

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 26 November 2009



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.	7 Moorfield Road Cottingley Bingley West Yorkshire BD16 1PS [Approve]	Bingley Rural
2.	Beckfoot School Wagon Lane Bingley West Yorkshire BD16 1EE [Approve]	Bingley Rural
3.	24 Laurel Park Wilsden Bingley West Yorkshire BD15 0NQ [Refuse]	Bingley Rural
4.	Don't Tell Titus 6 - 7 Victoria Road Saltaire Shipley West Yorkshire BD18 3LA [Refuse]	Shipley
5.	Don't Tell Titus 6 - 7 Victoria Road Saltaire Shipley West Yorkshire BD18 3LA [Refuse]	Shipley

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Portfolio:
Environment and Culture

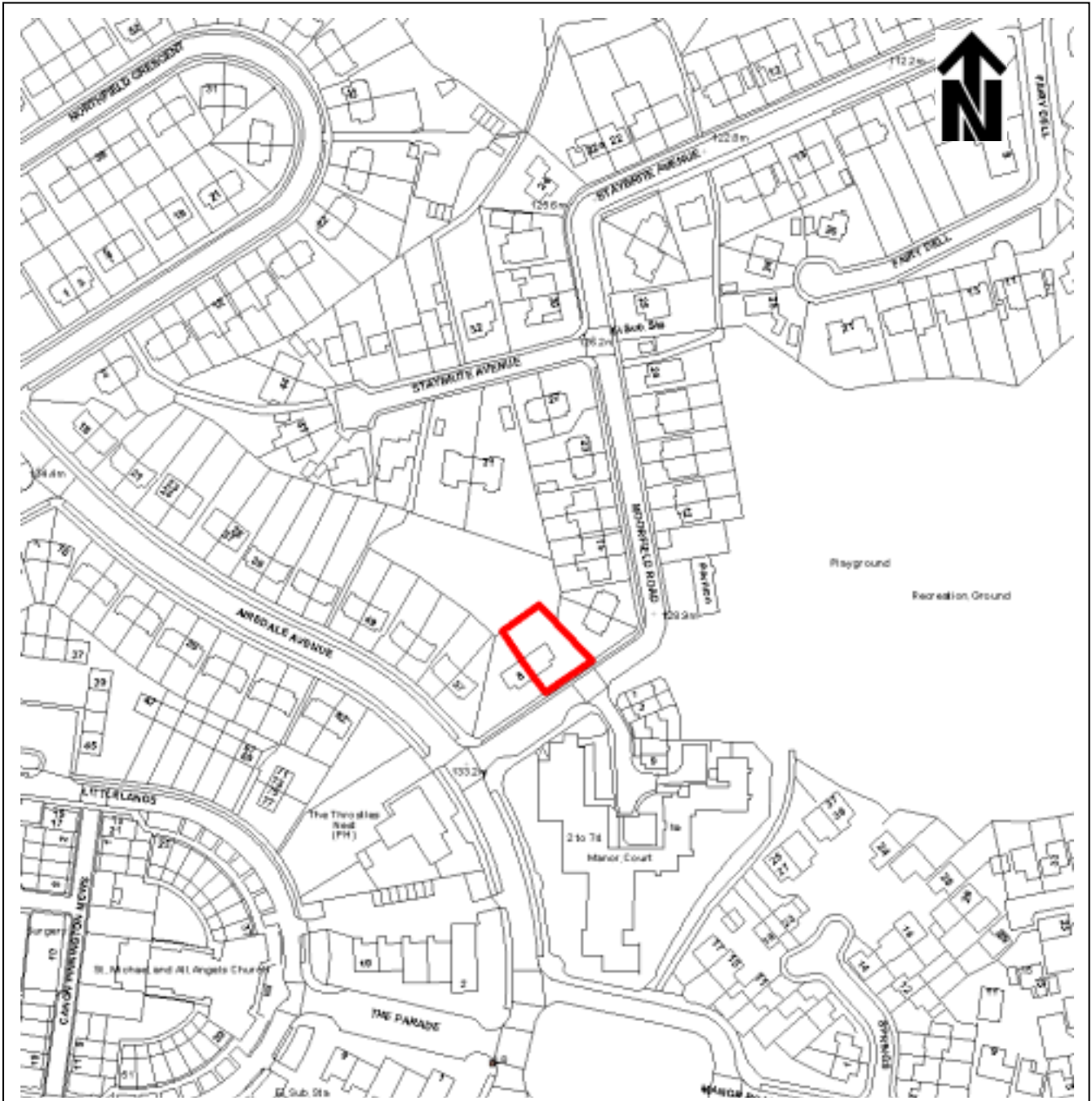
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

09/03320/FUL

26 November 2009



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ITEM NO. : 1	LOCATION: 7 Moorfield Road Cottingley, Bingley
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26 November 2009

Item Number: 1

Ward: BINGLEY RURAL

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 AGREEMENT APPLICATION WITH A PETITION

Application Number:

09/03320/FUL

Type of Application/Proposal and Address:

Full planning application for construction of new two storey dwelling in the grounds of 7 Moorfield Road, Cottingley, Bingley.

Site Description:

The site has an area of 383m² and consists of a semi detached dwelling and its front, side and rear garden areas. The existing dwelling is two storeys with a single storey side extension. The side extension and the upper gable elevation possess windows facing the side garden area and the gable elevation of 9 Moorfield Road. The side garden provides off road parking and access onto Moorfield Road. The site drops in level from the dwelling towards the site boundary with 9 Moorfield Road. There is an existing telecoms/cable cabinet on the highway in front of number 7 Moorfield Road.

The area is principally residential and there is a complex of 74 units on the opposite side of Moorfield Road – Manor Court – which accommodates elderly residents.

Relevant Site History:

08/03684/FUL – Refused 18.08.2008 on the grounds of adverse affect on the amenities of the occupants of 9 Moorfield Road, 7 Moorfield Road and the street scene. The proposal also lacked information to the siting of the dwelling in terms of its relationship with the two neighbouring dwellings.

08/07025/FUL – Refused 02.01.2009 on the grounds of adverse affect on the amenities of the occupants of 9 Moorfield Road, 7 Moorfield Road and the street scene, lack of intervisibility and insufficient information.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

[UDP1](#) Promoting Sustainable Patterns of Development

[UR2](#) Promoting Sustainable Development

[UR3](#) The Local Impact of Development

[H7](#) Housing Density – Expectation

[H8](#) Housing Density - Efficient Use of Land

[TM2](#) Impact of Traffic and its Mitigation

[TM12](#) Parking Standards for Residential Developments

[TM19A](#) Traffic Management and Road Safety

[D1](#) General Design Considerations

[D4](#) Community Safety

[NE4](#) Trees and Woodlands

[NE5](#) Retention of Trees on Development Sites

[NE6](#) Protection of Trees During Development

Parish Council:

No Parish Council.

Publicity and Number of Representations:

The application was publicised by site notice and individual neighbour notification letters. Publicity expired on 01.09.2009. Four individual letters of representation, 1 letter from a Councillor, a letter from an MP and a petition of 31 signatures have been received.

Summary of Representations Received:

A representation from a Councillor (not a local ward councillor) supports the application. He understands that the architect and applicant have co-operated fully with Planning Officers and does not see any reason why the application cannot be approved.

The local MP objects to the application on the grounds that:

1. There would be difficulties accessing and exiting Manor Court for the numerous vehicles that need access to this sheltered housing development.
2. Lack of parking provision.
3. Over development of this residential area.

