structure from important views from Northgate.

With regard to the need for the development, the proposal is for the relocation of an existing business and not for the creation of a new private vehicle hire firm. Consequently, there would be no net increase in the number of such firms operating within the Baildon area should planning permission be granted. In any event, competition is not a material planning consideration.

With regard to land ownership, the Local Planning Authority is satisfied that the relevant certificate has been served on the land owner which is not, as alleged, the brewery. The land owner in question has written in, both in support of this claim and the application.

The additional comments submitted on the revised proposal are noted. The outcome of the Judicial Review meant that the application needed to be re-considered. The Local Planning Authority is aware that the structure has been built and that the business is currently

operating from the site however this would not prejudice the ability of the Local Planning Authority to fully assess the submitted proposal against the relevant planning policies.

Community Safety Implications:

None

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance quality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission

The amended proposal is considered to be acceptable in that it would not result in harm to local character and would enhance the appearance of the Baildon Conservation Area through improving views along Northgate and the setting of the adjacent grade II listed building, the Malt Shovel public house. The duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 and considerations under paragraphs 189-202 of the NPPF have been fulfilled. The amenities of adjacent neighbouring properties will not be adversely impacted upon given that the external waiting area is no longer shown. The observations of the Highway Engineer are noted and the Local Planning Authority is mindful of the fact that the premises have been operational for the previous six months with no reported parking or safety concerns and that a refusal on purely highway safety grounds would be difficult to substantiate.

The development would also enable a long-standing local business to remain in the centre of Baildon, which is essential if it is to retain its current client base and staff.

Therefore the proposal is considered to accord with the provisions of Policies DS1, DS3, DS4, DS5, EN3, EN8, SC9 and TR2 of the Core Strategy Development Plan.

Conditions of Approval

None are necessary given that the application is retrospective.

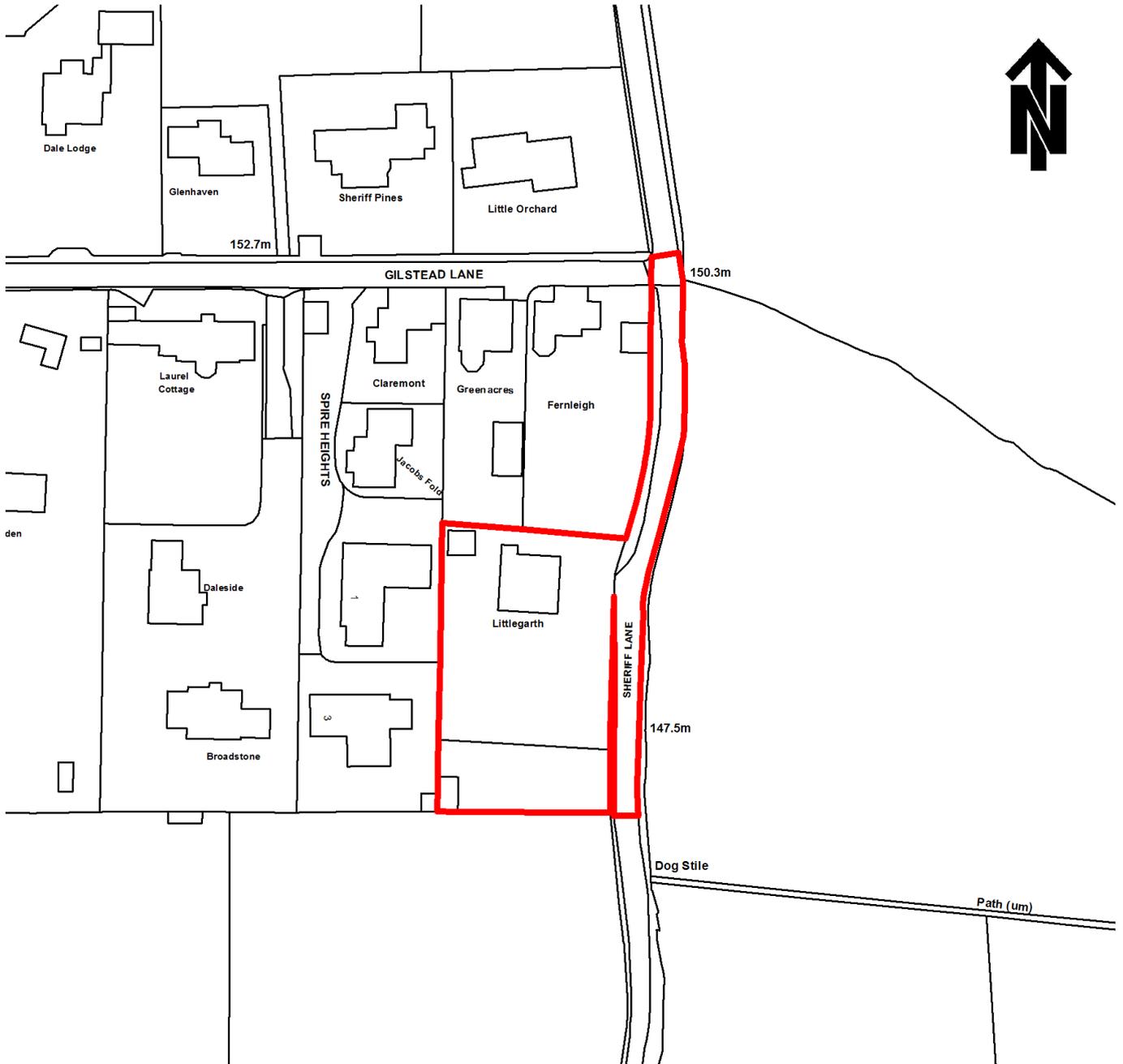
Informative:

