

## REPORT OF THE STRATEGIC DIRECTOR REGENERATION TO THE MEETING OF THE AREA PLANNING PANEL (SHIPLEY) TO BE HELD ON 19 MARCH 2009



### SUMMARY STATEMENT – PART THREE

Application recommended for refusal:

The sites concerned are:

11 24 Laurel Park, Wilsden

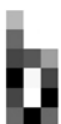
(Page 74) **Bingley Rural**

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**Portfolio**  
Environment and Culture

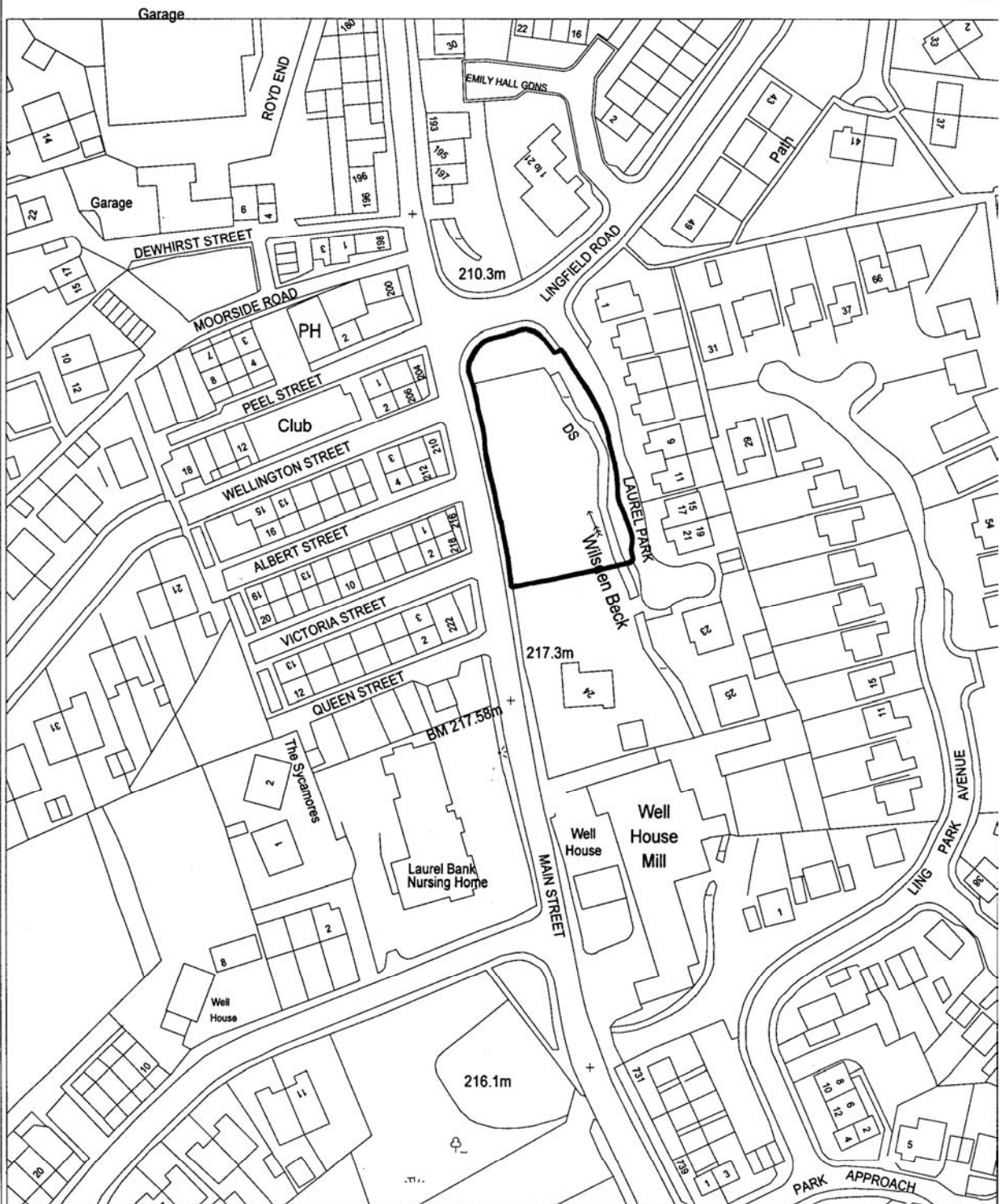
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**Improvement Committee Area**  
Regeneration and Economy



