

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

C

SUMMARY STATEMENT– PART THREE

Applications Recommended for refusal

The sites concerned are:

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15	Albion Garage, Keighley Road, Bingley	Page 75	Bingley

Julian Jackson
Assistant Director (Planning)

Portfolio:
Environment and Culture

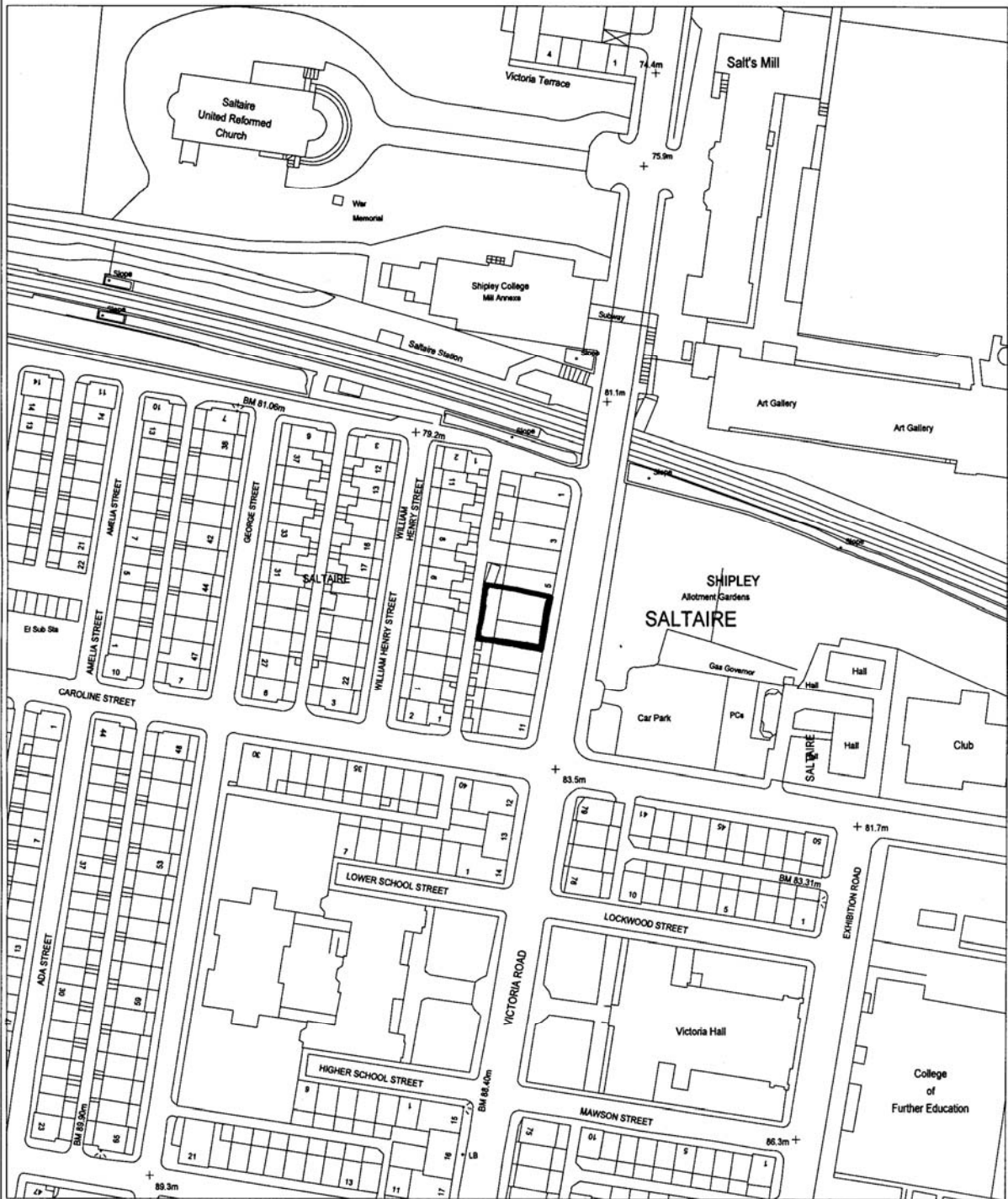
Report Contact: Ian Wilson
Phone: (01274) 434195

Improvement Committee Area:
Regeneration and Economy

E-mail: ian.wilson@bradford.gov.uk

SHIPLEY AREA PLANNING PANEL

DATE
18 JUNE 2009



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ITEM No. 12

LOCATION

DON'T TELL TITUS, 6-7 VICTORIA ROAD, SALTAIRE

DATE:

18 JUNE 2009

ITEM NUMBER: 12
WARD: SHIPLEY
RECOMMENDATION: TO REFUSE PLANNING PERMISSION

APPLICATION NUMBER: 09/01239/FUL

Type of Application/Proposal and Address:

Retrospective full planning application for installation of 2 external roller shutters on the two front doors, 'Don't Tell Titus', 6-7 Victoria Road, Saltaire, BD18 3LA.

Site Description:

Stone built terraced commercial property forming part of a commercial parade on the primary route in Saltaire Village. Grade II Listed Building. Within Saltaire Conservation Area and Saltaire World Heritage Site.

Relevant Site History:

04/04094/COU Change of use of No.6 from Fish restaurant to café/bar.

09/01238/LBC Retrospective listed building consent application for installation of 2 external roller shutters on the two front doors, pending consideration at this meeting.

Replacement Unitary Development Plan ("RUDP"): Proposals and Policies

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

Relevant Policies

BH4 – Alterations, extension or substantial demolition of listed buildings
BH5 – Shop fronts on listed buildings
BH7 – New developments in conservation areas
BH8 – Shop fronts in conservation areas
BH14 – Saltaire World Heritage Site
D4 – Community safety

Additional information is contained in the Council's approved Shopfront Design Guide (2007).

Town/Parish Council:

None

Publicity and Number of Representations:

The application was publicised by site notices. The publicity period ended 15th May 2009. 3 representations have been received.

Summary of Representations Received:

Letters from Marsha Singh MP and Philip Davies MP support the shutters as an aid to prevent break-ins to the premises, suggesting that the shutters do not affect the visual appearance of the World Heritage Site, and that the community have no objection to them.

One representation from a local resident stipulating that the limited hours of deployment must be enforced, and expressing concerns that extended use of the shutters would have an adverse effect on appearance and set a harmful precedent.