Four letters of representation and petition all object to the proposal. The grounds of objection are summarised below:

1. Proposed dwelling not in keeping with the character of development in the area. It would represent an unwelcome and visually incongruous feature in the street scene and will result in erosion of spaces between buildings.
2. The need for the extra dwelling in this location is questioned.
3. The proposal would result in reduced visibility and increased danger to both pedestrians and vehicles leaving the old persons complex at Manor Court both during the construction phase and afterwards.
4. Misinformation about relationship to other dwellings, levels, boundary treatment and trees.
5. Overshadowing of 9 Moorfield Road.
6. Lack of information on gable windows and side extension to 7 Moorfield Road. How will these be affected or incorporated into the scheme?
7. What is to happen to a shared hedge and tree on the boundary with 9 Moorfield Road?
8. The form states that there will be no formation of new or altered vehicular access. This is in contradiction of what is shown on the plans.
9. Lack of an adequate level of parking would lead to on street parking to the detriment of highway safety, opposite old person's complex, on bad bend and near T junction.
10. The development will affect existing trees and hedges to the detriment of the local landscape.
11. Concerned about noise and fumes to 5 Moorfield Road when their windows are open.
12. An additional dwelling would put greater strain on water supply and foul drainage.
13. 1.8m fence is out of keeping with existing boundary treatment which is mostly hedging.

14. Felling of tree between the gardens of 7 and 9 Moorfield Road.
15. Why demolish part of the existing house to make room to squash another house onto their driveway.
16. Construction time will be delayed due to position of Virgin Media cable box.

Consultations:

Drainage Services Unit: The closest public sewer to this development is situated in Moorfield Road but it is the developer's intention to discharge foul and surface water flows from the proposal to an existing private drainage system. Consequently the developer must provide details/calculations to demonstrate the existing private drainage system is both hydraulically and structurally suitable to drain the proposal. Separate drainage system required within site boundary.

Highways Development Control Section: Comments given after site visit and consideration of third party representations.

The Accident Records for the past five years show that there have been no recorded accidents within the immediate vicinity of the development site.

On street parking could make access to Manor Court difficult. The bend in Moorfield Road (just to the north of the Manor Court access) is sharp and has poor forward visibility and there is on street parking in this area associated with the Manor Court development.

In order to ensure that the on street parking around the entrance to Manor Court and on the bend is controlled it is recommended that a new Traffic Regulation Order be promoted, at the developer's expense, to prohibit parking at any time. This should extend from the southwest boundary of No 7 Moorfield Road to the northern boundary of No 11 Moorfield Road. Both Nos 9 & 11 Moorfield Road have existing off street parking facilities. Subject to the provision of two off road parking spaces for both the new dwelling and 7 Moorfield Road, the relocation of the existing telecom/cable box to allow the parking spaces to be provided and a condition controlling the placement of skips a TRO to restrict on street parking should ensure that the highway aspect of the development is acceptable.

Summary of Main Issues:

1. Principle.
2. Density.
3. Impact on the Local Environment.
4. Tree.
5. Impact on residential amenities.
6. Impact on highway safety.
7. Drainage.
8. Comment on representations.

Appraisal:

This appraisal relates to amended plans showing accurate elevations and site layout, two off road parking spaces for both the new dwelling and 7 Moorfield Road and confirmation of the proposed relocation of the existing telecom/cable cabinet.

Principle

This site is a brownfield site within the defined urban area of the District and is therefore considered sustainable and suitable for residential development. There is no objection to the principle of residential development on this site which would accord with Policies UDP1 and UR2 of the RUDP.

Density

PPS3 sets out the Government's commitment to promoting more sustainable patterns of development and, among other things, recommends that new housing development makes efficient use of land. It advises that 30 dwellings per hectare (dph) should be used as a national indicative minimum to guide policy development and decision making until local density policies are in place. The Councils RUDP Policy recommends a density of 30-50 dph for a site in this location. The proposal represents a development density of 52 dwellings per hectare and therefore accords with Policy H7 and is acceptable under Policy H8 of the UDP.

Impact on the Local Environment

The design shows a plain detached two storey dwelling with fenestration facing Moorfield Road to the front and the vacant land to the rear of the plot. The height of the dwelling will be subordinate to that of 7 Moorfield Road but the same height as 9 Moorfield Road. The ridge of the pitch roof will run parallel to Moorfield Road and in this respect mimics 5, 7 and 9 Moorfield Road. The fenestration and door design reflects that of adjoining dwellings in terms of frames and the use of heads and cills.

Materials for the walls and roof will match those used on 7 Moorfield Road.

The boundary treatment of fencing, in particular low picket fencing to the front of the site is not inappropriate to the style of development in this area and has the design advantage over hedging of allowing improved visibility between pedestrians and users of the off road parking spaces.

There is a deciduous tree to the rear of 9 Moorfield Road close to the boundary with 7 Moorfield Road and visible in the street scene. The tree may be affected by the development due to the distance between tree and proposed dwelling but the tree is not considered to be of such public visual amenity that the development should be resisted to protect the long term retention of the tree.

It is considered that the proposal complies with policies NE4, NE5, NE6, D1 and UR3 of the RUDP.

Impact on residential amenities

The proposed dwelling has been sited so that it would not adversely affect the front and rear elevations of 7 Moorfield Road by reason of overshadowing. The bed room window on the gable elevation of 7 Moorfield Road would be relocated to its front elevation so that the new dwelling would not have an overshadowing or overbearing affect on this habitable room of 7 Moorfield Road. The only windows remaining on the gable elevation of 7 Moorfield Road would be non habitable room windows and therefore their position in relation to the new dwelling is considered to be acceptable.

The new dwelling would be set back from the front elevation of and to the south of 9 Moorfield Road. The new dwelling would not be sited parallel to the common boundary with 9 Moorfield Road but would be set between 2.2m (to the front) and 1m (to the rear) from

the boundary. The blank gable of the new dwelling would face the drive, side garden, a porch and two non habitable room windows in the first floor gable of 9 Moorfield Road. The blank gable of the new dwelling would be between 7.4 to 8.2m from the gable wall of 9 Moorfield Road. As the gable of the new dwelling is blank it would not lead to overlooking of 9 Moorfield Road. Also due to the siting of the new dwelling in relation to 9 Moorfield Road, as described, the new dwelling would not lead to undue overshadowing of 9 Moorfield Road or have an undue overbearing affect on the occupiers of 9 Moorfield Road.

The proposals include the location of a bin store and parking space to the front of 7 Moorfield Road adjacent to the common boundary with 5 Moorfield Road. These are changes that could be undertaken permitted development subject to the use of a permeable surface for the parking area or drainage to the garden.

It is not considered that the development would have any significant adverse impact on the residential amenity of neighbouring occupants and as such would accord with policies D1 and UR3 of the UDP.

Highway safety

The site would provide two off road parking spaces for the new dwelling and two replacement off road parking spaces for the existing dwelling. The parking spaces meet the minimum standards for size and boundary treatment has been altered from hedging to 900mm fencing thus improving intervisibility between the occupiers of vehicles using the parking spaces and other road users.

The telecoms/cable cabinet located on the site frontage would be re-sited in a location which does not interfere with intervisibility between the drivers of vehicles and pedestrians. It is considered therefore the development will comply with parking Policy TM12 of the UDP.

Provision has been made for bin storage for both the new dwelling and 7 Moorfield Road so that bins will not have to be stored on the highway.

Access to the proposed dwelling would involve altering an existing access. Alternative parking for 7 Moorfield Road would involve forming a new access offset from the entrance to Manor Court. Combined with two off road parking spaces for both the new dwelling and 7 Moorfield Road, relocation of the existing telecom/cable box to allow the parking spaces to be provided and a condition controlling the placement of skips the Traffic Regulation Order measure to prohibit parking at any time from the southwest boundary of No 7 Moorfield Road to the northern boundary of No 11 Moorfield Road should ensure access of the development is acceptable.

It is not considered that the development would result in conditions prejudicial to highway safety and as such would accord with policies TM2, TM19A, D1 and UR3 of the UDP.

