

## Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 11 February 2010

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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.	Beck House Gawthorpe Lane Bingley West Yorkshire BD16 4DD [Approve] (page 1)	<b>Bingley</b>
2.	Beckfoot School Wagon Lane Bingley West Yorkshire BD16 1EE [Approve] (page 7)	<b>Bingley Rural</b>
3.	Menston Hall Low Hall Road Menston Ilkley West Yorkshire [Approve] (page 11)	<b>Wharfedale</b>
4.	Laurel Bank Main Street Wilsden Bingley West Yorkshire BD15 0JH [Refuse] (page 24)	<b>Bingley Rural</b>
5.	Laurel Bank Nursing Home Main Street Wilsden Bingley West Yorkshire BD15 0JH [Refuse] (page 34)	<b>Bingley Rural</b>

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**Portfolio:**  
Environment and Culture

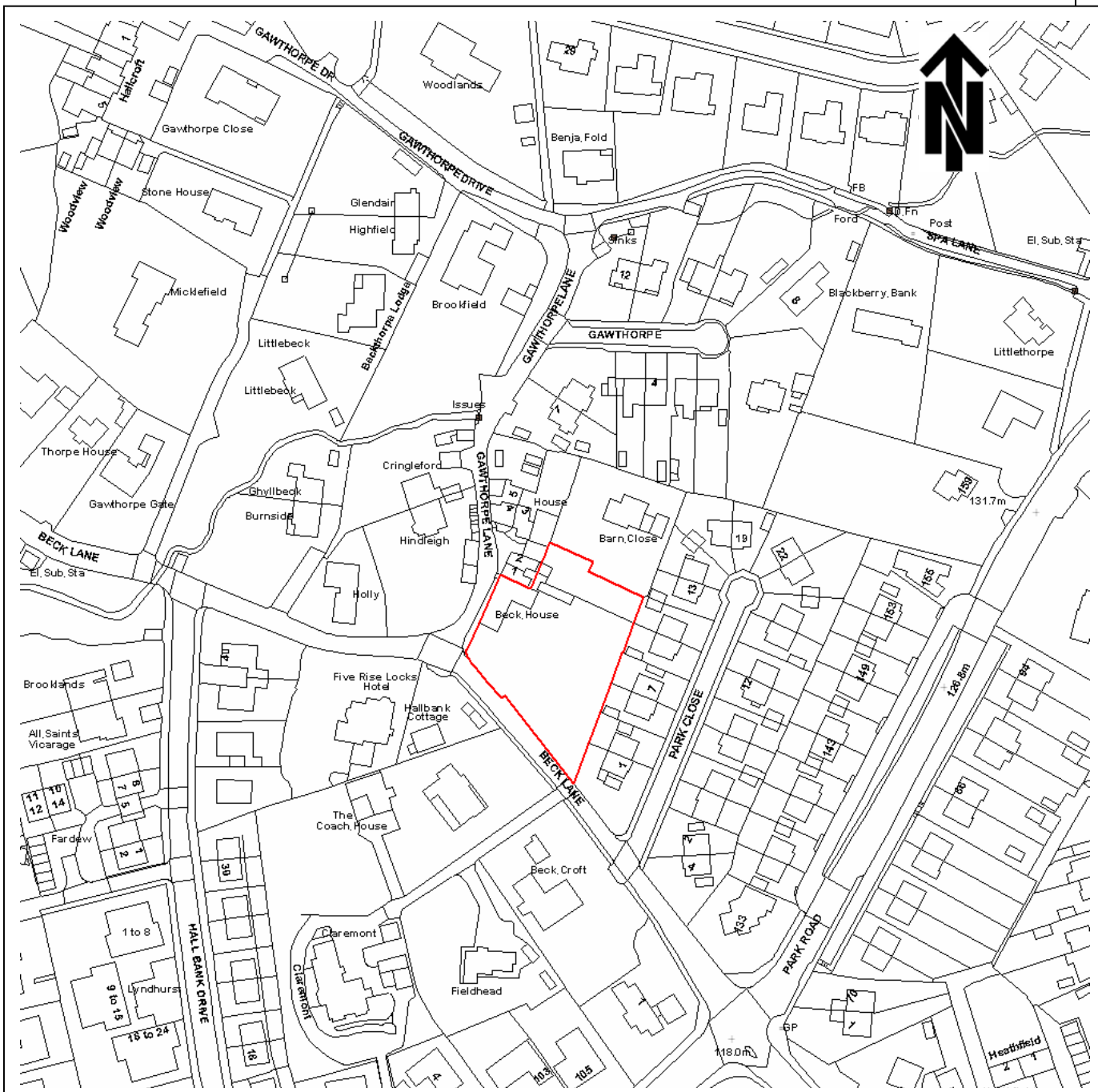
**Improvement Committee Area:**  
Regeneration and Economy



Area Planning Panel (Shipley)

09/04520/HOU

11 February 2010



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<p>ITEM NO. : 1</p>	<p>LOCATION: <b>Beck House</b> <b>Gawthorpe Lane</b> <b>Bingley</b></p>
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11 February 2010

**Item Number:** 1  
**Ward:** BINGLEY  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION WITH CONDITIONS**

**Application Number:**  
09/04520/HOU

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

This is a planning application for the construction of a detached triple garage (10m by 6.5m) to the east of the site at Beck House, Beck Lane, Bingley.

This proposal has been amended. The initial application proposed a detached garage at a height of 4.7metres and was sited at 500mm from the rear boundary line. The plans have been revised to reduce the height of the garage to 4 metres and increase the distance from the rear boundary to 1 metre.

The materials proposed are concrete tiles for the roof and coursed natural stone to the front elevation and plinth and render to the remaining walls. The garage would be sited on the eastern side of the site, approximately 17 metres from the dwelling.

**Site Description:**

The application property is a terraced cottage within large grounds and located in a residential area.

The properties in the immediate vicinity are varied and consist of detached, semi-detached and terraced dwellings. To the rear of the site on Park Close is a row of two storey semi detached properties.

The site is not within or adjacent to a conservation area and there are no protected trees nearby.

**Relevant Site History:**

09/05639/CLP: Construction of new triple private garage unit. Granted 15.12.2009

The certificate of lawful proposed development (CLP) has been granted for a triple garage at this site as it is permitted by virtue of Class E, Section E.1 of The Town and Country Planning (General Permitted Development)(Amendment)(No.02)(England) Order 2008. The garage which was the subject of this of this CLP was 4metres high and set 2 metres from the rear and side boundaries.

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

**Allocation**

The site is unallocated on the Bradford Replacement Unitary Development Plan adopted in October 2005. Relevant policies are:

**Proposals and Policies**

UR3 The Local Impact of Development  
D1 General Design Considerations  
D4 Community Safety

Supplementary Planning Guidance – Revised House Extension Policy

**Parish Council:**

Not applicable

**Publicity and Number of Representations:**

The first submission was publicised by neighbour notification letters. The expiry period for publicity was the 22<sup>nd</sup> October 2009. 6 letters of objection were received, including one from a Councillor.

The amended submission was re-advertised by neighbour notification letters. The expiry period for publicity was on the 4<sup>th</sup> December 2009. 6 letters of objection were received, including one from a Councillor.

**Summary of Representations Received:**

**Comments received in response to the first round of notification:**

- Loss of light to number 9 and 11 Park Close
- Loss of privacy to number 9 and 11 Park Close
- Overdevelopment due to height, scale and position. Adversely impact upon visual amenity and character of the area.
- Severely affect residents view, amenity and right to a peaceful enjoyment of their property due to proximity.
- Excessive overshadowing to adjacent gardens, exacerbated by the difference in levels at site and neighbouring property
- Large building and is totally out of character by virtue of size, materials and design to the historic cottages, barn and house in rest of courtyard. The building is not subservient and will form an incongruous departure from the pleasant setting of a very old courtyard of properties primarily built with stone roofs.
- The style of the roof is not replicated within the existing development.
- Placing structure as near to neighbours while moving it away from applicant property, thus giving others problem of having to live with garages both as a building and the noise and fume pollution that emanates from them. From the design it would not surprise if converted upstairs store or workshop.
- The current garage has adequate room at side to build a low addition with flat or low slopping roof or in the interest of the environment rebuilding the existing garage.
- The garage will stretch the whole width of the boundary of 11 Park Close and part of 9 Park Close
- Proposed construction extremely close to boundary – access for maintenance very difficult.
- May lead to further development for residence in the future as a bungalow.
- In past tall trees along boundary which have since been removed and has made a bit difference to light reaching the garden.
- If planning is granted, a condition should be added to ensure that garage is not too close to boundary between Beck House and Barn Close as it would mean removal of a 5metre section of established beech tree hedge which has boarded the boundary for last 50-60years.

**Comments received in response to the second round of notification:**

- The set down and set back from rear boundary is insignificant against the overall size of the garage.
- The amended siting of garage will still overshadow, result in loss of light and outlook to and from 11 Park Close.
- The revision is only cursory and does not address the underlying objections.

- Although reduced size, it is insignificant. The new plans clearly show that the top of the structure will be level with the eaves of the 11 and 9 Park Close.
- Not in-keeping with surroundings
- Such a large garage will be converted into a residential dwelling.
- The land to which the garage stands is higher than the properties to the rear, building would tower over.
- Still too close to boundary for adequate maintenance of fence and garage.
- Materials not in-keeping
- Proximity to gardens – concerns with noise/fumes
- A beech and willow tree are to be planted next to garage which will in time overshadow.
- The garage should also be moved 1metre from boundary with Barn Close to preserve the long established beech tree hedge.

**Consultations:**

None

**Summary of Main Issues:**

1. Impact on the local environment
2. Impact on neighbouring occupants
3. Impact on highway safety
4. Impact on community safety.

**Appraisal:**

**Impact on the local environment**

The design and appearance of the garage is considered to be appropriate for this site – the rear corner of a large garden of a residential property.

The plans do show that part of the beech hedge on the northern boundary would be removed to accommodate the garage. However, the hedge is sited upon the applicants land and the Local Planning Authority has no control of the removal of hedges upon private property.

It is considered that the proposal would not harm the character of the street scene or the area and in this respect it is considered to be in accordance with guidance contained in the Revised House Extension Policy Document and policies UR3 and D1 of the Replacement Unitary Development Plan.

**Impact on neighbouring occupants**

The proposed garage would be located in the north east corner of the garden adjacent to the boundaries of 9 and 11 Park Close and a property known as Barn Close on Gawthorpe Lane.

Nos 9 and 11 Park Close are sited at a lower level than the application site the rear elevation of the dwellings would be 8.74metres from the proposal. Number 11 also has a 3metre deep conservatory to the rear.

It is accepted that the development would have some impact in amenity terms on those who live in residential properties 9 and 11 Park Close. The change in setting would make that inevitable. Nonetheless, while the long south-eastern elevation of the garage would be very close to the shared boundary (1metre), the height to the eaves is 2.5metres. The roof design is pitched and the ridge would be 4.25metres from the boundary line at a total height of 4metres.

As such, whilst the garage would reduce the visible sky component apparent from the gardens of 9 and 11 Park Close, it is not considered that the height of the structure and the pitch of the roof would result in an oppressive or un-neighbourly impact. As a result of the style of the roof and the orientation of 9 and 11 Park Close the proposal would not result in unacceptable levels of overshadowing to the back gardens of these houses or result in a significant loss of sunlight, other than perhaps to a limited extent during the winter months. Even then, the degree of harm arising in this manner would not be such as to detract materially from the full use of the gardens for recreational and leisure purposes.

An assessment has been made using the Building Research Establishment `Site layout planning for daylight and sunlight (A guide to Good Practice) as to the impact of the extension on the daylight reaching the rear ground floor windows of No. 9 and 11 Park Close which indicates that there will be no significant loss of daylight to No.s 9 and 11.

The garage will sit adjacent to the boundary with the rear garden of Barn Close. There is an existing hedge on the boundary which is to be removed but a 2m high fence is to be retained. The garage is located over 15m from the windows of Barn Close and as such will not impact on light or outlook to this property. Whilst the garage will sit adjacent to the garden of Barn Close it is not considered, owing to the size and height of the garage, that it will be overbearing in relation to this neighbour's private amenity space.

