

## Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 01 October 2009

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### Summary Statement - Part One

#### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	13 Prod Lane Baildon Shipley BD17 5BN [Approve]	<b>Baildon</b>
2.	Land North And West Of 11 Castlefields Lane Bingley [Approve]	<b>Bingley</b>
3.	The Vicarage Halifax Road Cullingworth Bingley West Yorkshire BD13 5DE [Approve]	<b>Bingley Rural</b>

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**Portfolio:**  
Environment and Culture

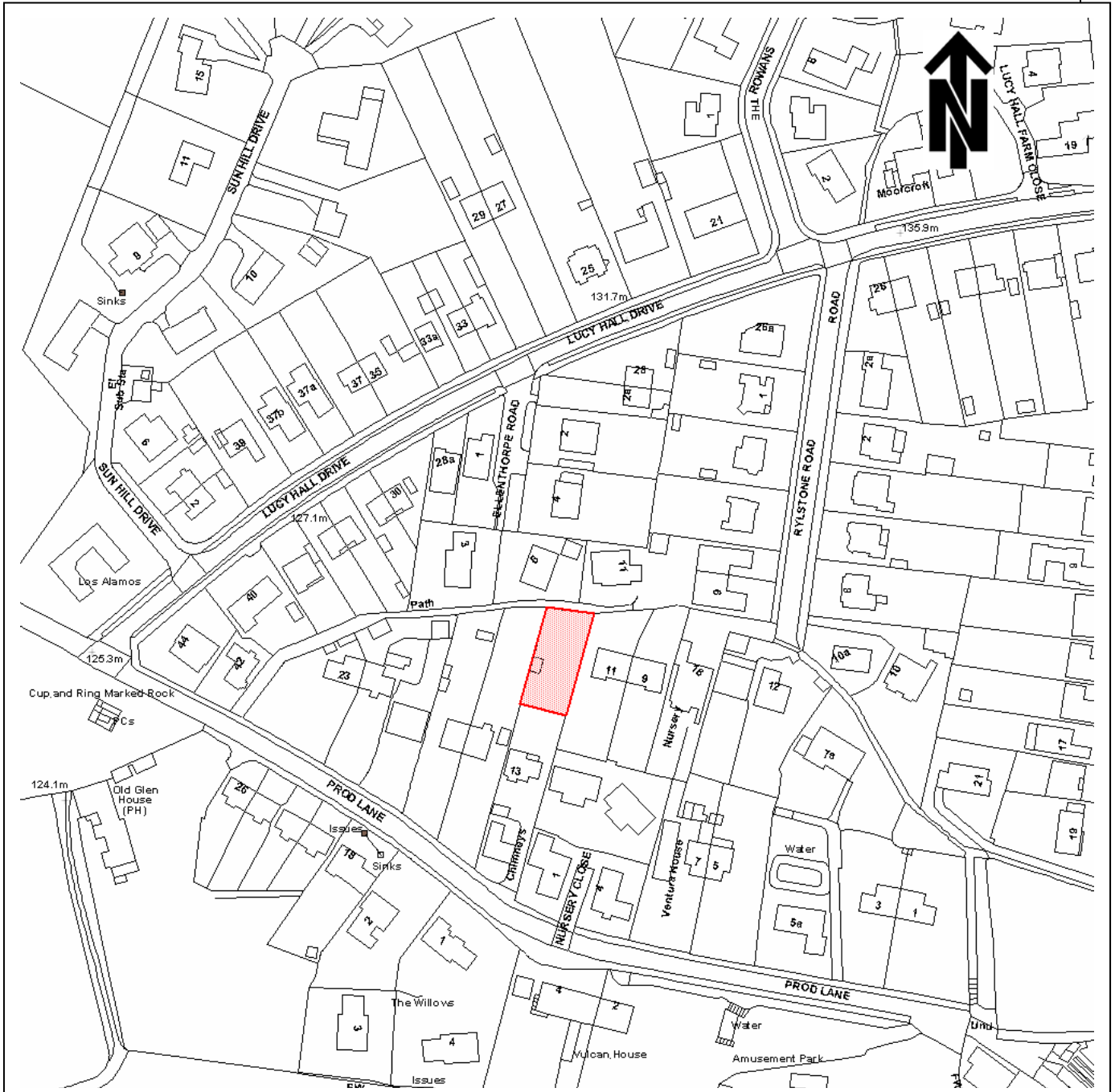
**Improvement Committee Area:**  
Regeneration and Economy



Area Planning Panel (Shipley)

09/03242/OUT

1 October 2009



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ITEM NO. : 1	LOCATION: <b>13 Prod Lane Baildon, Shipley BD17 5BN</b>
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1 October 2009

**Item Number:** 1  
**Ward:** BAILDON  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
**09/03242/OUT**

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

An outline application including access and layout for a detached dwelling to the rear of 13 Prod Lane, Baildon.

**Site Description:**

The site comprises of a rectangular section of garden area to the rear of a detached property. A number of trees have been cut down to the rear of the garden to clear the site which is surrounded by a stone wall. Access to the garden is currently gained via the existing drive off Prod Lane. The drive currently serves two properties the original house and a property which has been built to the front of the original house. The surrounding area is predominantly residential in character with rear gardens surrounding the site. A public footpath runs along the rear boundary of the site.

**Relevant Site History:**

88/07748/FUL: Construction of two dwellings with garages one dwelling to the front of No. 13 and one dwelling to the rear of No. 13. Refused on the grounds that 'The proposal represents overdevelopment of the site, the proposed dwellings being poorly related to existing dwellings alongside the site and would be detrimental to the amenity of the occupants of existing and future residents'.

Applications for dwelling to front of 13 Prod Lane:

89/02577/FUL Bungalow - Approved 08/05/89

89/06966 Detached dwelling and garage – Refused 08/11/89

89/09054/FUL: Construction of a detached dwelling. – Approved 25/01/90

**Replacement Unitary Development Plan (RUDP):**

**Allocation**

The site is unallocated on the RUDP.

**Proposals and Policies**

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  
BH14: Saltaire Buffer Zone

**National Guidance:**

Planning policy statement 3 Housing (PPS3).

Planning policy statement 1 Sustainable development (PPS1)

**Parish Council:**

Baildon Parish Council:

Will result in overdevelopment.

