

REPORT OF THE STRATEGIC DIRECTOR REGENERATION TO THE MEETING OF THE AREA PLANNING PANEL (SHIPLEY) TO BE HELD ON 18 JUNE 2009

B

SUMMARY STATEMENT– PART TWO

Applications Recommended for Approval

The sites concerned are:

8	71 Parkside Terrace, Cullingworth	Page 35	Bingley Rural
9	52 Somerset Avenue, Baildon	Page 39	Baildon
10	3 Pollard Street, Cottingley	Page 46	Bingley Rural
11	61 Jill Kilner Drive Burley in Wharfedale	Page 52	Wharfedale

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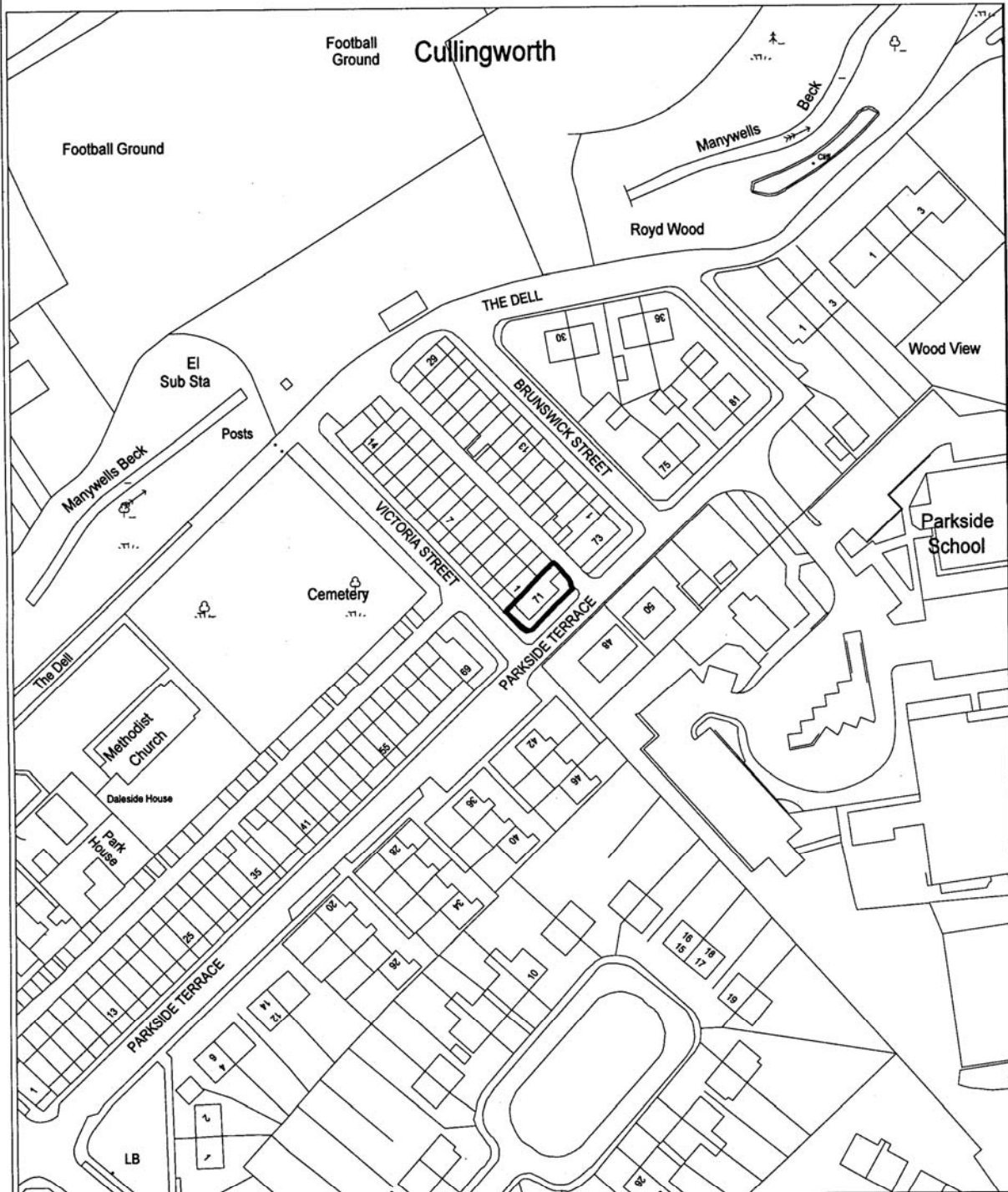
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SHIPLEY AREA PLANNING PANEL

DATE
18 JUNE 2009



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ITEM No. 8

LOCATION

71 PARKSIDE TERRACE, CULLINGWORTH

18th June 2009

Item Number: 8
Ward: BINGLEY RURAL
Recommendation: THAT PERMISSION BE GRANTED SUBJECT TO CONDITIONS

Application Number: 09/00831/FUL

Type of Application/Proposal and Address:

Full planning permission is retrospectively sought for the construction of a single storey extension to the north east elevation of 71 Parkside Terrace, Cullingworth, BD13 5AD adjacent to and in line with an existing older extension.

The proposal has been revised by the omission of French doors which were initially proposed in the south east elevation. Further amendments were secured to re-establish internal access to both sides of the dwelling at ground and first floor level.

Site Description:

The site is a two storey stone-built end terraced dwelling situated in the village of Cullingworth. The surrounding area is predominantly residential with a mix of terraced and semi-detached dwellings. There is a school nearby. The property is not listed and is not situated within a conservation area. No protected trees are affected by the proposal.

Relevant Site History:

08/07302/FUL - Conversion of property into two dwellings and extension to the rear. Refused on 9th February 2009 due to lack of off-street parking and an associated detriment to the safe and free flow of traffic on the highway.

