

**REPORT OF THE STRATEGIC DIRECTOR REGENERATION TO THE
MEETING OF THE AREA PLANNING PANEL (SHIPLEY) TO BE HELD ON
23 OCTOBER 2008**

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SUMMARY STATEMENT – PART THREE

Application recommended for refusal:

The site concerned is:

16 Trench Wood Barn, Higher Coach Road, Baildon (Page 58) Shipley

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Portfolio
Environment

Improvement Area
Environment & Waste Management

DATE: 23 OCTOBER 2008

ITEM NO: 16
WARD: SHIPLEY (22)
RECOMMENDATION: TO REFUSE PLANNING PERMISSION

Application Number: 08/04678/OUT

Type of Application/Proposal and Address: Outline application for the construction of detached two storey dwelling in stone and render with artificial stone slate roof tiles with attached garage and parking at Trench Wood Barn, Higher Coach Road, Baildon.

Site Description: An overgrown area to the north of Trench Wood Stores and the two storey living accommodation attached to it. The site is located within the greenbelt and contains a number of mature trees protected by a Tree Preservation Order. Access to the site is off Higher Coach Road from one of two unmade roads, which also serve the adjacent Grade II Listed Trench House which shares the north and western boundaries to the site, Trench Barn, Trench House and a number of garages.

Relevant Site History:

96/02708/OUT - Construction of a detached bungalow – Refused (17.10.1996) – Appeal Dismissed (04.07.1997)
97/02970/OUT - Construction of detached bungalow – Refused (06.11.1997)
97/03553/OUT - Construction of detached bungalow – Refused (16.01.1998) – Appeal Dismissed (24.08.1998)
07/09893/OUT - Construction of four bedroom detached house with attached garage – Withdrawn (12.03.2008)

Replacement Unitary Development Plan (“RUDP”): Proposals and Policies

The site is designated greenbelt on the Replacement Bradford Unitary Development Plan (2005) (RUDP).

Relevant Policies

GB1 – New building in the green belt
BH4A – Setting of listed buildings
NE4 – Trees and woodlands
NE5 – Retention of trees on development sites
NE6 – Protection of trees during development
D1 – General design considerations
D5 - Landscaping
TM2 – Impact of traffic and its mitigation
TM12 – Parking standards for residential developments
TM19A – Traffic management and road safety

National planning policy regarding green belts is contained in Planning Policy Guidance Note 2 – Green Belts.

Parish Council:

Baildon Parish Council object to the proposal. Concerns include unacceptable impact on the green belt, adverse effect on protected trees, the adjacent Listed Building and the nearby Trench Meadow Site of Special Scientific Interest (SSSI).

Publicity and Number of Representations:

This has been done via neighbour notification letter with an expiry date of 01.09.2008 and a site notice with an expiry date of 12.09.2008.

The Council has received 12 letters from neighbours with 5 objecting and 6 in support of the proposal. 1 letter comments on the design and access statement to state that the adjacent garages are in use rather than vacant as suggested. Two local Councillors have raised objection to the scheme.

Summary of Representations Received:

Objector's concerns can be summarised as follows:

- Inappropriate development within the green belt
- Harmful impact upon Listed Building
- Harmful impact on Protected Trees

Supporter's comments can be summarised thus:

- Development would tidy up the site
- New dwelling would stop anti social behaviour taking place on the site

Consultations:

Heritage & Conservation – The proposal would have an unacceptable impact on the setting of the Grade II Listed Trench House.

Trees – The proposed tree removal is unjustified and not supported. The submission includes inaccurate information with regard to the positions and crown spreads of on site trees and that the proposal would lead to pressure to lop and fell protected trees.

Main issues:

The main issues to be considered in this case relate to i) the impact on the green belt and whether the development is acceptable in principle, ii) the impact on protected trees, iii) the impact on the setting of the listed building, and iv) other issues and representations.

Appraisal:

Each of the main issues will now be considered in turn.

Green belt

The site lies within the Green belt and as such RUDP policy GB1 is a principal consideration. Policy GB1 states that, except in very special circumstances, planning permission will not be granted for development for purposes other than agriculture, forestry, outdoor sport and recreation, cemeteries or for other uses of the land, which preserve the openness of the greenbelt and which do not conflict with the purposes of including land in it.

