

Report of the Assistant Director (Planning Transportation and Highways) to the meeting of Regulatory and Appeals Committee to be held on 18 May 2020

AK

Subject:

This is a full planning application for construction of a bungalow and car space and new Bitmac surfacing and drainage to parts of unadopted back and side streets on land at Bolton Road, Silsden.

Summary statement:

The application proposes a bungalow on a garden plot located on the other side of an unmade rear access behind 81-85 Bolton Road. The plot is owned by No 81. This application is similar to application 15/00218/FUL approved by Shipley/Keighley Area Planning Panel in March 2015. That permission was not acted upon and this application seeks a fresh permission. A number of objections have been received and the proposal was debated at the Shipley/Keighley Area Planning Panel meeting on 26th February 2020.

In response to representations made to the meeting by neighbours and a ward councillor the panel resolved 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 by the Principal Drainage Officer that there are no records of culverts or watercourses below the site known to the Council’s Drainage Section. The watercourse which may be shown on an historic OS map presented by an objector has been diverted.

It is, however, accepted that knowledge of historic culverts may be incomplete so, as a precaution, the Principal Engineer advises that it would be reasonable to add an additional 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 that might be found to exist 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.

Additional alterations have been made to the application concerning the extent of the red line boundary which had also been queried by objectors. 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 proposed resurfacing of this part of the unadopted highway abutting the site is no longer proposed as part of the application.

The car parking space for the bungalow has been amended in response to Area Panel Member's concerns that it would be awkward to use. The Highways Officer's comments on the proposed development have remained unaltered.

Although the plot is restricted, the land is suitable for the modest bungalow being proposed. The development has been approved previously in 2015 and, as before, the Officer recommendation is to grant permission subject to conditions listed in Appendix A.

Julian Jackson
Assistant Director (Planning,
Transportation and Highways)
Report Contact: Mark Hutchinson
Area Planning Manager
Phone: (01274) 434605
E-mail: mark.hutchinson@bradford.gov.uk

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is a full planning application for construction of a bungalow and car space and new Bitmac surfacing and drainage to parts of unadopted back and side streets on land at Bolton Road, Silsden.

2. BACKGROUND

Attached at Appendix 1 is the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the application.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are as set out in Appendix 1.

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

None

6. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Consideration of Section 149 of the Equality Act 2010 is set out in the report at Appendix A.

7.2 SUSTAINABILITY IMPLICATIONS

No significant issues are raised by this small-scale housing development, which is located within a sustainable location within walking distance of Silsden Local Centre and with good links to the bus services on nearby roads.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

No implications

7.4 COMMUNITY SAFETY IMPLICATIONS

None, as confirmed in the report attached at Appendix A

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal, which is noted in the report at Appendix A.

7.6 TRADE UNION

None

7.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal and given its scale there are no significant implications for the Ward itself.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT

None

8. NOT FOR PUBLICATION DOCUMENTS

None

9. OPTIONS

The Committee can approve the application as per the recommendation contained within Appendix 1, or refuse the application. If the Committee decide that planning permission should be refused, they may refuse the application accordingly, in which case reasons for refusal will have to be given based upon development plan policies or other material considerations.

10. RECOMMENDATIONS

The application is recommended for approval subject to the conditions included with Appendix 1.

11. APPENDICES

Appendix 1 Technical Report

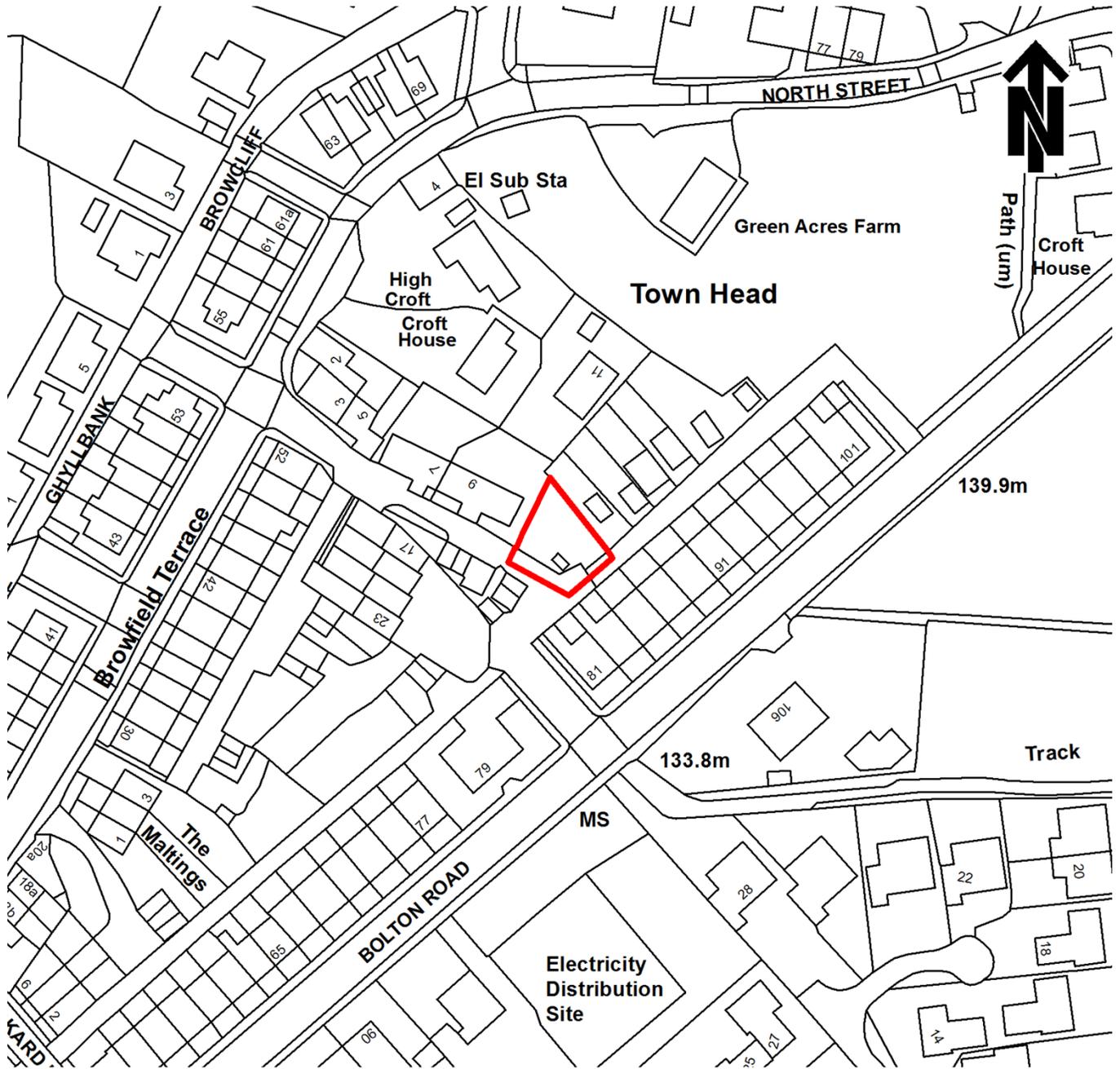
12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy Development Plan Document
Replacement Unitary Development Plan

19/05189/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Land At
Bolton Road Silsden**

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 confirm 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 tarmacadam). 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 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.