The applicant should be aware that advertisements and signs are controlled under the separate provisions of the Town and Country Planning (Control of Advertisement) Regulations, 2007. The express consent of the Local Planning Authority may be needed before external signs can be lawfully displayed on the building or site. Further advice should be sought from the Local Planning Authority on 01274 434605 or www.bradford.gov.uk/planning.

19/04936/VOC



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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Littlegarth
Sheriff Lane
Eldwick BD16 3LS

25 March 2020

Item: D
Ward: BINGLEY

Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
19/04936/VOC

Type of Application/Proposal and Address:
Variation of condition 1 of planning permission 19/03062/VOC to substitute drawing 1665-19-019E (Revised plans and elevations) for the originally approved drawing 1665-19-017

Variation of condition 1 in respect of the construction of a detached dwelling at Littlegarth, Sheriff Lane, Eldwick, Bingley, BD16 3LS

Applicant:
Tahir and Rahat Ali

Agent:
Langley Architectural

Site Description:
Condition 1 lists the approved drawings and this new application seeks changes to the design of this detached house being built on former garden land to the south of Littlegarth – a bungalow. The site is accessed from an unmade section of Sheriff Lane in the outskirts of Eldwick. The garden abuts the Green Belt, which extends beyond the southern boundary, and to the east of Sheriff Lane, but the land itself is not part of any protective designation. The surrounding area extending to the west is a low density residential suburb within which there has been progressive infill development over the last 30-40 years. Trees along the boundary with Sheriff Lane partly screen the site from this right of way.

Relevant Site History:
17/06772/FUL Construction of a detached dwelling GRANT 16.02.2018
18/05178/FUL Construction of a detached dwelling (revised proposals to previous approval 17/06772/FUL) GRANT 25.02.2019
18/05178/NMA01 Non-material amendment to planning approval 18/05178/FUL to add new condition listing the approved plans GRANT 09.07.2019
19/03062/VOC Variation of condition 10 of planning approval 18/05178/FUL (Construction of a detached dwelling) to substitute approved drawing 1665-18-001D with 1665-19-017 (Plans and Elevations) and drawing 1665-18-002A with 1665-19-018 (Proposed Site Plan) GRANT 31.10.2019.

The National Planning Policy Framework (NPPF):
The NPPF is a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development, which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated in the RUDP. Accordingly, the above adopted Core Strategy and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

SC9 - Making Great Places
DS1 - Achieving Good Design
DS2 - Working with the Landscape
DS3 - Urban character
DS4 - Streets and Movement
DS5 - Safe and Inclusive Places

Parish Council:

Bingley Town Council wish to make no comment on this application.

Publicity and Number of Representations:

Publicised by neighbour notification letters and site notice.
One objection has been received.

Summary of Representations Received:

Objection

House is not in keeping with area.

