

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 TWO

Applications recommended for approval

The sites concerned are:

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|----|--|-----------|-------------------|
| 13 | Garage at 46 Bradford Road, Menston | (Page 44) | Wharfedale |
| 14 | Units 11A -11B 5Rise Development, Chapel Lane, Bingley | (Page 50) | Bingley |
| 15 | Telecoms Mast, Warren Lane, Bingley | (Page 54) | Bingley |

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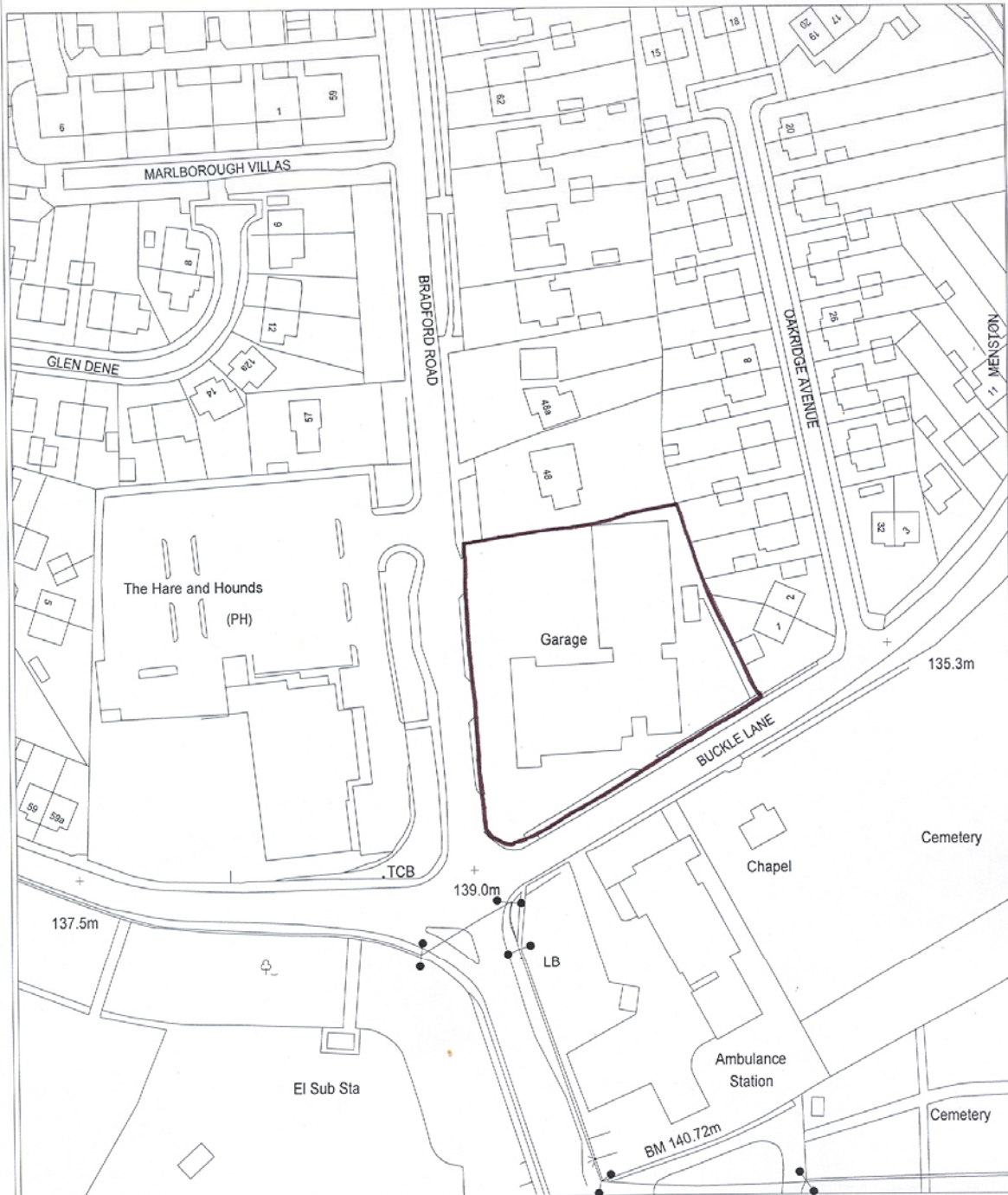
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Environment & Waste Management

SHIPLEY AREA PLANNING PANEL

DATE
23 OCTOBER 2008



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ITEM No. 13

LOCATION

GARAGE AT 46 BRADFORD ROAD, MENSTON

Date: 23 OCTOBER 2008

Item No. 13
Ward: WHARFEDALE
Recommendation: TO GRANT PLANNING PERMISSION

Application No: 08/03897/FUL

Type of Application/Proposal and Address:

Full, retrospective application for the re cladding and refurbishment of the existing car dealership showroom and workshop buildings and a single storey rear extension to form wash bay, valeting bay and tool store at the existing car dealership at 46, Bradford Road, Menston.