Replacement Unitary Development Plan (RUDP):

The site is unallocated on the RUDP. Relevant policies are:

D1 – General Design Considerations
UR3 – The Local Impact of Development

Further supplementary planning guidance is contained in the Council's approved, revised House Extensions Policy (2003).

Parish Council:

Cullingworth Parish Council object on the grounds of overshadowing to 1 Victoria Street; the extension in general being out of keeping with the character of the area; and harm to visual amenity caused by the proposed French doors. The Parish Council request that the application be referred to Shipley Area Planning Panel if recommended for approval.

Publicity and Number of Representations:

The application was advertised by neighbour notification letters. The publicity period expired on 24th March 2009. Three letters of objection were received.

Summary of Representations Received:

Three objections were received. Concerns relate to impact on Bats; overshadowing; insufficient parking; loss of outlook from 1 Victoria Street; nuisance caused by multiple

occupancy; and drainage. There is also concern that the proposal would allow the dwelling to be sub-divided.

Concern was also expressed about the negative impact of proposed French doors on the appearance of the area. These doors have been omitted in the revised scheme.

Consultations:

Cullingworth Parish Council objected to the application as detailed above.

Summary of Main Issues:

- 1) Impact on local environment
- 2) Impact on neighbouring occupants
- 3) Impact on highway safety
- 4) Community Safety Implications

Appraisal:

1) Impact on Local Environment:

The proposal is considered to be in keeping with the character, scale and design of the existing dwelling and the street scene. The proposed materials match those of the existing dwelling and the surrounding properties and are therefore considered to be acceptable. The original proposal included French doors to the south east elevation which have been removed and replaced with a window more in keeping with the existing dwelling. The proposal therefore complies with Policy D1 of the Replacement Unitary Development Plan.

2) Impact on Neighbouring Occupants:

In terms of residential amenity the proposal is considered acceptable and is not considered to have any significant negative impact on the occupants of neighbouring dwellings. The proposed extension is an addition to an existing extension on the north east elevation, therefore the impact upon the occupants of 1 Victoria Terrace is unchanged and the proposal is not considered to cause overshadowing or harm the outlook from habitable room windows at that property. The original proposal did show the dwelling divided in two at first floor level, whilst it was clear following a site visit that the dwelling currently remains divided at ground floor level also. However, the plans have been amended to show access to both sides of the dwelling at ground and first floor level, and the proposal under consideration is therefore for a single dwelling. Concerns over nuisance due to multiple occupancy are not something which can be considered as part of this application as the proposal does not seek to sub-divide the dwelling. There is a current enforcement enquiry under consideration pending the outcome of this application and the enforcement officer concerned is aware of the amendments made to the proposal. The council's current position where bat activity is suspected is to attach a standard footnote to approvals making applicants aware of their responsibilities towards protected species. The proposal is therefore in accordance with Policy UR3 of the Replacement Unitary Development Plan.

3) Impact on Highway Safety:

There are no changes to existing parking therefore the proposal has no impact on highway safety.

4) Community Safety Implications:

There are no apparent community safety issues.

Conclusion and Reason for Granting Planning Permission:

The proposed extension is considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the extension upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significantly adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with Policy UR3 and D1 of the Replacement Unitary Development Plan and the Revised House Extensions Policy.

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.
2. The development hereby permitted shall be constructed of facing and roofing materials to match the existing building as specified on the submitted plans.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows or other openings shall be formed in the extension without prior written permission of the Local Planning Authority.

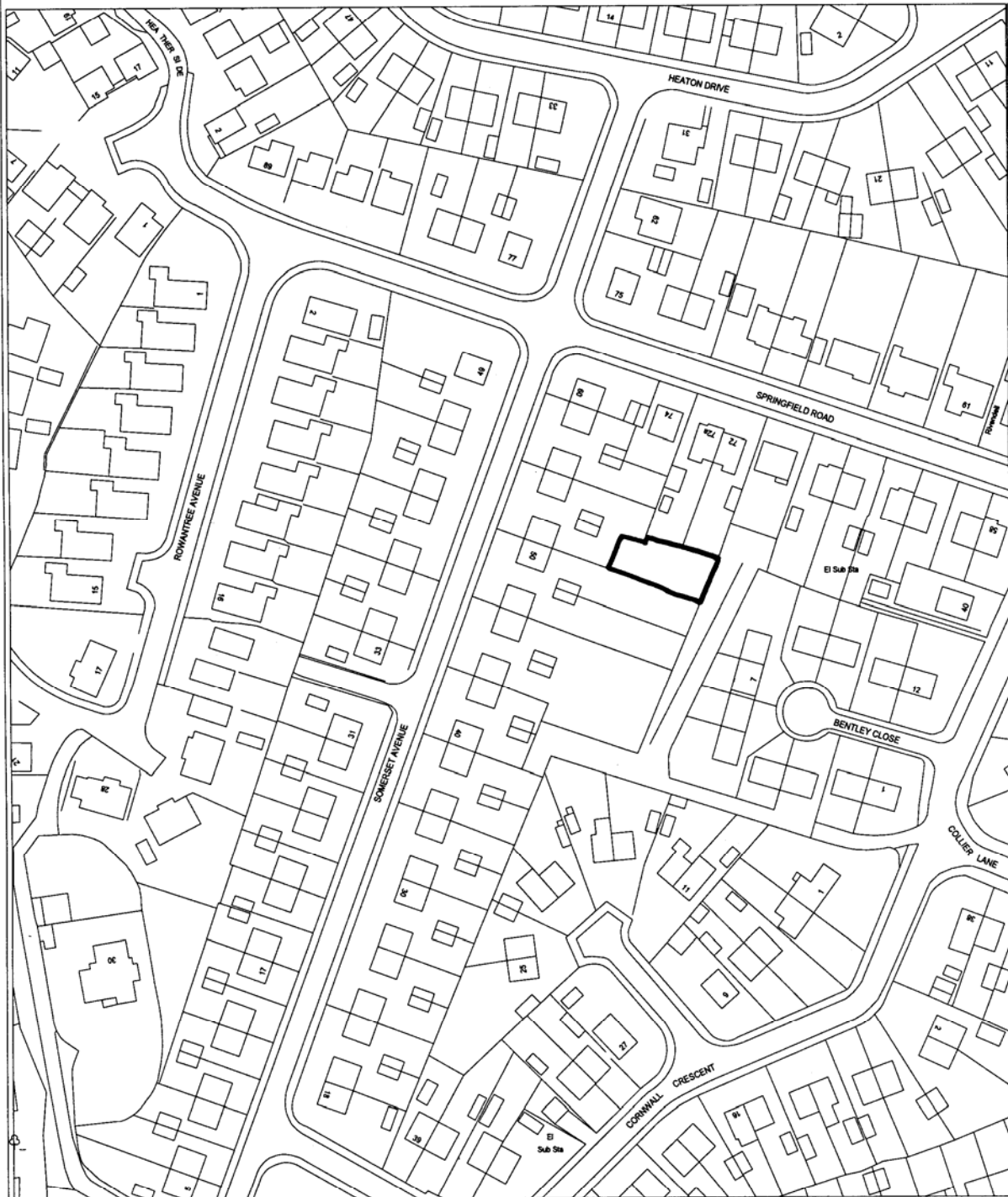
Footnote: This development proposal includes elements that could result in negative impacts on bats or a bat roost. All species of bat in Britain are protected by the Wildlife and Countryside Act 1981, as amended; and the Conservation (Natural Habitats & etc) Regulations. This means it is an offence to intentionally or recklessly:

- Kill, injure or handle a bat
- Disturb bats when they are roosting
- Obstruct, damage or destroy the places where bats live
- Sell, hire, barter or exchange a bat whether alive or dead
- Keep bats in captivity.

If bats are uncovered during the development, works must stop immediately and English Nature consulted for further advice. Whether bats are found or not, the developer is also encouraged to consider the inclusion of bat boxes/bricks within the development.

SHIPLEY AREA PLANNING PANEL

DATE
18 JUNE 2009



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ITEM No. 9

LOCATION

52 SOMERSET AVENUE, BILDON

DATE: 18 June 2009

ITEM NUMBER: 9

WARD: BILDON

RECOMMENDATION: THAT PLANNING PERMISSION BE GRANTED SUBJECT TO CONDITIONS

APPLICATION No: 09/01562/OUT

Type of Application/Proposal & Address

An outline application including access and layout for a detached dwelling to the rear of 52 Somerset Avenue, Baildon.

Site Description

The site comprises of a level rectangular section of grassed garden area to the rear of a row of semi-detached properties. A number of trees exist to the rear of the garden and a close boarded timber fence surrounds the site. Access to the garden is currently gained via the existing drive off Somerset Avenue. The surrounding area is predominantly residential in character with rear gardens surrounding the site.

Relevant Site History

N/A

Replacement Unitary Development Plan (RUDP) Proposals and Policies

The site is unallocated on the RUDP. Relevant policies are:

UDP1: Promoting sustainable patterns of development

UDP3: Retraining Development

UR2: Promoting sustainable development

UR3: The local impact of the development

H7: Density

H8: Density

TM2: Impact of traffic and its mitigation

TM12: Parking standards

TM19A: Traffic management and road safety

D1: General design considerations

National Guidance:

Planning policy statement 3 Housing (PPS3).

Planning policy statement 1 Sustainable development (PPS1)

Planning Policy Statement 25 Flood Risk (PPS25)

Town/Parish Council

Baildon Parish Council: Recommended for refusal and referred to panel. Access for emergency vehicles will be restricted. The development will result in loss of amenity space for neighbouring residents. The development will not be in keeping with the street scene. Loss of drainage resulting from paving areas. Questioned whether the trees to the rear garden are protected.

Publicity and Number of Representations

The application was publicised by neighbour notification letter and site notice, with representations being requested by 24th December 2008. Seven letters of objection have been received at the time of the report.

Summary of Representations Received

The objections can be summarised as follows:

- Setting a precedent in neighbouring gardens
- Privacy
- Overshadowing
- Welfare of trees
- Increase in traffic
- Not in keeping
- Drainage
- Restrictive covenants on the land

Consultations

Drainage: The use of soakaways for surface water would be acceptable subject to percolation tests and subsequent design details. A public sewer exists along the site boundary therefore Yorkshire Water must be consulted for a view of the impact of the development on the public sewerage system.

Yorkshire Water: A water supply can be supplied. The local public sewer network does not have the capacity to accept any discharge of surface water from the proposal site. The use of SUDS, in this case a soakaway and permeable hardstanding, may be a suitable solution for surface water disposal that is appropriate in this situation.

Trees: No concerns regarding the proposal however the off site conifer trees could constitute a high hedges complaint in future.

Summary of Main Issues

The main issues relate to i) the principle of the development, ii) density, iii) highway safety, iv) residential amenity, v) visual amenity/trees, and vi) remaining matters.

Appraisal

Each of the main issues will now be considered.

i) Principle of the development

The site is unallocated within the RUDP and the area is residential in character. The site forms the rear garden area of 52 Somerset Avenue. National planning guidance recognises garden areas as 'brownfield' or previously developed land.