Not in keeping.

Would result in problems with access, particularly for emergency vehicles.

**Publicity and Number of Representations:**

The application was publicised by neighbour notification letter and site notice, with representations being requested by 12.08.2009. Five letters of representation have been received along with two responses from ward councillors objecting to the scheme. One councillor has requested the application be determined by the planning panel.

**Summary of Representations Received:**

Privacy – Development will sit above neighbouring dwelling (No. 15) severely affecting privacy.

Overdevelopment - area of relatively low density housing/ previous refusal for dwelling to both front and rear of 13 Prod Lane/Extension proposed at 13 Prod Lane would add to the degree of overdevelopment.

Access problems – Three dwellings sharing a narrow driveway/Access for emergency vehicles may not be adequate/ heavy plant may cause hazard in Prod Lane.

Not in keeping – Poorly related to existing dwellings.

Parking – Parking provision vague.

Property damage – Heavy vehicles using narrow drive may have detrimental impact on drystone wall/maximum size and weight of construction vehicles should be constrained.

Noise nuisance – Unsocial hours and weekend working should be prohibited.

Adequacy of services – Victorian services to Prod Lane already over used.

Loss of trees/shrubs – trees and shrubs have been removed from the garden which supported bird life and a colony of rare bats which roost in a neighbouring property.

**Consultations:**

Drainage: The use of soakaways for surface water would be acceptable subject to percolation tests and subsequent design details. A large amount of hard surfacing is proposed this should be a porous material.

Highways: The proposed dwelling is a considerable distance from Prod Lane, however, the plans show passing places along the length of the drive. No objection subject to conditions requiring the areas to be use by vehicles being surfaced sealed and drained prior to occupation.

Footpaths: The proposals do not appear to materially affect the public footpath which is outside the red line and separated from it by the existing boundary.

**Summary of Main Issues:**

Principle of development

Density

Highway Safety

Residential amenity

Visual amenity.

**Appraisal:**

This outline application is to agree access and layout with all other matters reserved. The applicant has stated that the dwelling will be a dormer bungalow.

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 13 Prod Lane. 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.

Density

The housing density proposed equates to 23 dwellings per hectare and thus below the 30 houses per hectare standard. However, given the relationship of the site to neighbouring properties and the existing access it is not considered that any additional development could be accommodated without prejudicing the residential amenity of neighbouring occupants and compromising the provision of adequate access. Consequently the proposal is considered to represent a balance that achieves an efficient use of land and accords with policies H7 and H8 of the RUDP and guidance relating to density contained within PPS3.

Highway Safety

Access to the proposed dwelling would be from Prod Lane utilising the drive which serves 'Chimneys' and 13 Prod Lane. It is not considered the addition of a further dwelling would increase vehicular traffic to an unacceptable level. The drive width is considered sufficient for emergency vehicles and complies with guidance within the Manual for Streets (Department for Transport 2007). Furthermore the development includes a passing place to ensure there will be no conflict between the occupants of 13 Prod Lane and the proposed dwelling. Parking arrangements, as shown on the amended plans, indicate that there would be two parking spaces for each dwelling which is greater than the minimum requirement of 1.5 spaces per dwelling.

The proposed development therefore satisfies policies TM2 and TM19A of the RUDP.

Residential Amenity

Although this is an outline application with no details of the appearance or internal layout it is possible to determine if the dwelling can be built without adversely affecting the privacy of neighbours by looking at the distances between the proposed and existing dwellings.

The proposed layout achieves a distance of 25m between the proposed rear elevation of the application bungalow and the rear elevation of 13 Prod Lane which satisfies guidance contained within the Council's revised house extensions policy document. No. 13 Prod Lane has applied for permission for a rear extension and if this were to be approved and built the distance between the two rear elevations would be reduced to 21m which is an acceptable distance to maintain privacy. (The application indicates that No.13 and the application site are within the same ownership).

Looking directly north and south sufficient distances are also maintained to garden boundaries. A distance of 10m is achieved from the proposed dormer windows to the rear garden area of 13 Prod Lane and a distance of 11m from the north elevation to the neighbour's boundary.

Concern has been raised from a neighbour regarding loss of privacy particularly as the application site sits higher than the dwellings fronting Prod Lane. The distance between the principal elevations of the two properties is over 20m and the two properties do not directly face each other. The applicant has indicated that the side elevation nearest to this property will have no windows. The other side elevation will be 6m from the boundary and contain only ground floor windows – adequate screening can be provided in this location to prevent overlooking. On the basis of the information submitted with this application it is not considered that this neighbouring property will suffer any significant loss of privacy from this development. Further consideration will be given to the siting of windows at the reserved matters stage when details of the appearance and layout of the dwelling are submitted.

The proposed development would not result in an unacceptable loss of light to or overshadowing of neighbouring dwellings due to its relationship with neighbouring properties.

Whilst an application was previously refused for dwellings to the front and rear of No. 13 Prod Lane (1988) on the grounds of overdevelopment as the dwellings were poorly related to neighbouring properties it is considered that the application proposal can easily be accommodated within the plot without any significant adverse impact on the residential amenity of neighbouring occupants.

The proposal is considered acceptable in terms of residential amenity and is considered to satisfy policies UR3 and D1 of the RUDP and guidance contained within the Council's House Extensions Policy Document.

#### Visual amenity

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 detail at the reserved matters stage. It is not considered that a dormer bungalow, subject to detailed design, would be out of character with the area as there are other bungalows visible in the immediate area. The proposed development in this location subject to further details being submitted at the reserved matters stage is considered acceptable in terms of visual amenity and in accordance with policies UR3 and D1 of the RUDP.

Other concerns raised by residents.

Property damage – It is the developer's responsibility to ensure that damage is not caused to neighbouring properties. This is not a planning consideration.

Noise nuisance – Any consent will be subject to a condition restricting hours of construction.

Loss of trees/shrubs - Trees and shrubs on the site were not protected and have been removed. Any consent will be subject to submission of a landscaping scheme.

