

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 08 April 2010

V

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.	Fieldhead Whitelands Road Baildon BD17 6NL [Approve] (page 2)	Baildon
2.	2 Faweather Grange Sconce Lane Eldwick Bingley BD16 3BL [Refuse] (page 11)	Bingley
3.	The Stone Yard Derry Hill Menston Ilkley LS29 6AZ [Refuse] (page 19)	Wharfedale

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Portfolio:
Environment and Culture

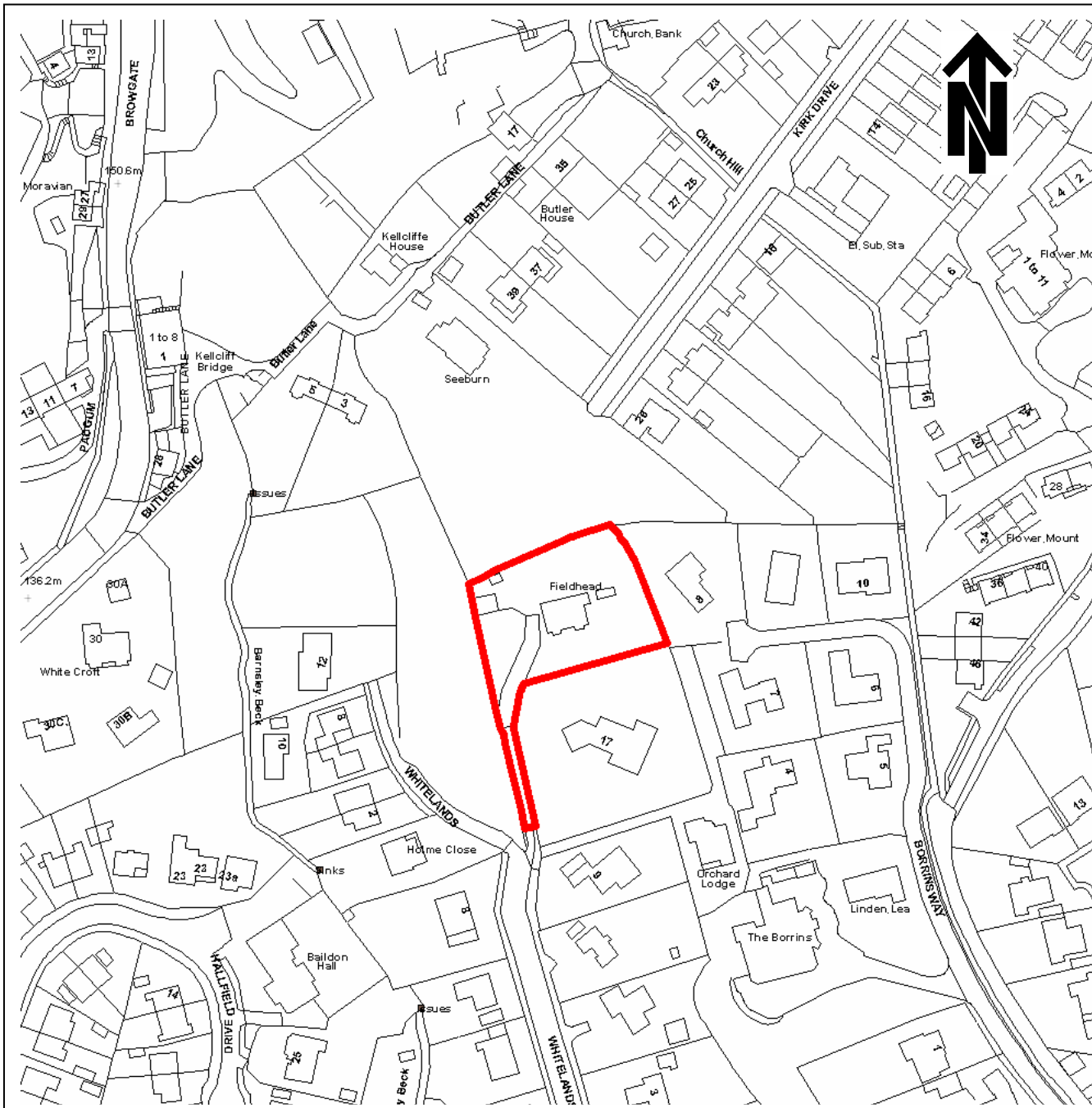
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

09/05090/FUL

8 April 2010



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<p>ITEM NO. : 1</p>	<p>LOCATION: Fieldhead Whitelands Road Baildon</p>
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8 April 2010

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

Application Number:
09/05090/FUL

Type of Application/Proposal and Address:

A full planning application relating to the demolition of an existing dwelling and construction of three detached dwellings at Fieldhead, Whitelands Road, Baildon.

Site Description:

The site is located off Whitelands Road within a residential area a short distance from Baildon Centre. The site is set back from the road and accommodates a detached bungalow set in extensive grounds. Mature trees surround the trees many of which are protected. A private single track drive gives access to the site from the junction of Whitelands Road and Whitelands Crescent. The surrounding area is predominantly residential in character.

Relevant Site History:

09/02038/FUL Demolition of existing dwelling and construction of 3 detached dwellings with integral garages – withdrawn 25/06/2009.

07/03016/FUL Demolition of existing dwelling and construction of 4 detached dwellings with integral garages – refused 29/06/2007.

1. The proposed intensification of a substandard access will result in development prejudicial to highway safety.
2. The development due to siting, height, massing and design will harm the surrounding neighbouring residential amenity and character of the area by way of visual intrusion.
3. The proposed scheme will result in the loss of mature trees.

06/06373/FUL Demolition of existing dwelling and construction of four dwellings with integral garages – refused 09/11/2006.

1. The proposed intensification of a substandard access will result in development prejudicial to highway safety.
2. The development due to siting, height, massing and design will harm the surrounding neighbouring residential amenity and character of the area by way of visual intrusion.
3. The proposed scheme will result in the loss of mature trees.

02/02758/OUT Construction of new dwelling – approved 15/04/2003.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is not allocated for a specific land-use in the Replacement Unitary Development Plan.

Proposals and Policies

UR2 Promoting Sustainable Development;
UR3 The Local Impact of Development;
H7 Housing Density – Expectations;
H8 Housing Density – Efficient Use of Land;
TM2 Impact of Traffic and its Mitigation;
TM12 Parking Standards for Residential Developments;
TM19A Traffic Management and Road Safety;
D1 General Design Considerations;
D4 Community Safety;
D5 Landscaping;
NE4 Trees and Woodlands;
NE5 Retention of Trees on Development Sites;
NE6 Protection of Trees During Development;
NE10 Protection of Natural Features and Species;
NE11 Ecological Appraisals;
NR16 Surface Water Run Off and Sustainable Drainage Systems;
NR17 Goundwater Protection;
NR17A Water Courses and Water Bodies; and
P7 Noise.