National and local planning policy supports the principle of building dwellings on previously developed land providing the proposal would not conflict with other RUDP Policies. An additional dwelling within this established residential area would conform to surrounding uses. Further, the principle of development satisfies sustainability objectives, representing an appropriate use of a 'brownfield site' within the urban area and with access to existing infrastructure. As such, the principle of development is considered to be acceptable under RUDP policies UDP1 and UR2 of the RUDP.

ii) Density

The proposed density is considered to be appropriate for this location given the constraints of the site and accords with policies H7 and H8 of the RUDP and guidance relating to density contained within PPS3.

iii) Highway Safety

Access to the proposed dwelling would be via the driveway of the existing property. Whilst

the driveway is narrow due to the neighbour's side extension, the driveway is currently used by the owner of 52 Somerset Avenue and the drive would only be serving one additional dwelling. The proposal incorporates a turning circle within the site and a minimum of two cars can be accommodated off the highway at the proposed property. Vehicles for the existing property can be located off the road on a newly built drive to the front as a number of front gardens have already been converted to drives along the street. Alternatively parking would also be available at the rear of the property in the relocated garage. Reversing out onto Somerset Avenue already occurs therefore it would not raise any highway safety concerns if the host property still reversed out of the drive. No highway safety concerns are likely to result from the development which accords with policies TM2 and TM19A of the RUDP.

iv) Residential Amenity

The site is surrounded by housing therefore issues of facing distances are of concern. The proposed siting achieves distances greater than the 21m guidance contained within the Council's revised house extensions policy document. However in addition to the 21m between habitable room windows, distances of around 10.5m are usually required between habitable room windows and rear private amenity areas of neighbouring properties. Amended plans have been submitted reducing the size of the dwelling by 1m in width and depth and the property has been sited to achieve a distance of 9.9m to the rear boundary rather than the 6.9m which was originally proposed with a distance of 8.5m being achieved between the rear garden of the host property and the proposed dwelling. Whilst this is not achieving guidance distance of 10.5m the surrounding gardens are large and therefore will retain sufficient private amenity space and the gardens of 50 and 54 Somerset Avenue could already be overlooked from surrounding properties due to the low fences which make up the boundary treatments.

No habitable room windows will be allowed in the north and south side elevations of the proposed dwelling to prevent overlooking at close quarters to neighbouring gardens. A condition is recommended removing permitted development rights. Details of appearance and internal room layouts can be agreed at the reserved matters stage.

The proposed dwelling would cause some overshadowing to the private amenity space of the properties to the north of the development most notably 54 Somerset Avenue and 72A Springfield Road. However the degree of overshadowing and the amount time the overshadowing would occur are not considered sufficient to warrant refusal of the application on those grounds. Given the size of the surrounding gardens the proposed dwelling is not considered to be overbearing on either private amenity space or habitable rooms of neighbouring properties. The proposal is considered acceptable in terms of residential amenity and is considered to satisfy policies UR3 and D1 of the RUDP.

v) Visual amenity

External appearance is not a matter applied for consideration at this outline stage. If the proposal were acceptable, conditions would be attached requiring that before development commenced detailed plans showing the elevations should be submitted and approved. Appearance would be assessed in further detail at the reserved matters stage. However the plans have shown an indicative elevation plan showing a hipped roof and provisional height. Given the property would not be visible from the street scene it would not impact on the character of the surrounding area. The proposed development in this location subject to further details being submitted is considered acceptable in terms of visual amenity and in accordance with policies UR3 and D1 of the RUDP.

vi) Remaining matters

Concern has been raised about the trees in the area however these carry little public amenity as they are not visible from Somerset Avenue and having consulted the council's Arboriculturalist the proposed development raises no concerns. Regarding the restrictive covenants mentioned within the representation, no evidence of the restrictions have been provided for planning to make the applicant aware of and these would be private issues between the parties concerned rather than material planning considerations.

Community Safety Implications

There are no apparent community safety implications therefore the proposal complies with policy D4 of the RUDP.

Reasons for Granting Planning Permission

The proposed residential development as amended would relate satisfactorily to the character of the surrounding area and would have no adverse impacts on nearby residential properties, highway safety, drainage or community safety. As such the proposal is considered to be in accordance with the objectives of policy UR2, UR3, H7, H8, D1, D3, D4, TM2, TM10, TM12, and TM19A of the Replacement Unitary Development Plan and National Guidance contained within PPS3, PPS25 and PPS1.

Conditions of Approval

1. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended)

2. The development shall not begin until full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:

- i) the design of the building including internal layout
- ii) the external appearance of the buildings
- iii) the landscaping (including tree planting scheme) and boundary treatment.

The development shall thereafter be implemented in accordance with the details so approved.

Reason: The application is in outline only and details of the matter referred to are reserved for subsequent approval and to accord with Policy UR3 of the Replacement Unitary Development Plan.

3. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

4. The development hereby approved shall only be carried out in accordance with the amended plans JM/09/04 REV A dated APRIL 2009 and received by the Council on 19/05/2009 showing a reduction in the size of the dwelling by 1m by 1m and a change in siting to include a distance of 9907mm to the rear boundary of the property.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no development falling within Classes A to F of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To accord with Policy UR3 and D1 of the Replacement Unitary Development Plan in order to protect residential amenity.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the two storey dwelling without prior written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy UR3 of the Replacement Unitary Development Plan.

7. There shall be no habitable room windows in the first floor of the North and South (side) elevations of the dwelling hereby approved unless otherwise agreed in writing by the local planning authority.

Reason; In order to avoid overlooking of the neighbouring properties and to comply with policies UR3 and D1 of the Replacement Bradford Unitary Development Plan (2005).

8. Before the development is brought into use, the off street car parking facilities shown on the approved plans shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

9. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development can be properly drained in accordance with policies UR3 and NR16 of the Replacement Unitary Development Plan.