**Reason for Granting Planning Permission:**

The proposed development achieves more efficient use of a brownfield site. On the basis of the information submitted the impact of this development on the occupant's of neighbouring dwellings, the local environment and highway safety has been assessed and it is not considered that the development will have any significant adverse impact on these interests. As such the proposal is considered to be in accordance with the objectives of policies UDP1, UDP3, UR2, UR3, H7, H8, D1, D3, D4, TM2, TM12, and TM19A of the Replacement Unitary Development Plan

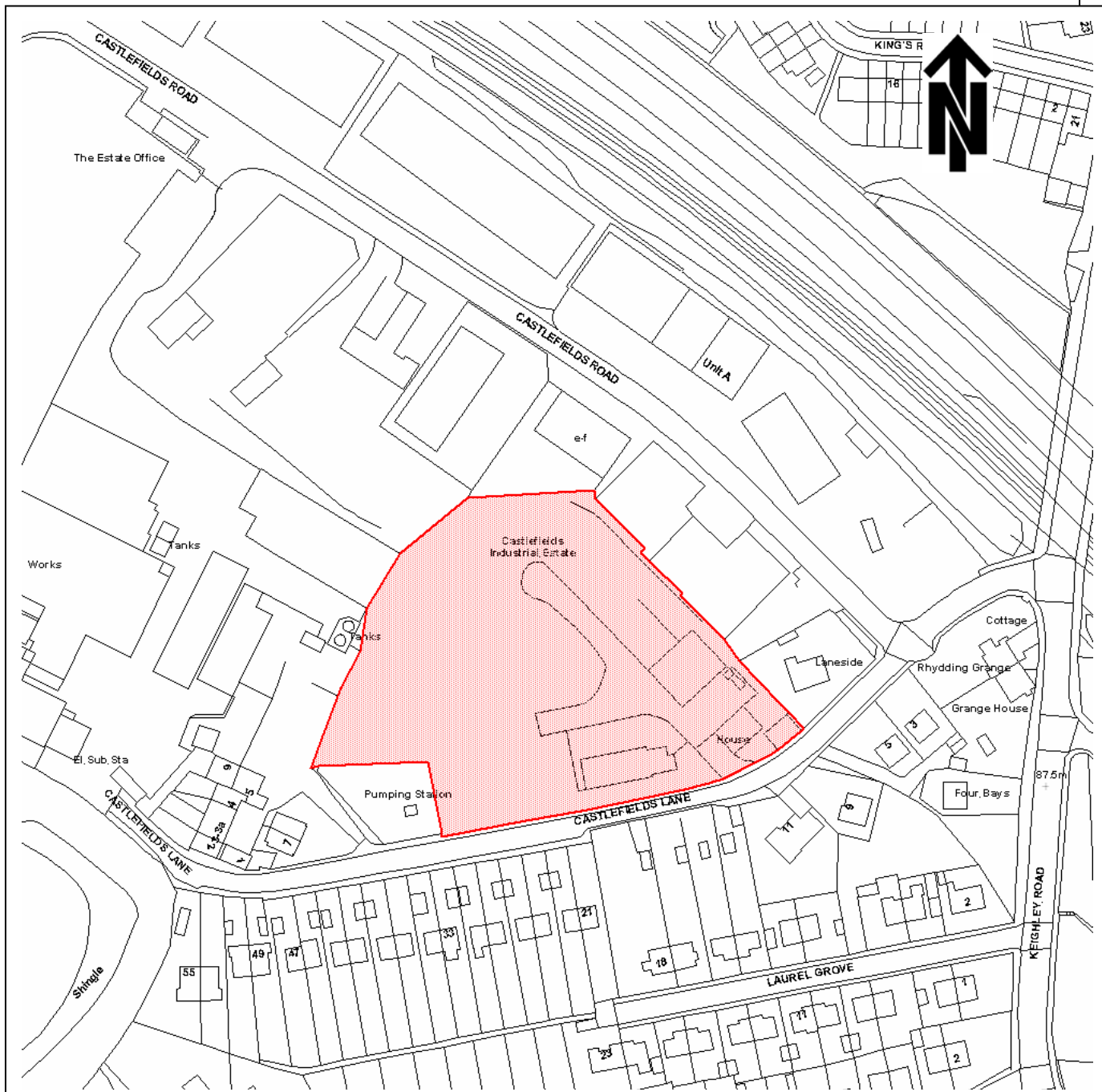
**Conditions of Approval:**

1. Reserved matters to be submitted within 3 years
  2. Development to be in accordance with amended plans.
  3. Reserved matters comprising appearance, internal layout, scale and landscaping to be agreed prior to commencement of development.
  4. Development to commence within 2 years of reserved matters approval.
  5. Permitted Development Rights removed for extensions and outbuildings.
  6. Vehicle areas hard surfaced and drained using permeable surfaces or onto garden prior to occupation.
  7. Parking areas hard surfaced and drained using permeable surfaces or onto garden prior to occupation.
  8. Sustainable drainage techniques to be investigated and details submitted and agreed.
  9. Foul and surface water details to be submitted, agreed and implemented
  10. Hours of construction work to be limited.
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Area Planning Panel (Shipley)

08/05572/OUT

1 October 2009



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ITEM NO. : 2	LOCATION: <b>Land North And West Of 11 Castlefields Lane Bingley</b>
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**1 October 2009**

**Item Number: 2**  
**Ward: BINGLEY**

**Recommendation:**  
**TO GRANT PLANNING PERMISSION WITH CONDITIONS AND SUBJECT TO A S106/278 AGREEMENT**

**Application Number:**  
08/05572/OUT

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

An outline planning application for the construction of 9 industrial units (classes B1 Business - Offices, research and development and light industry appropriate in a residential area and B8 Storage or distribution) with associated access and car parking at Castlefields Lane, Bingley.

All matters are reserved but the applicant has provided basic information on the uses, amount of development scale and an indicative layout showing units and access points as required by The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

**Site Description:**

The site consists of an area of land covered partly by woodland and existing industrial buildings. Access to the site is from Castlefields Lane via a gated access. The site is surrounded partly by residential development and partly by industrial development which forms part of the Castlefields Industrial Estate. A group of grade II listed properties are located immediately to the west of the site.

**Relevant Site History:**

06/02950/OUT: Office and Industrial Park -Finally disposed of 08/11/2007

05/02099/OUT: Office and Industrial Business Park -Deemed withdrawn 06/06/2005.

