

## REPORT OF THE STRATEGIC DIRECTOR REGENERATION TO THE MEETING OF THE AREA PLANNING PANEL (SHIPLEY) TO BE HELD ON 21 JANUARY 2009

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### SUMMARY STATEMENT – PART TWO

Applications recommended for approval

The sites concerned are:

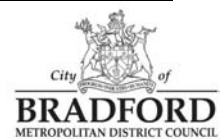
6	Low Barn, 8 Church View, Menston	(Page 6)	<b>Wharfedale</b>
7	Poplar House, Burley Road, Menston	(Page 14)	<b>Wharfedale</b>
8	Apostolic Church, Taunton Street, Shipley	(Page 22)	<b>Shipley</b>

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**Improvement Area**  
Environment & Waste Management



# SHIPLEY AREA PLANNING PANEL

DATE  
21 January 2009



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**ITEM No. 6**

LOCATION

**Low Barn, 8 CHURCH VIEW, MENSTON**

**21 JANUARY 2009**

**Item No: 6**  
**Ward: WHARFEDALE**  
**Recommendation: TO GRANT PLANNING PERMISSION WITH CONDITIONS**

**Application No: 08/00865/FUL**

**Type of Application Proposal and Address:**

Full application for proposed two storey side extension at "Low Barn" - 8, Church View, Menston, LS29 6EX.

**Site Description:**

The application site is occupied by a converted stone barn set at right angles to Burley Lane. It is within Menston Conservation Area and at the historic heart of the village, opposite the Parish Church of St. John. The barn is occupied and used for employment purposes by 2 small businesses. Associated land slopes down to a small stream and is partly a gravel car park, partly lawn. Externally, the barn retains its traditional character and there are few indications of the commercial use of the premises except for the car park. To the south of the site is Church View - a row of traditional Victorian stone houses with the tall blank gable wall of No. 6 abutting the site. An area of raised decking is between the barn and the gable wall. To the north-east is an electricity substation and beyond this are modern residential properties on Fairfax Road.

**Relevant Site History:**

07/07303/FUL: Full planning application for proposed 2-storey extension to Low Barn. Refused 24.10.07

04/02404/COU: Change of authorised use from builders yard with ancillary office to business offices with ancillary workshop and spray booth. Granted 31.8.04

00/02745/COU: Erection of external platform and staircase and extension of office usage into vacant section of premises. Granted 9.11.00

93/7/02638: Certificate of lawfulness for use of land and buildings as builders yard and offices. Granted 1993.

92/7/05407: Change of use from builder's yard to residential. Granted 22.10.92.

**Unitary Development Plan: *Proposals and policies***

There are no proposals for the site on the UDP Proposals Map.

The following policies would be applicable;

UDP3 – quality of the built and natural environment

UDP4 – economic regeneration

UR3 – local planning considerations

BH7 – development in Conservation Areas.  
D1 – design considerations.  
TM11 – non residential car parking standards  
TM19A – road safety/traffic management

**Town/Parish Council:** Menston Parish Council recommends refusal and confirms its objections to the amended scheme. Overlooking of No 6 Church View, additional noise nuisance, lack of car parking and impact on traffic and pedestrian safety.

**Publicity and Number of Representations:**

Publicity by Conservation Area Site/Press notice and neighbour notification letters expiring 17<sup>th</sup> April 2008.

6 objections have been received from 4 neighbouring addresses.

Plus 1 letter stating no objections.

A Ward Councillor has requested that the application be determined by Area Planning Panel unless it is recommended for refusal.

The amendments were also notified to neighbours and further representations have been made confirming previous objections.

**Summary of Representations Received:**

1. The height and bulk of the extension will harm the distinct rectangular form of the barn and will destroy a traditional feature of the Conservation Area, against the recommendations of the Council's Conservation Officer.
2. Intensification of use of the premises in a predominantly residential area. Although the applicant says staff will not increase, they may do under another occupier and intensification of use permitted by the extra space will lead to increased congestion and parking problems on Burley Lane.
3. Contrary to what the applicant says the overlooking problem is not resolved as the applicant has not incorporated obscure glass as was promised. There will be loss of privacy to neighbouring garden caused by overlooking from the rear elevation windows in the extension. This space is important to the occupiers as there is no space at the front of the houses.
4. The proposal to increase the parking will not solve the existing problems because staff and visitors will persist in parking on both sides of Burley Lane, including times when they park on the pavement. The proposed entrance at the front of the extension will encourage this.
5. The suggestion that the church can use the car park is particularly alarming as this would extend activity alongside the neighbouring house to unsocial hours eg the church runs events until 10.30pm some evenings.
6. The enlargement of the car park will harm the appearance of the conservation area and increase surface water run off.

## **Consultations:**

### **Design and Conservation Team**

This is one of the few surviving barns in Menston Conservation Area. The height, scale and lack of subservience of the extension as originally submitted were not appropriate and would have had a negative impact on the conservation area.

However, the amended, more contemporary design follows design advice from the Design & Conservation Team and is supported. It does not make the barn look like a domestic property and maintains a break between the original structure and the modern extension.

## **Summary of Main Issues**

History of the site

Design Issues : Impact on character and appearance of Menston Conservation Area.

Impact on amenity of adjoining occupiers.