No windows are proposed in the garage so there will be no overlooking of any neighbouring property and the insertion of windows can be controlled by condition

The use of the garage can be conditioned to be used only for the purpose incidental to the domestic enjoyment of the occupants of the dwelling house and shall not be used for business purposes.

The distance of 1 metre to the rear boundary and 0.5 metres to the side boundary is considered to leave sufficient space for maintenance purposes.

Therefore, the proposal is considered acceptable and in accordance with guidance contained in policy UR3 of the Replacement Unitary Development Plan.

### **Impact on Highway Safety**

The proposal leaves sufficient space for adequate manoeuvring for the vehicles and due to its siting to the rear of the property will not impact upon highway and pedestrian safety.

### **Community Safety Implications:**

There are no apparent community safety implications.

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

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

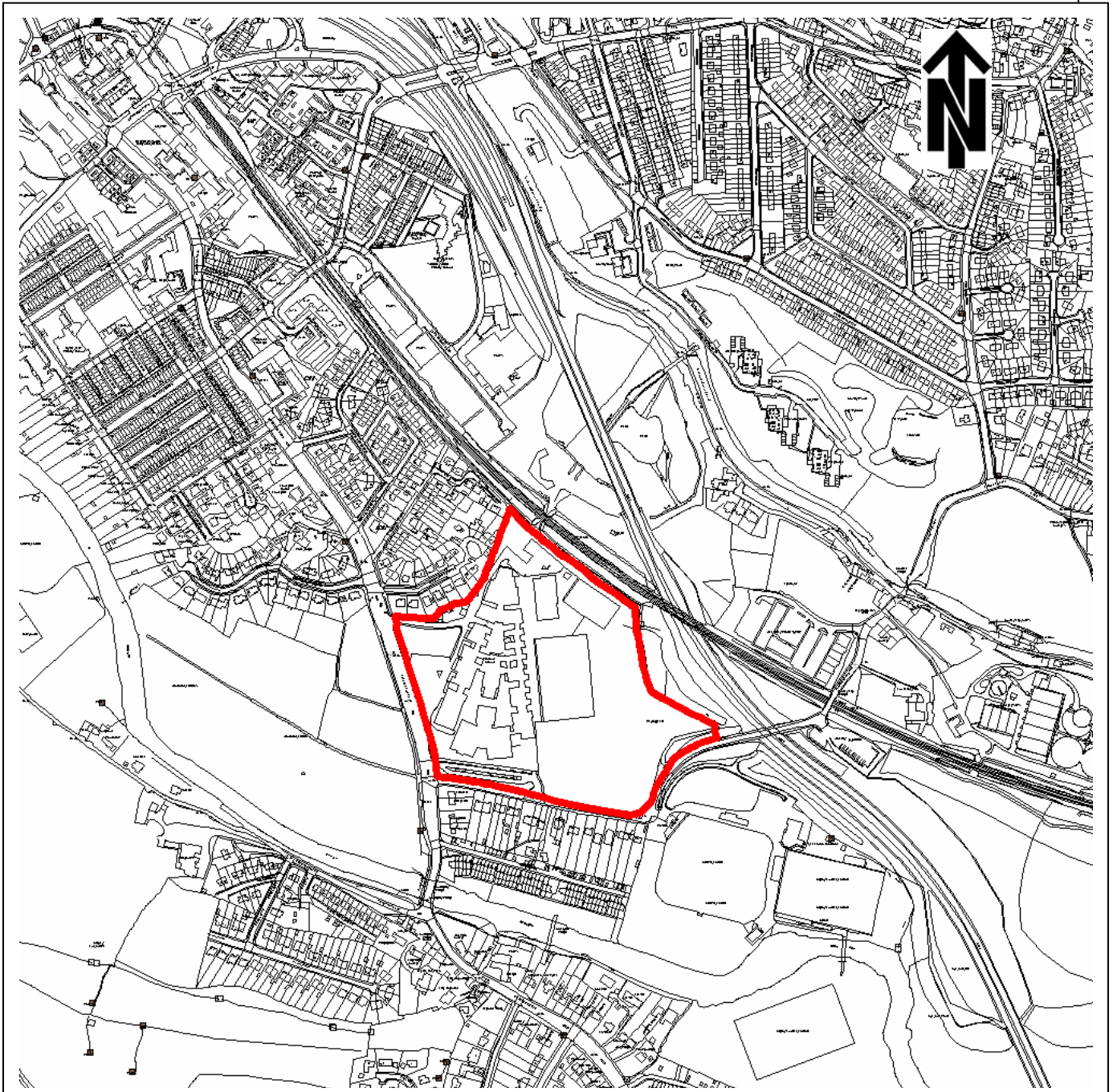
**Conditions of Approval:**

1. 3 years to implement consent
  2. Approval in accordance with amended drawings
  3. Materials to match main dwelling house
  4. Permitted development Rights removed for windows
  5. Garage to be used only for purposes incidental to the domestic enjoyment of the occupants of the dwelling house and shall not be used for business purposes
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**Area Planning Panel (Shipley)**

**08/03107/SUB05**

11 February 2010



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ITEM NO. : 2

LOCATION:

**Beckfoot School  
Wagon Lane  
Bingley**



**11 February 2010**

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

**Application Number:**  
08/03107/SUB05

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

Discharge of condition application

Provision of floodlighting details required by condition 03 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 North West 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 03 stated that:-

**Notwithstanding any details submitted on the approved plans, before any part of the development is brought into use, details of the type, position, luminosity (lux levels) and angle of glare of the floodlights and of all proposed external lighting fixtures to the buildings and external areas (including measures for ensuring that light does not shine directly on the highway or is visible to highway users) shall first be submitted to and approved in writing by the Local Planning Authority. The floodlights and external lighting fixtures so approved shall be installed in accordance with the approved details and maintained thereafter to prevent the light sources adversely affecting the safety of users of adjoining highways or undermining the residential amenities of the nearby residential properties**

**Reason: To avoid drivers being dazzled or distracted in the interests of highway safety, to safeguard the amenities of the nearby residential properties and to accord with Policies UR3, D1 and TM19A of the Replacement Unitary Development Plan.**

It has been agreed with the Chair of the Panel that details of the proposed submitted in order to comply with condition 03 on floodlighting should be reported back to panel prior to the discharge of condition.

**The details submitted to discharge condition 03**

**Perimeter lighting** – the area has been lit to an average of 20 lux and a minimum of 4 lux. Centurion PP65 with 70W metal halide lamps;

**Pedestrian Areas (excl. Central Pedestrian Area)** – this area has been lit to an average of 7.5 -11 lux average and 1.5 lux. For the walkway along the Tennis courts and MUGA pitches a Sirocco spoke with 100w metal halide lamp has been used. These have been mounted on 4 metre columns

**Central Pedestrian Area** - This area has been lit to an average 10-15 lux with a minimum of 3 lux. A Mistral Road fitting has been used along with a combination of single and twin headed fittings with flat glass and 70W metal halide lamps. These are proposed to be mounted on 6 metre columns with the head tilted at 10 degrees.

**Car Parks** - it is proposed to light these areas to an average of 30 lux and a minimum of 10 lux. Within these areas the Mistral road, with flat glass and 150W metal halide lamp source have been used.

**Roadway** – it is proposed to light these to an average of 10-15 lux with a minimum of 3 lux. The Mistral Road with flat glass and 70W metal Halide lamp is again proposed which are shown on 6 metre columns and titled 10 degrees.

**Consultations:**

- (i) Highways (street lighting) Section – it is considered that the lighting will not have an adverse impact on either the residents or the highway.
- (ii) Rights of Way Section – No objections raised.
- (iii) Police architectural Liaison Officer – No objections.

**Analysis:**

Artificial lighting is desirable in certain circumstances for security reasons, pedestrian and traffic safety, and for recreation. However, poor or insensitively sited, designed or overly bright lighting can be a nuisance, as well as an inefficient use of energy.

Officers and members were concerned with the floodlighting details which were shown in the reserved matters application 08/03107/REM. The current proposals have been assessed by the Councils lighting specialist and are now considered to be acceptable in terms of their impact on the highway network and on the amenities of surrounding properties. Moreover, it is considered that the proposed scheme has been designed to ensure a safe and secure environment exists on this school site which reduces the opportunities for crime.

The details which are provided to discharge condition 03 are considered acceptable and fulfil the requirements of the condition and comply with policies UDP3, UR3, D1, D4 and D14 of the Replacement Unitary Development Plan.

**Reason for Granting Discharge of Condition:**

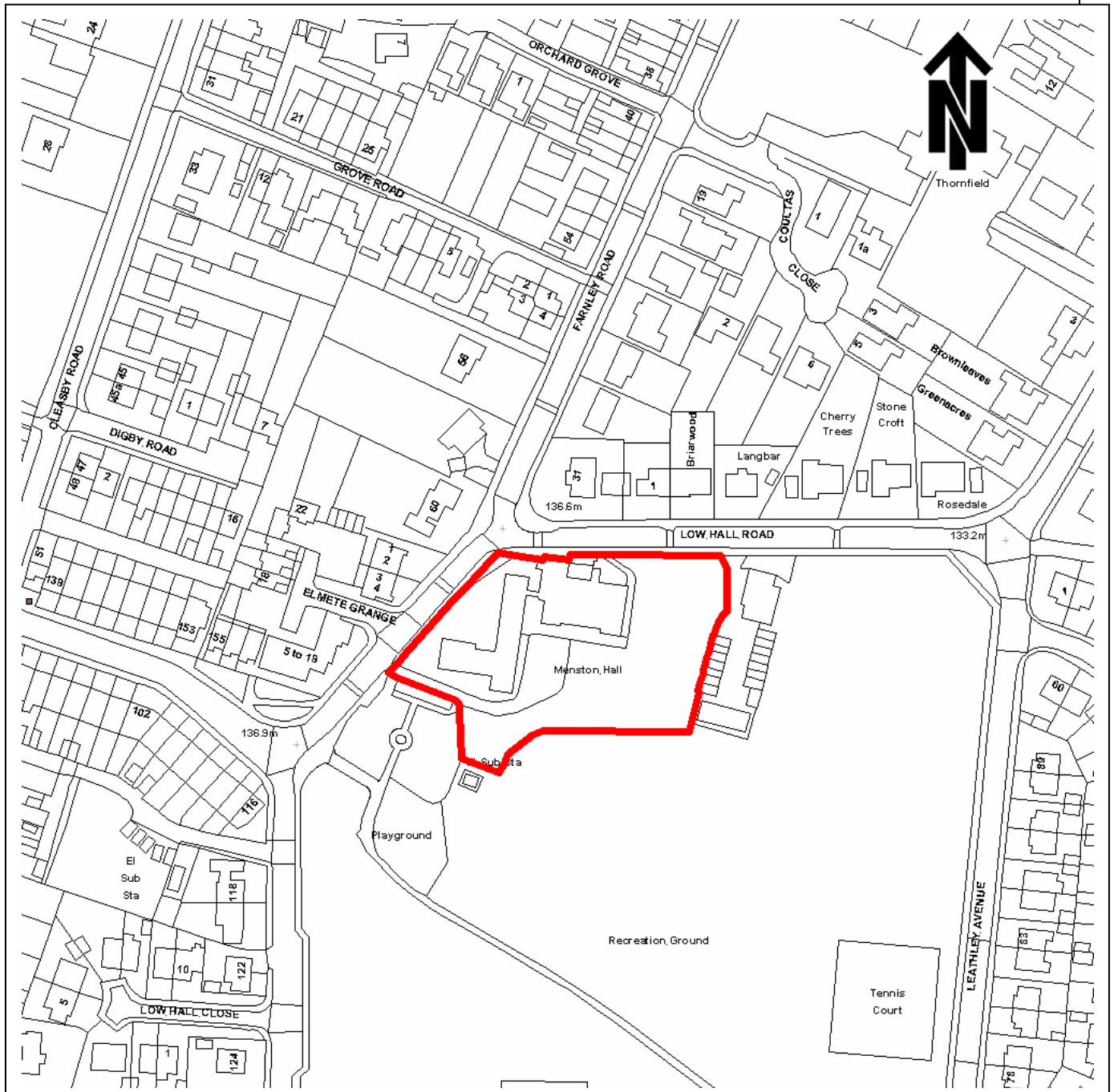
That officers to be authorised to approve the proposed lighting scheme by way of discharging the requirements of condition 03.

