

## 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 ONE

Items include an application deferred from a previous Panel, an application for referral to the Regulatory and Appeals Committee, two applications with a petition attached, two decisions made by the Secretary of State, a miscellaneous report to update Members on a s106 Agreement with a request for authorisation to negotiate completion the agreement and a report of enforcement complaints closed by the Area Planning Manager as Not Expedient to Pursue.

The sites concerned are:

1	Butler House, access from Kirk Drive, Baildon	(Page 2)	<b>Baildon</b>
2	Denholme Velvets, Foreside Mill, Halifax Road, Denholme	(Page 8)	<b>Bingley Rural</b>
3	Land at Swan Avenue, Eldwick	(Page 24)	<b>Bingley</b>
4	34 Keighley Road, Crossflatts	(Page 34)	<b>Bingley</b>
5	Blantyre House, Keighley Road, Harden	(Page 38)	<b>Bingley Rural</b>
6	Land at Green Lane, Burley in Wharfedale	(Page 38)	<b>Wharfedale</b>
7	Land at Whitley Street Bingley	(Page 39)	<b>Bingley</b>
8	Not Expedient to Pursue sites	(Page 57)	<b>Various</b>

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#### **Portfolio**

Environment and Culture

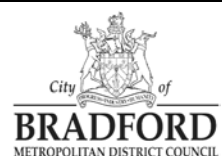
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#### **Improvement Committee Area**

Regeneration and Economy



# SHIPLEY AREA PLANNING PANEL

19 MARCH 2009



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LOCATION

**ITEM No. 1**

**Butler House, access from KIRK DRIVE, BILDON**

**DATE:** 19 MARCH 2009  
**ITEM NO:** 1  
**WARD:** BAILDON (1)  
**RECOMMENDATION:** TO GRANT PLANNING PERMISSION SUBJECT TO  
**CONDITIONS.**

**APPLICATION NUMBER:** 08/03723/FUL

**Type of Application/Proposal and Address:** Full application for the construction of a contemporary split-level detached bungalow on land adjacent to Butler House and 27 Kirk Drive, Baildon.

### **Background information**

The Shipley Area Planning Panel first considered the above planning application on 9<sup>th</sup> September 2008. (The Technical Report is attached as Appendix A). Panel resolved that the application be deferred in order for officers to investigate the necessary provision of off street parking for Butler House with the applicant, and that the application be re-submitted to the Panel for further consideration.

The application returned to Shipley Area Planning Panel on 12<sup>th</sup> February 2009. Members were disappointed with the suggested method of providing parking and the application was again deferred in order for officers to further consider alternative off-street parking arrangements with the applicant.

**Additional Information:** The applicant has put forward additional information in the form of plans (162B/08/SL/A and 162B/08/A) showing the provision of a parking area within the front garden of Butler House, accessed via the existing garage forecourt (which would remain as the forecourt and parking area for the proposed house). The proposed parking area would be screened in views from Kirk Drive by the existing boundary wall (which would be unchanged) and vegetation. The parking area would be paved with '*Marshalls Olde Priora*' permeable block paving system.

**Consideration and conclusion:** The provision of off street parking for Butler House has resulted in the submission of a number of options which have attempted to deliver the RUDP target requirement of 1.5 spaces per dwelling off street. This has proven difficult when considered against the need to protect the special character and appearance of the Baildon Conservation Area and the setting of the listed building, both in terms of the effects when viewed from the front from Kirk Drive, and from the rear access lane.

On balance and after careful consideration, this latest proposal is considered least harmful as it retains the boundary wall to Kirk Drive and the existing vegetation screen intact and provides off street parking for both the proposed dwelling and the existing property, Butler House.

Accordingly, it is recommended that the application be approved in accordance with the amended drawings numbered 162B/08/SL/A and 162B/08/A, received by the Council on 4<sup>th</sup> March 2009 and subject to the conditions (numbered 1-8) proposed in the Technical report attached at Appendix A.

Appendix A – Technical Report 25<sup>th</sup> September 2008 Planning Panel Meeting item number 8.

**DATE: 09 SEPTEMBER 2008**

**WARD: BAILDON (1)**

**RECOMMENDATION: TO GRANT PLANNING PERMISSION**

**APPLICATION NUMBER: 08/03723/FUL**

**Type of Application/Proposal and Address:** Construction of contemporary split-level detached bungalow on land adjacent to Butler House and 27 Kirk Drive Baildon.

**Site Description:** An existing detached double garage occupies the site of the proposed new dwelling, on land adjacent to number 27 Kirk Drive.

Levels fall across the site towards Kirk Drive, with the existing garage excavated into the slope.

Kirk Drive consists of a mixture of property types, detached; semi detached and bungalow properties of varying ages are located in the immediate area. To the northeast and elevated above the site is number 27 Kirk Drive, a mid 20<sup>th</sup> century semi detached bungalow in brick with concrete tiles to the roof.

To the north west and located at a higher level is the grade II Listed Butler House and Baildon Conservation Area. The long front garden area of Butler House runs along the southwestern boundary down towards Kirk Drive.

The site and adjacent garden area to Butler House contain a number of mature trees protected by TPO.

**Relevant Site History:**

07/07992/OUT - Construction of 3/4 bedroom detached dwelling with integral garage in grounds of Butler House with access to Kirk Drive - Withdrawn

**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

H5 – Residential Development of Land

H7 – Housing Density - Expectation

TM12 – Parking Standards for Residential Developments

**Parish Council:**

No response received

**Publicity and Number of Representations:**

This has been done via neighbour notification letters, with an expiry date of 28.07.2008 and site notice with an expiry date of 15.08.2008

The Council has received 12 letters of representation in objection to the proposal, one from a local councillor and one from the local MP.

**Summary of Representations Received:**

Overshadowing  
Overlooking  
Out of Keeping  
Impact on a Listed Building  
Impact on Trees  
Traffic and Parking

**Consultations:**

**Drainage** – No objection subject to separate drainage systems being provided within the site boundary, discharge to any existing drainage system to be proven hydraulically and structurally adequate; results of percolation test results to be submitted for approval for the proposed soakaways; and development being undertaken in such a way that overland surface water patterns are not altered to the detriment of adjacent landowners.

**Heritage and Conservation** – No objections, subject to the deletion of proposed parking spaces at Butler House.

**Trees** – No objection subject to condition regarding protective fencing and replanting.

**Main Issues:**

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

**Appraisal:**

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, and H5 of the RUDP.

Policy H7 of the RUDP encourages efficient use of land through higher density developments and provides minimum density requirements for new developments. Sites outside of Town Centres are expected to provide a density of between 30 to 50 dwellings per hectare. It is considered that the proposal represents a more efficient use of land by providing an additional dwelling on a site, which at present only provides a garage facility. Given the adjacent grade II listed, Butler House and the prevailing density of development existing at Kirk Drive, the proposal is considered acceptable in respect of density.

**Amenity**

The proposed dwelling has been designed to minimise the opportunity for overlooking and overshadowing of neighbouring properties. The height of the proposed dwelling has been kept low with the use of a flat, sedum roof and set into the bank in this excavated site. The proposed dwelling would be located 3 metres from the shared boundary to 27 Kirk Drive where the proposed dwelling would project 2.7 metres above the current ground level at the boundary. Accordingly no issues regarding loss of amenity through overshadowing are foreseen.

Only one window has been included to the elevation facing number 27 and this would serve a bathroom with the plans showing it to be obscure glazed. Windows and openings to the rear elevation of the proposed dwelling would not afford any overlooking of properties to the rear by reason of the change in levels. Similarly no overlooking of the garden area from the southwest elevation would be afforded as there is only a single, high-level window proposed.

The property would be set back from the highway by a distance of close to 7 metres. As such it is not considered that undue overlooking of properties across Kirk Drive (18 & 20) would be afforded from a distance of 24 metres.

### **Impact on Listed Building**

The proposed dwelling has been sympathetically designed to minimise intrusion into the garden space of Butler House and into views of the Listed Buildings from Kirk Drive. The design and Conservation team have been consulted and suggest that the proposed dwelling would represent an improvement in the setting of the Listed Building compared with the current detached double garage. The proposed dwelling is modern in design, however the street scene within which it would be located is varied. It is considered that the proposed dwelling would sit comfortably within the naturally sloping site and the use of split levels, iroko board and a sedum roof would help to blend the new dwelling into surrounding garden and vegetated areas.

### **Trees**

The Councils Arboricultural Officer has assessed the proposals and tree survey submitted with the application and has no objection to the proposed scheme subject to condition being attached with regards protective fencing and replanting.

### **Traffic and Highway Safety**

The proposed dwelling provides two off street parking spaces in line with required standards. Whilst the loss of the garage would result in a lack of off street parking for Butler House parking on street at Church Hill and a large frontage on Kirk Drive is unrestricted. Whilst objection has been received raising concerns with regards to an intensification of on street parking, it is not considered that the proposal would result in conditions prejudicial to highway safety.

### **Community Safety Implications:**

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

### **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.

### **Reasons for Granting Planning Permission**

It is considered that the proposed dwelling is acceptable in terms of its impact on the setting of a listed building, the character of the adjoining conservation area, residential amenity and traffic safety and acceptably accords with the provisions of the Replacement Unitary Development Plan Policies UDP1, UR2, UR3, D1, H5 and TM12.

**Conditions of Approval:**

1. 3-year time limit on commencement of development.
2. Sample materials to be submitted and agreed in writing by the LPA prior to commencement of development.
3. Provision of domestic parking before use commences.
4. Development to be undertaken in such a manner as to not alter overland surface water flow patterns to the detriment of adjacent landowners.
5. Separate Drainage required within site boundary
6. Details regarding soakaway to be submitted to and approved by the LPA prior to commencement of development
7. Protective fencing – trees
8. Tree removal and replanting scheme required

# SHIPLEY AREA PLANNING PANEL

DATE  
**19 MARCH 2009**



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**ITEM No. 2**

LOCATION

**Denholme Velvets, Foreside Mill, HALIFAX ROAD, DENHOLME**



**DATE:** 19 MARCH 2009  
**ITEM No:** 2  
**WARD:** BINGLEY RURAL  
**RECOMMENDATION:** REFUSE. THIS APPLICATION IS REFERRED TO THE PANEL SO THAT IT CAN ADVISE THE REGULATORY AND APPEALS COMMITTEE ON THE LOCAL IMPLICATIONS OF THE APPLICATION. THE APPLICATION MUST BE DETERMINED BY THE REGULATORY AND APPEALS COMMITTEE AS IT IS A DEPARTURE FROM THE REPLACEMENT UNITARY DEVELOPMENT PLAN

**APPLICATION No:** 08/06488/FUL

**THIS APPLICATION HAS BEEN REQUESTED TO BE CONSIDERED AT PANEL BY A LOCAL WARD COUNCILLOR.**

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

Full application for the demolition of Industrial Buildings and construction of 47 family dwellings, external alteration to existing industrial unit, creation of new access , car parking and landscaping at Denholme Velvets, Foreside Mills, Halifax Road, Denholme

### **Site Description**

The principle application site comprises 1.8 hectares in extent. The red edged line also been extended around a further 2.3 hectares to the east of Halifax road which comprise a cricket ground occupied by Denholme Clough Cricket club and a 0.14 hectare open area to the north of the principle site. Essentially the site been divided into two parcels of land which are divided by Halifax Road (A629). Both the parcels of land are washed over by a green belt allocation. The eastern parcel of land comprises allocated playing fields. An existing industrial mill and associated buildings are sited on the western parcel of land within an infill settlement known as Denholme Gate.

The sites sit on the boundary of two landscape character areas within the Landscape Character Supplementary Planning Document Volume 6: Thornton and Queensbury character landscape area. These are Upland Pasture and Mixed Upland Pasture and the site can be viewed in the context of either and/or both depending upon the viewpoint.

The buildings are sited fronting Halifax Road (A629), approximately 1.2 miles from Denholme Village. A variety of older style structure is evident on that part of the site which essentially comprises this application. A two storey industrial type mill forms a strong boundary to Halifax Road. More modern single storey additions are evident to the rear of the main mill structure on the site. A modern purpose built shed is located to the south west of the main complex. The most northerly part of the site is an open dirt car parking area.

Currently access to the site is via the unsurpassed car park to the northern edge of the site, via a southern access to the modern purposed built building or via a central archway into the old mill complex.

The general locality is rural in character with open fields being enclosed by dry stone walls. There is a narrow belt of linear development which fronts Halifax Road as it leads down into Denhome.

### **Relevant Site History**

There is no recent history for the development of this site. The site was used from the 1850 for quarrying. Records indicate that from the late 1890s a Mill has been established on the site which has primarily been used for the textile industry.

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

The whole site is allocated as green belt within the Replacement Unitary Development Plan. The land to the west of Halifax Road is also designated as an infill settlement (Denholme Gate) whilst the land to the east of Halifax road is also allocated as Playing Fields (Bingley Rural 112).

Relevant polices include:-

UDP1 – Promoting sustainable patterns of development

UDP2 – Restraining development

UDP3 – Quality of built and natural environment

UDP7 – Reducing the need to travel

UR2 – Promoting sustainable development

UR3 – The local impact of development

E4 - Loss of employment use in rural areas

TM2 – Impact of traffic and its mitigation

TM12 - Residential parking

TM19A – Traffic management and road safety

D1 – General design considerations

D4 – Community safety

GB1 – New buildings in the green belt

GB2 – Siting of new buildings in the green belt

GB3 - Infill development in the green belt

NE3 – Landscape character areas

NE3A – Landscape character areas

### **Town/Parish Council**

Denholme Town Council – objection on the grounds of overdevelopment. It is felt that 47 dwellings is excessive for this site. The tow Council are concerned that sufficient infrastructure is not in place to support his number of dwellings. There have been problems regarding drainage in this area for many years. There is also concern regarding capacity at Denholme Primary School.

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

Site notices were displayed at the site and individual neighbour hood notifications were also carried out with the statutory period of expiry date for comments being 14 January 2009. Three letters of representations have been received (1letter of objection and 2 letters of concern to certain issues).

### **Summary of representations made**

- Whilst Denholme Velvets have posted out the plans for 47 dwellings to local households there has been no consultation with local residents and certainly no mention of the other 2 proposals made by Healey Associate Architects to convert the existing mill into apartments or housing. It is clear that they have not been considered because they are not as economically viable to Denholme Velvets.
- The proposal states that residential development has been popular in the area with many successful new developments in the locality. The reality is that new development has not sold and has had their prices slashed and been offered to let. The Grace development down Thornton Road has been abandoned leaving a dangerous, unsightly scat on the landscape and road network. Many other developments have to be let. Pennine Woollen mill has been demolished and had left an eyesore piece of land.