Supplementary Planning Guidance

The 'House Extensions Policy', adopted in a revised form in February 2003 and offers advice on facing distances normally accepted in residential situations.

Other relevant policies and guidance

Planning Policy Statement 1: Delivering sustainable Development.
Planning Policy Statement 3: Housing.
Planning Policy Statement 9: Biodiversity and Geological Conservation.
Planning Policy Statement 25: Development and Flood Risk.

Parish Council:

Baildon Parish Council: No comment.

Publicity and Number of Representations:

The application was publicised by site notice and individual neighbour notification letters. Expiry date of the publicity period was 08 December 2009. The local planning authority has received seven letters of objection relating to the application.

Summary of Representations Received:

1. Visibility from the proposed access road to Whitelands Road is inadequate and the intensification of its use will compromise highway safety.
2. The access road is substandard being single track and lacking passing places for both vehicles and pedestrians.
3. The entrance is substandard due to the width and poor junction alignment and visibility which will result in development prejudicial to highway safety.
4. The development will compromise the safety of children who play around the area and reside on Whitelands Crescent.
5. The size of the car on the plan is misleading as there is only room for one vehicle to traverse the first 150 yards of the access.

6. No provision has been made for water coursing.
7. No provision for refuse collection has been made and additional bins being left on Whitelands Road will further restrict visibility, introduce clutter to the street scene and obstruct footpaths
8. Increasing road surface area could create a problem with surface water down the drive.
9. Trees have been removed without permission along the southern boundary.
10. The elevation and spot heights of the proposed house would be significantly higher than surrounding properties.
11. The additional vehicle trips generated by the development will compromise safety at the Whitelands Road/Station Road/Baildon Road junctions.
12. The development will have a negative impact upon wildlife and protected species.
13. The application is lacking a bat survey and bats are present at the site.
14. The development will have a negative impact upon mature and protected trees.
15. The development will result in overlooking compromising the human right of privacy.
16. The design, appearance and layout of the houses are out of keeping with the surrounding area.
17. Screening along the eastern boundary has been reduced and will not prevent overlooking.
18. The development will result in an over provision of parking.
19. The intensification in use of the site will result in noise pollution and disturbance.
20. The access road is narrow and unsuitable for service and emergency vehicles.
21. Who will grit the lane on occasions of snow and ice?
22. The development will result in nuisance to neighbours caused by lorry drivers enquiring the route as the entrance is not distinguishable.
23. There are no need for additional dwellings in Baildon.
24. 17 Whitelands Road owns some of the land within the redline boundary.

Consultations:

Highway Development Control: No objection subject to conditions.

Trees Section: No objections, there might be issues during construction with levels and impact on trees, pruning to clear construction traffic and the effect of construction traffic on trees along the access. These concerns can be mitigated through conditions.

Drainage Services: No objections subject to recommended conditions.

Rights of Way Section: No comments, records do not show any public rights of way within, adjacent to or in the immediate vicinity of the red outlined site.

Biodiversity Team: No comments received.

Summary of Main Issues:

1. Principle of development;
2. Impact upon the local environment;
3. Impact upon mature and protected trees;
4. Impact upon neighbouring occupants;
5. Impact upon highway and pedestrian safety;
6. Biodiversity;

7. Drainage;
8. Community safety; and
9. Outstanding issues raised by objectors.

Appraisal:

The full planning application relates to the construction of three detached dwellings at Fieldhead, Whitelands Road, Baildon. Planning policy for the development is contained within the aforementioned policies of the Replacement Unitary Development Plan.

Principle of development

This is a previously developed site forming the curtilage of a residential property and the construction of additional residential units is considered to be acceptable. The site is located within the urban fringe of Bradford surrounded by other residential development and with good access to a range of local services, facilities and public transport links. The density achieved (15dph) is considered acceptable given the constraints posed by the close proximity of protected trees and the restricted access. Due to the small scale of development and type of unit no social contributions are sought. Consequently, the proposal is considered to be acceptable in principle subject to its local impact (policy UR2, UR3, H6 and H7 of the Replacement Unitary Development Plan).

Impact upon the local environment

The surrounding area is characterised by large detached houses with different architectural styles set within extensive grounds. The modern design of the development will make a positive contribution to the areas character. The proposed dwellings would have similar footprints and massing to neighbouring properties but the garden spaces will not be so extensive and as a consequence the building arrangement will be more compact than the general built form of the locality. Regardless of the above the site is inconspicuously located and well screened by mature trees and the resulting impact upon the local environment is therefore likely to be minimal (policy UR3 and D1 of the Replacement Unitary Development Plan).

Impact upon mature and protected trees

Separation distances achieved between the proposed dwellings and protected trees and their root protection areas are sufficient to prevent adverse impact upon the health of the trees. There are some concerns that trees will be pruned to clear construction traffic; that construction traffic will have an effect on trees along the access and that trees may become vulnerable to damage during level changes. Given that these concerns can be mitigated by conditions it is not considered that the application would warrant refusal for this reason (policy NE4, NE5 and NE6 of the Replacement Unitary Development Plan).

Impact upon neighbouring occupants

Residential properties stand directly to the north, south and east of the site though the proposed buildings would be of a suitable height, orientation and distance to prevent over dominance or overshadowing. The furthest neighbouring property is 55 metres from the closest boundary of the application site and the nearest residential property (8 Borrins Way) will be 16 metres from the rear elevation of the dwelling at plot 3.

Care has also been taken in the siting of the development to prevent excessive overlooking of existing properties. The dwellings at plots 1 and 2 meet all separation distances to existing and proposed dwellings as recommended by guidance contained within the 'House Extension Policy' supplementary planning guidance. Subsequently these plots will not be prejudicial to existing occupiers or the future development of the land to the north.

The separation of 19 metres from the habitable room windows in the rear elevation of plot 3 and the habitable room windows in the facing elevation of 8 Borrins Way and 10 metres from its rear elevation and the common boundary with 8 Borrins Way has been achieved. These distances are slightly substandard 21 metres from habitable room window to habitable room window and 10.5 metres from habitable room windows to curtilage usually being required. The dwellings are offset and therefore overlooking will not be direct and the existing tree belt along the common boundary forms an effective natural screen and therefore it is considered that the distances achieved are acceptable in this case.

In terms of the internal plot arrangement there is a concern that the habitable room windows within the front elevation of plot 2 will be overshadowed by the dwellings at both plot 1 and 3 as both of these properties will encroach the 45° line taken from the nearest habitable room windows. It is not considered that the application should be refused for this reason as the locations of the dwellings are restricted due to the mature trees that surround the site and the access requirements. Furthermore buyers will be aware of the situation when purchasing the property. For the above reasons the development is considered to be acceptable in residential amenity terms (policy UR3 and D1 of the Replacement Unitary Development Plan).