Drainage/Water Supply

It is not anticipated that there will be any problems supplying water to the dwelling given its siting in an urban area.

The applicant will need to provide a drainage scheme with details/calculations to demonstrate the existing private drainage system is both hydraulically and structurally suitable to drain the proposal and this can be subject to conditions.

Community Safety Implications:

The dwelling provides off road parking visible to 7 Moorfield Road and the proposed dwelling and defensible private amenity space for the proposed dwelling. The proposal raises no apparent community safety issues and accords with Policy D4 of the UDP.

Reason for Granting Planning Permission:

The principle of development of this sustainable brownfield site for one dwelling is acceptable as are the new dwellings design and external appearance and the impact the proposal would have on trees, residential amenity, highway safety and community safety. As such the proposal accords with policies UDP1, UR2, UR3, H7, H8, D1, D4, NE4, NE5, NE6, TM2, TM12 and TM19A of Bradford's Replacement Unitary Development Plan (October 2005).

Conditions of Approval:

- Commencement of Development within 3 years.
- Development to be undertaken in accordance with the amended plans.
- Hours of construction limited; Monday to Friday 0730 to 1800; Saturdays 0730 to 1300; No time on Sundays and Bank Holidays.
- Materials – samples to be submitted and approved and development completed in approved materials.
- Provision of parking for new dwelling and 7 Moorfield Road prior to commencement of new dwelling.
- Provision of accesses for new dwelling and 7 Moorfield Road prior to occupation of new dwelling.
- Re-siting of telecom / cable cabinet so that it does not interfere with intervisibility of accesses prior to commencement of development unless otherwise agreed.
- Boundary treatment prior to occupation of new dwelling.
- Gates not to open over the highway.
- No storage of materials and no placement of skips on the highway during construction.
- Separate systems of drainage within the site.
- Details/calculations to demonstrate the existing private drainage system is both hydraulically and structurally suitable to accommodate foul and surface water drainage. If private drainage system is unsuitable details to be submitted of alternative drainage system.

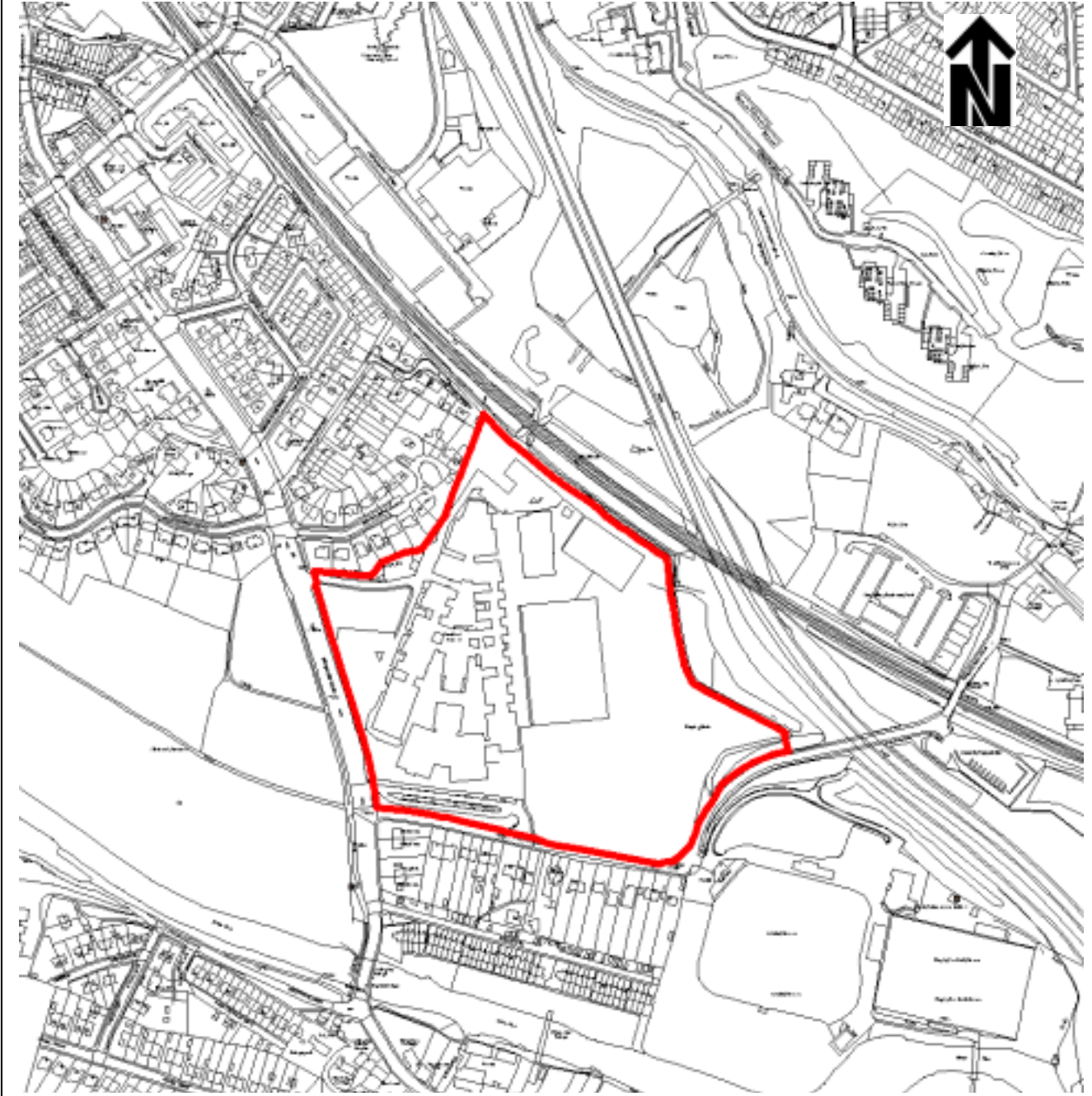
Heads of Terms of the Section 106 Legal Agreement:

The development shall not be commenced until the developer has paid to the Council the sum of £6,000 towards obtaining and implementation of a Traffic Regulation Order (TRO) prohibiting on street parking from the southwest boundary of No 7 Moorfield Road to the northern boundary of No 11 Moorfield Road.

Area Planning Panel (Shipley)

08/03107/SUB06

26 November 2009



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ITEM NO. : 2

LOCATION:

**Beckfoot School
Wagon Lane
Bingley**

26 November 2009

Item Number: 2
Ward: BINGLEY RURAL
Recommendation:
TO GRANT DISCHARGE OF CONDITION

Application Number:
08/03107/SUB06

Type of Application/Proposal and Address:

Discharge of condition application

Provision of samples of materials required by condition 02 of application 08/03107/REM for the construction of a new secondary and special school on existing playing fields and provision of new sports facilities at Beckfoot School, Wagon Lane, Bingley

Site Description:

An unusual shaped 7.8-hectare site located within the green belt. Large parts of the site also fall within land designated as flood plain. Currently a secondary school is accommodated in part single/part two storey buildings that exist in the western apex of the site. The remainder of the site comprises playing fields and pitches and construction works are underway to provide a new secondary and special school.

The campus is located to the south east of Bingley Town Centre on Bradford Road (A650). To the northwest and the south of the site there are residential properties that are primarily two stories in height. The main Bingley to Bradford railway line bounds the site to the north east and Bingley 23 bridleway runs adjacent to the site boundary from the south east corner to the north of the site. At present vehicular access is via Bradford Road.

Relevant Site History:

(i) The existing school is accommodated in buildings dating from 1943. Further additions have been added to the school throughout its use including the provision of a sports hall, technology block, library, teaching block and parking (granted in 2000 - 00/00203/REG).

(ii) More recently, outline planning permission (with all matters reserved) was granted subject to conditions in May 2008 for the erection of new secondary and special schools on the existing playing fields (07/08284/OUT).

