

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 ONE

Items include two applications deferred from a previous Panel, an application with a petition attached, six decisions made by the Secretary of State, a petition to note, a decision reached by the Area Planning Manager and a report of Enforcement Complaints closed by the Area Planning Manager as Not Expedient to Pursue.

The sites concerned are:

1	Clarke House, Keighley Road, Bingley	(Page 2)	Bingley
2	Nab Wood Service Station, Bingley Road, Shipley	(Page 16)	Shipley
3	Land at Alton Grove, Shipley	(Page 24)	Shipley
4	Unit 5 Old Mill Yard, Wilsden	(Page 38)	Bingley Rural
5	1 Belmont Avenue, Baildon	(Page 38)	Baildon
6	24 Hinchliffe Avenue, Baildon	(Page 38)	Baildon
7	Stonecroft, Burley Lane, Menston	(Page 39)	Wharfedale
8	44 The Oval, Bingley	(Page 39)	Bingley
9	74 Main Street, Menston	(Page 39)	Wharfedale
10	7 Moorfield Road, Cottingley	(Page 40)	Bingley Rural
11	Land at Keighley Road, Harden	(Page 41)	Bingley Rural
12	57 Collier Lane, Baildon	(Page 42)	Baildon

Christopher Hughes
Assistant Director Planning

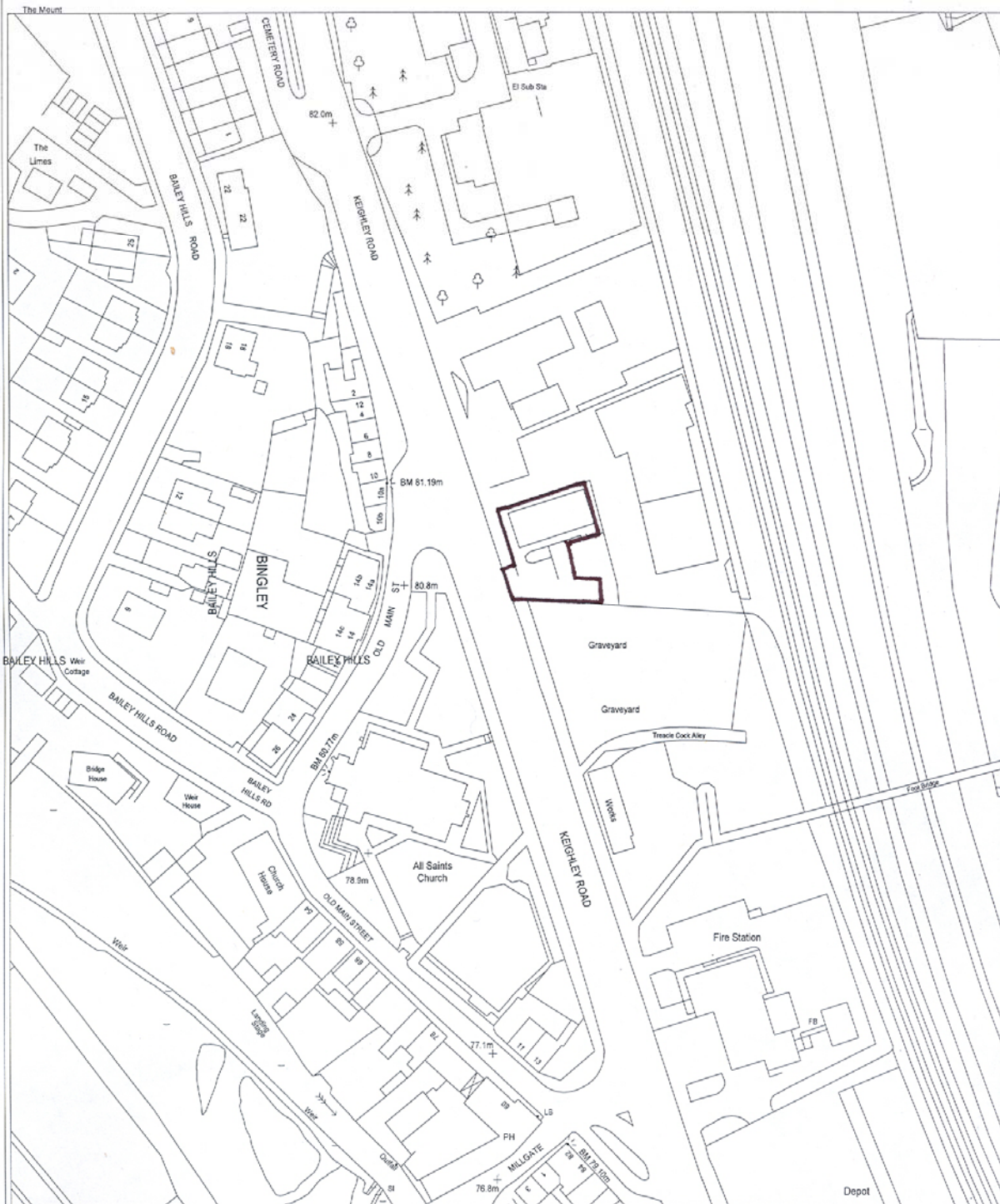
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Improvement Area
Environment & Waste Management

SHIPLEY AREA PLANNING PANEL

DATE
23 OCTOBER 2008



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ITEM No. 1

LOCATION

CLARKE HOUSE, KEIGHLEY ROAD, BINGLEY

DATE: 23RD OCTOBER 2008

ITEM NUMBER: 1

WARD: BINGLEY

RECOMMENDATION: THAT PERMISSION BE GRANTED WITH CONDITIONS AND SUBJECT TO A LEGAL AGREEMENT UNDER S106 OF THE TOWN AND COUNTRY PLANNING ACT TO PREVENT FUTURE RESIDENTIAL OCCUPATION OF THE FIRST FLOOR ACCOMMODATION AT CLARKE HOUSE

APPLICATION NUMBER: 08/03937/COU

ADDENDUM REPORT

Introduction

This application was considered at the Shipley Area Planning Panel meeting on 27th August 2008. The officer's report considered at that meeting is attached at Appendix 1. It contains a description of the site and surroundings, relevant site history, relevant Replacement Unitary Development Plan (RUDP) policies, a summary of representations received, and an appraisal of the application.

At the meeting, consideration of the application was deferred due to fresh evidence that, contrary to the officer's report, the first floor accommodation at Clarke House contained three flats, two of which were occupied.

This addendum report updates Members of progress made in connection with the application subsequent to deferral.

Type of Application/Proposal and Address:

Planning permission is sought for the change of use of the ground floor of Clarke House, Keighley Road, Bingley from a hairdressers (Use Class A1) to a restaurant (Use Class A3).

It should be noted that the hot food takeaway (Use Class A5) element of the proposal has been withdrawn. Whilst it is accepted that there may be a small amount of take away activity associated with the proposed restaurant use, its small scale – estimated at 5% of total business – would not represent a material planning use in itself. Rather, such small level of takeaway business would be ancillary to the main restaurant use.

Proposed hours of operation would be from 17:00 hours to midnight, seven days a week. Externally, a new kitchen extract flue is proposed to the rear of the premises which would rise externally to a position 0.8 metres above the level of the flat roof of the main part of the building. An existing canopy on the front elevation would be removed to allow for new fascia signs.

Further Publicity and Number of Representations:

The revised scheme was advertised by means of letter to each of the 62 parties (including lead petitioners) who commented on the original application, either in support or objection and to each of the flats within Clarke House.

Summary of Further Representations Received:

One further email in support of the application has been received from a Gilstead resident.

One further letter of objection has been received from a resident of Old Main Street.

Concerns can be summarised as follows:

- Elderly residents and young children have bedrooms which face on to and are approximately 25 yards away from Clarke House;
- No consideration has been given to residents;
- The officer's report was biased and the application was railroaded through by the planning office;
- The presence of the three flats should have been appreciated;
- The officer's report is inaccurate in its reference to doors at Clarke House;
- Inadequate consideration given to the effects on the adjacent conservation area;
- The report refers to 'The Galley' (diagonally opposite) as a café when it is, in fact, a sandwich and hot food takeaway with restricted hours of opening to protect residents, and
- Keighley Road is 'like a race track' in the evenings, not relatively quiet as stated in the officer's report.

Correspondence has been received from Philip Davies MP. Mr Davies supports a new site being found for the Shama Restaurant but does not think that this proposed location is suitable. Several constituents have passed on concerns to him about i) noise from nearby restaurants, ii) noise and mess related to smoking outside the restaurant, iii) litter from the take away element, iv) late night opening seven days a week which gives no consideration to local residents, and v) lack of parking.

Mr Davies also asked to be briefed on the situation with regard to one of the former residents.

Considerations

Planning officers were unaware that the first floor accommodation was in residential use since no such planning permission had been granted. The planning history and signboard advertising business occupiers led officers to understand that the first floor was occupied by a suite of three businesses. This was also the understanding of the applicants.

Following information to the contrary at Panel, officers from Planning and Public Sector Housing visited the first floor of Clarke House on 5th September 2008 and met the applicants and the owner of the building. Officers saw that the accommodation is laid out as three flats with poor sound insulation and living rooms with no direct natural light or ventilation. At that time, two of the flats were occupied and one was vacant.

Officers advised that residential use of the first floor was a material consideration when considering whether the proposed change of use of the ground floor was appropriate or not. An inspection of the premises revealed that the construction of the building and lack of sound insulation would likely mean that the restaurant use would be unacceptable in such close proximity to residents, principally due to the noise and disturbance from internal noise transfer and immediately adjacent activity that would adversely affect residential amenity contrary to RUDP policy UR3.

By letter dated 9th September 2008, the owner of the building confirmed that he intended to repossess the building, so terminating the residential use. He confirmed that he had served notice on the existing tenants and had agreed to relocate them within his portfolio. By letter dated 22nd September, the applicant's agent confirmed that the owner of the building had reached agreement for the vacating of the upper floor with the occupiers.

The case officer visited the premises on 6th October and saw that all three flats on the first floor were vacant. One former occupier was present and confirmed that he had received the statutory 8 weeks notice but had found alternative accommodation sooner and elected to move out within the 8 week period. This has subsequently been confirmed in an email (dated 7th October) from the former occupier in question. The second former occupier has also confirmed via email that he vacated the property prior to the end of the 8 week notice period he was given having found suitable alternative accommodation.

Since the residential use has now ceased, the potential planning concerns relating to the proximity of the residential use to the proposed restaurant have been removed. No Certificate of Lawfulness application has been received. In order to avoid the possibility of residential uses recommencing on the first floor, the applicant and owner are prepared to enter into a legal agreement under Section 106 of the Town and Country Planning Act. Such action would be recommended were planning permission to be granted.

Any future use of the first floor would be subject to a fresh and specific planning application which would be considered with the benefit of public notification.