- Denholme Velvets has been described as functionally redundant, unsightly and some what run down in appearance but renovation is a key possibility.
- the current proposal would completely change the environment and would not benefit the wider landscape
- Local amenities are limited with the two public houses within walking distance closing, reopening and offered for lease over the last few years.
- The basic infrastructure for schools, doctors and dentists to support the families in the new houses would not be available. The local schools in Thornton, Keelham and Denholme are full
- Completely disagree with the use of render since extreme weather conditions experienced at Denholme Gate all cause render to crack and spoil off
- The proposal would encourage on street parking even though space is available at the rear
- One of the reasons for sidelining the first two proposals for conversion was due to the proximity of the road and noise levels. The noise levels from traffic travelling along Halifax Road have been addressed in the new proposals by lines of vegetation to provide visual and audio screen to address the main road. It is incredible to believe that a few trees and plants can reduce noise levels when a solid stone building has no possibility of this.
- The area is described as an isolated pocket surrounded by pasture and moorland. Why then would we want to deface such an area with bog standard poor quality housing that can be purchased at many other locations throughout Bradford.
- Concerns regarding traffic. It has been stated in the proposal that traffic using the southern access site would be far less than that generated by the previous manufacturing site. This is inaccurate as Denholme Velvets Mill at its peak with full workforce never presented a traffic problem as staff did not come by car. They were transported by mini bus, provided by the company at collection points in Denholme and surrounding areas.
- There have been a number of accidents along Denholme gate. traffic races along the road, overtaking and showing little consideration for others
- Concerns about pedestrian safety. From this site to Denholme the existing traffic volume is high and the speed limit appears to be exceeded by most drivers. Between this site and Denholme village there are no safe crossing places for pedestrians (even for bus stops on the opposite side of the road).
- Concerns regarding filled in gullies and former mill dam. This area has flooded in the past and a problem still exists at times of heavy or prolonged rain

## Consultations

Local Development Framework - Policy Section - Object to the development of the following reasons:-

- (i) inappropriate development in the green belt and:
- (ii) inappropriate and unsustainable location for significant housing development. The applicant would need to demonstrate that very special circumstances exist to justify uses other than those set out in Policy GB1. If this is not demonstrated then the development would be contrary to GB1 and therefore inappropriate. It is my view that very special circumstances have not been demonstrated in this application. There is no justification of why this site would be the only site that could accommodate such a development. The individual circumstance of a business is not considered very special circumstances.

It is considered that the proposal is contrary to policy GB1. The proposal is not for any of the uses listed in part 1 of policy GB1. Also it would be hard to argue that the residential development proposed would be a land use, which preserved the openness of the greenbelt and therefore as stated above very special circumstances would have to be demonstrated.

Even if the last use was acceptable the proposed layout and siting of the 47 dwellings would be in my opinion contrary to GB2, as from some aspects, the buildings would appear to be in an intrusive position on the landscape.

The site is located in Denholme Gate which is designated as an infill settlement within the greenbelt. It is stated in the RUPD that 'In the Green Belt there are often gaps within existing settlements or within groups of existing buildings where a strictly limited amount of new building could occur without resulting in any encroachment of development into open countryside and without conflicting with other objectives of the Green Belt. It is important however that such development is strictly controlled. To ensure infill development is strictly controlled, the following policy will apply', which is policy GB3. Due to the size of the proposed residential development it is not considered that this development represents 'infill' development or is related to the scale of the settlement, therefore would be inappropriate development under GB3.

This proposal is not allocated as a Major Developed Site identified in the RUDP. It has been argued that this site is a factory and therefore could be considered a major developed site in the greenbelt (par 2.17 Planning Support Statement). However, as stated in PPG 2 below, as this is not a designated a Major Development Site in the Development Plan, it would still be subject to Development Control policies for greenbelts and the green belt notation should be carried across it, therefore GB1, GB2 and GB3 will apply.

It is considered that the proposed location of development is unsuitable and unsustainable for significant housing development. Denholme Gate is classed as an infill settlement and is not included in the 'location for housing provision' table in the RUDP. The site is not located in a settlement with essential and wider facilities and services. It is not located within easy access of Denholme, which is itself classed as a less well located smaller settlement in the settlement hierarchy.

There is a bus stop nearby, however the proposal would likely result in significant trips by private transport as there are no services or facilities within easy walking access of the site and it is not a high frequency bus route.

The proposed development is not located in Denholme, therefore it is not meeting housing need in Denholme, and also no affordable housing has been offered, weakening the argument that the development is meeting a local housing need.

In my view this development is unsustainable in regards to the scale and location of the housing proposed. The site is not considered suitable for significant housing development. It is poorly located in terms of access to facilities and services and is outside of any main urban area. It is felt that this development would not promote sustainable development for these reasons. Allowing this development would be contrary to the principles of the plan as set out in UDP1 and UR2.

The site is a Brownfield site however; it is washed over by greenbelt and is not located in an urban area. Therefore, it is not considered a suitable Brownfield site. The development would not promote the reuse of Brownfield sites and buildings in more sustainable locations in urban areas. While the site meets the definition of a Brownfield site in PPS3, PPS3 states that 'There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.'

This development would not meet the objective of providing 'Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure' as stated under PPS3.

On achieving high quality housing, PPS3 states that a matter to consider when assessing design quality will include the extent to which the proposed development: 'Is easily accessible and well-connected to public transport and community facilities and services, and is well laid out so that all the space is used efficiently is safe, accessible and user-friendly.' It is my opinion that this site is not easily accessible or well connected to community facilities and services.

PPS3 also states that in general, in deciding planning applications, Local Planning Authorities should have regard to:

- Achieving high quality housing.
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental sustainability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

It is considered that the site is not considered suitable for a housing development of this scale and not suitable in terms of environmental suitability under PPS3.

### **Summary**

It is considered from a policy point of view that the application should be refused in terms of policy issues for the reasons stated above. There may be alternative ways, though the conversion and reuse of the existing building, of retaining the employment uses within this area. However the demolition of the industrial building and replacement with 47 family homes in the greenbelt in this location would be considered contrary to the greenbelt and sustainable location policies for development in the RUDP.

Highways (Development Control) Section – There is insufficient information about the application for this section to formulate a proper and meaningful highways response. A plan should be submitted showing what is proposed and how the proposed junction will operation and how priorities will be changed between the development traffic and current users of foreshore Lane. This is a full application and plans are required to show the proposed road width, footways, kerb radii, gradients, street lighting and surface water drainage.

Amended details – The applicant is suggesting that matter regarding road widths, gradients, street lighting can be subject to a condition but this is a full application where the means of access is to be examined within this application. This section of Halifax road is a busy high speed road and it is therefore important to ensure that vehicle exit this fast road as quickly as possible as 4.6m radii are not considered suitable, main road traffic will be required to perform sudden braking to avoid running into the back of slowing vehicles. It is acknowledged by the applicants that public transport is to be encouraged and hence the need for a bus shelter on the north bound highway however in order to encourage use of the bus stops and to assist pedestrians to cross the road and assist vehicles waiting to turn right, a highway refuge should be provided in Halifax Road as part of the proposals.

Yorkshire Water – no objections in principle subject to conditions attached to any permission granted

Police Architectural Liaison Officer – although the Police have no fundamental objection to this development, the application does not fulfil the guidance contained in Circular 01/06. The following issues need to be addressed in this application: - (i) design and layout of pedestrian, cycle and vehicular routes, (ii) clear definition of defensible space, (iii) lighting and; (iv) landscaping.

Environmental Protection (Pollution) – I would have expected some reference to PPG24 due to the proposed developments eastern boundary/proximity to a busy highway and the existing Denholme Velvets warehousing operation. To make a reasoned assessment we need to know the existing noise levels proposed and the existing/proposed hours of use of the warehousing operation to determine if there would be any loss of amenity/noise concerns affecting the residents of the proposed housing at the southern end of the site and addition, the existing noise levels proposed by road traffic at the proposed housing facades facing Halifax Road.

Environmental Protection (Contamination) - After reviewing all the technical and scientific information in References A, B and C above, and a site walk over there are several issues which require further explanation.

It is apparent from the information in Reference B above, that not all of the site could be intrusively investigated for contamination in the made ground and/or natural stratus. Therefore, after the mill buildings have been demolished further intrusive ground investigations will have to be carried out in the area around the former gasometer (borehole MR8), under the footprint of the two storey mill building directly adjacent to the Halifax Road which contains a large basement area in the Northern part of the building and the Dye House which was not accessible for safety reasons. Suggest conditions to deal with contaminated land, submission of a Phase II risk assessment, land gas migration across the site, drainage, building installation, asbestos and operating hours.

Environment Agency – There are no objections in principle but recommend conditions are attached to any permission granted.

Drainage Section – Records indicate an extensive network of watercourses crossing the site. Suggest conditions in are attached to any permission granted.

Conservation Section - The application site is in proximity to a listed milestone and potentially the listed chapel (converted) further north along Halifax road. The demolition of the mill will not harm the special interest of either. The milestone stands on the grass very on the east side of the road, and thus its immediate setting will not be affected. I am pleased to see the specification of natural materials for the dwellings fronting the main road side at least. This must be upheld at construction stage. Together with the use of 2 storey from and simple, traditional fenestration, this will maintain the sense of place of the locality.

Minerals and Waste Section - Due to the historical industrial uses and waste tipping activities on-site there is significant risk that the site may be affected by land contamination problems. I note that the applicant has submitted phase 1 and 2 site investigation reports to assess contamination risks associated with the proposed development. These investigations found made ground across the majority of the site at depths of up to 5.5m. Elevated levels of certain contaminants and the existence of asbestos contamination was revealed through analysis of soils and made ground recovered from the investigations. The report recommends further investigations of certain areas of the site, the provision of a clean soil cover layer over garden areas in the western

part of the site and for soft landscaped areas, the removal of asbestos containing material, and the incorporation of gas prevention methods. It is recommended that both the EP contaminated land team and the EA are consulted for their expert advice and that appropriate conditions are attached, based on this advice, to ensure that identified remediation and further investigation works are undertaken and validated prior to development.

Landscaping Section - The site sits on the boundary of two landscape character areas within the Landscape Character Supplementary Planning Document Volume 6: Thornton and Queensbury October 2008. These are Upland Pasture and Mixed Upland Pasture. The site can be viewed in the context of either and/or both depending upon the viewpoint.

Policy guidelines for upland pasture state that “This landscape has a reasonably strong character, high historic continuity and visible and open character, and therefore could be seen to be sensitive to development”. It goes on to state that “The other, larger area of Thornton/Queensbury upland pastures, at Denholme Gate to the south west of Denholme, has some existing development in respect of linear industrial premises touching on its edge, along the A629. Although this development weakens the edge of the upland pasture, as moorland fringe the land is considerably less valuable for development than other areas. Strong tree planting along the industrial development could help to improve the character of the upland pasture”.

Policy guidelines for mixed upland pasture state that “This landscape has moderate strength of character, medium historic continuity, and is prominent and open. It can therefore be seen to be sensitive to change”. It goes on to state that “With any development a very carefully controlled project would be required, based on the Countryside Commission’s Countryside Design Statements principles, and developments consisting of groups of suburban detached houses with associated garage/drive and front gardens or single, isolated plots would be inappropriate. Additionally, car parking provision is often a difficult issue to address when designing new developments in traditional style, especially in areas constrained by landform. However, imaginative approaches to integrating modern needs within traditional character should be explored and appropriate solutions sought”.

Notwithstanding the above, or the fact that the site is not allocated for housing with the RUDP, I would make the following comments on the proposals submitted:

I welcome the use of natural materials, but question the mix of natural local stone/blue slate with render/artificial stone slate on similar housing forms.

I have concerns about the urban/sub-urban style of house form and layout of the site and would suggest that both the urban design section and design enabler are consulted on this matter.

The proposed landscape buffer between the existing warehouse and proposed dwellings would appear to be very narrow.

I would suggest that both Transport Planning’s Development Officer Inclusion and Mobility and the Planning Highways and Access Forum should be consulted in relation to the proposed shared surface element of the scheme.

The planning application form answer to question 16 states no. I noted trees within the site during a recent site visit. I would therefore suggest that the tree officers are consulted on this matter.

Finally, I would note an interesting section of boundary wall fronting the A629 with large carved coping stones. Ideally this would be retained within any proposed scheme, subject to its structural soundness.

Countryside (Biodiversity) Section – If this building has an accessible subterranean section there is a chance that it will be utilised by bats for hibernation purposes. As such, it should be surveyed for signs of bat activity by a licensed bat worker prior to any kind of work to alter it or prior to its demolition.

Metro - There are several bus services running next to the development serving various locations including Bradford, Keighley, Thornton, Halifax, Cullingworth. There are also more services nearby. Metro advise that the bus stop no. 23539 should have a shelter installed at a cost to the developer of around £10,000. In addition improvements to the hard standing at this location are required in order for a shelter to be installed. A new shelter would benefit the residents of the new development.

All kerbs at bus stops and shelter in the area of the development should be raised to metros guidelines height.

Future residents should all be offered one years free public transport travel cards. Metro operates a scheme that allows one year cards to be purchased half price by the development for all new residents. This makes the current cost to the development for a zone 1-5 Metro card (rail and bus) £567.

Housing Enabling Section- The application site has a 25% affordable housing quota, and we would be looking for a mix of 3 and 4-bed family houses. The floor areas should be in the range 80-85 sq. metres for 3-bed and 120-132 sq. metres for 4-bed. The affordable units will be of a number and type that can be accommodated on 25% of the net developable floor area and that a nominated RSL can afford to purchase, taking into account the affordable housing subsidy in the scheme and the prescribed tenure(s).

When possible, I should be obliged if you would obtain the estimated sales values of all the proposed units in the development, in order that I can work out the affordable housing subsidy. This will be done on the basis of: total sales value of the full development x 25% (the affordable housing quota) x 35% (the required discount on open market value).

Education Section – The nearest primary schools are Keelham which is full but there are spaces available at Denholme Primary so therefore we would not request a contribution.

The nearest secondary school is Parkside. This school is full in all year groups and we would therefore have to ask for a secondary contribution. The calculation is based on 2 additional children per school year groups per 100 homes times costs.

Secondary Provision: 2 children x 6 year groups x 47/100 houses x £12,688 = £71560.00

Parks and Landscaping Section – In lieu of on site public open space and to meet demand in the areas we would request that an off site recreation contribution of £23,500 is sought from the developer.

### **Summary of Main Issues**

- Development/impact in green belt
- Effects on the character of the landscape
- Sustainability
- Highway Safety
- Impact on the amenities of the nearby properties
- Other impacts:- contamination, flooding/drainage, noise
- Use of planning conditions/ S106 agreements/Contributions
- Special circumstances



- Inadequate information
- Comments on representations made
- Community Safety

## Appraisal

1. Permission is sought for the erection of the following development: -

- (i) construction of 47 dwellings (3/4/5 bedrooms) in an estate formation following demolition of existing mill building and associated structures;
- (ii) external alterations to existing retained industrial building comprising insertion of windows and new doors into the structure along with ancillary office and toilet facilities
- (iii) provision of new access road, car parking and landscaping is also proposed

Materials are of stone both natural and artificial, natural artificial stone slates and UPVC fenestration.

### Development/impact in green belt

2. Within the Green Belt there is a general presumption against inappropriate development and a requirement that proposals will not harm the distinctive identity of Bradford's countryside. Therefore, except in very special circumstances, planning permission will not be given within the green belt for any development other than agriculture and forestry, essential facilities for outdoor sport and outdoor recreation or for other uses that preserve the openness of the green belt and which do not conflict with the purposes of including land in it.