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Area Planning Panel (Shipley)

09/04891/FUL

11 February 2010



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ITEM NO. : 3	LOCATION: <b>Menston Hall</b> <b>Low Hall Road</b> <b>Menston</b>
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**11 February 2010**

**Item Number: 3**  
**Ward: WHARFEDALE**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
09/04891/FUL

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

Full planning is sought for 30 flats all of which contain 2 bedrooms. Residential units are segregated into 3 block areas. The first of which are for 8 units and these would be incorporated within the existing Menston Hall through conversion. The second block would involve the demolition of the existing two storey flat roofed building which is attached to Menston Hall. This new building would be in 'arch' shaped and would accommodate 17 flats. The residential units on the third floor tier would be incorporated within the roof space through utilisation of dormers and roof lights. The third block would be sited 12m east of Menston Hall and would incorporate 5 residential units and the roof space would accommodate 1 unit within the roof area utilising dormers. Access is off Farnley Road leading to a parking area providing provision for 31 vehicles.

The Applicants intend to secure funding from the Government's Kickstart Initiative. Under this initiative the Government have made funding available to enable Developers to proceed with schemes that have stalled and in doing so encourage economic activity in the District and deliver new homes. Out of the 30 residential units proposed 22 would be affordable grant funded homes.

The proposal has been revised since first submission following a negotiation process. The main changes are:

Repositioning of this 3<sup>rd</sup> block so that it would be approximately 4m further south of the protected trees which are at the north east corner of the application site.

Use of natural stone throughout and previous areas faced in render are now replaced with smooth Ashlar stone walling.

Increase access width and a larger turning head.

Commission of bat survey

**Site Description:**

The application site measures 0.48 hectare and is generally level. It is flanked by Low Hall Road to the north, Farnley Road to the West, Leathley Avenue to the east and a recreational ground to the south. The existing buildings fronting onto these roads are predominantly residential properties.

Occupying the northernmost section of the application site stands an impressive and substantial two-storey stone building identified as Menston Hall. West of this building is an annex, added in 1965. This building is two-storey, flat roofed and predominately rendered. It is currently in a dilapidated state and has an unsightly appearance. These buildings have been vacant since February 2009 where the previous use was as a sheltered housing complex mainly for elderly people. To the south of these buildings and within the application site is a vehicular access from Farnley Road, a car park area and informal garden of Menston Hall.

South of the application site itself is a recreation ground and the 2 areas are separated by a line of shrubs, tree and a 1.0m high timber fence. Towards the north east of the application site is a cluster of tree subject to a TPO.

**Relevant Site History:**

Application ref. 02/02255/REG was approved for extension to car park.

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

***Allocation***

Whilst the majority of the site is unallocated the southern part of the site, comprising of the informal lawn garden area of Menston Hall, is designated as Recreational Open Space.

***Proposals and Policies***

**POLICY UDP1** THE LOCATION OF DEVELOPMENT TO MEET THE NEEDS OF THE DISTRICT WILL BE MADE BY: (1) FOCUSSEING ON THE URBAN AREAS (2) ENCOURAGING THE MOST EFFECTIVE USE OF BROWNFIELD SITES AND BUILDINGS (3) CONCENTRATING DEVELOPMENT IN AREAS WITH GOOD PUBLIC TRANSPORT LINKS (4) CONCENTRATING DEVELOPMENT IN AREAS WITH PROXIMITY TO ESSENTIAL AND WIDER FACILITIES AND SERVICES (5) PHASING THE RELEASE OF LAND FOR HOUSING DEVELOPMENT

**POLICY UR2** DEVELOPMENT WILL BE PERMITTED PROVIDED THAT IT CONTRIBUTES TO THE SOCIAL ECONOMIC AND ENVIRONMENTAL ASPECTS OF SUSTAINABLE DEVELOPMENT AND: MAKES EFFICIENT USE OF EXISTING PHYSICAL AND SOCIAL INFRASTRUCTURE AND MINIMISES ADVERSE IMPACTS FROM THE DEVELOPMENT. PROVIDES APPROPRIATE MITIGATION WHERE NEGATIVE IMPACTS ARE IDENTIFIED

**POLICY UR3** DEVELOPMENT WILL BE PERMITTED PROVIDED THAT IT DOES NOT HAVE AN ADVERSE EFFECT ON: THE SURROUNDING ENVIRONMENT; OR THE OCCUPANTS OF ADJOINING LAND.

**POLICY UDP4** TO PROMOTE ECONOMIC REGENERATION AND CREATE THE CONDITIONS TO SUPPORT ECONOMIC GROWTH AND EMPLOYMENT OPPORTUNITIES FOR ALL THROUGH THE PROVISION OF LAND AND APPROPRIATE REUSE OF BUILDINGS IN SUSTAINABLE LOCATIONS PREDOMINANTLY WITHIN THE EXISTING BUILT UP AREAS.

**POLICY H7** ON PLANNING APPLICATIONS FOR RESIDENTIAL DEVELOPMENT PLANNING PERMISSION WILL ONLY BE GRANTED IF A DENSITY OF 30 TO 50 DWELLINGS PER HECTARE NET AT LEAST IS PROPOSED, EXCEPT WITHIN THE CITY AND TOWN CENTRES AND IN GOOD QUALITY PUBLIC TRANSPORT CORRIDORS, WHERE PLANNING PERMISSION WILL ONLY BE GRANTED IF A MINIMUM DENSITY OF 50 DWELLINGS PER HECTARE NET IS PROPOSED.

**POLICY H9** ON PLANNING APPLICATIONS FOR SUBSTANTIAL RESIDENTIAL DEVELOPMENT THE COUNCIL WILL NEGOTIATE FOR A PROPORTION OF AFFORDABLE HOUSING BASED ON THE EXTENT AND TYPE OF NEED, THE SUITABILITY OF THE SITE OR BUILDING IN THE CASE OF CONVERSIONS, AND THE ECONOMICS OF PROVISION.

**POLICY TM2** PLANNING PERMISSION FOR NEW DEVELOPMENT OR CHANGE OF USE WILL NOT BE GRANTED UNLESS: (1) THE COUNCIL IS SATISFIED THAT THE PROPOSAL DOES NOT ADVERSELY AFFECT EXISTING AND PROPOSED TRANSPORT INFRASTRUCTURE OR SERVICES, INCLUDING PUBLIC TRANSPORT AND WALKING AND CYCLING FACILITIES, IN THE VICINITY OF THE SITE, OR THE LOCAL ENVIRONMENT

**POLICY TM12** IN DETERMINING PLANNING APPLICATIONS FOR RESIDENTIAL DEVELOPMENTS THE COUNCIL WILL REQUIRE PROVISION OF PARKING IN ACCORDANCE WITH THE COUNCIL'S ADOPTED STANDARDS, AS SET OUT IN APPENDIX C. LOWER STANDARDS APPLY FOR DEVELOPMENTS OF AFFORDABLE HOUSING AND FOR UNITS LOCATED IN THE CITY AND TOWN CENTRES WITH VERY GOOD LEVELS OF PUBLIC TRANSPORT ACCESSIBILITY. CAR FREE HOUSING DEVELOPMENTS WILL BE ENCOURAGED IN AREAS OF VERY GOOD PUBLIC TRANSPORT ACCESSIBILITY.

**POLICY NE4** THE COUNCIL WILL SEEK TO PRESERVE AND ENHANCE THE CONTRIBUTION THAT TREES AND AREAS OF WOODLAND COVER MAKE TO THE LANDSCAPE CHARACTER OF THE DISTRICT, (INCLUDING THE AMENITY VALUE OF TREES IN BUILT UP AREAS). IN PARTICULAR THE COUNCIL WILL: (1) REFUSE DEVELOPMENT PROPOSALS WHICH WOULD RESULT IN THE LOSS OF TREES OR AREAS OF WOODLAND COVER WHICH CONTRIBUTE TO: (a) THE CHARACTER OF THE LANDSCAPE; (b) THE CHARACTER OF A SETTLEMENT OR ITS SETTING; (c) THE AMENITY OF THE BUILT UP AREA, (d) VALUABLE WILDLIFE HABITATS OR (e) THE ANCIENT WOODLANDS OF THE DISTRICT. (2) THE COUNCIL WILL CONTINUE TO MAKE TREE PRESERVATION ORDERS WHERE NECESSARY, ESPECIALLY WITHIN AND ADJACENT TO DEVELOPMENT, IN ORDER TO PROTECT TREES AND WOODLAND AREAS WHICH CONTRIBUTE TO LOCAL AMENITY OR LOCAL LANDSCAPE CHARACTER. THE COUNCIL WILL RIGOROUSLY ENFORCE SUCH ORDERS. (3) THE COUNCIL WILL REQUIRE DEVELOPERS TO CONTRIBUTE TO WOODLAND COVER IN APPROPRIATE LOCATIONS AS PART OF THEIR DEVELOPMENT PROPOSALS;

**POLICY NE5** ON DEVELOPMENT SITES THE COUNCIL WILL REQUIRE THE RETENTION OF THOSE TREES WHICH ARE HEALTHY AND WHICH HAVE OR WOULD HAVE A CLEAR PUBLIC AMENITY BENEFIT. THE COUNCIL WILL REQUIRE THE PROTECTION DURING CONSTRUCTION OF TREES TO BE RETAINED AND, WHERE APPROPRIATE, REPLACEMENT TREE PLANTING FOR TREES LOST OR DAMAGED DURING CONSTRUCTION. POLICY

**NE6** IN ORDER TO ENSURE SATISFACTORY TREE MANAGEMENT AND PLANTING ON DEVELOPMENT SITES, DURING CONSTRUCTION, THE COUNCIL WILL REQUIRE PROTECTION MEASURES WHICH MEET THE MINIMUM STANDARDS AS SET OUT IN BS5837: 1991 GUIDE FOR TREES IN RELATION TO CONSTRUCTION (OR ITS SUCCESSOR).

**POLICY NE10** DEVELOPMENT PROPOSALS SHOULD ENSURE THAT IMPORTANT: - LANDSCAPE ECOLOGICAL GEOLOGICAL FEATURES, or WILDLIFE HABITATS ACCOMMODATING PROTECTED SPECIES ARE PROTECTED. THE COUNCIL WILL ENSURE THAT THE REQUIREMENTS OF THIS POLICY ARE SATISFIED THROUGH THE USE OF CONDITIONS AND/OR PLANNING OBLIGATIONS. PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH WOULD HAVE AN ADVERSE IMPACT ON BADGERS OR SPECIES PROTECTED BY SCHEDULES 1, 5 OR 8 OF THE WILDLIFE AND COUNTRYSIDE ACT 1981, AS AMENDED OR EUROPEAN BIRDS AND HABITAT DIRECTIVES

**POLICY OS2** DEVELOPMENT WILL NOT BE PERMITTED ON LAND SHOWN ON THE PROPOSALS MAPS AS RECREATION OPEN SPACE OR ON SITES OTHERWISE USED AS RECREATION OPEN SPACE UNLESS:  
(1) THE LOSS OF RECREATION OPEN SPACE DOES NOT LEAD TO OR EXACERBATE A LOCAL DEFICIENCY IN THE AVAILABILITY OF OPEN SPACE AND THE SITE COULD NOT BE USED TO HELP MEET ANY DEFICIENCY IN ANOTHER TYPE OF OPEN SPACE;  
(2) THE DEVELOPMENT PROPOSAL PROVIDES FOR EQUIVALENT ALTERNATIVE PROVISION IN TERMS OF SIZE AND QUALITY WHICH IS CLOSE TO EXISTING USERS;  
(3) AND IN EITHER CASE IT DOES NOT RESULT IN A SIGNIFICANT LOSS OF AMENITY.  
(4) THE DEVELOPMENT PROPOSAL IS ANCILLARY TO AND SUPPORTS THE RECREATIONAL USE, AND WOULD NOT SIGNIFICANTLY AFFECT THE QUANTITY AND QUALITY OF OPEN SPACE ITS RECREATIONAL FUNCTION THE CHARACTER AND APPEARANCE OF THE RECREATION OPEN SPACE.