Further residential development is a use that would be consistent with the existing land uses in terms of noise generation and general disturbance and therefore it is unlikely that the development will result in unreasonable disturbances despite the intensification in use of the site.

Impact upon pedestrian and highway safety

The internal arrangement of the development provides sufficient off street parking provision (at least two off street car parking spaces per dwelling) and turning facilities suitable for service vehicles as demonstrated by vehicle swept paths it is not considered that the access arrangements are ideal being narrow, long and steep. Whilst forward visibility is good it is still likely that the development will give rise to vehicles standing on the highway at the site entrance. However these vehicles would be visible to vehicles exiting Whitelands Crescent and these occurrences are likely to be infrequent and therefore do not raise any undue highway safety concerns. This situation could have been ameliorated by providing a passing point close to the mid-point on the narrow section of the access road however due to the presence of the third party boundary fence this improvement is unachievable.

It was also recommended by Highways Development Control that steps should be taken to improve visibility at the site entrance by removing overgrown foliage as the existing visibility was just on the limit of being acceptable but it was also recognised that this requirement is outside the control of the applicant. Given that visibility is considered to be adequate it is not considered that the application would merit refusal for this reason. Consequently subject to a number of conditions the proposal is considered to be acceptable in highway safety terms (policy TM2, TM12 and TM19A of the Replacement Unitary Development Plan).

Biodiversity

The dwellings will be constructed upon land that is domestic in nature and therefore it is unlikely that protected wildlife would be affected by the proposal though the developer's attention should be drawn to 'best practice' in dealing with such species by an appropriate footnote. It is not considered that a bat survey would be required in this instance as the existing dwelling and outbuilding could be demolished without the need to require planning permission and the mature trees to the sites boundary will be retained and therefore roosting and foraging places will not be reduced (policy NE10 of the Replacement Unitary Development Plan). The developer's attention will be drawn to the need to protect bats through the Countryside and Rights of Way Act 2000.

Drainage

No insurmountable problems are foreseen (Replacement Unitary Development Plan policy UR3 and NR16). Matters relating to surface and foul water drainage of the proposal can be adequately controlled by conditions.

Community Safety Implications:

The proposal as amended raises no community safety implications of sufficient weight to warrant refusal (policy D4 of the Replacement Unitary Development Plan).

Outstanding issues raised by objectors:

1. The development will compromise the safety of children who play around the area and reside on Whitelands Crescent.
- It is not considered that the development will compromise the safety of children who play in the area as the access arrangements are considered to be acceptable.
2. The size of the car on the plan is misleading as there is only room for one vehicle to traverse the first 150 yards of the access.
- The size of the vehicle shown on the drawing is inaccurate but it is not considered that the application should be refused for this reason.
3. No provision has been made for water coursing.
- Appropriate conditions will be attached to the decision notice.
4. No provision for refuse collection has been made and additional bins being left on Whitelands Road will further restrict visibility, introduce clutter to the street scene and obstruct footpaths.
- The drawings show that each dwelling will have its own bin storage areas and the site layout indicated through vehicle swept paths that service vehicles will be able to enter and exit the site in forward gear. Therefore it is not envisaged that bins will be left on Whitelands Crescent.
5. Increasing road surface area could create a problem with surface water down the drive.
- Hard-surfaced areas will be conditioned to be constructed using porous materials.
6. Trees have been removed without permission along the southern boundary.
- The trees along the southern boundary are not protected and therefore could be removed without requiring permission.

7. The elevation and spot heights of the proposed house would be significantly higher than surrounding properties.
- Due to the relief of the land the dwellings will be higher than those that surround the site. However it is not considered that the development will detract from the character of the area for this reason many hillsides have been developed in Bradford.
8. The additional vehicle trips generated by the development will compromise safety at the Whitelands Road/Station Road/Baildon Road junctions.
- It is not considered that three additional dwellings will generate enough vehicle trips to affect the free flow of traffic or increase vulnerability of existing junctions.
9. The development will result in an over provision of parking.
- Given that there is no scope no park on street the additional parking spaces are considered to be appropriate in this case.
10. Who will grit the lane on occasions of snow and ice.
- This is not an issue for planning consideration.
11. The development will result in nuisance to neighbours caused by lorry drivers enquiring the route as the entrance is not distinguishable.
- This is not an issue for planning consideration.
12. 17 Whitelands Road owns some of the land within the redline boundary.
- The relevant notice has been served upon the owners of 17 Whitelands Road.

Reason for Granting Planning Permission:

The development is considered to be an efficient use of previously developed land and relates satisfactorily to the character of the surrounding area including protected trees. Additionally no adverse impact on residential amenity, highway safety, biodiversity, drainage or community safety are foreseen. As such the proposal is considered to be in accordance with policies UR2, UR3, H7, H8, TM2, TM12, TM19A, D1, D4, D5, NE4, NE5, NE6, NE10, NE11, NR16, NR17, NR17A and P7 of the Replacement Unitary Development Plan, national guidance in PPS1, PPS3, PPS9 and PPS25 and supplementary planning guidance contained within the revised House Extensions Policy Document.

Conditions of Approval:

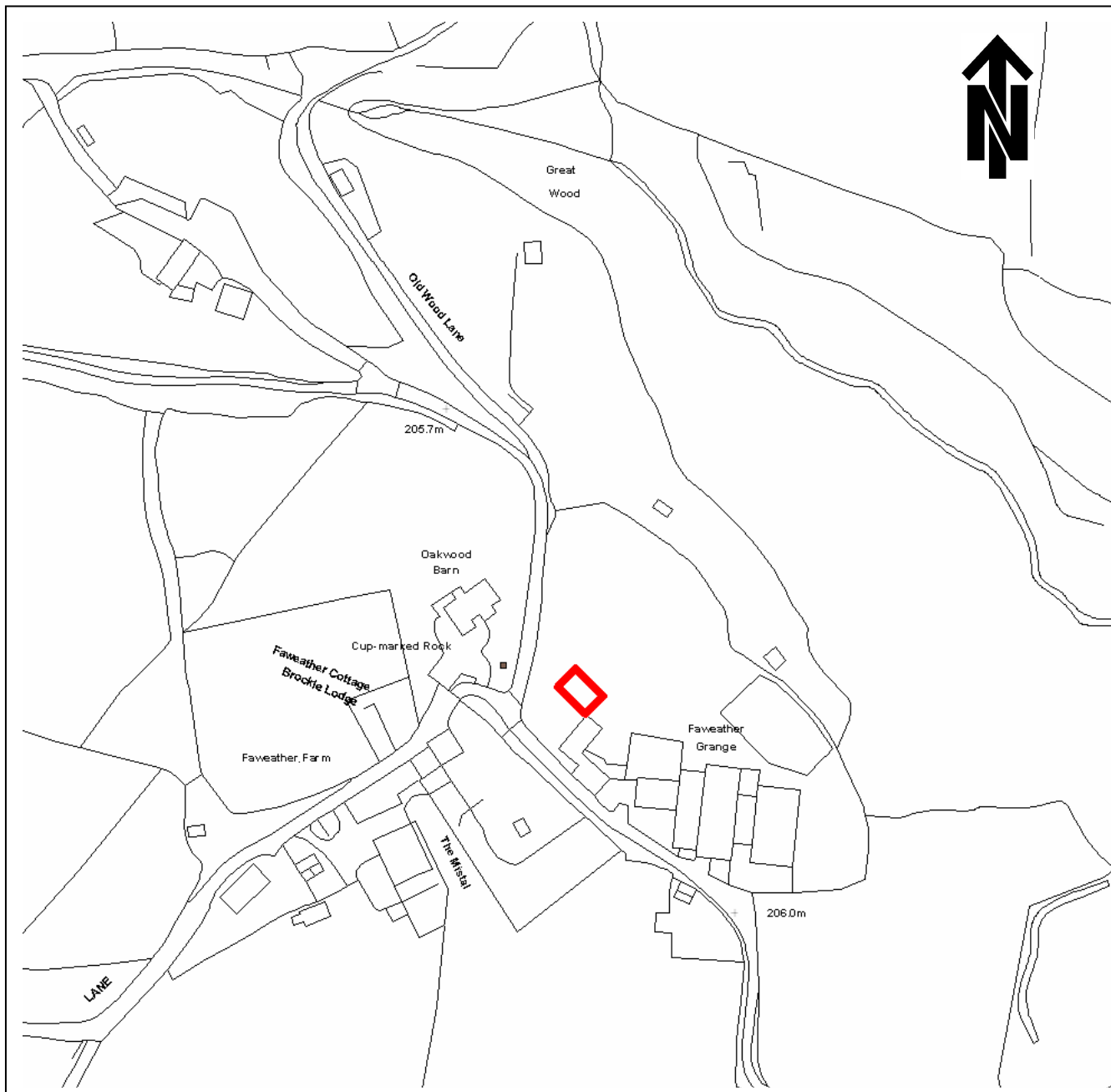
1. Three year limit on commencement.
2. Full permission amended plans.
3. Construct access before occupation.
4. Turning area provided before use.
5. Provision of domestic parking before use.
6. All materials to be approved general.
7. PD rights removed: general.
8. PD rights removed: windows.
9. Drainage details to be submitted and sustainable drainage techniques to be investigated.

10. Porous materials to be used to construct the car parking and vehicle manoeuvring areas. Details to be submitted and agreed in writing.
 11. If watercourse, culvert or land drain is encountered details for maintaining the integrity of that watercourse, culvert or land drain is required.
 12. Arboricultural method statement to be submitted.
 13. Trees: protect by fencing during work.
 14. No grade changes within the RPA's unless otherwise agreed in writing.
 15. Boundary treatment details required.
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Area Planning Panel (Shipley)

10/00010/FUL

8 April 2010



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ITEM NO. : 2

LOCATION:

**2 Faweather Grange
Sconce Lane
Eldwick, Bingley**

8 April 2010

Item Number: 2
Ward: BINGLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
10/00010/FUL

Type of Application/Proposal and Address:

Full application for a new secure storage building, on land to the north west of 2 Faweather Grange, Sconce Lane, Eldwick, Bingley.

Site Description:

An area of open pasture to the north west of 2 Faweather Grange, an extended and refurbished grade II Listed quarryman's cottage to the east of Faweather Grange.

The site lies within the green belt and Rombalds Ridge landscape character area. There is an existing vehicular access adjacent to 2, Faweather Grange, off Sconce Lane and a large protected Sycamore Tree. The remote rural location of the site is classified as mixed upland pasture in the Councils Landscape Character Assessment.

There is a small group of properties around Faweather Grange at the point where three tracks/bridleways meet adjacent to the site. The site is in close proximity with three listed buildings, 2 listed ice houses and a scheduled monument (CUP AND GROOVE MARKED ROCK IN GARDEN OF OAKWOOD BARN, HIGH ELDWICK.)

Extensive tree planting has been undertaken to the western boundary.

Relevant Site History:

09/03342/FUL - Construction of agricultural implement shed/store – Refused.

00/03283/FUL & 00/03284/LBC – amendments to previously approved plans to build extension to form disabled persons accommodation, garage, wheelchair store and care assistants quarters – Granted.

93/00751/REN - Restoration of former cottage to dwelling – Granted.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is located within the Green Belt on the Replacement Bradford Unitary Development plan (2005) (RUDP).

Proposals and Policies

GB1 – New Building in the Green Belt
UR3 – Local Impact of Development
D1 – General Design Considerations
NE3 – Landscape Character Areas
NE3A – Landscape Character Areas
BH4A – Setting of Listed Buildings
BH18 – Development Affecting Class 1 Archaeological Areas

Parish Council:

Not applicable.

Publicity and Number of Representations:

This has been done via neighbour notification letters, local press advertisement and site notice, with an overall expiry date of 5 March 2010.

The Council has received 6 letters objecting to the proposal from 4 separate addresses.

A representation has been received from a local Ward Councillor requesting that the application be determined by the Planning Panel.

Summary of Representations Received:

1. Objectors question whether the proposed building is necessary or justified on the following grounds;

Applicant has limited mobility and is unlikely to be capable of using agricultural implements;

Applicant is retired;

Applicant has no agricultural connections;

Information regarding the number of people employed, the roles they perform and amount of farming carried out by applicant and her business is misleading – the people employed are not employed in farming.

The applicant's daughter has converted one of the barns at Faweather Grange Farm to a dwelling and runs an adjoining livery stables. The applicant previously owned this property. There is already more than ample storage facilities at the applicant's daughter's neighbouring livery business;

Part of the land forming the application site is used for grazing horses, storing horse boxes, training/exercising horses, storing bales for fodder and stable manure. Part is occupied by trees and a pond (4-5 acres) and approximately 5-6 acres are rented to a local farmer for grazing cattle.

None of the land is cut for hay or silage as it is of poor quality.

There is no requirement for all the implements referred to in the submission; grass is too short for a pasture topper; aerator and seeder would only be used for 2 days a year. A tractor and baler would be more useful. Proper access to the implements in the proposed store has not been provided – it should be open along one side to allow a tractor to access all the implements.

Hay/bales are currently baled by a local contractor and stored outside for the adjoining livery – not something that can be moved by a small vehicle/trailer.

The costs of the building and equipment and hire cost of a tractor and driver are not economically viable for 70 acres.