Consultations:

Conservation Team – The dwelling will be viewed against the backdrop of the suburban area of Gilstead/Eldwick and although in the Saltaire World Heritage Site Buffer Zone, will not impact on the setting of the World Heritage Site. On this basis the proposal will accord with Core Strategy Policy EN3.

Summary of Main Issues:

Impact on Built Environment
Impact on Neighbouring Occupants
Highway issues.

Impact on trees.

Appraisal:

A house on this garden land was first granted under permission 17/06772/FUL. Later, various design amendments were agreed under permission 18/05178/FUL and development of the house began under the terms of that permission.

There have been a number of further changes to the design as construction has proceeded.

Changes to the roof design and a third floor included within the roof space were agreed under previous application 19/03062/VOC, which also substituted revised drawings for those that had been originally approved.

This latest application seeks approval for further changes to the design of the house and to do that, the applicant asks to substitute a revised elevation drawing 1665-19-019 E for the previously approved elevation drawing listed by Condition 1 of the last application (19/03062/VOC).

The changes involved are to the elevations :

- A front and rear “wrap around” windows are inserted in the roof above the garage
- A first floor window and two second floor windows to the south facing elevation.

As stated above, construction of the house is well advanced.

Design/Scale - Impact on Built Environment

The proposed dwelling will be of similar scale to the originally approved house. The elevation changes submitted do not alter the footprint or the height. The third floor accommodation and a gabled roof line were permitted under the previous application 19/03062/VOC.

Though it is a building of significant size, the scale of the house would still appear appropriate to the local context and is not considered unduly over dominant. The impact to Sheriff Lane is mitigated by the degree of set back and the line of intervening trees.

The new plans propose fenestration alterations to the west, south and east elevations. These are not considered significant amendments to the already approved design or out of keeping with the character of the area which includes a variety of house design styles. The scale, form and appearance are all considered to be in accordance with Policies DS1 and DS3 of the Core Strategy DPD.

Impact on Neighbouring Occupants

The footprint and height of the proposal remain as previously approved and most of the new openings are introduced to the Sheriff Lane elevation and the south elevation facing the open fields. They would not cause significant loss of amenity to adjoining occupiers and accord with Policy DS5 of the Core Strategy DPD.

Impact on Natural Environment

The footprint of the proposal remains the same as previously approved therefore subject to re-imposing conditions to secure and retain tree protection measures during construction,

and a landscaping scheme to include replacement planting on the frontage upon completion, the effects on natural features is considered acceptable.

Heritage Implications

The application site is located on the edge of the Saltaire World Heritage Site buffer zone but the detached dwelling will be viewed against the backdrop of the suburban area of Gilstead/Eldwick. The detailed design alterations now proposed will have no impact on the setting or integrity of the World Heritage Site.

Impact on Highway safety

The means of access and proposed highway alterations and improvements remain the same as previously approved therefore subject to conditions are considered acceptable.

Drainage

The proposed drainage scheme is to remain as previously approved and are therefore considered acceptable.

Community Safety Implications:

None

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Recommended Conditions:

N.B. Conditions need to be applied or re-applied (a) to identify the approved drawings and (b) to secure previously agreed measures in relation to drainage, access, parking, tree protection and other matters.

Recommended Conditions of Approval:

1. The development hereby approved shall only be carried out in accordance with the following drawings received as part of the original planning application number 18/05178/FUL on 6 December 2018:-
 - Detailed passing bays and access gates Ref 1435 01
 - Proposed passing bays and visibility splays, Ref AL0002 G
 - Tree protection plan Ref AL0003 B
 - Proposed visibility splays Ref AL0004
 - Location plan Ref EX0001 A
 - Existing site plan Ref EX0002 Band also in accordance with the following drawing received 19 August 2019:-
 - Proposed site plan Ref 1665-19-018and also in accordance with the following drawing received 5 February 2020:-
 - Proposed plans and elevations Ref 1665-19-019E

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

2. Before the new dwelling is brought into use, the proposed modifications to create two passing places in Sheriff Lane shall be carried out accordance with details shown on the approved Drawing No. 1665-19-018. The passing places shall be surfaced and drained to a constructional specification to be approved in writing by the Local Planning Authority prior to the final surface being laid and retained in this form whilst ever the use hereby permitted subsists.