98/01602/OUT: Office and industrial business park -Approved 23/07/1999subject to a S106 Agreement

99/00119/FUL: Office unit with training and storage facilities - Approved 23/07/1999 subject to a S106 Agreement

**Replacement Unitary Development Plan (RUDP):**

**Allocation**

Employment zone and employment site (SE1.9)

**Proposals and Policies**

UDP1	Promoting Sustainable Patterns of Development
UDP3	Restraining Development
UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
TM2	Impact of Traffic and its mitigation
TM11	Parking standards for non-residential developments
TM19A	Traffic management and road safety
D1	General Design considerations
BH4A	Setting of listed buildings
E6	Employment zones
E1	Employment site
NE4	Trees and woodland
NE5	Protection of trees on development sites
NR15B	Flood risk
NR16	Surface water and runoff
NR17	Ground water protection
P5	Development close to former landfill sites
P7	Noise

**Parish Council:**

N/A

**Publicity and Number of Representations:**

The application was publicised by individual notification letters, press notice and site notice with an expiry date of 14 January 2009. A second round of individual letters was sent on 20 August 2009 to advertise the receipt of amended plans on 30 July 2009. A total of 44 letters of representation have been received (this includes representations received regarding the amended plans and a letter containing a petition with 18 signatures). One written objection has also been received from a local ward councillor.

**Summary of Representations Received:**

1. Flood risk to residents and effects of climate change on flooding
2. Loss of trees on the site will lead to increased flood risk to neighbouring properties
3. Harmful effects to residential amenity from traffic using the site and the use itself
4. Adverse effect on wildlife
5. The site contains graves
6. Highway safety implications
7. General disturbance due to the proposed use
8. Adverse effect on the setting of the listed cottages including tunnel
9. Excessive car parking provision
10. Adverse effect on visual amenity
11. Insufficient time for the public to formulate representations on the proposal

**Consultations:**

**Heritage Management:** The current indicative plans preserve the setting of the listed buildings.

**Environment Agency:** Do not object on the basis of the findings of the flood risk sequential test grounds subject to conditions.

**Environmental Protection:** No objections subject to the restriction of operations hours and times of deliveries. No objection on contaminated land issues.

**Trees:** The latest indicative plans provide sufficient retention of trees on the site.

**Minerals and Waste:** Suggest consultation with Environment Agency and Environmental Protection regarding contamination issues.

**Yorkshire Water:** Conditions are recommended relating to distances from proposed sewers and a requirement for approval of drainage systems.

**Highways:** As the exact combination of B1 and B8 uses and sizes will be determined at reserved matters stage provision of appropriate levels of parking will also need to be considered at that stage and should be conditioned- a parking assessment will be required. Satisfied with proposed Traffic Regulation Order and street lighting proposed.

**Drainage:** Appropriate conditions suggested

**Summary of Main Issues:**

1. Principle of the use
2. Residential amenity
3. Visual amenity
4. Impact on the setting of the listed buildings
5. Highway safety
6. Trees
7. Sequential test and flood risk
8. Drainage
9. Contaminated land
10. Ecological impact
11. Duration of planning permission
12. Comments of representations received

**Appraisal:**

This application is in outline only, with all matters reserved for later approval. The applicant has provided indicative plans to show how the site could be accessed and the extent of the site that is likely to be developed. However, full details of the layout, appearance, scale of development and landscaping would be required as part of any reserved matters application. It is the principle of development and whether the points of access are acceptable which must be considered.

**1. Principle of the use**

The site is allocated as an employment site and forms part of a larger area of employment uses. Policies E1, E2 and E7 are therefore applicable. The proposed uses (class B1/B8) are considered to be employment uses and would therefore in principle comply with the objectives of the above mentioned policies. Planning permission for similar uses was previously granted in 1999, however, this permission has now lapsed. Although the precise ratio of use on the site is not yet known, the proportion of B8 use would be well below the limit of 2500 sq. metres of floorspace referred in policy E7, the proposal therefore not being in conflict with this policy. The proposed use is therefore considered acceptable in principle.

## **2. Residential amenity**

It is considered that the site can be developed for industrial units without there being any significant adverse impacts on the surrounding residential properties.

The two units to the front of the site are the only ones which are close to residential properties – 13m from the boundaries with the residential curtilages of dwellings on Castlefields Lane and over 30m from the actual dwelling houses. As such it is not considered that the development will be overbearing in relation to residential properties or result in any loss of light.

The uses proposed B1 business and B8 warehouse/distribution are uses which can be carried out in residential areas without detriment to residential amenity by reason of noise and or pollution. It is acknowledged that the development will increase traffic visiting the site which in turn will increase noise from vehicular traffic. This will be most noticeable during quieter periods of the day – evenings and Sundays and it is proposed therefore that hours of operation and deliveries are limited so that local residents do not suffer from any significant increase in disturbance from the operation of the site. With the above safeguard, it is considered that the amenity of the surrounding residential properties would be adequately protected.

## **3. Visual amenity**

The indicative scale parameters and design of the buildings are considered to be acceptable to the character of the area. The site forms a transition between the residential areas to the south of the site and the employment uses to the north. There is no reason to believe that appropriately designed buildings could not be built on the site which would sit comfortably between the existing residential and industrial buildings and which would preserve the character of the area...

## **4. Impact on the setting of the listed buildings**

The revised indicative drawings show a large proportion of the tree cover retained to the southwest corner of the site. This will assist in retaining the setting of the listed cottages, although the setting is somewhat degraded by the pumping station close to the cottages and industrial buildings beyond. It is considered that the proposed scheme would comply with policy BH4A and would not further degrade the setting of the listed cottages.

## **5. Highway safety**

As part of the scheme, a new access point is proposed to the west of the existing access to provide a one-way system within the site to enable the free flow of traffic. Castlefields Lane is very narrow in front of the application site and the creation of a one way system will reduce the number of vehicles which have to pass each other on this section of the Lane. The access road will be a minimum of 5 metres in width for its entire length to allow adequate width for large vehicles to enter the site.