(iii) Reserved Matters application 08/03107/REM to determine access, appearance, landscaping, layout and scale were approved in July 2008 subject to several conditions. Condition 02 stated that:-

Notwithstanding any details submitted on the approved plans, samples of all facing and roofing materials including full details of colours, shall be submitted to and approved in writing by the Local Planning Authority before the building works progress above damp-proof course. The development shall be constructed in the approved materials

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

At Chairman's briefing for the above reserved matters application (when authority was given to delegate the application) it was resolved that details of condition 02 regarding materials, including the submission of a materials board, should be reported back to panel prior to the discharge of condition.

The details submitted to discharge condition 02

Aluminium window system with coloured panels (aqua, blue and green)

Rustic facing brick

Off white render

Sealed polycarbonate panels

Appraisal:

The details and samples board which are provided to discharge condition 03 are considered acceptable and fulfil the requirements of the condition and comply with policies UR3 and D1 of the Replacement Unitary Development Plan.

Officers and members were concerned with the previously proposed materials of black render and dark blue/yellow coloured panels which were shown in the reserved matters application 08/03107/REM. The current proposals have completely eliminated these colours and the proposal now utilises coloured materials which reflect those in the surrounding residential locality whilst also respecting this green belt site. A samples board of the proposed materials will be presented to members of the Panel.

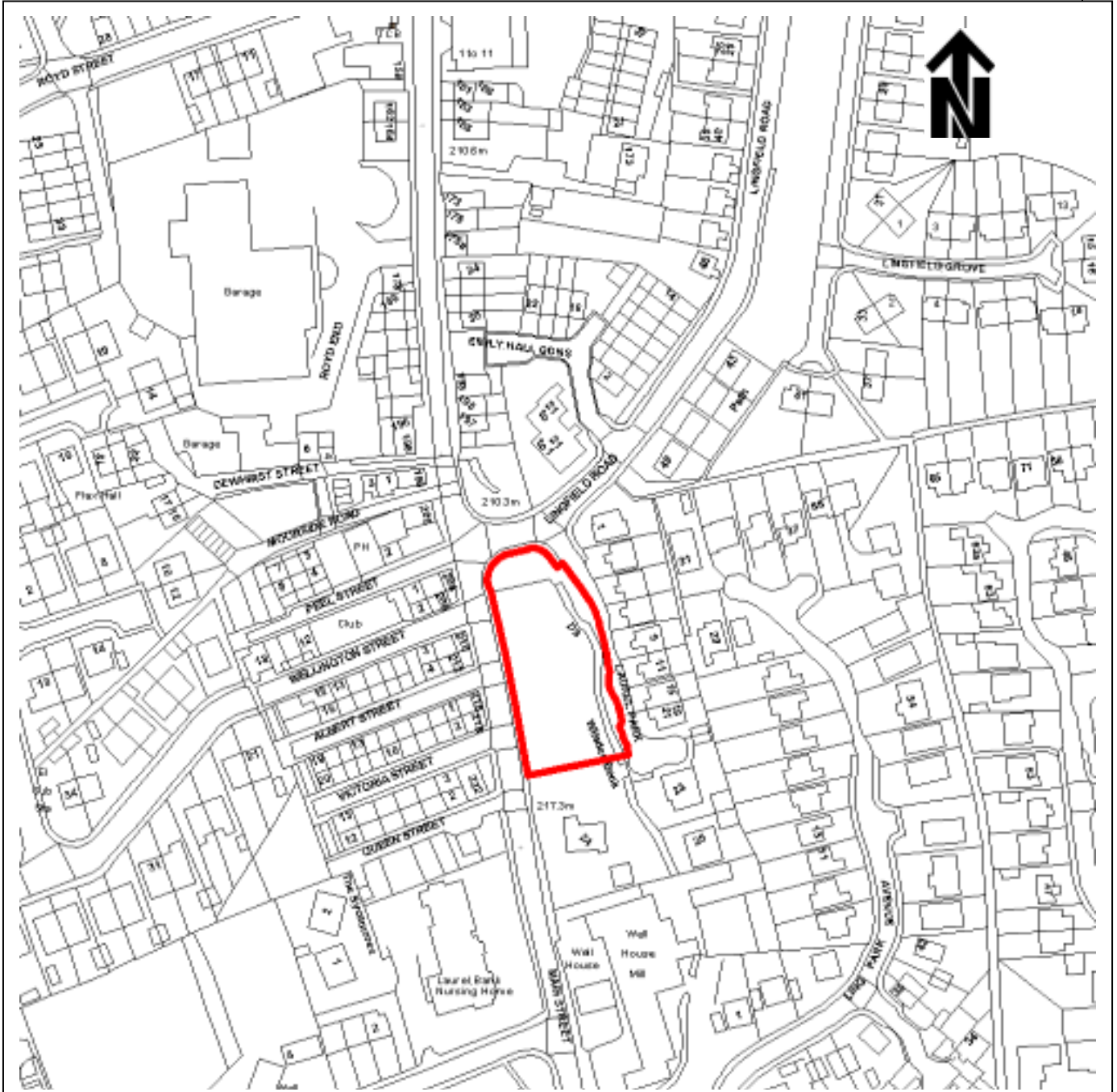
Recommendation

To discharge the requirements of condition 02

Area Planning Panel (Shipley)

09/04006/FUL

26 November 2009



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LOCATION:

**24 Laurel Park
Wilsden
Bingley**

ITEM NO. : 3

26 November 2009

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

REFERRED TO PANEL AT REQUEST OF THE PARISH COUNCIL

Application Number:
09/04006/FUL

Type of Application/Proposal and Address:

Full planning application for development of 3 terrace houses with integral garages at 24 Laurel Park Wilsden Bingley.

The current application is for three four bedroomed terraced dwellings each with an integral single garage and a parking space. The site is to be accessed via a new bridge over a beck adjacent Laurel Park. Three visitor parking spaces would be formed either side of the turning head and on Laurel Park. The design of the dwellings would make use of the sloping nature of the land and would appear single storey when viewed from Main Street and two storeys when viewed from Laurel Park. The walling of the dwellings would be natural coursed stone and the roofs would be covered in artificial Yorkshire stone slate. All windows and doors would be off-white painted timber and boundary treatment would consist of stone walls, beech hedging and wooden fencing. Access and hardstanding areas would be a mixture of tarmac and block paviers. Private garden areas for Plots 1 and 2 would be small in area (55 to 62m²) and located between the dwellings and Main Street with beech hedging and trees planted along the Main Street frontage to provide privacy. An area of landscaped open space is to be provided at the north end of the site dedicated to the Parish Council as public open space with an unspecified sum for maintenance.

Site Description:

An area of unkempt grassed land (0.17ha in area) in Wilsden's Conservation Area with frontages to Main Street, Lingfield Road and Laurel Park. The frontage of the site onto Main Street is defined by a dry stone wall of approximately 1m high. The last use of the land was as a small holding. Along the site's boundary with Laurel Park runs a beck and to the west of the beck is a line of protected trees which contribute to the character of the area. The land slopes down from Main Street towards the beck and Laurel Park. An existing vehicular access exists on to Main Street. There are no listed buildings on or adjacent to the site or within close proximity to the site.

Relevant Site History:

98/00054/CLE Certificate of lawfulness in respect of smallholding with office and storage facilities – Approved 29.01.1998

98/01126/FUL – Detached dwelling – Approved 04.06.1998 (This is the approval for 24 Laurel Park).

00/02121/FUL Residential development of two detached dwellings – Withdrawn 17.11.2000

02/00369/CLE Certificate of lawful use for private domestic dwelling with ancillary business use and small holding – Refused 30.04.2002

02/03518/COU Change of Use of land from smallholding to residential curtilage and erection of boundary fence – Approved 19.12.2002

05/07648/FUL – A full planning application for 2 detached dwellings - Refused 09.02.2007 on the grounds of its unacceptable impact on the character and appearance of Wilsden Conservation Area and the loss of open space in the conservation area.