3. It is considered that the construction of 47 dwellings in the manner proposed would compromise the openness of the green belt in this fairly isolated location and would amount to inappropriate development in the green belt. Inappropriate development is, by definition, harmful to the green belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. These issues will be considered in the report below.

### Effects on the character of the landscape

4. Aside from the fundamental issues arising from the principle of the development being inappropriate, policies NE3 and NE3a regarding impact on landscape characteristics must also be taken into consideration. This landscape area can be characterised as a landscape of mixed upland pasture (fields and enclosed by dry stone walls) and upland pasture (small enclosed fields forming a strong edge to the moorlands of the Pennines). Indeed, the area has a reasonably strong character, high historic continuity and has a visible and open character which is sensitive to development. Denholme Gate forms a small area of ribbon development leading down towards the urban area of Denholme which is 1.2 miles away. The landscape is however, facing major pressures for change. It is important that the distinctive character of the Districts landscape is conserved and enhance and that development which occurs is sympathetic to its character.

5. It is considered that development of the site in the manner and location proposed is unacceptable because of its undue prominence in this mixed upland pasture landscape. Indeed, the site is highly visible, from both roads and the extensive network of footpaths in the locality in this valley and the mixed upland pasture is prominent in most views of the Thornton/Queensbury character areas. Together with the building to be retained, the proposal would create a substantial building mass (which although on the same footprint of the existing buildings which are to be demolished), would be of a significantly greater scale, at an elevated level which intensifies the impact of building development in this

open, sensitive and attractive rural area and seriously detracts from the character and appearance of a distinctive upland landscape.

6. Policy guidance for this mixed upland pasture also states “with any development a very carefully controlled project would be required, based on the Countryside Commissions Countryside Design Statement principles, and development consisting groups of suburban detached houses with associated garage/drive and front gardens ... would be inappropriate”. It is also clear that the formation of a standard urban type residential estate fails to provide imaginative approach to integrating modern needs within the traditional character. As such, the proposal would create a detrimental impact on the openness and character of the green belt and is contrary to Planning Policy Guidance Note 2, and policies GB1, GB2, GB3, UR3, NE3 and NE3a of the Replacement Unitary Development Plan.

### Sustainability

7. The approach to planning for sustainable development is set out in Planning Policy Statement 1 (PPS1). Planning Policy Statement 7 (PPS7) also sets out the government’s objectives for sustainable development in rural areas, such as the application site. The key principles of both documents are that are that good quality, carefully sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community; maintains or enhances the local environment; and does not conflict with other planning policies. Accessibility should be a key consideration in all development decisions. Most developments that are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking or cycling. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the overall aim is to protect the countryside for the sake of its character and beauty and the diversity of its landscapes.

8. It is considered that the proposed development fails to meet the sustainability criteria outlined in established national and local policy. Indeed, the site is remote from facilities in Denholme (over 1.2 miles away) and due to its fairly remote location is likely to generate significant amounts of car borne traffic. This form of transport will undoubtedly be the most preferred mode of traffic available because of its ease of use especially to the remote location of the facility. The applicants have argued that the proposal creates sustainable economic development opportunities and creates family dwelling in an accessible location with access to jobs, health, shops and community facilities and public transport. However, it is considered that the site is not considered suitable for a housing development of this scale in part due to its remoteness from facilities and a limited bus service within the locality and is not suitable in terms of environmental suitability under planning policy statement no. 3.

### Highway Safety

9. In the first instance, it should be noted that there is insufficient information been submitted to enable the Local Planning Authority to fully assess whether this site is suitable for development in the manner proposed. In particular, there is a deficiency of information with regard to the highway infrastructure leading to the site and how this impacts on highway and pedestrian safety. This section of Halifax road is a busy high speed road and it is therefore important to ensure that vehicles exit this fast road as quickly as possible. What is clear is that the radii proposed is unacceptable and not suitable for this location as it would require main road traffic to perform sudden braking to avoid running to the back of slowing vehicles. As such, it is considered that the proposal would lead to conditions prejudicial to highway and pedestrian safety and is contrary to policies TM2 and TM19A of the Replacement Unitary Development Plan.

10. The applicants have agreed to fund the provision of a bus shelter in close proximity to the site. This facility is welcomed but is not really sufficient. Indeed, it is considered that the proposal fails to appropriately support and encourage the use of bus stops and sustainable modes of travel in the locality. In particular there is a failure to address the fact that to encourage bus travel it will be necessary to assist pedestrians to cross this very busy road. A new highway refuge should be provided in Halifax Road. The deficiency of this facility means that the proposal would lead to conditions prejudicial to highway and pedestrian safety and is contrary to policies TM2 and TM19A of the Replacement Unitary Development Plan.

Impact on the amenities of the nearby properties

11. There are a few residential properties within the locality which create a linear form along Halifax Road. It is considered that the proposed development would not create any undue impacts on the established amenities of these properties.

Other impacts: - contamination, flooding/drainage, biodiversity, noise

12. Flooding/drainage

An extensive network of watercourses crosses the site. A flood risk assessment has been submitted with the application that the Environment Agency considers to be satisfactory. Therefore conditions to ensure appropriate flood mitigation and drainage measures are carried out are suggested for any permission granted.

Biodiversity

13. Whilst Policy NE10 of the RUDP states that wildlife habitats accommodating protected species will be protected by the use of Planning conditions/obligations it is clear from the supporting text and Policy NE11 that an ecological appraisal should be submitted with a planning application so that the Local Planning Authority can 'assess the potential impact of the proposed development prior to the consideration of granting planning permission.'

14. In this particular instance however the immediate area lacks suitable foraging habitats for bats to utilize it during their active period. As such, it is considered acceptable to attach conditions to any permission granted to ensure a bat survey is carried out prior to any demolition works on the site. Indeed, it is considered that there may be subterranean part of this structure which may provide a suitable location for hibernating bats therefore, it is important to establish if there is a hibernation roost in any subterranean section of this building.

Contamination

15. Industrial/manufacturing uses have been evident on the site. Phase I contamination reports have been submitted as part of this application and conditions are recommended to ensure that the site is remediated appropriately and development of this site is 'fit for purpose'. A Phase II has not been submitted at the application stage because of the difficulties in pursuing such a survey because of the on-going occupation of the buildings, the health and safety issues involved with a large basement areas in the northern part of the building and the dye house which was not accessible for safety reasons.

Noise

16. No reference to PPG24 i.e. noise has been made in the applicant's justification for the scheme. The applicants have however argued that due to the proximity of the existing Mill structure to Halifax Road, a busy highway, it would not be desirable or practical to convert the existing structure and that is why they have put forward the scheme to demolish and rebuild. In addition, no information has been submitted regarding the proximity of the proposed new housing to the industrial building which is to be retained.

Use of planning conditions/ S106 agreements/Contributions

17. Notwithstanding the fundamental objection to this application in principle, in line with policy UR6 of the Replacement Unitary Development Plan, it would be considered necessary and appropriate to seek a planning obligation if any permission was granted to ensure the provision of social infrastructure such as recreational provision, affordable housing, and public transport encouragement.

18. Policy OS5 of the RUDP requires that new residential development make appropriate provision of or equivalent commuted payment for recreational open space. Since no recreational space is provided within the development, there is a requirement for a commuted sum of £23,500 to be provided. With regard to other contributions, there is a requirement for the applicants to provide affordable housing in order to accord with policy UR2 of the Replacement Unitary Development Plan. Due to the location of this site outside the urban area, the requirement would be for the scheme to provide for all local needs housing (over and above 3 general needs housing units on the site) to accord with policy UR2 of the Replacement Unitary Development Plan. The provision of metro cards (one per unit – with the developer providing 50% of the cost of the card for the first year) and public transport infrastructure must also be addressed.

19. Policy CF2 of the RUDP requires that new housing proposals, which result in an increased demand for educational facilities which cannot be met by existing schools, shall provide a contribution towards new or extended facilities. The education sum required for this development is £71,560.

20. In light of the above policies and the requirements requested by consultees, it is considered necessary for the developer to enter into a S106 agreement that will address the above issues in detail. Head of Terms of any agreement should include: -

- Payment of off site recreation contribution;
- Payment of contribution towards the provision of education infrastructure;
- Provision of full details of arrangements for the provision of affordable housing on the site, and;
- Provision of Metro cards and the upgrading of public transport infrastructure in the vicinity of the site.

21. With regard to the provision of affordable housing, the applicants have merely advised of the necessity to invest in the existing business on the site and that the costs associated within the demolition of the redundant historical buildings and associated remediation and infrastructure work are likely to be significant; therefore, it is unlikely they will be providing any affordable housing on this site. No financial appraisal or full justification has been provided by the applicants to back up their case for not providing any affordable housing at the site (irrespective of the proposal being unacceptable in principle due to its being washed over by green belt status). As such, it is considered that the proposal fails to make adequate provision for affordable housing and as such is contrary to Planning Policy Statement 3 and Policies UR2 and H9 of the Replacement Unitary Development Plan.

22. With regard to the provision of recreation facilities, it is considered that the applicants have offered the appropriate sum of monies in order to ensure that the proposal makes adequate provision for public open space and children's play equipment. As such, it is considered in accord with Policy OS5 of the Replacement Unitary Development Plan.

23. With regard to the provision of educational facilities, it is considered that the proposal fails to make adequate provision for education infrastructure and as such is contrary to Policy CF2 of the Replacement Unitary Development Plan. No financial appraisal/justification has been put forward to justify not contributing to this requirement.

Inadequate information

24. Insufficient information has been submitted to enable the Local Planning Authority to fully assess whether this site is suitable for development in the manner proposed. In particular, there is a deficiency of information with regard to the highway infrastructure leading to the site and how this impacts on highway and pedestrian safety. There is also inadequate information with regard to the levels of the site and their relationship to the scale and layout of the development and a complete deficiency with regard to information about noise generated by the function and bar room facilities which are in close proximity to established residential properties. As the proposal is considered wholly unacceptable in principle, it is not considered appropriate to request that these further details are submitted.

Special circumstances

25. The premises are located within the green belt wherein development is severely restricted. The applicants need to demonstrate that special circumstances exist which justify the proposals as an exception to established national and local plan policy in such areas. No substantive justification has been given. Indeed, although the applicants have argued that the proposed scheme will substantially improve the openness of the green belt, it is considered the proposed development relates to a substantial amount of inappropriate built development of a large scale and massing that clearly compromises the openness of the green belt and landscape in this locality.

26. The applicant argues that existing Mill site is functionally redundant but has failed to fully explore all the options available to convert the existing Mill structure which fronts onto Halifax Road. Indeed, if any development were to be appropriate in this unsustainable location, it would have to develop the principles of a creative conversion of the existing built structures on the site not merely to demolish what current exist on the site and replace with an inappropriate suburban housing estate.

27. The applicant has also put forward a business case in support of the planning application. Essentially the company's business plan incorporates the following strategy:-

- a) Move into the modern 12,000 sq ft industrial unit thereby saving significant ongoing costs referred in the submission but only having made the necessary alteration to the warehouse to accommodate the whole business profile.
- b) Sell the remainder to the site to a residential development, maximising capital receipts and reinvesting in the business to maintain a competitive edge
- c) Improve the range of stock to meet existing and importantly new customer requirements
- d) Fund part of the cash flow which the bank will not wish to cover once the security of the building is no longer available.

28. The applicants have advanced the special circumstances of Denholme Velvets being an important local employer providing 15 skilled and unskilled jobs for a workforce of all ages. They have also argued that the company contributes significantly not only to the local economy but nationally and internationally. Monies gained from the redevelopment of the site will enable the company not only to maintain the existing level of jobs by to potentially increase the headcount in future years. However, it is considered that the individual circumstances of a business are not considered very special circumstances.

Clearly, the Local Planning Authority is unable to control where the monies gained from developing residential units on the site are spent. In addition, no costs have been advanced as to what price these company aspirations have.

#### Comments on representations made

29. The majority of comments raised in representations have been addressed in the above report.

#### **Community Safety Implications**

30. There is no objection in principle from a community safety point of view. Appropriate conditions can be attached to any permission granted to deal with the issues of defining public/private space, lighting, landscaping and property security.

#### **Reasons for Refusal**

01. The construction of a residential housing estate in the manner and location proposed is unacceptable and inappropriate because the introduction of such a development would significantly impact on the openness of the green belt. It is considered there are no special circumstances to justify a departure from green belt policy; as such, the proposal is contrary to Planning Policy Guidance Note 2, Planning Policy Statement 7 and policies GB1, GB2, GB3, UDP3, D1, NE3, NE3a and UR3 of the Replacement Unitary Development Plan. In the absence of any special circumstances that would warrant an exception to green belt policy, the proposal is, by definition harmful to the green belt.

02. The construction of residential development in the manner and location proposed is unacceptable because of its undue prominence in this mixed upland pasture landscape. Indeed, the site is highly visible in this valley and the proposal would create a substantial building mass of dwellings and form a scheme of suburban housing which is inappropriate, at an elevated level which intensifies the impact of built development in this open, sensitive and attractive rural area and seriously detracts from the character and appearance of a distinctive upland landscape. In addition, the proposal would create a detrimental impact on the openness of the green belt and comprise the enjoyment of persons using the extensive network of rights of way in this locality; as such, the proposal is contrary to Planning Policy Guidance Note 2, and policies GB1, GB2, GB3, UR3, NE3, NE3a, UDP2, UDP3, D1 and D5 of the Replacement Unitary Development Plan.

03. The proposal to a substantial amount of residential development in this relatively remote location is considered unacceptable in principle. Indeed, the proposal is located a substantial distance away from existing facilities in Denholme, in an area with restricted public transport. As such, the proposal is considered contrary to Planning Policy Statement 1, Planning Policy Statement 3, and policies UDP1, UDP3, UDP4, UDP7, UR2, UR3 and D1 of the Replacement Unitary Development Plan.

04 The application provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular, there is a deficiency and inconsistency of information with regard to the highway infrastructure leading to, from and within the site and how this impacts on highway and pedestrian safety. There is also a complete deficiency with regard to information about noise both from the retained business use at the site and how this will impact on the proposed residential properties and how noise from Halifax Road will impact the residential amenities of the proposed dwellings. As such, the proposed submission is considered to be inadequate and may lead to conditions prejudicial to highway and pedestrian safety and is contrary to policies TM2 and TM19A of the Replacement Unitary Development Plan.

05 This section of Halifax road is a busy high speed road and it is therefore important to ensure that vehicles exit this fast road as quickly as possible. The radii proposed is unacceptable and not suitable for this location as it would require main road traffic to perform sudden braking to avoid running to the back of slowing vehicles. As such, it is considered that the proposal would lead to conditions prejudicial to highway and pedestrian safety and is contrary to policies TM2 and TM19A of the Replacement Unitary Development Plan.

