

## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 17 September 2020**

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### **Subject:**

20/02294/FUL : This is full planning application seeking planning permission for the development of five detached split level dwellings with associated access, parking and landscaping on land At West Lane, Baildon

### **Summary statement:**

This is unallocated site was part of the former West Lane reservoir belonging to Yorkshire Water. The adjoining reservoir land has now been redeveloped as housing, and this remaining part of the former operational land has an extant planning permission for 3 dwellings which was granted by Shipley/Keighley Area Planning Panel. The applicant has now been able to accommodate 5 dwellings on the land following removal of underground water supply infrastructure and the proposal would therefore make more efficient use of the land for housing. The proposed development of 5 houses is considered to relate satisfactorily with the existing street scene and is not considered to result in any significant loss of residential amenity. The proposal is considered to comply with the relevant policies of the Core Strategy Development Plan Document and to amount to sustainable development in accordance with the National Planning Policy Framework.

It is recommended to grant planning permission subject to conditions.

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Julian Jackson  
Assistant Director (Planning,  
Transportation & Highways)  
Report Contact: John Eyles  
Major Development Manager  
Phone: (01274) 434380  
E-mail: [john.eyles@bradford.gov.uk](mailto:john.eyles@bradford.gov.uk)

**Portfolio:**  
**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**  
**Regeneration and Economy**



## **1. SUMMARY**

This is full planning application seeking planning permission for the development of five detached split level dwellings with associated access, parking and landscaping

## **2. BACKGROUND**

Attached as Appendix 1 is a copy of the Officer's Report which identifies the material considerations of the proposal.

## **3. OTHER CONSIDERATIONS**

N/A

## **4. OPTIONS**

This Committee has the authority to approve or refuse this development. If Members are minded to refuse this application, then reasons for refusal will need to be given.

## **5. FINANCIAL & RESOURCE APPRAISAL**

There are no financial implications for the Council arising from this application. The proposal will fall under the terms of the Council's Community Infrastructure Levy. Outline planning permissions granted on or after 1st July 2017 will be liable to pay CIL when the development is built, but as the liability is calculated at Reserved Matters stage there is no need for the applicant to submit any CIL forms with the outline application.

## **6. RISK MANAGEMENT & GOVERNANCE ISSUES**

No implications.

## **7. LEGAL APPRAISAL**

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

## **8. OTHER IMPLICATIONS**

N/A

### **8.1 EQUALITY & DIVERSITY**

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

### **8.2 SUSTAINABILITY IMPLICATIONS**

The site is located on the edge of the urban area of Bradford and forms part of an allocated housing site. It is therefore considered to be in a sustainable location and as such there are no implications for the Council.

### **8.3 GREENHOUSE GAS EMISSIONS IMPACTS**

There are not considered to be any significant greenhouse gas emissions impacts caused by the proposed development.

### **8.4 COMMUNITY SAFETY IMPLICATIONS**

The Community Safety Implications of the proposed development are considered in Appendix 1.

### **8.5 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. This is incorporated within the report attached as Appendix 1.

### **8.6 TRADE UNION**

None.

### **8.7 WARD IMPLICATIONS**

There are no Ward implications posed by this development.

### **9. NOT FOR PUBLICATION DOCUMENTS**

There are no 'not for publication' documents.

### **10. RECOMMENDATIONS**

It is recommended that the Committee accept the recommendation of approval within the report attached as Appendix 1.

### **11. APPENDICES**

Appendix 1: Report of the Strategic Director of Regeneration and Culture.