10. Unless otherwise agreed in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

11. The development shall be drained using separate foul sewer and surface drainage systems.

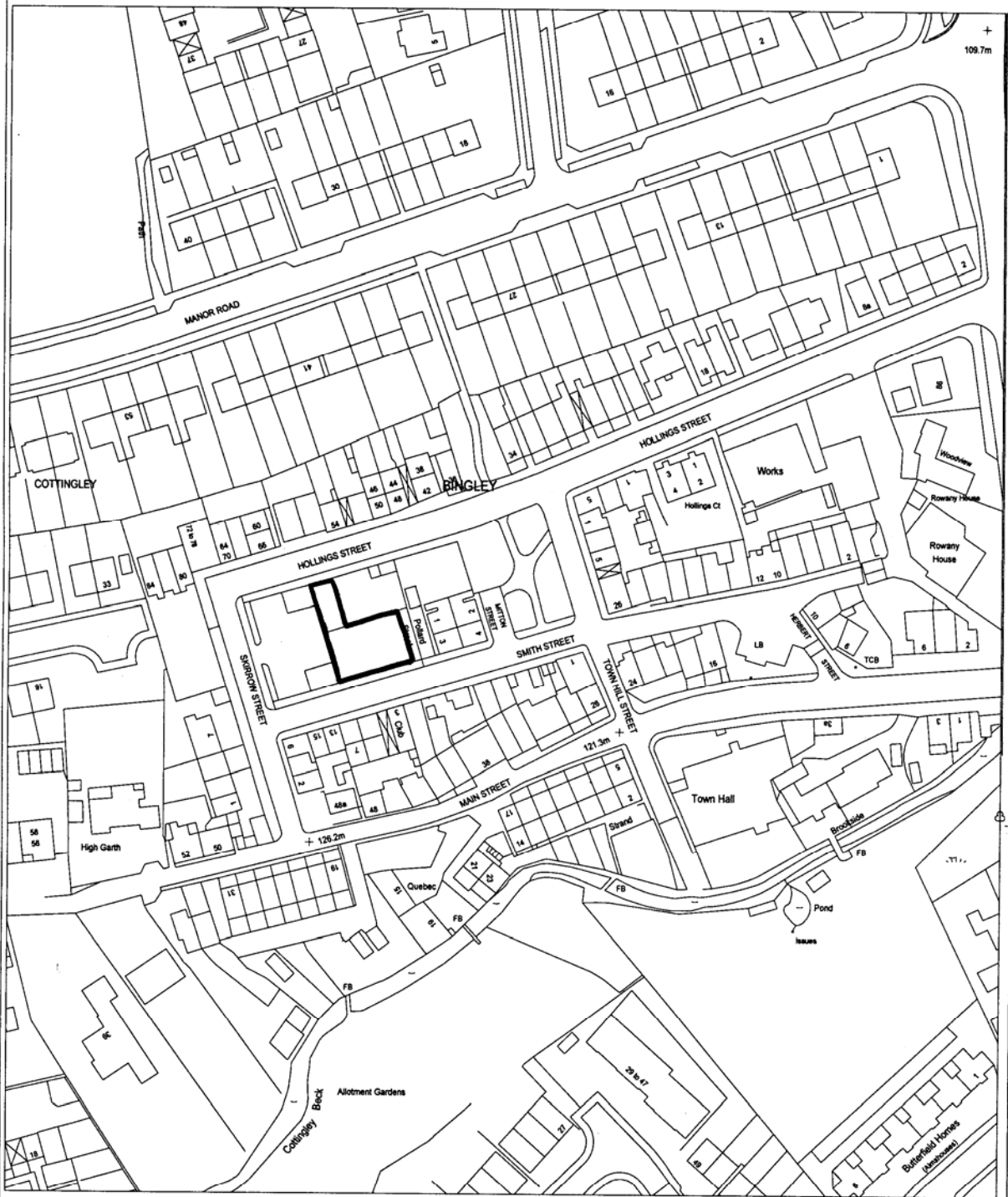
Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

12. The development shall not begin until the results of percolation tests and subsequent design details of the proposed soakaway, all to Building Research Establishment Digest No.365, have been submitted to the Local Planning Authority and the surface water shall be drained in accordance with the approved details.

Reason: To provide an adequate means of surface water drainage and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

SHIPLEY AREA PLANNING PANEL

DATE
18 JUNE 2009



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ITEM No. 10

LOCATION

3 POLLARD STREET, COTTINGLEY

DATE: 18 JUNE 2009

ITEM NUMBER: 10
WARD: BINGLEY RURAL (3)
RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

APPLICATION NUMBER: 09/01624/FUL

Type of Application/Proposal and Address: Full application for the construction of a pair of stone built two storey semi-detached dwellings with rooms in the roof space and associated off street parking and detached double garage on land at 3, Pollard Street, Cottingley, Bingley.

Site Description: The site is an 'L shaped' overgrown garden plot which extends to the west of number 3 Pollard Street and wraps around the rear and garden area of the adjoining number 1 Pollard Street. It was recently cleared of vegetation and mature trees. Hollings Street lies to the north of the boundary and Smith Street directly to the south. To the east are properties 1 and 3 Pollard Street and to the west is a roughly surfaced car park owned by the Council. The area is primarily residential in character comprising mostly stone built terraced and back to back properties; a Conservative Club is located to the south of the site, across Smith Street. Vehicular access to the site is from Hollins Street, with trees either side of the entrance gate.

Relevant Site History:

08/06656/OUT - Construction of one, 2 bedroom and one, 3 bedroom semi-detached house with associated off street parking and a detached double garage - 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
TM2 – Impact of Traffic and its Mitigation
TM19A – Traffic Management and Road Safety
NE5 – Retention of Trees on Development Sites
NE6 – Protection of Trees During Development

Town/Parish Council:

None

Publicity and Number of Representations:

This has been done via neighbour notification letters and site notice with an overall expiry date of 15.05.2009.