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

08/06535/FUL Residential development - 3 terrace houses with integral garages –Withdrawn 12.03.2009

Replacement Unitary Development Plan (RUDP):

Allocation

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

Proposals and Policies

UDP1 - Promoting Sustainable Patterns of Development

UR2 - Promoting Sustainable Development

UR3 - The Local Impact of Development

H7 - Housing Density - Expectation

H8 - Housing Density - Efficient Use of Land

TM2 - Impact of Traffic and its Mitigation

TM10 - The National and Local Cycle Network

TM12 - Parking Standards for Residential Developments

D1 - General Design Considerations

D4 - Community Safety

BH7 - New Development in Conservation Areas

BH10 - Open Space Within or Adjacent to Conservation Areas

OS8 - Small Areas of Open Land in Villages

NE4 - Trees and Woodlands

NE5 - Retention of Trees on Development Sites

NE6 - Protection of Trees during Development

Parish Council:

Wilsden Parish Council recommends approval. The Parish Council requested that the application be determined by Planning Panel if it was being recommended for refusal by officers.

Publicity and Number of Representations:

Publicised by means of site and press notices as development within a Conservation Area and individual neighbour notification letters. Publicity expired 16 October 2009. Four representations received all objecting to the proposals.

Summary of Representations Received:

1. Loss of open space contrary to policies UR3, BH7, BH10 and OS8 of the RUDP.
2. Design fails to reflect the character and appearance of the Wilsden conservation area and is contrary to policies BH7 and UR3 of the RUDP.

3. Unsuitable access which cannot safely accommodate any more traffic.
4. Lack of adequate usable parking spaces for existing as well as new residents – too few and location of some under trees where branches and bird droppings could fall on cars/occupants.
5. Trees on site are potentially in an elderly and dangerous condition and should be the subject of an independent report by a competent authority appointed by the Council not the applicant and the applicant be required to take remedial action.
6. The development will further reduce light to properties on Laurel Park, already suffering from loss of light due to the existing trees – there should be an independent study and report into this by competent people.
7. It is queried whether the community of Wilsden actually want the Public Open Space – the Parish Council have not under taken any direct consultation with local residents.
8. Provision of Public Open Space would be contrary to community safety becoming a gathering ground for anti social elements creating noise disturbance and petty crime and there are maintenance concerns, including clearing up litter – how will maintenance be enforced, what will be the frequency of maintenance and what happens when the money for maintenance runs out?
9. Anti social elements might start at the Public Open Space and then gravitate to the less observed turning head of Laurel Park.
10. Development would add to the maintenance problems of the surface of Laurel Park – if permission is granted a condition should be imposed to require the resurfacing of Laurel Park after the development is completed to council standards.
11. The role of the Parish Council in supporting the application is queried.
12. Loss of privacy from overlooking.
13. Flooding due to surface water run off down the drive and bridge over the beck.
14. Danger to pedestrians and especially to the mobile impaired and children playing on Laurel Park.
15. The development of 24 Laurel Park was conditional on no more development.

Consultations:

Environment Agency: Responded that they have no comments to make.

Drainage Service Unit: The Design and Access statement indicates that surface water is to discharge to a rainwater harvesting system with an overflow to Wilsden Beck but the submitted drawing indicates that surface water is to discharge to soakaways. Require clarification on surface water discharge arrangements. If surface water is to discharge to soakaways the developer must provide results of percolation tests.

Architectural Police Liaison Officer: There are still issues with regard to natural surveillance, defensible space and lighting that need addressing for the application to be fully supported by the police.

Heritage Conservation: The informal open paddock-like character of this site makes an important contribution to the character of the conservation area. This site is particularly important as it is one of the last remaining open spaces fronting Main Street and it reflects the former rural character of the village.

Surprised that the Council is presented yet again with a proposal for residential development of this site given previous comments on proposals to develop the site. The principle of development of this site is unacceptable in conservation area terms, conflicting with D1, UDP3, BH7 and BH10. Notwithstanding the informal appearance and lack of public access

to the site, the loss of this space is not mitigated in any way by the suggested dedication of public space.

Many of the previous comments with regard to design of the dwellings and particularly the bridge remain relevant, but in light of the above fundamental policy conflict, there is no reason to dwell on the detail aspects. The development of this site is unacceptable.

Highways Development Control Section: The access and parking arrangement proposed in the current application have previously been supported in relation to planning application 08/06535/FUL.

However, whilst the applicant is proposing to close up an existing access into the site on Main Street they have failed to incorporate the comments relating to the replacement of the vehicular drop crossing with a full kerb face that was previously suggested to them. If the applicant were prepared to make the following amendments 'Existing vehicular drop crossing to be replaced with full kerb face to Local Authority specification', there would be no highway objections.

In the event that permission was granted they recommend the imposition of highway conditions requiring construction of access before occupation, closure of existing vehicular access, provision of turning area before use, provision of domestic parking before use, provision of visitor parking before use, details of highway retaining works, Construction plan details and footnotes relating to retaining walls and culverting.

Trees Section: Unable to support this application for the following reasons-

- The indicative Root Protection Areas(RPA) take little or no account of the fact that the trees are tight to the beck edge and as such the majority of the roots will be to the site side. BS5837 Clearly indicates that compensatory RPA should be provided where there are obstacles.
- There is significant excavation on this proposal that will be within the RPA of trees therefore causing damage to tree roots to protected trees.
- There are no details of the proposed dry stone wall construction where within the RPA of trees.
- The protective fencing needs to give greater distance protection to the trees.

Unable to support this application due to its potential impact on trees. The proposal fails on policies NE5 and NE6

Summary of Main Issues:

1. Principle of Development.
2. Density.
3. The impact on the conservation area.
4. The impact on the open space.
5. Impact on trees.
6. Impact on residential amenity.
7. Impact on Highway safety.
8. Comment on representations.

Appraisal:

Principle

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

Policy UR2 of the RUDP, in line with sustainability principles, sees development in Wilsden being limited to that required to meet local needs and/or support local services, giving priority to previously developed land.

Wilsden benefits from services in the form of a variety of local shops and this development would help to support their continued existence by increasing the shops potential base for support. The site makes efficient use of existing physical and social infrastructure sought by Policy UR2 of the RUDP.

It is considered that development of this site for residential development can, in this instance, be justified in principle.

Density

PPS3 sets out the Government's commitment to promoting more sustainable patterns of development and, among other things, recommends that new housing development makes efficient use of land. It advises that 30 dwellings per hectare (dph) should be used as a national indicative minimum to guide policy development and decision making until local density policies are in place. The Councils RUDP Policy recommends a density of 30-50 dph for a site in this location. Excluding the area under tree canopies and the access bridge the density of development would accord with Policies H7 and H8 of the RUDP and advice in PPS3.

Impact on Conservation Area

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

The assessment of the application by the Council's Heritage Conservation Officer points to the importance of maintaining this open space set in the heart of Wilsden. Indeed, this open space has been identified in the Conservation Area Assessment as an important feature contributing to the character of the conservation area. The open undeveloped nature of the land is a striking contrast to the built up nature of the land surrounding it.

With regard to the condition of the land, this is in an unkempt state but this should not be seen as a reason for allowing an inappropriate development that would have a permanent negative affect on the character and appearance of Wilsden Conservation Area. Untidy land can be tackled by means of Section 215 notices if necessary rather than granting inappropriate planning permissions.

The proposal involves dedicating part of the site to the Parish council as Public Open Space. Retaining part of this land as open space owned and maintained by the Parish Council would help to off set the negative impact of developing the rest of the land but it is considered that the reduced open space, particularly the frontage to Main Street Wilsden (which has already been reduced by the development of 24 Laurel Park Wilsden), would be so severely reduced

as to be an unacceptably compromise its contribution to the character and appearance of Wilsden Conservation Area.