Subsequent to deferral, the application has been revised to remove the takeaway element. This should help allay concerns regarding litter, noise and general activity and would mean that no other business – perhaps with a more intensive takeaway trade – could operate from the premises without a further planning application being required.

Highways Development Control have formally commented on the application. They advise that 3 'slight' accidents have occurred within 100metres of the application site over the past 5 years. This is not considered to be a cause for concern. They calculate that – to meet maximum parking standards as noted at Appendix C of the RUDP – the proposal should provide 22 off street car parking spaces (i.e. 17 public, 3 staff, and 2 disabled). However, following the recent provision of the Bingley Bypass, the adjacent Keighley Road has been down graded and traffic regulation orders have been implemented which make provision for on street parking in specific locations close to the application site, which would be sufficient to cater for the shortfall in off street parking. The site is also within walking distance of town centre car parks. Highways Development Control therefore have no objections to the proposal but recommend the provision of two disabled spaces in the car park close to the entrance to the restaurant. It is proposed to require this provision by means of a condition if permission is granted.

Conclusion:

For the reasons noted above and as evaluated in the report attached at Appendix 1, and with the suggested conditions in place, it is considered that the amended proposal would represent appropriate development that would enable a local business to relocate to a viable location and employ a greater number of staff without adversely affecting the residential and general amenities of the area, or traffic and pedestrian safety, to any unacceptable degree. Accordingly, it is recommended that planning permission be

granted subject to a legal agreement to prevent residential occupation of the first floor of Clarke House, and subject to the following 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 restaurant and use hereby approved shall only operate between the hours of 5pm to midnight, seven days per week. Reason: In the interests of preserving the residential and general amenity of the surrounding area and to accord with policy UR3 and UDP3 of the Replacement Bradford Unitary Development Plan (2005).
3. The restaurant (Use Class A3) use hereby permitted shall only apply to the ground floor of Clarke House as shown on approved drawing numbered 6333/2 and shall not apply to any part of the first floor of Clarke House.
4. Reason: For the avoidance of doubt as to the extent of the restaurant use permitted in order that the scale and impact of the proposed use can be properly controlled and to comply with policy UR3 of the Replacement Bradford Unitary Development Plan (2005).
5. Before the use of the premises hereby permitted begins, details of measures for suppressing and directing smells from the premises, including details of the height, position, design of and materials used in any external chimney or extraction vent, shall first have been submitted to and approved in writing by the Local Planning Authority. The measures so approved shall then be carried out before the use first commences and shall be retained whilst ever the use subsists. Reason: For the avoidance of doubt and in the interests of visual amenity and of the amenity of neighbouring occupiers and to accord with Policy UR3 of the Replacement Bradford Unitary Development Plan (2005).
6. The external kitchen extract flue shall be painted black prior to the commencement of the use hereby approved and so retained thereafter. Reason: In the interests of visual amenity and to accord with policies BH4A, BH7, UR3 and UDP3 of the Replacement Bradford Unitary Development Plan (2005).
7. Prior to the commencement of the use hereby approved, details of the proposed bin storage enclosure shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be completed in accordance with the approved details prior to first commencement of the use and retained thereafter. Reason: In the interests of visual amenity and of the amenity of neighbouring occupiers and to accord with Policy UR3 of the Replacement Bradford Unitary Development Plan (2005).
8. Prior to the commencement of the use hereby approved, a 'Refuse Management Plan' shall be submitted to and approved in writing by the Local Planning Authority indicating the measures to be employed to ensure appropriate control and effective disposal of waste from the premises, and the use shall at all times after first commencement be carried on in accordance with the approved details. Reason: In the interests of visual amenity and of the amenity of neighbouring occupiers and to accord with Policy UR3 of the Replacement Bradford Unitary Development Plan (2005).
9. Before any part of the development is brought into use, details of the proposed car parking spaces, to include two spaces for people with disabilities, shall be submitted to and approved in writing by the Local Planning Authority. The car park

so approved shall at all times be kept free from obstruction and available for use as such while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policy TM2 and TM11 of the Replacement Unitary Development Plan.

Footnote: Please note that advertisement consent may be needed for any external signs on the building. You should contact the Planning Service for further information

DATE: 27TH AUGUST 2008

APPENDIX 1

ITEM NUMBER: 3
WARD: BINGLEY
RECOMMENDATION: GRANT PERMISSION WITH CONDITIONS

APPLICATION NUMBER: 08/03937/COU

Type of Application/Proposal and Address:

Planning permission is sought for the change of use of premises at Clarke House, Keighley Road, Bingley from a hairdressers (Use Class A1) to a mixed restaurant and take away use (Use Classes A3 and A5). Proposed hours of operation would be from 17:00 hours to midnight, seven days a week. Externally, a new kitchen extract flue is proposed to the rear of the premises which would rise externally to a position 0.8 metres above the level of the flat roof of the main part of the building. An existing canopy on the front elevation would be removed to allow for new fascia signs. [NB. It should be noted that signage is not considered as part of this application].

Site Description:

Clarke House is a two-storey, flat roofed, pebble-dashed building with a single storey, principally glazed extension to the front facing Keighley Road. The ground floor unit is currently occupied by 'The Haven' hairdressers and is the subject of this application. The first floor contains three separate business suites which share a separate entrance to the hairdressers. Ground and first floors are entered from doorways in the south elevation which gives on to a small car park with vehicular access to Keighley Road, beyond which is a graveyard. The graveyard lies within the Bingley Conservation Area, the boundary to which is delineated by the southern edge of the Clarke House car park. To the north of Clarke House are open car sales and a 24 hour petrol station, whilst to the east are a number of industrial units with the railway and the Aire Valley Trunk Road (AVTR) beyond.

Keighley Road runs north – south and separates Clarke House and the commercial uses around it from Bingley Parish Church, Old Main Street, and the Bailey Hills residential district. This area is markedly different in character to the commercial group of which Clarke House is a part, containing a number of important listed buildings – not least the Parish Church – and forming the nucleus of the wider Bingley Conservation Area. The area to the west side of Keighley Road is predominantly residential although there is a small café – 'The Galley' - at 2 Old Main Street (whose approved hours of opening are restricted to no later than 6pm Monday to Saturday and 5pm Sunday although actual advertised hours finish at 2.30pm on weekdays and 1pm on Saturday).

Car parking is available on Keighley Road in the vicinity of the site.

Relevant Site History:

81/7/00132 – Change of use from retail and wholesale sale of antiques to the retail of antiques, furniture and second hand goods, granted 22/4/81.

84/7/04282 - Use for sale of wine in addition to antiques, granted 12/9/84.

87/7/04509 - Extension for ground floor sales room with basement stores and offices, granted 28/8/87

89/09337/COU - Change of use of first floor showrooms to B1 offices, erection of a conservatory and formation of a car park, granted 27/9/90.

95/01330/COU - Change of use from antiques facility to shop class A1, refused 5/7/95.

[NB A recent application for change of use from used car sales forecourt to private hire office (portable cabin), adjacent to the current application site, was refused on 8th July 2008 (ref: 08/03165/FUL). A number of objectors to the current proposal also refer to that application in their letters. The applications are not connected in any way.]

Unitary Development Plan (UDP):

The site is unallocated on the Replacement Bradford Unitary Development Plan (2005) (RUDP) but adjacent to the Bingley Conservation Area. The site lies outside the designated Bingley Town Centre.

Relevant policies in the RUDP are:

UDP3 – Quality of built and natural environment

UDP4 – Economic regeneration

UDP6 – Continuing vitality of centres

UR2 – Promoting sustainable development

UR3 – The local impact of development

TM2 – Impact of traffic and its mitigation

TM11 – Parking standards for non-residential development

D1 – General design considerations

D3 – Access for people with disabilities

BH4A – Setting of listed buildings

BH7 – New development in (or adjacent to) conservation areas

CT5 – Primary shopping areas

Parish Council:

NA

Publicity and Number of Representations:

The proposal was advertised by means of site and press notices and letters to occupiers of adjacent commercial units. Representations were requested by 1st August 2008. 17 objections have been received including one from a local Councillor.

In addition 27 letters of support have been received, and two petitions supporting the proposal, one having 28 signatures and the other 790.

Summary of Representations Received:

The letters of support refer to the fact that the applicants have been established in Bingley for in excess of 25 years, that they have an excellent reputation, a strong customer base, and are a definite bonus for Bingley. It is noted that the business needs to relocate due to the redevelopment of the Myrtle Walk precinct and it is pointed out that the new premises will provide a safer environment for customers than the approaches to the existing semi-derelict premises at Myrtle Walk. Redevelopment of Myrtle Walk is welcomed but not at

the expense of such local businesses. The move is also supported in order that the jobs of existing staff can be secured, and the business can continue to draw people in to Bingley.

Objector's concerns can be summarised as follows:

- The proposal would be inappropriately located close to a quiet residential area
- The proposal would be out of keeping with the Bingley Conservation Area which is close to the site and the setting of a number of important listed buildings would be adversely affected
- With the exception of the petrol station and the Sunday car boot sale nearby, uses around Clarke House operate during normal business hours. The proposal would lead to increased noise, activity and general disturbance in the evening and late at night due to activity from pedestrians and car-borne visitors at the premises, with a resultant detrimental impact on the residential amenity of people who live nearby
- The proposal would lead to increases in litter, vermin and odour nuisance which would be detrimental to the general and visual amenities of the area. Litter could pose a health hazard to children walking to Bingley Grammar School
- The proposal would lead to an increase in anti-social behaviour as late night revellers would be attracted to Old Main Street and the premises from the town centre
- The proposal would lead to increased traffic on Keighley Road. Traffic and pedestrian safety would be compromised through visitors to the premises performing dangerous manoeuvres on the highway and would compound difficulties experienced by residents of Bailey Hills attempting to join Keighley Road from Old Main Street opposite the petrol filling station
- There are more appropriate premises more centrally located closer to, or within, Bingley town centre
- The proposal would lead to a dilution of Bingley's night time economy offer and zone. This would make Bingley a less attractive place to visit and would be detrimental to the effectiveness of monitoring and policing the area. This could lead to a reduction in the occupancy and vibrancy of the core area which would be detrimental to the overall wellbeing, regeneration, and economic integrity of the town centre.
- There are already too many such restaurants in Bingley
- If Panel is minded to approve the restaurant element, the hot food takeaway element – potentially the most damaging – should be refused

A number of objectors were concerned that the proposal could be detrimental to property values. This is not a material planning consideration and may not be taken into account in the determination of the planning application.

Consultations:

Design and Conservation - No objections in principle to the change of use subject to appropriate signage. If this application is approved as submitted, it would have a neutral impact on the character of the conservation area and the setting of the listed buildings.