2. The development already carried out on this site is excessive.
3. Roof covering should be sympathetic to local buildings – stone/slate.
4. Access onto Sconce Lane for the vehicle/tractor /implements is at a point where there is poor visibility.
5. Existing lighting causes nuisance – more obtrusive lighting is unnecessary and excessive.
6. The area is a Conservation Area of outstanding natural beauty and there are sites of archaeological interest visited by local interest groups.
7. Proposed building is bigger than the one already refused.
8. Are premises residential or commercial?
9. Inaccuracies in submission relating to plans, form and statement.
10. The dimensions of the building mirror the footprint of a holiday lodge/chalet similar to those run lower down Sconce Lane by the applicant's son.
11. A wooden chalet/shed has been erected overlooking the forest/lake for which it is unclear whether planning consent has been granted.
12. Any consent should be restricted to agricultural storage and that if the use ceases the building be removed from the site.
13. Yellow planning notices disappeared.

Consultations:

Council's Landscape Architect – The landscape impact of this development is negative due to the addition of a modern timber building in a grouping of buildings which already has a significant element of large modern outbuildings. Visual impact from the bridleway in close proximity to the site is negative; although from viewpoints further away the visual impact is negligible. This does not preclude any potential negative impacts relating to historic landscape features, the setting of which others may wish to comment on. It could be better to locate the new building in closer proximity to the existing more modern structures that are within the Faweather Grange group of buildings.

Design and Conservation Team – The proposal will undoubtedly impact on the setting of the listed ice houses and the nearest listed cottage, and on the scheduled monument (CUP AND GROOVE MARKED ROCK IN GARDEN OF OAKWOOD BARN, HIGH ELDWICK). I am not satisfied that the setting of these is maintained or that the adverse effect would be justified. Policies BH4A and BH18 are not satisfied

Summary of Main Issues:

1. Principle of Development/ Impact on the Green Belt.
2. Siting in the Green Belt/ impact on Rombalds Ridge landscape character area.
3. Impact on the setting of nearby listed buildings and Class 1 archaeological Site.

Appraisal:

Background Information:

The application is a re submission which follows a recently refused application for a similar proposal (09/03342/FUL). The application was refused for two reasons, firstly a lack of justification that the building was for a purpose considered appropriate within the green belt and secondly, the siting of the proposed building was considered to be harmful to the visual amenities of the green belt and the Rombalds Ridge landscape character area. The current application differs however in the scale of the building proposed (the building now proposed is larger) 8 metres x 5 metres rather than the previous 6.09 metres x 4.27 metres. The height of the building is as before with a height of 2.7 metres to the ridge. Supplementary information has also been submitted to describe the applicants' agricultural requirements for the proposal and its intended use.

Number 2 Faweather Grange is part of a group of traditional buildings comprising Faweather Grange which has seen various recent developments including conversions of barn and derelict cottages into further dwellings. Also new agricultural buildings connected to the livery yard at Faweather Grange. The applicant originally resided at Faweather Grange but due to personal circumstances required single storey and more appropriate accommodation for their needs. Permission was granted in the early 1990's to restore a cottage (2 Faweather Grange) which was given permission to extend further in 2000. Information submitted states that the applicant has 70 acres of land and has no ownership of the 'farm complex' at Faweather Grange or other storage facility.

Principle of Development/ Impact on the Green Belt:

The application site is located within the green belt wherein the erection of new buildings is tightly controlled. The applicant, who resides at number 2 Faweather Grange, has submitted supporting information to describe the intended use of the building as a secure storage area for agricultural equipment seed and implements.

The applicant states that the agricultural holding includes 70 acres of land which is partially rented off to an adjoining farmer as grazing land for cattle, the remainder of which is farmed as pasture for silage and hay for sale as winter feed.

The requirement for the building is stated as being a result of the current economic climate and the costs of out sourcing the grazing harvest. As a result the applicant intends to harvest the grass themselves hence the requirement for the equipment and storage. Equipment listed as being required includes "hay bob, topper, drag rake, seeder, fertilising attachment and aerator in addition to numerous agricultural implements and products requiring storage."

Public comment has been received which puts forward a differing picture of how the land and business operate. Notwithstanding this, the list of machinery described all requires a tractor to operate. The applicant does not give detail of any other storage facility on their land and it is considered likely that there would be future pressure for a tractor store to operate the new equipment.

The Council remains to be convinced that harm to the character of the area that would be caused by the building is outweighed by the supporting information submitted with regard to the agricultural justification for the building. The proposed development would be prominently sited in an area of open countryside defined for green belt purposes on the Bradford Replacement Unitary Development Plan (RUDP) and subject to the guidance contained within Planning Policy Guidance Note 2 "Green Belts" (PPG2). Within such areas new development is severely restricted unless it is for one of the purposes deemed appropriate in the green belt as specified in RUDP Policy GB1 and PPG2. The Council remains to be convinced by the justification provided with the application that the building is genuinely required for agricultural purposes and so it is regarded as inappropriate development that would be harmful to the openness of the green belt and the purposes of including the land in it and, in the absence of any special circumstances, which would warrant an exception to this policy, the development would be contrary to Policies GB1 of the Replacement UDP.

Siting in the Green Belt/ impact on Rombalds Ridge landscape character area:

Policy GB2 states that where the use of a building can be considered for a purpose appropriate within the green belt it must be sited to relate closely with existing buildings or where functional requirements demand otherwise, in an unobtrusive position within the landscape.

The small group of properties around Faweather Grange lie within the Rombalds Ridge Character Area (Mixed Upland Pasture Landscape Character Type) as described in the Local Development Framework for Bradford, Landscape Character Supplementary Planning Document, Volume 4: Rombalds Ridge, adopted by Bradford Council in October 2008. The Landscape Character Supplementary Planning Document (SPD) supplements policies NE3 and NE3A of the Replacement Unitary Development Plan.

In Section 4.0 of Volume 4: Rombalds Ridge, it is stated that "The remoteness of the mixed upland pastures is gradually being eroded by new and more frequent buildings." The general conclusions of Section 5.0 state that "Rombalds Ridge can be regarded as very sensitive to change due to its strong character, high historic continuity; displaying a safe feeling of remoteness...The overriding character area strategy for Rombalds is to conserve the landscape elements that contribute to its strength."

The Policy Guidelines for the mixed upland pasture within Rombalds ridge state that "With a moderate strength of character, medium historic continuity and a prominent position in the countryside, the landscape can be considered to be sensitive to development in particular the higher level plateau north of Eldwick to Rombalds Moor."

Volume 4 of the Landscape Character Supplementary Planning Document describes large modern farm buildings as detractors in the landscape. There are already various modern farm buildings in the vicinity of this site, and the Council's Landscape Architect considers that although the size of this particular proposed building would not be 'large', it would nevertheless add yet another modern building into the grouping. The proposed location of the shed does not result in any significant increase in size of the existing complex of buildings, because it is placed between Faweather Grange and Oakwood Barn, however it does result in the placement of a modern timber building between two older stone built structures. There is a negative landscape impact in constructing the proposed building within this sensitive character area.