# SHIPLEY AREA PLANNING PANEL

DATE  
19 MARCH 2009



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LOCATION

**ITEM No. 11**

**24 LAUREL PARK, WILSDEN**

**DATE:** 19<sup>th</sup> MARCH 2009  
**ITEM No:** 11  
**WARD:** BINGLEY RURAL (3)  
**RECOMMENDATION:** THAT PLANNING PERMISSION BE REFUSED

**APPLICATION No:** 08/06535/FUL

This application is referred to Panel at the request of a ward Councillor and Wilsden Parish Council.

### **Type of Application/Proposal & Address**

A full planning application for residential development comprising 3 terrace houses with integral garages on land adjacent to 24 Laurel Park, Wilsden.

The application proposes three 4 bedroom terraced dwellings each with integral garaging and parking spaces, all accessed via a new bridge over the beck adjacent to Laurel Park. Visitor parking would be formed either side of the turning head and on Laurel Park. Due to the sloping nature of the land, the dwellings would appear single storey when viewed from Main Street but two storey when viewed from Laurel Park. Natural coursed stone walling and artificial stone roof slates are proposed. Windows and doors would be painted timber. Boundary treatments would consist of stone walls and beech hedging. Access and hardstanding areas would be a mixture of tarmac and block paviers. Small private garden areas for Plots 1 and 2 would be located between the dwellings and Main Street with beech hedging and trees planted along the Main Street frontage to provide privacy. As part of the proposal, an area of landscaped open space at the north end of the site would be dedicated to the Parish Council as public open space.

### **Site Description**

An area of unkempt grassed land (0.17ha in area) in Wilsden's Conservation Area with frontages to Main Street, Lingfield Road and Laurel Park. The frontage of the site onto Main Street is defined by a dry stone wall about waist height. The last use of the land was as a small holding. Along the site's boundary with Laurel Park runs a beck, adjacent to which is a line of protected trees which contribute to the character of the area, and beyond them, housing. The land slopes down from Main Street towards the beck and Laurel Park. An existing vehicular access exists on to Main Street. There are no listed buildings on or adjacent to the site or within close proximity to it.

### **Relevant Site History**

05/07648/FUL:- Application for two detached dwellings, refused 09.02.2007 due to unacceptable impact on the character and appearance of Wilsden Conservation Area and the loss of open space in the conservation area.

This application was similar in design and materials to the current application. Access would have been via a bridge over a beck adjacent Laurel Park. It would have made use of the sloping nature of the land to present a single storey frontage to Main Street and a two storey frontage to Laurel Park. An element of open space at the northern part of the site was shown as being retained.

An earlier application, also for two dwellings (ref: 00/02121/FUL), was withdrawn before a decision was made.

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

The site is unallocated on the Replacement Bradford Unitary Development Plan (2005) but is situated within Wilsden Conservation Area and adjacent to a national cycleway route.

Relevant policies are:

UDP1 - Promoting Sustainable Patterns of Development  
UR2 - Promoting Sustainable Development  
UR3 - The Local Impact of Development  
H7 - Housing Density - Expectation  
H8 - Housing Density - Efficient Use of Land  
TM2 - Impact of Traffic and its Mitigation  
TM10 - The National and Local Cycle Network  
TM12 - Parking Standards for Residential Developments  
D1 - General Design Considerations  
D4 - Community Safety  
BH7 - New Development in Conservation Areas  
BH10 - Open Space Within or Adjacent to Conservation Areas  
OS8 - Small Areas of Open Land in Villages  
NE4 - Trees and Woodlands  
NE5 - Retention of Trees on Development Sites  
NE6 - Protection of Trees during Development

National advice on residential development and densities is contained in Planning Policy Statement 3 – Housing (PPS3).

#### **Town/Parish Council**

Wilsden Parish Council supports this application on the grounds that it would enhance the current open green space and is not detrimental to the conservation area. The Parish Council are happy to accept and maintain a landscaped area that is to be donated to the Village via the Parish Council if permission is granted. They request that the application be referred to Panel if recommended for refusal.

