

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory & Appeals Committee to be held on 19 November 2020

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Subject:

This is an application (20/03538/OUT) requesting outline planning permission for one residential property in the garden of 34 Sapgate Lane with all matters reserved.

Summary statement:

Outline planning permission was initially sought for the construction of two properties, however following the response of consultees and the objections from neighbouring occupants this has been revised by the applicant to one dwelling.

The site is not allocated for any specific use and is not statutorily protected for any reason. Situated in this predominantly residential area, this outline application for one residential property is considered to be acceptable in principle. There has also been a previous planning permission granted for one dwelling on this site under application number 89/00085/FUL which was not implemented and has now lapsed.

The level of detail given at this stage is sparse however as this is an outline application with all matters reserved, it is considered impacts of any future development can be further assessed at a later stage or controlled by condition.

It is considered that given the constraints of the site, a high quality development is achievable. There are no foreseen negative or significant issues for the built or historic environment; it is considered that a proposal with an acceptable impact on neighbours can be achieved; No highway safety issues are raised and sufficient parking for this property appears to be achievable. No other planning related issues are raised.

Approval is recommended.

Julian Jackson
Assistant Director (Planning, Transportation & Highways)

Report Contact: Mark Hutchinson
Development Manager
Phone: (01274) 434380
E-mail: mark.hutchinson@bradford.gov.uk

Portfolio:

Regeneration, Planning and Transport

Overview & Scrutiny Area:

Regeneration and Economy

1. SUMMARY

This is an application requesting outline planning permission for one residential property with all matters reserved.

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

Not applicable.

4. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from this application.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications.

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

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.

7.2 SUSTAINABILITY IMPLICATIONS

Sustainability implications have been assessed as part of the officer's report (Appendix 1)

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

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

7.4 COMMUNITY SAFETY IMPLICATIONS

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

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. This is incorporated within the report attached as Appendix 1.

7.6 TRADE UNION

None.

7.7 WARD IMPLICATIONS

There are no Ward implications posed by this development.

**7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS
(for reports to Area Committees only)**

Not applicable.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

No Implications.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

No issues arising.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

This Committee has the authority to approve or refuse this development. As officers have recommended approval, if Members are minded to refuse this application then reasons for refusal need to be provided.

10. RECOMMENDATIONS

That the application be approved for the reasons and subject to the conditions set out in Appendix 1.

11. APPENDICES

Appendix 1: Planning Officer's Report

12. BACKGROUND DOCUMENTS

The Replacement Unitary Development Plan for Bradford District

National Planning Policy Framework

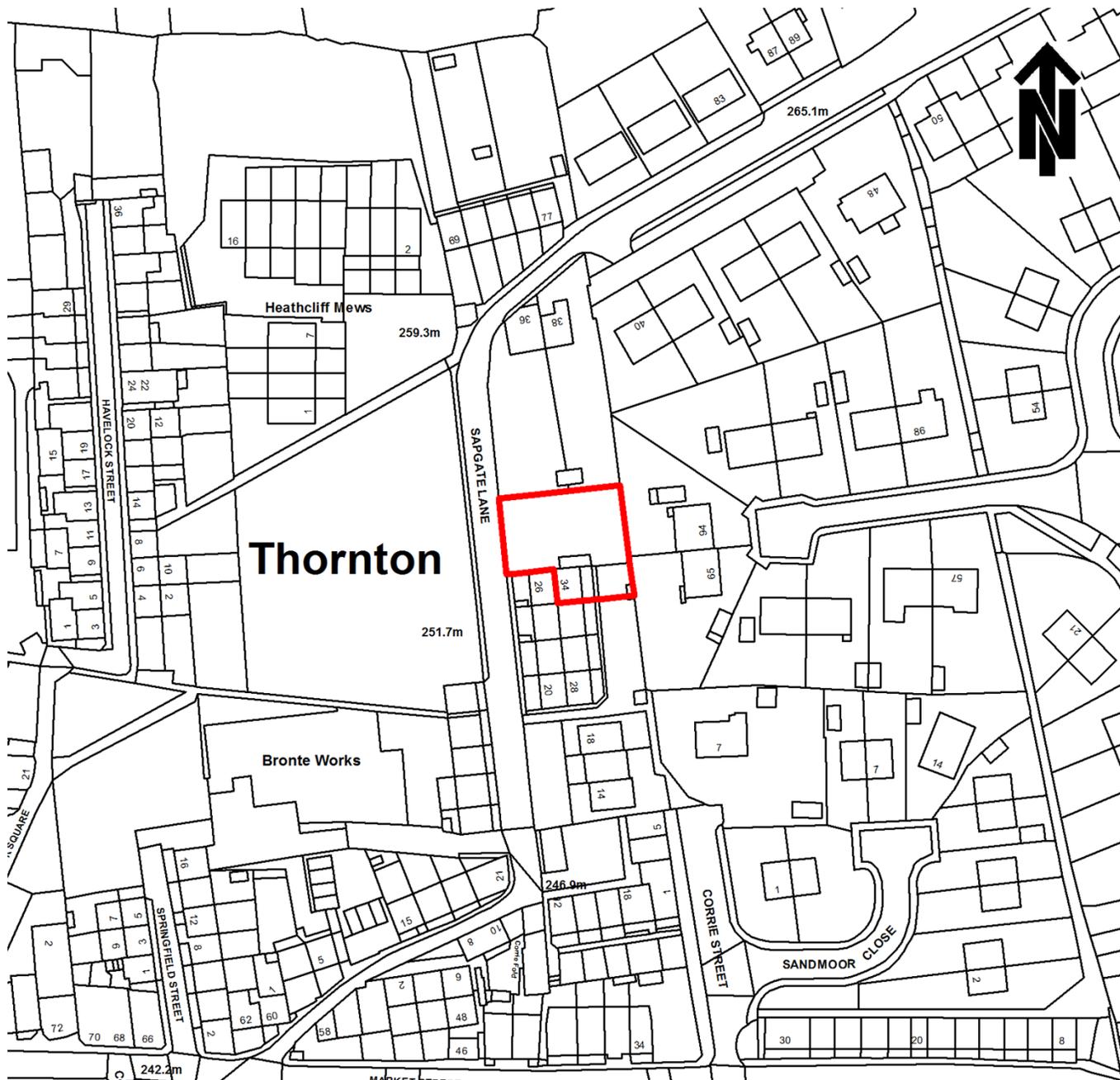
The Core Strategy Development Plan Document