06 The proposal fails to privately support and encourage the use of bus stops and sustainable modes of travel in the locality. In particular there is a failure to address the fact that to encourage bus travel it will be necessary to assist pedestrians to cross this very busy road. A new highway refuge should be provided in Halifax Road. The deficiency of this facility means that the proposal would lead to conditions prejudicial to highway and pedestrian safety and is contrary to policies TM2 and TM19A of the Replacement Unitary Development Plan.

07 Irrespective of the designation of this application site as green belt, the site is a parcel of land outside the urban areas of the District where only developments that meet a local need will be permitted providing there are no suitable previously developed sites available or that the site is clearly more sustainable than any of the previously developed alternatives. No justification or sequential approach has been put forward to justify housing on this site. Local need can be identified as affordable housing and the proposal also fails to adequately address this issue. The Replacement Unitary Development Plans aim of promoting a more sustainable district will be prejudiced if a development (i) on this site in the green belt was to be permitted in principle, and; (ii) development other than to meet local needs is allowed. As such, the proposal is considered to be contrary to policy UR2 of the Replacement Unitary Development Plan

08The proposal fails to make adequate provision for affordable housing and as such is contrary to Planning Policy Statement 3 and Policy H9 of the Replacement Unitary Development Plan.

09. The proposal fails to make adequate provision toward education facilities in the locality and as such is contrary to Policy CF2 of the Replacement Unitary Development Plan.

# SHIPLEY AREA PLANNING PANEL

19 MARCH 2009



For reference only (Crown Copyright)

LOCATION

**ITEM No. 3**

**LAND AT SWAN AVENUE, ELDWICK**



**DATE:** 19 MARCH 2009  
**ITEM No:** 3  
**WARD:** BINGLEY  
**RECOMMENDATION:** TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS  
**APPLICATION No:** 08/07436/FUL

**THIS APPLICATION HAS RECEIVED TWO PETITIONS: ONE IN SUPPORT OF THE SCHEME AND ONE OBJECTING TO THE SCHEME**

**Type of Application/Proposal & Address**

Full planning permission is sought for the following development on land to the south west of 188-190, Swan Avenue, Bingley:-

- Doctor's surgery at 600 sqm. over two floors, incorporating an in-house pharmacy of 175 sqm, to be open between the hours of 0800 to 2000 Monday to Friday and 0800 to 10.00 Saturdays;
- Nursery at 4865 sqm over two floors, to be open between the hours of 0700 to 1800 Monday to Friday;
- Three retail units at 175 sqm, 72.5 sqm and 72.5 sqm, to be open between the hours of 0800 to 2000 Monday to Saturday;
- Veterinary practice at 118 sqm, to be open between 0900 to 1800 Monday to Friday and Saturday mornings only;
- D1 unit (i.e. non-residential institution) at first floor level (over the largest retail unit) which will be accessed via an enclosed stairwell, hours of operation to be ascertained;
- Fifty parking spaces (including 6 disability spaces) are proposed along with 16 cycle spaces.

Proposed materials are artificial stone, render, ashlar, artificial slate tiles and powder coated aluminium windows and doors. Boundary treatments are to be of stone and steel panelling and the access road will be of tarmac with paviers for parking bays and paths.

**Site Description**

A 0.422 hectare grassed crescent-shaped parcel of land located at the corner of Warren Lane and Swan Avenue. The site is current vacant but does form part of the Phase I housing site identified as S/H1.10 on the Proposals Map of the Replacement Unitary Development Plan. The site slopes on a west to east axis falling approximately 6m in height between Warren Lane and nos. 188-190 Swan Avenue which are located at the eastern edge of the development site.

Residential properties in Trimble Drive back on to the long northern boundary of the development site and there are two properties in Swan Avenue which front on to the north-eastern boundary of the site. Other nearby residential properties are located opposite the development site in Swan Avenue and Warren Lane. A mini roundabout exists at the junction between Warren Lane and Swan Avenue. There is currently no vehicular access to the site.

**Relevant Site History**

- (i) Originally the site formed part of Warren Park Quarries.
- (ii) Outline planning permission 92/04535/OUT was granted for residential development (up to 400 units) subject to a S106 legal agreement. Provision was made within the legal agreement for community uses, including retail units, on part of the development site. Under the agreement, until the community uses were granted planning permission and subsequently built, the site was to be maintained in a tidy manner.

(iii) Reserved matters application 01/03730/REM was granted in 2001 subject to a S106 agreement for the development of 299 dwellings and associated works.

(iv) More recently, planning application 08/02163/FUL was for the development of a mix of community uses on the current application site was withdrawn from determination in order that negotiations could be carried out with officers.

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

The site is allocated on the Proposals Map of the Replacement Unitary Development Plan as part housing site S/H1.10. As outlined above, within the S106 agreement which formed part of planning permission 92/04535/OUT for residential development of housing site S/H1.10, provision was made for community uses on the site.

Relevant policies include:-

UDP1 Location of development

UDP3 – Quality of built and natural development

UDP7 – Reducing the need to travel

UR2 – Sustainable development

UR3 – Local Impact of development

CR3A - Small Shops

CR4A - Other retail development

D1 – Design considerations

D5 – Landscaping

D4 - Community Safety

D6 – Meeting the needs of Pedestrians

TM2 – Impact of traffic and its mitigation

TM12 – Parking standards for residential developments

TM19A – Traffic management and road safety

CF3 - Community Uses

### **Town/Parish Council**

Not applicable.

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

The application was advertised by both site notice and individual neighbour letters to surrounding properties. The statutory expiry date for comments was 13 February.

Two petitions have been received – one in support of the scheme with 24 signatures (from 13 households) and one objecting to the scheme with 22 signatures (from 15 households). 11 individual letters of objection, 6 individual letters of support and 2 letters of no objection (subject to conditions and limitations) have also been received.

### **Summary of Representations Received**

Comments against:-

- The proposed uses and hours of operation would increase noise, disturbance, pollution and nuisance, so reducing local residential and general amenity, especially in the evening and at night;
- The open parking area at the bottom of the site is not overlooked and the large retail unit would be open late. These factors are likely to attract local youths and children with associated antisocial behaviour, noise, litter, drugs and vandalism contrary to policy D4 of the RUDP;
- The scheme is an over development of the site;
- The development would be incongruous, inappropriate and unsympathetic to the appearance and character of the surrounding area;

- The position of the vehicle entrance on Swan Avenue would result in a large increase in vehicle movements on a narrow residential street which would be detrimental to the safety and free flow of traffic in the area and to pedestrian safety, and a danger to children, particularly given existing on street parking on Swan Avenue;
- There would be light pollution into facing habitable rooms from site lighting and car headlights. This could be ameliorated if the vehicular access were relocated from the roundabout on Warren Lane;
- The proposal would further exacerbate the existing highways problems in the locality by increasing traffic volume especially between 0830 to 0900 and 1500 to 1530 – query whether the developers have undertaken any traffic flow analysis or specialist reports in connection with these issues;
- The proposal is contrary to policies D1, D4, UR3, TM2, TM12 and TM19A of the Replacement Bradford Unitary Development Plan;
- The submitted economic statement is incorrect in that there are two veterinary practices and several nurseries in Bingley. Other local amenities are well catered for within a 1.5 mile radius and can be easily reached via frequent and convenient public transport. There is no need for additional retail units in this location;
- Construction would create a huge level of noise and dust over a long period. Construction should only take place between 0700 -1900 Monday to Fridays;
- The positioning of the bins/refuse area would attract vermin and create unpleasant smells in neighbouring gardens. These bin areas should be located close to the shops/business units instead of the parking areas shown on the plans;
- The nursery and large retail unit should change swap positions. The nursery could then have a play area that faces nos. 188-190 so that it does not block out any natural daylight. This would be safer for many young children in this new development and protect residential amenity;
- This is semi-improved agricultural land and a good butterfly area. There is very little space left in the scheme for nature and wildlife to flourish.

#### Comments in support

- Residents of Eldwick have a lack of local amenities. There have been many hundreds of houses built without additional basic local facilities;
- The new doctor's surgery would be a great asset and would be within walking distance for all local residents, especially the elderly;
- There is no day nursery within walking distance (or a 5 minute car journey) nor a vets, and the only retail shop within walking distance has the monopoly and needs some competition to make it more competitive which in turn would no doubt benefit the residents of Eldwick;
- It has been common knowledge for a number of years that the land was always designated for this type of use and was a condition of the planning permission to build Swan Avenue to provide local amenities to cater for the new residents.

#### Consultations

**Environment Agency** – No objections in principle subject to a condition requiring details of how unidentified contamination, if found, would be dealt with.

**Highways (Development Control)** – *Original comments* – applicant needs to show the swept path for a pantechnican within the proposed car parking area. Conditions regarding visibility, surface treatments and construction traffic should be attaché to any permission granted.

*Subsequent comments* (following receipt of letters of representation) – Vehicular access should not be taken from the roundabout at the junction of Swan Avenue and Warren Lane. Visibility would be restricted from an access here and the volume of traffic on the main road. The access is fine where it is shown which provides good visibility in both directions and is far enough away from the roundabout. A Transport Statement has been submitted with the application and concludes that there is no traffic capacity or highway safety issues. I concur with this view. With regard to representation about congestion on Swan Avenue caused by on street parking. I am not aware that this is happening or why, since the recently built dwellings are fully self-sufficient in terms of off street parking and should not therefore contribute to on street parking. Furthermore, if the development of the retail units and surgery is approved and built there will be a fairly substantial car park which would provide ample off street car parking for the development which should not exacerbate any perceived on street parking congestion problem.

**Environmental Protection (Pollution)** – No objections in principle in view of the proposal to erect an acoustic fence around the outdoor area of the nursery.

**Environment Protection (Contamination)** – There is made ground across the site which varies in depth to a maximum depth of 1.9m. The natural strata beneath the made ground consists of firm and stiff gravelly clays to a depth of between 1.6m to 4.6m across the site. The clay layer will prevent any contaminants in the made ground from leaching down into the ground water beneath the site. The chemical analysis of the made ground indicates that there are various levels of contaminants across the site. The level of the contaminants found is well below the limits for a commercial development. EP (Contamination) fully endorse the recommendations made in the submitted report and suggest that appropriate conditions are attached to any permission granted.

**Yorkshire Water** – No objections subject to standard conditions being attached to any permission granted.

**Policy Architectural Liaison Officer** – The development should incorporate the principles of secured by design in terms of natural surveillance of public and semi-private spaces, defensible space, lighting of the development, design and layout of pedestrian, cycle and vehicle routes into the site and landscaping. Conditions should be attached to any permission granted to ensure these issues are taken into account.

**Planning and Highways Access Forum** – Sufficient disabled spaces shown. Main access is at the rear from the car park. The doctor's surgery has easy mobility facilities on the ground floor but the upper has narrower corridors but it is still acceptable in terms of BS800.

**Metro** – There are several bus services running next to the development serving various locations including Bradford, Bingley, and Shipley. There are also more services nearby. Metro recommend that the nearest bus stops should have raised kerbs installed. Good pedestrian access to/from the stops should be provided taking into consideration the needs of the elderly and mobility impaired.

**Landscaping Section** – An amended plan has been submitted showing the proposed species of plants and identifying consultation works close to existing trees in neighbouring gardens to be carried out in accordance with BS 5837:2005. A condition requiring full details of a management plan for the communal areas should be attached to any permission granted.

## Summary of Main Issues

- Principle of the development / Sustainability
- Impact on residential amenities
- Impact on locality
- Highways Safety
- Contamination issues
- Comments on the letter of representation received
- Community safety implications

## Appraisal

1. The main issues will now be considered in turn.

### 2. Principle of the development / Sustainability

One of the key principles of the Replacement Unitary Development Plan is to accommodate development within the district which ensures environmental protection in a way which promotes access to services and minimises dependence on the private car. To this end, when planning permission was originally granted for the redevelopment of the housing site S/H1.10, it was envisaged and made a requirement of the associated S106 agreement that a variety of community uses, including up to 3 retail units, would in future form part of the scheme to provide for the needs of the community which was being created by the building of a large area of new houses.

3. It is considered that the development of this site with the variety of community uses proposed is acceptable in principle and fully accords with established policies in the Replacement Unitary Development Plan. Indeed, the provision of a diverse range of facilities/uses to meet people's day to day needs reduces the need to travel whilst ensuring a good social environment is created. This application also fits in with the objective of the Replacement Unitary Development Plan strategy in that all communities should be served by a local centre and where they are not, the formation of new local centres should be encouraged.

4. Overall, in principle the proposed scheme with its diverse mix of community uses is welcomed. It provides a beneficial use for this parcel of land which is in accord with the concept of providing community uses for this area as part of the planning permission for the residential estate as a whole and fully accords with both central and local plan policies to provide for local needs facilities within the specified local areas.

### 5. Impact on locality

The site is located on the corner of two roads, Swan Avenue and Warren Lane, and is highly visible as one moves in a south to north direction, up the hill from Bingley Town Centre. The scheme has been designed to provide a mix of buildings of varying heights and detailing which effectively utilise the sloping nature and long frontages of the site whilst also respecting the residential nature of the surrounding premises. The proposed siting allows for the street elevations to reinforce street enclosure in an appropriate way whilst also allowing the car parking to be nestled around the back of the development.

6. It is considered that the proposal is well designed in its use of space and helps create a high quality development which is not considered to be overbearing to its residential neighbours. Effective pedestrian links to the scheme are promoted through the design and the proposals create a sense of place for the locality which will enhance the character and distinctiveness of the area. As such, it is considered that the proposal complies with established policies contained within the Replacement Unitary Development Plan.

## **7. Impact on residential amenities**

The scheme has been designed to minimise undue impacts on the amenities of surrounding properties. The proposed nursery has been located as far as practically possible away from the adjoining residential property and has also been redesigned to position its two storey element away from this neighbour. In addition, the proposed play area has been sited to the front and side of the nursery to maximise separation between the proposed use and the existing residential property. An acoustic barrier will also be inserted along the flank boundary of this nearest residential property (no 2 Trimble Drive) and the proposed play area. In light of the measures taken it is considered that the proposal would not unduly harm the established amenities of the nearest neighbouring property in this location. A condition could be attached to any permission granted to ensure that no further windows are inserted into the flank elevation of this building. Taking this measure will ensure that the amenities of the residents at no.2 Trimble Drive are protect in future.

8. A 1.8m high fence and landscaping buffer is proposed along the northern boundary of the site to protect the amenities of the residential properties in Trimble Drive. Two communal bin storage facilities are located in close proximity to the boundary. These facilities are substantive structures building of stonework to match the rest of the development and with timber doors. The bin stores will also have lockable doors and day to day management of this facility will fall under any management plan agreement for the communal areas of the site.

9. No's 188-190 Swan Avenue front onto the development site. A 1.8m high close boarded fence has been proposed along the boundary of the development site in order to protect the amenities of the residential properties. A landscaped buffer which ranges between 3.5m – 8m in width is also proposed in front of these properties to help minimise the impact of adjacent traffic and parking. Moreover, the car parking area in front of these dwellings has now been designed to accord with the principles of Secure by Design in that it will be gated after hours and fully managed to ensure anti-social behaviour does not have a chance to establish itself.