The applicant has submitted a list of 18 local residents who have been questioned about the acceptability of the shutters, none of whom objected.

Consultations:

None undertaken.

Summary of main issues:

1. Situated within a World Heritage Site.
2. Acceptability of principle.
3. Impact on special interest of listed building.
4. Impact on character of Conservation Area.

Appraisal:

The application seeks consent for external roller shutters already installed covering the 2 recessed doorways to the front of the premises. The premises are operated as a wine bar, utilizing 2 retail units in a parade of shops located on the main spine road through Saltaire Village. The whole row is listed Grade II, and almost all of the shops have well maintained historic shopfronts which complement the overall appearance and character of the area.

No other shops on the parade, or indeed in the World Heritage Site currently have external shutters, one shop on the same parade having an external mesh gate, and a couple having bars behind the windows, which is not within the scope of Planning control. Efforts have been made to reduce the impact of the roller shutters by painting the shutters and guides to match the colour scheme of the shopfront. The applications have resulted from an Enforcement challenge to the works undertaken.

The applicant's design statement includes a list of 5 burglaries over 3 years and 3 incidents of damage within one year. Full details are not provided. The statement argues the shutters will prevent break-ins through the doors. The use of shutters located within the premises behind the doors is argued to not prevent break-ins through the doorways. However, the fact that the windows remain unprotected will not dissuade determined intruders or casual vandalism.

The applicant argues that the shutters are only deployed between 1.00am and 6.00am due to operating hours, and hence have a minimal visual impact. However, if the hours or nature of business in the premises changed, it would prove impossible to enforce hours of deployment. Longer hours or even continuous use in the instance of vacancy would have a significantly adverse effect on visual amenity.

The Council's adopted Shopfront Design Guide specifically opposes the use of external shutters on listed buildings and in conservation areas. Research has proven that solid external shutters create a perception that crime is an issue in an area, exacerbating the problems which they seek to deter. It has not been demonstrated here that external shutters are the only or most appropriate solution. The use of an appropriately detailed internal shutter could afford equal benefit.

Notwithstanding the applicant's statement that the shutters have a minimal visual impact on the area and are positioned so as not to demean the building's appearance, the box and guides are apparent as having been added to the historic shopfront, the guides in particular compromising the clean and slender lines of the timber corner posts. When the shutter is deployed, it presents a discordant and intrusive feature on the property and impacts on the wider row of listed buildings. As noted above, the precedent which approval would establish could have far reaching consequences for listed building appearance throughout Saltaire.

Response to representations:

The 2 supporting representations and the applicant's design statement argue that because of the nature of the business and record of incidents that a flexible attitude is

required. Whilst all applications can be considered on their own merits, the wider implications of shutters in this context must be given full accord.

As noted above, should the hours or nature of business change, longer deployment of shutters would have a negative impact on visual amenity. The current use of the shutters has a negative impact on the appearance of the listed buildings and detracts from the character of the conservation area and the World Heritage Site. Longer deployment would exacerbate this. Further, should other businesses perceive a need to augment security, the Planning Authority's ability to resist further or more intrusive shutters would be seriously impeded. The potential cumulative effect on the conservation area and World Heritage Site from such a precedent is far reaching.

The installation of external roller shutters is not the only or most appropriate solution and does have adverse effect on the listed building, failing to accord with Policy BH4. The use of external shutters on a listed building conflicts with Policy BH5. The current proposal, and the impact of precedence fails to preserve or enhance the character of the conservation area contrary to Policy BH7. The use of external shutters in this context fails to accord with Policy BH8. It is not considered that the installation of shutters and the wider implications has been demonstrated not to have an adverse effect now or in the future on the character and appearance of the World Heritage Site, contrary to Policy BH14.

Community Safety Implications:

The shutter, when closed, would block access to a recessed doorway which could provide shelter and cover for persons intent on criminal activity including burgling the premises or attacking passing pedestrians. These matters are important. However, it is considered that alternative, less damaging, security arrangements could be employed (subject to any necessary planning permission or listed building consent), if there is a need.

Conclusion:

Notwithstanding the support provided, by virtue of the conflict with adopted policy, and increased threat to the historic environment which would result from allowing external shutters for the reasons noted above, the application is recommended for refusal.

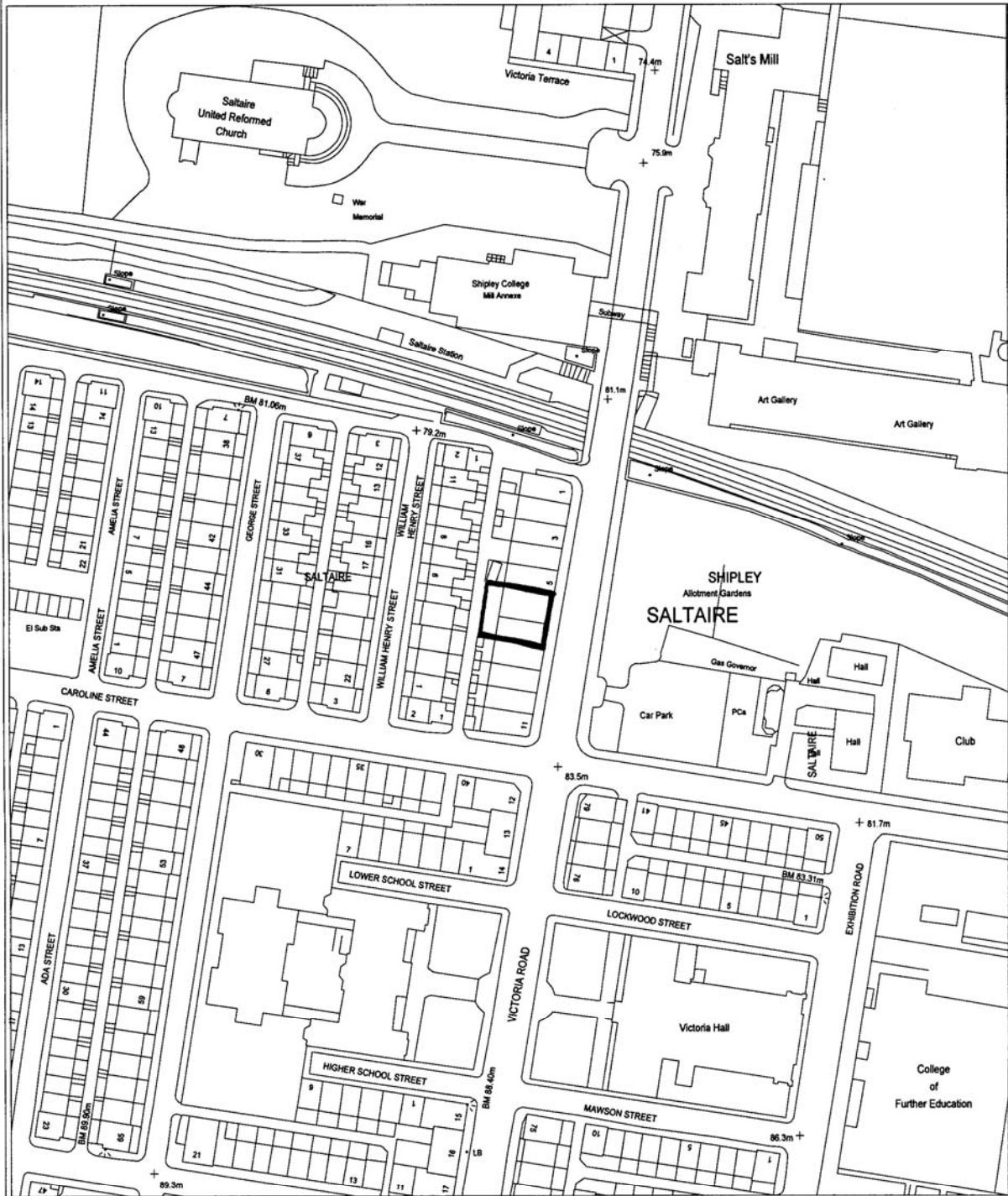
Reasons for refusal:

1. The security shutters by reason of design and location set on the frontage of the building, would form a discordant and intrusive feature which detracts from the character and appearance of the Saltaire Conservation Area. They would form a discordant and intrusive feature detracting from the appearance of the building and creating a strident feature in the streetscape. The proposal is therefore contrary to Policies BH7 and BH8 of the Council's adopted Replacement Unitary Development Plan and the approved Shopfront Design Guide SPD, and fails to enhance or preserve the character of the Conservation Area.

2. The security shutters by reason of design and construction set on the frontage of the building would form a discordant and incongruous feature which detracts from the character and appearance of the Saltaire World Heritage Site. The increased threat arising from the installation of security shutters on this property and others following such a precedent has not been demonstrated to have no adverse effect on World Heritage Site character and appearance, and the proposal is therefore contrary to Policy BH14 of the Council's adopted Replacement Unitary Development Plan.

SHIPLEY AREA PLANNING PANEL

DATE
18 JUNE 2009



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ITEM No. 13

LOCATION

DON'T TELL TITUS, 6-7 VICTORIA ROAD, SALTAIRE

DATE:

18 JUNE 2009

ITEM NUMBER: 13
WARD: SHIPLEY
RECOMMENDATION: TO REFUSE LISTED BUILDING CONSENT

APPLICATION NUMBER: 09/01238/LBC

Type of Application/Proposal and Address:

Retrospective Listed Building Consent application for installation of 2 external roller shutters on the two front doors, 'Don't Tell Titus', 6-7 Victoria Road, Saltaire, BD18 3LA.

Site Description:

Stone built terraced commercial property forming part of a commercial parade on the primary route in Saltaire Village. Grade II Listed Building. Within Saltaire Conservation Area and Saltaire World Heritage Site.

Relevant Site History:

04/04094/COU Change of use of No.6 from Fish restaurant to café/bar.

09/01239/FUL Retrospective planning application for installation of 2 external roller shutters on the two front doors, pending consideration at this meeting.

Replacement Unitary Development Plan ("RUDP"): Proposals and Policies

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

Relevant Policies

BH4 – Alterations, extension or substantial demolition of listed buildings

BH5 – Shop fronts on listed buildings

D4 – Community safety

Additional information is contained in the Council's approved Shopfront Design Guide (2007).

Town/Parish Council:

None

Publicity and Number of Representations:

The application was publicised by site notices. The publicity period ended 15th May 2009. 3 representations have been received.

Summary of Representations Received:

Letters from Marsha Singh MP and Philip Davies MP support the shutters as an aid to prevent break-ins to the premises, suggesting that the shutters do not affect the visual appearance of the World Heritage Site, and that the community have no objection to them.

One representation from a local resident stipulating that the limited hours of deployment must be enforced, and expressing concerns that extended use of the shutters would have an adverse effect on appearance and set a harmful precedent.

The applicant has submitted a list of 18 local residents who have been questioned about the acceptability of the shutters, none of whom objected.

Consultations:

None undertaken.

Summary of main issues:

5. Situated within a World Heritage Site.
6. Acceptability of principle.
7. Impact on special interest of listed building.
8. Impact on character of Conservation Area.

Appraisal:

The application seeks consent for external roller shutters already installed covering the 2 recessed doorways to the front of the premises. The premises are operated as a wine bar, utilizing 2 retail units in a parade of shops located on the main spine road through Saltaire Village. The whole row is listed Grade II, and almost all of the shops have well maintained historic shopfronts which complement the overall appearance and character of the area.

No other shops on the parade, or indeed in the World Heritage Site currently have external shutters, one shop on the same parade having an external mesh gate, and a couple having bars behind the windows, which is not within the scope of Planning control. Efforts have been made to reduce the impact of the roller shutters by painting the shutters and guides to match the colour scheme of the shopfront. The applications have resulted from an Enforcement challenge to the works undertaken.

The applicant's design statement includes a list of 5 burglaries over 3 years and 3 incidents of damage within one year. Full details are not provided. The statement argues the shutters will prevent break-ins through the doors. The use of shutters located within the premises behind the doors is argued to not prevent break-ins through the doorways. However, the fact that the windows remain unprotected will not dissuade determined intruders or casual vandalism.

The applicant argues that the shutters are only deployed between 1.00am and 6.00am due to operating hours, and hence have a minimal visual impact. However, if the hours or nature of business in the premises changed, it would prove impossible to enforce hours of deployment. Longer hours or even continuous use in the instance of vacancy would have a significantly adverse effect on visual amenity.