The proposed dwellings take advantage in the change of levels across the site to present a single storey elevation to Main Street and have also been set back from Main Street. A beech hedge and tree planting is shown fronting Main Street. Both the height of the development and the set back are designed to reduce the visual impact of the development on Main Street and to mitigate against the loss of open space. This design solution is not considered to be a satisfactory solution as it would result in either these family houses having only semi-private space of little use facing Main Street or the occupiers of the new dwellings raising the height of the boundary to the street to provide the level of privacy expected for a back garden and thus eroding the open nature of this part of Main Street Wilsden. Neither option would enhance the street scene and character of the conservation area. A lack of private space would inhibit the occupiers making full use of their homes whilst high boundary or hedge would give a blank frontage to the street, which would be out of keeping with the general character of Main Street Wilsden.

The general form of development on Main Street is two storeys in nature but there are single storey elements and it is not considered that the development's single storey facade to Main Street Wilsden would be inappropriate. The dwellings would be separated from the two storey elements in Main Street by distance and would therefore be read independently and not present a jarring feature in the townscape.

The general design and materials of the dwellings are acceptable with the exception of the windows. If all other aspects of the proposal had been acceptable it would have been appropriate to ask for amended details to show sliding sash or paired rebated side hung casement windows which would be more appropriate for this conservation area location.

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

Open space

Policy OS8 of the RUDP seeks to protect small areas of open land in villages which have not been designated on the RUDP proposals map and are not protected by green belt policy but which have an important local amenity value, contributing to the character and setting of the village. Development of these areas, some of which may be privately owned ..., would be harmful to the visual, quality, character and setting of the village. This is particularly so where the land is very prominent within the village or where it possesses good tree cover.

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

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

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

If the proposal was to be approved there would be the need for the completion of a Section 106 Legal Agreement before permission was granted to ensure the land for the open space was transferred to the Parish Council's ownership with a commuted sum for maintenance. (The Council's Park's Section has advised that if the land were to be maintained by the Council a commuted sum of £8,750 would be required).

Impact on Trees

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

The current scheme would have a potential adverse impact on existing trees on the site for the following reasons-

- The indicative Root Protection Areas(RPA) take little or no account of the fact that the trees are tight to the beck edge and as such the majority of the roots will be to the site side. BS5837 Clearly indicates that compensatory RPA should be provided where there are obstacles.
- There is significant excavation on this proposal that will be within the RPA of trees therefore causing damage to tree roots to protected trees.
- There are no details of the proposed dry stone wall construction where within the RPA of trees.
- The protective fencing needs to give greater distance protection to the trees.
- The limited garden areas for Plots 1 and 2 not affected by tree cover may lead to pressure to use the space to the east of these dwellings and consequently increase pressure for works to trees, to the possible detriment of their amenity value.

It is considered that the development as proposed threatens the future of trees on the site and as such the development does not accord with Policies BH7, BH10 (clause 5), NE5, NE6, D1 (clauses 3, 5, 8) and UR3 of the RUDP.

Impact on residential amenity

The minimum distance between the front of the proposed dwellings facing Main Street and the front elevation of existing dwellings fronting Main Street would be 18m, which is below the standard normally applied (21m) where there are existing habitable rooms which may be overlooked. However, the elevations of the existing dwellings facing Main Street are in close proximity to the public highway and as such the privacy of the occupants of these properties is already limited. In these circumstances it is not considered that the relationship of the windows of the proposed and existing dwellings would result in any significant loss of privacy to residents of properties on Main Street.

The proposed elevations facing across the beck towards Laurel Park Wilsden would be sited a minimum of approximately 26.5m from the front elevations of the existing dwellings facing Laurel Park Wilsden. This is considered an acceptable distance between habitable room windows to avoid undue loss of privacy.

The development would be sited to the east of the existing dwellings of Laurel Park Wilsden. The distance between the dwellings and the intervening tree cover are sufficient to lead to the conclusion that there will be no overshadowing affect from the proposed dwellings to the existing dwellings or visa versa. With regard to the overshadowing affect of the trees on the proposed dwellings sited to the west of them, the Council's Arboricultural Officer has raised no objection in this respect in their comments, so it is considered that this aspect of the application is acceptable.

The side elevation of Plot 1 would be blank and would be sited north of and 16.6m from 24 Laurel Park Wilsden. There would be no issues of overlooking and overshadowing.

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

Plots 1 and 2 have very small amenity areas not affected by overshadowing from trees. The amenity value of these areas (located between the dwellings and Main Street Wilsden) is further diminished by the need to keep these areas open to views in / from Main Street Wilsden, if the character and appearance of the conservation area is not to be negatively impacted upon, thus preventing privacy screening from users of Main Street Wilsden and the habitable room windows of dwellings facing across Main Street, Wilsden. The size and arrangement of private amenity space for Plots 1 and 2 is considered to be unacceptable and contrary to Policy D1 (clause 8) of the RUDP.

Highway safety

Bin storage areas are shown on Laurel Park Wilsden next to the bridged entrance to the site. It is considered that bins will be put and left there on bin collection day but would otherwise be located closer to the dwellings they serve. There is adequate space to accommodate these close to the dwellings without adversely affecting other material considerations.

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

The proposal provides for a maximum of two off road parking spaces for each dwelling by means of a garage with parking space in front of it. One visitor parking space is provided either side of the turning head. Additionally Laurel Park Wilsden already has two visitor parking spaces formed along it and the proposal is to relocate one of these spaces to facilitate the access and form additional visitor parking spaces. Parking accords with policies TM12, D1 and UR3 of the RUDP.

The turning head complies with the requirements of the Council's Highways DC Section and accords with Policies TM2, UR3 and clause 8 of Policy D1 of the RUDP.

In the event that permission is granted contrary to recommendation the site layout plan would need amending prior to the decision being issued in line with the requirements of the Council's Highway DC Section to ensure the dropped crossing of the closed up access crossing onto Main Street was replaced with a full kerb.

Comment on representations

Loss of open space, design, parking, access, trees, loss of light for residents of Laurel Park and provision of public open space and implications for community safety and maintenance of the public open space have been discussed in the report.

The Parish Council comments are weighted according to their relevance to the planning issues.

Laurel Park is an adopted highway and it is the responsibility of the Council to maintain the surface of the carriageway. The Council's Highway Section has not suggested that there is a need to resurface Laurel Park as a requirement of this development.

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

Community Safety Implications:

Proposals allow for proposed dwellings to be sited within defensible private space.

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

- The open space is treed with limited views into it.
- Views from the garden of Plot 3 would possibly be limited by the beech hedge/fencing that would form the plots boundary with the open space as control of its height can not be controlled and realistically occupiers of Plot 3 may wish the hedge to be higher than 1m in order to provide privacy to their garden area.
- There is no lighting to the Public Open Space other than the limited street lighting to Main Street Wilsden and Laurel Rise Wilsden, none of which shines directly onto the open space area.
- The open space is shown on the layout plan as not being secured by any boundary treatment to Laurel Park, Ling Park or Main Street Wilsden and for this reason alone would be open to 24 hour public access. There needs to be some form of boundary treatment to the Public Open Space to prevent desire lines across the open site and create a sense of ownership and control over the area which in turn may act to informally police the area.

In addition:

- The development does not provide for secure rear boundary treatments for all rear areas.
- The development does not clearly define ownership or use with regard to two areas of land to the rear, Laurel Park side, of the site allowing any one resident or not to enter and leave without challenge.
- There are no details of lighting for the development which is necessary to enhance natural surveillance, especially to the rear of the site.

Given the points of concern raised above it is considered that the proposal is contrary to Policy D4 of the UDP.