10. The hours of use of the complex are considered reasonable and a condition can be attached to any permission granted to ensure that servicing/deliveries and staff usage of the site are also within appropriate times. It is suggested that these should be limited to 30 minutes either side of the opening hours of the proposed uses. No details have been established to date with regard to the proposed D1 use so a condition should be attached to any permission ensuring that these details are submitted and approved in writing by the Local Planning Authority.

11. It is considered that the proposed scheme will not be unduly detrimental to the established amenities of the surrounding residential properties. As such, subject to conditions being attached to any permission granted, the proposal is considered to accord with policies UR3, D1 and D4 of the Replacement Unitary Development Plan.

## **12. Highways Safety**

The development takes access from Swan Avenue, a road leading from Warren Lane that serves a number of residential properties. It is considered that the proposed access provides good visibility in both directions and is far enough away from the roundabout to ensure that safety on the highway is not compromised. A Transport Statement has been submitted with the application and concludes that there are no traffic capacity or highway safety issues. This is corroborated by Highway DC officers.

13. Several representation letters and a petition have been received with regard to congestion on Swan Avenue caused by on street parking by residents and the fact that this will be exacerbated by the proposed development. These newly built dwellings however should be fully self-sufficient in terms of off street parking provision and should not therefore contribute to on street parking. Furthermore, if the development of the retail units and surgery is approved and built there will be a fairly substantial car park which will provide ample off street car parking on the development which should not exacerbate any perceived on street parking or congestion problem.

14. The scheme provides for a total of 50 parking spaces, including 4 disabled/mother and baby spaces. Parts of the road will be tarmac with the remainder being constructed of pavements. It is considered that the proposed level of parking and access arrangements is appropriate for this site. Overall, the proposal complies with the principles outlined in policies TM2, TM11 and TM19A of the Replacement Unitary Development Plan.

#### **15. Contamination issues**

There is no objection in principle to the development of community uses on this parcel of land which includes made ground with varying levels of contamination, although with no significant issues. Conditions are recommended on any permission granted to ensure that the site is appropriately remediated, specifically with regard to the nursery.

#### **16. Comments on the letters of representation received**

Most of the issues raised within the letters of representation have been addressed above. Amended plans have been received to ensure that the scheme is effectively landscaped whilst also adhering to the principles of secure by design e.g. gating all the development after the hours of operation cease at each different use. It is suggested that conditions regarding the management of the complex should be attached to any permission granted. Such details will ensure that the scheme provides a development which is secure by design whilst also ensuring that it is not detrimental to the amenities of the surrounding residents by designing out/managing as far as practically possible anti-social behaviour. The management plan agreement will also encompass communal aspects such as the management of the proposed bin storage.

17. The hours of operation of each of the proposed uses (with the exception of the D1 use) have been submitted as part of this scheme. The majority of uses will be closed by 20.00 Monday to Friday (plus Saturday for the retail use). As such, a condition is suggested on any permission granted to ensure that the site is fully vacated (of staff etc.) and secured by 20:30 hours Monday to Saturday. It is also recommended that a condition requiring details relating to the hours of use of the proposed D1 use shall be submitted to and approved in writing by the Local Planning Authority prior to the use commencing. This would ensure that this element of the proposal could be controlled to protect neighbouring amenities.

18. Highway safety to and from the site has been fully considered by specialist engineers. It is considered that the proposals will not exacerbate the existing condition of safety on the highway and have been designed to accommodate the proposed accommodation/uses in the most appropriate manner to retain this safety.

## **19. Community Safety Implications**

Amended plans have been submitted identifying the full boundary details for the scheme. These amended details show the whole site is to be gated after hours with simple metal upright posts to ensure that parts of the site do not become a magnet for anti-social behaviour. Full management of the communal areas will also form part of the management plan agreement which is to be submitted to and approved by the Local Planning Authority prior to occupation of any of the buildings. As such, it is now considered that the proposal will pose no undue community safety implications and accords with Policy D4 of the Replacement Unitary Development Plan.

## **20. Conclusion and reasons for granting planning permission**

The development of this site with a well conceived mix of community uses is considered a beneficial use of this parcel of land that gives the opportunity to provide a sustainable pattern of housing/community development within the existing urban fabric of Eldwick. Indeed, the proposal is essentially in accord with the uses envisaged for this large housing development when planning permission was originally granted. The effect of the proposal on the surrounding locality and the adjacent neighbouring properties has been assessed and is acceptable. The provision of an access in the manner and location proposed is appropriate and parking provision has been made to accord with the location of the development. As such, the proposal is in conformity with the principles outlined within the Replacement Unitary Development Plan and complies with policies UDP1, UDP3, UDP7, UR2, UR3, TM2, TM12, TM19A, D1, D4, D5, CR2A and CR3A.

Accordingly, approval is recommended subject to the following conditions:

### **Conditions of Approval**

1. Three year time limit to commence development.
2. Samples of all materials to be used to be submitted and approved in writing prior to commencement of the development and the development to be constructed in the approved materials.
3. A Management Plan agreement, including long term maintenance and operation of security features for communal areas, to be submitted to and approved in writing prior to the commencement of the development and adhered to thereafter unless otherwise agreed in writing by the Local Planning Authority.
4. Development to be carried out in accordance with the amended plans which have been submitted.
5. No building within 3m of either side of the sewer which cross the site.
6. The site shall be developed with separate systems of drainage for foul and surface water on and off the site.
7. Prior to commencement of development the proposed means of disposal of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority.
8. Unless otherwise approved in writing there shall be no piped discharged of surface water from the development prior to the completion of the approved surface water drainage details.
9. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor.
10. In all cultivation areas across the proposed development a 600mm sub and/or topsoil layer shall be spread on top of the made ground.
11. Prior to the commencement of development a report outlining the gas protection measure for the commercial units shall be submitted to the LPA for written approval.



12. Unless otherwise agreed in writing no construction or development activities shall be carried out on site except between the following times: - 0730 -1800 Monday to Friday and 0730- 1300 Saturday. No other activities except for emergency repairs shall be carried out at all on Sundays, bank Holidays and/or Public Holidays.
13. No piling activities shall take place on the site except between 0830 – 1600 hours Monday to Friday.
14. No access other than that shown on the approved plans shall be formed into the site without the prior written approval of the LPA.
15. Notwithstanding the details shown on the submitted plans, the development shall not commence until sight lines of 2.4m x 43m have been cleared of all obstructions to visibility exceeding 1m in height above the adjacent carriageway and retained as such to the satisfaction of the LPA.
16. The areas to be used by vehicles including parking, loading, and unloading areas shall be surfaced, sealed and drained before the development is first occupied or brought into use and thereafter retained to the satisfaction of the LPA.
17. Prior to construction commencing a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site.
18. With the exception of the proposed D1 use, uses on the development shall only operate between the hours of 07:30 to 20:30 Mondays to Saturdays (including staff movement to and from the site), and the uses shall not operate on Sunday.
19. Details of the hours of use of the proposed D1 unit shall be submitted to and approved in writing by the Local Planning Authority prior to first use or occupation of the building, and the approved hours shall be adhered to thereafter.
20. No additional windows in the flank elevation / north elevation of the nursery building hereby approved shall be inserted without the prior written consent of the Local Planning Authority.
21. Development to be in accord with the amended plans received – ref A783-2006-16 Rev A.
22. If any further contamination is found during development, the developer shall submit and have approved in writing an amendment to the remediation strategy.

# SHIPLEY AREA PLANNING PANEL

DATE  
**19 MARCH 2009**



For reference only (Crown Copyright)

LOCATION

**ITEM No. 4**

**34 KEIGHLEY ROAD, CROSSFLATTS**

**DATE:** 19 MARCH 2009  
**ITEM No:** 4  
**WARD:** BINGLEY (O2)  
**RECOMMENDATION:** TO REFUSE TO GRANT PLANNING PERMISSION  
APPLICATION WITH PETITIONS

**APPLICATION No:** 08/06667/COU

This item has been referred to panel at the request of an elected member.

**Type of Application/Proposal and Address:**

An application for the change of use of 34 Keighley Road, Bingley from A1 (Retail) to A5 (Hot food take away).

**Site Description:**

The application property is situated in a terrace of five comprising commercial use at ground floor and primarily residential accommodation at first floor. The neighbouring businesses currently comprise a bakery at No. 28, hot food takeaway at No 32 and a home cleaning service at No 36, each with residential accommodation at first floor, and at No 28 a chemist with a nail bar above. The application property has a flat to the first floor which is, at present, to let. The site is in a largely residential area adjacent to a public house and a working men's club.

**Relevant Site History:**

None relevant.

**Replacement Bradford Unitary Development Plan (RUDP): *Proposals and policies***

The site is unallocated on the RUDP but within the Crossflatts Local Centre

The following policies would be applicable:

UDP3 - Quality of the Built and Natural Environment

UR3 - Local Impact of Development

TM12 - Highway safety

D1 - General Design Considerations

CR1A - Retail development within Centres

P7 - Noise

**Parish Council:**

Not in a Parish

**Publicity and Number of Representations:**

Advertised by site notice and neighbour notification letters, with an overall expiry of 30.01.09

7 individual letter of objection have been received, along with two petitions, one with 76 signatories and one with 6, making a total of 89 objections.

**Summary of Representations Received:**

- The area is well served by takeaways and there isn't the demand for another takeaway on this row of shops
- The proposal would have an adverse impact on local residents from noise, litter, smell, street gathering and increased traffic

- There is a proliferation of hot food takeaways in the village and this proposal will not add to the balance of shops needed to cater for all residents and tastes
- The proposal will increase parking problems at the shops
- The proposed opening hours of 11.30am to 11.30pm seem odd for the proposed use
- The shop would vent close to my flat, causing air pollution that I and my children would breath
- The proposal would alter the atmosphere of the village and reduce it's tranquillity

### **Consultations:**

Environmental Protection and Waste - The introduction of a hot food business to these premises could adversely impact on nearby residents as a result of noise and odours. The following conditions would be necessary:

- The development shall not begin until details of measures to control emissions to the atmosphere likely to emanate from the proposed use within the site are submitted and approved in writing to the Local Planning Authority.
- Non-Severance of Upper Floors - development shall only be occupied or used in connection with and ancillary to the occupation of the existing premises or use and should at no time be severed and occupied as a separate independent unit.
- Opening hours not to exceed 23:00 on any given day due to the proximity of residential properties

Highways - No objections

### **Summary of Main Issues:**

- Impact on local and residential amenity
- Impact on highway safety

### **Appraisal:**

Each of the main issues will now be considered.

Impact on local and residential amenity: Whilst the application premise is on a commercial frontage there are residential units above the application unit and all the other premises in the row, with the exception of No.28. During the daytime a takeaway is unlikely to cause undue additional noise or disturbance when taken with existing noise and traffic in the area. In the evenings, however, it is considered that the noise from cars and motorbike engines starting, doors banging and customers visiting the site will be much more noticeable. This consideration must be balanced against the fact the neighbouring takeaway is open late into the evening, and a retail use in the application premises could have long opening hours.

However, hot food takeaways by their nature rely on a quick turnaround of a large number of customers, some of which will come on foot but a significant number of which will come by car to ensure that their food is still hot when they reach home. Customers will either pull into the forecourt to park, or park in Micklethwaite Lane bringing vehicular disturbance close to residential properties. There is already one hot food takeaway operating in this row of shops and it is felt that were another to be granted this would increase the level of disturbance by means of vehicular disturbance and general noise to an unacceptable level contrary to polices UR3 and P7 of the Replacement Unitary Development Plan.

One of the main concerns of residents is the impact which the smells that would emanate from the takeaway would have on neighbouring dwellings when considered independently and in conjunction with those from the existing hot food takeaway at No. 32. Given that the majority of the properties in this row have residential accommodation at first floor level,

including the application property (which is currently to let as a shop and luxury flat, with the two elements advertised separately) and the proximity to adjacent dwellings weight has been given to this issue.

The plans do show a flue at the rear of the building however no details regarding the ventilation system or other proposals to control the emission of odours from the unit have been submitted. It is therefore considered that the development would result in unacceptable smells to the detriment of residential amenity contrary to policy UR3 of the Replacement Unitary Development Plan.

Highway safety implications: There are no specific concerns regarding highway safety arising from this proposal. On-street parking is available on Micklethwaite Lane and it is felt that this could be utilised without impediment to the free flow of traffic. Space exists at the rear of the building for the off street parking of two vehicles.

**Community Safety Implications:**

No apparent community safety implications.

**Conclusion:**

For the reasons noted above, it is considered that the proposal would cause detriment to local residential amenity and, as submitted, the application includes inadequate information to show that the proposed use would not cause detriment to residential amenity due to uncontrolled odour. It is therefore recommended that permission be refused for the following reasons:

**Reasons for refusal**

1. The use of the premises as a hot food takeaway would be detrimental to the residential amenity of the area by way of the additional disturbance created during the late evening by customers. In particular, it is considered that the noise and disturbance associated with customers arriving and leaving by vehicle will affect those living in the residential units above the shops on this parade and the wider residential area to the detriment of the living conditions of local residents. The proposal is, therefore, contrary to Policies UR3 and P7 of the Replacement Unitary Development Plan (2005).
2. The application as submitted contains insufficient information regarding the nature of the proposed ventilation system. It is therefore considered that the use of the premises as a hot food takeaway would be detrimental to the residential amenity of the area due to odours emitting from the kitchen contrary to Policy UR3 of the Replacement Unitary Development Plan (2005).

**DECISIONS MADE BY SECRETARY OF STATE**

Item No	Ward	Location
<b>APPEALS ALLOWED</b>		
N/A		
<b>APPEALS DISMISSED</b>		
5	Bingley Rural	<p>Blantyre House, Keighley Road, Harden</p> <p>Change of use and extension of outbuildings to form dwelling for parents (Granny annexe)</p> <p>08/02228/COU</p>
6	Wharfedale	<p>Land at Green Lane, Burley Woodhead</p> <p>The construction of an access road.</p> <p>Appeal dismissed and Enforcement Notice upheld with corrections and variations. Overall time period to comply with the Notice extended to three months</p> <p>08/00190/APPENF</p>

**DATE:** 19 MARCH 2009  
**ITEM No:** 7  
**WARD:** BINGLEY

**RECOMMENDATION:** THAT THE CONTENTS OF THIS REPORT BE NOTED AND OFFICERS BE AUTHORISED TO NEGOTIATE COMPLETION OF THE AGREEMENT ON THE BASIS OF THE BROAD HEADS OF TERMS AS SET OUT IN THIS REPORT

**APPLICATION No:** 08/00358/FUL

### **Description and Location of the development**

Full application for the construction of a residential development comprising of 78, one and two bed apartments and 17 2-4/5 bed townhouses on Land to the south west of Rhodes Yard, south of Whitley Street, Bingley

### **Relevant Site History**

At the Panel of 24 July 2008 Members considered a report with relating to the above application. The report to the Panel is appended as Appendix A to this report. Members resolved as follows:

#### ***Resolved –***

***That the application be approved for the reasons and subject to the conditions set out in the Strategic Director, Regeneration’s technical report subject to the following:***

***(i) That Condition 11 be amended to read “That the Permitted Development Restriction be applied to all fences throughout the development”; and***

***(ii) That the following condition be added: “That a Crime and Security Management Plan and Strategy be submitted to and approved by the Council prior to commencement of development”;***

***and subject to the completion of a Section 106 Agreement to provide for an overage agreement, the details of which will be negotiated with the Strategic Director, Regeneration, within the next six months and submitted to the Panel for further consideration.***

The scheme was generally considered by members of the Panel to constitute a beneficial reuse of a vacant and visually unattractive site that gives the opportunity to provide a sustainable pattern of housing development within the existing urban fabric of Bingley. The effect of the proposal was considered acceptable with the scheme providing a positive enhancement of the conservation area and the waterfront and providing the opportunity to bring an important, highly visible canal side area site back into use.