**POLICY OS5** NEW RESIDENTIAL DEVELOPMENT WILL BE REQUIRED TO MAKE APPROPRIATE PROVISION OF OR EQUIVALENT COMMUTED PAYMENT FOR: (1) RECREATION OPEN SPACE, INCLUDING CHILDREN'S PLAY SPACE AND INFORMAL OPEN SPACE, TO A MINIMUM STANDARD OF 20 SQUARE METRES PER DWELLING (INCLUDING A SUITABLY DESIGNED AND EQUIPPED PLAY AREA IN DEVELOPMENTS OF 0.8ha OR 50 OR MORE FAMILY DWELLINGS); AND (2) PLAYING FIELDS, TO A MINIMUM STANDARD OF 40 SQUARE METRES PER DWELLING. PROVISION WILL BE LOCATED WITHIN THE SITE, HOWEVER WHERE THIS IS INAPPROPRIATE, OFF SITE PROVISION OR IMPROVEMENTS TO EXISTING LOCAL PROVISION CAN BE SUITABLE ALTERNATIVES. DEVELOPERS WILL BE REQUIRED TO MAKE ARRANGEMENTS FOR ADEQUATE MAINTENANCE OF ANY NEW PROVISION.

**POLICY CF2** WHERE NEW HOUSING PROPOSALS WOULD RESULT IN AN INCREASED DEMAND FOR EDUCATIONAL FACILITIES WHICH CANNOT BE MET BY EXISTING SCHOOLS AND COLLEGES, THE COUNCIL WILL SEEK TO ENTER INTO A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, IN ORDER TO SECURE THE PROVISION OF, OR CONTRIBUTION TOWARDS, NEW OR EXTENDED FACILITIES.

**POLICY D1** ALL DEVELOPMENT PROPOSALS SHOULD MAKE A POSITIVE CONTRIBUTION TO THE ENVIRONMENT AND QUALITY OF LIFE THROUGH HIGH QUALITY DESIGN, LAYOUT AND LANDSCAPING. IN PARTICULAR THEY SHOULD .... (7) ALLOW FOR FLEXIBILITY TO ADAPT TO MEET CHANGING NEEDS AND CIRCUMSTANCES AND PROVIDE FOR ACCESS FOR THOSE WITH PHYSICAL DISABILITIES;

**POLICY D4** DEVELOPMENT PROPOSALS SHOULD BE DESIGNED TO ENSURE A SAFE AND SECURE ENVIRONMENT AND REDUCE THE OPPORTUNITIES FOR CRIME

**POLICY P4** PLANNING PERMISSION FOR DEVELOPMENT ON LAND WHERE CONTAMINATION IS SUSPECTED WILL BE GRANTED SUBJECT TO CONDITIONS REQUIRING (1) A SITE INVESTIGATION BEFORE DEVELOPMENT IS COMMENCED, AND (2) A PROGRAMME OF IMPLEMENTATION OF ANY REMEDIAL MEASURES SHOWN BY THE SITE INVESTIGATION TO BE NECESSARY. WHERE THERE IS A STRONG SUSPICION OF CONTAMINATION WHICH WOULD ADVERSELY AFFECT THE PROPOSED DEVELOPMENT OR INFRINGE STATUTORY REQUIREMENTS, PLANNING PERMISSION WILL BE GRANTED ONLY FOLLOWING A SITE INVESTIGATION AND RISK ASSESSMENT, AND THE SUBMISSION TO THE COUNCIL OF ANY PROGRAMME OF MEASURES WHICH THE SITE INVESTIGATION AND RISK ASSESSMENT SHOW TO BE NECESSARY TO PREVENT HARM FROM CONTAMINATION.

*Planning Policy Statement 1 – Delivering Sustainable Development*

PPS1 stipulates that the planning system should facilitate and promote sustainable and inclusive patterns of urban development by:

making land available for development in line with economic, social and environmental objectives to improve people's quality of life;  
contributing to sustainable economic development;  
ensuring high quality development through good and inclusive design, and the efficient use of resources; and  
ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

*Planning Policy Statement Note 13 – Transport*

Aims to promote more sustainable transport choices, promote accessibility to jobs shopping, leisure facilities and services by public transport, cycling and walking and to reduce the need to travel, especially by car.

*Planning Policy Statement Note 3 – housing.* Sets out the national planning policy framework for delivering the Government's housing objectives.

*Planning Policy Statement 9: Biodiversity and Geological Conservation.* Ensure species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations.

*Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System.* The presence of a protected species is a material consideration. Consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species.

*Regulation 3(4) of the Conservation (natural Habitats, & c.) Regulations 1994.* To consider, before granting planning permission, the question as whether it is reasonably likely that a licence will in due course be issued by English Nature to allow otherwise unlawful acts necessitated by the carrying out of the proposed development to take place.

*Planning Policy Statement 23.* Planning and Pollution Control

*Supplementary Planning Guidance - 'Planning for Crime Prevention'.*

**Parish Council:**

Meeting to discuss this item scheduled for 28<sup>th</sup> January. Comments will be reported orally to the Panel meeting.

**Publicity and Number of Representations:**

The application was advertised on site by way of site notices and press notices as a major application and as a departure to the Development Plan. To date 6 letters of representations have been received relating to the plans which have been superseded. Following the revised scheme the application has been re-advertised on the 21 January 2009. Representations received post 21 January will be reported orally at the Panel meeting.



**Summary of Representations Received:**

A summary of the grounds of objection include –

1. The proposal constitutes overdevelopment
2. Insufficient parking provision
3. Intrusive and overbearing particularly in relation to nearby bungalows and sited on the higher part of Low Hall Road
4. Out of character with its surroundings
5. Unimaginative appearance
6. Proximity towards green space and loss of green space
7. Loss of view towards the Hall
8. Significant pruning and loss of trees including those with TPO
9. Plans do not show true branch spread of trees
10. Too close to children play area
11. Access on a difficult narrow corner of Farnley Road close to junction and bus stop exacerbated by heavy Service vehicles
12. Loss of privacy and residential amenity
13. Car park would be noise intrusion
14. Light spillage onto Park would add to crime
15. Inappropriate use of reconstituted stone

**Consultations:**

**Trees Team.** Require Root Protection area Plan and protective fencing detail. The small new detached block needs to be moved further south by 1m to give a 3m clearance to the protected trees to the north. Car parking space 30 and 31 need to be removed as these impact unacceptably on the rootplate of a good quality mature sycamore. No details are provided on the tree planting species. Unable to support this application due its potential impact on trees.

**Leisure Services.** It appears that the boundary line of the Recreational Open Space has been incorrectly drawn. The land that should have been designated as Recreational Open is the land of the recreation ground and not, as indicated on the RUDP, reaches up to the hall itself. No objections to the land itself being developed as shown in the planning application as this would have no impact on the on the recreation ground.

Recreation contribution of £18 000 require. Invested to enhance existing recreation provisions in the vicinity and to meet the demands of new residents.

**Sport England.** Adjoining playing fields and sport facilities not included within the application site.

**Police Architectural Liaison Officer.** Satisfied that all aspects of security required to fulfil policy D4 of the RUDP have been fulfilled and the guidance contained within the SPD 'Planning for Crime Prevention'.

**Building Control.** The site should be investigated for sustainable drainage techniques and only in the events such techniques proving impractical will disposal of surface water to an alternative outlet be considered. Consideration should be given to use of permeable materials for hard-standing surfaces.

**The Local Development Framework Group.** The site is brownfield. Whilst the majority of the site is unallocated the southern part of the site is designated as Recreational Open space where policy OS2, H7, H9 UR2 and UDP1 are applicable. The development is acceptable in terms of policy UDP1/UR2 and H9. Also residential use on this site is in a suitable location in terms of transport and local facilities and located within a residential area. The scheme provide significant levels of affordable housing (22 out of 30) contributing to meeting local housing needs. The density equates to an area of 60 per hectare which would be an efficient use of land acceptable under policy H7.

The development would encompass an area designated as Recreation open Space. The application would appear to be acceptable under points 1-4 of Policy OS2. It would not appear that the development would result in a significant loss of amenity.

**Conservation and Design.** Menston Hall is of a listable quality. The removal of the 1970's wing is encouraged as it detracts from the main building and the surroundings. The scale and massing is appropriate. Not in favour of the proposed artificial stone and render. Less comfortable with the proposed detached block to the east of Menston Hall due to proposed materials and design. Improvements can be made by providing depth to windows and better proportioned. Timber boarding fencing towards boundaries is not supported and hoop topped railings should be used throughout. (Some of these comments are superseded by amendments received).

**Design Enabler.** Other than the use of natural stone minor improvements are suggested such as treatments to openings.

**Highways Development Control.** Amendments to plans show an acceptable 4.8m width over the full length. The proposed turning head, while workable, is very tight. Level of parking provision, both for residents and visitors, falls well below the acceptable standard to be overcome by travel plan to include metro cards

**Education.** Request a contribution towards secondary educational resources totalling £22 838

**Metro.** Here nearby bus stops should have raised kerbs installed at a cost to the Developer of around £3 000 each.

**Environmental Health (Scientific & Technical Services).** Significant contamination have been identified and there are incomplete results from gas monitoring. Asbestos survey has not been carried out for Menston Hall itself. Recommend a condition requiring a remediation strategy taking account of all the above.

**Housing.** Satisfied with affordable housing provision.

**Countryside Officer.** General acceptance of Bat method statement report which needs to be subject of condition. Annexe building should not be demolished until hibernating bats have left to be established by further surveys and this is unlikely to be until after the end of March. There may be timing schedule in respect of Kickstart funding, but they may be met by works which don't involve demolition of the Annexe. Other bats may be roosting here as the survey was halted at the discovery of the first bat. There is still a need to submit appropriate (summer) surveys for the Hall and suitable enhancement designed into the renovation, depending on what is found. Further Method Statements should be submitted subject to conditions covering works to the Hall. Post construction monitoring may also be required.

Enhancement, in the form of roosting opportunities, for both the new build and the renovated Hall should include for both summer and hibernation roosts. The scheme design should take account of where these artificial roosts are located in respect of site security lighting both during construction and post-construction so that bats are not adversely impacted either exiting/entering the roost or commuting to foraging areas.

**English Nature.** No response to date with regards to the issue of Bats.

**Summary of Main Issues:**

1. Principle of development and departure (Recreational Open Space notation on RUDP)
2. Design, appearance and scale of buildings
3. Residential amenity
4. Impact on trees
5. Highway implications
6. Infrastructure
7. Bats
8. Sustainable drainage
9. Disabled access

Other considerations – concerns raised through representation

10. Planning obligations.

**Appraisal:**

**Principle of Development and departure (Recreational Open Space notation on RUDP)**

The site is within the grounds of Menston Hall hence it can be classified as brownfield. A residential use on this site is considered to be in a suitable location in terms its proximity to public transport and local facilities. Furthermore it is located within a predominantly residential area therefore there is no conflict in terms of differing uses. The scheme provides significant levels of affordable housing (22 out of 30 equating to approximately 73%) contributing to meeting local housing needs. The density equates to an area of 60 per hectare which would be an efficient use of land acceptable under policy H7 and Government Guidance under PPS3.

Whilst the majority of the site is unallocated the southern part of the site, comprising of the informal lawn garden area of Menston Hall, is designated as Recreational Open Space where policy OS2 is applicable. Consultation comments from the Leisure Services confirm that the land within the grounds of Menston Hall is not a part of a public recreational area. In addition comments from Sport England confirm that formal playing fields and sports facilities are not included within the application site. Albeit part of the application site falls within the Recreational Open Space notation on the RUDP the proposed scheme would not amount to any loss in recreational open space. These circumstances are a material consideration to warrant a departure from policy OS2. As such there is no principle objection to a residential scheme on the location proposed.

### **Design, appearance and scale of buildings**

The removal of the existing predominantly rendered two storey-flat roof block is welcomed as it is in a severely dilapidated state and currently has a significant detrimental impact upon the visual amenities of the area. This building would be displaced by a new block to form 17 residential units. The footprint of this building would form a crescent-like shape and the proposed materials are natural slate for the roofing and natural stone with smooth Ashlar stone for the walling. Within Menston Hall 8 residential units would be incorporated which would involve relatively minor external alterations. The scheme would ensure the upkeep of this building which is considered to be of a listable quality and prevent it falling further into disrepair. To the east of Menston Hall at a distance of 12m a detached residential block is proposed for 5 residential units. The proposed materials are natural slate for the roofing and natural stone with smooth Ashlar stone for the walling. Both the new blocks, in terms of height, would be equivalent to that of Menston Hall.