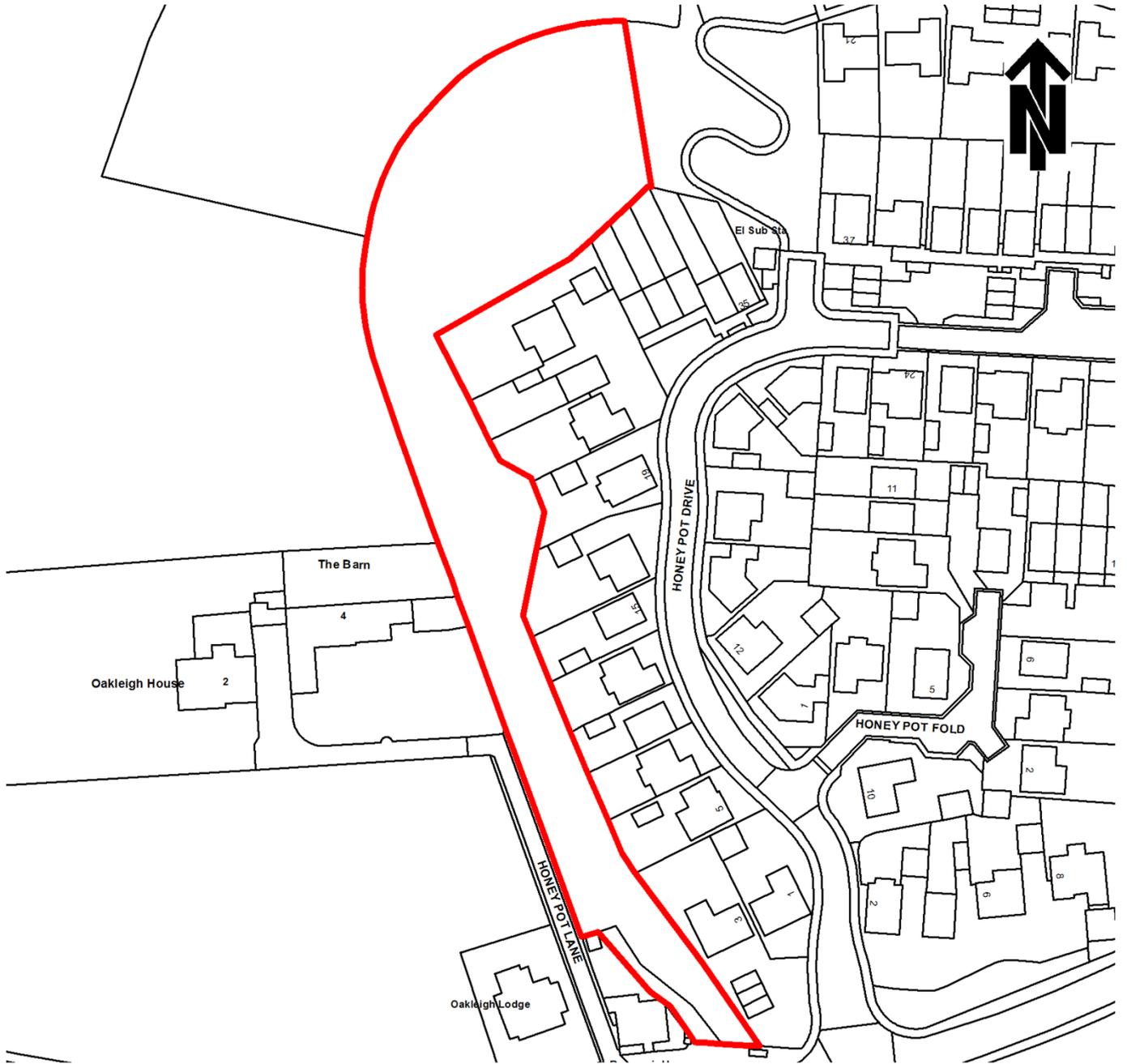
### **12. BACKGROUND DOCUMENTS**

The Replacement Unitary Development Plan for Bradford District  
National Planning Policy Framework  
The Core Strategy Development Plan Document

20/02294/FUL



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Land At West Lane  
Baildon  
West Yorkshire**

17 September 2020

**Ward:** Baildon

**Recommendation:**

**TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS**

**Application Number:**

20/02294/FUL

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

Development of five detached split level dwellings with associated access, parking and landscaping on land at West Lane Baildon.