The prominent siting of this additional building is considered to intensify further the impact of built development on this already extended grouping, detracting for the appearance of the green belt and the special landscape area within which it is located failing to accord with policies GB2, NE3 and NE3A of the RUDP.

Impact on the setting of nearby listed buildings and Class 1 archaeological Site:

It is noted that planting has been undertaken on the site and in time would screen the proposal from views from the west. However, there are three listed buildings, 2 listed ice houses and a scheduled monument (**CUP AND GROOVE MARKED ROCK IN GARDEN OF OAKWOOD BARN, HIGH ELDWICK**) in immediate proximity, in a grouping of buildings which is sensitive to change. The Councils conservation officer has stated that the grouping of buildings is sensitive to change. Whilst it is acknowledged that there are already a number of modern agricultural buildings, notably at Faweather Grange, it is considered that a further new structure would have a harmful impact upon the setting of nearby listed buildings and also on the setting of the nationally important and scheduled ancient monument. Accordingly it is considered that the proposal fails to accord with Policies BH4A and BH18 of Bradford's Replacement Unitary Development Plan (2005). It is not considered that previous reasons for refusal of this development have been overcome. Indeed the proposed building is larger than previously and the impact on the green belt, landscape and historic character area would be even greater.

Community Safety Implications:

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

Reasons for Refusal:

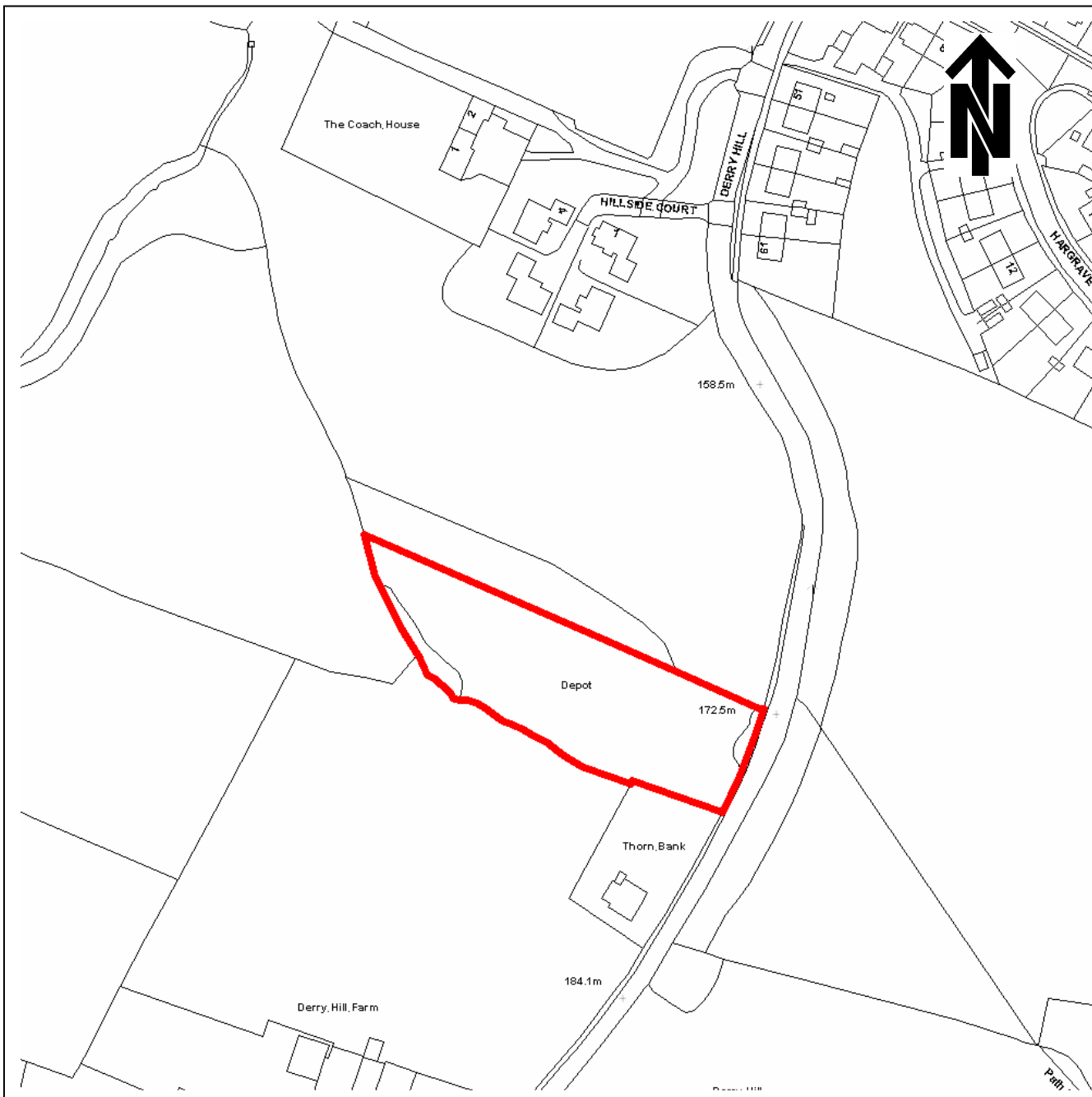
1. The proposed development would be prominently sited in an area of open countryside defined for green belt purposes on the Bradford Replacement Unitary Development Plan (RUDP) and subject to the guidance contained within Planning Policy Guidance Note 2 "Green Belts" (PPG2). Within such areas new development is severely restricted unless it is for one of the purposes deemed appropriate in the green belt as specified in RUDP Policy GB1 and PPG2. The Council remains to be convinced by the justification provided with the application that the building is genuinely required for agricultural purposes and so it is regarded as inappropriate development that would be harmful to the openness of the green belt and the purposes of including the land in it and, in the absence of any special circumstances, which would warrant an exception to this policy, the development would be contrary to Policies GB1 of the Replacement Unitary Development Plan.
2. The site lies within the Green Belt and Rombalds Ridge landscape character area and is described as mixed upland pasture and identified as such by the Replacement Unitary Development Plan. Due to the further intensification of built development and separation from existing buildings, it is considered to cause unacceptable visual intrusion and introduce an incongruous element into the landscape that is detrimental to its character and contrary to Policies GB2, NE3 and NE3A of the Replacement Unitary Development Plan.

3. The proposed building would result in a negative impact upon the setting of the nearby listed ice-houses and listed cottage. Further, it would have a harmful impact upon the setting of the adjacent Scheduled Ancient Monument (CUP AND GROOVE MARKED ROCK IN GARDEN OF OAKWOOD BARN, HIGH ELDWICK) and is therefore contrary to Policies BH4A and BH18 of the Replacement Unitary Development Plan.
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Area Planning Panel (Shipley)

09/05910/FUL

8 April 2010



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ITEM NO. : 3

LOCATION:

**The Stone Yard
Derry Hill
Menston, Ilkley**

8 April 2010

Item Number: 3
Ward: WHARFEDALE
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
09/05910/FUL

Type of Application/Proposal and Address:

Full application for the erection of a sales office, stores and associated hard standing and parking areas (as amended) at Clayax Yorkstone Ltd, The Stone Yard, Derry Hill, Menston.