The Council's adopted Shopfront Design Guide specifically opposes the use of external shutters on listed buildings and in conservation areas. Research has proven that solid external shutters create a perception that crime is an issue in an area, exacerbating the problems which they seek to deter. It has not been demonstrated here that external shutters are the only or most appropriate solution. The use of an appropriately detailed internal shutter could afford equal benefit.

Notwithstanding the applicant's statement that the shutters have a minimal visual impact on the area and are positioned so as not to demean the building's appearance, the box and guides are apparent as having been added to the historic shopfront, the guides in particular compromising the clean and slender lines of the timber corner posts. When the shutter is deployed, it presents a discordant and intrusive feature on the property and impacts on the wider row of listed buildings. As noted above, the precedent which approval would establish could have far reaching consequences for listed building appearance throughout Saltaire.

Response to representations:

The 2 supporting representations and the applicant's design statement argue that because of the nature of the business and record of incidents that a flexible attitude is

required. Whilst all applications can be considered on their own merits, the wider implications of shutters in this context must be given full accord.

As noted above, should the hours or nature of business change, longer deployment of shutters would have a negative impact on visual amenity. The current use of the shutters has a negative impact on the appearance of the listed buildings and detracts from the character of the conservation area and the World Heritage Site. Longer deployment would exacerbate this. Further, should other businesses perceive a need to augment security, the Planning Authority's ability to resist further or more intrusive shutters would be seriously impeded. The potential cumulative effect on the conservation area and World Heritage Site from such a precedent is far reaching.

The installation of external roller shutters is not the only or most appropriate solution and does have adverse effect on the listed building, failing to accord with Policy BH4. The use of external shutters on a listed building conflicts with Policy BH5. The current proposal, and the impact of precedence fails to preserve or enhance the character of the conservation area contrary to Policy BH7. The use of external shutters in this context fails to accord with Policy BH8. It is not considered that the installation of shutters and the wider implications has been demonstrated not to have an adverse effect now or in the future on the character and appearance of the World Heritage Site, contrary to Policy BH14.

Community Safety Implications:

The shutter, when closed, would block access to a recessed doorway which could provide shelter and cover for persons intent on criminal activity including burgling the premises or attacking passing pedestrians. These matters are important. However, it is considered that alternative, less damaging, security arrangements could be employed (subject to any necessary planning permission or listed building consent), if there is a need.

Conclusion:

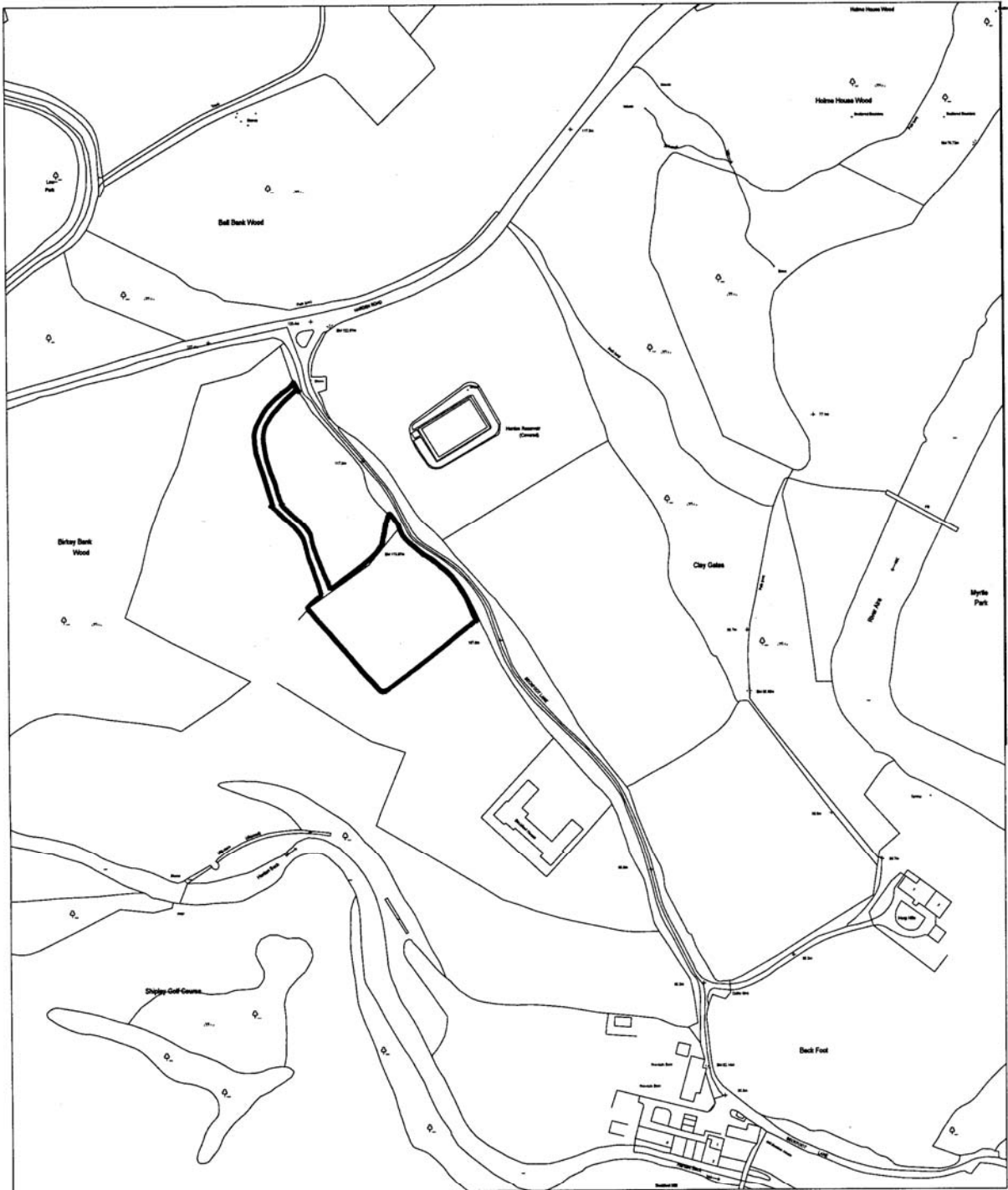
Notwithstanding the support provided, by virtue of the conflict with adopted policy, and increased threat to the historic environment which would result from allowing external shutters for the reasons noted above, the application is recommended for refusal.