**Applicant:**

Mr Jason Hudson

**Agent:**

Mr Robert Kaminski

**Site Description:**

This application site is a leftover strip of land between the edge of residential development on the former West Lane reservoir and the boundary of the Green Belt which extends to the north and west of its boundaries. The land was once an ancillary part of the former reservoir complex and was not developed as part of the adjacent housing scheme because it had to be retained by Yorkshire Water until the reservoir was fully de commissioned. The proposed dwellings run east to west across the application site where the south elevations are to the front of the properties that faces towards the side elevation of 25 Honey Pot Drive and the rear elevations of 27 to 35 Honey Pot Drive. An access road to these properties passes the front elevation of the proposed dwellings where parking is proposed the front of the plots and gardens to the rear.

**Relevant Site History:**

This land

16/00350/OUT : Outline permission including access, scale and layout for the construction of up to 2 dwellings on the site. Granted by Area Planning Panel in June 2016.

17/06410/FUL : Construction of three residential dwellings with associated access, parking and landscaping provision. Granted: 19-FEB-18.

Adjacent land

07/01356/FUL : Construction of 74 dwellings and associated garage, Baildon Bank Reservoir. Granted in April 2007.

**The National Planning Policy Framework (NPPF):**

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework 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 Framework 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**

EN7 - Flood Risk  
EN8 - Environmental Protection Policy  
TR2 - Parking Policy  
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:**

No response received

**Publicity and Number of Representations:**

The application was notified by neighbour notification letters on receipt. This publicity period expired on 30 July 2020. Objections are received from occupiers of 7 neighbouring properties.

**Summary of Representations Received:**

Excessive traffic through village into main routes is at a maximum  
Additional pressure on local facilities e.g. doctor's schools and no NHS dentists in this location. More pressure in key services  
Three story houses would tower over the 5 houses in front and completely block all sunlight and views; the three house plan before was much better.  
Noise from construction work would be too disruptive to those of us working from home on a permanent or semi-permanent basis.  
The Heritage View development (now Honey Pot Drive/Fold) was built on a reservoir. Yorkshire Water infrastructure is still in place above us on the site in question. The estate has been plagued with surface water drainage issues, resulting in flooding, right from its completion. The site slopes steeply down to West Lane and ponding to the rear

of 27-35 Honey Pot Drive (immediately backing on to the proposed development) necessitated the laying of a soakaway along our rear boundary to alleviate the issue. It seems that the French drain will replace this but we remain concerned that as the new road will run along our back the hard-surfaces will shed surface water downhill again. In addition, it is not clear from the plans how we would maintain our boundary and access the communal bin store from the rear.

25 to 35 Honey Pot Drive would be significantly overlooked.

The development would be elevated above the new properties, which would mean rear gardens and rear windows of the existing houses would be overlooked.

Increase traffic detrimental to highway safety and cause highway problems with the existing bus stop.

**Consultations:**

Highways DC: Concerns raised regarding the increase of dwellings and bin carry.

Drainage Section: No objections subject to conditions

**Summary of Main Issues:**

1. Background and Principle of residential development.
2. Layout
3. Design
4. Impact on the amenity of neighbouring occupiers
5. Highway Safety
6. Residential amenity
7. Drainage
8. Biodiversity
9. Landscaping
10. Mining Legacy

**Appraisal:**

**1. Background and Principle of residential development.**

This application site is a leftover strip of land between the edge of residential development on the former West Lane reservoir and the boundary of the Green Belt which extends to the north and west of its boundaries. The land was once an ancillary part of the former reservoir complex and was not developed as part of the adjacent housing scheme because it had to be retained by Yorkshire Water until the reservoir was fully de commissioned. However, the agent says YW no longer require it as operational land and it is being sold to the applicants.

Outline permission 16/00350/OUT has given consent for a residential development of up to 2 dwellings on the land. It was granted on 16 June 2016. That application submitted details of means of access, the siting of the dwellings and an indication of their scale.