Site Description:

A former sandstone quarry which was restored to a low level approximately 50 years ago. It is located to the south of Menston with access from Derry Hill, visibility from which is limited due to the width, slope and bend of the road. The site itself is level whilst the land to the north slopes away rather steeply towards the north. The site is bounded by a quarry face and large mature trees to the south (mainly multi stemmed sycamores) and more shrubby growth to the north. An existing sectional natural chipping clad building is located inside the entranceway in the south east corner of the site. To the north west corner are a number of structures in varying stages of dereliction. These comprise brick and concrete block structures, one of which benefits from a corrugated metal roof. Adjacent to these is a metal shipping container. The site is within the green belt and is bounded by open fields to all sides plus the residential curtilage of Thorn Bank to the south. TPO No 133 covers part of the site.

Relevant Site History:

09/02483/FUL – Full application for the erection of a sales office, stores and associated hard standing and parking; this application was substantially the same as the application under consideration. Refused. Appeal dismissed.

07/09423/CLE - Certificate of lawfulness of existing use of site as a stone yard with storage, processing and retail sales of stone products – Granted.

92/05851/FUL - Erection of sectional natural chipping clad building as amended – Granted.

92/00133/FUL - Continuation of temporary permission for placement of two portakabins – Granted.

91/02848/FUL - Extension to a temporary permission for the placement of two Portakabins – Refused.

89/01562/FUL – Placement of two portable cabins – Granted.

83/05288/OUT - Residential Development – Refused.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is within the Green Belt but is otherwise unallocated.

Proposals and Policies

UDP3 – Quality of the Built and Natural Environment
UR3 – The Local Impact of Development
D1 – General Design Consideration
GB1 – New Building in the Green Belt
GB2 – Siting of New Building in the Green Belt
NE4 – Local Amenity Value of Trees
NE5 – Retention of Trees on Development Sites
TM2 – Impact of Traffic and its Mitigation
TM19A – Traffic management and road safety

Relevant National Planning Guidance:

PPG2 – Green Belts

Parish Council:

Menston Parish Council: Recommend approval of the application.

Publicity and Number of Representations:

The application was advertised as a Departure from the Development Plan by means of neighbour notification letters, a site notice and notice in the Ilkley Gazette giving an overall date for representations of 11.02.2010. No representations have been received

Summary of Representations Received:

Not applicable.

Consultations:

Minerals Section

As a former minerals working there is a risk of land stability and/or contamination problems that may affect the development. However, given the scale of the proposed building and the length of time since the site was restored these risks are unlikely to have significant implications.

Highways

The proposals are unlikely to significantly intensify the use of the site which is substandard in visibility terms. Therefore no objections subject to the areas to be used for vehicle parking, turning and loading being surfaced, sealed and drained before the development is brought into use in the interest of highways safety.

Trees

Despite there being no tree survey, the proposed is unlikely to significantly affect protected trees on this site. I therefore have no objections to the proposed subject to a condition requiring protective tree fencing.

Planning Policy Team

From the plans supplied this application would appear to be unacceptable in principal as it would constitute inappropriate development under PPG2 and the development would not preserve the openness of the green belt. This will need to be determined alongside any material considerations by the case officer through a site visit. If this proposal does not meet the criteria in policy GB1 it would be inappropriate development in the greenbelt.

Police Architectural Liaison Officer

The application does not fulfil the guidance contained in circular 01/06 (Communities and Local Government): Guidance on changes to the Development Control System as the submitted Design and Access Statement fails to demonstrate how crime prevention measures have been considered in the design of the proposal. Given the list of crime related incidents submitted with the application I would have expected Crime Prevention measure to have been a fundamental part of the application and for this to be illustrated in the D & A statement, in accordance with the above circular.

In relation to recorded crime, during the period 2006 to the present day the Police records only show one case of damage which was reported in 2009.

Whilst I appreciate that this application relates to the construction of a new sales and office building, security of the site perimeter will directly impact on the vulnerability of the new building. I therefore refer to Policy D4 and the lack of Defensible Space as a major concern.

To illustrate this further I raise the issue of the condition of the existing boundary treatments. At the time of my visit (21/01/2010) the boundary consisted of a broken down 1.2m dry stone wall along the front of the yard with gates to the entrance. Along either side leading from the main road access could be easily achieved due to lack of clear, robust and adequate perimeter protection. Whilst there can never be an excuse for crime there is very often a reason. I believe one reason for previous crimes is the lack of effective perimeter defences.

I would ask that a condition be placed on this application for a secure boundary to be created around the site to a minimum height of 1.8m. Details of which should be submitted in writing to the Local Authority Planning Department for approval.

Further to this the site does not benefit from good levels of natural surveillance making the new building and the site vulnerable. To mitigate against this windows and doors should be certified to the relevant British Standard for enhanced security as required by Secured by Design.

This application in its current form is not fully supported by the Police as it is considered not to meet the requirements of Policy D4.

Summary of Main Issues:

1. Green Belt Policy.
2. Highway safety.
3. Impact on local and residential amenity.
4. Design.

Appraisal:

The scheme proposes the replacement of existing buildings/structures on the site with a building providing reception, office sales and staff welfare area to be constructed from stone and Yorkshire boarding with timber windows and a slate roof and associated hard standing and parking areas. This would be located close to the entrance of the site adjacent to the northern boundary.

The buildings/structures to be replaced comprise; a small, semi permanent office building constructed from pebbled dashed concrete sections with a felted roof (30m²) (located just inside the entrance to the site in the south east corner of the quarry); a portalo (located next to the office); a steel container used for storage (13m²) and a number of partially derelict storage bays (56m²) only one of which benefits from a roof; this being corrugated sheet (located in the far north western corner of the site).

A previous application for a building of 161m² (09/02483/FUL) was refused in July 2009. The applicants appealed against this decision and on 19 February 2010 the Planning Inspectorate dismissed this appeal.

The site lies within the Green Belt. The proposed office and showroom development does not fall within the definition of development which is acceptable in principle in the green belt, as listed in paragraph 3.4 of PPG2 (Green Belts) and policy GB1 of the RUDP. The proposal is therefore inappropriate development which is, by definition, harmful to the Green Belt. There is a general presumption against granting planning permission for inappropriate development in the Green Belt unless it can be demonstrated that there are very special circumstances, which, when viewed objectively, can be clearly shown to outweigh the harm to the openness of the greenbelt. The RUDP and PPG2 clearly state that it will be for the applicants to demonstrate that very special circumstances exist to justify uses other than those set out in policy GB1.