Homes and Neighbourhoods: A Guide to Designing Bradford Supplementary Planning Document.

20/03538/OUT



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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34 Sargate Lane
Thornton
Bradford BD13 3HD

Appendix 1

Date: 19 November 2020

Ward: THORNTON AND ALLERTON (WARD 23)

Recommendation:

TO GRANT OUTLINE PLANNING PERMISSION

Application Number:

20/03538/OUT

Type of Application/Proposal and Address:

This is an application requesting outline planning permission for one residential property with all matters reserved at 34 Sappgate Lane, Thornton.

The application was initially submitted for a pair of semi-detached dwellings but following negotiations the application has been revised to one dwelling only.

Applicant:

Mr Waite

Agent:

Northedge Design

Site Description:

The site is a parcel of land closely bound by existing boundary treatments which include fences to the rear, a hedge to the side and a dry stone wall to the front. The site appears to be used as a domestic garden space for number 34 Sappgate Lane and has a number of ornamental garden features, low level trees and shrubs and a large outbuilding to the rear which is of a proportionate scale to the garden. The site sits on the opposite side of the road from a community garden, is immediately north of a row of back to back properties and is a short distance away from Thornton Conservation Area.

Relevant Site History:

89/00085/FUL - Construction of a bungalow – Granted 23.03.1989

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 not allocated for any specific land-use in the RUDP.

Core Strategy Policies

- DS1 – Achieving Good Design
- DS2 – Working with the Landscape
- DS3 – Urban Character
- DS4 – Streets for Movement
- DS5 – Safe and Inclusive Places
- EN3 – Historic Environment
- EN5 – Trees and Woodland
- EN7 – Flood Risk
- EN8 – Environmental Protection
- TR2 – Parking Policy

Other Policies

Homes and Neighbourhoods: A Guide to Designing Bradford Supplementary Planning Document.

Parish Council:

Not in a parish

Publicity and Number of Representations:

The application was advertised by individual neighbour notification letters. This publicity period expired on 05.10.2020. Twelve objections to the proposal have been received.

Summary of Representations Received:

- The road is incapable of accommodating more traffic movements, due to its narrow width and poor surface.
- Noise levels from a development would be unacceptable and have a worsened impact given the pandemic.
- A modern building would not fit in with the traditional appearance of the street.
- Listed buildings and the Bronte village will be negatively impacted on by the development.
- It would have a negative impact on the setting of the community garden opposite and impacting on wildlife and putting off visitors.

- Residents like the area as it is.
- Trees will have to be removed.
- There will be reduced on-street parking spaces exacerbating current issues.
- Machinery and large vehicles will be an inconvenience to residents.
- There will be overshadowing and a loss of privacy to neighbours.
- There is a lack of detail for residents to consider.