A further application was granted permission on the 19 February 2018 under reference number 17/06410/FUL for the construction of three residential dwellings with associated access, parking and landscaping provision which can be implemented until 19 February 2021

In terms of principle, the development of what is regarded as previously developed land which already has outline permission for residential development is therefore

acceptable as a matter of principle. The increased number of dwellings would contribute, in a small way, to the District's housing land supply.

## **2. Layout**

The proposed dwellings run east to west across the application site where the south elevations are to the front of the properties that faces towards the side elevation of 25 Honey Pot Drive and the rear elevations of 27 to 35 Honey Pot Drive. An access road to these properties passes the front elevation of the proposed dwellings where parking is proposed the front of the plots and gardens to the rear.

The submitted sections show that the intended 2 (to the rear elevation) and 3 storey (to its front elevation) detached houses would be partially set into the contours to mitigate the impact. They would obviously be built in an elevated position, but the dwellings are shown to be reasonably sensitively accommodated on the contours without significant impact on the character of the area. To address concerns about the relationship with the existing residential development, the agent has provided basic section drawings showing the height differentials between the proposed dwellings and properties lower down the slope along Honey Pot Drive. The proposed houses would be sited on ground where the rear elevation of the property faces to the land that rises steeply upwards and the front elevation of the properties faces towards the side wall of 25 Honey Pot Drive. They would be set into the contours, stepping up gradually from the side wall of No 25. Plot 1 is of similar height to 25 Honey Pot Drive where the remaining plots 2, 3, 4 and 5 raise higher in height each time between 0.60 to 0.90metres (running west to east across the site) which is reflective of the natural ground levels in this part of Baildon.

## **3. Design**

The development comprises of one house type where at ground floor level it has non-habitable rooms such as the garage, utility and hallway entrance. First and second contain the main living elements of the dwelling (kitchen, living room and study at first floor and bedrooms and bathroom room/en-suites at second floor. The scheme proposes the use of French doors with a balcony at first floor level on its front elevation. The proposal retains simple symmetric fenestration layout which is considered to be in keeping with the conventional development on the rest of the reservoir site. The scheme proposes the use of natural stone walling and natural slate for the roofs grey aluminium window frames is commended. Subject to agreement of samples of the materials, the design and appearance of the dwellings are acceptable and in accordance with Policies DS2 and DS3 of the Core Strategy DPD.

## **4. Residential amenity**

Objectors raise concerns in relation from noise from construction of the dwelling and general noise from the development. Given the site and scale of the development it is considered reasonable and necessary to impose a condition for hours of construction. Report concludes although there will be some disturbance from the development it is not sufficient to warrant refusal in this instance (see below).

The proposed dwellings run east to west across the application where the south elevations are the front of the properties that faces towards the side elevation of 25 Honey Pot Drive and the rear elevations of 27 to 35 Honey Pot Drive. An access road to these properties passes the front elevation of the proposed dwellings where parking is proposed the front of the plots and gardens to the rear.

The access road passes the side elevation 25 Honey Pot Drive which is 1.30metres from the side boundary and 7metres from the side elevation of that property. The access road is 1.30metres from the rear boundary and 15 to 18metres from the rear elevations of 27 to 35 Honey Pot Drive. The proposal is considered to cause a degree of disturbance of comings and goings from vehicles from the proposed dwellings but given the proposed separation distances the level of disturbance is not considered to cause a significant adverse effect on the amenities of those properties to warrant refusal in this instance.

The positions of the proposed houses meet the required separation distances and they are designed so as not to significantly affect occupiers of neighbouring properties by virtue of loss of privacy, overlooking or overshadowing. The scheme is in accordance with this aspect of Policy DS5 of the Core Strategy DPD.

## **5. Highway Safety**

Objectors raise concerns in relation to highway safety, increased traffic and insufficient parking on the development.

The layout shows the five detached dwellings located at the end of the existing gated access drive currently used by Reservoir House and previously used by Yorkshire Water personnel. The existing track would form the basis for the access road to the proposed dwellings with some localised widening. The private drive has a length of over 200m.