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

Publicised by means of site and press notices and individual neighbour notification letters. Publicity expired 19 December 2008. Eight representations have been received.

#### **Summary of Representations Received**

All representations object to the proposal. The grounds of objection are summarised below:

1. Erosion of one of the remaining areas of green undeveloped land / open space along the main road through Wilsden /conservation area, (as previously refused 05/07648/FUL);
2. Access via Laurel Rise is unsatisfactory;
3. Impact on parking on Laurel Rise – loss of parking would lead to congestion and prejudice highway safety;
4. Impact on parking would adversely affect pedestrian users of Laurel Rise (children play in the Rise and people walking to shops along the Rise);
5. Overshadowing of existing properties on Laurel Rise/further loss of light which is already poor due to trees and earth banking;
6. Loss of open aspect;
7. Increase in traffic and general noise disturbance;
8. Tree loss leading to loss of amenity and contrary to tree protection order;
9. New bridge would lead to flooding from surface water run off running down the bridge and overwhelming the drains on Laurel Rise;
10. Loss of privacy to residents on Laurel Rise due to overlooking;
11. Privacy and limited protection from noise and disturbance from Main Street to residents on Laurel Rise will be reduced if trees are removed;

12. Laurel Rise is not suitable for construction traffic;
13. Whilst the proposed landscaping at the north end of the site is welcomed, there are concerns that installing benches etc could result in this becoming a littered eyesore, a source of noise and disturbance for local residents, and a congregation area for local youths who have a tendency to anti-social behaviour, graffiti and littering.

### **Consultations**

**Minerals, Waste and Trees:** Unable to support the proposal due to a lack of up to date/technical information and impact on trees. Additional information has been supplied regarding trees and any further comments will be reported to the Panel.

### **Highways Development Control:**

Amended proposals (on drawing ref: 283 / 1 Rev.C) show improved turning head and overcomes previous concerns. Conditions recommended if approved.

### **Drainage Services:**

No objection in principle subject to the site being investigated for its potential for the use of sustainable drainage techniques in disposing of surface water and achievable measures introduced; appropriate foul and surface water drainage; acceptable details of proposed bridging works; and acceptable details of how the foul water sewer is to be constructed across the watercourse.

### **Design and Conservation:**

Whilst the general design and materials of the dwellings are acceptable, the proposal would harm the character and appearance of the conservation area. The site is a key open space within the conservation area, being one of the few remaining open green spaces alongside Main Street. It includes one of the few visible stretches of Wilsden Beck as it runs through the village centre and is lined by mature trees which contribute to the character and appearance of the conservation area. The site's present unkempt condition means it does not make the contribution that it should. The idea of improving some or all of the site and using it as a public space could enhance the conservation area, but this positive impact would be outweighed by the negative impacts noted above. Further, the proposal would result in back gardens (private space) facing onto Main Street leading to occupiers raising boundaries to gain privacy with a detriment to the appearance of Main Street.

**Yorkshire Water:** No comments.

**Environment Agency:** No comments to make on this application as submitted.

**Parks:** Assuming that the land proposed to be dedicated to the Parish Council would comprise mainly grassland with some hard areas with benches, new tree planting and litter bins, a commuted sum in the region of £8,750 should be provided by the developer to the Parish Council.

### **Police Architectural Liaison Officer (ALO):**

If the local community fear that the proposed public space will not work then it is unlikely to. It is vital that such areas have the full backing of the local community. If not, they will feel that they have no ownership or control over the space, resulting in the space becoming a 'honey pot' for crime and disorder. The ALO queries whether the proposal meets RUDP policy requirements and requires further consideration be undertaken with regard to the use of the space, the target group, management and maintenance, robustness of facilities (seats, bins, play equipment, etc), and required signage.

Without addressing these issues, the space is highly likely to attract the problems highlighted by the

local community (anti-social behaviour, inappropriate gathering of youths, drinking etc)

### **Summary of Main Issues**

The main issues to be considered relate to the principle of development; density; the impact on the conservation area; the impact on the open space; impact on trees; impact on residential amenity; highway safety; and comment on representations.