On balance the proposed design, appearance and scale of the new buildings is considered acceptable as is the landscape scheme and boundary treatment.

### **Residential amenity**

The layout of the proposed residential units are such that there would be sufficient stand-off distance in relation to existing nearby residential properties to the extent and it is considered that future residents of the proposed development and those residents of existing nearby properties would not suffer an undue loss of amenity through loss of privacy and overshadowing.

Environmental protection have identified significant contamination and have noted there are incomplete results from gas monitoring and an asbestos survey has not been carried out for Menston Hall itself. A condition is recommend requiring a remediation strategy taking account of all the above findings.

### **Impact on trees**

In response to the original concerns of the Trees Section comments, the proposed new detached block east of the Menston Hall has been resited approximately 4m further south. In the original position this part of the scheme would have been at a very close proximity to the protected cluster of trees which are at the north east corner of the application site. Although there would have been no immediate danger to the trees nevertheless the outlook for the residents would have been severely restricted and there would have been likelihood for pressure in the future to address the issue by way of significant pruning. Such a conflicting situation would have been unacceptable. In its new location the Trees Section's still consider the situation unacceptable and require a repositioning for a further 1m south.

Notwithstanding these comments it is considered that there would be sufficient outlook for the future residents without undue pressure for pruning to the extent where the survival of the tree would be in jeopardy.

The Trees section is also concerned over the car parking spaces numbered 30 and 31 due to their impact on the rootplate of a good mature sycamore tree at the southern boundary. This would result in a loss of 2 car parking spaces which would mean that the overall parking provisions would fall below 100%. It is Officers view that a permeable parking surface would mitigate the impact on these trees. Furthermore it is considered the superimposition overlap of these parking spaces on the rootplate of the sycamore is not to the extent where the survival of these trees would be in jeopardy.

Conditions are recommended requiring outstanding information regarding Root Protection Area Plan and protective fencing detail.

### **Highway implications**

In response to the initial Highway's concerns over the access width, unsatisfactory turning head and lack of parking provisions amended plans now show the access width and the turning head to be to their satisfaction. With regards to the level of parking provision this remains unchanged. Highways require 150% parking provision and in addition parking for casual visitors is also required. The application showing 100% parking provision falls below the standard. However the Developer has agreed to overcome this shortfall through the provision of a travel plan to include metro cards. Furthermore Officers would highlight that the Menston Railway Station is between 5-10 minutes walking distance to the application site. In addition the Developers have agreed to raise kerbs of three nearby bus stops at a cost to the Developer of approximately £3 000 each whereby totalling £9 000. An appropriate condition to meet these requirements would meet the satisfaction of the Highway Services. Officers view these circumstances to be acceptable as they are in line with the Government's drive to promote maximum parking standards under PPG13.

### **Infrastructure**

Policy OS5 of the RUDP requires an appropriate provision or equivalent commuted sum payment for recreation open space including children's play space and informal open space. The Developer will have to pay commuted sum payment proportional to the scale of the proposed development with regards to public open space and education which have been calculated to the sum of £18 000 and £22 838 respectively.

### **Bats**

During the processing of the application the possibility of bats, European protected species, being present on the Menston Hall and the flat roofed annex building was identified. Under such circumstances the Local Planning Authority is required to take into account of Regulation 3(4) of the Conservation (natural Habitats, & c.) Regulations 1994 and the Government Circular 06/05. Accordingly the Local Planning Authority is required to consider, before granting planning permission, the question as whether it is reasonably likely that a licence will in due course be issued by English Nature to allow otherwise unlawful acts necessitated by the carrying out of the proposed development to take place.

In order to consider this Directive the Developers had been requested to commission a licensed bat specialist to carry out an inspection and give an opinion as to whether there is any evidence of past bat use and evaluate the likelihood, having considered the age, condition and position of the buildings, of there being any bat presence.

A draft method statement for an application for a licence in respect of bat species has been submitted. The report reveals the discovery of one solitary hibernating bat within the annex building. Based upon the limited number of places where bats could physically roost the population could be up to a maximum of 5 and this roosting place is assessed as of low conservation significance. The proposal would involve the demolition of this building and this carries the risk of accidental killing or injury of bats if they remain in the building during works. The report contains a mitigation strategy to include removal of roosting features, surveys that ensure bats are entirely absent from the building immediately prior to its ultimate demolition and incorporation of replacement roosts which entail maintenance free bat bricks on the new building.

An Ecological Assessment report has been submitted and it observes that on the Menston Hall itself no direct evidence of roosting bats was found during the survey. It should be pointed out that the status of this building in relation to bats has yet to be confirmed. In order to assess whether this building holds roosting bats a full survey is required and this can only be carried out during the optimum timing window between May and August. However this building was assessed as providing a good bat roost potential. The report does state that if bats were to be found roosting in the building their continued use of the site could be assured through roost retention or modification.

In the circumstances where bats are detected or there is a likelihood of bats being present, under the Habitats Directive three derogations have to be considered. These derogation tests must be applied by Natural England when deciding whether to grant a license to a person carrying out an activity which would impact upon bats. For development activities this license is normally obtained after planning permission has been obtained. The derogation tests are as following:

The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;

There must be no satisfactory alternative; and

Favourable conservation status of the species must be obtained.

The Developers have commented on the 3 derogation test and in considering these test Officers are of the opinion that:

The Menston area is identified as having limited affordable housing and the scheme is devised to address this issue thereby creating significant public benefit. Menston Hall is a building of significant architectural and historic interest. It is in the public interest that this building is prevented from falling into further disrepair and is brought into active use whereby ensuring its upkeep.

There is no satisfactory alternative to the project as the design team have formulated a site-specific response.

Mitigation measures will maintain the species affected in a favourable conservation status.

The derogation tests required by the Directive have been carefully considered and engaged satisfactorily taking into account of the bat survey report and the mitigation measures proposed. Officers have concluded that the presence of bats within the Annex building and the likelihood of bats in Menston Hall should not impede the granting of planning permission subject to suitable conditions being imposed requiring a full bat survey to be carried out and mitigation measures identified by the report to be implemented before commencement. On this basis Officers are satisfied that it is reasonably likely that a license from Natural England would be forthcoming. Natural England have been consulted and any comments received will be orally reported to the Panel.

### **Sustainable drainage**

The Developers have stated soakaway tests are being carried out by Consulting Engineers to investigate the site for its potential of sustainable draining techniques. Should test prove positive a suitable condition would be recommended requiring sustainable drainage techniques to be implemented. Notwithstanding the proposed use of tarmac and block pavements for the access, turning head and parking area a condition is recommended for the use of permeable materials for these hard-standing surfaces.

### **Disabled access**

Under the design and access statement it is stated that entrances would be level and would comply with the part M1 of the Building Regulations.

**Other material considerations**

All the concerns that have been raised through representations have been noted and address above.

**Conclusion**

This scheme has the potential to secure Government funding through the Kickstart initiative thereby having the benefit of encouraging economic activity and delivering new affordable homes. The proposal would benefit from the removal of a flat roof-annex building and replaced by one that represents a vast improvement in many areas particularly in terms of visual amenity. Furthermore the scheme would ensure the upkeep of Menston Hall through active use. These benefits are considered to far outweigh the aspects of this application identified to fall short of policy. However Officers are satisfied that these can be met through mitigations measures to be secured by conditions. No harmful issue of a materially significant nature has been identified hence this application is recommended for approval.

**Community Safety Implications:**

The Police Architectural liaison Officer is satisfied that all aspects of security required to fulfil policy D4 of the RUDP have been fulfilled and the guidance contained within the SPD 'Planning for Crime Prevention'.

**Reason for Granting Planning Permission:**

This scheme has the potential to secure Government funding through the Kickstart initiative thereby having the benefit of encouraging economic activity and delivering new homes thus meeting the objectives of policies UR4 coupled with the social benefits identified under UR2.

The application would be contrary to the RUDP as it would involve development within the land identified as Recreational Open Space. However the proposed development would not result in the loss of any recreation open space used by the public hence it is not consider to conflict with OS2.

The scheme represents an efficient use of land, on a brownfield site and is within a sustainable location meeting the objectives of policies UDP1, UR2 and H7 and acceptable in terms of residential amenity considered under policy UR3. The issues of contamination and sustainable drainage techniques can be resolve through use of conditions to fulfil the requirements of policy P4 and UR2.

Part of the scheme would result in the removal of an unsightly flat roofed building and replace it with one which would represent a vast improvement in terms of design, appearance, use of materials and safety in line with policies D1 and D4. Furthermore development on Menston Hall would save this building of listable quality from falling into further disrepair.

There would be the provision of a proportionally high number of affordable housing units and commuted sum for infrastructure provision for education and public open space as required by policies H9, OS5 and CF2.

Despite the shortage of parking it is considered that this issue can be overcome by mitigation measures such as Travel Plan, Metro Card scheme and a commuted sum payment towards raised kerbs taking into account policies TM2, TM3 and PPS 13.

Based on the information available it is considered that there is a reasonable likelihood that a bat license would be forthcoming. This application has been considered against the Conservation Regulation 1994, Circular 06/05, PPS9 and policy NE6.

Whilst in close proximity to protected trees it is not considered that the proposed development would result in a loss of any protected trees hence there would be no foreseeable conflict with policy NE4 and NE5.

**Conditions of Approval:**

**To cover:-**

1. Time limit on implementation of development, within 3 years.
2. Approval of amended drawings.
3. Details of materials to be submitted, including sample panel.
4. Submission of opening details.
5. Railing to have powder colour coated finish.
6. Submission and implementation of sustainable drainage techniques including permeable surfacing.
7. Landscape details to be agreed.
8. Landscape maintenance/management plan to be submitted.
9. Tree protection area plan and protective fencing detailing.
10. Replacement Tree planting.
11. Implementation of Arboricultural method statement
12. Provision of agreed level of affordable housing provision
13. Recreation contribution - £18 000
14. Education contribution - £22 838
15. Submission, monitoring and review of the Travel Plan.
16. Provision of Metro cards.
17. Provision of car parking within the site.
18. Hours of construction to be agreed.
19. Payment of £9 000 for raised kerbs to 3 nearby bus stops.
20. Implementation of the bat method statement report
21. Annexe building not to be demolished until hibernating bats are no longer remaining in building to be established by further surveys.
22. Full bat surveys and Method Statements for the Menston Hall to be submitted and where necessary submission of suitable enhancement designed into the renovation and post construction monitoring.
23. Scheme to be submitted and agreed for enhancement implements (i.e. roosting opportunities) to include location details for the annexe and new build during both summer and hibernation periods.
24. Submission of incomplete gas monitoring results and if necessary remedial strategy including such a strategy for asbestos.