A financial appraisal for the proposed scheme formed part of the determination of the application by Members. This appraisal indicated that the development would not be financially viable, in some part due to the innovative architecture proposed and in part due to the current economic climate, if the Local Planning Authority were to insist on the Owner making the normal levels of social infrastructure contributions in by way of planning

obligations. The applicants agreed to enter into a planning obligation to offer an overage agreement to the Council in the event that profit returns are in excess of an agreed percentage. Any profits exceeding the agreed profit level, to be calculated on the basis of open book accounting, are required to be paid to the Council to towards providing the usual community benefits that in normal circumstances would have been required in accordance with polices in the RUDP and Supplementary Planning Documents. The allocation of any such monies would be made in accordance with the Councils priorities as defined in the Agreement.

### **Details of the S106 Legal Agreement**

Negotiations have been undertaken by the Strategic Director, Regeneration in consultation with the Chair of the Panel; and concluded as follows:-

- Once the trigger point of 20% profit has been reached for the development there will be a requirement to provide monies towards the usual contribution requirements of the Council
- The contribution requirements are for affordable housing, education and recreation contribution and the provision of metro cards.
- The proposed order of priorities of the contributions as set out in the draft Agreement are as follows priorities: to (i) fulfil the education contribution (£92,476) in the first instance, (ii) funds to go towards housing for older people in the Bingley area (1,446,375), (iii) fulfil the recreation contribution (£30,525), and; (iv) in the final instance, to provide Metro travel cards (1 per residential unit for zones 1-3).

The Agreement also contains details of allowable costs that can be deducted by the developer in making an assessment of the net profit over the twenty per cent margin triggering the requirement to make the various contributions.



## APPENDIX A

**DATE:** 24 July 2008  
**ITEM No:** 3  
**WARD:** 2 - BINGLEY  
**RECOMMENDATION:** TO GRANT PLANNING PERMISSION SUBJECT TO  
CONDITIONS AND A S106 LEGAL AGREEMENT  
**APPLICATION No:** 08/00358/FUL

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

Full application for the construction of a residential development comprising of 78, one and two bed apartments and 17 2-4/5 bed townhouses on Land to the south west of Rhodes Yard, south of Whitley Street, Bingley

### **Site Description**

A 0.59-hectare irregular shaped parcel of Brownfield land that is located within one of the Conservation Areas of Bingley (identified in the Conservation Area Assessment as Area to the East of Park Road). The site is allocated in the Replacement Unitary Development Plan as part of a mixed-use area.

The site adjoins the Leeds & Liverpool Canal along its southern boundary - this waterway corridor is designated a site of Ecological and geological interest (SEGI). The site faces south towards Bingley Town centre and the nearby railway station, is level and is currently vacant as all former industrial buildings have been demolished.

A variety of industrial buildings exist along the western boundary and generally, the area comprises a mix of industrial, commercial and residential properties. A footpath is evident along the opposite bank of the canal that is screened from the Bingley by-pass by a row of mature popular trees.

### **Relevant Site History**

03/04831/FUL – Erection of residential apartments in three and four storey blocks providing 73 units - GRANTED subject to a s106 agreement in August 2004. The provisions of the legal agreement were to secure the provision of affordable housing (12 units at a discount of 50% of Open Market Value (OMV) and a financial contribution to the provision of off-site recreational facilities (£90,000)).

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

The site is allocated as a mixed-use area within the Replacement Unitary Development Plan. Relevant 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
- UR6 - Use of conditions or S106 agreements to resolve obstacles to planning permission
- UR7A - Mixed Use Areas

H5 – Residential Development of Land and Buildings not protected for Other Purposes  
H7 - Housing Density  
H8 - Housing Density  
H9 - Provision of affordable housing  
TM2 - Impact of Traffic and its Mitigation  
TM8 - New pedestrian and cycle links  
TM12 - Car Parking Provision  
TM19A – Traffic and road safety  
D1 - General Design Considerations  
D4 - Community Safety  
D5 - Landscaping  
D9 - Urban Design in city and Town Centres  
D10 - Environmental Improvement of Transport Corridors  
BH7 - New Development in Conservation Areas  
BH11 - Space about buildings in Conservation Areas  
BH20 - The Leeds and Liverpool Canal  
CF2 - Educational contributions in New Residential Developments  
OS5 - Provision of recreation Open Space and Playing Fields in New development  
NE9 - Other sites of Landscape or wildlife interest

The Leeds Liverpool Canal - Conservation Area Assessment - March 2005

### **Town/Parish Council**

Not applicable.

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

Advertised by the display of site notices with the statutory period of publicity expiring on 29 February 2008. One representation received.

### **Summary of Representation Received**

- Disappointed with the poor design that is at odds with the more traditional character style of old and new buildings in the immediate areas and alongside canal conservation area.
- Proposal does not enhance the conservation area
- Against policy D1 of the Replacement Unitary Development Plan.
- This style of development should not be encouraged in a market town.

### **Consultations**

(i) Yorkshire Water – No objections in principle subject to appropriate conditions.

Advise that there is a water main and a sewer, which cross the site and that the presence of the sewer affects the layout of the site. In light of the above comments suggest a planning condition to adequately protect the pipes from being built over or near to.

(ii) Drainage Section –Records indicate that a culverted watercourse exists within the site. The developer must determine the exact course of this, as any works to it will require the consent of both the council and the Environment Agency. Suggest conditions in any permission granted.

(iii) Environmental Protection – Although the site has been cleared of buildings, it was used by a property developer to store extensive amounts of building and demolition waste without any preventative measure to stop contaminants leaching out of the waste materials into the made and natural ground beneath. Therefore it will be necessary to carry out ground investigations to determine the contaminants and their concentration levels across the site. Conditions regarding submission of a risk assessment and final

verification report use of Geo. Textile membranes, submission of groundwater and gas monitoring schemes and noise assessments are suggested in any permission granted.

(vi) Highway Agency – No comments to make.

(v) Environment Agency – No comments to make.

(vi) Education Section – Request a contribution of £92,476 for the following reasons: -

- 1 The nearest secondary schools would be Beckfoot and Bingley Grammar, both of which are full. We would therefore need to request a contribution towards additional secondary educational provision.
- 2 The nearest primary schools would be Myrtle Park, Trinity All Saints', St Joseph's Catholic, Eldwick, Crossflatts and Harden, all of which for the first time are full this year. We would therefore need to request a contribution towards primary school education.
- 3 The calculations are based on 2 additional children per school year group per 100 houses, but flats/apartments at 1 additional child per year group.
- 4 Secondary provision:
- 5  $2 \times 6 \times 17/100 \times \text{£}12,200 = \text{£}24,888$  for the town houses
- 6  $1 \times 6 \times 27/100 \times \text{£}12,200 = \text{£}19,764$  for 2 bed apartment - single bed apartments not included.
- 7 Primary provision
- 8  $2 \times 7 \times 17/100 \times \text{£}11,200 = \text{£}26,656$
- 9  $1 \times 7 \times 27/100 \times \text{£}11,200 = \text{£}21,168$

(vii) Leisure and Recreation Department – concerned that the areas of public open space (POS) and the pocket park that have been proposed will not be of sufficient size to meet the requirements of policy OS5. OS5 requires POS of 1900m<sup>2</sup> and playing pitch provision of 3800m<sup>2</sup>. If the POS meets the above requirements it is unlikely that the Parks and Landscape Service would wish to manage the site and feel that it should be managed under the auspices of a management company. If the developer wishes to revise their proposal to remove the on site POS provision and made an off site contribution we would seek a contribution of £30,525. This is a contribution of £22,500 for POS and £8,025 for playing pitches. The development does not meet the criteria for provision of an equipped play area.

(viii) Housing Department – The above site falls in the housing market area where affordable housing quota is 30%. Analysis suggests that there is a need for one and two bedroom apartments as well as three and four bedroom houses. Therefore the housing department request on site provision and is looking to negotiate 30% of the net developable area or a number of units to provide a mix of one and two bedroom apartments plus three and four bedroom houses to help accommodate the need for affordable provision.

The minimum floor space for the units the housing department is seeking to negotiate for is a three bedroom is 80 square meters and four bedrooms 120 square meters. The minimum floor space for the apartments would be 50 square meters for 1 bedroom and 60 square meters for two bedrooms. Please note that depending on the composition of these units we would like the affordable housing units offered at 35% discount on the open market value.

(ix) Highways (Development Control) Section – the proposed access should be at 90 degrees. The provision of a visibility splay of 4.5m x 23m is considered acceptable, as it is understood that Whitley Street is to become a 20mph zone. The access road serving the townhouses should be to an adoptable standard. Parking should be at a ratio of 150%.

(x) Police Architectural Liaison – 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: -

(a) Natural Surveillance Areas of the Public Open Space to the rear and side of the cube building are undercover from the building line above.

(b) Defensible Space - The area of Public Open Space situated near to the entrance to this site needs to include some clear and robust boundary treatment to define ownership and use.

(c) An access control strategy to the apartments will also be required to control movement within the building. Entrances to car parks also need to be secure not only restricting vehicles but also pedestrians.

(d) It is noted that within the D&A there is mention of the possibility of creating a route from the development on to the canal side. This is not something that the Police would support. It would potentially create an additional escape route and open up the development to casual intrusion, legitimising access.

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.

(xi) British Waterways - British Waterways support the development of this redundant waterfront site, however, we suggest further consideration in relation to:

a) *Site boundaries* (suggest that the red line be extended to include British Waterways land).

b) *Access to the waterway* - Planning application ref.03/04831/FUL for 73 residential apartments was approved in August 2004 on the land subject to the current application. This scheme included a waterside walkway running the entire length of the site allowing public access along the waterfront. The current scheme has not included the walkway and misses the opportunity of improving public access. Public access is vital in terms of developing interest, vitality and security along the waterfront by ensuring natural surveillance and policing. Therefore, the aim should be to secure pedestrian access along the north side of the canal, connecting road and footbridges and improving access over the canal.

c) *Site Drainage* -The proposals for the disposal of surface water is unclear. If the canal has the capacity, British Waterways may consider disposal into the canal subject to a commercial agreement.

d) *Operational* - The integrity of the waterway wall along the lengths owned by the developer is of concern and is unlikely to be capable of taking any additional load. The area of land belonging to British Waterways between the site and the canal is excluded from the development. The works are fairly close to the waterway and again the integrity

of the waterway wall is of concern along the entire length of our ownership. The existing wash wall is unlikely to be capable of taking any additional. Should the application site be extended to include the land owned by British Waterways, it would be appropriate that the required waterway wall repairs are undertaken by the developer as part of the scheme. As a result, British Waterways would exchange the land at no cost if the repairs were undertaken in accordance with our 3<sup>rd</sup> party works code of practice and maintained. This could be included within a planning condition.

e) *Ecology* - The waterway is ecologically valuable and forms a corridor of biodiversity. Any vegetation removal should be kept to a minimum to maintain both the existing character and its habitat value. Any new planting should compliment the existing landscape and create viable areas for habitat development. There are known instances of Native Crayfish in the canal at this point, this is a protected species and any work to the waterway wall at water level should be referred to British Waterways Conservation Ecologists.

(xii) Heritage/Conservation Section - The site in question historically appears to have accommodated a sawmill and wharf/storage areas associated with the canal. There does not appear to have ever been a mill structure of the form of those across Whitley Street. It is not considered essential or appropriate to create a pastiche historical industrial building, as this would not add anything to the understanding or character of the conservation area. Other industrial buildings on the canal front at Bowling Green Mill (Damart), Stanley Mill with chimney, Britannia Mill and the mill buildings to the north side of Whitley Street all have strong individual and group character defining the industrial past of this area. The presence of these buildings and the presumption that they will be retained are sufficient to define the character of the area, and allow good contemporary development in amongst which will not undermine the rugged and functional character.

PPS1 and PPG15 both allow for good contemporary development, provided that this is of sufficient quality to enhance the environment. The site needs developing, and the submission must be assessed on its individual merit.

The height of the proposed buildings generally reflects neighbouring buildings and the mirroring of the gradual topographical rise away from the canal. The exception is the cube building that stands out from the general trend. This can be accepted as other structures such as Damart depart from the predominant height and the height of the cube has a foil in the form the Stanley Mills chimney that will remain the dominant tall feature. The cube has a slight vertical emphasis derived from its elevation above the ground, and its south face is lightened by its predominant transparency. The use of purple engineering brick has no obvious comparable, but is relevant in an industrial setting, has texture through the unique qualities of individual bricks, and is far preferable to a cladding system. It should be qualified that the cube should remain an icon and not set future height trends.

The other two buildings orientate themselves well to the canal and Whitley Street. Height and mass are appropriate for the context. The stone will need very careful selection with regard to colour, texture, coursing and face finish as this will be the single deciding factor on the success or otherwise of these blocks. There are reservations over the louvres to Whitley Street ground level as these could present a rather impersonal character at street level and become a maintenance issue. The other essential is that all windows to these blocks are set very deep, up to 200mm to create proper shadows and slots in the masonry.

The roofs of all buildings must be such that they do not glint in sunlight and become conspicuous when viewed from higher on the valley sides.

The siting of the buildings is intended to draw people into the site from Whitley Street and it would be a shame if this became a gated community. Equally there needs to be aesthetically acceptable means of preventing undesirable access beneath the buildings and into private areas. This does not seem clearly defined on the drawings and this locality is currently inactive and subject to antisocial activity.

Landscaping will be crucial and vehicle access must not be allowed to dominate. The shared hard surfaced area is vital to avoid a typical estate road solution and to dilute any perceived priority by vehicles. The choice of surfacing could either be sandstone or granite smooth sets or a good aggregate paviour in sandstone colour, not brindle. The divisions between private spaces south of the bar building are not clearly indicated. This again needs qualifying, as repetitive boarded fences would destroy the effect, as will any garden sheds.

This is a bold scheme but in an area which has strong enough character to take a design which reflects current thinking rather than pastiche. The character of the conservation area will not be diminished by a contemporary scheme, and the variety and rugged urban nature of this part of the canal will be enhanced. There remain a number of areas that need clarity – segregation of public and secure spaces, boundary treatments around the site. We must ensure that standard highway and landscape solutions do not dilute the qualities of the spaces, and that exceptional attention is given to secure the right cladding materials. With these qualifiers, we have a contemporary scheme that will enhance the conservation area and enable it to reflect the passage of time.