Reason: To ensure that suitable improvements are undertaken to mitigate the impact of additional traffic on the adjoining unmade Sheriff Lane in the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document.

3. Before the new dwelling is brought into use, the proposed modifications to set back the boundary walls to create improved visibility splays at the site entrance shall be implemented in accordance with details shown on the approved Drawing No. 1665-19-018.

Reason: To ensure that suitable improvements are undertaken to mitigate the impact of additional traffic movements on Sheriff Lane in the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document.

4. Before the development is brought into use, the off street car parking and garaging facilities shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings with a gradient no steeper than 1 in 15.

Reason: In the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document.

5. Tree protection fencing and other tree protection measures shall be installed around trees shown to be retained which are listed in Table 2 on Page 5 of the submitted Arboricultural Implications Assessment dated 8 December 2017. Such fencing must be in accordance with an Arboricultural Method Statement or Tree Protection Plan prepared in accordance with recommendations in BS5837:2012, details of which shall be submitted to and approved in writing by the Local Planning Authority. Following written approval of the tree protection measures, the Local Planning Authority shall be informed when the tree protection fencing and other tree protection measures have been installed at the site and shall have given its written confirmation that the measures are acceptable before development proceeds.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

6. No further works in respect of the proposed driveway to the completed house shall be undertaken until proposals for its construction in a manner that avoids damage to the roots of retained trees identified as T13, T14, T15, T16, T17, T18 and T19 have been submitted to and approved in writing by the Local Planning Authority. These details shall be submitted in the form of an Arboricultural Method Statement prepared in accordance with recommendations in BS5837:2012 and as recommended in Paragraph 17 on Page 5 of the submitted Arboricultural Implications Assessment

dated 8 December 2017. Following written approval of the proposed method of driveway construction, it shall be completed in accordance with the approved methodology.

Reason: To ensure that trees are adequately protected on the site, in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

7. The agreed tree protection measures, shall remain in place, and shall not be moved, removed or altered for the duration of the development without the prior written consent of the Local Planning Authority. There shall be no excavations or alteration of ground levels within the tree protection areas/construction exclusion zones created on the site, and no engineering or landscaping works, service runs, or installations shall take place and no materials shall be stored within them without the prior written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected for the duration of development activity on the site, in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