**Informative**

Bats

Tree (work on)

Trees (present on site)

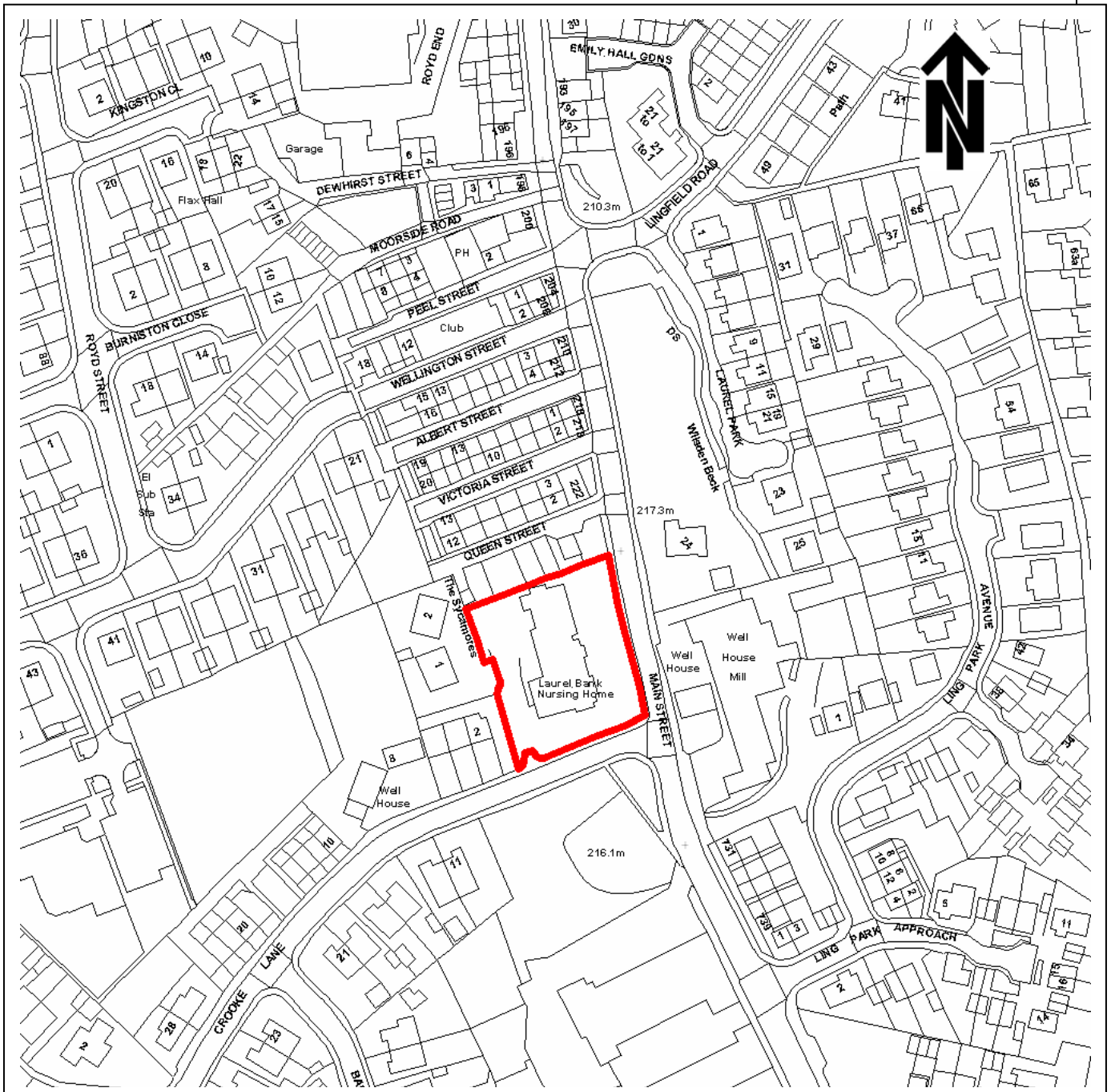
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**Area Planning Panel (Shipley)**

**09/05055/FUL**

11 February 2010



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ITEM NO. : 4	LOCATION:  <b>Laurel Bank Main Street Wilsden</b>
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11 February 2010

**Item Number:** 4  
**Ward:** BINGLEY RURAL  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
09/05055/FUL

**Type of Application/Proposal and Address:**  
Full application for demolition of Laurel Bank Nursing Home and the construction of 7 dwellings at Laurel Bank Nursing Home, Main Street, Wilsden.

**Site Description:**  
This is a 0.2 hectare site in Wilsden Conservation Area. It is occupied by the former Laurel Bank Nursing Home, now closed, which comprised an original stone built house located on the northern half of the site and substantial 2-storey extensions extending southwards towards Crooke Lane. The buildings are now empty and boarded up, the Nursing Home having relocated elsewhere in Wilsden. The site is bounded by Main Street to the east side and Crooke Lane to the south. The buildings are elevated above the level of these streets and mature trees lining both street frontages form an important feature of the street scene. There are further trees along the west boundary. The vehicular access to the site is from Crooke Lane and also runs to the rear of the buildings. This access also serves two modern bungalows located off a drive to the west of the site.

**Relevant Site History:**  
95/02456/FUL : Extension to form nursing home Granted 9.1.96  
92/02153/LBC : Demolition of outbuilding and sectional garage granted 29.1.92  
92/02151/COU : Conversion of restaurant to nursing home and addition of new extension  
Granted 5.11.92

**Replacement Unitary Development Plan (RUDP):**  
**Allocation**  
There are no proposals for the site on the RUDP Proposals Map.  
The site is in Wilsden Conservation Area.

**Proposals and Policies**  
The following policies would be applicable

BH7	-	new development in conservation areas
BH9	-	demolition of buildings within a conservation area
D1	-	general design considerations
TM2	-	impact of traffic and its mitigation
TM19A	-	traffic management and road safety
UR3	-	local planning considerations

**Parish Council:**  
Wilsden Parish Council recommends approval of the application.

**Publicity and Number of Representations:**  
By Conservation Area site and press notice and neighbour notification letters expiring 4 December 2009.

A petition in support of the 7 houses signed by 77 people has been received.  
14 individual letters/emails of support received.  
2 further letters are generally in favour of the scheme but express some reservations.

### **Summary of Representations Received:**

#### **Support**

The building is an eyesore for Wilsden and is quickly becoming a target for vandals and crime. Anything would be better than the present situation, and it (the application) should be approved quickly.

The existing building has little merit as a conservation site.

The new houses would look in keeping with the village.

The proposals is a good one if ample off street parking is provided as the road (Crooke Lane) is already congested and difficult to exit into Main Street.

Demolition is also supported by a Ward Councillor.

#### **Reservations**

Concerns about whether there will be enough parking. Development should not be at the expense of existing Crooke Lane residents in this respect.

Concerns are raised because the drawings do not reflect the arrangement of drives serving the adjacent dwellings. The extra traffic and problems during construction could cause frustration for existing occupiers.

#### **Consultations:**

##### **Highways DC:**

There are no objections to the principle of a residential development. However, current highway guidance would require that the existing private drive should serve no more than 5 dwellings. The proposal is for 7 new dwellings and the same access already serves 2 other existing dwellings making a total of 9.

The access would therefore need to be built to adoptable standard with 5.5 metre carriageway width and 600mm margins. A ramp at the entrance should be formed with the footway in Crooke Lane being designed to taper into the shared surface. Visibility splays of 2.4m x 43m should be demonstrated at the site entrance. Parking should be provided within the curtilage of each dwelling with 3.2m wide drives and provision should be made for visitor parking. Wheelie bin collection points should be clear of the highway but are not shown within the scheme. The edged red site should include the necessary adaptations of the adjoining highway at the site entrance.

##### **Trees Team:**

The application lacks detailed tree survey information. There is no information on size or position of trees in relation to development, no details of levels changes near trees, no Root Protection Plan or and no Arboricultural assessment of impact on trees. The Tree Officer cannot support the application due to the potential impact of development on trees.

##### **Drainage Section:**

No objections subject to a separate system of foul and surface water drainage. Site must be investigated for its potential for use of sustainable drainage techniques in disposing of surface water, including ground investigation to establish suitability of soakaways and use of porous materials in construction of parking and manoeuvring areas.

##### **Design and Conservation:**

- The site lies within the boundary of Wilsden Conservation Area. Within the group of buildings identified as Laurel Bank Nursing Home is an original historic house with stone mullioned windows, a modest entrance and bay window details. This element of Laurel Bank was once a detached dwelling house surrounded by substantial gardens. Historic maps identify this to have been on site since C1850-55. It has architectural and historic character that should be retained to make a positive contribution to the conservation area.
- Poorly informed decisions between 1965-85 have resulted in this historic property being altered and extended to the point where the character and potential of the original house is hidden.
- The principle of redevelopment on this site is acceptable. However, the proposal for redevelopment needs to incorporate the remaining historic element on the site. The current proposal fails to do this.
- The proposals need to meet the criteria identified in PPG 15 to preserve and enhance the architectural or historic interest of the conservation area.
- The LPA has met the applicant on several occasions to discuss this proposal. Redevelopment of the site is acceptable - as long as the historic element currently on site is incorporated into the regeneration process.

The Council's Design and Conservation Team oppose demolition of the historic house at Laurel Bank and consider there to be inadequate justification for this action. As such the proposal does not accord with guidance in PPG15 and will have a negative impact on the character and appearance of the Wilsden Conservation Area.

While the principle of housing on the site is supported, the proposed houses are unremarkable, and overall the proposed scheme would make no positive contribution to the architectural or historic interest of the conservation area.

**English Heritage:**

Do not wish to offer any specific comments but say the application should be determined in accordance with national and local policy guidance and on the basis of the Council's own specialist Conservation Officer advice.

**Yorkshire Water:**

Site to be developed with separate foul and surface water drainage systems. No development to take place until details of surface and foul water drainage arrangements have been submitted and approved. The submitted drawings do not show these. Foul water can connect to combined sewer in Main Street. However, the surface water system does not have capacity to accept any additional discharge of surface water and this must be restricted to the existing level of surface water run off from the previous use of the site – by flow balancing or use of sustainable drainage methods. Details and site investigations will be required to establish suitability of site.

**West Yorkshire Ecology Service:**

Site has potential for bats and needs a bat survey and assessment before application is determined.

**Summary of Main Issues:**

1. Principle
2. Justification for demolition of existing building.
3. Consideration of viability of conversion options
4. Impact of on the character and appearance of Wilsden Conservation Area.

5. Design, materials, scale, height of the new build.
6. Impact on amenity of neighbouring occupants.
7. Impact on trees
8. Traffic/highway implications

**Appraisal:**

**Principle**

This plot is a relatively accessible, previously developed site in Wilsden occupied by a residential home that has now been closed for some time and shows signs of neglect and is, according to local residents, prone to vandalism. The principle of housing on the site is acceptable and the proposed density of around 32 dwellings per hectare is within the range of 30-50 dwellings per hectare expected by RUDP Policies and reasonable given that much of the site is unusable due to the presence of important tree belts.

Any new housing should be sympathetic to the local context and the Council has a duty to pay special attention to the desirability of preserving and enhancing the character and appearance of the Wilsden conservation area within which the site is located.

However the Council's Design and Conservation Team advise that the old house at Laurel Bank, while much altered by later extension and alteration work, makes a positive contribution to the character and appearance of the conservation area and demolition needs to be assessed against the Council's RUDP conservation policies and guidance in PPG15 on "Planning and the Historic Environment". Government guidance applies the same principles to the demolition of conservation area buildings as it does for listed buildings. It is considered that proposals for redevelopment at Laurel Bank need to incorporate the remaining historic element on the site but the proposal presented is for total demolition of old and new components and therefore fails to do this.

The applicant argues strongly that retention and conversion of the old house would not be cost effective and that to do so would not be in keeping with the rest of the architecture of Wilsden. He argues that the 7 new houses would employ traditional materials and provide family houses at reasonable cost.

**Justification for demolition**

The Council has a duty to pay special attention to the desirability of preserving and enhancing the character and appearance of the conservation area. Policies BH7 and BH9 of the RUDP are relevant to the proposal to demolish the existing building, as is guidance in PPG15. The purpose of conservation area controls is to guide change so that development preserves and enhances the character or appearance of the area. To this end Policy BH9 seeks to oppose demolition of those buildings that make a positive contribution to the special architectural or historic interest of a conservation area unless there are positive benefits.

**POLICY BH9**

WITHIN CONSERVATION AREAS, PERMISSION WILL NOT BE GRANTED FOR THE DEMOLITION OF BUILDINGS WHICH MAKE A POSITIVE CONTRIBUTION TO THE SPECIAL ARCHITECTURAL OR HISTORIC INTEREST OF THE AREA UNLESS THE DEVELOPMENT WOULD RESULT IN BENEFITS TO THE COMMUNITY THAT WOULD JUSTIFY THE DEMOLITION.

Although Laurel Bank has been compromised by later extensions of no significant architectural quality, the original house is still evident as a historic residence with stone mullioned windows, a modest entrance and bay window details. Historic maps identify it to have been here from around 1850-55. The Council's Design and Conservation Team consider the original house to have architectural and historic character that could be restored

so as to contribute positively to the street scene as part of scheme combining conversion with new build housing. The Conservation Officer considers that the original house could be restored to form part of a scheme for housing through demolishing the non-historic extensions, converting the old historic house and redeveloping modern housing alongside.