(xiii) Bingley Civic Trust - The Trust has acknowledged for some considerable period that this former and principally “industrial” extent of land is likely to become principally “residential” over the coming years. Observations made during the course of the Trust’s discussions in recent years have been, in summary, as follows: -

- The overall extent of land lies within the Leeds-Liverpool Canal Conservation Area;
- As far as this “Bingley Town Centre” section of the Canal is concerned, the Trust has expressed the hope that there will be some “joined-up” thinking between the various parcels of land, especially in regard to the twin aspects of urban design and to the details and specification of townscape. Of overall concern there has been, and remains, a strong wish to achieve a positively attractive and scenic frontage to the long northern bank of the Canal, as seen from the towpath and from Bingley Town Centre. The Trust regards this frontage as a very visible and important townscape.
- To retain a “mix” of uses – corner shop provisions; modest scale employment uses; incidental open space (not necessarily public open space); the introduction of ‘treescape’; a continuity of pedestrian linkages.
- To retain the character and appearance of the Conservation Area – i.e. the urban scale & building heights, materials, and an understanding of the architectural proportions relating to building mass and architectural fenestration. In this respect some feel that the recent residential development at Britannia Mills (part conversion, part new-build) might be regarded as a little bland, but nevertheless broadly inoffensive. In contrast, Argyll Court appears to embody a most satisfactory mix in terms of ‘new’ & ‘old’, and achieving at the same time a genuine understanding of the local “character” of this Conservation Area.

#### THE PLANNING APPLICATION

- It is a grave disappointment that the Application makes no analytical assessment of the character or appearance of this part of the Conservation Area, nor of the context of the Application Site within it, (notwithstanding the information available

on Map 15 and pages 49-55 of the Conservation Report). Without such an analytical assessment, it is unlikely that new design assumptions themselves will be appropriate, particularly those that attempt (as here) to offer a substantial degree of design “innovation”. PPG 15 accepts the principle that ‘gap’ sites should be a *stimulus to imaginative, high quality design* (Para 4.17) and, because Conservation Area status provides a higher degree of criteria than conventional development control, PPG 15 (Para. 4.17) states that “special regard should be had for such matters as scale, height, form, massing, respect for the traditional pattern of frontages, vertical or horizontal emphasis (e.g. the scale & spacing of widow openings, and the nature and quality of materials) -----harmonising the new development with its neighbours in the Conservation Area”. The Trust believes these criteria (incl. PPG 15 (Para. 4.4)) should be upheld in determining whether or not consent should be granted or refused

- The Previous Application (03/04831/FUL) - This has been inspected, as part of the Trust’s response to the present application. The building “footprints” (other than the proposed Cube Building) are relatively similar, and the Trust has no objection to the broad development footprint or to the principle of residential development on this site, and it supports the use of stone elevations and the provisions of open space.
- Given the Conservation Area criteria noted above the Trust feels the following particular design aspects are inappropriate / not characteristic of the Conservation Area: -
  - CUBE BUILDING: The Trust wishes to point out that the cubic form of this large building has no antecedents in the Conservation Area. The character of the larger buildings in this area is rectangular, with steeply pitched roofs, with external walls almost wholly of natural local sandstone (millstone grit). In summary, therefore, the Trust feels this building is very discordant (as all elevations are in engineering brickwork, six storeys in height) and its boundary-edge siting (in relation to the Canal and Stanley Mills) makes it dominant and oppressive in mid-distance views - e.g. from the towpath, and from the Station/Shopping Centre locality - from where the overall context of the Conservation Area can be seen.
  - ANGLE BUILDING: The Trust has no objection to the siting and platform/footprint of this building, other than the non-characteristic and also modish longitudinally pitched roof. The Trust welcomes the two elements of Open Space associated with the setting of this building, and the car parking provision.
  - BAR BUILDING: The Trust has no objection to the siting and footprint of this building. As with the Angle Building, the longitudinal roof pitch is foreign in form to the urban grain of the Conservation Area, and thus is too intrusive in form / profile and also in its roofing material. Other than misplaced fashion, it makes little practical sense to have this kind of sloping roof on a flat site. In general the Conservation Area roof line characteristic is one of ‘stepped’ gables or party walls which serve to acknowledge changes in storey-heights, and / or long sloping roofs where rows of dwellings are built against the direction of the contours. The rooflines of the Angle and Bar Buildings (both of which have extensive and visible roofs) impose a visually strong diagonal - on flat land - which would be foreign and intrusive in character and appearance. The Trust also feels that this predominantly 3-storey building would benefit the Canal frontage by being greater in height (i.e. a greater ratio of four and three storeys), to express its presence along the Canal, incorporating stepped gable and a more regular fenestration.

## SUMMARY

### Future Canal side Development

- The Trust regards the Canal side along this central section of Bingley as being of

utmost importance to the future character of the town. The Trust supports, in general, the evolutionary change from predominantly “industrial” to predominantly “residential” uses. The Application Site, and its neighbours, are pre-eminently ‘sustainable’ in terms of infrastructure. The Trust’s wish is therefore to encourage and welcome high quality urban design that is both genuinely contemporary, and also interpretative of its context.

- This Application attempts to reach for the above objective, but disappointingly fails to achieve it. The Trust is not impressed by the modish references (Drawing 2028 / 018) to examples of similar architectural designs elsewhere. In design terms, what appears to be needed is a greater concentration upon an analytical assessment of this part of the Conservation Area, and a contemporary re-interpretation of its character and appearance.
- The Trust would welcome a re-design which achieved these objectives, but regretfully cannot support the present Application for the reasons outlined above.

xiii) Landscaping Section - Consider that the design principles are fine. Need to ensure that a management company maintains the shared Public spaces, as this is critical to the success of the spaces. Need to control boundary treatments and protect existing trees on the adjacent British Waterways land.

### **Summary of Main Issues**

- (a) Principle of development
- (b) Density
- (c) Impact of development in terms of
  - Conservation Area status
  - Design
  - Landscaping including public open spaces
  - Surrounding locality
  - Adjoining properties/uses
- (d) Highway Safety
- (e) Other impacts
  - Contamination
  - Noise
  - SEGI
  - Land stability
- (f) Financial viability of the scheme
  - Issues regarding s106 contributions/provision of affordable housing
- (f) Community Safety Implications
- (g) Comments on representations

### **Appraisal**

1. Permission is sought for the erection of 95 dwellings on the site. A range of unit sizes has been proposed including 51 studio/one bedroom apartments, 27 two-bedroom apartments and 17 town houses comprising 2-4/5 bedrooms. 105 parking spaces are to be provided which are located throughout the site and include the formation of some undercroft parking for the apartments. Access to the site is via Whitley Street.

2. The development has been designed in a contemporary manner with three distinct built elements:

- (i) The cube, a six-storey structure sited at the very edge of the Canal. Materials are of engineering brick to the north, east and west elevations and profiled metal roof



with matching up stands and copings. On the south elevation, fronting the Canal, timber-framed curtain walling, is proposed. Windows to the north, east and west elevations are timber framed and the openings on all elevations will have metal lined reveals. Glazed balustrade will be used for the balconies on the south elevation.

- (ii) An 'angle building' which defines both Whitley street and some of the newly created public space whilst also respecting the constraints of the site in terms of infrastructure pipes and close proximity of the adjoining industrial buildings. Materials are of split face grit stone and profiled metal roof with matching up stands and copings. Again on the south elevation timber framed curtain walling is proposed along with glazed balustrade to balconies.
- (iii) A terrace of townhouses that front the Canal to form a wedge of development which ranges from two stories at the eastern edge of the site (adjoining the pocket park) to four stories in height. Materials are of split face grit stone and profiled metal roof with matching up stands and copings. Timber framed doors and windows are proposed.

3. Public Open space is provided for in three separate areas: -

- a) The pocket park at the eastern edge of the site adjacent to the Canal,
- b) A petanque at the northern edge of the site adjacent to Whitley Street and,
- c) A further 'L' shaped open space located between the angle building and the town houses in close proximity to the Canal (adjoining a strip of land in the ownership of British Waterways).

#### Principle

4. The site is Brownfield land that is located within a mixed-use area. Policies regarding mixed-use areas in the Replacement Unitary Development Plan seek to ensure that there is flexibility for a wide range of potential uses in older parts of the urban areas in order to maximise regeneration benefits. Whilst it would be desirable to achieve a mix of uses on this site, it is considered that the erection of residential development in the manner proposed is acceptable in principle and has already been established by the grant of planning permission 03/04831/FUL for the creation of 73 units. Moreover, residential use of the site, which is in a highly sustainable location due to being within an established town centre location and accessible to a wide range of transport modes, will help create a successful place adjacent to the Canal waterfront.

5. Planning Policy Statement No. 3 and Regional Planning Guidance helps promote effective reuse of Brownfield sites and buildings in more sustainable locations. It is therefore considered that the redevelopment of this site for a range of dwellings is in accord with established planning policies.

#### Density

6. Within the urban areas, it is usual that a minimum density of 50 dwelling per hectare should be achieved in accordance with Planning Policy Statement No. 3 and policy H7 of the Replacement Unitary Development Plan. On those sites close to public transport links and within town centre locations, higher densities should be achieved. This development covers 0.59 hectares, which provides a density for this site area of 161 dwellings. It is considered that this density is appropriate within this highly sustainable location and maximises development potential on this Brownfield site.

#### Impact of development

7. The site is located within the conservation area identified as Area to the East of Park Road. This area, which is centered on Whitley Street and the nearby Clyde Street and

Britannia Street, developed as Bingley's principal industrial area. There is a clear relationship between these areas and the canal with some former mills retaining wharves (now overgrown). The buildings in the area are mainly former textile mills with a few later commercial and residential buildings. The Conservation Area Assessment notes, "from the Canal and bridges, the area has a character skyline with a mixture of gabled buildings, north light sheds and tall mill chimneys... Whitley Street ... closely lined with stone buildings of various heights, creating interesting vistas, particularly along the northern side of Whitley Street where there are more taller sheds and warehouses".

8. The application site historically appears to have accommodated a sawmill and wharf/storage areas associated with the canal. There does not appear to have ever been a mill structure of the form of those across Whitley Street. It is not considered essential or appropriate to create a pastiche historical industrial building, as this would not add anything to the understanding or character of the conservation area. Other industrial buildings on the canal front at Bowling Green Mill (Damart), Stanley Mill with chimney, Britannia Mill and the mill buildings to the north side of Whitley Street all have strong individual and group character defining the industrial past of this area. The presence of these buildings and the presumption that they will be retained are sufficient to define the character of the area, and allow good contemporary development in amongst which will not undermine the rugged and functional character.

9. Government advice in Planning Policy Guidance Note no. 15 is that Local Planning Authorities should have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area. Within Bradford district, it is acknowledged that there is a rich and diverse historic environment and policies within the Replacement Unitary Development Plan seek to ensure that the essential characteristics of local distinctiveness and environmental identity are appropriately preserved. These elements are highly valued today for the positive contribution they make to the quality of the environment.

10. Planning Policy Statement 1 and Planning Policy Guidance Note 15 both allow for good contemporary development, provided that this is of sufficient quality to enhance the environment. In addition, high standards of urban design are now acknowledged to have an important part to play in the regeneration of our urban areas and in creating sustainable development. Replacement Unitary Development Plan policies seek to ensure that, in designated conservation areas, development should respond sympathetically to the site and its locality but should also look to create distinctive, innovative places acknowledging that good modern design can co-exist alongside historic design. It is considered therefore that this application must be assessed on its individual merit.

11. With regard to the impact on the conservation area, it is considered that the height of the proposed buildings generally reflects neighbouring buildings and the mirroring of the gradual topographical rise away from the canal. The exception is the cube building which stands out from the general trend and is without direct precedent. This can be accepted as other structures such as Damart depart from the predominant height and the height of the cube has a foil in the form the Stanley Mills chimney which will remain the dominant tall feature. The cube has a slight vertical emphasis derived from its elevation above the ground, and its south face is lightened by its predominant transparency. The use of purple engineering brick has no obvious comparable, but is relevant in an industrial setting, has texture through the unique qualities of individual bricks, and is far preferable to a cladding system. It should be qualified that the cube should remain an icon and not set future height trends.

12. The Bingley Civic Trust has raised concerns with regard to the proposal for the cube building. It is considered however that buildings of discordant scale are not untoward in the conservation area - Damart is of far greater height and mass, and the structures along the canal frontage range from single storey irregular workshops to seven storey-spinning mills. To be constrained by a rectangular block with a derivative of a pitched roof would very likely prevent a really good contemporary design. It is also envisaged that the cube will remain as a unique element on a site which has previously made a poor contribution to this important frontage - a frontage that does not have one overriding built form, height or material. Indeed, in terms of materials, the conservation area is characterised, and in some instances marred by a variety of materials ranging from sheet cladding, red brick, render to stone. It is considered that none of this development should be in red brick despite significant quantities existing close by and that there is scope to continue this variety. Engineering brick can in some ways be seen as closer to blackened stone than new stone, and has an industrial honesty about it that reflects qualities of the area.

13. The other two proposed buildings orientate themselves well to the canal and Whitley Street. Height and mass are appropriate for the context. The stone should be carefully selected with regard to colour, texture, coursing and face finish as this will be the single deciding factor on the success or otherwise of these blocks. The other essential is that all windows to these blocks are set very deep, up to 200mm to create proper shadows and slots in the masonry. The roofs of all buildings must be such that they do not glint in sunlight and become conspicuous when viewed from higher on the valley sides. All these aspects can be effectively controlled by conditions attached to any permission granted.

14. The siting of the buildings is intended to draw people into the site from Whitley Street. This is reinforced by the provision of three distinct areas of public open space that will allow the public to enjoy both the urban and waterfront setting. This locality is currently inactive and subject to antisocial activity and it is considered that a development in the manner proposed will help address these problems (further details on secure by design will be discussed later in the report).

15. Therefore, in terms of the conservation area, it is considered that whilst this is a bold scheme, it is located in an area that has strong enough character to take a design that reflects current thinking rather than pastiche. The character of the conservation area will not be diminished by a contemporary scheme, which continues the evolution of the conservation area by achieving a variety in form, height and materials, and makes a positive and stimulating contribution to the area. It is considered that the variety and rugged urban nature of this part of the canal will be enhanced and able to reflect the passage of time.

16. Landscaping is an important design element in any development and contributes to the character and local identity of local areas whilst contributing to the quality of the public realm. It is considered that the formation of small areas of public open space that are usable and integrated into the scheme is welcomed and help make a positive contribution to the sense of place in this development scheme. Linkages to the canal frontage are also welcomed and conditions can be attached to any permission granted to ensure that these spaces are effectively secured by design to limit as far as practically possible, anti-social behaviour. Maintenance and management of these spaces will be via a management company (involving all dwellings on the site) to ensure a co-ordinated strategy and consistency in design. Within the curtilages of the proposed townhouses, it is proposed to attach conditions to any permission granted limiting permitted development rights for all development (including alteration of boundary details over and above those approved under a condition on boundary treatments which is usually attached to any permission granted.)