The Highways Engineer was consulted on the application who stated that there is some planning history to this site with approval given for three dwellings in 2017 (ref 17/06410/FUL) and the main straight stretch of the access into the site is proposed as previously approved in terms of its geometry, designed as a private drive, with a passing place approximately 30m from West Lane, however this is not annotated. For clarity an annotation should be provided on plan. Amended plans have now been received which have resolved this issue

The Highways Engineer then goes on to state that the previous application gave rise to some highway safety concern with regard to a lengthy bin carry distance for prospective residents, substandard pedestrian visibility at the site access junction with West Lane and the likelihood of large vehicles reversing long distances in order to turn, however these concerns were not seen significant enough by the Local Planning Authority to warrant a refusal. As per previous approval a turning head for emergency services vehicles is proposed around two thirds of the way down the main access. A turning head is also proposed at the end of the main access into the site prior to the right turn when approaching the dwellings. This would be likely to accommodate most vehicles.

Whilst it is agreed that this is not ideal, the frequency of any large service or emergency vehicles needing to reverse along the access at a time when house occupiers are walking along it would be negligible. For the turning head to be located at the end of the access road, near the dwellings is impracticable and would require disruptive site excavations due to the site levels. It is appreciated that the service vehicle turning arrangements are not ideal in terms of fully complying with the technical standards, but they do provide reasonable and practicable arrangements designed, as far as is possible, to avoid reversing movements on to the highway in all but exceptional circumstances.

The Highways Engineer raises concerns that the driveway widths fall short of the 5.5m width requirement for two vehicles side by side (or 5.8m if pedestrian access is combined) and should be amended on plan. Amended plans have been submitted which have resolved this issue. Furthermore, the dwellings proposed are relatively large and sufficient parking is being proposed with two or three spaces per dwelling in addition to the garaging.

The Highways Engineer outlines that the guidance is for a recommended maximum bin carry distance of 35m for residents, however a distance of around 200m is proposed. This was an issue in both the previous approved scheme for 3 dwellings and the previous approved outline application. It is accepted that 5 dwellings would increase this situation but it is considered that proposal on balance is considered acceptable in this instance and would not be sufficient to warrant refusal. It should be noted that the site has now reached its maximum number of dwellings in relation to bin carry and that any further increase to the amount of dwellings on the site would tip the balance and the intensification of the site and access would become too great and would then lead to a situation that would be prejudicial to residential amenity, pedestrian and highway safety.

The Highways Engineer confirms that pedestrian visibility splay shown at the access would rely on drivers exiting onto West Lane in a position central to the access which is not the natural position drivers would take, though it may be the position chosen by some familiar drivers seeking to maximise visibility in both directions. Positioning centrally at this junction however, would be likely to prevent two vehicles passing which is not ideal. However, Officers consider that the level of traffic associated with five additional dwellings would not be likely to result in significant traffic generation.

## **6. Drainage**

Objectors raised concerns regarding the drainage of the site due to its previous use and the use of the French drain. The site is not in an area of Flood Risk and the Council's Drainage section has not raised any concerns subject to imposing conditions in relation to:

- Drainage to be on separate system
- Drainage details to be submitted
- No changes to overland surface water flow
- Pre Com Protection of Watercourses.

## **7. Biodiversity**

The 2016 application had been submitted with an accompanying ecological appraisal which unsurprisingly confirms that there are no protected species or important habitat at the site. The site was formerly operational land of Yorkshire Water. It is now cleared, disturbed and regraded such that the ground offers no wildlife or habitat value. Requirements by means of planning conditions for new landscaping including tree planting to be implemented upon completion of the houses would only enhance biodiversity.

## **8. Landscaping**

The site presents opportunities to enhance the landscape setting of the site through new shelter belt planting, especially along the west boundary. Planting proposals have not been provided with this application and so a planning condition to require agreement of landscaping details and their implementation is proposed.

