

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

X

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.	66 - 68 Wrose Road Shipley BD18 1PB [Approve] (page 2)	Windhill And Wrose
2.	Asda Superstore Manor Lane Shipley BD18 3RY [Approve] (page 8)	Shipley
3.	Asda Superstore Manor Lane Shipley BD18 3RY [Approve] (page 19)	Shipley
4.	Former New Mill New Road Denholme [Approve] (page 30)	Bingley Rural
5.	Pennine Fibre Industries Limited Former New Mill New Road Denholme BD13 4DN [Approve] (page 39)	Bingley Rural
6.	Skelda House 4 Holme Grove Burley In Wharfedale Ilkley LS29 7QB [Approve] (page 48)	Wharfedale
7.	Land East Of Whitecroft Farm Otley Road High Eldwick Bingley BD16 3BA [Refuse] (page 53)	Bingley

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Portfolio:
Environment and Culture

Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

10/00458/VOC

11 May 2010



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ITEM NO. : 1

LOCATION:

**66 - 68 Wrose Road
Shipley**

11 May 2010

Item Number: 1
Ward: WINDHILL AND WROSE
Recommendation:
TO GRANT VARIATION OF CONDITION

Application Number:
10/00458/VOC

Type of Application/Proposal and Address:

Application to vary condition 3 of planning permission 07/08191/FUL to allow a hot food takeaway to open between 11-00am and 1-30 pm at 66-68, Wrose Road, Bradford.

Applicant:

Mr Abdul Sattar

Agent:

Belmont Design Services

Site Description:

Numbers 66 and 68, Wrose Road are two-storey, joined properties, with a tarmac apron to the front, bounded by concrete bollards and metal posts adjacent to a pavement and a lay-by. The properties are built of render with tile to the roofs and situated on the south side of Wrose Road, between its junctions with Oakdale Drive and Childs Lane. Together with a flat roofed, brick built launderette that is set back slightly from Wrose Road, the properties form a terrace of three, adjacent to Childs Lane, which is unmade. The lane lies adjacent to the launderette, separating it from 64, Wrose Road – a rendered bungalow - to the west. The north facing elevation of numbers 66 and 68 has a double-fronted front extension, which at the time of the site visit was covered with solid, blue shutters. To the rear of 68, there is a single storey, rendered extension with a monopitch roof, which is separated from the amenity area of the dwelling at 1, Oakdale Drive by a low, wooden fence that is partly trellis and partly solid. A flue protrudes through the roof at the rear.

Relevant Site History:

09/03652/VOC Application for the removal of condition 3 of planning permission
08/06713/FUL – Refused 6 October 2009
08/06713/FUL Single storey rear extension, internal alterations and new external door –
Approved 10 December 2008
08/05018/COU Change of use to sandwich takeaway – Refused 29 September 2008:
highway safety and impact in the street scene
07/08191/COU Change of use to hot food takeaway – Approved subject to a section 106
agreement 14 March 2008
07/03794/COU Change of use of two shops to a hot food takeaway – Refused 9 July 2007:
highway safety, bin storage, obtrusive flue, noise attenuation
88/06187/COU Change of use of first floor to residential – Approved 26 September 1988
86/06187/COU Change of use of bakery to hot food takeaway – Refused 17 November 1986
77/05/00287 Extension to confectioner's shop – Approved 20 March 1977

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

Wrose Local Centre (CR1A) national and local cycle network (TM10) design (D1) local impact of development (UR3) highway safety (TM19A)

Supplementary planning guidance: Policy for Cafes, Restaurants and Takeaways in Bradford District

Parish Council:

Wrose Parish Council – Object to the application on the grounds of increased nuisance, further loss of amenity due to increased traffic movements, more smells and fumes and the risk of more litter and disturbance.

Publicity and Number of Representations:

Advertised by site notice and neighbour notification letters. Expiry date 24 March 2010. Two representations received from ward councillors who both requested the application be determined by the Planning Panel if the application is recommended for approval.

Summary of Representations Received:

1. Non receipt of a neighbour notification letter
2. The size of the lay-by will encourage parking to take place down the side of the property causing parking problems for residents.
3. The smell is unacceptable to residents
4. Nothing has changed to allow the takeaway to open at lunchtime

Consultations:

Highways – Highway safety improvements have been carried out on Wrose Road and as part of these works a lay-by has been provided outside 66-68 Wrose Road. The lay-by has a 20 minute waiting restriction. The lay-by can be used by members of the public visiting any of the local businesses. The provision of this off street parking addresses the highway safety concerns previously raised.

Summary of Main Issues:

1. Effect of removal of condition 3 on highway safety and neighbouring amenity
2. Consideration of representations

Appraisal:

The application is for the variation of condition 3 of planning permission 07/08191/VOC at 66-68, Wrose Road, Bradford, to allow the property to open between 11-00 and 13-30. Planning policy for the development is outlined in policies CR1A, TM10, TM19A, D1 and UR3 of the Replacement Unitary Development Plan (RUDP) and the supplementary planning guidance relating to cafes, restaurants and hot food takeaways. Within this framework, the main planning considerations are the effects of varying condition 3, with regard to highway safety and neighbouring amenity. The points raised in the letters of representation will also be considered, insofar as they relate to the removal of the condition.