Reasons for Refusal:

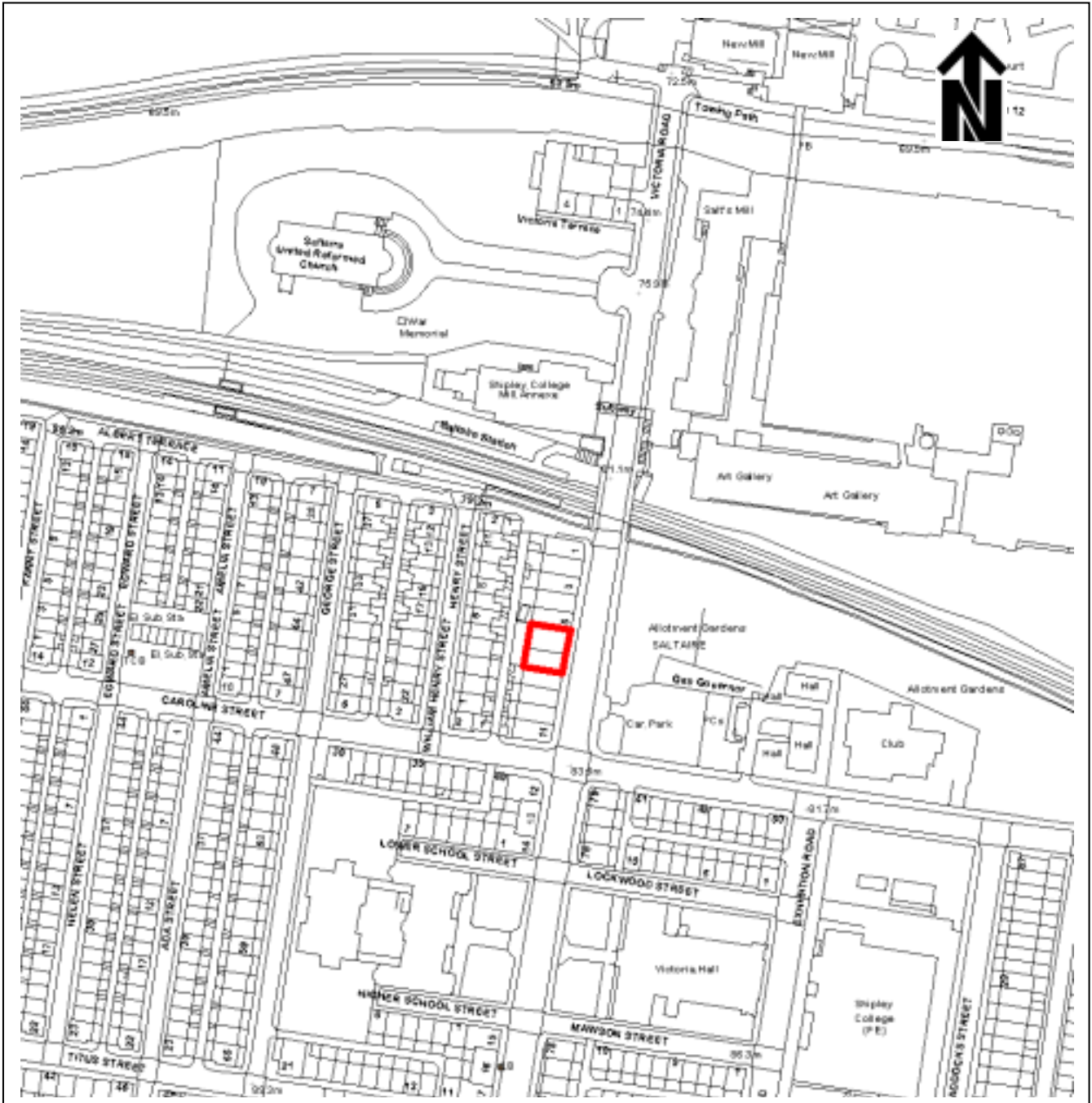
1. The proposed development would result in the loss of one of the last remaining open areas within the Wilsden Conservation Area, to the detriment of its appearance and character. As such the proposal would be contrary to Policies D1 (clauses 1 and 8), UR3, BH7, BH10 and OS8 of the Replacement Bradford Unitary Development Plan (October 2005).
2. The development of Plots 1 and 2 for residential dwellings is unacceptable as the residential amenities of the occupiers of these dwellings would be adversely affected due to the provision of inadequate private residential amenity space. As such the proposal is considered to be contrary to Policy D1 (clause 8) of the Replacement Bradford Unitary Development Plan (October 2005).
3. The development would have an adverse impact on existing trees on the site as the indicative Root Protection Areas (RPA) take little or no account of the fact that the trees are tight to the beck edge, there is significant excavation on this proposal that will be within the RPA of trees therefore causing damage to tree roots to protected trees, there are no details of the proposed dry stone wall construction where within the RPA of trees and the protective fencing is not set sufficient distance from the trees it seeks to protect. As such the proposal is considered to be contrary to Policies BH7, BH10 (clause 5), NE5, NE6, D1 (clauses 3, 5, 8) and UR3 of the Replacement Bradford Unitary Development Plan (October 2005).
4. The proposed public open space due to its accessibility, the extent of tree coverage, lack of openness, lack of lighting and positioning of street furniture, would become a focus for opportunities for crime and anti social behaviour to the detriment of community safety and contrary to Policy D4 of the Replacement Bradford Unitary Development Plan (October 2005).
5. The development is considered to be contrary to Policy D4 of the Replacement Bradford Unitary Development Plan (October 2005) as it does not provide for secure rear boundary treatments for all rear areas, does not clearly define ownership or use with regard to two areas of land to the rear, Laurel Park side, of the site allowing any one resident or not to enter and leave without challenge and does not provide details of lighting for the development which is necessary to enhance natural surveillance, especially to the rear of the site.

6. The limited garden areas for Plots 1 and 2 not affected by tree cover may lead to pressure to use the space to the east of these dwellings for amenity space and consequently increase pressure for works to trees, to the possible detriment of their amenity value. The proposal is therefore considered to be contrary to Policies BH7, BH10 (clause 5), NE4 (clauses 1a, 1b, 1c), NE5, NE6, D1 (clauses 3, 5, 8) and UR3 of the Replacement Bradford Unitary Development Plan (October 2005).
 7. The application as submitted provides inconsistent information with regard to size of Public Open Space, tree planting and the boundary treatment between the Public Open Space and Plot 3 preventing its proper consideration by the Local Planning Authority.
-

Area Planning Panel (Shipley)

09/01238/LBC

26 November 2009



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LOCATION:

ITEM NO. : 4

**Don't Tell Titus
6 - 7 Victoria Road
Saltaire, Shipley**

26 November 2009

Item Number: 4
Ward: SHIPLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
09/01238/LBC

Background:

I refer Members of the Panel to the Agenda and decisions of the meeting of 18 June 2009, when this item, recommended for refusal at that meeting, was deferred. The deferral was to allow negotiations to take place in respect of alternative security solutions. All aspects of the report of 18 June 2009, appended below, remain relevant.

Outcome of negotiations:

A meeting was held at the application site on 30 July 2009. Present were Bobby Bhatt, owner and applicant, Jon Ackroyd, Senior Conservation and Design Officer and Paul Corah, West Yorkshire Police Bradford District Architectural Liaison Officer. The background to the application was explained to Paul Corah by Mr Bhatt, including the crime occurrences, and the negative effect that these are having on Mr Bhatt's sense of personal security.

A detailed discussion ensued, predominantly about the differing security measures the applicant had considered and alternatives which might be applicable. The applicant advised that he had been advised that alternative measures would be intrusive or less effective. It was accepted that the return glazing panels at the sides of the recessed doorway were very vulnerable. However, alternative means of internal protection would overcome this. The applicant indicated some reluctance to replacing the measures he has installed, in terms of perceived reduced effectiveness, impact on the internal appearance of the business and cost.