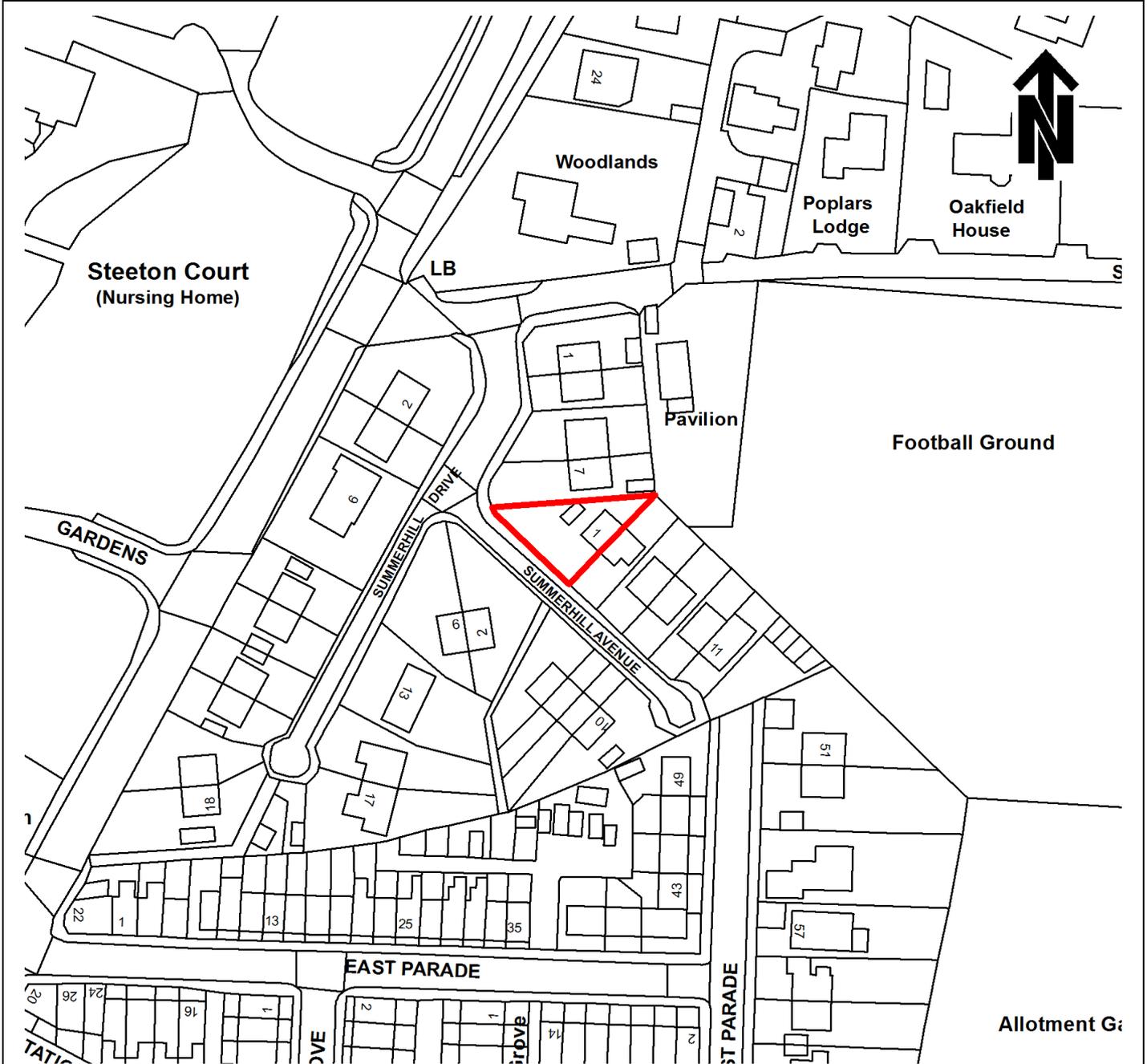
8. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policy EN7 of the Core Strategy Development Plan Document.

19/05295/HOU



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**1 Summerhill Avenue
Steeton With Eastburn BD20 6RU**

25 March 2020

Item: E
Ward: CRAVEN

Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
19/05295/HOU

Type of Application/Proposal and Address:
Householder application for construction of a two-storey side and single storey rear extension at 1 Summerhill Avenue, Steeton with Eastburn, Keighley, BD20 6RU.

Applicant:
Mr Richard Mamwell

Agent:
MADP

Site Description:
No 1 Summerhill Avenue is one of a pair of originally matching and symmetrically designed semi-detached dwellings at the start of this cul de sac which leads off Summerhill Drive which, in turn, is off Station Road at Steeton. The front and side elevations are stone to the ground floor and pebble dash to the first floor, the rear is fully pebble dashed. The dwelling has a blue slate roof. Summerhill Avenue and Summerhill Drive are lined by similar types of mostly semi-detached houses. The adjoining house to the north-west of the application site is No 7 Summerhill Drive – one of a pair of semi-detached houses built to a slightly different design.

Relevant Site History:
89/08215/FUL Erection of a detached garage PPGR 17.01.1990
05/03233/FUL Two storey extension to side of dwelling. REFUSED 14.07.2005
19/04027/HOU Two storey side and single storey rear extension. REFUSED 12.12.2019

The National Planning Policy Framework (NPPF):
The NPPF is a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development, which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated in the RUDP. Accordingly, the above adopted Core Strategy and saved RUDP policies are applicable to this proposal.

Core Strategy Policies

SC9 - Making Great Places
DS1 - Achieving Good Design
DS2 - Working with the Landscape
DS3 - Urban character
DS4 - Streets and Movement
DS5 - Safe and Inclusive Places

Parish Council:

Steeton with Eastburn Parish Council - No comments received. However, the Parish Council objected to the previous application.

Publicity and Number of Representations:

Publicised by neighbour notification letters.
One objection and eight supporting comments have been received.

Summary of Representations Received:

Objection

The proposed extension would come right up to the boundary of the adjoining property, (No 7) and will undoubtedly affect the amenity of the adjoining property.

Support

The proposed plans would be beneficial to this family home.
It would blend in with the surrounding properties.
No harm to neighbouring houses, which have been extended
A good idea and will make this property a sensible family home similar in size to neighbouring houses.