Summary of main Issues:

The main issues relate to the acceptability of the use in principle in Clarke House; the effect of the proposal on the residential and general amenities of the immediate vicinity and wider area; the effect on the character and appearance of the adjacent Bingley

Conservation Area; the effect on the vitality and vibrancy of Bingley town centre; and traffic and pedestrian safety.

Appraisal:

Each of the above issues will be addressed in turn after a summary of the specific background issues relating to this case.

The applicant has operated the Shama restaurant in Bingley for in excess of 25 years and is a well established and well respected contributor to the restaurant offer in the town. It should be noted that the current proposal involves the relocation of an existing, successful business which currently employs four full time and one part time members of staff. The proposal does not, therefore, involve the creation of an additional restaurant/hot food takeaway unit as stated by some objectors (not that this would necessarily be problematic in itself).

The business currently operates out of premises in the Myrtle Walk shopping centre. Alternative premises are required due to the imminent redevelopment of Myrtle Walk. The applicant has, for some time, sought alternative accommodation in the town. Evidence has been provided which shows that five other premises have been seriously, but unsuccessfully considered, and which support the applicant's view that there is a lack of suitably sized accommodation within the town centre. Reasons for approaches falling-through relate to premises being too small, use restrictions, and gazumping. Vacant A1 retail premises in the primary Shopping Area were also considered but officers advised against this at pre-application stage because RUDP policies (policy CT5) would not support the introduction of non-retail uses in such an area where they might undermine the vitality and viability of Bingley as a shopping destination.

Clarke House is currently available and is of interest to the applicant since the property benefits from a level access which would be retained to provide access for people with disabilities (an advantage over the existing premises), it is of sufficient size, is on one level, and has front and rear entrances (for visitors and staff). Its occupation by Shama would offer a viable future for the business which is keen to remain in the area. Relocation would enable staff numbers to be increased to eight, full time.

The main issues relating to the proposed relocation to Clarke House will now be considered in turn.

The acceptability of the use in principle in Clarke House:

Officers were supportive of the proposal to relocate to Clarke House at pre-application stage subject to public consultation, proper consideration, and control over signs and external alterations. Officers consider that the proposal would, in principle, represent an appropriate re-use of an accessible commercial building in a sustainable edge of centre location, in accordance with RUDP policies UDP4, UR2 and D3.

The effect of the proposal on the residential and general amenities of the immediate vicinity and wider area:

Clarke House is located within an established commercial area on the east side of the old main road between Bingley – Keighley, being sandwiched between the highway on one side and the railway and AVTR on the other. Other commercial/industrial buildings adjoin to the north and east whilst a graveyard adjoins the site to the south.

Keighley Road marks a clear boundary between residential uses on the west side and a non-residential mix of uses on the east. The highway is 18 metres wide outside the site. As objectors note, most of the commercial and industrial uses on the east side of Keighley Road operate during normal business hours. However, the petrol station operates for 24 hours and will inevitably generate a certain level of activity at all times. Keighley Road is significantly less busy since the AVTR opened but still generates noise and activity as a main road and frequent bus route.

Proposed hours of operation at the restaurant would be from 5pm to midnight, seven days a week. This represents a reduction in opening hours since the restaurant currently opens until 2am. The applicant advises that the existing restaurant (at Myrtle Walk) caters for all age groups and has two distinct eating times. The main restaurant times are from 6pm to 10.30pm. Younger people tend to eat later, between 11pm and 1am. However, recent changes in licensing laws have extended pub closing times in Bingley to between midnight and 1am. This has resulted in a serious fall in late evening trade, hence the proposed new closing time of midnight. Main restaurant trade (between 6pm and 10.30pm) will continue to provide the main trade.

Evidence suggests that the Shama has been well run in the past and there is no reason why this should change. The applicant advises that there has never been any problem of rowdiness at the restaurant and the police have never been called to the premises. The relocated restaurant, with the reduced hours, will no longer cater for people leaving drinking establishments at closing time. Due to this, and the location of the site outside of the core town centre, it is considered the restaurant will likely appeal less to drinkers and, in any case, the restaurant would be closed by pub closing time. The applicant confirms there are no plans to apply for a drinks licence.

In this context, and given the upper time limit of midnight, it is not considered that the proposed use (either the A3 restaurant or A5 take away element) would generate unacceptable levels of noise, activity or anti-social behaviour sufficient to compromise residential amenity to any unacceptable degree.

In terms of general amenity considerations, kitchen extract equipment would be conditioned to ensure that it was regularly cleaned and maintained to avoid noise and smell nuisance. A bin storage area is proposed to the rear part of the side elevation which should have adequate capacity to avoid litter. Details of the appearance of this enclosure would be required by condition. A condition can be imposed requiring the submission and subsequent approval of a refuse management plan. This would ensure that a suitable regime was employed to avoid unsightly build-ups of litter and appropriate levels of cleanliness to avoid vermin.

In this context, and with the suggested controls in place, it is not considered that the proposal would lead to conditions prejudicial to residential or general amenity either within the immediate vicinity of the site or across the wider area. The proposal would therefore comply with RUDP policies UR3 and D1.

The effect on the character and appearance of the adjacent Bingley Conservation Area:

External alterations at the premises are limited to the installation of an external kitchen extract duct at the rear of the premises, and the removal of an existing canopy to the front

elevation. New signage would be required but this would be subject to separate consents. The existing shop front would be retained. No additional windows are proposed.

Clarke House is an undistinguished building which, due to its modest size and design sits relatively unobtrusively in the street scene. It is dwarfed by trees in the adjacent graveyard which dominate views in approaches from either direction along Keighley Road, and is not so obviously visible as the bright yellow canopy and signage of the adjacent petrol station. The external alterations proposed in the current application are very modest in visual terms. The extract flue would be sited at the rear of the building, giving on to the access yard for industrial units. It would rise by 80cm above the flat roof of the building and would be insignificant in street views. Nevertheless, a condition can be imposed requiring the flue to be painted black to further reduce its visibility. The canopy on the front elevation is a recent addition and has no intrinsic merit.

In this context, and given the width of Keighley Road which separates the site from the most important part of the conservation area, it is not considered that these external alterations would have any significant or adverse effect on the character or appearance of the conservation area, or on the setting of the various listed buildings contained therein. Neither would the use of the building as a restaurant have any adverse impact in these respects. The Conservation Officer agrees and raises no objections (subject to the provision of sensitive signage). Accordingly, the proposal is considered to comply with RUDP policies UDP3, UR3, BH4A and BH7.

The effect on the vitality and vibrancy of Bingley town centre:

Two objectors consider that by moving to such a peripheral location the proposal could lead to a reduction in the occupancy and vibrancy of the core area which would be detrimental to the overall wellbeing, regeneration, and economic integrity of the town centre. Officers consider that such concerns, whilst understood, overplay the significance of the business concerned which is a restaurant/takeaway extending to 171 square metres floor area. Officers further consider that Clarke House is appropriately located close to the town centre, being within comfortable walking distance of all town centre amenities, close to the railway station, and on a frequent bus route. As such, the Shama would continue to contribute to the economic and leisure role of the wider Bingley centre.

Traffic and pedestrian safety:

Objectors are concerned that the proposal would increase traffic on Keighley Road and that traffic and pedestrian safety might be compromised. Keighley Road is wide and straight outside the application site. On street parking is available in addition to the 8 off street parking spaces proposed. Since it was de-trunked, traffic levels on the road have reduced considerably. It is noted that the Old Main Street junction with Keighley Road – opposite the site – is the only vehicular exit from the Bailey Hills area. The petrol filling station generates further vehicular movements in the immediate vicinity. However, given the modest scale of the enterprise proposed and the relative quietness of the road in the evenings, it is not considered that the proposal would lead to conditions prejudicial to traffic and pedestrian safety contrary to RUDP policies TM2 and TM11.

Community Safety Implications:

No problematic community and safety implications are foreseen as a result of the proposal.

Conclusion:

For the reasons noted above, and with the suggested conditions in place, it is considered that the proposal would represent appropriate development that would enable a local business to relocate to a viable location and employ a greater number of staff without adversely affecting the residential and general amenities of the area, or traffic and pedestrian safety, to any unacceptable degree.

Reasons for Granting Planning Permission

The proposal, with conditions, represents an appropriate re-use of an accessible building in a sustainable location without causing unacceptable detriment to the residential and general amenities of the area, or to the character and appearance of the adjacent Bingley Conservation Area and the setting of various listed buildings. Nor would it lead to conditions prejudicial to traffic and pedestrian safety. The proposal therefore complies with policies UDP4, UR2, UR3, D3, D1, TM2, TM11, BH4A, and BH7 of the Replacement Bradford Unitary Development Plan (2005).

Conditions of Approval:

10. 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). Hours restricted 5pm to
11. The restaurant and hot food takeaway use hereby approved shall only operate between the hours of 5pm to midnight, seven days per week. Reason: In the interests of preserving the residential and general amenity of the surrounding area and to accord with policy UR3 and UDP3 of the Replacement Bradford Unitary Development Plan (2005).
12. Before the use of the premises hereby permitted begins, details of measures for suppressing and directing smells from the premises, including details of the height, position, design of and materials used in any external chimney or extraction vent, shall first have been submitted to and approved in writing by the Local Planning Authority. The measures so approved shall then be carried out before the use first commences and shall be retained whilst ever the use subsists. Reason: For the avoidance of doubt and in the interests of visual amenity and of the amenity of neighbouring occupiers and to accord with Policy UR3 of the Replacement Bradford Unitary Development Plan (2005).
13. The external kitchen extract flue shall be painted black prior to the commencement of the use hereby approved and so retained thereafter. Reason: In the interests of visual amenity and to accord with policies BH4A, BH7, UR3 and UDP3 of the Replacement Bradford Unitary Development Plan (2005).
14. Prior to the commencement of the use hereby approved, details of the proposed bin storage enclosure shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be completed in accordance with the approved details prior to first commencement of the use and retained thereafter. Reason: In the interests of visual amenity and of the amenity of neighbouring occupiers and to accord with Policy UR3 of the Replacement Bradford Unitary Development Plan (2005).
15. Prior to the commencement of the use hereby approved, a 'Refuse Management Plan' shall be submitted to and approved in writing by the Local Planning Authority indicating the measures to be employed to ensure appropriate control and effective disposal of waste from the premises, and the use shall at all times after first commencement be carried on in accordance with the approved details.

Reason: In the interests of visual amenity and of the amenity of neighbouring occupiers and to accord with Policy UR3 of the Replacement Bradford Unitary Development Plan (2005).