Intensification of use : Adequacy of parking provision in view of local parking and road safety problems.

## **Appraisal:**

### **History of the site**

For many years this site was used as a builder's yard with the building company's offices being in the stone barn. From 1993, the offices associated with the builder's yard evolved into the principal use of the site as the builder's yard became ancillary and eventually ceased when the building was sold to a new occupier for use solely as business offices. A planning permission granted in 2004 confirmed the permitted use of the barn as being a B1 business office. It is now occupied by 2 small businesses employing 12 people.

### **The previous refusal**

The previous application for an extension to the barn (07/07305/FUL) was refused for the following reasons:

1. The height, position and bulk of the extension are such that it would be insufficiently subservient to the parent building and would harm the original functional form and character of the barn and its appearance and setting when viewed from the street. The extension would thus harm the character and appearance of Menston Conservation Area contrary to Policy BH7 of the RUDP.
2. The extension of the building would allow a commensurate intensification of use of the premises and the applicant cannot mitigate the impact of such an intensification on road safety and the safety of pedestrians. The proposed 'additional' parking shown on the submitted drawings already exists and the existing use already leads to parking by staff and visitors on Burley Lane (including on the footway outside the premises). The resulting intensification of use would thus worsen existing problems of highway and pedestrian safety and loss of amenity caused by on street parking and would be contrary to Policies UR3 and TM19A of the RUDP

## **The New Proposal**

The proposal is to add a two storey extension in a similar position attached to the back wall of the barn. It would measure 3.95 metres x 6.0 metres and provide a total of 38 square metres of additional floorspace on its two floors, measured internally.

The proposals have been the subject of further amendments following advice from the Council's Design and Conservation Officers who have encouraged the contemporary design approach now adopted. In addition, further information regarding the purposes of the extension and the operational difficulties of the two businesses occupying the barn has been obtained.

The concerns of local residents regarding the impact of the businesses occupying the site on local amenity are fully appreciated. However, it is also recognised that the small businesses occupying the barn make a positive contribution to Menston and that there are planning reasons to support attempts to improve working conditions at the site, providing the previous reasons for refusal, including the impact on near neighbours can be satisfactorily overcome.

## **Design issues: Impact on character and appearance of Menston conservation area**

The barn is in Menston conservation area and is a valuable reminder of the rural origins of the village of Menston which is now a much enlarged commuter settlement. Although there have been some alterations, the barn retains much of its original character and the simple functional appearance and rectangular plan form is unaltered.

The previously proposed extension to the rear of the building was designed to match the existing barn, with a similar roof pitch running into the existing slates and in matching walling and roof materials. However, the Conservation Officer considered the form of the extension to spoil the simple, historic form of the original building due to its height and the disruptive effect of the roof join. This would mean that it would be impossible to distinguish between the extension and the historic rectangular form of the original building. This led to refusal of the previous application.

English Heritage's guide to "The Conversion of Traditional Farm Buildings" says that extending historic farm buildings should be done so as to safeguard the significance of the main building. New extensions should be subordinate in scale and should not compromise the setting. The Design and Conservation Officer has followed this guidance and was keen to encourage a more subordinate siting, less visible from the road and the use of contrasting contemporary materials to achieve a more effective visual break between the new and the historic.

The amended proposals now show a mono-pitched contemporary style extension that is set much lower than the main barn building and does not disrupt the stone slate roof. The form and character of the original barn can still be identified and the extension will not compromise the original rectangular form of the barn. The lower height of the extension roof will mean less will be seen above the existing stone boundary wall along Burley Lane.

The Design and Conservation Officer considers that the contemporary extension is acceptable and would permit the height, position and bulk of the extension to be such that

it would be subservient to the parent building and would not harm the original functional form and character of the barn and its appearance and setting when viewed from the street. Indeed little will be seen from the street. The extension, as amended, would be appropriate to the character and appearance of Menston Conservation Area and in accordance with Policy BH7 of the RUDP.

### **Impact on adjoining properties**

The extension would be set next to the blank gable wall of the adjoining house at 6, Church View with a gap of between 1.0 and 1.3 metres maintained between the extension and the gable wall of the house. Although comments from the neighbour about access for maintenance are noted these are private property issues that should be addressed under separate legislation. It is not considered that the extension would have any significant impact on living conditions within the adjoining property or any other house nearby.

Concerns that the proposed 1<sup>st</sup> floor office windows would permit overlooking of a rear garden that is presently very private have also been noted. However, the barn is set lower than the adjacent terrace and the relative height and position of the window in relation to the garden area is such that views into it would not be unduly invasive. Other windows in the barn and the existing decked area more directly impinge on privacy than the ones proposed here and views into the garden from the 1<sup>st</sup> floor of the extension would be partially screened by existing boundary planting (including evergreen laurels) within the control of the objectors. As was the case with the previous application, it is not accepted that the extension would be unduly detrimental to the privacy or amenity of occupants of the neighbouring properties or contrary to RUDP Policy UR3.

### **Intensification of use: Adequacy of car parking**

The site is in the historic centre of Menston and it is acknowledged that Burley Lane is subject to on street parking associated with residents, local businesses and events at St. John's Parish church. This causes localised narrowing of the road and the difficulties referred to by Menston Parish Council. Objectors have also said that staff of businesses in the barn sometimes park on the pavement outside the door to the Burley Lane frontage rather than using the car parking inside the site. This causes difficulties for pedestrians.