Three similar applications for residential development of the site have previously been refused and two appeals dismissed, all citing harmful impact upon the green belt. It is

acknowledged that these applications date from 1996 and 1997, however there have been no material changes in the relevant policy considerations or green belt in the intervening period and the same concerns and considerations apply to this current application.

The construction of a dwelling on this land would conflict with established green belt objectives by representing inappropriate development that would prejudice the open nature and character of the area. No very special circumstances have been put forward by the applicant that might justify the development as an exception to policy. Accordingly, the proposal would conflict with RUDP policy GB1 and with national guidance contained in PPG2 – Green Belts.

Protected trees

The site is covered by a Tree Preservation Order and the application has been submitted with an accompanying tree survey which aims to assess the likely impact of the development on the protected trees. The consultation response from the Council's Arboricultural Officer does not support the proposal. It is considered that the proposed tree removal is unjustified and cannot be supported; also the proposed 'topping' of mature trees is contrary to good arboricultural practice. Additionally there are a number of inaccuracies in the plan submitted with the tree survey, which does not provide a fair reflection of the actual treescape.

It is also considered that the large trees to the south side of the proposed dwelling would cast dense shade upon both the house and its small rear amenity space for much of the day. This situation would likely result in pressure from any future occupants of the proposed dwelling to remove protected trees. Any heavy pruning of the trees could similarly not be supported.

For these reasons, the proposal fails to accord with RUDP policies NE4 and NE5, which seek to retain mature trees that contribute to the character of an area and are beneficial to visual amenity. The proposal also fails to accord with RUDP policy D1 which requires that proposals should make a positive contribution to the environment, retaining and enhancing important landscape features that relate well to existing natural features and contribute to amenity. RUDP policy D5 seeks to ensure that new development proposals are designed to incorporate important existing landscape features. The removal of and proposed works to protected trees is not therefore considered to accord with Policy D5.

Setting of the listed building

The proposed dwelling would be located in close proximity to the Grade II Listed Trench House. The Council's Design and Conservation officer objects to the proposal, considering that it would unsatisfactorily affect the setting of the important building by intruding directly into views of the house and by creating a new and intrusive feature in its setting which would fail to preserve its special architectural and historic character and interest.

In conclusion, it is considered that the proposed dwelling would not maintain the existing setting of Trench House and would harm the special qualities of the property contrary to policies BH4 and BH4A of the RUDP.

Other Issues & Representations

Overlooking and residential amenity: The proposed dwelling contains a living room window to the east elevation in close proximity to a ground floor window in the north elevation of the adjacent residential part of Trench Stores. To avoid overlooking, albeit from an oblique angle, the development proposes a 2 metre high timber fence 0.9 metres from the ground floor window in the Trench Stores living accommodation. This fence would be less than 1 metre from neighbouring property's ground floor window and would, it is considered, be detrimental to the residential amenity of occupants, contrary to RUDP policies D1 and UR3.

Parking: The proposed dwelling includes sufficient off street parking provision with the inclusion of an integral garage and driveway in front almost 6 metres in length. Whilst the access road is unmade, the addition of one additional dwelling is not considered to raise any particular concerns regarding highway safety so the proposal complies with RUDP policies TM2, TM12 and TM19A.

Visual amenity: A number of letters of representation have been received supporting the proposal on the basis that it would tidy up an untidy site which attracts anti-social behaviour. It is considered that this reason is not sufficient to count as exceptional or very special circumstances to allow a use other than those described in GB1. The site could be tidied up and made secure without recourse to the provision of a dwelling.

Conclusion

For the reasons noted above, and despite the receipt of support for the proposal, it is considered that the proposal represents inappropriate development within the green belt. The proposal would also have a harmful impact upon the setting of the adjacent listed Trench House and would harm protected trees. Accordingly, refusal is recommended.

Community Safety Implications:

There are no significant community safety implications arising from this proposal.

Reasons for Refusing Planning Permission

The proposed dwelling is unacceptable in terms of its impact on the greenbelt, adjacent listed Trench House and nearby protected trees contrary with the provisions of the Replacement Unitary Development Plan Policies GB1, NE4, NE5, NE6, D1, D5, BH4 and BH4A.