The following off-site highway works are also proposed;  
Double yellow lines on Castlefields Lane and at the site entrance/egress points (subject to a Traffic Regulation Order being successfully promoted);  
Appropriate signage to restrict waiting;  
Improved street lighting on Castlefields Lane

The Councils Highways officer is satisfied with the proposed access arrangements and it is recommended that the applicant enter into a S106/278 Agreement with the Council to ensure that appropriate highway works are undertaken.

An indicative level of off-street parking of 57 spaces is shown on the latest plans. The exact level of provision will be determined when detailed plans submitted as a reserved matter, however, the level of provision would be sufficient even if the full proposed 2170 sq. metres of floor area was allocated to class B1 use (this would require 72 spaces, however, some reduction is considered acceptable as the site is located close to transport links). Inevitably, some element of class B8 will be proposed which reduces the parking requirements significantly.

Given the above, it is considered that the proposed would not result in significant adverse highway safety implications.

## **6. Trees**

Woodland Tree Preservation Order protects the trees around the outer edge of the site and a row of trees on the Castlefields Lane frontage is also protected. The indicative scheme has been amended to increase tree retention but it is likely that the development will involve some loss of trees in the woodland area. To mitigate the applicant has indicated that they would be willing to undertake some new planting in the areas of the site which are not being developed. It is considered that a sensitive landscaping scheme which retains the best of the old trees and incorporates an appropriate variety of new native species could improve the landscape qualities of the site. The proposal is therefore considered to be in compliance with policies NE4/NE5. (It should be noted that the granting of an outline consent does not grant permission for removal of trees covered by a Tree Preservation Order).

## **7. Sequential test and flood risk**

### *Sequential test*

The site is located within flood zones 1, 2 and 3a/3b as defined by the Planning Policy Statement 25 as having a high probability of flooding which requires a sequential test to be submitted in support of the scheme in line with PPS 25. An appropriate test has been submitted and details 6 other sites in the area which would be potentially suitable for the development proposal. The conclusion of the test is that no other site within the area is available on the open market or undeveloped with a lower risk of flooding (less than 0.5% [1 in 200 annual probability of flooding]) than the proposed site. Two sites share the same flood risk but would not be preferred sequentially. It is therefore considered that the site is sequentially the preferred site for the development and the findings of the sequentially test are not disputed. The western portion of the site is classed as functional floodplain and is there to remain development free (apart from car parking provision). Given the above, it is considered that the sequential test submitted clearly shows that no other site in the area is available with a lower flood risk and that the allocation of the site as an employment site would justify such development of this site.

### *Flood risk*

The site is divided into a number of flood zones, running with decreasing risk from west to east. Approximately half the site is located within flood zone 1 and approximately 20% being zone 3b (functional flood plain). The proposed development on the site is directly away from zones 3a/b, in line with PPS 25 and it is confirmed that the finished floor levels of the units are to be sufficient to ensure a 1 in 100 year level of protection over the usable life of the development. Only water compatible uses will be proposed within the functional floodplain

and most of this area will be undeveloped. In terms of the effect on the surrounding properties, it is not considered that the development would increase flood risk. The levels within the functional floodplain would not be altered, thus ensuring existing flood water storage capacity is not reduced. Furthermore, by implementing measures to control the discharge rate of surface water runoff, the situation may be improved (conditions will be imposed to allow a reduction in surface water runoff rates). It is therefore considered that the risk to end users of the site is acceptable and the effect on the surrounding properties will be minimal.

#### *Exception test*

The exception test is not required in this case, in line with PPS 25. The uses proposed fall within the category of less vulnerable uses and are deemed acceptable in zones 2 and 3a as per PPS 25, as the uses proposed do not constitute essential infrastructure or highly vulnerable uses.

#### **8. Drainage**

Appropriate conditions will be imposed to require full details of drainage systems and measure to reduce flood risk to be submitted and approved prior to the commencement of any development on the site.

#### **9. Contaminated land**

Due to the end use of the site, coupled with the formation of areas of hard standing, it is considered that the contamination risk would be low and acceptable to allow development to take place.

#### **10. Ecological impact**

The submitted ecological assessment of the site did not find any significant habitable value to the site. The habitats are highly disturbed and development of the site would not significantly harm ecological diversity in the area. Retention of scrub/tree cover where possible is desirable.

#### **11. Duration of planning permission**

The applicant has requested that, if planning permission is granted, a period of 5 years is given for the submission of reserved matters instead of the usual 3 years on the grounds that current economic conditions may mean the scheme is not realised with the time constraint. The standard outline conditions require that a reserved matters application is submitted within 3 years of approval and the development is commenced not later than the expiration of two years from the date of the approval of the reserved 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. As such the applicant would have up to five years to implement the permission. Over such a period it is considered that economic conditions may well change. Moreover, the Local Planning Authority is currently preparing its Local Development Framework and Local Planning Policy may well change over this period. It is considered, therefore, that any permission should be subject to the standard outline conditions so that development proposals for the site, if not implemented, can be re-assessed in the light of Future Planning Policy.

#### **12. Comments of representations received**

The following issues have been raised in the representations received regarding the proposal; these are listed and appraised below:

1. Flood risk to residents and effects of climate change on flooding  
*This issue is assessed in the report under 'flood risk and the sequential test'*
2. Loss of trees on the site will lead to increased flood risk to neighbouring properties  
*Extensive tree coverage will remain on the site – this is detailed under 'trees'*
3. Harmful effects to residential amenity from traffic using the site and the use itself  
*The site is designated as an employment site and such uses are compatible with this designation. No class B2 use will be proposed which is considered to reduce adverse effects on the surrounding properties. Restrictions to operating hours will also be imposed by condition.*
4. Adverse effect on wildlife  
*There is no evidence that the site is significant for wildlife and as much of the site has been disturbed, its future value in this respect is limited.*
5. The site contains graves  
*This is not confirmed, however, the applicant will be informed of their responsibilities in this respect through an appropriate footnote.*
6. Highway safety implications  
*See appraisal under 'highway safety'. As the use will be limited to class B1 (offices) and class B8, the volume of traffic accessing the site is not considered to be significant enough to warrant refusal on this issue.*
7. General disturbance due to the proposed use  
*The uses proposed are classes as none intrusive uses with the omission of class B2*
8. Adverse effect on the setting of the listed cottages  
*See appraisal under 'setting of the listed buildings'*
9. Excessive car parking provision  
*The exact levels of parking will be confirmed at reserved matters stage – the indicate plans indicate an appropriate level of provision*
10. Adverse effect on visual amenity  
*See appraisal under 'visual amenity'*
11. Insufficient time for the public to formulate representations on the proposal  
*All publicity for the application was carried out in accordance with statutory procedures and in line with requirements of article 8 of the General Development Procedure Order 1995.*