The previous application did not convince Officers that the applicant could mitigate the impact of an intensification of use on road safety and the safety of pedestrians. There was a fear that the increase in accommodation would permit a commensurate increase in staff and visitors to the building and a worsening of the acknowledged local highway congestion due to more parking in Burley Lane.

It is again proposed to enlarge the barn to create additional B1 office accommodation on two levels for one of the occupying businesses. There will be an increase of 38 square metres of workspace over 2 floors. The applicant company for which the extra accommodation is intended is an Events Organiser employing 8 people and the other business (Glenelg) employs 4 people in the barn.

However, the applicant argues that no significant increase in employee numbers is intended because the extra space is needed to permit relocation of toilets, formation of an independent entrance for the second Events Organiser business, and formation of meeting room space rather than being designed to get more staff in the building. It has been confirmed at a site meeting that the Events Organiser business has very cramped accommodation and it is accepted that the extra accommodation at 1<sup>st</sup> floor level would provide a private meeting space rather than extra work stations.

The applicant says that parking can be reorganised and enlarged so that up to 14 cars will be accommodated on the land at the side of the barn. However, the car parking layout submitted is somewhat over ambitious. It is more realistic to say that 12 workable car spaces can be comfortably created in the curtilage. This would provide a space for each existing worker. The existing car park layout can accommodate 8-9 cars, depending on how drivers use the unmarked bays. The 3 additional spaces would be achieved by surfacing of some of the grassed area. Although the site is within a Conservation Area, it is acknowledged that the area of grass to be lost to the additional car parking is not prominent and a significant area of grass would still remain. The applicant proposes to use porous crushed sandstone rather than tarmac or blockwork which would minimise the impact on the character of the Conservation Area as well as surface water run off. The Conservation Officer has no objections to the extra parking.

The Maximum car parking standards in the RUDP are that 1 space should be provided for every 30 sq. metres of B1 office space. This extended building would be 111 square metres which sets a maximum requirement of 4 car spaces. Clearly by offering 12 spaces, the applicant can be considered to be far exceeding the RUDP requirement for off street parking making refusal of the application on grounds of lack of provision somewhat difficult.

The new basement level accommodation being created would permit the Events Organiser to have an independent entrance from the site car park. This would permit the side door giving access to Burley Lane to be closed and retained solely as a fire door. This suggestion has been accepted by the applicant and would reduce the frequency of vehicles visiting the premises parking on the pavement. Observations of parking on the pavement by staff and the local congestion problems associated with the church were material considerations leading to refusal of the previous application. If the side door now used for access from Burley Lane became only a fire door, this would remove the temptation to park on the pavement and encourage use of the space in the site.

Having reviewed the RUDP parking requirements for B1 uses, noted the new parking arrangements being proposed and having given weight to the aim of removing the parking from the pavement, it is considered that the previous reason for refusal on grounds of lack of parking could not be sustained. However, it is suggested that details of the method of opening of the door facing the street be reserved so that the Council can be assured it will function solely as a fire exit.

**Community Safety Implications:** No specific crime or disorder issues are raised.



**Reasons for granting:**

The development has been amended and additional information submitted to overcome previous reasons for refusal. The design, height and bulk of the extension are such that it would be appropriately subservient to the existing building and would not harm the original functional form and character of the barn and its appearance and setting when viewed from the street. The extension, as amended, would be appropriate to the character and appearance of Menston Conservation Area and in accordance with Policies D1 and BH7 of the RUDP. It is not considered that the extension would have any significant harmful effect on the living conditions of adjoining neighbours and it accord with Policy UR3 of the RUDP. Subject to the provision of the additional off-street parking spaces, formation of the new entrance directly from the car park and use of the door to Burley Lane solely as a fire exit, it is considered that the impact of the extension on local highway safety would be appropriately mitigated in accordance with Policies TM2, TM11 and TM19A of the RUDP.

**Suggested Conditions:**

1. 3 years for commencement
2. The development hereby approved shall only be carried out in accordance with the amended drawings 967/01, 02A, 04B, 05F and 200B dated 29/10/08 and received by the Council on 11 November 2008 showing amendments to the design and appearance of the extension.
3. Samples of the external materials are to be submitted and approved in writing prior to the commencement of development and the development shall be constructed using the approved materials.
4. Additional parking arrangements shall be provided in accordance with the approved plans, and surfaced in porous materials, before the extension is brought into use.
5. The additional car parking spaces shall be surfaced using permeable materials.
6. Prior to the extension being brought into use, details of the mechanism for ensuring that the existing door to the Burley Lane elevation functions solely as a fire exit point shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter this mechanism shall be retained and the door shall function solely as a fire exit point as shown on the approved drawings as long as the building is in use for the existing business purposes.