Site Description:

The car dealership occupies a large plot opposite the Hare and Hounds public house in Menston and is bounded by Bradford Road to the west, Buckle Lane to the south and residential properties to the north and east. The buildings are of a two storey flat roofed construction in various materials in two distinct sections. The showroom section is orientated east-west in the southern half of the site, while the workshop and parts store is orientated north-south in the north east corner of the site. At the rear of the workshop abutting the rear boundaries of residential properties on Oakridge Avenue is an outside area which has been used for washing cars in the past. The area to the front of the workshop and alongside the showroom is used for the outdoor display of vehicles for sale, along with staff and visitor parking; with the current layout providing hardstanding for vehicle numbers in excess of 85. Hedges of varying heights run along the north and east boundaries between the site and its residential neighbours, which the other boundaries have low stone walls or low hopped rails. The buildings were vacant and in a state of disrepair for some months before the applicant bought them.

Members should be aware that the applicant has already begun work on the proposed development.

Relevant Site History:

The site has been used as a car showroom and/or garage for over 50 years, there is an extensive planning history primarily relating to extensions and alterations to the premises most recently including:

- 78/03395/FUL – New showroom and offices – granted
- 78/07753/FUL – Paint store – granted
- 82/00089/FUL – Single storey extension – granted
- 85/02495/FUL – Car painting and baking plant – granted
- 90/06889/FUL – first floor extension to parts store – granted

Development Plan Allocation and Policies:

The site is unallocated on the RUDP Proposals map.
Replacement Unitary Development Plan (RUDP) Policies

Policies UDP3, UR3 and D1 are relevant for design, the environment and amenity.
P7 – Noise

Town/Parish Council: Menston Parish Council : No objections

Publicity and Number of Representations:

Publicity by site notice expiring 5th September 2008 and neighbour notification letters to 9 addresses expiring 2nd September 2008.

3 objections received from neighbours.

A Ward Councillor has requested that the application be determined by Area Planning Panel if Officers are minded to recommend approval.

Summary of Comments:

- Work has commenced prior to the determination of the planning application
- We have not been consulted (by the developer not the Council) despite the agent stating on the application form that they have carried out community consultation
- To the question “are there any trees or hedges on site” the agent has answered “no” – that is correct now, the building contractor cut them down.
- To the question “does the proposal involve the need to dispose of trade effluent or waste” the agent has answered “no”. Where does the waste from the wash area go? In the past our gardens have been littered with debris from this area
- Plans indicate two rear doors openings between the extension and the boundary – is this to be a smoking area? This area has been used as such in the past and the language was very bad.
- Two door opening have been constructed facing my property on Oakridge Avenue, these are not shown on the plans. One directly faces the rear of my house.
- Hedges camouflaging the view of the building from the houses on Oakridge Avenue have been cut down
- The proposal to clad the rear extension in grey will result in a more industrial appearance
- Could the rear extension wall be clad in olive green?
- We trust that overflow parking will not occur in Oakridge Avenue
- The customer parking allocation is insufficient given the predicted number of employees (25) and will result on overflow parking on adjacent roads
- Only 6 places have been reserved for customer parking
- My understanding was that previous planning consents dictate that the existing rear wall should be no closer to the existing garden boundary
- The use of the rear area impinges on the privacy of my garden. In the past there has been constant noise from car engines, tannoys and foul language.

Consultations:

Environmental Health -

- Not aware of any recent justified complaints of nuisance arising from the operation of this business. The proposal to incorporate a wash bay at the rear has been

noted but presume that this will only operate during conventional working hours. Therefore, no objections or concerns to raise. Ideally it should not be operating outside normal working hours, i.e. 0730 - 1800hrs

Summary of the Main Issues:

- Impact on amenities of neighbours.
- Impact on the street scene

Appraisal:

The use of this roadside site and buildings as a garage/car dealership with an associated car repair/servicing workshop is long established. It was formerly a Dixon's dealership. This proposal is for the recladding the existing showroom and workshop buildings and a small rear extension to form car wash bay, valeting bay and tool store. The work is proposed to facilitate conversion of the premises to a new Volkswagen branded dealership. Apart from the small extensions at the rear, the footprint of the buildings will remain the same and the site will be set out as existing with no changes proposed to the access or egress or parking arrangements. No highway safety issues are therefore envisaged.