### **Appraisal**

Each of the main issues will now be considered in turn. This appraisal is based on amended drawings: site layout plan 283/1 Rev C and bridge detail 283/5 Rev B and additional section drawing 283/7.

#### **1. Principle**

The proposal is within the built up area of the settlement of Wilsden but not within the main urban area of Bradford where the Council would, through the RUDP, seek to locate the majority of housing development based on promoting sustainable development.

Policy UR2 of the UDP, in line with sustainability principles, sees development in Wilsden being limited to that required to meet local needs and/or support local services, giving priority to previously developed land. Wilsden benefits from services in the form of a variety of local shops and this development would help to support their continued existence by increasing the shops' potential base for support. The site makes efficient use of existing physical and social infrastructure sought by Policy UR2 of the RUDP. Accordingly, it is considered that the residential development of this site can, in this instance, be justified in principle.

#### **2. Density**

The proposed density (at 30 dwellings per hectare excluding areas under tree canopies and the access bridge) accords with RUDP Policies H7 and H8 and advice in PPS3.

#### **3. Impact on Conservation Area**

This site is located within Wilsden Conservation Area and therefore the proposal for developing this open area needs to be assessed against Policies BH7 and BH10 of the RUDP as well as the broader RUDP Policies D1 and UR3.

The assessment of the application by the Council's Heritage Conservation Officers points to the importance of maintaining this open space set in the heart of Wilsden, indeed this open space has been identified in the conservation area assessment as an important feature contributing to the character of the conservation area. From observation the beck cannot be seen from Main Street (it is visible from Laurel Park) but, none the less, the open undeveloped nature of the land is still a striking contrast to the built up nature of the land surrounding it. The land is in an unkempt state. However, this should not be seen as a reason for allowing an inappropriate development that would have a permanent negative affect on the character and appearance of the conservation area. Unkempt land can be tackled by means of Section 215 notices if necessary rather than granting inappropriate planning permissions.

Retaining part of this land as open space owned and maintained by the Parish Council could help to offset the negative impact of developing the rest of the land. However, it is considered that the reduced open space, particularly the frontage to Main Street (which has already been reduced by the development of 24 Laurel Park Wilsden), would be so severely reduced as to unacceptably compromise its contribution to the character and appearance of the conservation area.

The proposed dwellings take advantage of the change of levels across the site to present a single storey elevation to Main Street from which frontage they would be set back, behind a beech hedge and tree planting. The single storey design and set back are designed to reduce the visual impact of the development on Main Street and to mitigate against the loss of open space. This design solution is not considered a satisfactory solution. The proposal would result in these family houses having only small semi-private spaces of little use facing the public realm (i.e. Main Street), and the occupiers would likely raise the height of the boundary to main Street to provide a level of privacy that might reasonably be expected for a back garden. This – and the potential use of means of enclosure of different types and height - would erode the open nature of this part of Main Street and could have a poor appearance, either singly or together. The proposal would neither enhance the street scene or the character of the conservation area.

In general, development in the Wilsden conservation area is two storeys in nature but there are single storey elements and it is not considered that the development's single storey facade to Main Street would necessarily be inappropriate. Further, the general design and materials of the dwellings would be acceptable apart from the use of a top-hinged opener for the windows, which is a poor modern detail to be avoided. If all other aspects of the proposal had been acceptable this window detail could be revised or conditioned.

In conclusion, for the reasoning given above, it is considered that the proposal would have a negative impact on the character and appearance of Wilsden Conservation area contrary to Policies BH7, BH10, D1(clauses 1 and 8) and UR3 of the RUDP.

#### **4. Open space**

RUDP policy OS8 seeks to protect small areas of unallocated open land in villages which are not designated green belt but which have an important local amenity value, contributing to the character and setting of the village. Development of these areas would be harmful to the visual quality, character and setting of the villages, particularly where the land is very prominent or where it possesses good tree cover.

RUDP policy BH10 states that planning permission for the development of important open areas within conservation areas will not be granted if the land makes a significant contribution to the character of the conservation area, is important to the historical form and layout of the settlement, affords the opportunity for vistas in or out of the conservation area, and contains trees which the development proposals propose to destroy.