# SHIPLEY AREA PLANNING PANEL

DATE  
21 January 2009



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**ITEM No. 7**

LOCATION

**Poplar House, BURLEY ROAD, MENSTON**

**DATE:** 21 JANUARY 2009

**ITEM No:** 7

**WARD:** WHARFEDALE

**RECOMMENDATION:** TO GRANT OUTLINE PLANNING PERMISSION WITH CONDITIONS

**APPLICATION No:** 08/04797/OUT

**Type of Application/Proposal & Address**

Outline planning application for construction of new access road and 4, three storey, 5 bedroom, detached houses with 2 free standing, double garages, at Poplar House, Burley Road, Menston.

The agent has agreed that this application should be dealt with as an outline application where layout, scale, appearance and access are submitted for determination now, with only landscaping reserved for later approval.

**Site Description**

The application site is a plot of about 0.25 hectares, currently occupied by a large, much extended, detached house, fronting to the A65 (Burley Road). The plot has a width of about 29.2 metres at the front, widening to about 32m at the rear. The plot length is about 65.6m. along the north-western boundary, and about 98m. along the south-eastern boundary. The front (south-western) end of the site is about 1 metre below the level of the road, with little variation in levels across the site.

The site is surrounded by houses and bungalows. On the road frontage, the adjacent house on the north-west side is a 2-storey recently constructed house while on the other side is a bungalow. The south-east boundary abuts the rear gardens of 3 other bungalows located on a short, narrow cul de sac called Newall Close. These are set at slightly lower levels. A public footpath/bridleway runs along the site's angled, northern boundary. Some of its length (about 22 metres) is marked by very high coniferous hedging. There are detached 2 storey houses in Ellar Gardens which back on to the footpath to the north of the site. There are no significant trees within the site or on its boundaries, although parts of the south-eastern boundary are marked by either garden trees or hedging. The A65 here is a relatively busy, single carriageway road with a 40mph speed limit.

**Relevant Site History**

99/00080/OUT: Refused, outline application for dwelling at rear of The Poplars.

01/03107/OUT: Refused, outline application for single dwelling.

02/00447/OUT: Refused, outline application for detached dwelling.

08/00543/OUT: Refused (31.03.2008), outline application for 4 houses and associated garages. Reasons related to overlooking and over dominance of bungalows in Newhall Close, poor relationship to character of surrounding area, inefficient use of land and doubts about dimensions.

## **Replacement Unitary Development Plan (UDP) Proposals and Policies**

### Replacement Unitary Development Plan (RUDP) Policies

There is no allocation of the site within the RUDP.

Relevant policies:

UR3 – local planning considerations

D1 – design considerations including the adequacy of environment created for occupiers.

H7 and H8 call for housing densities of at least 30 to 50 dwellings per hectare on new residential development.

TM19A - considerations of traffic management and road safety.

TM12 – car parking standards for residential development

### **Town/Parish Council**

At the time of this report, Menston Parish Council had made no comments on this application but, on the previous, refused 2008 application (which had a similar layout) agreed with the principle of development but had concerns about overlooking, and thought the layout could be improved. They were also concerned that there should be no vehicular access to the bridleway at the rear. (None is proposed).

### **Publicity and Number of Representations**

By letters to 15 properties adjacent or nearby, and by site notice giving until 29/08/08 to comment. Letters of objection have been received from 7 addresses.

### **Summary of Representations Received**

- Out of character, over dominant, tandem development.
- Overlooking and loss of privacy.
- Over shadowing and loss of natural light.
- Increased noise for neighbours, including vehicle movements.
- Poor private amenity space for the new houses.
- Loss of wildlife habitat.
- Possible local flooding problems through increased hard surfacing.
- Unrealistic reliance on a very tall boundary hedge (much recently removed) to screen proposed houses from Ellar Gardens.
- Traffic and parking problems, including busy A65.
- Poor quality of Design and Access Statement, not complying with government advice.
- Doubt as to reliability of plans in relation to site dimensions. (Dimensions to boundaries highlighted as of particular concern).
- The new scheme is only a limited improvement compared with previous application (noted in relation to one Newall Close property).

### **Consultations**

#### Highways DC

Advice was given that creating a private, unadopted access serving 4 houses was acceptable, provided that visibility splays of 2.4m. by 120m. back from the carriageway were provided. It was also suggested that the access road details should show the initial 8 metres to be a 5.5m. wide carriageway combined with two 1.8m. wide footpaths, changing

to a 5.5m. wide shared surface with 600mm service strips, with a narrower width acceptable after the first overall 10 metres. (Such details are achieved with the submitted layout).

Conditions recommended on any approval include clearance of all obstructions within visibility splays higher than 100mm and a requirement for bin stores clear of the highway. Concern has been expressed that the free-standing garages might encourage visitors to park in front of them, blocking the turning head and making turning difficult, although refusal on those grounds is not recommended.

### Drainage

Advise of need for separate drainage within the site, and of need to “prove” any drainage outlet other than the public system.

### **Summary of Main Issues**

Principle of development and density

Impact on neighbouring occupiers/properties.

Acceptability of layout in terms of environment created.

Character of the area.

Highway safety/free flow of traffic.

Site dimensions.

### **Appraisal**

#### Proposal details

The proposal is for 4 large houses, comprising 2 at the rear of the site with 2 houses fronting Burley Road. The houses fronting the main road would have no individual vehicle access from the main road. Instead the means of access to all 4 houses would be via a new 10 metre long stretch of 5.5 metre wide carriageway with 2 metre wide pavements. This would then narrow to a shared surface, 4.5m. wide carriageway with 900mm wide service strips, ending in a turning head 18m. across by 9m. wide. The 2 frontage houses would each be served by a double garage and single visitor’s parking space at the end of their 8m.long rear gardens, fronting the turning head. The 2 other houses, each with an integral single garage and individual drives at least 6.1 metres long, would front this turning head.