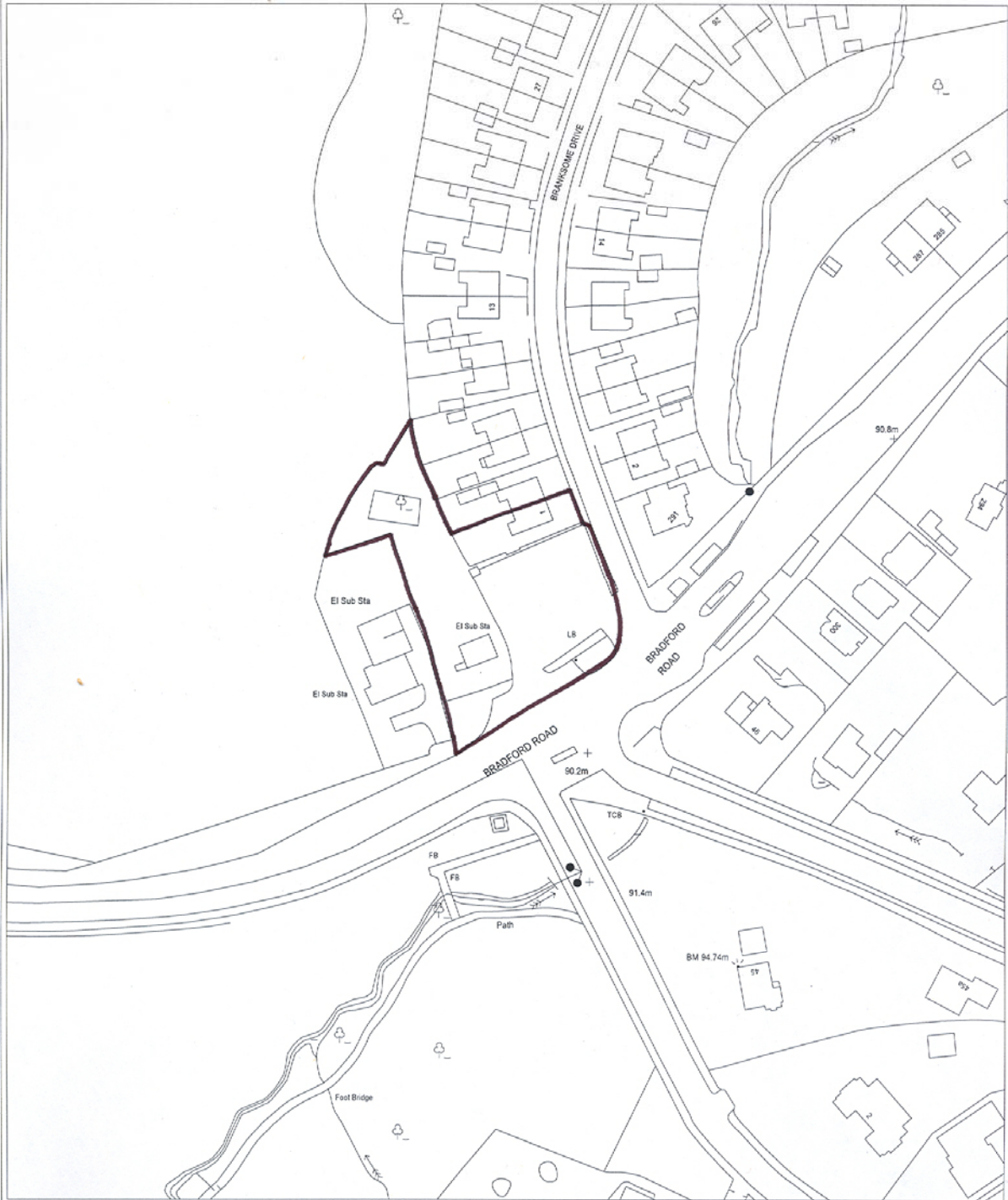
16. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered 6333/4 and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall at all times be kept free from obstruction and available for use as such while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policy TM2 and TM11 of the Replacement Unitary Development Plan.

Footnote: Please note that advertisement consent may be needed for any external signs on the building. You should contact the Planning Service for further information.

SHIPLEY AREA PLANNING PANEL

DATE
23 OCTOBER 2008



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ITEM No. 2

LOCATION

NAB WOOD SERVICE STATION, BINGLEY ROAD, SHIPLEY

DATE: 23 OCTOBER 2008

ITEM NO: 2

WARD: SHIPLEY (22)

RECOMMENDATION: TO GRANT PLANNING PERMISSION APPLICATION SUBJECT TO CONDITIONS AND SECTION 106 AND 278 AGREEMENTS

APPLICATION NUMBER: 08/01956/FUL

Type of Application/Proposal and Address: Full application to construct ten apartments and two semi detached dwellings on the former Nab Wood Service Station, on Bingley Road, Nab Wood, Shipley.

Resolution

The Shipley Area Planning Panel considered the above planning application on 27th August 2008. (The Technical Report is attached as Appendix A). The Planning Panel resolved that the application be deferred in order for the applicant to provide additional details in relation to:

- (i) the depth of the sewers in relation to the depth of the excavation to be undertaken;
- (ii) the status of the existing electricity sub station on the site;
- (iii) the position and depth of the cabling from the sub-station;
- (iv) whether the telegraph/electric pole would be moved;
- (v) the details of the retaining wall to the areas to be excavated in order to set down the level of the semi-detached houses and details for the re-building of the boundary wall to the rear of the gardens of No.1, 3, 5 and 7 Branksome Drive affected by those excavations;
- (vi) the alternative car parking arrangements for No.1 Branksome Drive; and
- (vii) the provision of fully detailed and clearer cross sections from:
 - (1) Bradford Road to the back of the site through the proposed semi-detached dwellings
 - (2) Bradford Road through the car park and access road to No.1 Branksome Drive; and
 - (3) a clearer indication of how far the apartment building would be set below the level of Bradford Road.

Additional Information: The applicant has provided the following additional information to allow a full consideration of the implications of the proposed development arising from the alterations of ground levels and excavations across the site.

- The applicant has provided additional plans (1049 21) to show a cross section of the site from the frontage on Bradford Road to the rear, which demonstrates the extent of excavation, proposed. They also confirm that the existing retaining wall to the front of the electricity sub station would remain, with a new wall proposed to the rear as shown on the site cross section plan.
- The applicant has also provided schematic drawings obtained from Yorkshire Electricity (SHEET NUMBER SE124374D) and site survey drawing by Ellam Land Surveys, Drawing Number (5559/1) to show the cabling associated with the adjacent electricity sub stations and how it relates to the development site.

- The applicant states that the electricity sub station closest to the development site has been downgraded and now houses only a transformer unit. The main electrical plant is accommodated within the more recent Primary sub station to the west. The applicant states, and the plans provided confirm that no electrical power lines cross the application site and similarly no plant would be affected by the proposed retaining walls. There is one cable shown entering the site, however this cable is redundant and formerly served the petrol filling station.
- The applicant has confirmed that the existing stone boundary wall to the rear of numbers 3-7 Branksome Drive lies within their ownership. The land to the rear of the wall has been over the years filled. The applicant has stated that they intend to reduce the made up ground back to its original level and states that any making good of the boundary wall is their full responsibility.
- The relocation of the electrical pole on the site is to be agreed with NEDL subject to planning.
- The proposed screen fence to the boundary between the car park and Branksome drive property is close boarded. However the applicant has suggested if members prefer the boundary treatment could be altered to a natural stone wall 1.8 metres in height.
- Additional plans have been provided showing the elevation fronting Bradford Road. The plan shows a boundary wall to the back edge of the footpath on Bradford Road, 1.1 metres in height and finished in natural stone.
- The applicant state that the sewer, crossing the site is located at a depth of around 2 metres under Bradford Road and follows the original ground levels of the site. The foundations proposed are located at a distance of 6.5 metres clear of the sewer, in line with Yorkshire Water requirements.
- The applicants state that pre application advice was sought with regards to the parking requirements for the re-developed site, which have been supported by the Councils Highways Department.

Conclusion: The reason for granting planning permission and the suggested conditions of approval remain as in the original technical report attached as Appendix A.

Appendix A – Technical Report 27th August 2008 Planning Panel Meeting item number 2.

DATE: 27TH AUGUST 2008

WARD: SHIPLEY

**RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO
CONDITIONS AND SECTION 106 AND 278 AGREEMENTS**

APPLICATION NUMBER: 08/01956/FUL

Type of Application/Proposal and Address: Full application to construct ten apartments and two semi detached dwellings on the former Nab Wood Service Station, on Bingley Road, Nab Wood, Shipley.

Site Description:

The application site is a vacant plot of land, formerly in use as petrol filling station. It occupies a corner plot on the junction between Bradford Road and Branksome Drive. To the north of the site is number 1 Branksome Drive, a semi detached property within the ownership of the applicants. To the west of the site is open land designated as greenbelt. An electricity sub station is located towards the sites' western boundary. Land levels fall in a northerly direction although the site is largely level and as such is elevated above the rear elevations of the dwellings located on Branksome Drive by around 4 metres in height. The site is retained by a high stonewall running the length of the rear gardens of 1-7 Branksome Drive.

Relevant Site History:

07/02157/FUL - Construction of 12 x two bedroom apartments and associated parking – Withdrawn 10/7/07.

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

The site is unallocated on the Replacement Bradford Unitary Development plan (2005) (RUDP).

Relevant Policies

UDP1 – Promoting Sustainable Patterns of Development
UR2 – Promoting Sustainable Development
UR3 - Local Impact of Development
UR4 – The Sequential Approach to Accommodating Development
D1 – General Design Considerations
H5 – Residential Development of Land
S/BH14 – World Heritage Site Buffer Zone
TM2 – Impact of Traffic and its Mitigation
TM12 – Parking Standards for Residential Developments
TM19A – Traffic Management and Road Safety
P4 – Contaminated land.

Parish Council:

Not Applicable.

Publicity and Number of Representations:

This has been done via neighbour notification letters, with an expiry date of 07.05.2008 and site notice with an expiry date of 23.05.2008

The Council has received 3 letters of representation, objecting to the proposal from neighbours and two further objections from local councillors.

Summary of Representations Received:

Objector's concerns can be summarised as follows:

- Loss of Light
- Loss of Privacy
- Traffic generation/ Highway safety

Consultations:

Drainage – No objection subject to separate drainage systems being provided within the site boundary; and development being undertaken in such a way that overland surface water patterns are not altered to the detriment of adjacent landowners.

Environmental Protection – No objection subject to the submission of a remediation report and further details prior to development commencing.

Yorkshire Water – No objection subject to there being no building or other obstruction over or within 6.5 metres of the centre line of the sewer which crosses the site; and other general drainage requirements.

Highways – No objection subject to the provision of a Traffic Regulation Order on the main road before first occupation; details of off site highway works being submitted for approval; vehicular access, turning areas, and domestic parking areas constructed before occupation; provision of visibility splays; appropriate measures undertaken to prevent mud being deposited on the highway; details of site lighting being submitted for approval; and development proceeding in accordance with an approved construction plan.