This open land is prominent in the streetscape of, and also from, Laurel Park. As referred to in the Conservation considerations (above), this land is a key open space within the conservation area, being one of the few remaining open green spaces alongside Main Street. The prominent mature trees which line the beck on the eastern side of the site contribute to the character and appearance of the conservation area. It is considered that to develop this site for housing would be contrary to Policies UR3, OS8, BH7 and BH10 of the RUDP.

In arriving at this recommendation, account has been taken of the proposal to dedicate an area to the Parish Council as public open space with a commuted sum for its maintenance. This has some merit, but the portion to remain open would be less than half of the present open land, reducing the impact of the open space on the visual amenities of Main Street Wilsden and therefore it is considered that it would not form an acceptable compromise.

If the proposal were approved there would be the need for permission to be granted subject to a Section 106 legal agreement to ensure the land for the open space was transferred to the Parish Council's ownership and that they had sufficient monies given to them by the developer in order to maintain the area. A commuted sum of £8,750 would be required.

## **5. Impact on Trees**

The impact of this development on existing trees on site is a material consideration in determination of this application. The weight that should be accorded to this material consideration is increased due to the trees being protected (and therefore having been assessed as having a great amenity value and of being of a standard worthy of preservation) and located within Wilsden Conservation Area. Any impact on the trees will not only affect the general visual amenities of the area but will affect views into and out of the conservation area and have an affect on the character and appearance of Wilsden Conservation Area.

This proposal leads to concerns with regard to trees on the site on four accounts:

- a) the application lacks all the tree information required to properly assess the proposal,
- b) the information that is provided is not up to date and therefore does not allow for a proper assessment,
- c) proposed site drainage would run through the Root Protection Area causing unacceptable damage to the trees, and
- d) the limited garden areas for Plots 1 and 2 not affected by tree cover may lead to pressure to use the space to the east of these dwellings and consequently increase pressure for works to trees, to the possible detriment of their amenity value.

In its present submission there is concern that, for the reasons given above, the proposal does not accord with RUDP policies BH7, BH10, NE4, NE5, NE6, D1 and UR3. There is no confirmation that the additional information provided by the applicant proves the proposal will not have an adverse affect on protected trees.

## **6. Impact on residential amenity**

Across Main Street, the minimum distance between existing and proposed dwellings would be 18m. This is the minimum acceptable distance sought between habitable room windows to avoid undue loss of privacy and overshadowing. For this reason, and since the distance is across a public street, this is considered acceptable.

The distance between the proposed houses and facing elevations on Laurel Park would be a minimum of approximately 26.5m. This is acceptable and should ensure no loss of privacy between facing residents.

The development would be sited to the east of the existing dwellings on Laurel Park. The distance between the dwellings and the intervening tree cover are sufficient to lead to the conclusion that there will be no unacceptable overshadowing from the proposed dwellings to the existing dwellings or visa versa. With regard to the overshadowing affect of the trees on the proposed dwellings sited to the west of them, the Council's Arboriculturalist has raised no objection in this respect.

The side elevation of Plot 1 would be blank and would be sited north of, and 18m from, 24 Laurel Park. There would be no issues of overlooking and overshadowing.

In terms of overlooking and overshadowing of habitable room windows the proposal is considered to accord with policies D1 and UR3 of the UDP.



The issue of private amenity space has already been touched upon by the Council's Arboriculturalist and the Conservation Officer. Plots 1 and 2 would have very small amenity areas not affected by overshadowing from trees. The amenity value of these areas (located between the dwellings and Main Street) is further diminished by the need to keep these areas open to views in/from Main Street if the character and appearance of the conservation area is not to be negatively impacted upon. The size and arrangement of private amenity space for Plots 1 and 2 is considered to be unacceptable and contrary to policy D1 of the RUDP.

## **7. Highway safety**

Bin storage areas are shown on Laurel Park next to the bridged entrance to the site. It is proposed that bins would be put there on collection day but would otherwise be located closer to the proposed dwellings. There is adequate space for this without adversely affecting other material considerations.