All 4 houses would have a height to eaves of 5.3m. and to the roof ridge of 8.75m. The floor plans indicate that the third storeys would be in the roof spaces, with 3 roof lights to a bedroom and, in each case, one side-facing en-suite window, and no other windows. The free standing garages would have shallow pitched roofs, with a maximum height of 3.15m. (compared with a 4.3m. height indicated on the previous application). Materials specified are rendered blockwork above coursed natural stone plinths, with ashlar dressings to cills and heads and corner quoins and parapets in artificial stone.

#### Principle of development and density

The site is previously developed land and surrounded by existing residential properties. In principle redevelopment at a more effective density would be supported by PPS3 and the

housing density policies of the RUDP. Four houses on a site of about 0.25 hectares represents a density of 16 dwellings per hectare. This is significantly below the density expectations of 30-50 dwellings per hectare advocated in PPS3 and RUDP Policies H7 and H8. However, higher densities on this type of infill site would be likely to have more serious adverse effects on neighbours and would result in a development that would look out of character with surrounding housing. It is considered that the density and principle of development are acceptable.

#### Effects on Neighbours

Poplar House has a plot size far larger than its neighbours. Some redevelopment of such a large site would be reasonable, even though any additional houses on it would change the outlook for neighbouring properties which presently look onto open gardens. The issue here is whether the effects of what is proposed are reasonable.

#### Effect on houses on Ellar Gardens

Objections have been received from occupiers of the houses to the north of the site in Ellar Gardens concerned about the two houses proposed for the rear of the plot. However, the closest houses are separated from the site by the bridleway. The two houses at the rear are set at an angle from the Ellar Gardens houses and any impact on shadowing and overlooking of those houses and their rear gardens would be minimal. The new houses would be at satisfactory separation distances of at least 21 metres and set at an angle so that there would be no direct overlooking of the windows of the existing houses. In addition, there is a tall coniferous hedge presently providing an effective screen along the boundary of the plot between the new houses and Ellar Gardens. A public bridleway also passes between the site and the houses on Ellar Gardens. The degree of overlooking and overshadowing of Ellar Gardens houses would not seem to be unreasonable given these factors.

#### Impact on Rose Court (adjacent bungalow)

One of the two proposed houses on the frontage (Unit reference A1) would be sited next to a bungalow called Rose Court. It would be 3.4m. from the south-eastern boundary with the Rose Court, and about 5.6m. from the side wall which has two windows to a bedroom facing the boundary. There is a 1.8m. high solid fence on the boundary and at present there is a long, single storey wing of The Poplars encroaching to about 750mm from the boundary with Rose Court, and about 2.75m. from Rose Court itself, directly in line with the side facing windows and thus already having an effect on these windows. There is a limited view of sky, and an angled view across the front garden of The Poplars from one of the side windows.

Thus while the proposed development would substitute a 2 storey structure for the existing single storey one, resulting in some loss of the view, the new house would be slightly further way and in less direct alignment with one of the side windows than the existing development. On balance it is considered that the new development would allow more daylight and sunlight to reach the side windows of Rose Court than is derived at present. The bedroom affected would still also have daylight from its north-east facing rear window. On balance, while concerns from the occupiers of Rose Court are acknowledged, it is not

considered that the impact of development on the amenity of occupiers of Rose Court is significant or would justify refusal.

The only side facing windows in the adjacent new house would be to en-suite areas at first and second floor levels, which would need to be obscurely glazed and appropriate conditions imposed.

#### Impact on Yorkedale House (new house on north-western boundary)

The other proposed frontage house (Unit A2) would be about 3 metres from this recently constructed large house on the north-western boundary, and would project forward of it by about 2 metres. There would be 2 small en-suite windows facing the side wall of the new house, which has one small obscurely glazed ground floor side window. The effects of the frontage house on this adjacent house are not considered to be significant.

#### Impact on the three bungalows in Newall Close

These 3 bungalows abut the north east boundary of the site and have various habitable room windows in their rear elevations facing the site. Nos. 1 and 2 have rear gardens about 10 metres long. The garden of No.3 is shortest at about 8.5 metres long. However, this bungalow has a beech and thorn hedge on its rear boundary and the new houses would not be aligned in line with this property.

The boundaries to 1 and 2 are screened primarily by fencing to a maximum height of 1.8 metres. It is acknowledged that objections have been made by occupiers of these bungalows concerned about the adverse impact of the new two storey houses on the site whereas presently they enjoy views across undeveloped garden land. A previous proposal was refused due to the impact on these properties. However, the new proposals have been significantly changed since the previous refusal in three ways:

- The nearest proposed house has been moved a further 1 metre from the boundary with the bungalows, creating a gap of 5 metres between the single storey garage and the boundary with 2 Newall Close, and a gap of about 20 metres between the main 2 storey side wall of the new house and the back windows of the bungalows at 1 and 2 Newall Close.
- The design of the nearest house has changed so that the nearest part situated 5m. from the boundary, would only be a single storey, 4.5m. high attached garage with a utility area at the rear, thus moving habitable room windows with the potential for angled overlooking further from the boundary, and reducing the dominance of the new house viewed from the adjacent bungalows.
- Furthermore, the free standing, pitched roof garages for the frontage houses, which would stand close to side boundaries, have had their ridge height reduced from 4.3 metres to 3.15 metres. This would make them less dominant and oppressive when viewed from adjacent gardens, especially from 1, Newall Close.