The rear extension is small, projecting between 3 and 7 metres from the existing back wall. The extensions will enclose an area that has been previously used for the washing of cars in the open air, providing a covered and enclosed wash bay and valet bay plus a small tool store.

The cars to be washed and valeted are those being prepared for collection by customers. It is not a commercial car wash or valeting operation but one incidental to the car sales use.

This extension building is single storey in height and will be constructed to within 1.5m of the rear boundaries of the adjoining houses on Oakridge Avenue. These properties have hedges along their boundary to approximate heights of between 2.5m and 3m+ providing varying degrees of screening from the development. The main showroom building is located between 1m and 5m from the boundary and is much higher and more visible from the adjacent dwellings than the relatively modest extensions. Consequently it is not felt that the extensions would affect the outlook from the neighbouring properties to any great extent. While the proposed extension will bring the building closer to the neighbouring residential properties it is not felt that this will have a materially greater impact in terms of overbearing or overshadowing than the existing showroom.

Indeed, the enclosure of the washing and valeting operations should result in a reduction in the noise and disturbance experienced by these near neighbours compared with the previous situation when cars were washed in the open air. The Council's Environmental Health Office have no records of problems of noise at the site and there is no reason why this proposal will worsen the situation. The proposal is therefore not considered to give

rise to potential for loss of amenity or noise nuisance, and complies with RUDP Policies P7 and UR3,

The cladding of the building is being carried in order to conform to the branding requirements of Volkswagen; the main showroom section of the building will be clad in metallic grey panels, with the workshop and back of house areas in a darker “goosewing” grey. The existing hardstanding will be retained and repaired where necessary. This is considered to be appropriate and is a material frequently used on this type of building. A new cladding will generally improve the appearance of the structures which had fallen into a state of disrepair and were always of a very functional, industrial appearance. While the neighbour objections to the colour of the cladding of the rear extension have been considered, grey is a muted and neutral colour and it is not felt that it is inappropriate in this location or for this type of use.

The other objections from neighbours have been given careful consideration but as the use of the site is not to change and has been long established many issues fall outside the scope of this application. The site is not within a conservation area and does not contain any protected trees; there are therefore no restrictions on the removal of hedge or trees on site. The issue of the boundary hedge between the site and properties on Oakridge Avenue, and in particular its trimming, is a private legal issue between the parties involved. However, the work carried out to the hedge has not had any long-term effect on the hedge. It is healthy and will grow back to provide screening between the showroom and the neighbouring gardens.

An objector says the plans show only 6 customer parking spaces, but in fact a minimum of 12 are shown provided, with a further 16 spaces for workshop and employee’s parking. Overall, the parking provision is found to be adequate, and given that the use of the site is well established it would be inappropriate to attempt to address any perceived problems via this application.

Neighbours may be aggrieved that work commenced in advance of planning permission being obtained, but Members will be aware that this is not a reason for refusal of a retrospective application which must be judged on its planning merits. The view of Planning Officers is that the proposed recladding of the garage and construction of the rear extension to permit continuation of a long established use of the site as a car dealership are not considered to be harmful to local and residential amenity or the street scene.

Community Safety implications

The proposed development does not present any community safety implications.

Reasons for Decision:

The proposed re-cladding of the elevations will improve the visual appearance of the premises and is beneficial to local visual amenity while the modest extensions at the rear would be screened from adjoining houses and would not have any harmful impact on the outlook or amenity of these adjoining neighbours or the street scene. The development