Access via Laurel Park has not been objected to by the Council's Highways DC Section in their assessment and no comment has been raised as to Laurel Park being unacceptable for construction traffic. The Environment Agency has not objected to the proposed access.

The proposal provides for a maximum of two off road parking spaces for each dwelling. One visitor parking space is provided either side of the turning head. Additionally Laurel Park already has two visitor parking spaces and the proposal is to relocate one of these to facilitate the access and to form additional visitor parking spaces.

Proposed parking and access arrangements accord with RUDP policies TM2, TM12, D1 and UR3 of the.

## **8. Comment on representations**

Discussion of the impact of the proposal on open space, the conservation area, access, parking, traffic congestion, highway safety, residential amenities, trees and community safety are discussed in the proceeding appraisal or the community Safety Issues section (below).

The Environment Agency have not objected to the new bridge or commented that it would lead to flooding from surface water run off running down the bridge and overwhelm the drains on Laurel Park Wilsden.

## **Community Safety Implications**

The proposal allows for the dwellings to be sited within defensible private space.

Open space is to be brought under the ownership and management of the Parish Council. Assessing the community safety implications of the open space it is considered that:

1. the open space is treed with limited views into it;
2. views from the garden of Plot 3 would possibly be limited by the beech hedge that would form the plot boundary with the open space as control of its height can not be controlled and realistically occupiers of Plot 3 may wish the hedge to be higher than 1m in order to provide privacy to their garden area;
3. there is no lighting to the public open area other than the limited street lighting to Main Street and Laurel Rise, none of which shine directly onto the open space area;
4. the open space is shown on the layout plan as not being secured by any boundary treatment to Laurel Park, Ling Park or Main Street and for this reason alone would be open to 24 hour public access;

5. seating is indicated along the dry stone wall boundary with Plot 3 and would create a focus for people gathering and a means of circumventing the wall and gaining access to Plot 3's garden.

The developer's have not submitted a statement showing how the proposed open space area will design out opportunities for crime and anti social behaviour.

Given the points of concern with the open space raised above, the lack of statement from the developer, and third party concerns regarding this area becoming a honey pot for anti-social behaviour already experienced in other public areas of Wilsden, it is considered that the proposal as it current stands is contrary to Policy D4 of the UDP.

### **Conclusion**

The proposal would harm the character and appearance of the Wilsden Conservation Area, would fail to provide adequate private amenity space for future occupiers, would provide a public area that would likely become a focus for crime and anti-social behaviour, and would likely damage mature trees due to required drainage works and pressures arising from use of limited private amenity space. Further, information required to assess the full impact of the proposal on trees is not provided. Accordingly, it is recommended that the application be refused for the following reasons:

### **Reasons for Refusal**

1. The proposed development would result in the loss of one of the last remaining open areas within the Wilsden Conservation Area, to the detriment of its appearance and character. As such the proposal would be contrary to Policies D1, UR3, BH7, BH10 and OS8 of the Replacement Bradford Unitary Development Plan (2005).
2. The development of Plots 1 and 2 for residential dwellings is unacceptable as the residential amenities of the occupiers of these dwellings would be adversely affected due to the lack of private residential amenity space that could be provided with them. As such the proposal is considered to be contrary to Policy D1 of the Replacement Bradford Unitary Development Plan (2005).
3. It is considered that the proposed public open space due to its accessibility, treed nature, lack of views through it, lack of lighting and positioning of street furniture, would become a focus for opportunities for crime and anti-social behaviour to the detriment of community safety and contrary to Policy D4 of the Replacement Bradford Unitary Development Plan (2005).
4. Proposed drainage works would run through the Root Protection Area of mature trees. This would cause unacceptable damage to these protected trees within the Wilsden Conservation Area that the Council would wish to see retained in a healthy state. The proposal is therefore contrary to Policies BH7, BH10, NE4, NE5, NE6, D1 and UR3 of the Replacement Bradford Unitary Development Plan (2005).
5. The application as submitted provides insufficient information and a lack of up to date information to enable its proper consideration by the Local Planning Authority. In particular, there is inadequate information on trees and the proposal conflicts with Policies BH7, BH10, NE4, NE5, NE6, D1 and UR3 of the Replacement Bradford Unitary Development Plan 2005.