Metro – Recommend that one-year travel cards are provided for new occupiers.

Trees – No objections subject to provision of protective fencing prior to commencement of work as shown in drawing 1049 10 of Feb 2008. Also advises that a survey for Japanese Knotweed is undertaken for the site.

Main issues:

The main issues to be considered in this case relate to i) principle of development, ii) amenity considerations, iii) street scene/visual amenity, and iv) traffic and highway safety.

Appraisal:

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

Principle of development

Policy H5 of the RUDP supports the principle of building dwellings on previously developed land providing the proposal would not conflict with other RUDP Policies. Additional dwellings within this established residential area would conform to surrounding uses. Further, the principle of development satisfies sustainability objectives, representing an appropriate use of a 'brown field site' within the urban area and with access to existing

infrastructure. As such, the principle of development is considered to be acceptable under policies UDP1, UR2, UR4 and H5 of the RUDP.

Amenity considerations

The proposal has been redesigned and amended in such a way to address previous concerns with regards to overlooking and overshadowing of neighbouring properties.

The proposed main apartment block contains numerous windows to the rear, which previously allowed overlooking of rear garden areas of neighbouring properties on Branksome Drive. The plans have been amended to address such concerns by providing projecting bay windows which direct outlook away from near neighbours. These would allow sufficient natural lighting for the apartments whilst safeguarding against direct overlooking of rear garden areas of numbers of 1-7 Branksome Drive in particular.

A number of objections have been received by the Council with regards to the proposal, citing that it would cause an unacceptable loss of light, particularly with regards to the pair of semi detached properties proposed for the rear of the site. The plans have been amended to remove the dormer windows in their roof and therefore allow the ridge height of this part of the development to be lowered. The site at present is such that land levels where the proposed semi-detached houses would be located are higher than for existing, neighbouring houses on Branksome Drive. A section drawing has been submitted showing the extent of proposed excavation and the relative heights of the new dwellings in relation to the existing properties on Branksome Drive. It is considered that with the extent of excavation proposed – which would set the semi-detached houses in to the ground - and the removal of the rooms in the roof, and in conjunction separation distances involved (in excess of 19 metres between the nearest semi and existing houses on Branksome Drive), that the proposal would not result in an unacceptable impact on the residential amenity of occupants of 1-7 Branksome Drive. No windows are proposed in the gable end of the proposed semi-detached property other than a ground floor toilet which would be obscure glazed. The semi-detached pair has also been angled away from the rear gardens of the Branksome Drive properties such that no issues regarding overlooking are foreseen.

For these reasons, it is considered that the development would acceptably accord with the provisions of policies D1 and UR3 of the RUDP.

Street scene/visual amenity

The site lies at the junction of two roads, Bradford Road (A65) and Branksome Drive. The apartment block would be visible from both roads whilst only very limited views of the semi-detached element would be visible from either highway.

Branksome Drive is made up of differing property types and designs, following a linear pattern fronting the highway. 2-storey, semi detached properties and a number of bungalows are typical of the prevailing property type. The application site at present is somewhat of an eyesore and has remained vacant for some time since its last use as a petrol filling station. Whilst the proposal would undoubtedly alter the current street scene, officers consider that it would improve the appearance of the site, particularly from the Bradford Road elevation, and the wider vicinity. Whilst the proposal differs from the property types currently located within Branksome Drive, it is not felt that the proposal would be detrimental in terms of street scene. Materials proposed are a mixture of stone

and render with slates to the roof. There is also some timber boarding proposed to the projecting bays which, whilst not seen elsewhere in the area, officers consider would add interest to the design of the apartment block.

By conditioning materials and ensuring appropriate landscaping proposed for the Bradford Road elevation in particular, it is considered that the proposal could be successfully integrated into the locality whilst making more efficient use of the land. As such, the proposal would accord with guidance contained in PPS3 and with RUDP policies UR3 and D1.

Traffic and highway safety

The proposed dwellings consist of 10 apartments and a pair of semi-detached houses. 21 parking spaces are proposed exceeding the required 1.5 spaces per dwelling required across a development and in line with policy TM12 of the RUDP.

The proposal has been amended to respond to the initial comments from the Highways Officer who now raises no objection subject to conditions. As such, it is not felt that the proposal would be detrimental to highway safety. It therefore accords with RUDP policies TM2 and TM19A.

A small lay-by would be required to be retained to the Bradford Road frontage to service the post box. It should be noted that the works within the highway (grass verge/lay-by/TRO/closure of existing access) would require the developer to enter into a section 278 Agreement with the Council in order to carry out the works.

Other issues

Land Contamination and Remediation: Officers have been in consultation with the Council's Environmental Protection service with regards to the likely contamination on site given the historic use. In discussion with the Council's Environmental Protection Section, it was advised that this issue could be dealt with by way of condition to provide a remediation report and methodology prior to commencement of development. A condition is proposed to this effect in order that the proposal might comply with RUDP policy P4.

Conclusion

For the reasons noted above, and despite the receipt of objections, it is considered that the proposal represents appropriate development that – with appropriate conditions – would adequately protect the residential, visual and general amenities of the site and the surrounding area. Accordingly, approval is recommended subject to the conditions set out below.

Community Safety Implications:

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

Reasons for Granting Planning Permission

It is considered that the proposed dwelling is acceptable in terms of its impact on residential amenity and traffic safety and acceptably accords with the provisions of the Replacement Unitary Development Plan Policies UR3, D1, H5, P4, TM2 and TM19A.

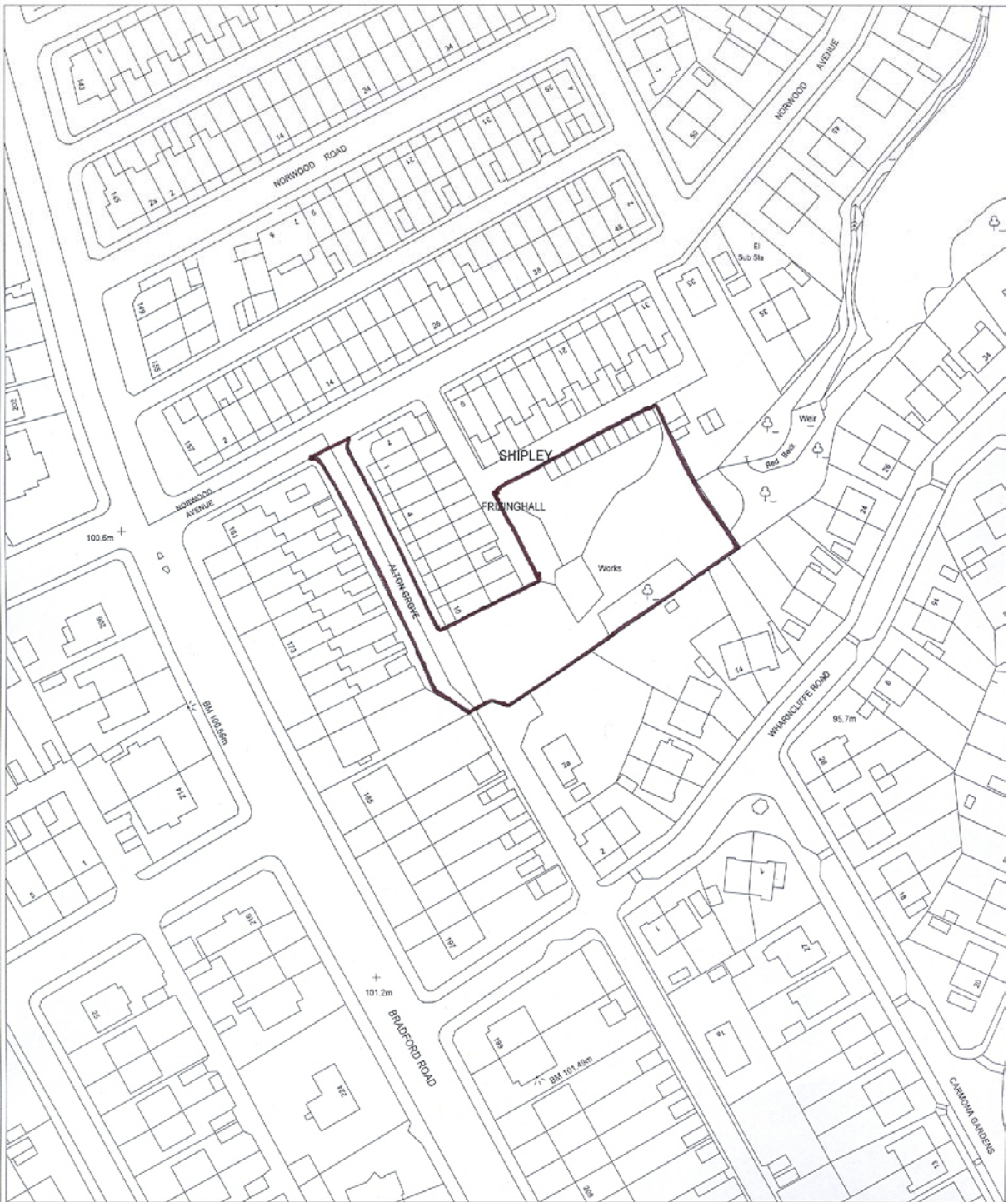
Conditions of Approval:

1. 3-year time limit on commencement of development.
 2. Provision of Traffic Regulation Order before use commences.
 3. Details of off site highway works requiring the developer to enter into a section 278 agreement.
 4. Construct access before occupation.
 5. Visibility splays to be provided with 900mm height limit.
 6. Turning area provided before use commences.
 7. Provision of domestic parking before use commences.
 8. Preventive measures - mud on highway.
 9. Site lighting: full details of the type and position of any lighting scheme required.
 10. Construction Plan details to be submitted for approval by the LPA prior to development commencing and thereafter implemented.
 11. Development to be undertaken in such a manner as to not alter overland surface water flow patterns to the detriment of adjacent landowners.
 12. Unless otherwise agreed in writing by the LPA, no building or obstruction shall be placed over or within 6.5 metres either side of the centre line of the public sewer crossing the site.
 13. No piped discharge of surface water until details supplied and approved.
 14. Details for means of disposal for foul and surface water drainage required and no buildings shall be occupied prior to completion of approved foul water drainage works.
 15. Final verification remediation report and methodology to be submitted to and approved by the LPA prior to development.
 16. Garden and cultivated areas of the development to include rolled gravel membrane and/or geo textile membrane.
 17. Ground water monitoring scheme to be submitted and approved by the LPA prior to development.
 18. Landfill gas-monitoring scheme to be submitted and approved by the LPA prior to development.
 19. All underground storage tanks and their associated pipe work shall be removed or treated on site to remove contamination. Any voids around the tanks shall be filled with clean quarry gravel.
 20. PD rights removed for windows to semi-detached properties.
 21. No construction or development activities shall take place on site between the hours of 08.30-1600 Mon-Fri. No piling activities shall take place on Saturdays, Sundays, Bank Holidays and/or Public Holidays.
 22. There shall be no burning of materials on the site during demolition of the existing buildings and the construction of the proposed residential development.
- Metro cards required for first year requiring developer to enter into section 106 agreement.