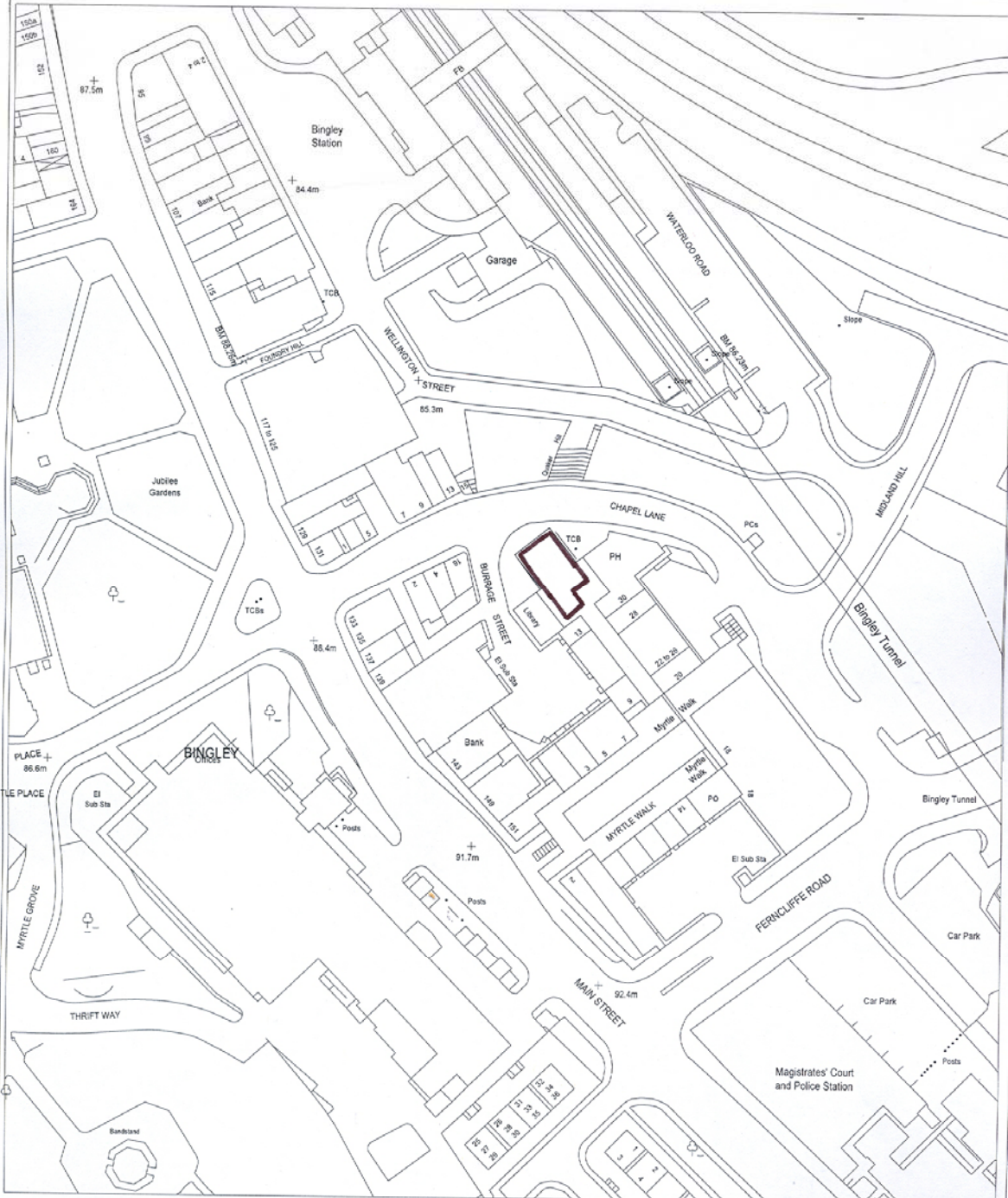
therefore complies with the requirements of policies D1, UR3, UDP3 and P7 of the Replacement Unitary Development Plan (2005).

Planning Conditions:

1. 3 years for commencement
2. Exact colour of the cladding materials and details of paint finishes to all external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before being applied.
3. Details of drainage to the car wash to be submitted to, and approved in writing by the LPA before being installed (to ensure car wash water does not affect neighbour's land).

SHIPLEY AREA PLANNING PANEL

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ITEM No. 14

LOCATION

5RISE DEVELOPMENT, CHAPEL LANE, BINGLEY

Date: 23 OCTOBER 2008

Item No: 14
Ward: (2) BINGLEY
Recommendation: TO GRANT PLANNING PERMISSION

Application Number: 08/05299/COU

Type of Application/Proposal and Address:

Application for change of use from A1 (retail) to A2 (betting office) of Units 11 A and 11B of the proposed 5Rise development. The units do not currently exist but are part of the approved plans for the redevelopment of the Myrtle Walk shopping centre. They would be sited on Chapel Lane adjacent to the existing covered market area at the entrance to Myrtle Walk.