Consultations:

None

Summary of Main Issues:

Design/impact on built environment
Impact on amenity of neighbouring occupants

Appraisal:

Design/Scale - Impact on Built Environment

The extensions have been designed to reflect the design style of the original semi and will have a similar hipped roof form and will be constructed of materials that will match the existing dwelling. However, the problem is the scale. The two storey side extension would add substantially to the massing of the house and this would be detrimental due to its significant width compared with the existing semi. Viewed from the front, the extension would project 5.454 metres from the main body of the semi.

Design Principle 1 of the Council's adopted Householder SPD says that the size, position and form of extensions should maintain or improve the character and quality of the original house and wider area and, as a general rule, extensions should not appear to dominate the original house or neighbouring properties. The original house should be dominant and all extensions should appear as sympathetic additions,

In support of this general objective the SPD says that side extensions should not normally have a width that is greater than two thirds the size of the original house as excessively wide extension will over-dominate the host property and unbalance the symmetrical design with its adjoining semi-detached house.

The original semi-detached dwelling at 1, Summerhill Avenue has a width of 4600mm and the proposed side extension is 5454mm in width. The extension is therefore wider than the existing house.

This proposal does incorporate a 1.0 metre set back to the front wall. It includes a splayed wall to the side that follows the angle of common boundary rather than respecting the squared-off design of the house and others in the street. This would be quite prominent due to the position of the house on the street junction. However, whilst unusual, the splayed wall feature would be set against the mass of the existing house and is not inherently unsympathetic to the character of the street.

The main departure from the adopted guidance is that, due to its width, the extension would dominate and unbalance the parent dwelling and the matching pair to the detriment of the street scene.

It is noted that the agent describes the massing as in keeping with many of the extended houses around it. Extensions to surrounding properties have been carried out, including to numbers 2, 3 and 4 Summerhill Avenue, approved under applications 03/03290/FUL, 77/03446/FUL and 00/00282/FUL respectively. The most recent of those was considered under the UDP and different SPG guidance in place at the time. None were assessed against the current Householder SPD current guidance which was adopted in 2012.

Significantly, those three extensions are also much smaller in scale than this current proposal. For example plans of the two storey extensions to the side of No 2 and No 4 are 2/3rds the width of the original dwelling, or less.

Due to the total width of 5.45 metres, the side extension would exceed the 2/3rds width recommended in the Council's adopted Householder Guidance as being necessary to achieve subservience when extending semi-detached houses. As a result the extension would lack subservience and would not complement the design symmetry and balance of the

original pair of properties. The proposal is contrary to Core Strategy DPD policies DS1 and DS3.

Impact on Neighbouring Occupants

The extensions are not considered to affect the neighbours' amenity by way of overlooking or loss of privacy as no windows to habitable rooms are proposed in the side elevation. The proposed plan avoids problems with a previously proposed first floor rear bedroom window as this is now serving a bathroom window which is not considered to create any overlooking as it would be obscure glazed.

Although a neighbour has objected on grounds of proximity to the side boundary, the proposal retains a gap of around 1 metre to the side boundary with No 7 Summerhill Drive and 4 metres to the side wall of that neighbouring house. This gap and the arrangement of the properties is such that no unacceptable overshadowing or dominance of the neighbouring house or garden is considered to be caused. Therefore the development would not significantly affect the neighbours' amenity and, in this respect, the proposal is considered to comply with Core Strategy Policy DS5 and the Householder SPD.

Impact on Natural Environment

The proposal has no impact on trees or other features of the natural environment.

Heritage Implications

The proposal has no impact on any heritage assets.

Impact on Highway safety

No impact on highway safety is anticipated.

Community Safety Implications:

None

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reasons for Refusal:

1. The two storey side extension does not accord with guidance set out in the Council's adopted Householder Supplementary Planning Document as it would exceed two thirds of the width of the parent semi-detached house and so would lack appropriate subservience and unbalance the design symmetry of this pair of semi-detached properties. It would appear as a discordant feature, dominating the parent dwelling and would be out of keeping with the character of the wider street scene and local visual amenity. It is contrary to policies SC9, DS1 and DS3 of the Core Strategy Development Plan Document.