**Community Safety Implications:**

No significant implications

**Reason for Granting Planning Permission:**

The principle of the development of this site for employment uses is considered acceptable given its designation as both an employment site and employment zone. The proposal is not considered to have any significant highway safety implications subject to improvements to the access to the site. The level of off-street parking is considered appropriate to the scale of the development. Given the end use of the site, there is considered to be limited risk to end users from contamination at the site. A full sequential test has been submitted to support development of the site and concludes there are no other suitable sites in the area with a lower probability of flooding. Planning conditions are appropriate to control the drainage systems required to serve the development. Tree cover is retained where possible on the site and the setting of the nearby listed cottages is preserved. The site can be developed for the proposed uses without significant harm to residential amenity. The proposal is therefore considered to comply with policies UR2, UR3, D1, D3, D4, TM2, TM11, TM19A, NE4, NE5, BH4A, NR15B, NR16, NR17, P5 and P7 of the Replacement Unitary Development Plan.

**Conditions of Approval/Reasons for Refusal:**

1. Outline permission: 3 year time limit for submission of reserved matters
2. Outline permission: all reserved matters to be submitted, approved and implemented. Amended plans 75136-007 received on 30/07/2009 and plan 2798/29 Rev. A received on 26/05/2009 are for indicative purposes only.
3. To be implemented within 2 years of approval of reserved matters.
4. Any application for reserved matters must be supported by a comprehensive parking assessment and exact details of the floor areas for each use (class B1/B8)
5. The development shall only be carried out in accordance with the approved flood risk assessment FRA 75136
6. Contamination: if suspicious material is encountered during construction, construction work to stop and a remediation strategy agreed in writing by the Local Planning Authority
7. Investigation of the site for sustainable drainage techniques for the disposal of surface water
8. Full details of a ground investigation together with the design for disposal of surface water by sustainable methods to be submitted and approved by the LPA and implemented.
9. Prior to commencement of development, full details of the extent of compensatory flood water storage to be submitted and approved by the LPA and implemented.
10. No alterations to the ground levels on the site without written permission by the LPA and the Environment Agency
11. Car parking areas to be drained using road type gullies
12. Petrol/oil interceptor to be provided on the outfall pipe of the surface water drainage system serving the car park
13. Unless otherwise agreed in writing, no building or construction within 6 metres of the 1050mm sewer running across the site
14. Unless otherwise agreed in writing, no building or construction within 3 metres of 225mm, 150mm and 100mm sewers
15. Site to be drainage with separate foul and surface water drainage system
16. Full details of landscaping/tree replanting scheme to be submitted and approved by the LPA