The Council has received 29 letters of representation - 26 objecting to the proposal and 3 in support.

Summary of Representations Received:

Objections

- Inadequate parking provision
- Proposal will cause traffic and pedestrian safety problems
- Construction noise/nuisance during construction
- Overdevelopment
- Overbearing impact of development on a raised Plot
- Loss of amenity for neighbouring properties
- Out of keeping with the area
- Misleading Plans
- Unacceptable loss of garden
- Impact on Trees, Hedges, Wildlife

Supporters say development would tidy up an eyesore site

Consultations:

Trees – Proposal is acceptable subject to condition being attached regarding the proposed replacement planting scheme and protective fencing for remaining trees during construction works.

Drainage – No objections. Recommend details be submitted regarding further details/percolation tests relating to soakaways.

Highways – No objections raised. Suggest standard conditions to require provision of access and parking areas before the dwellings are brought into use.

Summary of main issues:

The main issues to be considered in this case relate to

- i) principle of development, ii) impact on amenity of neighbours, iii) appropriateness of design/appearance, and impact on local character, iv) traffic and highway safety issues, v) impact on trees

Appraisal:

Principle of development

Reflecting national planning policy, local policy supports the principle of building dwellings on previously developed land providing the proposal would not conflict with other RUDP Policies. Additional dwellings within this established residential area would be compatible with surrounding uses in what is a predominantly residential area. Further, the principle of development here 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 and UR2, of the RUDP.

Amenity considerations

Although objectors claim the development would adversely affect them, the proposal has been designed in such a way to minimise concerns with regards to overlooking and overshadowing of neighbouring properties. The site of the proposed houses is relatively level with only a slight fall in gradient from west to east. The proposed dwellings have been stepped down in height to form three sections, decreasing in height towards the existing dwelling at 3 Pollard Street from the higher, western end of the site. The gable end (east) of the proposed dwelling would at its closest point be 8 metres from the nearest

windows in 3 Pollard Street. The ground floor window to the west elevation of number 3 Pollard Street serves a joint kitchen and living area and is a secondary window. As such it is not considered that unacceptable overshadowing of surrounding properties would occur.

The proposed dwellings would extend across the frontage of number 3 only and lie to the south west of number 1 Pollard Street.

It is acknowledged that the garden area of No. 1 Pollard Street is located between 6.5 and 8 metres to the north of the proposed dwellings. However, the proposed dwellings have been designed so that all first floor windows in the rear (northern) elevation do not serve habitable rooms – they serve bathrooms and a stairway and would be obscure glazed. As such it is considered that there would be no significant or unacceptable overlooking of the garden to the north arising from the proposal. It is suggested that a Condition be imposed to require installation and retention of obscure glass in these 1st floor windows to the north elevation.

The rooms within the roof space of the proposed dwellings are lit with conservation style roof lights and as such would not result in direct overlooking to the north.

Number 3 Pollard Street would retain a garden area and two off road parking spaces.

For these reasons, it is considered that the development would not adversely affect the living conditions of neighbours to any significant extent and the proposals accord with the policies D1 and UR3 of the RUDP.

Impact on the street scene and appropriateness to local character

The proposed buildings would front directly onto Smith Street with private gardens to the rear and off street parking from Hollings Street. As such the layout and position reflect the manner in which traditional houses in the area also directly abut the street. Sections demonstrate that the proposed dwellings would be the same height as adjacent properties. The height to the eaves would be 6.62 metres, slightly less than No. 3 Pollard Street and the Conservative Club to the opposite side of Smith Street which both stand at 6.9 metres.

The proposed dwellings have been designed to reflect the appearance and character of traditional terraced dwellings with coursed natural stone for all the walls and stone slates to the roof. The window patterns reflect the vertical emphasis of those in surrounding properties and windows are to be timber sliding sash, doors would also be in timber. The design also includes provision of chimney stacks, stone cills, lintels and mullions with the existing stone boundary walls to the site to be retained and repaired where required. It is considered that the traditional design and appearance of these dwellings and the use of natural materials has produced a scheme that matches and respects the character of the centre of Cottingley very well.

The proposal includes a degree of landscaping and planting including a Hawthorn hedge and the planting of a Sycamore tree to replace a weak and diseased tree to be lost to form access to the development (see section on Impact on Trees).

By conditioning samples of materials it is considered that the proposal could be successfully integrated into the locality whilst making more efficient use of the land. As such, the proposal would accord with guidance contained in PPS3 and with RUDP Policies UR3, D1 and D5.

Traffic and highway safety

The proposal includes the opening up of what appears to have been an old access to the land from Hollings Street. This would serve parking and garage for both properties. A parking area would be created off Smith Street to provide parking for the existing dwelling at 3, Pollard Street.

Many of the objections to the application express concern with regards to parking, stating that there are existing problems in the area with high levels of on street parking.

However, the Council's Highways DC section has been consulted and does not raise any objection. Whilst it is accepted that there are high levels of on street parking in the area, the proposal has been designed such that 2 off street spaces are provided per dwelling, exceeding the RUDP required standard of 1.5 spaces per dwelling. 2 parking spaces are retained for the existing property at number 3 Pollard Street. As such, across the development as a whole, two off street parking spaces per dwelling are provided, exceeding the standard required by the RUDP. As such it would be unreasonable to refuse the application on the grounds that the proposals will significantly worsen existing on street parking problems. The proposal will have no significant impact on local highway safety and accords with RUDP policies TM2, TM12 and TM19A.

Impact on Trees

Much of the site has been cleared of vegetation with the exception of a multi stemmed Sycamore (not protected) to the western corner of the new access to Hollings Street. A Hawthorn tree is located to the other side of the proposed entrance just outside of the site and located within the adjacent garden of number 1 Pollard Street.