It would still be possible to have some views from first floor windows of the nearest house towards the adjacent bungalows and their gardens. However, these would be angled views. The nearest would be to 1 Newall Close at a minimum distance of 21 metres to the nearest rear window, and 9 metres to the garden boundary. Most of the bungalow's rear

garden boundary would be 10 metres or more from the relevant bay window. Any views towards No.2 Newall Close would be at too extreme an angle to have a significant impact, and the effect on no. 3 would be reduced to acceptable levels by greater separation from the nearest new house and presence of the high hedge on the boundary.

It is considered that the new houses would not have an undue impact on the daylight, privacy or outlook of the bungalows on Newall Close and that previous reasons for refusal have been overcome.

#### Highway Safety/Parking

The entrance to the proposed cul-de-sac has been widened in line with original Highway Officer advice, and the visibility advised as necessary at the new junction can also be achieved. There remains the possibility that residents or other vehicle users behave irresponsibly and block the road or garages (as could happen with the even narrower adjacent Newall Close), but the layout provides ample space for access and 200% parking.

#### Layout

The siting of the garages for the frontage houses at the rear of those houses would be inconvenient for those houses, and might encourage parking on the cul-de-sac or in front of the garages. However, it avoids direct individual access to the A65 or awkward and unattractive angled drives into the frontage houses. The reduction in height of the garages would reduce their impact on the outlook from the houses fronting the turning head. There are still some disadvantages inherent in the layout, notably the limited 8m. deep rear gardens for the frontage houses. However, the provision of some additional housing within Menston to a reasonable standard on a public transport route is considered to outweigh that consideration.

Because the house occupants might be inclined to wish to erect high walls or fences around the large front gardens, with an adverse impact on the street scene, it would be desirable on any permission to condition out permitted development rights to erect high fences around parts of front gardens which could be said not to front a highway.

#### Challenge to site dimensions and shape

The issue of differences in site shape between a submitted survey drawing and the layout plan has been raised previously and formed one of the reasons for refusal of the previous application. The agent has given assurances that these were due to difficulties in initially surveying the site, and that the revised plan is accurate and that dimensions of the layout plan can be achieved. The proposal plan has the merit of including distances from boundaries for each of the proposed houses.

#### Design & Access Statement

Objectors have criticised the Design and access Statement and the agent's statement as submitted is short of the ideal envisaged by central government. However, this does not prevent the local planning authority taking a view on the merits of the proposal, taking account of comments made.



### Other Considerations raised by objectors

The garden to be developed does not contain significant features of benefit to wildlife. It would be possible to highlight the need to safeguard bats at demolition stage, a legal requirement separate from planning control. The development would create some additional surface run-off which, if properly drained to surface water drains, need not impact on neighbours.

### **Community Safety Implications**

The layout would allow access to rear boundaries of adjacent houses, but there would be a great amount of surveillance from the proposed houses

### Reasons for Granting Planning Permission

The development, as amended since the previous refusal, is considered to overcome previous reasons for refusal and to have no significant adverse effects on local amenity or the living conditions of neighbours. An appropriate standard of vehicular access and car parking is provided and the development is considered to comply with Policies UR3, TM12, TM19A and D1 of the Replacement Unitary Development Plan.