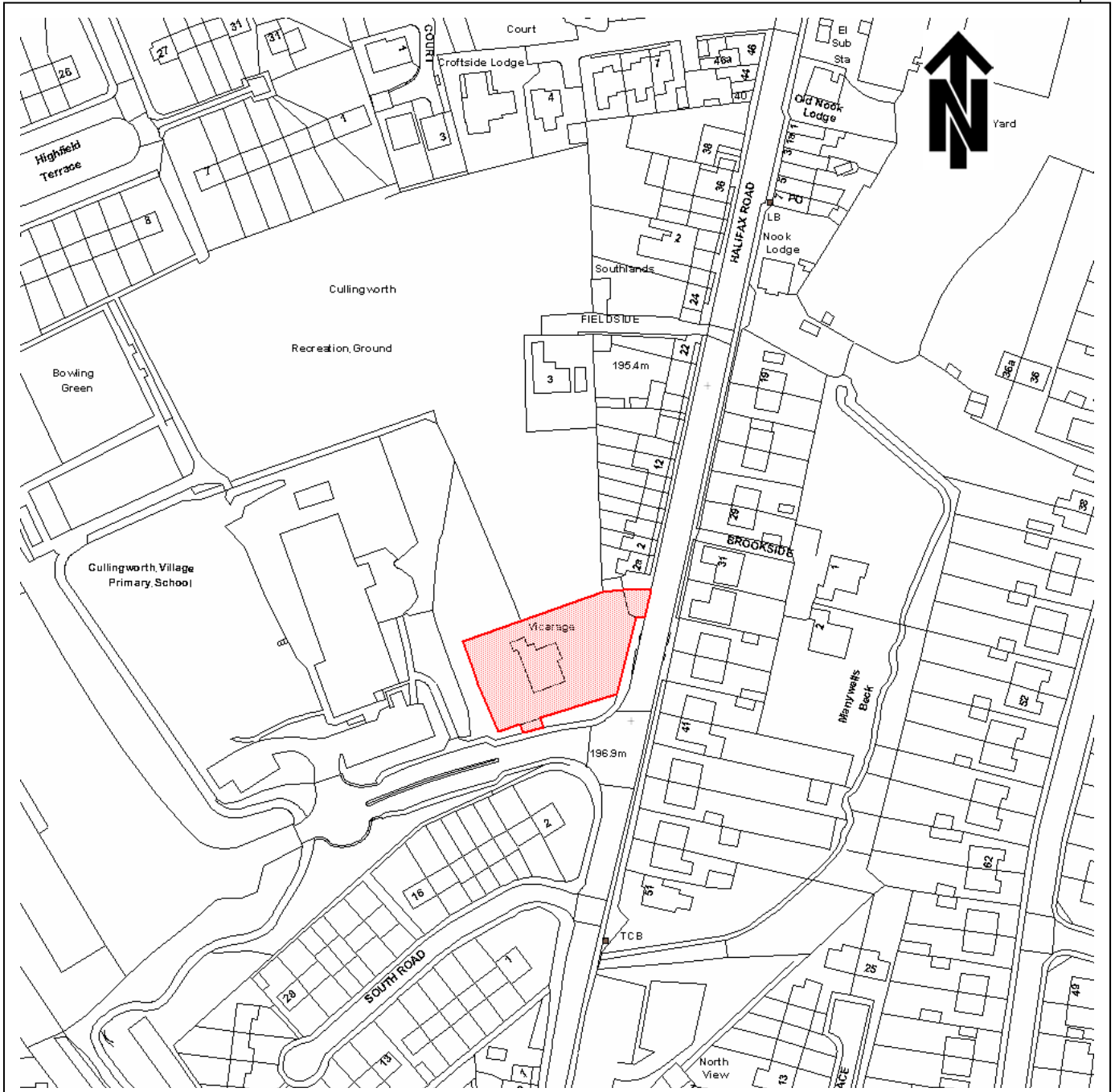


17. No development to commence until details of foul and surface water drainage including details of any off-site balancing works have been submitted and approved by the LPA. Scheme to be implemented.
  18. Restrictions to hours of operation; 0800 to 2100 each day and no working on Sundays or Bank Holidays.
  19. Restrictions on the hours of deliveries by HGVs/service vehicles; 0800 to 2000 each day and no working on Sundays or Bank Holidays.
  20. Details of Traffic Regulation Order to be submitted, agreed and implemented prior to commencement of development
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**Area Planning Panel (Shipley)**

**09/02583/FUL**

1 October 2009



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<p>ITEM NO. : 3</p>	<p><b>LOCATION:</b> <b>The Vicarage</b> <b>Halifax Road, Cullingworth</b> <b>Bingley, BD13 5DE</b></p>
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**1 October 2009**

**Item Number: 3**  
**Ward: BINGLEY RURAL**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION WITH CONDITIONS**

**Application Number:**  
09/02583/FUL

**Type of Application/Proposal and Address:**  
Full application for the construction of three dwellings, including a new 'vicarage' at the recently cleared site of the former 'Vicarage', Halifax Road, Cullingworth.

**Site Description:**  
The application site was formerly occupied by a Victorian Vicarage which has recently been demolished. The site is situated in a prominent location off the main road through the centre of Cullingworth village on a corner site at the junction of Halifax Road and the access road to Cullingworth Primary School (New School Lane). The site is a rectangular shaped plot of land approximately 0.15 hectares in size, bounded by stone walls and mature, protected trees. Land levels fall gently from west to east and a watercourse passes through the site close to the northern boundary.

To the west is Cullingworth Village Primary School and to the north is a grassed area, extending from the recreation ground. Halifax Road runs to the east and New School Lane to the south.

There are two existing vehicular access points to the site, one from Halifax Road and one from New School Lane.

**Relevant Site History:**  
09/01155/PN - Demolition of vacant detached stone built Victorian vicarage – Prior Notification required and given - 01.04.2009

08/05576/FUL - Demolition of existing vicarage and construction of new vicarage and 2 detached dwellings – Withdrawn - 10.02.2009

08/03170/FUL - Demolish existing vicarage and construction of 3 detached dwellings – Withdrawn - 09.07.2008

**Replacement Unitary Development Plan (RUDP):**  
**Allocation**

The site is unallocated.

**Proposals and Policies**

UDP1 – Promoting sustainable patterns of Development  
UR2 – Promoting Sustainable Development  
UR4 – The sequential approach to accommodating Development  
UR3 – Local Impact of Development  
D1 – General Design Considerations  
H7 - Housing Density Expectation

H8 - Housing Density Efficient Use of Land  
NE5 – Retention of Trees on Development Sites  
NE6 – Protection of Trees During Development  
TM2 – Impact of Traffic and its Mitigation  
TM19A – Traffic Management and Road Safety  
NR16 – Surface Water Run Off and Sustainable Drainage Systems  
D4 – Community Safety

**Parish Council:**

Cullingworth Parish Council object to the proposal on the following grounds and request the application be determined at planning panel if recommended for approval:

- Materials – Any buildings on the site should be in reclaimed stone.
- Flood Risk – hard standing areas should be porous construction.
- Highway/Pedestrian Safety – pedestrian safety concerns, particularly in relation to school children using the school access owing to poor visibility.
- Inadequate internal turning areas for the two proposed cottages
- Overdevelopment of the site.
- Overlooking of Primary School and the replacement Vicarage from the proposed cottages.
- Inadequate garden space provided for proposed cottages.
- Query regarding site boundary adjacent to the school – land has been given to the school.

**Publicity and Number of Representations:**

Publicised by neighbour notification letters with an expiry date of 02.07.2009 and site notice with an expiry date of 08.07.2009.

The Council has not received any representations relating to the proposal.

**Summary of Representations Received:**

None received.

**Consultations:**

**Drainage** –A public sewer crosses the site and no development should be over or within three metres of the public sewer. Separate drainage systems are required in the site boundary. Subject to an overflow being incorporated into the control manhole, the submitted drainage details for the development are considered acceptable.

**Minerals** – No observations

**Trees** – The plans have been amended to address the initial concerns of the Councils Trees Team and they have now indicated that the scheme is acceptable subject to a condition requiring protective fencing during development.

**Highways Development Control** – No objections to revised scheme and support is given subject to condition being attached regarding provision of parking and turning areas being provided prior to occupation of the dwellings on the site.

**Summary of Main Issues:**

Principle of development  
Impact on Local Environment  
Impact on trees  
Drainage/flooding  
Impact on highway safety  
Impact on neighbouring occupants

**Appraisal:**

The application follows a similar scheme (08/03170/FUL) which was withdrawn on 09.07.2008. The resubmission aims to address previous concerns which included impact on trees, flood risk and loss of attractive vicarage building on the site.

**Principle of Development**

National and local planning policy supports the principle of building dwellings on previously developed land providing the proposal would not conflict with other RUDP Policies. The proposal satisfies sustainability objectives, representing an appropriate use of a 'brown field site' within the urban area and with access to existing infrastructure. As such, the principle of development is considered to be acceptable under policies UDP1, UR2, UR4 of the RUDP.

The Parish Council are concerned about the loss of the former Vicarage. This building was not protected by any heritage designations and was demolished earlier this year under Permitted Development procedures. The site is therefore a vacant previously developed site.