Reasons for refusal:

1. The security shutters by reason of design, method of fixing and location on the frontage of the building form a discordant and intrusive feature which detracts from the architectural and historic interest of the listed building and the wider listed group. The proposal is therefore contrary to Policies BH4 and BH5 of the Council's adopted Replacement Unitary Development Plan and the approved Shopfront Design Guide Supplementary Planning Document.
2. The increased threat posed to other listed buildings in the locality following the precedent arising from the installation of security shutters on this listed building is unacceptable in terms of the adverse effect on the special architectural and historic interest of the buildings. The proposal is therefore contrary to Policy BH4 of the Council's adopted Replacement Unitary Development Plan.

SHIPLEY AREA PLANNING PANEL

DATE
18 JUNE 2009



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ITEM No. 14

LOCATION

Beckfoot House, BECKFOOT LANE, BINGLEY

Date:

18 June 2009

Item Number: 14
Ward: BINGLEY RURAL (3)
Recommendation: TO REFUSE PLANNING PERMISSION

Application Number: 09/01478/FUL

Type of Application/Proposal and Address:

A retrospective application for the retention of a general purpose agricultural building and adjacent hard standing on land at Beckfoot House, Beckfoot Lane, Harden, Bingley.

The building has already been constructed. It measures 31m x 12.3m (= 381.3 sq metres) and is 7.5 metres high to the ridge (scaled from the plans). It is of steel frame construction clad in dark brown profiled steel sheeting. The gabled (NW) 'front' elevation contains two large roller shutter doors. The side (SW) elevation includes a further large roller shuttered door and pedestrian door. The rear (SE) elevation contains a number of large reflective windows and there are CCTV cameras on the building. The north eastern side elevation is blank.

Site Description:

A sloping pasture field in the green belt adjacent to the narrow Beckfoot Lane, situated to the north-west of Beckfoot House and south of Harden Road (B6429). A large, brown steel framed shed clad in dark brown profiled sheeting has been erected on the field close to its boundary with the lane and a new access has been formed. In addition, a further track has also been formed which leaves the lane and runs parallel to it down to a large forecourt in front of and around the side of the building. The building stands in this new gravel covered curtilage separated from the field by fencing. The land slopes so that building is elevated at the rear. The building stands on a holding of 8.09 hectares (20 acres) belonging to Beckfoot House.

Relevant Site History:

An enforcement notice requiring removal of the building, hardstandings, and accesses within three months was served on 24th February 2009.

The notice was to take effect on 14th April 2009 unless an appeal was made against it. An appeal was made but not pursued by the appellant pending – with the agreement of the Local Planning Authority – consideration of this planning application.

Subsequently, by letter dated 6th May, the appeal was dismissed because the Secretary of State decided to exercise her powers under s176(3)(a) of the Town and Country Planning Act 1990 to dismiss an appeal if the appellant fails to comply with the requirements of the Act within the prescribed time. In this case, information required by the Planning Inspectorate was not provided. Neither did the appellants show that there were any exceptional circumstances preventing the submission of that information. The enforcement notice is, therefore, effective.

08/06969/FUL: Retrospective application for a general purpose agricultural building. Refused 14th January 2009 due to lack of justification in the greenbelt, harm to the visual amenity of the green belt, and visual intrusion detrimental to the character of the landscape.

06/04058/PN - Erection of general purpose agricultural building - Prior Approval Not Required - 29.06.2006

07/08188/FUL – An application for ‘conversion of garage to swimming pool, conversion of lower ground floor void to garage and living accommodation with associated balconies and terrace’ was refused on 16th November 2007 because the proposal was considered to be a disproportionate, unjustified and inappropriate development within the green belt.

08/00901/FUL – An application for ‘conversion of garage to swimming pool with terrace and lower ground floor to living area with balconies and storage space’ was granted on 20th March 2008.

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

The site is in the Green Belt on the adopted Replacement Bradford Unitary Development Plan (2005) (RUDP).

Relevant RUDP Policies

GB1 – New Building in the Green Belt
GB2 – Siting of New Building in the Green Belt
NE3 – Landscape Character Areas
NE3A – Landscape Character Areas
UR3 – Local Impact of Development
D1 – General Design Considerations

Town/Parish Council:

Harden Parish Council considers the development to be intrusive and inappropriate in the green belt. The Parish Council consider that the letters of support do not address planning issues and the nearby building over the reservoir is a poor comparator as it is on brownfield land and it blends well with its surroundings. They therefore recommend that the application be refused and also support enforcement proceedings.

Consultations

Tree Officer: As the building has already been constructed the Tree Officer has no detailed arboricultural comments other than that if the proposed landscaping is to be effective, conditions need applying to secure long term retention and management. A great deal of engineering work and tipping has occurred outside the edged red site which will have had an unacceptable impact on mature trees. This may be considered as an enforcement issue.

Drainage Section: The proposals do not include any proposals for disposal of surface water. There are no public sewers near the site suggesting a need for drainage by sustainable drainage techniques such as soakaways. The ground needs investigation to assess the appropriateness of surface water disposal arrangements.

Publicity and Number of Representations:

This has been done via site notice and advertisement in the local press with an overall expiry date of 05 May 2009.

The Council has received
12 letters of representation supporting the proposal.
1 letter of objection.

Summary of Representations Received:

Support

The applicant did let neighbours know about his plans.

The scheme provides a beneficial new passing place to ease problems on the narrow lane.

It also provides a channel so floodwater running down Beckfoot Lane runs into the field and soak away and could prevent further flash flooding which caused damage in 1997.

With the tree planting promised, the development is acceptable.

Farm traffic to the building will not affect other residents as access is via the new track and not directly from Beckfoot Lane.

The building is required to improve the efficiency of farming on the land. The applicant has improved the quality of the field by controlling ragwort and thistles.

It is not very visible or in sight of other residents down at Beckfoot Mill or Hesp Hills.

With some reasonable screening the visual impact is acceptable.

Although trees removed from the site there was no TPO on them.

Spoil heaps need to be removed and landscaping is needed but otherwise the building does not detract from the openness of the green belt.

The building is brown and blends well with the surrounding area and I understand it will be further hidden by new trees.

Although visible from Shipley Golf Course this does not interfere with Club Members' enjoyment of their sport and planting will help screen it.