Designation of conservation areas introduces control over the demolition of most buildings in such areas and sets a requirement for Conservation Area Consent. PPG 15 on "Planning and the Historic Environment" sets criteria against which to assess proposals for demolition in conservation areas. Demolition must be shown to preserve and enhance the character and appearance of the Conservation Area and Para. 4.27 of PPG15 makes it clear that the Secretary of State expects that demolition should be assessed against the same broad criteria as proposals for demolition of listed buildings. Consent should not be given unless there are acceptable and detailed plans for any redevelopment and PPG15 says that "*the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area*".

**Consideration of the viability of conversion options and efforts to find alternative uses**

PPG15 also says that the applicant must show that the demolition of the building is not a result of neglect or of failure to make imaginative efforts to find new uses for them or to incorporate them into new development (Para 3.16). To justify demolition it requires that the applicant must provide clear and convincing evidence to address the following considerations:-

The condition of the building, costs of repairing and maintaining it in relation to its importance and to the value to be derived from its continued use.

The adequacy of efforts made to retain the building in its present use or for alternative compatible uses, and

The merits of alternative proposals for the site, although the architectural merits of replacement development would not in themselves justify demolition.

In this case, careful consideration has been given to the applicant's arguments that conversion of the old house would be unviable and unrealistic. However, PPG15 states that consent to demolish a building should not be given simply because redevelopment is economically more attractive to the developer than options for repair and re-use. In the case of buildings, retention of primary elevations will be a requirement where the applicant can show that the retention of the whole building or structure is not viable, and demolition of any wall, feature or building will only be granted on the approval of a planning application for the replacement development and should be conditional upon the letting of a contract for the works and where appropriate, a programme of recording has been agreed and implemented.

In considering the applicant's argument that the building is beyond repair and incapable of beneficial use, in consultation with the Council's Economic Development Officer, Planning Officers have carefully considered :

1. The applicant's attempts to find alternative users for the property.
2. The costings for conversion provided by the applicant.

**Attempts to find alternative uses**

The Council's Economic Development Officer acknowledges that there has been an extensive marketing period which has resulted in little interest in the property. The property continues to be marketed as a redevelopment opportunity. A report from agents Hayfield Robinson provides an assessment of the potential for this property for use as another care home or conversion to commercial premises but does not consider possible redevelopment

of the whole or part of the existing property to residential units, neither does it explore the possibility of a mixed use scheme. The report accurately reflects the property, its location and the problems encountered in finding a buyer - acknowledging that the property is some distance from the main centres of Bradford, Keighley, Shipley and Bingley. However, this is not necessarily a complete barrier to commercial development if a return on investment can be secured. Not all businesses need to operate from busy commercial centres, but the location will have a large effect on its redevelopment potential for commercial uses as demand from end users will be difficult to demonstrate. The report concludes that the "buildings are obsolete in today's commercial property market" and not that the property is unviable regardless of the proposed use.

However, with the current level of information, the Council's Economic Development Officer is unable to come to a conclusion that the existing property is functionally redundant.

### **The list of costings**

The costings provided by the applicant consist of a single sheet of A4 and is far from being a recognisable development viability report and as such the Council's Economic Development Officer cannot make any assessment as to the accuracy of the figures. There is no information to properly assess how the costs provided have been arrived at and a detailed schedule of works or a bill of quantities giving detail on how these figures have been arrived at has not been provided. The 'actual value of house' figure of £250-300,000 is not explained and no valuation report has been provided to back up this statement, so the Economic Development Officer is unable to comment on whether the figure given is a realistic value.

The Economic Development Officer advises that "whilst demand for the property in its current form is limited, if...it is felt that... the existing building (or part of) contributes significantly to the current conservation area, the applicant should undertake further feasibility work. This should consider conversion/part demolition of the existing premises to provide residential units".

It is considered that arguments that conversion is unviable have not been adequately proven. While the applicant has argued strongly about the lack of cost effectiveness of a scheme that retained and converted the historic house, the submitted evidence falls well short of providing a convincing viability appraisal to justify demolition against PPG15.

### **Impact on the character and appearance of Wilsden Conservation Area**

Careful consideration has been given to the arguments of the applicant and supporters about the merits of the existing development, and the benefits of the proposed new houses, particularly the argument that retention of the existing building would not be cost effective. However, RUDP Policy BH9 states that within conservation areas planning permission will not be granted for the demolition of buildings which make a positive contribution to the special architectural or historic interest of the area unless the development would result in benefits to the community that would justify the demolition.

The advice from Design and Conservation is that while the modern extensions can be demolished and houses rebuilt in their place, the original historic house does make a positive contribution to Wilsden conservation area and it could be retained and made a feature of a housing redevelopment scheme - allowing a combination of new build and conversion to maintain the character and appearance of the street scene.

National guidance sets a strong presumption in favour of retention and conversion of historic components of conservation areas and sets strict guidelines governing the limited

circumstances when demolition of conservation area buildings can be allowed. It is not considered that demolition would preserve or enhance the character or appearance of Wilsden Conservation Area and would be contrary to Policies BH7 and BH9.

Arguments about the physical condition of the building and vandalism are certainly noted but are not considered to outweigh the harm to the conservation area that would be caused by demolition of the historic house.

### **Design and character of the new buildings**

The new-build scheme is for a row of 7 replacement houses built in coursed natural stone with a slate roof. The row of houses incorporates chimney stacks, dormer features and bay windows. Most windows would have vertical proportions. The design of the replacement dwellings is of a traditional but unremarkable style. The new houses would be similar to many other modern interpretations of traditional housing. The applicant has not responded to suggestions of Council Officers to develop a housing scheme that keeps the historic element of the site and provides an interesting combination of modern and historic development that would be appropriate to the location.

The parking for the dwellings is aligned at the back of the houses in a regimented fashion. No details are given regarding subdivision of plots into private curtilages which could have a further negative impact on the street scene.

Although generally safe and unremarkable, the submitted scheme is not considered to be of the exceptional standard of design quality that might have helped justify or outweigh opposition to demolition of the historic elements of the existing buildings or to outweigh the harm to the character and appearance of the conservation area that would arise from loss of the old house as a component of the historic environment.

### **Impact on amenity of neighbouring occupants**

It is not considered that the new development would have any significant adverse impact on any neighbouring properties given that the position, scale and massing of the new structure and position of windows in the development is more or less the same as the nursing home buildings. No objections have been received about this aspect of the scheme, the few concerns of neighbours focussing on access and parking.

### **Traffic/highway implications**

The Council's Highway Officer has no objections to the principle of a residential development. However, current highway guidance would require that the existing private drive should serve no more than 5 dwellings. The proposal is for 7 new dwellings and the same access already serves 2 other existing dwellings making a total of 9.

The Highway Officer therefore considers that the access should be built to adoptable Mews Court standard with 5.5 metre carriageway width and 600mm margins. A Mews Court ramp should be formed at the entrance, with the footway in Crooke Lane being designed to taper into the shared surface. Visibility splays of 2.4m x 43m should be demonstrated at the site entrance. Parking should be provided within the curtilage of each dwelling with 3.2m wide drives and provision for visitor parking. Wheelie bin collection points should be clear of the highway but none are shown within the scheme. The edged red site should include the necessary adaptations of the adjoining highway at the site entrance. The submitted scheme does not incorporate these requirements.



### **Impact on trees**

The site includes belts of tall mature trees which line the Main Street and Crooke Lane frontages and the back boundary of the site alongside the access. A large beech tree stands to the side of the original house. These trees make a major contribution to the setting of the site and the character of the Conservation Area. However, none of the information on trees that would normally be expected with an application of this type has been submitted with the proposals.

The agent's letter recognises the value of the trees but says the layout will maintain them and offers a better relationship to the trees than the existing buildings. The agent asserts that building foundations would use existing foundations or will be within the existing building footprint. There is no information on size or position of trees in relation to development, no details of levels changes near trees, and no Root Protection Plan or Arboricultural assessment. The Tree Officer objects to the application and cannot support the application due to the potential impact of development on trees. Potential tree damage or loss would further compound the harm to Wilsden Conservation Area.

### **Bats**

The site is within an identified "Bat Alert Zone". There is an absence of information regarding the possible presence of bats in the buildings. If approval for demolition were to be granted it would be necessary to obtain more information on the possible presence of bats before approving.

### **Community Safety Implications:**

Comments regarding the vulnerability of the site to vandalism if left undeveloped are acknowledged. However, there has been no support for demolition from the Police and no evidence from the Police or other agencies arguing that demolition is the only solution to any specific community safety problems. Such concerns are therefore not considered to outweigh the need to retain the old house as part of the fabric of the conservation area.

### **Reasons for Refusal:**

The existing house and its landscape setting are considered to make a significant contribution to character and appearance of Wilsden Conservation Area and no convincing justification has been given for its demolition. The proposal would fail to preserve or enhance the character and appearance of this part of Wilsden Conservation Area and conflict with Policies BH9 and BH7 of the Bradford Replacement Unitary Development Plan and guidance on demolition of buildings in Conservation Areas set out in PPG15 on "Planning and the Historic Environment".

The proposal fails to include adequate information on the size and position of trees in relation to the development, no details of levels changes near trees are given, and there is no Root Protection Plan or Arboricultural assessment to the standard advised by BS 5837 "Trees In Relation To Construction". In the absence of such information, the proposed development is considered to pose a threat to the mature trees on the site which make a significant contribution to the amenity of Wilsden Conservation Area and the proposal is contrary to Policies BH7, NE4, NE5 and NE6 of the Bradford Replacement Unitary Development Plan.

The proposals fail to incorporate an appropriate standard of vehicular and pedestrian access to serve the scale and type of development that is proposed. Arrangements for access, servicing and visitor parking are unsatisfactory and the proposals are potentially harmful to the safety of road users and contrary to Policies TM2 and TM19A of the Bradford Replacement Unitary Development Plan.

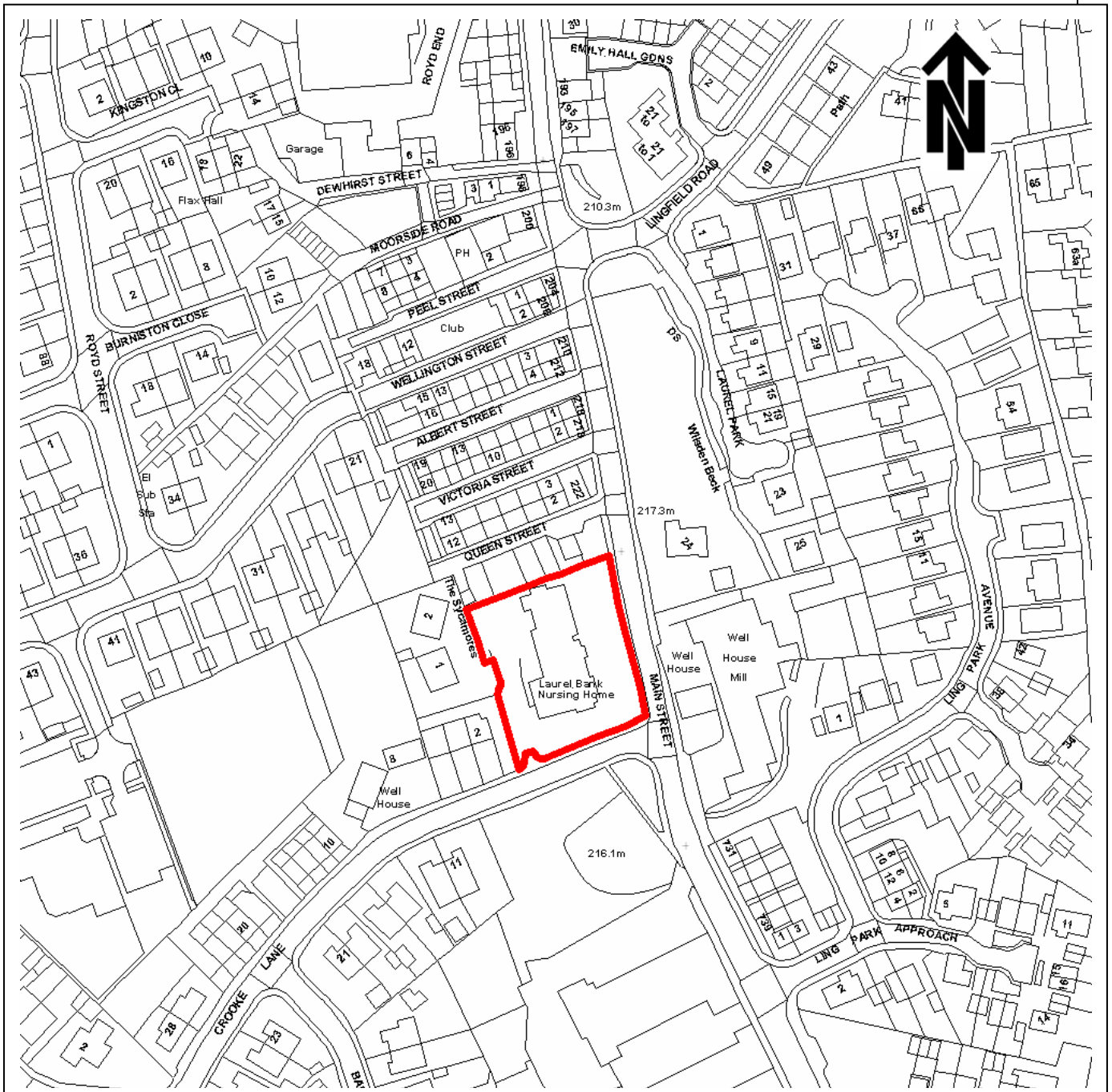
The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular there is inadequate information on the presence and protection of protected species and their roosts, namely bats, within the existing buildings.