Density

The scheme achieves a density of 30 dwellings per hectare which is at the bottom end of the recommended density standards. Given the site constraints – the protected trees within the site - it is not considered that any additional development could be accommodated without prejudicing the visual amenity of the area. Consequently the proposal is considered to represent a balance that achieves an efficient use of land and accords with policies H7 and H8 of the RUDP and guidance relating to density contained within PPS3.

Impact on Local Environment

The site is was previously occupied by an attractive stone built Victorian vicarage, within the centre of the plot, surrounded by garden and bounded by stone walls and mature trees. The site is located on a prominent corner plot, close to the centre of Cullingworth and on the main road running through it. The proposal includes a replacement vicarage and a pair of stone 'cottages' to the rear of the site.

The site does not lie within the Cullingworth Conservation Area but is prominently sited on the main street running close to the centre of Cullingworth village. The proposed properties would be constructed in natural stone with artificial slates to the roof. The proposed dwellings are considered appropriately designed with the vicarage reflecting aspects of the former building which occupied the site. The siting of the proposed vicarage has been amended and it has been rotated to better address Halifax Road. The existing boundaries and planting are to be retained to ensure the site retains its valuable mature setting.

The proposed 'cottages' would utilise the roof space to provide additional accommodation with roof lights to the rear roof slope. Site section drawings demonstrate that the 'cottage' are significantly lower than the proposed vicarage and appear suitably subordinate to it.

The proposal is considered to be acceptable in terms of design, scale and massing, contrary to policies UR3 and D1 of the Replacement Bradford Unitary Development Plan (2005).

#### Impact on Trees

The site contains a number of mature trees and those around the boundary of the site are covered by a Tree Preservation Order. The proposal has been amended in response to concerns raised by the Councils Arboricultural Officer in connection with the impact of the development upon these important and protected trees. The siting of the vicarage has been amended to increase the distance to tree canopies to the front and rear. Amendments have also been made to the position and design of windows to allow sufficient day lighting of the rooms and minimise future pressure to prune or remove protected trees.

The applicants have also submitted a methodology with respect to how construction of the proposal would take place without causing harm to on site trees. The current proposal is considered acceptable by the Councils Trees Team in terms of its impact on protected trees and as such now accords with policies NE5 and NE6 of the RUDP

#### Drainage/Flooding

A partially culverted watercourse runs adjacent to the northern boundary of the site and alongside a 225mm Yorkshire Water public sewer. The proposed buildings and areas of hard standing have been positioned outside of Yorkshire Waters standard 3 metre easement. (Control of development within 3 metres of a public sewer is also controlled by Building Regulations).

Whilst there are no specific issues regarding the flooding of the site itself there are issues regarding incidences of flooding further downstream of the site. The applicant has, therefore, submitted a drainage scheme to show how the site will be drained without causing flooding problems on or off site.

The applicant has provided figures to demonstrate the current amount of surface water which currently discharges into the watercourse running through the site. The submitted scheme demonstrates that the run off from the proposed development would not result in any further increases in surface water flows from the site over and above current levels even when factoring in climate change projections.

Design details and calculations have been submitted relating to flood risk projections. The Councils Drainage Engineer has responded positively subject to an overflow being incorporated in the drainage scheme to ensure that in the event of a system failure, that flood water would be directed specifically to the watercourse. A condition is recommended requiring the drainage scheme for the site to incorporate an overflow details of which are to be agreed by the Local Planning Authority.

#### Traffic and Highway Safety

The site would utilise the existing access onto Halifax Road for access to the vicarage and utilise the existing access from New School Lane for the two cottages proposed to the rear of the site.

Parking provision for the three dwellings would meet required standards with dedicated parking areas proposed for each of the dwellings to allow parking of at least two cars. Turning areas of an adequate size to allow vehicles to manoeuvre within the site boundaries and enable vehicles to leave the site in a forward gear are also proposed. The Council's Highways Engineers have raised no objection to the scheme subject to conditions to ensure the provision of the parking and turning areas prior to occupation of the dwellings and the submission and agreement of a construction plan. It is not considered that the proposal would be detrimental to highway safety and, therefore, it accords with RUDP policies TM2, TM12 and TM19A.

#### Impact on Neighbouring occupants

There are no nearby dwellings which could be overlooked or overshadowed by the proposals and no objection has been received in this respect. The Parish Council have suggested that the cottages would allow overlooking of the primary school to the west of the site and the replacement vicarage. The side elevations which would face these properties do not incorporate any habitable room windows - only windows to hallway stairs.

There is a 1<sup>st</sup> floor window located within the rear elevation of the vicarage, just under 7 metres from the boundary with the proposed cottages. This window, which serves a bedroom would only allow overlooking of the driveway and turning area to the front of the cottages and not their private amenity areas. As such, no significant loss of residential amenity would arise for the future occupiers of the cottages. The window has been located on the rear elevation rather than its previous position on the side due to the proximity to the protected trees and the degree of likely shading which would occur to the room.

The development will not result in any adverse impact on neighbouring occupants and as such accords with Policies UR3 and D1 of the RUDP.

#### **Community Safety Implications:**

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

#### **Reason for Granting Planning Permission:**

The proposal is considered to be an appropriate use of previously developed land and is of a density which makes efficient use of the site. The proposal will not have any significant adverse effect on the local environment, neighbouring occupants or highway safety. The development can be drained without causing flooding problems. No undue implications for community safety are foreseen. Consequently the development is considered to comply with the Council's Replacement Unitary Development Plan policies UDP1 UR2, UR3, UR4, D1, NE5, NE6, D4, H5, H7, H8, TM2 and TM19A and NR16.

Approval is recommended.

#### **Conditions of Approval:**

1. 3-year time limit on commencement of development.
2. Amended Plans to be implemented.
3. Sample materials to be submitted and approved.
4. Private Drive Turning area provided before occupation of dwelling.
5. Provision of domestic parking before use commences.
6. Tree Protective Fencing to be erected in accordance with approved site layout drawing.

7. No development within 3m of public sewer.
  8. Surface water drainage to be implemented in accordance with the approved scheme and with the incorporation of an overflow from the system to deal with any system failure.
  9. Foul drainage scheme to be submitted, approved and implemented.
  10. Development to be undertaken in such a manner as to not alter overland surface water flow patterns to the detriment of adjacent landowners.
  11. PD rights removed (outbuildings and windows).
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