Objection

This used to be a picturesque field.

Although stated to be an agricultural building, what has been built looks more like a large warehouse.

There is no evidence that a building of this size is needed in relation to the very small area of land controlled by the applicant.

The development is within an attractive area of green belt countryside and is prominent when viewed from Beckfoot Lane, Harden Road and St Ives Country Park.

The size and location of the building continue to spoil the appearance of this exceptionally attractive area of open countryside.

Saplings planted will not materially reduce the impact for many years, nor will they replace the mature trees that were cut down on the site. In the meantime the building and road will continue to be detrimental to landscape character.

The site should be restored to its previous state as an area of pasture land.

Issues

Whether the building is inappropriate development in the green belt or whether it is justifiable in that it is necessary and designed for the purposes of agriculture.

Whether the size, height, scale and position of the building are appropriate and commensurate to the claimed agricultural needs of the land holding.

The impact of the building on the visual amenity of the green belt and on landscape character.

Whether the effects of the building on the area can be appropriately mitigated.

Other arguments put forward by the applicant and supporters.

Appraisal:

This is a retrospective application seeking permission to retain a 'general purpose agricultural building' already constructed at Beckfoot Lane, Harden, Bingley.

Previous refusal

A previous application for this unauthorised development (08/06969/FUL) has already been considered by the Council and was refused for the following reasons:

The proposed development would be obtrusive and prominently sited in an area of open countryside defined for green belt purposes on the RUDP and subject to the guidance contained within Planning Policy Guidance Note 2 "Green Belts" (PPG2). Within such areas it is both national

and local planning policy to severely restrict new development unless it is for a purpose appropriate in the green belt, as specified in RUDP Policy GB1 and PPG2. The application provides insufficient information to justify the need for the building and enable the Local Planning Authority to determine that it is acceptable within the green belt. In the absence of such justification, the proposal is considered to represent an inappropriate development that would be harmful to the openness of the green belt and, in the absence of very special circumstances, which would warrant an exception to this policy, the development would be contrary to Policies GB1 of the RUDP.

The building is positioned in a prominent and obtrusive position in open countryside, directly visible from the adjacent public right of way and other vantage points. It is poorly related to any existing buildings and no proposals have been put forward to mitigate the effects of the building on the visual amenity of the surrounding countryside through tree planting or landscaping. The building is harmful to the visual amenity of the green belt and contrary to Policy GB2 of the RUDP.

The site lies within the Airedale landscape character area identified by the RUDP. Due to the height, scale and prominent siting of the building, it is considered to cause unacceptable visual intrusion and introduce an incongruous element into the landscape that is detrimental to its character and contrary to Policies NE3 and NE3A of the RUDP.

1. Whether the building is inappropriate development in the green belt or whether it is justifiable in that it is necessary and designed for the purposes of agriculture.

The site is located within the green belt where development is tightly controlled. Policy GB1 makes provision to allow buildings for certain purposes within the greenbelt. The development of the site has also included the creation of a new entrance and road, with significant areas of hard standing around the building.

Supporting evidence that the building was genuinely required for agricultural purposes was not submitted with the previous application. This lack of justification and the similarity of the building to an industrial workshop building rather than it looking like a conventional agricultural shed led to its refusal as inappropriate development. However, the resubmitted application advances further justification for this building claiming that it is necessary to support agricultural use of the land which the applicant bought in 2005 with an ambition to keep sheep and Limousine cattle and create new woodland habitats. Evidence has been provided to establish that the land owned by the applicant forms a DEFRA registered agricultural smallholding of 20 acres (8.09 hectares). It is said that the applicant has re-fenced and improved the land.

Although more akin to a small industrial building in appearance, the applicant has provided evidence that the building was erected by a firm that provides agricultural buildings of similar construction and materials. The applicant insists that it is designed and intended for general agricultural storage purposes and refers to a similar brown metal clad agricultural building at Hobson Barn, Cullingworth.

There is no evidence that the building was erected with the intention of using it for non-agricultural purposes and, with the benefit of the new information, it is accepted that a building on the holding would be necessary in order to assist effective management of the land. It is therefore accepted that the proposal would, in principle, be a form of development that could be permitted under Policy GB1 and would not constitute a Departure from the Development Plan.

The issue is whether the position and size of building now presented to the Council are reasonable given the size of the land holding and the impact of the building on openness and the character of the area.

2. Whether the size, height, scale and position of the building are appropriate and commensurate to the claimed agricultural needs of the land holding.

Buildings are considered acceptable in the green belt if they are genuinely required to be used for the purposes of agriculture or forestry. If a building is deemed acceptable in principle within the greenbelt, then Policy GB2 of the RUDP applies to ensure the visual amenity of the green belt is protected. It requires that new buildings should relate closely to existing buildings, be in an unobtrusive position within the landscape and where appropriate, additional tree planting and landscaping should be included to further reduce the impact of buildings.

In providing justification for the building now erected, the applicant has referred to a Prior Notification application (06/04058/PN) for an agricultural shed on the same parcel of land in 2006.

The Council did not oppose the siting or appearance of this building which was to be erected under agricultural permitted development rights. However, officers consider that this building would have accorded with Policy GB2 and would have had a significantly lesser impact on the green belt than the building now on the site because it was proposed in a less intrusive position on the far side of Beckfoot House and was grouped with and was better related to that existing building. It would have been set behind a high vegetated bank with mature trees helping to screen the proposal from views. It would have had a more conventional agricultural character being clad largely in stained timber boarding, its height and footprint would have been significantly smaller than the building now erected.

The previously proposed building (i.e. as proposed under 06/04058/PN) measured 9.1m x 18.2m (= 165.6 sq metres) and would be 4.28 metres in height.

The constructed building measures 31m x 12.3m (= 381.3 sq metres) and would be 7.5 metres high to the ridge (scaled from the plans).

The building now constructed has a footprint that is 230% larger than the Prior Notification building and it is 1.7 metres higher.

In addition to being significantly bigger, the building now presented for consideration is located some distance away up the hill from Beckfoot House. The applicant has argued that this is to reduce the amount of farm traffic that would have to negotiate the length of Beckfoot Lane down to the existing house. There are no other functional requirements that require the siting of the building in this location which is more exposed and prominent than the site selected for the Prior Notification building. The building is perched on the edge of a steeply sloping field which falls down towards Beckfoot House. It is clearly visible from Beckfoot Lane which runs to the east of the site and from longer distances such as Harden Road to the north. Some views are obtained from Shipley Golf Course and the public footpath which runs across it.