The previous application was refused because the applicant had provided insufficient evidence to establish that there were very special circumstances which were clearly sufficient to outweigh the normal presumption against inappropriate development in the Green Belt meaning that the scheme failed to comply with the requirements of Policy GB1 of the Bradford Replacement Unitary Development Plan and guidance in PPG2 on "Green Belts".

In considering the appeal against this refusal the Inspector agreed with the position that the development should be regarded as inappropriate development for the purposes of PPG2 (Green Belts). In reaching his decision he concluded that the proposed building would be materially larger than the structures it would replace and that this would significantly reduce and consequently harm the openness of the Green Belt in conflict with Policy GB1 of the RUDP and PPG2. The Inspector found that in replacing the various existing structures with one larger one the visual amenity of the area would be materially harmed. Overall he concluded that the proposal would cause unacceptable harm to the openness of the green belt and would conflict with one of the purposes of including land in it contrary to PP2 and RUDP policy GB1.

The Inspector considered whether this harm was clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development. The appellant contended that the scheme would secure long term future of the business, maintain employment and make a small but meaningful contribution to the local economy. The applicant had provided no information which showed why the development was critical to the continued commercial success of the enterprise or what the implications would be if the proposal did not go ahead. The Inspector therefore afforded this argument limited weight. He acknowledged the need for improved staff facilities but was not persuaded that the needs of 2 full time and 3 part time workers justified accommodation of the size proposed.

The Inspector noted the references to “the long documented history of crime incidents at the site”. However no evidence of this had been provided and existing security measures are limited to an external light on the office, locked gates and the placing of building materials behind the gates after hours. The site is not effectively contained by fencing or other enclosures, and there is no alarm system, CCTV or significant security lighting. The inspector therefore attached limited weight to this consideration.

Furthermore the Inspector considered that whilst the proposal may not have an adverse impact on the land use objectives set out in paragraph 1.6 of PPG2, paragraph 1.7 states that the purposes of including land in Green Belts are of paramount importance to their continued protection, and should take precedence over land use objectives. He therefore gave this minimal weight as a factor in favour of the proposal.

In dismissing the appeal the Inspector concluded that the considerations which had been promoted were not of sufficient weight to clearly outweigh the substantial weight which must be attached to the harm to the Green Belt by reason of inappropriateness together with the additional harm to the openness of the Green Belt, the purposes of including land in Green Belts and the visual amenity of the area. The very special circumstances necessary to justify the development did not, therefore exist.

This new application, which has been amended, is for a smaller building than the previous application. The floor area has been reduced from 161m² to 117m² (as amended). The design of the building has been changed to make the appearance more agricultural/utilitarian with Yorkshire timber boarding instead of stone to the elevation. Natural blue slate is proposed for the roof. Whilst the size of the building has been reduced it is still substantially larger than the existing “authorised” office on the site (nearly 4 times as big) and is considered to constitute inappropriate development in the Green Belt. Whilst there is a steel container and partly roofed open-fronted storage building to the rear of the site these are unauthorised structures which will have a limited lifespan. These are also in a less prominent position than the proposed building. It is not considered that their replacements could be justified.

The applicant has advised that the building is required to ‘manage the stone yard, allow for potential clients to visit the yard and look at materials and manage the internet and telephone enquiries and sales along with the normal office storage requirements, Alongside of this storage is also required for the stone yard equipment and facility for the men on site loading/working on the stone.’

The applicants have also provided a list of the criminal activities they say that the premises have been subjected to between 1989 and 2010. The Local Planning Authority has been unable to substantiate the list as the police have only one record of a crime being reported to them in the period since 2006. Furthermore the applicants have failed to explain how they believe the construction of the new building will overcome these security issues, which mainly relate to the theft of stone and damage to vehicles, despite this being requested. The Architectural Liaison Officer could not support the application as despite problems relating to crime and security being promoted as a reason for the development this had not been discussed in the design and access statement and the proposals remained contrary to policy D4 of the RUDP.

It is considered that the evidence submitted in support of the “extra special circumstances” remains substantially the same as before and is therefore not sufficient to outweigh the substantial weight which must be attached to the harm to the Green Belt by reason of inappropriateness together with the additional harm to the openness of the Green Belt, the purposes of including land in Green Belts and the visual amenity of the area.

The reasons for refusal of the previous application and the dismissal of the appeal have not been overcome and the proposal remains contrary to the national guidance contained within PPG2 “Green Belts” and RUDP policy GB1.

Highway Safety

The existing site access from Derry Hill is substandard in terms of the visibility it affords, which is limited due to the width, slope and bend of the road. However, it is not felt that the proposed development would lead to a material intensification of the use of the site and therefore no significant detrimental impacts on highway safety are foreseen.

Local and residential amenity

The closest neighbouring dwelling is “Thorn Bank” to the south, the dwelling house being located approximately 12m from the shared boundary. The quarry is well screened from Thorn Bank by the rising topography and mature boundary trees and it is not considered that the proposed development would have a detrimental impact on local amenity or the residential amenity of the occupiers of this dwelling.

Design

The proposed development comprises a single storey stone building in two distinct sections with slate roofs, painted timber windows and Yorkshire boarding. The main section would provide a sales area, utility room/kitchen, file/storage room, rest room, tool store and two WC's. Attached to the western elevation a larger “extension” is proposed which would be set back from the main building with a higher ridge height. This is allocated for lorry parking. A large formal gravelled access, turning and loading area would replace the existing compacted earth surface and 3 customer parking spaces and 3 staff parking spaces would be provided.

The design of the office building is now less distinctly domestic in nature. The previous proposal had the appearance of a bungalow with an attached double garage, emphasised by elements such as a chimney stack, terrace, domestic scale windows and doors etc. This combined with the proposed materials would have resulted in a building that had the appearance of a dwelling and which could be easily converted. The local planning authority would find such a proposal difficult to resist under the provisions of policy GB4 of the RUDP. Whilst the revised scheme is more utilitarian in nature, for the reasons given above the application remains fundamentally unacceptable. Even if the issues of principle had been overcome, it is the opinion of officers that the proposal would remain contrary to policy GB2 of the RUDP as the proposed location is the most prominent part of the site, clearly visible from the road and a number of public viewpoints.

Community Safety Implications:

The application submission fails to give proper consideration to methods of providing greater site security.

Reasons for Refusal:

1. The proposal would be located in an area of Green Belt and would constitute inappropriate development which is, by definition, harmful to the Green Belt and the purposes of including the land in it - unless there are very special circumstances. The applicant has provided insufficient evidence to establish that there are very special circumstances which are clearly sufficient to outweigh the normal presumption against inappropriate development in the Green Belt. The proposal therefore fails to comply with the requirements of Policy GB1 of the Bradford Replacement Unitary Development Plan and guidance in PPG2 on "Green Belts".
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