### **Conditions of Approval**

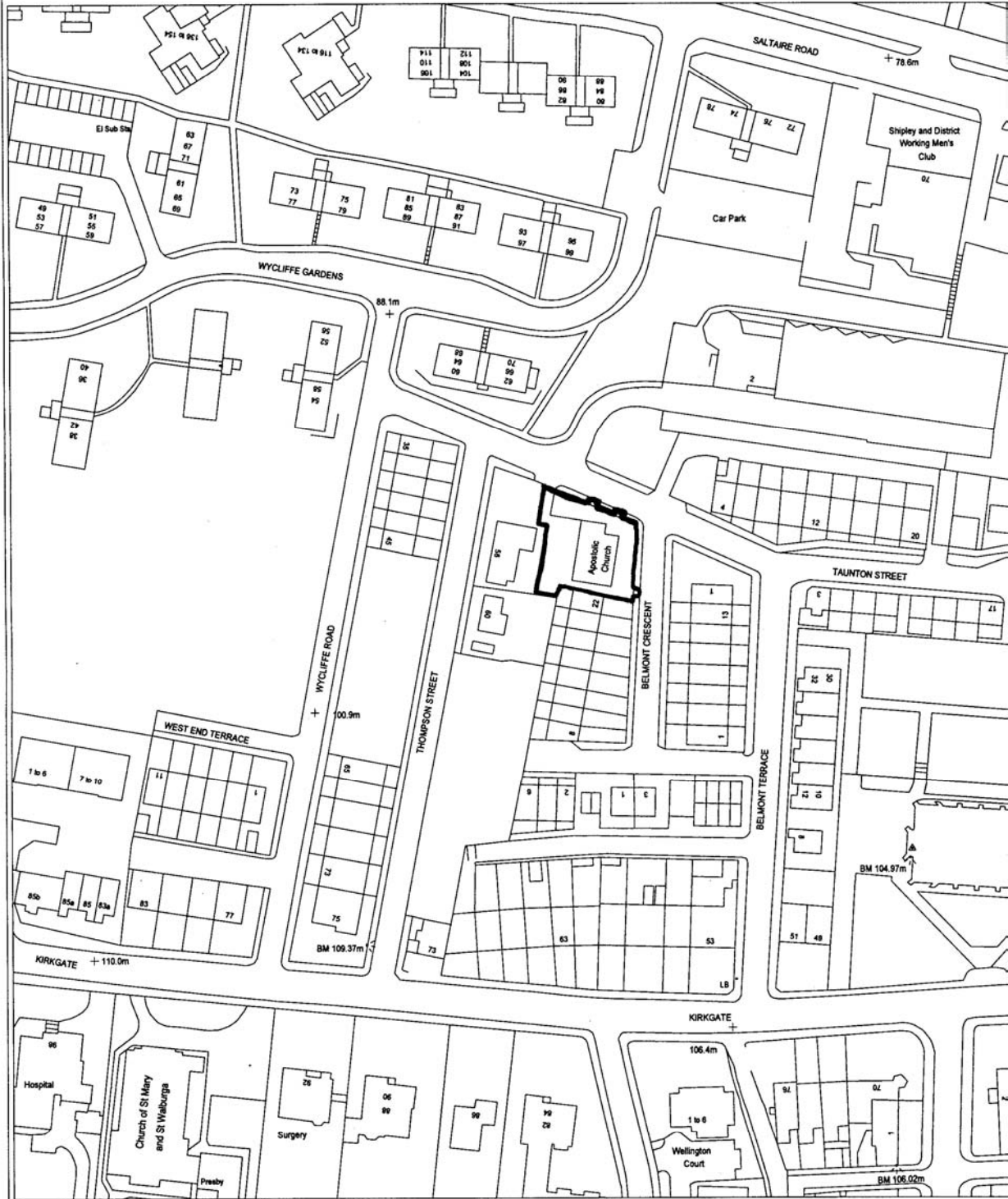
1. Standard Condition: Three year time limit for submission of reserved landscape details.
2. Standard Condition: Two year limit to start from reserved matters approval.
3. Reserved matter specified to be landscaping and to include boundary treatment.
4. Details of facing and roofing materials to be submitted to, and approved in writing by the LPA prior to commencement of development and the development constructed in the approved materials.
5. Protection measures for boundary hedges, to be agreed and implemented prior to commencement of development.
6. Clearance and maintenance of sight lines, unobstructed, as shown on the approved drawings.
7. Redundant footway crossings in main road to be closed off and made good with full faced kerbs.
8. Provision of turning area, car parking and garages prior to occupation of the dwellings, and subsequent retention of these for their original purpose.
9. Remove permitted development rights for alterations, extensions or curtilage buildings, or for front garden fencing or walls fronting the cul-de-sac above 1 metre in height.
10. Obscure glazing to en-suite side windows in the side elevations.
11. Separate drainage systems within the boundary.

Footnotes are recommended on bat protection during demolition of the existing house and the need to avoid damage or obstruction of the adjacent public footpath.

# SHIPLEY AREA PLANNING PANEL

DATE

21 January 2009



For reference only (Crown Copyright)

LOCATION

**ITEM No. 8**

**Apostolic Church, TAUNTON STREET, SHIPLEY**

**1 JANUARY 2009**

**ITEM NO: 8**  
**WARD: 22 SHIPLEY**  
**RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO**  
**CONDITIONS**

**APPLICATION NUMBER: 08/05928/FUL**

**Type of Application/Proposal and Address:** Full application for the demolition of existing single storey building and the construction of a terrace of 3 three-storey town houses on the site of the former Apostolic Church, Taunton Street, Shipley, BD18 3NA.

**Site Description:**

The site is located at the junction of Taunton Street and Belmont Crescent close to Shipley Town Centre. The site is presently occupied by a disused and vandalised single storey pre-fabricated building in timber on a stone plinth. The building was last used in 2005 as an Apostolic Church. The cartilage is predominantly hard surfaced and was used for parking. Levels fall across the site towards Taunton Street to the north. The area is predominantly residential with the gable end of a terraced house forming part of the site's southern boundary. To the west of the site is the rear elevation of number 56 Thompson Street.

**Relevant Site History:**

08/00210/FUL - Construction of three dwellings – Withdrawn - 15.04.2008. [The proposed houses fronted Belmont Crescent and was withdrawn due to concerns relating to potential overlooking of the neighbouring property on Thompson Street].

07/05952/FUL - Construction of three dwellings – Withdrawn - 11.10.2007  
[The application was withdrawn when a public sewer was discovered running across the west side of the site].

**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  
D1 – General Design Considerations  
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

**Parish Council:**

Not applicable.