The applicant argues that the size and height of the building is necessary to store the equipment and feed needed on the holding as well as to provide temporary livestock accommodation during lambing/calving. The applicant anticipates that the land holding could sustain up to 8 cows, each with calves and a maximum of 20 sheep. The applicant says that the slope of the site are such that all feed will need to be brought in and stored in the building and that the height of the building is dictated by the height of the tractor and trailer he intends to buy and is appropriate to the expected usage.

Whilst the ambitions of the applicant are acknowledged, it is not accepted that a building of the scale and height now presented to the Local Planning Authority is justified given the sensitivity and character of this part of the Green Belt. Nor is it accepted that the chosen site is the best location to position a building with regard to maintaining the openness of the countryside. The building looms over the surrounding land and is visible from Beckfoot Lane and Harden Road and appears intrusive and detrimental to the character of the Green belt.

3. The impact of the building on the visual amenity of the green belt and on landscape character.

The site is located within the Airedale Landscape Character Area as identified in the Council's Landscape Character Assessments. The building is set within attractive countryside and Beckfoot Lane provides a walking route which links Myrtle Park in Bingley with the St Ives Estate and its numerous circular walks. Several trees alongside Beckfoot Lane have been felled which increases the prominence of the new shed, and the excavations and large areas of hard standing further serve to draw attention to the intrusiveness of the building in the landscape. Policies NE3 and NE3A of Bradford's RUDP aim to ensure proposals do not have an unacceptably harmful impact upon landscape character. Development will be assessed having regard to the extent to which it would cause unacceptable visual intrusion; introduce or remove incongruous landscape elements, or cause disturbance to or loss of elements of the landscape that contribute to local distinctiveness.

It is considered that the building as erected, by reason of its position on the sloping hillside is unduly dominant and uncomfortably sited, causing unacceptable visual intrusion and introducing an incongruous landscape element, contrary to Policies NE3 and NE3A of Bradford's RUDP.

4. Whether the effects of the building on the area can be appropriately mitigated.

The impact of the building when viewed from Beckfoot Lane has been heightened by removal of mature trees from along the lane. These have been replaced by new planting carried out in conjunction with the Forest of Bradford (Bradford Environmental Action Trust). A letter from the Trust confirms that 350 whips and 45 light standard trees have been planted on the applicant's land as an initial phase of a planting programme which will continue with new tree planting and new hedgerows to be planted on the holding in November 2009. The applicant intends to plant at least 3 acres of the holding as woodland copses.

It is accepted that, in the long term, this planting would have some beneficial effects in screening the unauthorised development. However, the benefits would be mostly in terms of screening the unauthorised track and views of the building from only certain vantage points in Beckfoot Lane. Only limited planting is proposed around the building and in any case it would be some years before such planting provided effective screening to a structure that is over 7 metres high and 31 metres long.

Whilst the proposed planting would help over time it would not fully mitigate the impact of the building, the prominence and scale of which in this prominent position would have a harmful impact on the openness of the surrounding countryside. Neither would planting overcome the policy objections to the size, height, scale and position of the building which, if approved, could set an undesirable precedent.

The development is therefore considered contrary to Policy GB2 of the RUDP and harms the character and visual amenity of the Green Belt.

Other arguments put forward by the applicant and supporters.

The residents in support of the application are pleased that the new gate access to the site allows water that previously flowed down Beckfoot Lane to be diverted onto the applicant's fields to soak away. This, they say, will reduce the risk of flooding to their homes such as that which occurred in 1997. The applicant has agreed that he would be prepared to improve the situation for residents even further by placing an interceptor drain across the lane. However, it is not considered that this work would be sufficient to mitigate the adverse effects of the building on the character of the green belt or the landscape, or to overcome the above mentioned policy objections.

It is also acknowledged that by setting the new gate into the site back from Beckfoot Lane, a passing place has been created that benefits other road users. However, this benefit could have been achieved independently of the construction of such a large, prominent building, and it is not accepted that this justifies the impact of the building on the countryside.

The applicant has also proposed to excavate a pond and wetland on the land and this is a project that is supported by the Environment Agency. However, this is an entirely separate project and while commendable, it should not have a bearing on the planning application as it would be situated at a much lower level and would not serve to screen or reduce the impact of the building. Indeed, a pond would further reduce the already limited acreage of productive farmland and further reduce the justification for so an agricultural building of this scale.

Following discussions with Officers, the applicant has also undertaken to remove part of the new track and to reduce the area of hardstanding around the building by about 25%. These works may benefit the visual amenity to some limited extent but would not sufficiently mitigate the effects of the building on openness of the Green Belt or the character of the landscape. In any case, separate action in respect of removal of the track is being pursued.

Consideration has been given to the various benefits claimed by the applicant and supporters, but none are considered sufficient to fully mitigate the adverse impact of the building on the openness and character of this area of countryside.

Community Safety Implications:

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

Reasons for Refusal:

1. The building is positioned in a prominent and obtrusive position in open countryside, directly visible from the adjacent public right of way and other vantage points. The scale and bulk of the building are not considered proportionate to the size of the agricultural holding and the building is poorly related to any existing buildings. Proposals for tree and hedge planting put forward are not considered adequate to effectively mitigate the effects of the building on the visual amenity of the surrounding countryside. The building is harmful to the visual amenity of the Green Belt and contrary to Policy GB2 of the Bradford Replacement Unitary Development Plan.

2. The site lies within the Airedale Landscape Character area identified by the Replacement Unitary Development Plan. Due to the height, scale and prominent siting of the building, it is considered to cause unacceptable visual intrusion and introduce an incongruous element into the landscape that is detrimental to its character and distinctiveness and is contrary to Policies NE3 and NE3A of the Replacement Unitary Development Plan.

SHIPLEY AREA PLANNING PANEL

DATE
18 JUNE 2009



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ITEM No. 15

LOCATION

ALBION GARAGE, KEIGHLEY ROAD, BINGLEY

DATE:

18 JUNE 2009

ITEM NUMBER: 15
WARD: BINGLEY
RECOMMENDATION: TO REFUSE PLANNING PERMISSION

APPLICATION NUMBER: 09/00252/COU

Type of Application/Proposal and Address:

Full planning application is sought for the change of use of land from used car sales forecourt to private hire booking office at Albion Garage, Keighley Road, Bingley. The proposal includes the siting of a temporary building measuring 4.4m x 2.7m x 2.6m to provide an office and toilet. Twenty-four hour operation is sought.