SHIPLEY AREA PLANNING PANEL

UAIC

23 OCTOBER 2008



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LOCATION

ITEM No. 3

LAND AT ALTON GROVE, SHIPLEY

DATE: 23 OCTOBER 2008

ITEM No: 3

WARD: SHIPLEY

RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

APPLICATION No: 08/02080/FUL

Type of Application/Proposal & Address

Full application for the demolition of the existing building and garage and construction of 10 townhouses at Land at Alton Grove, Shipley

Site Description

A 0.27ha unallocated rectangular site located within a residential area adjacent to Bradford Wildlife Area – Red Beck Mill Pond (BWA/099a). A derelict former engineering works building is located in the south east apex of the site and a bank of dilapidated garages is located in the north west apex of the site. The development site also includes the unmade up road – Alton Grove - which leads from Norwood Avenue. The site slopes on a southwest to north east axis towards the adjacent BWA. Vehicular access is via Alton Grove.

Residential properties of varying styles lie to the north, east and west and south of the application site. Several mature trees which are protected under a tree preservation order (0500046A) exist along the southern/eastern boundary of the site creating a green buffer between properties in Wharncliffe Road and the application site. This green buffer leads onto the BWA. The site is identified as being located in flood zones 2 and 3. A culverted section of the Red Beck runs through the eastern part of the site.

Relevant Site History

There is no relevant history for the redevelopment of this site for residential purposes. Planning application 07/02468/FUL for the Demolition of the existing buildings and construction of 24 residential units was WITHDRAWN from determination.

Replacement Unitary Development Plan (RUDP) Proposals and Policies

The site is unallocated on the Proposals Map of the Replacement Unitary Development Plan. The relevant planning policies include:-

- UDP1 – Promoting sustainable patterns of development
- UDP3 – Quality of build and natural environment
- UDP7 – Reducing the need to travel/sustainable transport choices
- UR2 – Sustainable development
- UR3 – The Local Impact of development
- E3 – Protecting existing employment land and buildings in urban areas
- H5 – Residential Development of land and buildings not protected for other purposes
- H7 – Housing density
- H9 - Provision of affordable housing
- TM2 – Impact of traffic and its mitigation
- TM12 – Car parking provision

TM19A – Highway Safety
D1 – Positive contribution of the Environment
D4 – Safe and secure environment/reduction in the opportunities for crime
NE4 – Trees and Woodland
NE5 – Retention of trees on development sites
NE6 – Protection of trees during development
NE9 - Other sites of landscape or wildlife interest
NE10 – Protection of Natural Features and Species
NE11 – Ecological Appraisals
P4 – Contaminated land

Town/Parish Council

Not applicable

Publicity and Number of Representations

Individual neighbour notifications were carried out on the scheme as originally submitted with the statutory expiry for publicity being 15 May 2008. Site notices was also displayed at the site with the statutory period for comments being 23 May 2008. Following the receipt of amended plans which showed 10 townhouses and 1 detached dwelling further individual neighbour notification were undertaken.

1 petition (20 signatures from 15 households) and 37 individual letters of objection were received to the original scheme for the development of 13 townhouses and one detached dwelling. The majority of the comments raised are still considered pertinent to the determination of this application and as such are reported in full within this report.

15 letters of objection received to the first amended scheme (11 townhouses and 1 detached unit)

4 further letters of objection to the currently proposed scheme (10 townhouses).

In total 38 letters of representation have been submitted on one or more of the schemes.

Summary of Representations Received

- Overlooking and overshadowing. The proposed development would seriously erode the privacy of properties in Norwood Avenue
- The height of the development is still substantially higher than the eaves of properties in Norwood Avenue
- Loss of sunlight to the rear gardens of homes in Norwood Avenue
- The scale of the new development will still seriously undermine the amenity of the area. At present the site is a tranquil open space. This amenity and its potential to be developed for recreation will be lost to the area
- The development is out of proportion to the capacity of the site and its neighbouring areas
- Increase in noise and nuisance issues
- Alton Grove residents currently live on a quiet unadopted cul-de-sac. This will change dramatically once residents of the proposed development and their visitors start accessing the area.
- Unacceptable loss in the number of trees on the site
- No definite plans to increase tree cover

- Concern regarding the protection of habitats for wildlife. Bats, badgers and water voles have been seen in the Beck immediately below the site
- The application makes no mention of environmental sustainability – no provision for low-carbon or carbon free renewable energy micro generation on the site
- Half of Alton Grove is owned by the residents of Alton Grove properties and their permission would be required to make up the road.
- Why has the letter only been issued so far down Wharncliffe Road and Norwood Avenue. The effects of extra traffic, pollution, noise, use of local amenities etc will affect everyone down these roads
- There may be increased flood risks owing to the loss of trees and increase in hard surfaces
- The open space currently provides informal recreational space for local children this will be lost and the proposal contains no compensating facility
- The traffic survey is inadequate and does not reflect the busy nature of the Norwood Avenue/Bradford Road junction
- The proposal does not compensate for the loss of parking currently available at the rear of Alton Grove
- Warning of blue asbestos on the site
- Emergency, refuse and other services access – it appears that the intended road layout would not permit a fire engine to access the front of the dwellings
- The volume of traffic will increase considerably to the front and rear of Alton Grove putting the safety of the children lining and layout on Alton Grove in jeopardy
- Major flooding could be caused in the adjoining properties

Consultations

- (i) Environment Agency - no objections in principle subject to a condition regarding surface water drainage works to be attached to any permission granted.
- (ii) Highways (Development Control) Section – no objections in principle. Require further information regarding Alton Grove being upgraded to an adopted standard carriageway, adoption of the road, clarification of maintenance arrangement of the two parcels of land adjacent to the site entrance and information on the provision of off site access for refuse vehicles at the rear of numbers 9-31 Norwood Avenue.
- (iii) Tree Section – It is considered that the amended scheme (which includes the loss of single detached unit) is now acceptable on tree and design policy grounds. Recommend conditions regarding protection of root areas and provision of new tree planting in any permission granted.
- (iv) Environmental Protection (Contamination) Section
 - A Phase I (desktop study) and Phase II (ground investigation report) were submitted with the application. The results of the trial Pit investigation indicates that the site has been infilled with made ground of between 3.2m to 3.9m to facilitate the development of the site in the valley location. The Red Beck is culverted through the site and this increases the possibility of contamination of the ground water and surface water.

- The site was split into two parts by Encia (the consultants): Part B is covered by dense Japanese Knotweed which will have to be removed and the soil treated prior to any development commencing. After the Japanese Knotweed has been removed the area will have to be intrusively investigated for contamination levels. Part A this south east area was not investigated due to dense undergrowth which will have to be cleared initially before intrusive investigation for contamination can commence. The chemical analysis of the made ground from the Trial Pits indicated significant contamination around Trial Pits 1, 2, 3 and 5 respectively which will require further intrusive investigations to determine the extent of inorganic, total petroleum hydrocarbons and polycyclic aromatic hydrocarbons in these areas. A further phase 2 risk assessment report will be required for the part of Area A not investigated, the extent of the contamination found around Trial Pits 1, 2, 3 and 5 respectively and Area B after the Japanese knotweed has been removed.
 - Following the submission of these details, conditions regarding dealing with Japanese knotweed on the site, further intrusive ground investigations, final verification report, land gas monitoring, contaminated land, surface and foul water drainage, building installation, asbestos removal and hours of building work operation are suggested in any permission granted.
- (v) Drainage Section – The site must be investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Conditions should be attached to any permission granted to ensure suitable techniques are used if at all practically possible. Development to be undertaken so as to provide an overland flood route through the site which shall not be to the detriment of adjacent land owners.
- (vi) Police Architectural Liaison Officer – Policy D4 states that developers will need to ensure that crime prevention is considered as an integral part of the initial design of any development and not as an after thought. Developers should incorporate the principles of ‘Secured by Design’. The application fails to comply with Policy D4 rUDP in the following areas: -
- Defensible Space - Various boundaries, both at the edges of the application site and within the development/uses on the site, need to be reinforced. The site needs to include some clear and robust boundary treatment to define ownership and use.
 - It is requested that, where appropriate, conditions are placed on this application to ensure compliance with current Policies and guidance in the interest of Community Safety and Crime Prevention. In conclusion, the Police have no fundamental objection to a development of this type in this location but would seek to fully address the above points before the application could be fully supported.
- (vii) Countryside (Biodiversity) Section - This site is directly adjacent to one of our Bradford Wildlife Areas (BWA/099a – Red Beck Mill Pond). As such Policy NE9 – Sites of Regional and Local Importance of the Replacement Unitary Development Plan may be relevant to this application. Policy NE9 states: “*Development likely to have an adverse effect on a site of*

ecological/geological importance (SEGI & RIGS), or a site of local nature importance (BWA), as shown on the proposals map (or subsequent SEGI/RIGS or BWA reviews), will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the substantive nature conservation value of the site. Where development is permitted which would damage the nature conservation value of the site, such damage will be kept to a minimum. Where appropriate the council will consider the use of conditions and/or planning obligations to provide adequate mitigation and/or compensation measures.”

- An appropriate bat survey has been provided as part of the application on this site. Biodiversity are happy with the conclusion that the buildings and garages at the site do not provide roost potential but are surprised that the emergence/activity survey returned a negative result – some activity was expected. Nonetheless on the whole biodiversity are happy to accept the findings of the bat survey.
- As this site is a wetland habitat it will be particularly susceptible to pollution and run off – consideration needs to be given to how potentially contaminated water is stopped from flowing into the BWA.
- Overall, there is no objection in principle to the development of this site in the manner proposed providing conditions regarding bat bricks/tubes, elimination of Japanese Knotweed, limitation of surface water run-off, and further landscaping is carried out with native species only are attached to any permission granted.

Summary of Main Issues

(a) Principle of development

- sustainability
- loss of employment land

(b) Density

(c) Impact of development

- Effects on the adjoining Bradford Wildlife Area
- Impact on mature protected trees
- Impact on the locality/street scene/neighbouring properties

(d) Highway Safety

(e) Flood Risk

(f) Contamination

(g) Comments on representation made

Appraisal

1. Permission is sought for the erection of 10 townhouses built in a traditional terraced form that lies across the north south axis of the site. In order to take advantage of the sloping nature of the site, the proposed building has been designed to be three stories with accommodation in the roofspace. Materials are to be agreed with the Local Planning Authority and as such would be the subject of a condition in any permission granted.