**Publicity:**

This has been done via neighbour notification letters, with an expiry date of 28.10.2008 and site notice with an expiry date of 31.10.2008.

**Number and Summary of Representations Received:**

Eight letters of objection have been received from neighbours. Concerns can be summarised as follows:

- Subsidence/Land Stability
- Loss of Light
- Overlooking
- Traffic generation/ Highway safety
- Drainage
- Loss of Views
- Loss of Trees
- Out of Keeping/ Inappropriate Materials

**Consultations:**

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

Highways – Require amendments regarding the length of driveways. Otherwise acceptable.

**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, iv) traffic and highway safety, and v) land stability.

**Appraisal:**

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

**Principle of development**

National and local planning policy 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.

### Amenity considerations

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

The amended scheme increases the distance between the two proposed dwellings which would front Taunton Street by stepping them away from the southern boundary such that the unit closest to the western boundary would be located just over ten metres from the rear boundary as opposed to eight and a half on the original submission.

Alterations have also been made to the internal layouts of the dwellings to further minimise potential issues regarding overlooking of the garden areas of properties located to the south. The rear facing windows of the units which front Taunton Street at ground level serve a bedroom and a bathroom. Neither of these windows would raise any concerns regarding overlooking due to the difference in levels with the properties to the south. The first floor windows would serve kitchens and as such not give rise to undue overlooking of the garden to the rear of 22 Belmont Crescent. Second floor south facing windows are to bathrooms which would use obscure glazing and secondary bedrooms, with the master bedrooms with en-suites moved to the front elevations to take advantage of views across the valley.

Representation received has suggested that the proposal would also result in the overshadowing of neighbouring properties. It is considered that the amended scheme achieves suitable separation distances with neighbouring dwellings to ensure that no significant overshadowing would occur. The proposed dwellings would also be located directly to the north of the terraced properties to the rear boundary of the site, further reducing the likelihood of loss of day lighting and overshadowing.

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, Taunton Street and Belmont Crescent. Currently the site houses a disused timber clad building which has attracted some vandalism and is of poor appearance.

Belmont Crescent consists of traditional terraced properties circa 1900 in stone with slates to the roof. As amended the scheme would provide a section of stone boundary wall around the corner of Belmont Crescent and Taunton Street to pick up on the stone boundary walls to the fronts of the terraced properties on Belmont Crescent. Further areas of planting have been shown on the plans, details of which could be conditioned to ensure the development blends comfortably into the street scene.

The area comprises a mixture of property types and subsequently a mixture of materials is used within the vicinity. The block would be located in a prominent position and has been designed to 'turn the corner' by having frontages to both streets. Two of the properties would front Taunton Street with one fronting Belmont Crescent. The proposed dwellings

would be in artificial stone and grey concrete tiles. By conditioning samples of materials and appropriate landscaping, it is considered that the proposal could be successfully integrated into the street scene 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 proposal is for three dwellings and the applicant has amended the scheme to address comments received from the Councils Highways engineer. As amended the proposal would provide two acceptably designed off street parking spaces for each of the three dwellings.

As amended the proposal would not be detrimental to highway safety. It therefore accords with RUDP policies TM2, TM12 and TM19A.

#### Land stability

A number of representations have been received regarding concern over issues of subsidence and land stability. The applicant has provided a Coal Board ground stability report which states the site is located within an area underlain by natural compressible deposits. The report goes on to say that if such material is overloaded it can become unstable and cause ground movement. It is considered that through appropriate foundation design the proposal could be safely constructed, without adverse impact upon surrounding properties. It would be appropriate to attach condition regarding the carrying out of a soil investigation survey and implementation of any necessary ground stability works to ensure this however.

#### Other issues

A Yorkshire Water drain (combined sewer) is located close to the western site boundary and runs through the rear garden area of number 56 Thompson Street before entering the site through the proposed lawn area to the frontage on the western boundary. The applicant has consulted Yorkshire Water directly as the proposal would come within three metres of the pipe. The response provided indicates that the pipe is in good condition and Yorkshire Water has no objection in principle. They indicate that any works within three metres of a public sewer is controlled under Requirement H4 of the Building Regulations.

#### **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, address issues of site stability and lead to a development which is well related within the street scene. 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 as amended the proposed development 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, TM2, TM12 and TM19A.

### **Conditions of Approval:**

1. 3-year time limit on commencement of development.
2. Development to accord with amended plans (which include revised highway, access and parking arrangements).
3. Sample materials required.
4. Soil investigation report required detailing results of ground stability investigations and necessary constructional methods required to deal with the site specific conditions shall have been approved prior to commencement of development. The development to be completed in accordance with the approved details.
5. Landscaping/ planting scheme to be submitted and have obtained approval prior to commencement of development and implemented in accordance with the approved details and timetable for implementation.
6. Vehicular access to be completed before occupation.
7. Provision of domestic parking before occupation commences.
8. Development to be undertaken in such a manner as to not alter overland surface water flow patterns to the detriment of adjacent landowners.
9. Details for means of disposal of foul and surface water drainage required and no buildings shall be occupied prior to completion of approved foul water drainage works.
10. Vehicular areas to be drained using road type gullies.
11. Obscure glazing to be fitted within, and retained, to south-facing windows
12. Permitted development rights removed regarding the provision of additional windows (including roof lights).