The applicants have submitted a tree survey with the application to which finds that both trees are in poor condition and it is recommended that they are both removed and replacement planting take place. The Council's Tree Officer agrees that the sycamore is structurally weak and raises no objections to its removal. The Hawthorn tree lies outside of the site boundary and therefore the applicants have assumed that the tree should be retained. With this being the case, the proposed access has been designed and engineered such that roots to the Hawthorn would not be negatively affected. It is recommended that construction traffic should not enter the site from Hollings street to avoid compression of the roots of the hawthorn.

Replacement planting is proposed to mitigate the removal of the sycamore which includes a new tree and an additional Hawthorn hedge. Accordingly it is considered that the proposal would not result in a loss of amenity through loss of trees and with the replanting proposed would improve the site over its current state. It therefore accords with RUDP Policies NE5 and NE6.

Other issues

The Council's Drainage section have been consulted on the application and raises no objection, it is noted that the proposal would dispose of surface water via soakaways, condition should be attached requiring percolation tests to ensure this is practicable. Objection has been received regarding noise and disturbance that would be caused during construction works. A degree of disruption during the build would be likely as on any other development, however it is not considered that this forms the basis for a sustainable reason for refusal.

Comment has also been made that the plans are misleading but no further detail was added to describe which details in particular. Officers consider the plans to be clear, legible and correct.

Conclusion:

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

Community Safety Implications:

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

Reasons for Granting Planning Permission:

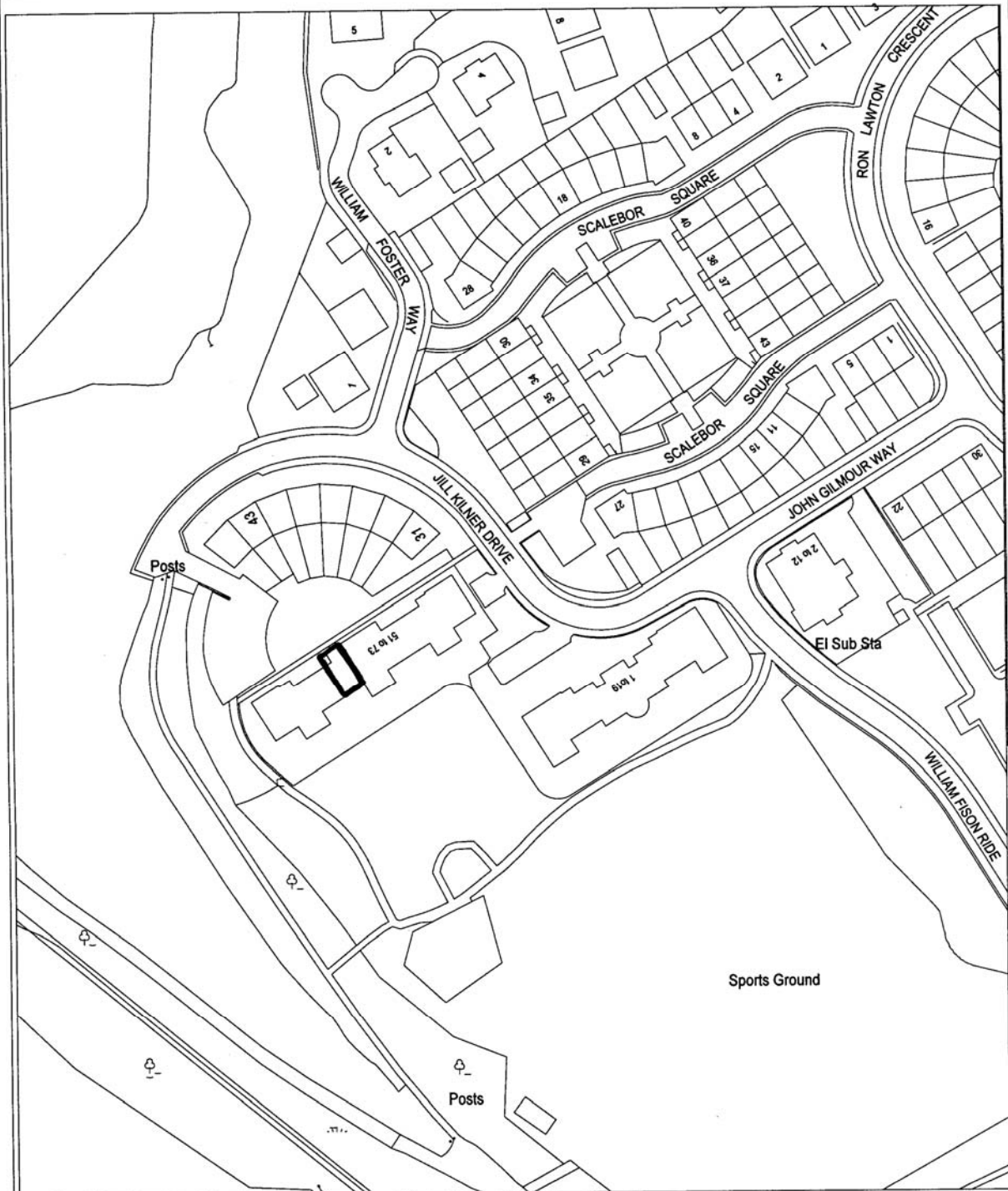
The proposal would provide housing at an accessible location in the centre of Cottingley and the design, scale and materials have been carefully considered to reflect local character and the amenity of neighbouring occupiers. It is considered that the scheme makes appropriate provision for the car parking and servicing needs of the existing and proposed dwellings and will have no significant adverse impact on local highway safety. The proposal is considered to comply with Replacement Unitary Development Plan Policies UDP1, UR2, UR3, D1, NE5, NE6, TM2, TM12 and TM19A.