Consultations:

Conservation - There is concern about the lack of detail, however a proposal may have the capacity to maintain the setting of nearby heritage assets.

Highways - Visibility and the lack of pedestrian facilities could be an issue and should be addressed. Providing this can be done, the number of vehicular movements can be accommodated by the existing road and the loss of two on-street parking spaces is a residential amenity issue and not one of highway safety.

Environmental Health (Land Contamination) - Based on the past history of the site, the probability of contamination being present sufficient to affect future users of the site is low risk. No objections providing a condition relating to the process to be followed in the event that unexpected contamination be found.

Drainage – No objections subject to a condition to secure details of foul and surface water drainage.

West Yorkshire Police - Raised concerns about a potential open fronted parking design. Have suggested improvements to enhance the security of the site. No other issues raised

Summary of Main Issues:

1. Principle of Development
2. Impact on the Built Environment
3. Impact on Neighbouring Occupants and Future Occupants
4. Impact on the Setting of Listed Building's and the Setting of a Conservation Area
5. Highway Safety
6. Drainage
7. Land Quality
8. Trees
9. Other Matters Raised by Representations

Appraisal:

1. Principle of Development

The application seeks outline planning permission for one dwelling with all matters reserved on a parcel of land adjoining number 34 Sapgate Lane. The land is bound by existing boundary treatments which include fences to the rear and a dry stone wall to the front. Permission was initially sought for the construction of two properties on the land however following the response of consultees and the objections from neighbouring occupants, has been revised by the applicant to one dwelling. The site appears to be used as a domestic garden space with ornamental garden features and a large outbuilding which is commonly associated with domestic gardens.

The site sits just outside of Thornton Conservation Area and is within a close proximity to a number of listed buildings and should be assessed using appropriate legislation, to preserve or enhance the settings of these designated areas and assets. The site itself is not allocated for any specific use within the Council's Replacement Unitary Development Plan and is not statutorily protected. There has been a previous planning permission granted for one dwelling on this site under application number 89/00085/FUL which was not implemented and has now lapsed. Situated in this location which is predominantly residential, and given the past history of the site, the development is considered to be acceptable in principle subject to an assessment of its local impact.

2. Impact on the Built Environment

As the application reserves all matters for later approval very limited information is provided at this stage. There is however considered to be sufficient information available to determine that the site can accommodate a detached dwelling without causing harm to character and appearance of the surrounding area.

To the north of the site is a large detached property, east a semi-detached bungalow and south a two storey back to back terraced row, suggesting that there is no overriding precedent of development type in the immediate area.

The design and access statement states that the scale of the proposal will be in keeping with the site and the surrounding houses and that the slope of the new dwelling will follow the slope of the existing terraces to the South. It has provided details of the proposed materials stating construction in natural coursed stone with blue slate tiles which follow the natural pallet of materials seen locally and is well informed by existing properties in the area.

The proposal states that there will be gardens to the front and rear of the property and although boundary treatments to the front of the site will require significant changes to accommodate a proposed pedestrian footway, the application states that where possible, boundary treatments will be retained, repaired and enhanced to allow suitable access whilst maintaining the character of the surrounding area. It is considered that the loss of a stone wall boundary treatment would be detrimental to the character of the area and so a condition should be applied to any planning permission to ensure proposed changes are in keeping with the area.

Given the mixed character of the area, it is considered that a suitably designed scheme at reserve matters stage, for external appearance, scale, layout and landscaping can be achieved.

3. Impact on Neighbouring Occupants and Future Occupants

Again little detail is given at this stage, however the Council have provided further guidance within the adopted Homes and Neighbourhoods design guide, which suggests that new residential dwellings should be appropriately sized to meet the Nationally Described Space Standard; provide a logical layout for rooms that are accessible; and that outdoor space should be usable and proportionately sized to the size of the development. Although no details of layout are provided, it is considered that a good quality development that meets the needs of future occupants can be achieved on this site at reserve matters stage.

The key considerations in respect of the impact on neighbouring occupants are the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed. It is considered that a development that is not oppressive or raises any significant overshadowing or overlooking issues, can be achieved given the constraints of this site.

It is considered that a suitably designed scheme at reserved matters stage would allow an acceptable impact on both future and neighbouring occupants.

4. Impact on the Setting of a Listed Building and the Setting of a Conservation Area

The application is a short distance north of the Thornton Conservation Area and also north of a group of Grade II Listed buildings, which are on the opposite side of the road. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty in respect of conservation areas and section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty as respects listed buildings in the exercise of planning functions. Both should be considered in assessing an application in this location, when considering the impact on both the setting of the conservation area and the group of listed buildings south of the site.