2. Twenty car parking spaces are proposed (including 10 garages). Access is via Alton Grove, which is included in the red line boundary of the application. The applicants have confirmed that this road (along Alton Grove) will be brought up to current highway standards which will include resurfacing, kerbing, footways, surface water drainage, gullies and lighting all of which will be agreed with the Councils highway section.

Principle of development

3. Replacement Unitary Development Plan policies seek to ensure that land and buildings that are currently in employment use are not lost for other non-employment uses. Indeed, because of the overall shortage of employment land in the District it is important to retain existing land and buildings for employment use and prevent the loss to other uses.

4. Policy E3 of the Replacement Unitary Development Plan states that the redevelopment of existing employment land in urban areas for other uses will not be permitted unless: -

- (i) The proposal is in a mixed use area shown on the plan; or
- (ii) The proposal is within the defined city, town, district or local centres or the town centre expansion areas or within the valley road retail areas shown on the plot; or
- (iii) The proposal is within Bradford/Shipley/Baildon or Keighley, is less than one hectare in size, and is not within an employment zone; or
- (iv) The proposal is within the towns of Bingley, Ilkley, Queensbury or Silsden and is less than 0.4 hectare in size and not within an employment zone; or
- (v) The proposal contributes positively to the re-use of a listed building or other historic buildings in a conservation area; or
- (vi) The proposal contributes positively to preserving or enhancing the character of a conservation areas; or
- (vii) It is no longer appropriate to continue as an employment use because of the adverse effect on the surrounding land uses; or
- (viii) The building has become functionally redundant for employment use.

5. The authorised planning use of the application site and principal building is as an engineering/industrial (B2) use. It is considered acceptable in principle however to change this commercial use to a residential use as the site is under 1 hectare in extent and as such would fall within criterion (3) of the above quoted policy. Moreover, the site is actually surrounded by a variety of residential properties and it is considered that a residential use is certainly more appropriate than a general industrial type of use which may have significant adverse affects on the established amenities of the surrounding dwellings. As such, it is considered that proposal accords with policy E3 of the Replacement Unitary Development Plan.

6. Policies UR2 and UR4 seeks to ensure that sustainable development is promoted throughout the district and that unallocated previously developed sites (such as the application site) should be developed in preference to Greenfield sites. Indeed, policy UDP1 sets out locational strategy and an important tool in promoting sustainable patterns of development is the development of sites on the basis of their sustainability. Applying this strategy to the provision of housing is supported through Planning Policy Statement No. 3 (PPS3) and Regional Planning Guidance and helps promote effective reuse of Brownfield sites and buildings in more sustainable locations. As such, the Council is committed to ensuring that appropriately located sites are developed before less sustainable areas.

7. The site is Brownfield and located in a sustainable urban location in close proximity to good bus and train routes. Therefore, there is no objection in principle to the redevelopment of this parcel of land.

Density

8. Within the urban areas, it is usual that a minimum density of 50 dwelling per hectare should be achieved in accordance with policy H7 of the Replacement Unitary Development Plan. The appropriate density for this site area (0.27ha) equates to 13 dwellings. The proposal for 10 dwellings on the site would clearly not comply with this requirement. However, due to the constraints of the site, i.e. the topography, the proximity of existing residential properties and Red Beck BWA and the fact that there are significant numbers of mature trees on the site which need to be protected as far as practically possible, it is considered a necessity to limit the density to that as shown on the application proposal. This allows for a reasonable density of dwellings on the site but allows development to be positioned away from the mature preserved trees on the site.

Impact of development.

9. In accordance with national and regional Planning guidance, the council recognises the importance of areas of nature conservation interest which do not meet the criteria of national or international designations but which have been deemed significant to the Districts natural capital at a regional and local level. Bradford Wildlife Areas have been specifically selected for the local wildlife value and as such all designated sites in the Bradford district will be given appropriate protection from development.

10. There is no built development proposed within the BWA itself and this application seeks to assess the impacts which would result if development on the adjoining site in the manner proposed were to be granted planning permission.

- An appropriate bat survey has been provided as part of the application on this site and the Councils Biodiversity specialists support the conclusion that the buildings and garages at the site do not provide roost potential.
- The scheme provides for the retention of the majority of preserved trees on the site which provide a linear feature along which certain bat species prefer to forage.
- As this site is a wetland habitat it is acknowledged that it will be particularly susceptible to pollution and run off and as such, a condition requiring consideration as to how potentially contaminated water is stopped from flowing into the BWA shall be submitted and approved by the Local Planning Authority.
- Japanese knotweed will be eliminated from the site.

Overall, from a biodiversity point of view, there is no objection in principal to the development of this site in the manner proposed providing conditions regarding bat bricks/tubes, elimination of Japanese Knotweed, limitation of surface water run-off, and further landscaping is carried out with native species only are attached to any permission granted. As such, it is considered that the proposal is in accord with policies NE10 and NE11 of the Replacement Unitary Development Plan.

11. Around the perimeter of the site there are several trees which are the subject of a Tree Preservation Order (TPO) and provide an amenity value to this built up area which enhances the character of the locality and its setting. Indeed, Tree Preservation Orders are actively used to sustain the landscape character of the District and in addition, in this instance, the trees form an integral green wedge leading towards the adjacent Bradford Wildlife Area.

12. It is considered that the proposal demonstrates that the visual amenity provided by the TPO trees will not be compromised or unduly affected by the development. Indeed, limiting the proposed development to a single terraced block allows the sites to be developed to a reasonable sustainable density whilst also ensuring that the main tree band which provides this green wedge can be retained. Further enhancement of the landscaping of the site can be pursued by a condition attached to any permission granted. As such, it is considered that the development in the manner proposed appropriately preserves the visual amenity of the locality in general, the street scene and the immediate neighbouring properties and is in accord with policies NE4 and NE5 of the Replacement Unitary Development Plan.

13. It is clear that the replacement of the existing buildings (which are limited in their built form and currently unused) with 10 dwelling units will have an impact on the surrounding locality. It is considered however that the impact created will not have an undue adverse effect on the surrounding residential properties or the street scene. Indeed, the proposed development seeks to take advantage of the topography of the site by providing a three storey terraced building with accommodation within the roof space. The proposed built development also follows the contours of the site to ensure that a suitable density can be achieved whilst also taking into account the adjoining residential dwellings. Whilst the impact of the new development will be evident across whole of the site it is considered that the scale and massing is not unduly dominant within the surrounding residential environment. The retention of existing trees along the boundary between the proposed new build development and the existing properties in Norwood Avenue will also ensure that the greater massing of the proposed development is effectively broken down by the greenery. A condition requiring further planting to be undertaken should also be attached to any permission granted.

14. No windows are proposed in the roof of the proposed dwellings which face onto properties in Norwood Avenue and a condition should be attached to any permission granted to ensure that permitted development rights to extend these dwellings in the future (without the need for planning permission) are removed. No specific details of the proposed boundary treatment along the boundaries of the site have been shown and this aspect should form part of a general landscaping requirement for this site to ensure that the residential amenities of the existing adjoining dwelling are maintained.

Highway Safety

15. Planning policy Guidance Note 12 (PPG12) stresses the role of development plans in integrating transport and land use policies whilst Planning Policy Guidance Note 13 (PPG13) aims to promote more sustainable transport choices and reduce the need to travel, especially by car. These principles are reflected in the location strategy and as discussed in the earlier part of this report, this site is considered to be in a well-located sustainable location. Moreover, PPG13 recommends that new housing is located on under-utilised land, near to existing town centres and that housing density standards near good public transport should be higher. Therefore, in terms of highway principles the development of the site in the manner proposed is considered to be acceptable and in accord with both national and local planning policies.

16. In terms of the access to the site, the proposal is considered to be acceptable providing that Alton Grove is upgraded to adoptable highway standards. The number of parking spaces to be provided are considered satisfactory and in accord with the adopted standards of the Council. As such, it is considered that providing appropriate conditions

are attached to any permission granted highway and pedestrian safety will not be compromised and the proposal will accord with policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

Flood Risk

17. Red Beck runs through the development site in a culvert. The proposed new build is located north of the watercourse. A revised flood risk assessment has been submitted with the application that the Environment Agency considers to be satisfactory. Therefore conditions to ensure appropriate flood mitigation measures (essentially surface water drainage works) are carried out are suggested for any permission granted.

Contamination

18. Former industrial/manufacturing uses have been evident on the site and trial pit investigations indicate that the site has been infilled with made ground. There are also extensive areas of Japanese knotweed on the site. Phase 1 and 2 contamination reports have been submitted as part of this application and conditions are recommended to ensure that further intrusive investigations are undertaken and that a remediation strategy is put into place in order that the site is remediated appropriately and development of this site is 'fit for purpose'.

Use of conditions

19. In line with policy UR6 of the Replacement Unitary Development Plan, it is considered appropriate to attach conditions on any permission granted to ensure the provision of necessary works such as highway infrastructure are suitably addressed. Due to the reduction in the number of units now proposed on the site, it is no longer considered necessary to pursue the other contributions towards the provision of facilities such as education, affordable housing etc. as the development is under the appropriate thresholds.

Comments on representations made

20. The majority of comments raised by objectors to the scheme have been addressed in the above report. Despite the site currently being unused it does have the benefit of an established engineering (B2 general industrial) use which could operate from this site. It is considered that a residential use of the land would clearly be more preferable in this location providing that such a use can protect the amenities of the locality and protect the preserved trees as far as practically possible. The land is also private land and does not benefit from an authorised recreational use for nearby residents.

21. A condition can also be attached to any permission granted to ensure that construction works are carried out in a suitable manner to minimise the impact on the surrounding residents and the locality in general. The number of trees to be retained on the site has been maximised by reducing the amount of development proposed and conditions can be attached to any permission to ensure that these are protected during construction works and that planting is supplemented by suitable native species.

Community Safety Implications

It is considered that there are no community safety implications for this scheme and subject to a condition requiring the definition of boundary treatments the proposal complies with policy D4 of the Replacement Unitary Development Plan.

Reasons for Granting Planning Permission

The principle of residential redevelopment of this Brownfield site in the manner and at the density proposed is acceptable and provides a beneficial reuse of an under-utilised site formerly used for engineering purposes. The effect of the proposal on the adjoining Bradford Wildlife Area, the surrounding locality, the adjacent neighbouring properties and the mature trees has been assessed and is acceptable. The proposal is also considered to have no significant highway implications nor would it compromise highway safety. As such, the proposal accords with policies UDP3, UR2, UR3, UR4, UR6, H5, H7, TM2, TM12, D1, D4, NE4, NE5, NE6, NE9, NE10 and NE11 of the Replacement Unitary Development Plan.