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Area Planning Panel (Shipley)

09/05055/FUL

11 February 2010



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<p>ITEM NO. : 5</p>	<p>LOCATION: <b>Laurel Bank Main Street Wiltsden</b></p>
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11 February 2010

**Item Number:** 5  
**Ward:** BINGLEY RURAL  
**Recommendation:**  
**TO REFUSE CONSERVATION AREA CONSENT**

**Application Number:**  
09/05211/CAC

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

Full application for demolition of Laurel Bank Nursing Home and the construction of 7 dwellings at Laurel Bank Nursing Home, Main Street, Wilsden

**Site Description:**

This is a 0.2 hectare site in Wilsden Conservation Area. It is occupied by the former Laurel Bank Nursing Home, now closed, which comprised an original stone built house located on the northern half of the site and substantial 2-storey extensions extending southwards towards Crooke Lane. The buildings are now empty and boarded up, the Nursing Home having been relocated elsewhere in Wilsden. The site is bounded by Main Street to the east side and Crooke Lane to the south. The buildings are elevated above the level of these streets and mature trees lining both street frontages form an important feature of the street scene. There are further trees along the west boundary. The vehicular access to the site is from Crooke Lane and also runs to the rear of the buildings. This access also serves two modern bungalows located off a drive to the west of the site.

**Relevant Site History:**

95/02456/FUL : Extension to form nursing home Granted 9.1.96  
92/02153/LBC : Demolition of outbuilding and sectional garage granted 29.1.92  
92/02151/COU : Conversion of restaurant to nursing home and addition of new extension  
Granted 5.11.92

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

**Allocation**

There are no proposals for the site on the RUDP Proposals Map.  
The site is in Wilsden Conservation Area

**Proposals and Policies**

The following policies would be applicable

BH7	-	new development in conservation areas
BH9	-	demolition of buildings within a conservation area
D1	-	general design considerations
TM2	-	impact of traffic and its mitigation
TM19A	-	traffic management and road safety
UR3	-	local planning considerations

**Parish Council:**

Wilsden Parish Council recommends approval of the application.

**Publicity and Number of Representations:**

By Conservation Area site and press notice expiring 25 December 2009.

### **Summary of Representations Received:**

No representations have been received specifically referring to this Conservation Area Consent application.

### **Consultations:**

Council's Design and Conservation Team : Site is in Wilsden Conservation Area. The Conservation Area Assessment was approved by Shipley Planning Panel and was supported by Wilsden Parish Council. There are no objections to removal of the modern extensions to Laurel Bank, or even their replacement by high quality contemporary architecture, but the Design and Conservation Officer is opposed to demolition of the historic house at the core of the site. The proposal for total demolition of all buildings on the site does not accord with guidance in PPG15 and will have a negative impact on the character and appearance of Wilsden Conservation Area.

Victorian Society : Wish to object to the application as the existing premises should be retained as capable for conversion to residential use. Application includes inadequate assessment of the existing house. Development of new dwellings is too intensive for the site.

Ancient Monuments Society : Whilst the new terrace (of houses) attempts to enter into the West Yorkshire vernacular (apart from the upvc windows), the application contains no appraisal of the role of the original villa in the conservation area. It is an attractive example of a Victorian gentleman's house and the Ancient Monuments Society would prefer to see it retained as part of a mixed development – with conversion of the original villa and redevelopment on the site of the later, poor extensions.

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

1. Impact of demolition on the character and appearance of the conservation area.
2. PPG15 "Planning and the Historic Environment"
3. UDP Policy BH9

### **Appraisal:**

This appraisal deals solely with the merits of demolishing the existing building and not with the merits of the proposed redevelopment of the site proposed by application 09/05055/FUL which is dealt with in the report on that application.

### **Planning Controls over Demolition**

The Council has a duty to pay special attention to the desirability of preserving and enhancing the character and appearance of the conservation area. Policies BH7 and BH9 of the RUDP are relevant to the proposal to demolish the existing building, as is guidance in PPG15. The purpose of conservation area controls is to guide change so that development preserves and enhances the character or appearance of the area. To this end Policy BH9 seeks to oppose demolition of those buildings that make a positive contribution to the special architectural or historic interest of a conservation area unless there are positive benefits.

Designation of conservation areas introduces control over the demolition of most buildings in such areas and sets a requirement for Conservation Area Consent. PPG 15 on "Planning and the Historic Environment" sets criteria against which to assess proposals for demolition in conservation areas. Demolition must be shown to preserve and enhance the character and appearance of the Conservation Area and Para. 4.27 of PPG15 makes it clear that the Secretary of State expects that demolition should be assessed against the same broad criteria as proposals for demolition of listed buildings. Consent should not be given unless there are acceptable and detailed plans for any redevelopment and PPG15 says that

*“the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area”.*

### **Importance of Laurel Bank**

Although Laurel Bank has been compromised by later extensions of no significant architectural quality, the original house is still evident as a historic residence with stone mullioned windows, a modest entrance and bay window details. Historic maps identify it to have been here from around 1850-55. The Council’s Design and Conservation Team consider the original house to have architectural and historic character that could be restored so as to contribute positively to the street scene as part of scheme combining conversion with new build housing. The Conservation Officer considers that the original house could be restored to form part of a scheme for housing through demolishing the non-historic extensions, converting the old historic house and redeveloping modern housing alongside.

### **Consideration of the viability of conversion options and efforts to find alternative uses**

PPG15 also says that the applicant must show that the demolition of the building is not a result of neglect or of failure to make imaginative efforts to find new uses for them or to incorporate them into new development (Para 3.16). To justify demolition it requires that the applicant must provide clear and convincing evidence to address the following considerations:-

The condition of the building, costs of repairing and maintaining it in relation to its importance and to the value to be derived from its continued use.

The adequacy of efforts made to retain the building in its present use or for alternative compatible uses, and

The merits of alternative proposals for the site, although the architectural merits of replacement development would not in themselves justify demolition.

In this case, careful consideration has been given to the applicant’s arguments that conversion of the old house would be unviable and unrealistic. However, PPG15 states that consent to demolish a building should not be given simply because redevelopment is economically more attractive to the developer than options for repair and re-use. In the case of buildings, retention of primary elevations will be a requirement where the applicant can show that the retention of the whole building or structure is not viable, and demolition of any wall, feature or building will only be granted on the approval of a planning application for the replacement development and should be conditional upon the letting of a contract for the works and where appropriate, a programme of recording has been agreed and implemented.

In considering the applicant’s argument that the building is beyond repair and incapable of beneficial use, in consultation with the Council’s Economic Development Officer, Planning Officers have carefully considered :

1. The applicant’s attempts to find alternative users for the property.
2. The costings for conversion provided by the applicant.

### **Attempts to find alternative uses**

The Council’s Economic Development Officer acknowledges that there has been an extensive marketing period which has resulted in little interest in the property. The property continues to be marketed as a redevelopment opportunity. A report from agents Hayfield Robinson provides an assessment of the potential for this property for use as another care home or conversion to commercial premises but does not consider possible redevelopment of the whole or part of the existing property to residential units, neither does it explore the

possibility of a mixed use scheme. The report accurately reflects the property, its location and the problems encountered in finding a buyer - acknowledging that the property is some distance from the main centres of Bradford, Keighley, Shipley and Bingley. However, this is not necessarily a complete barrier to commercial development if a return on investment can be secured. Not all businesses need to operate from busy commercial centres, but the location will have a large effect on its redevelopment potential for commercial uses as demand from end users will be difficult to demonstrate. The report concludes that the "buildings are obsolete in today's commercial property market" and not that the property is unviable regardless of the proposed use.

However, with the current level of information, the Council's Economic Development Officer is unable to come to a conclusion that the existing property is functionally redundant.

### **The list of costings**

The costings provided by the applicant consist of a single sheet of A4 and is far from being a recognisable development viability report and as such the Council's Economic Development Officer cannot make any assessment as to the accuracy of the figures. There is no information to properly assess how the costs provided have been arrived at and a detailed schedule of works or a bill of quantities giving detail on how these figures have been arrived at has not been provided. The 'actual value of house' figure of £250-300,000 is not explained and no valuation report has been provided to back up this statement, so the Economic Development Officer is unable to comment on whether the figure given is a realistic value.

The Economic Development Officer advises that "whilst demand for the property in its current form is limited, if...it is felt that... the existing building (or part of) contributes significantly to the current conservation area, the applicant should undertake further feasibility work. This should consider conversion/part demolition of the existing premises to provide residential units".

It is considered that arguments that conversion is unviable have not been adequately proven. While the applicant has argued strongly about the lack of cost effectiveness of a scheme that retained and converted the historic house, the submitted evidence falls well short of providing a convincing viability appraisal to justify demolition against PPG15.

Careful consideration has been given to the arguments of the applicant and supporters about the merits of the existing development, and the benefits of the proposed new houses, particularly the argument that retention of the existing building would not be cost effective. However, RUDP Policy BH9 states that within conservation areas planning permission will not be granted for the demolition of buildings which make a positive contribution to the special architectural or historic interest of the area unless the development would result in benefits to the community that would justify the demolition.

The advice from Design and Conservation is that while the modern extensions can be demolished and houses rebuilt in their place, the original historic house does make a positive contribution to Wilsden conservation area and it could be retained and made a feature of a housing redevelopment scheme - allowing a combination of new build and conversion to maintain the character and appearance of the street scene.

National guidance sets a strong presumption in favour of retention and conversion of historic components of conservation areas and sets strict guidelines governing the limited circumstances when demolition of conservation area buildings can be allowed. It is not

considered that demolition would preserve or enhance the character or appearance of Wilsden Conservation Area and would be contrary to Policies BH7 and BH9.

Arguments about the physical condition of the building and vandalism are certainly noted but are not considered to outweigh the harm to the conservation area that would be caused by demolition of the historic house.

In these circumstances, the conclusion has to be that while the later extensions could be removed, demolition of the old house is unacceptable.

**Community Safety Implications:**

Note is made of comments regarding the vulnerability of the site to vandalism if left undeveloped. However, there has been no evidence from the Police or other agencies about crime problems and no arguments or evidence from crime prevention agencies suggesting that demolition would be the only solution to any specific community safety problems. Such concerns are therefore not considered to outweigh the need to retain the old house as part of the fabric of the conservation area.

**Reasons for Refusal:**

The existing house is considered to make a positive contribution to the character and appearance of Wilsden Conservation Area and no convincing justification has been given for its demolition. The proposal for demolition of the historic house would fail to preserve or enhance the character and appearance of this part of Wilsden Conservation Area and conflict with Policies BH9 and BH7 of the Bradford Replacement Unitary Development Plan and guidance on demolition of buildings in Conservation Areas set out in PPG15 on "Planning and the Historic Environment".

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