The natural materials specified on the design and access statement for the construction of this property are considered to be acceptable and providing that the scale and siting of the development is comparable and sympathetic to the terraced row directly south, it is considered that a new dwelling here would be sit comfortably in the street scene, preserving the settings of both the Conservation Area and the Listed Buildings. The stone boundary walls, although altered are to be maintained and are seen as an important factor in the setting of the area, following the pattern of development seen locally, creating a sense of place and traditional appearance. Providing further details are sought and later agreed on the scale of the development and proposed boundary treatments, the proposal is considered to have an acceptable impact on the setting of all heritage assets and accords with policy EN3 of the Core Strategy Development Plan Document.

5. Highway Safety

The application reserves access and layout for later approval however following a reduction in the number of dwellings from two to one the proposal is considered to demonstrate that the site can accommodate a safe vehicular access and sufficient off-street parking for the proposed dwelling and 34 Sapgate Lane. The highways officer requires a new pedestrian walkway to be provided to the site frontage and this can be considered further as part of an application for reserved matters.

The cobbled surface means that vehicles using Sapgate Lane generally have a reduced speed at the point closest the site. Taking advice from highways colleagues, one dwelling generates an average of 6 movements to and from the site per day, which can be accommodated by this road. Parking numbers can also be achieved on site considering its constraints and both safe and legal manoeuvres are possible. As there are limited details provided on this matter, further assessment will be required at reserved matters stage.

6. Drainage

The application form states that the method of disposing foul water would be through the mains sewer and the Design and Access statement states that permeable surfaces would be provided for the off-street parking areas. It is considered that foul drainage will be covered by building regulations and for the purpose of planning, mains sewers disposal is acceptable. Permeable surfaces for hard surfacing areas are also advantageous, however details for the disposal of surface water drainage should be submitted to and approved by the local planning authority to ensure their appropriateness in this location. A condition should be added to any outline planning permission.

7. Land Quality

Based on the past history of the site, the probability of land contamination being present, enough to affect future users of the site, is low risk. A condition should be applied for in the event that unexpected contamination is found to ensure a safe remediation of the site.

8. Trees

An objector has raised the issue that trees would be lost on the site. The trees on the site are low level, not statutorily protected and could be removed at any time. The value that they add to the public area is considered to be low and details of landscaping will be subject of further consideration within any subsequent application for approval of reserved matters.

9. Other Matters Raised by Representations

Neighbours have raised concerns about the impact the development would have on wildlife in the community garden opposite and the amount of noise that would be generated by a new development. Acceptable levels of noise from the construction phase and working hours are governed by other legislation areas, with disruptions likely to be short term.

The application is not considered to have any significant long term detrimental impacts on wildlife however some wildlife species are given added protection through other legislation areas should concerns arise. The impact of this development is not considered to raise any significant planning issues on these two matters.

Community Safety Implications:

The proposal has no 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.

Recommendation:

That outline planning permission is granted.

Suggested Conditions:

1. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended)

2. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

3. The development hereby approved shall only be carried out in accordance with the approved plans listed below:-

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

4. Before any development is begun plans showing the:-
 - i) access,
 - ii) appearance,
 - iii) landscaping,
 - iv) layout and
 - v) scale

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

5. Any subsequent reserved matters application for approval of the landscaping of the site shall be accompanied by a scaled plan showing the positions, design and materials of boundary treatments, that once agreed shall be provided in full prior to the first occupation of the property and shall thereafter be retained.

Reason: In the interests of the setting of a conservation area and listed buildings, in the interest of amenity and to accord with Policies DS1, DS3 and EN3 of the Core Strategy Development Plan Document.

6. Any subsequent reserved matters application for approval of the access or layout shall be accompanied by details of a footway to the site frontage. These details shall include details of proposed surfacing materials.

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

7. Notwithstanding details contained in the supporting information, the drainage works for the development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage have been submitted to and approved by the local planning authority. These details shall be based on drainage principles that promote water efficiency and water quality improvements through the use of SuDS and green infrastructure to reduce the development's effect on the water environment. Consideration should be given to discharge surface water to soakaway, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. In the event of infiltration drainage techniques proving unviable the maximum pass forward flow of surface water from the development shall be restricted to a rate to be agreed with the Lead Local Flood Authority. The development shall thereafter only proceed in strict accordance with the approved drainage details.

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.

8. If, during the course of development, contamination is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy with policy EN8 of the Core Strategy Development Plan Document.