Conditions of Approval

- Time limit - development to be commenced within 3 years
- Amended Plans – development to be accordance with
- Details of materials to be submitted and approved prior to commencement of development
- Incorporation of bat bricks within buildings
- Retained trees to be protected during works – details of methodology to be submitted to and approved by LPA
- Boundary treatment – details to be submitted and approved prior to commencement of development
- Full Landscaping scheme including the provision of required (native species of trees)– to be submitted and approved by the LPA prior to commencement of works
- Implementation of approved landscaping works
- Limitation of permitted development rights to all proposed properties – classes A, B, C, E of the GPDO (as amended)
- Construct access before occupation including full works to Alton Grove. Details of resurfacing, kerbing, footways, surface water drainage, gullies and lighting to be submitted to and agreed by the LPA prior to any works commencing. The agreed scheme shall be implemented prior to occupation of any unit on the site
- Dropped crossing to be constructed
- Visibility splays to be provided before use
- Turning area provided before use
- Provision of car parking spaces before use
- Street lighting scheme – details to be submitted and approved in writing by the LPA prior to commencement of development.
- Construction plan details
- Hours – building works including demolition
- PD rights removed – no windows in western gable of the dwelling closest to properties in Alton Grove
- Use of sustainable drainage techniques –submission of report to the LPA prior to commencement of development. The approved details shall be carried out prior to occupation of any of the dwelling units hereby approved.
- Car parking area to be drained using road type gullies
- No changes to overland surface water flow patterns
- Boundary treatments throughout the site to be approved prior to commencement of development and implemented as approved prior to occupation of the buildings.

- Management Plan – maintenance agreement for the long-term management/ maintenance of landscape and communal areas of the application site, prior to commencement of development. The plan should include all details of biodiversity measures. Shall be implemented as per agreement
- Prior to the development commencing a detailed investigation into the extent of the Japanese Knotweed in Area B of the site, adjoining Alton Grove, shall be carried out by a qualified and competent horticulturalist in the Japanese Knotweed species. A report shall be submitted to the Local Planning Authority for approval in writing and contain the following details:
 - a) Extent of the Japanese Knotweed within the site boundary.
 - b) The removal and disposal procedures for the Japanese Knotweed, to ensure that the existing made ground and any surrounding areas are not contaminated by seeds, the rhizostoma's or their root formations.
 - c) Disposal documentation to a registered landfill site.
 - d) Chemical analysis of the made ground to show that all traces of the Japanese Knotweed has been removed from the site.
- Prior to the development commencing further intrusive ground investigations shall be carried out in Area A; South East corner and Area B outlined in Reference A, Annex B, Exploratory Hole Location Plan, Drawing No: 9455/4 Revision A, dated November 2007 to determine the extent of any Inorganic and Organic contamination. Further intrusive investigation around Trial Pits Numbers 1, 2, 3 and 5 (respectively) shall be carried out to determine the extent of the Inorganic and Organic contamination already discovered in these areas. The Phase II Risk Assessment report shall be submitted to the Local Planning Authority for approval in writing. The Phase II Risk Assessment Report shall contain:-
 - a) The production of conceptual model across the whole site.
 - b) Identification of each contaminant and its concentration level.
 - c) Whether the CLEA model soil guideline values are exceeded for each identified contaminant. Where the CLEA model does not specify the contaminant which alternative reference values are used and why.
 - d) A leachability test of the soil samples from each trial pit or borehole of any contaminants which exceed the designated trigger level criteria.
 - e) A risk characterisation and assessment of each contaminant including a CLEA Model Tier 2 and 3 assessments for contaminants exceeding the CLEA Model SGV's.
 - f) A proposed remediation methodology and procedures to make this site "Fit for Purpose", for Residential with plant uptake.
- Prior to the developments completion a Final Verification Remediation Report shall be submitted to the Local Planning Authority in writing. The report shall contain details of all the remediation works, chemical analysis from all the imported soils and mineral materials, gas monitoring results, depth of any rolled gravel membrane and/or Geo-textile membrane on the made ground and depth of the soils in the garden and cultivated areas.
- In all garden and cultivated areas across the proposed development a 100 – 120mm layer of rolled gravel membrane and/or Geo-textile membrane shall be inserted on top of the made ground with a 600mm of sub and/or top soil layer for

cultivation purposes above the membrane. The imported sub and/or top soil shall be chemically analysed for contaminants to ensure they do not exceed the CLEA model soil guideline values or an approved Intervention level criteria for the contaminants not covered by the CLEA model.

- Prior to any development commencing a land gas monitoring scheme shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall include the following:
 - a) Methodology of the gas monitoring procedure.
 - b) Diagram of the location and number of gas monitoring points.
 - c) Analysis of the gases detected their concentration levels and whether the concentration levels exceed the current trigger levels.
 - d) Frequency of gas sampling.
 - e) Presentation of results.
 - f) Procedure to be adopted if gases are detected above the designated levels.

- Prior to the development commencing a full survey of all the foul and surface water drainage systems shall be carried out to determine the extent, layout and condition of all the underground drainage pipe work, manholes and interceptor facilities within the property boundaries. The report shall be submitted for approval in writing by the Local Planning Authority and contain the following details:-
 - a) A map showing the location of all foul and surface water pipe work, manholes and access points.
 - b) The remedial works to ensure that the foul and surface water drainage system meets the current Building Regulation.
 - c) The layout of the surface water containment system for contaminated water deposited on the vehicle access roads and parking areas within the property boundaries.

- Prior to the development commencing a risk assessment report shall be submitted for approval by the Local Planning Authority detailing all the substances, liquids and oils which are contained within or attached to all storage vessels, metal works and surfaces within the various buildings situated within the development boundaries. The submitted report shall contain the following details:-
 - a) Decontamination of all the above.
 - b) Decommissioning of all the above.
 - c) Remediation of all the contaminated and non-contaminated materials identified (include post remediation procedures and analysis to approved standards for the contaminated materials).
 - d) Disposal of all the above materials.

- Prior to the development commencing a full survey of all buildings and rooms shall be carried out to determine the extent and condition of the different types of asbestos materials on site. The report shall be submitted for approval in writing by the Local Planning Authority and contain details of the different types of asbestos, risk assessment, decommissioning remediation, post remediation, analysis to approved standards and disposal.

- Unless otherwise agreed in writing with the Local Planning Authority:-
 - a) No construction or development activities shall be carried out on site except between the following times:-
 - (i) 07.30 – 18.00 Monday to Friday
 - (ii) 07.30 – 13.00 Saturday
 - b) No other activities except for emergency repairs shall be carried out at all on Sundays, Bank Holidays and/or Public Holidays.
- There shall be no burning of any materials on the site during demolition of the existing buildings and the construction of the proposed residential development.
- No piling activities shall take place on the site except between the hours of 08.30 – 16.00 hours Monday to Friday. No piling activities shall take place on Saturdays, Sundays, Bank Holidays and/or Public Holidays.

DECISIONS MADE BY SECRETARY OF STATE

Item No	Ward	Location
APPEALS ALLOWED		
4	Bingley Rural	<p>Unit 5, Old Mill Yard, Wilsden Installation of new first-floor windows in the front and rear elevations to illuminate a new mezzanine floor.</p> <p>08/00113/FUL</p>
APPEALS DISMISSED		
5	Baildon	<p>1 Belmont Avenue, Baildon Demolition of the existing dwelling and the construction of 3no. four bedroom detached dwellings with integral garages.</p> <p>08/00244/FUL</p>
6	Baildon	<p>24 Hinchliffe Avenue, Baildon Appeal against enforcement served for an unauthorised dormer window extension to the side of the house and a roof with a ridge height that exceeds the ridge height of the original house.</p> <p>Appeal dismissed and Enforcement Notice upheld. The requirements of the notice are to remove the unauthorised dormer extension, reduce the height of the roof to a height which does not exceed that of the original dwellinghouse, to make good any damage caused by the above works and to remove all resultant materials from the land.</p> <p>The period for compliance with these requirements is 3 months.</p> <p>08/00098/APPENF</p>

7	Wharfedale	Stonecroft, Burley Lane, Menston Single storey extension to the side of the property forming a larger kitchen and utility room. 08/00672/FUL
8	Bingley	44 The Oval, Bingley Timber decking/patio to rear (retrospective). 07/10254/FUL
9	Wharfedale	74 Main Street, Menston Garage, utility room, kitchen and dining room extension with bedroom and bathroom above and room in roof space. 08/00520/FUL

23 October 2008

Item No: 10
Ward: BINGLEY RURAL
Recommendation: THAT THE PETITION BE NOTED

Application No: 08/03684/FUL

Address/Description of Development;

The construction of new a two-storey dwelling on land at 7 Moorfield Road, Cottingley.

Report:

A petition signed by 24 people has been received objecting to the above proposal. All of the signatories are residents of the Manor Court sheltered housing complex whose entrance is directly opposite the site of the development. The main issue was that of parking close to the entrance to Manor Court which would likely restrict the manoeuvrability of vehicles getting into and out of the complex.

The applicant did show the provision of two off-street parking spaces, and the highway issue raised was not considered to have enough weight to turn down the application.

However, the application was refused under delegated powers on the following grounds:

- 1 Contrary to the adopted Replacement Unitary Development Plan as the proposed development would have an adverse impact on the amenities of No 9 Moorfield Road by reason of its size and proximity to the common boundary;
- 2 Inadequate information supplied with regard to the proposed siting of the dwelling in terms of its relationship with the two neighbouring dwellings;
- 3 Adverse impact on the occupiers of 7 Moorfield Road by virtue of a first-floor habitable room window to the side elevation;
- 4 Harmful to visual amenity by reason of its height and elevation in comparison to the neighbouring dwelling.

As the decision is in line with the objectors' wishes, Members are asked to note the petition and the outcome of the application.

DECISIONS MADE BY AREA PLANNING MANAGER

Item No	Ward	Location
11	Bingley Rural	<p>Land at Keighley Road, Harden</p> <p>Unauthorised construction of a prefabricated garage structure and the unauthorised change of use from agricultural to a use for indoor and outdoor dog training Resolved to issue an Enforcement Notice to cease the unauthorised use and remove from the site the prefabricated garage structure.</p> <p>Time period fro compliance: 28 days</p>

**ENFORCEMENT COMPLAINTS CLOSED BY THE
AREA PLANNING MANAGER AS NOT EXPEDIENT TO PURSUE**

Date: 23 October 2008

Item No: 12

Address: 57 Collier Lane Baildon Shipley

Ward: Baildon(01)

Complaint Ref No: 08/01140/ENFUNA

Recommendation: That the report be noted

Description: Unauthorised detached garage

Reason:

It is considered that the breach of planning control would not cause significant amenity issues to warrant Enforcement (Legal) Action.

Date Enforcement File Closed: 30th September 2008