## **9. Mining Legacy**

A coal mining risk assessment report was submitted with the 17/06410/FUL application and comments received from the Coal Authority on 11 December 2017 that confirmed that the site is within an area of likely historic unrecorded underground coal mine workings. The submitted report in the 2017 application concludes that intrusive site investigations are carried out in order to establish the exact situation in respect of coal mining legacy issues on site. In the 2017 application The Coal Authority recommends attaching a condition to require submission of a scheme of intrusive site investigations, including findings arising from the survey and a scheme for any required mitigation for approval. Given this the same condition that was applied previously should be imposed again.

**Community Safety Implications:**

The proposal does not present any community safety implications.

**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:**

This is an unallocated site has an extant planning permission for 3 dwellings. The accommodation of 5 dwellings has been made possible following removal of water infrastructure and the proposal would therefore make more efficient use of the land for housing. The proposed development of 5 houses is considered to relate satisfactorily with the existing street scene and is not considered to result in any significant loss of residential amenity. The proposal is considered to comply with the relevant policies of the Core Strategy Development Plan Document and to amount to sustainable development in accordance with the National Planning Policy Framework. It is recommended to grant planning permission subject to conditions.

**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 numbers listed below:

Location Plans 01 received 16.06.2020  
Existing Site Plan 03 received 16.06.2020  
Existing Sections 04 received 16.06.2020  
Existing Sections 05 received 16.06.2020  
Proposed Sections 07 received 16.06.2020  
Proposed Sections 08 received 16.06.2020  
Floor Plans 09 received 16.06.2020  
Proposed Elevations 10 received 16.06.2020  
Floor Plans 11 received 16.06.2020  
Site Plan 02 A received 25.08.2020

Proposed Site Plan 06 A received 25.08.2020

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

3. Before any development above damp proof course level of the dwellings commences on site, all external facing and roofing materials to be used in the development hereby permitted shall be submitted to and approved by the Council in writing and the development shall be 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. The development hereby permitted shall be drained using separate foul and surface water drainage systems.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

5. No piped discharge of foul or surface water shall take place from the development until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

6. During the development, and other than those changes shown on the approved drawings, no alterations of ground levels or changes to overland surface water flow patterns within the site shall be caused.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

7. Notwithstanding details contained in the supporting information, the ground works shall not commence until a report is submitted to and approved in writing by the Council showing the applicant's proposals for dealing with any existing watercourses, French drains or land drains etc. affected by the works. The development shall proceed in strict accordance with the approved report.

Reason: In the interests of the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

8. No development (excluding demolition and site clearance) shall be undertaken until appropriate intrusive site investigation works have been undertaken to confirm the presence or otherwise of shallow coal mining legacy features. The results of such

investigation shall be submitted to, and approved in writing by the Local Planning Authority. In the event that site investigations confirm a need for remedial works or other mitigation measures to ensure the safety and stability of the development (e.g. gas protection), these works should be undertaken prior to commencement of development.

Reason: To ensure that risks from land stability are minimised, in accordance with Policy EN8 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

9. Development above damp proof course level of any dwellings on the site shall not begin until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:-

- i) Details of proposed new trees and details of new shrub areas - including the extent of such areas and the numbers of trees and shrubs in each position together with size of stock, species and variety;
- ii) The extent, types and heights of the means of enclosure to all curtilages.
- iii) Details of types of hard surfaces within the development other than those within the domestic curtilages.
- iv) Details of any re-graded contours and details of changes in level required for purposes of landscaping within the site.

The landscaping scheme so approved shall be implemented during the first available planting season following the completion of the development hereby approved and in accordance with the approved details.

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: In the interests of visual amenity and to accord Policies EN5, DS2 and DS3 of the Core Strategy Development Plan Document.

10. Before any of the dwellings are brought into use, the proposed means of vehicular and pedestrian access shall be laid out, surfaced and drained within the site, and the associated turning facilities and passing places shall be made available for use in accordance with the approved plan numbered 02 A and 06A

Reason: To ensure that a safe and suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document.

11. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced 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 amenity and highway safety, and in accordance with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.