Site Description: The application site is part of the recently approved mixed-use 5Rise development, being the proposed redevelopment of the existing Myrtle Walk shopping precinct and library in the centre of Bingley. The development has yet to take place and the two units subject to this application do not yet exist. They would be located between The Harvester public house on one side and a sandwich shop on the other with residential units proposed above. Shops line both sides of Chapel Lane between the application site and the main road. Much of the north side of Chapel Lane is open to an area of grassed land which falls towards the railway station and car parks. The site is outside (but close to) the boundary of the Bingley Conservation Area. No listed buildings would be affected by the proposal.

Relevant Site History:

08/01781/COU – A1 to A2 Betting Office – Withdrawn

07/08080/FUL - Alterations and extensions to existing shopping centre in 2 phases to provide refurbished and extended shopping facilities, a relocated library and conversion of the existing offices to 10 x 1 bed residential apartments in phase 1; and upper storey extensions to provide residential accommodation comprising an additional 62 x 1 bed and 14 x 2 bed apartments in phase 2, approved 21.07.2008

Unitary Development Plan (UDP):

The site is located within Bingley Town Centre, a Primary Shopping Area, and a Central Shopping Area as designated in the Replacement Bradford Unitary development Plan (2005) (RUDP). Relevant policies are:

UDP6 – Continuing Vitality of Centres

CL1 – City, Town & District Centre Boundaries

CR1A – Central Shopping Areas in City and Town Centres

CT5 – Primary Shopping Areas

UR3 – The Local Impact of Development

Parish Council:

Not Applicable

Publicity and Number of Representations:

The proposal was advertised by means of neighbour notification letters with an expiry date of 23.09.2008 and a site notice with an expiry date of 25.09.2008.

1 letter of objection has been received on behalf of commercial clients operating in the town centre. A local Councillor has also objected to the proposal.

Summary of Representations Received:

- Loss of retail use would be harmful to the vitality and viability of the town centre.

Comments are also made in objection that raises moral issues regarding the provision of gambling premises generally. Such matters are not material in planning terms and may not be considered in the determination of the planning application

Consultations: Town Centre Management – Object to the loss of a retail unit.

Main issues:

The main issues to be considered in this case relate to i) principle of development, ii) balance of retail and non-retail uses

Appraisal:

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

Appraisal:

The application is a resubmission of application ref: 08/01781/COU, which was withdrawn since the Myrtle Walk redevelopment, within which the proposed units would be located, had not – at the time of the withdrawn application - been determined.

The application proposes to change the use of proposed retail units 11A and 11B from A1 (Retail) to A2 (Betting Office).

Principle of Development

The site of the application lies within the primary retail area of Bingley town centre, where RUDP policies CL1 and CT5 apply. Policy CL1 supports proposals for leisure and entertainment uses within town centres provided that they are appropriate in scale to the role of the centre. Policy CT5 sets out, *inter alia*, that uses other than those in Class A1 (i.e. retail uses) will only be allowed in the primary shopping area when (1) the cumulative effect on the balance of the retail and non-retail uses in the shopping street, or (2) the extent of the frontage proposed would not be so great as to adversely effect the character of the shopping street and its attractiveness for the shopping public.

Balance of Retail and Non Retail Units

At present the balance of retail and non-retail units is considered acceptable. Shops in Chapel Lane - where the proposed units would contribute to the frontage - include a butchers, delicatessen, bookmakers, barbers, craft shop and post office. The presence of an existing bookmaker nearby is noted. The Town and Country Planning (Use Classes) Order 1995 notes that a bookmakers is a service 'which it is appropriate to provide in a shopping area'.

The majority of units within the proposed 5Rise shopping centre would be A1 (retail) use. Accordingly, and when added to the existing range of units and services in Chapel Lane and elsewhere in the town centre, it is considered that the use of unit's 11A and 11B as a betting office rather than retail would not unacceptably erode the number of retail units in the town centre or the associated retail offer.

In a recently allowed appeal for a change of use from retail to a betting office at 36 Market Square, Shipley (08/05299/COU), the inspector states that betting offices often result in increased footfall within primary shopping areas greater than some A1 uses, attracting visitors to an area. Accordingly it is not considered the proposal would not have a harmful effect upon the vitality or viability of the town centre.