17. The character of the immediate surrounding locality is mixed and the site provides an important backdrop to the long canal frontage along its southern boundary. The site is also highly visible in the wider environs. It is considered that the scheme takes the opportunity to create an innovative design solution that will not adversely detract from the setting of Bingley Town as a whole. Whilst the cube building is six storeys in height, in the wider vistas it is considered that this will not be unduly oppressive but create further interest to this part of the town.

18. Whitley Street itself comprises commercial, industrial and residential properties. It is considered that no undue adverse effects will be created on any of these neighbouring uses by the development of the site in the manner proposed.

### Highway Safety

19. The development takes access from Whitley Street, a narrow road serving a number of commercial and residential properties and with limited on-street parking. The proposed access road at the junction of Whitley Street has been designed as a Y junction. This design is considered to accord with the standards outlined in Manual for Streets (issued by the Department of Transport) that seeks to promote junctions as distinctive places. In this particular instance, the formation of a Y junction helps form a valuable and larger useable public open space at the entrance to the site.

20. The scheme provides for a total of 105 parking spaces served by a shared surface. Parts of the road will be tarmac with the remainder (associated with the public open space area, being constructed of paviers). In this highly sustainable location, a short distance from the town center, train station and bus stops, Planning Policy Guidance Note 13 advises that a lower level of on site car parking, closer to 100%, should be accepted. The previously approved scheme on this site (03/04831/FUL) was granted planning permission for a 118% provision of car parking. It is considered that the proposed level of parking (110% provision) for this application is appropriate especially since there are on-site parking restrictions on Whitley Street. Overall, the proposal complies with the principles outlined in policies TM2 and TM12 of the Replacement Unitary Development Plan.

### Other impacts

21. Due to the past industrial use of the site, contamination was present when the previous application was determined. Hydrocarbon contamination from these past uses has now been remediated. Building materials have however been subsequently been stored at the site and it is considered prudent to attach conditions to any permission granted to ensure that the site is 'fit for purpose'.

22. Due to the proximity of the surrounding industrial uses and the location of the site adjacent to the Bingley Relief Road and the railway line, conditions should be attached to any permission granted requiring suitable noise attenuations measures are incorporated into the buildings.

23. It is considered that there will be no direct effect on the SEGI. Conditions to protect the trees within the British Waterways land can be attached to any permission granted. A condition regarding a comprehensive landscaping scheme can ensure that planting compliments the existing waterfront landscape and creates viable areas for habitat development.

23. It is considered that there will be no direct effect on the SEGI. Conditions to protect the trees within the British Waterways land can be attached to any permission granted. A

condition regarding a comprehensive landscaping scheme can ensure that planting compliments the existing waterfront landscape and creates viable areas for habitat development.

24. British Waterways have advised that the integrity of the waterway wall along the lengths owned by the developer is of concern and is unlikely to be capable of taking any additional load. The development works are fairly close to the waterway and again the integrity of the waterway wall is of concern along the entire length of British Waterway's ownership. Whilst there is no indication of land stability issues, given the nature of the site, it is recommended that the developer be aware of his responsibility for ensuring safe development of the land in accordance with PPG14 – Development on unstable land. Indeed, PPG14 recognises that circumstances may arise where it may be appropriate to grant planning permission subject to conditions that the development will not be permitted to start until an adequate site investigation and assessment of site stability have been submitted and until appropriate measures to deal with any stability issues encountered in that survey have been agreed. These surveys would be referred for verification to the councils Structural Engineer.

#### Financial viability of the scheme/S106 contributions

25. Development of the scale proposed inevitably involves physical infrastructure works, management plans and social infrastructure works such as recreation provision and affordable housing. The previous planning application achieved the provision of 12 affordable housing units (at a discount of 50% of Open Market Value) and the payment of a commuted sum of £90,000 towards recreation provision. In line with policy UR6 of the Replacement Unitary Development Plan it is usually appropriate that the developer should enter into a Section 106 to address the following issues – affordable housing, recreational provision, metro cards/transport infrastructure and educational contributions.

26. Policy H9 of the Replacement Unitary Development Plan seeks to achieve affordable housing provision within development sites in the Aire Valley of 30%. No affordable housing is proposed within the current scheme as the developer has put forward a justification for abnormal costs associated with the development of this site (see exempt report attached as Appendix 1 to this report).

27. Policy OS5 of the RUDP requires that new residential development be required to make appropriate provision of or equivalent commuted payment for recreational open space. Recreational space is provided in three distinct pockets within the development that enables the public to access the waterfront and enjoy the general ambience of the conservation area. The useable space created is approximately 800m<sup>2</sup> in size but this is below the minimum standards normally required. In the previously permitted scheme (03/04831/FUL) no public open space was provided on site and a commuted sum was negotiated. In line with current standards a commuted sum of £30, 525 would be required. As outlined above, due to the financial implications for the development of the site, the developer has provided a full financial appraisal advising that this contribution, along with those detailed below, which would normally form part of a development of this size, cannot be achieved and that no financial contributions should be made.

28. These further development contributions include: -

(i) Metro cards and public transport infrastructure investments in order to promote sustainable modes of transport. Usually, one metro card is provided per unit with the developer paying 50% of the list price (+ 10% administration charge) for the first year of occupation of the unit, and;

(ii) Educational provision - Under policy CF2 of the Replacement Unitary Development Plan, new housing proposals that would result in an increased demand for educational facilities that cannot be met by existing schools and colleges should contribute to new and extended school facilities. The nearest schools, both at primary and secondary level, are full and a contribution of £92,476 is therefore sought.

29. The applicants have argued that due to wide ranging macroeconomic reasons, most notably (i) the innovative architecture proposed on the site which has been designed to protect and enhance the important canal side conservation and the wide ranging vistas of the site and (ii) current economic conditions, it is not financially viable to provide development contributions towards affordable housing, recreational and education facilities and metro cards. A detailed financial appraisal is included in the exempt report to support the special circumstances justifying the lack of infrastructure and social contributions. The applicants have however agreed to enter into a planning obligation to offer an overage agreement to the Council in the event that profit returns are in excess of an agreed percentage (detailed in the exempt report attached as Appendix 1). Any profits over this level are offered to the council to fund, to its priorities, i.e. the usual community benefits that are recommended by consultees and discussed in the above report.

30. It is considered that this type of agreement will allow the Council to support a scheme which will have an important part to play in both the regeneration of this conservation area and in the creation of a sustainable, well conceived and designed development whilst also ensuring that appropriate contributions towards affordable housing, recreation, education and, or metro can be achieved if financial circumstances allow whilst the development is being undertaken. As such, it is considered that, provided an overage agreement is successfully concluded, the proposed scheme is in accord with the regeneration aspirations of the District and on this basis would provide a positive benefit to stimulating economic activity and in encouraging appropriate investment by acknowledging good urban design.

#### Community Safety Implications

31. In order to ensure that the scheme is in accord with Secure by Design principles e.g. specific boundary detailing etc, conditions are suggested on any permission granted. As such, it is now considered that the proposal will pose no undue community safety implications and accords with Policy D4 of the Replacement Unitary Development Plan.

#### **Comments on Representations**

32. The majority of the issues raised in the letter of representation have been covered in the above report. Issues of design are subjective and it is argued that this is not a pastiche heritage like the previous approved scheme on the site and not a bland scheme like at Britannia Mills but one which can make a positive and stimulating contribution to the conservation area and to Bingley as a whole.

#### **Reasons for Granting Planning Permission**

The redevelopment of this site with a well conceived contemporary residential scheme is considered a beneficial reuse of a vacant and visually unattractive site that gives the opportunity to provide a sustainable pattern of housing development within the existing urban fabric of Bingley. The effect of the proposal on the conservation area, the surrounding locality and the adjacent neighbouring properties has been assessed and is acceptable with the scheme providing a positive enhancement of the conservation area and the waterfront. The provision of an access in the manner and location proposed is appropriate and parking provision has been made to accord with the highly sustainable location of the development. As such, the proposal is in conformity with the principles outlined within the Replacement Unitary Development Plan and subject to appropriate

conditions it is considered that the proposal complies with policies UDP1, UDP3, UDP7, UR2, UR3, UR7A, H5, H7, H8, TM2, TM12, TM19A, D1, D4, D5, D9, D10, BH7, BH20 and NE9.

An analysis of the submitted financial appraisal for the proposed scheme has been undertaken and indicates that the development would not be financially viable, in some part due to the innovative architecture proposed and in part due to the current economic climate, if the Local Planning Authority were to pursue planning infrastructure contributions in the usual manner. The applicants have however agreed to enter into a planning obligation to offer an overage agreement to the Council in the event that profit returns are in excess of an agreed percentage. Any profits over this level are offered to the Council to fund, to its priorities, the usual community benefits of any development scheme that are discussed in the above report. As such, it is considered that, provided an overage agreement is successfully concluded, the proposal is acceptable and will provide the opportunity to bring an important, highly visible canal side conservation area site into beneficial use with a well conceived, highly innovative scheme.

Permission is recommended accordingly subject to

- (i) a Section 106 agreement to secure affordable housing, public open space and educational contributions, and metro cards subject to the council covenanting that no contribution shall become payable by the developer unless and until the developer has achieved a percentage of profit in the scheme as a whole, and;
- (ii) the following conditions: -

### **Conditions of Approval**

- 1 Time limit
- 2 Materials to be to be approved prior to commencement of development and implemented as approved.
- 3 Sample panel of walling materials and type of pointing to be approved prior to commencement of development and implemented as approved.
- 4 Landscaping scheme – native species to be approved prior to commencement of development and implemented as approved.
- 5 Hard landscaping – permeable surfaces
- 6 Scheme for protection of existing trees to be approved prior to commencement of development and implemented as approved.
- 7 Trees to be planted during first season
- 8 Boundary treatments throughout the site to be approved prior to commencement of development and implemented as approved.
- 9 Management Plan – maintenance agreement for the long term management/ maintenance of communal/public open space areas prior to commencement of development
- 10 Permitted Development restriction to town houses (A, B, C, D, E, and F of Part 1, Class A, Schedule 2)
- 11 Permitted Development restriction - fences in the rear gardens of dwellings fronting canal
- 12 Access control strategy to buildings and landscaped areas
- 13 Provision of parking spaces prior to occupation of the buildings
- 14 Construct access before commencement of development
- 15 Construction plan details to be approved prior to commencement of development and implemented as approved.
- 16 Provision of bin stores to be approved prior to commencement of development and implemented as approved.
- 17 Separate systems for foul and surface water on and off site
- 18 No buildings occupied until completion of approved foul drainage

- 19 No changes to overland surface water flow patterns
- 20 Phase II risk assessment submission to be approved prior to commencement of development and implemented as approved.
- 21 Provision of final verification remediation report prior to commencement of development and any identified measures implemented.
- 22 Garden/cultivated areas layer of gravel membrane and /or Geo textile membrane
- 23 Groundwater monitoring scheme to be approved prior to commencement of development and implemented as approved.
- 24 Gas monitoring measures to be carried out and necessary precautions made prior to development commencing
- 25 Noise survey and details of structural and noise attenuation measures to be approved prior to commencement of development and implemented as approved.
- 26 Piling times 0830-16.00 Monday to Friday only not on Saturdays, Sundays, Bank Holidays and/or Public Holidays
- 27 Hours of Operation – no construction between the following 0730-1800 Mondays to Fridays and 0730-1300 Saturdays. No activities except for emergency repairs shall be carried out at all on Sundays, Bank Holidays and/or Public Holidays
- 28 No buildings or obstructions within 3m of the smaller sewer and 5m of the larger sewer which cross the site
- 29 No piped discharge of surface water prior to completion of approved surface water drainage works
- 30 Parking and hard standing areas to pass through an interceptor prior to discharge
- 31 Window details to be submitted and approved prior to commencement showing deep reveals (in the region of 200mm)
- 32 No development shall be begun until a site investigation and assessment have been carried out to determine the stability of that part of the site which is in close proximity to the Canal bank and its suitability to accommodate the development without causing a hazard to the development itself or the Canal and its Banks. The assessment shall include details of measures to be incorporated into the development to deal with any problems of ground or substrata instability and the development shall then be carried out in accordance with the measures so approved.
- 33 Full details of roof treatments to be submitted to and approved in writing by the LPA prior to commencement of works at the site.

Suggested footnotes

The structural stability of the land is the responsibility of the developer

**Not for Publication Documents**

Appendix 1 - Land to the south west of Rhodes Yard, South of Whitley Street, Bingley



ENFORCEMENT COMPLAINTS CLOSED BY PLANNING MANAGER AS NOT EXPEDIENT TO PURSUE
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**Item No:** 8  
**Date:** 19 March 2009

**Ward:** Bingley Rural (03)  
**Site Location:** Land At East Manywells Farm Doll Lane Cullingworth  
**Complaint ref No:** 07/00555/ENFUNA  
**Recommendation:** THAT THE REPORT BE NOTED

**Description:** Alleged unauthorised tipping

**Reason:** It is not considered that there is a clear breach of planning control which would warrant further enforcement action

**Date Enforcement file closed:** 17 June 2008

**Ward:** Bingley Rural (03)  
**Site Location:** Norr Hill Farm Lee Lane Wilsden  
**Complaint ref No:** 07/01377/ENFUNA  
**Recommendation:** THAT THE REPORT BE NOTED

**Description:** Alleged unauthorised engineering and landscaping operations

**Reason:** It is not considered that there is a clear breach of planning control which would warrant further enforcement action

**Date Enforcement file closed:** 11 August 2008

**Ward:** Shipley (22)  
**Site Location:** 4 Commercial Street Shipley  
**Complaint ref No:** 08/01115/ENFUNA  
**Recommendation:** THAT THE REPORT BE NOTED

**Description and Address:**  
Unauthorised installation of replacement shop front

**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:** 28<sup>th</sup> January 2009

**Item Number (Cont...)** 8

**Ward:** Bingley Rural (03)  
**Site Location:** Field adjacent to The Croft, Brown Lee Lane Harecroft  
Wilsden  
**Complaint Ref No:** 07/00086/ENFUNA  
**Recommendation:** THAT THE REPORT BE NOTED  
**Description and Address:**  
Construction of a septic tank

**Reason:** It is not considered that this breach of planning control would cause significant amenity issues to warrant further enforcement action.

**Date Enforcement file closed:** 3 February 2008

**Ward:** Baildon (01)  
**Site Location:** 8 Lodge Hill Baildon  
**Complaint ref No:** 08/00004/ENFUNA  
**Recommendation:** THAT THE REPORT BE NOTED

**Description:** Alleged unauthorised deposit of demolition waste

**Reason:** It is not considered that there is a clear breach of planning control which would warrant further enforcement action

**Date Enforcement file closed:** 5 February 2009

**Ward:** Windhill and Wrose (28)  
**Site Location:** 29 Wrose Brow Road Windhill Shipley  
**Complaint Ref No:** 08/01262/ENFCON  
**Recommendation:** THAT THE REPORT BE NOTED

**Description:** Removal of railing from the rear boundary, contrary to condition 10 of planning permission 03/00460/FUL

**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:** 13<sup>th</sup> February 2009