Conditions of Approval:

1. Samples of materials shall be submitted for approval before development commences and the development shall be constructed in the approved materials.
2. A sample panel of walling to show coursed natural stone shall be constructed for approval before development commences and the development shall be completed in accordance with the approved sample panel.
3. All 1st floor windows in northern elevation shall be obscure glazed and retained as such thereafter.
4. Permitted development rights removed relating to the insertion of new windows, including dormers.
5. Provide car parking for existing and proposed dwellings prior to occupation.
6. Separate drainage systems required.
7. Report of investigation of sustainable drainage techniques including percolation tests to be submitted and agreed prior to commencement, and agreed measures implemented in the development.
8. Replacement tree and hedge to be planted prior to first occupation of any house.
9. Construction traffic to access the site from Hollings Street only to avoid damage to Hawthorn tree (T2).
10. Provide protective fencing to Hawthorn tree (T2) before development commences and retain in position throughout development.

SHIPLEY AREA PLANNING PANEL

DATE
18 JUNE 2009



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ITEM No. 11

LOCATION

61 JILL KILNER DRIVE, BURLEY IN WHARFEDALE

Date: 18 June 2009

Item Number: 11
Ward: WHARFEDALE
Recommendation: TO GRANT PLANNING PERMISSION SUBJECT TO CONDITION

Application Number: 09/01563/FUL

Type of Application/Proposal and Address:

Full planning application for the installation of three roof lights at 61 Jill Kilner Drive, Burley-In-Wharfedale, to facilitate the conversion of the loft space to form a bedroom.

Site Description:

The application relates to a first floor apartment in part of the converted Scalebor Park Hospital. The converted building dates from circa 1900 and is part of a wider residential development which includes new build accommodation. The apartment has windows to the front and rear of the building and is sited partly within a gable projecting to the rear elevation. The proposed loft conversion is to be in this rear gable above the existing bedrooms with internal alterations to create access to the upper floor. The building is not listed nor in a conservation area.

Relevant Site History:

09/00946/FUL - Loft conversion to habitable room. Application withdrawn as applicant wished to change proposal from the front gable to the rear gable.

00/00445/FUL – Original application for the Scalebor Park Hospital residential development comprising 125 new dwellings, 20 dwellings in converted hospital buildings, conversion of lodge house plus new access road and associated landscaping and highway works. Approved subject to section 106 Agreement 20th September 2000.

01/03768/FUL - Substitution of house types and amendments to the layout of 13 residential units plus formation of 8 additional apartments within the existing Hospital Ward Blocks. Approved 28th January 2002.

97/01692/OUT - Residential development of hospital estate resubmission of previous application. Refused 12th December 1997.

97/00680/OUT – Residential development. Refused 28th May 1998.

Replacement Unitary Development Plan (RUDP):

The site is allocated as Green Belt on the RUDP. Relevant policies are:

D1 – General Design Considerations

UR3 – The Local Impact of Development

GB5 – Extension and Alteration of Buildings in the Green Belt

Further supplementary planning guidance is contained in the Council's approved, revised House Extensions Policy (2003).

Parish Council: Recommends approval

Publicity and Number of Representations:

The application was advertised by neighbour notification letters. The publicity period expired on 12th May 2009. Five letters of objection were received including one from a Ward Councillor requesting referral to Panel.

Summary of Representations Received:

The Ward Councillor expresses concerns about the damage to the integrity of an important building, potential for overlooking, and light pollution. Other material planning concerns raised by objectors relate to the impact on the historic building and its surroundings, being out of character.

Some concern is expressed that the works would contravene building regulations. This is not a material planning consideration and may not be taken into account in the determination of the application. Such matters are properly considered by the District Surveyor.

Concern is also raised with regard to access to the loft space for maintenance purposes. This would be a private legal matter between the residents and the management company of the estate and may not be taken into account in the determination of the application.

Consultations:

Design and Conservation: No objection.

Summary of Main Issues:

- 1) Visual impact
- 2) Impact on neighbouring occupants

Appraisal:

1) Visual Impact: The proposal seeks to introduce roof lights to one of the original hospital buildings that were retained for conversion as part of the redevelopment of the wider site. The former building is not listed, nor is it within a conservation area. Nevertheless, the visual significance of the building and its setting is acknowledged to have merit.

The proposed roof lights would be located on the roof slopes of the rear gable, projecting at the back of the building. Therefore they would not affect the best, principal elevations, and would not be seen on the main approach to the site from Moor Lane. They would only be visible from a limited number of public viewpoints to the rear of the building. Their visual impact is not considered to be significant. It is noted that there are a number of existing roof lights on the estate and the proposal is considered to compare favourably to some of these.

For these reasons, the proposed alteration of the roof, in so far as it affects the character and appearance of the building and its setting, is considered to be acceptable and to comply with Policy D1 of the RUDP.

2) Impact on neighbouring occupants: In terms of the impact on the residential amenity of neighbours, the proposal is considered acceptable and no significant negative impacts are foreseen. The sills of the roof lights would be 1.9m above internal floor level, so preventing casual views towards any neighbouring apartments or houses. The proposal is not considered to cause neighbouring occupants to be overlooked. Neither is it likely that the roof lights would lead to light pollution at night. The proposal is therefore considered to accord with Policy UR3 of the RUDP.

Community Safety Implications:

There are no apparent community safety issues.

Reason for Granting Planning Permission:

The development would have only a very minimal impact on the character and appearance of the existing building due to the lack of prominence of the intended

roof lights because of their position on the side-facing slopes of a gabled element at the rear of the building. The proposal would have no significant adverse impact on the living conditions of neighbours. The proposal is considered to be acceptable and in accordance with policies D1 and UR3 of the Bradford Replacement Unitary Development Plan (2005).

Conditions of Approval

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).