Conclusion:

In conclusion, and for the reasons noted above, it is considered that the proposal would not result in a significant harmful effect on the balance of retail and non-retail uses. Nor is it considered that the extent of the proposed frontage would be so great as to adversely affect the character of the shopping street or its attractiveness for the shopping public. Accordingly, approval is recommended.

No conditions are proposed other than the standard condition requiring the development to commence within 3 years

Community Safety Implications:

No negative community safety implications are foreseen as resulting from the proposal.

Reasons for Granting Planning Permission

The proposed change of use would have no significant detrimental impact on local amenity, road safety or the character and vitality of the town centre. It is considered to accord with Policies UDP6, CL1, CT5 and UR3 of the Replacement Bradford Unitary Development Plan (2005).

Condition:

1. Development to commence within 3 years.

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ITEM No. 15

LOCATION

MAST, GILSTEAD WTW, WARREN LANE, BINGLEY

23 OCTOBER 2008

Item Number: 15
Ward: BINGLEY (2)
Recommendation: THAT PRIOR APPROVAL IS REQUIRED AND GIVEN

Application Number: 08/05747/PNT

Type of Application/Proposal and Address:

Prior notification application for telecommunications development consisting of the installation of 3 additional antennae on new dual leg mounts to be installed at a height of 10.3 metres on an existing 15 metre high mast, an additional cabinet at ground level, and ancillary electrical cabling within the existing compound at Gilstead Moor Edge, Bingley.

Site Description:

The proposed installation would take place on an existing mast located on land to the west of Gilstead water treatment works. The mast is located 35 metres from the nearest residential boundary and is set at a lower level in a depression within the land largely screened from views by trees. A further mast is located approximately 50 metres to the southwest. There are numerous footpaths in the vicinity.

Relevant Site History:

97/00661/PN - Replacement of 15m telecommunications tower, erection of three dual polar antennae, one dish antennae and equipment cabinet - Prior Approval Not Required (25.03.1997).

Replacement Unitary Development Plan (RUDP):

The site is designated Urban Greenspace and a Site of Local Conservation Importance on the adopted Replacement Unitary Development Plan (RUDP).

The relevant RUDP policy is D16 – Telecommunications. Also of relevance is national Planning Policy Guidance Note 8 ‘Telecommunications’.

Parish Council: NA

Publicity and Number of Representations:

Advertised by letter to the occupiers of four properties on Agincourt Drive (i.e. all dwellings within 50 metres of the application site) and via a site notice with an expiry date of 17th October 2008.

Summary of Representations Received:

No representations received to date. Any representations received will be reported verbally at the Panel.

Consultations:

Not required for a Prior Notification.

Summary of Main Issues:

The only relevant material considerations for such applications relate to siting and appearance.

Appraisal:

Prior approval is required in this case since the proposal is situated within a designated SEGI and area of Urban Green Space. The proposed site is therefore sensitive.

Both national and local planning policies support the principle of telecommunications development, subject to safeguards. RUDP policy D16 permits such works provided that there is no adverse effect on the appearance or character of the surroundings in terms of scale, design and siting, or on the amenities of adjoining residential areas. Service providers are expected to demonstrate that the availability and benefits of alternative sites have been explored and to examine the possibility of mast sharing.

Policy D16 (Telecommunications) reflects guidance in Planning Policy Guidance Note 8 'Telecommunications'. It considers proposals in the light of technical and operational requirements and is supportive where they would not adversely affect the character and appearance of the surroundings in terms of scale, design and siting, and where there would be no adverse effect on the amenity of adjoining residential areas.

In their submission, the applicants have demonstrated the need for the proposed installation which is necessary to provide local 3G coverage to the surrounding area and therefore allow access for O2 customers to the latest mobile technology. The applicants propose utilising an existing mast and compound. Accordingly the impact of the proposal in visual terms would be minimal.

The proposed 3 additional antennae would be located at a height of 10.3 metres above ground level, fixed to the existing mast. Six similarly sized antennae are already located towards the top of the existing mast at a height of 15 metres. The proposed associated electronics cabinet and ancillary equipment would be located alongside other similar structures within an existing compound at the base of the mast. As such it is not considered that the proposed development would have any greater impact than that already in place.

Community Safety Implications:

The applicants have confirmed that the proposed installation is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-Ionizing Radiation (ICNIRP), as expressed in the EU Council recommendation of 12 June 1999 'on the limitation of exposure of the general public to electromagnetic fields (0 Hz to 300 GHz)'.

Recommendation:

That Prior Approval is required and given