Paul Corah has provided detailed feedback following the meeting. Whilst there are security issues in terms of burglaries, these are not at an abnormal level. He does not consider the problem to be one of deliberate or random damage, as the problem has abated since the shutters were installed. Even if there is a particular targeted problem against this business or premises, alternative means of protection could be implemented which would achieve the same level of effectiveness. Specifically his conclusion is as follows:

"I do not object to the applicant's external shutters on any grounds as they give over and above the level of protection commensurate with the actual risk. However if they are deemed unsuitable in this location I believe the applicant can protect the premises against the largest threat, that of burglary, with internal shutters."

In addition to this, installation of strong illumination with movement sensors in the recessed doorways would further deter anyone wishing to interfere with the door or flanking windows.

Conclusion:

The conflict with adopted policy remains as does the concern over precedence for further similar inappropriate development in the historic environment, should approval be given. As effective alternative provision could be made, but agreement on mitigation has not been reached, the concerns and principles of the report of 18 June 2009 remain pertinent. Refusal is recommended for the reasons below.

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.
-

18 June 2009

Ward: SHIPLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

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:

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:

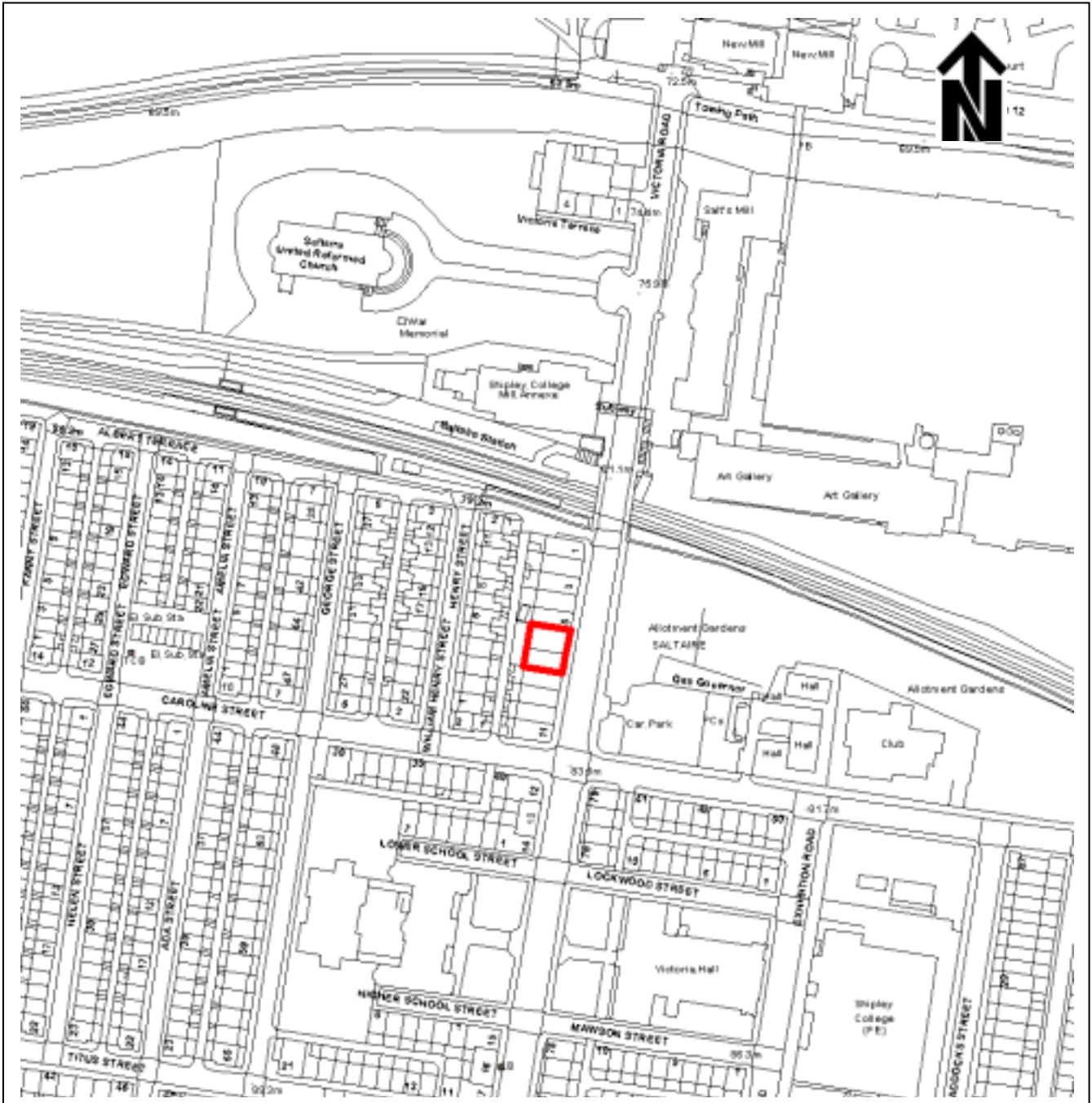
1. The security shutters by reason of design, method of fixing and location on the frontage of the building form a discordant and intrusive feature which detracts from the architectural and historic interest of the listed building and the wider listed group. The proposal is therefore contrary to Policies 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.

Area Planning Panel (Shipley)

09/01239/FUL

26 November 2009



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LOCATION:

ITEM NO. : 5

**Don't Tell Titus
6 - 7 Victoria Road
Saltaire, Shipley**

26 November 2009

Item Number: 5
Ward: SHIPLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
09/01239/FUL

Background:

I refer Members of the Panel to the Agenda and decisions of the meeting of 18 June 2009, when this item, recommended for refusal at that meeting, was deferred. The deferral was to allow negotiations to take place in respect of alternative security solutions. All aspects of the report of 18 June 2009, appended below, remain relevant.

Outcome of negotiations:

A meeting was held at the application site on 30 July 2009. Present were Bobby Bhatt, owner and applicant, Jon Ackroyd, Senior Conservation and Design Officer and Paul Corah, West Yorkshire Police Bradford District Architectural Liaison Officer. The background to the application was explained to Paul Corah by Mr Bhatt, including the crime occurrences, and the negative effect that these are having on Mr Bhatt's sense of personal security.

A detailed discussion ensued, predominantly about the differing security measures the applicant had considered and alternatives which might be applicable. The applicant advised that he had been advised that alternative measures would be intrusive or less effective. It was accepted that the return glazing panels at the sides of the recessed doorway were very vulnerable. However, alternative means of internal protection would overcome this. The applicant indicated some reluctance to replacing the measures he has installed, in terms of perceived reduced effectiveness, impact on the internal appearance of the business and cost.

Paul Corah has provided detailed feedback following the meeting. Whilst there are security issues in terms of burglaries, these are not at an abnormal level. He does not consider the problem to be one of deliberate or random damage, as the problem has abated since the shutters were installed. Even if there is a particular targeted problem against this business or premises, alternative means of protection could be implemented which would achieve the same level of effectiveness. Specifically his conclusion is as follows:

"I do not object to the applicant's external shutters on any grounds as they give over and above the level of protection commensurate with the actual risk. However if they are deemed unsuitable in this location I believe the applicant can protect the premises against the largest threat, that of burglary, with internal shutters."

In addition to this, installation of strong illumination with movement sensors in the recessed doorways would further deter anyone wishing to interfere with the door or flanking windows.

Conclusion:

The conflict with adopted policy remains as does the concern over precedence for further similar inappropriate development in the historic environment, should approval be given. As effective alternative provision could be made, but agreement on mitigation has not been reached, the concerns and principles of the report of 18 June 2009 remain pertinent. Refusal is recommended for the reasons below.

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.

18 June 2009

Ward: SHIPLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
09/01239/FUL

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.