As originally submitted, the proposal included four off street parking spaces and a larger temporary building. The proposal has been revised through a reduction in the size of the building which, in turn, allows five off street car parking spaces to be proposed.

Site Description:

Albion garage is sited off Keighley Road north west of Bingley Town Centre. The application relates to a small fenced off compound adjacent to the side elevation of the recently approved Shama restaurant building (which is due to open in June). Vehicular access is shared by the restaurant and a car garage behind the site.

The site is within close proximity to Bingley Town Centre and the Bingley Conservation Area and forms part of a small commercial grouping between Keighley Road and the railway which includes a 24 hour petrol station. The listed Bingley parish church lies across Keighley Road, beyond and around which is the residential area of Bailey Hills.

Relevant Site History:

08/03165/FUL - Change of use from used car sales forecourt to private hire office (portable cabin) – Refused 8th July 2008 due to detrimental visual impact of proposed temporary building and lack of information with regard to the proposed parking arrangements.

Replacement Unitary Development Plan (UDP):

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

UR3 - The Local Impact of Development

D1 - General Design Considerations

TM2 – Impact of traffic and its mitigation

TM19A - Traffic management and road safety

BH4A - Setting of Listed Buildings

BH7 - New Development within and adjacent to Conservation Areas

Parish Council: N/A

Publicity and Number of Representations:

Advertised by site and press notices and letters to neighbours with an overall expiry date of 6th March 2009. Eight letters of objection have been received.

Summary of Representations Received:

- Noise and disturbance – from anticipated increase in traffic and waiting public
- Traffic and highway safety issues
- Appearance of the proposed building is inappropriate in such close proximity to listed buildings and the Bingley Conservation Area

Consultations:

Highways DC: Unable to support the application for the following reasons

- Parking issues - A minimum of 5 spaces would be required. Five are shown in the approve scheme but these include insufficient space for turning and safe operation. On street parking potential in the immediate area is insufficient to cater for a taxi office in addition to the recently approved restaurant next door.
- Highway safety – The proposed taxi office is likely to generate regular movement of traffic in and out of the site 24hours a day, which could have an adverse impact on highway safety. There will also be a conflict with vehicular and pedestrian movements at the adjacent restaurant.

Traffic and Highways – Do not support the application on the grounds of limited parking.

Design and conservation – Temporary style buildings are inappropriate for permanent or long term use in sensitive locations. The portacabin is therefore considered to have a negative impact on the listed buildings within the vicinity.

British Waterways – No comments, but the applicant is advised to ensure any necessary consents are obtained and that works comply with British Waterways “Code of practice for Works affecting British Waterways”.

Summary of Main Issues:

- 1) Highway Safety
- 2) Noise and Disturbance
- 3) Appearance

Appraisal:

This is the second application for a private hire office within the curtilage of Albion Garage. The main issues will now be considered.

1) Highway Safety

The provision of a private hire booking office in this location has the potential to be detrimental to highway safety. The applicant has responded to concerns about lack of off street parking by proposing 5 spaces on site by reducing the size of the proposed temporary building. This meets the minimum standards. However, the proposed spaces are laid out so that there would be inadequate manoeuvring and turning space within the site boundary. This would be prejudicial to traffic and pedestrian safety within and adjacent to the site. Further, access to the fenced site compound is via the existing vehicular access that serves as an emergency access route to the railway line, and which also serves the Shama restaurant and the car repair garage behind. It is anticipated that the likely intensification of the use of this access by vehicles and pedestrian traffic associated with the proposed taxi office use would result in a conflict between both vehicular and pedestrian movements and, in turn, could have an adverse impact on the flow of traffic along Keighley Road.

Additional off-street parking in the immediate area has been investigated but no firm proposals have been forthcoming. In the absence of such proposals (and any further requirement for planning permission and notification etc), and for the above reasons, the proposal would be contrary to policies TM2 and TM19A of the RUDP.

2) Noise and disturbance

Given that the site is located away from residential premises, set back from the main road, and within a commercial group of buildings that includes a 24 hour petrol station, it is not considered that the activity associated with the use – even at night – would result in conditions prejudicial to residential amenity as a result of noise and disturbance. This

might depend on the imposition of various controls (e.g. no music, no public access etc), but officers consider that, with these controls in place, there would be no conflict with RUDP policy UR3.

3) Visual appearance

Although located close to the boundary of the Bingley Conservation Area and within sight of the listed parish church, the immediate setting and appearance of the site is not particularly sensitive in itself, being part of a wider commercial/industrial area serving surrounding businesses. In this context, it is not considered that the siting of a temporary building against an existing steel fence would be problematic. The applicant has suggested that – should the business prove viable – a permanent building would be considered to replace the temporary one. However, in the short term, the temporary option is preferred. For the above reasons, it is not considered that the proposal would conflict with RUDP policies BH7, BH4A, and UR3.

Community Safety Implications: Potential highway safety issues as highlighted above.

Conclusion

Fundamentally however, officers are not convinced that the proposal could operate safely with regard to traffic and pedestrian safety. Accordingly, the proposal would represent an inappropriate form of development in this location and refusal is recommended.

Reasons for Refusing Planning Permission:

1. The proposed private hire booking office provides inadequate provision for off street parking with spaces laid out so that there would be inadequate manoeuvring and turning space within the site boundary. This would be prejudicial to traffic and pedestrian safety within and adjacent to the site. As such the proposal would be contrary to Policies TM2 and TM19A of the Bradford Replacement Unitary Development Plan (2005).
2. Access to the site is via the existing vehicular access that serves as an emergency access route to the railway line and which also serves the adjacent restaurant and the car repair garage behind. The intensification of the use of this access by vehicles and pedestrian traffic associated with the proposed private hire booking office, and the slowing and turning manoeuvres of the increased number of vehicles entering or leaving this access from Keighley Road, would likely result in conflict between both vehicular and pedestrian movements and be detrimental to the free flow of traffic along Keighley Road. As such the proposal would be contrary to Policies TM2 and TM19A of the Bradford Replacement Unitary Development Plan (2005).