Highway safety

Condition 3 reads: "The premises the subject of this decision shall only be open for business between the hours of 18-00 and 23-00 and no customer shall be served or otherwise make use of the premises outside these hours". The condition was imposed to safeguard the amenity of nearby residents and to avoid vehicles parking on Wrose Road at times when parking restrictions are in place in the interests of highway safety.

In terms of highways and highway safety, there is a lay-by outside the premises, where waiting is limited to 20 minutes, with no return within two hours. The lay-by is for the use of local businesses. It is considered that this goes a long way towards meeting the concerns about highway safety that were raised as part of the previous approval, since vehicles parking in the bay are off the road and hence will not interfere with traffic flow.

It is also considered that the size of the premises and the increase in opening time is unlikely to generate many vehicle movements and thus the requested variation to condition 3 is not likely to lead to a substantial increase in on-street parking on Wrose Road.

Neighbouring amenity

With regard to neighbouring amenity, it is noted that consideration of the previous application (07/08191/FUL), resulted in the view that the proposal would not have an unacceptable impact on the amenities of surrounding residents.

In terms of the current application, neighbouring amenity could be affected by parking on neighbouring streets, such as Oakdale Drive. However, an additional two and a half hours of opening in the middle of the day is unlikely to generate substantial levels of traffic. Some traffic will park in the lay-by and any on-street parking in the neighbouring streets will be on public roads and for a limited time. It is not therefore considered that the extension of opening hours will lead to a further loss of amenity for existing residents.

Similarly, any cooking odours generated during the additional opening time will only occur for a temporary period and many such odours will be filtered through the flue in the roof.

With regard to noise and disturbance, this will take place against a daytime ambient noise level, which is higher than that during the period when the takeaway is already permitted to operate and any such noise, which will, in any case, be for a temporary period, will therefore not cause a detriment to neighbouring amenity.

All conditions attached to the previous grant of planning permission (07/08191/FUL) have been complied with and there is therefore no need to reiterate them on this application. Should a breach of planning control occur, enforcement action can be taken with regard to the previous conditions.

Consideration of representations

Concern has been raised that a resident living near the site did not receive a neighbour notification letter for this application. Planning department records, however, show that the resident was included in the list of persons to be notified and the application was also advertised by site notice.

It is not considered that that the application will lead to increased nuisance and further loss of amenity, or substantially more odour. The issue of litter can be dealt with by enforcing a previous planning condition – condition 2 of application 07/08191/FUL – that required provision of litter bins within the forecourt.

Community Safety Implications:

There are no implications for community safety.

Reason for Granting Planning Permission:

Varying condition 3 of planning application 07/08191/COU to allow additional opening time for the premises will not generate significantly more vehicle movements and the provision of a parking bay adjacent to the site has allayed concerns regarding highway safety. Any extra noise and disturbance caused by the extension of hours will take place against a higher ambient noise level than during the late evening when the premises are already authorised to open and the variation will therefore cause no detriment to highway safety, neighbouring amenity, or the national and local cycle network in accordance with policies CR1A, TM10, TM19A, D1 and UR3 of the Replacement Unitary Development Plan.

Conditions of Approval:

1. The premises the subject of this decision shall only be open for business between the hours of i) 11-00 and 13-30 and ii) 18-00 and 23-00 and no customer shall be served or otherwise make use of the premises outside these hours.

Reason: In order to safeguard the amenity of nearby residents and to accord with policies D1, TM19A and UR3 of the adopted Replacement Unitary Development Plan

Reason: For the avoidance of doubt as to the terms under which this planning permission is given.

2. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

3. Prior to the first use of the premises a management scheme detailing the provision of litter bins within the forecourt and for the disposal of rubbish from them shall be submitted to and approved in writing by the Local Planning Authority, these bins shall then be installed and managed in line with the approved details and thereafter retained as such unless otherwise agreed in writing.

Reason: To discourage littering by customers of the premises and to accord with policy UR3 of the Replacement Bradford Unitary Development Plan (2005).

4. Prior to the first use of the premises hereby approved the building shall be insulated against noise between the ground and first floor in accordance with a detailed scheme previously approved in writing by the Local Planning Authority and the approved measures shall be retained thereafter.

Reason: To protect the amenities of the residents of the flats above the takeaway and to accord with UR3 of the Replacement Bradford Unitary Development Plan (2005).

5. Prior to the first use of the premises a scheme showing details of the resurfacing of the forecourt and measures to prevent cars entering and leaving the forecourt shall be submitted to and approved in writing by the Local Planning Authority. The works to the forecourt shall then be carried out in accordance with the approved scheme and thereafter retained as such unless otherwise agreed.

Reason: To ensure a satisfactory appearance in the interests of visual amenity and to prevent cars from using the area for parking in the interests of highway safety and to accord with policies UR3 and TM19A of the Replacement Bradford Unitary Development Plan (2005).

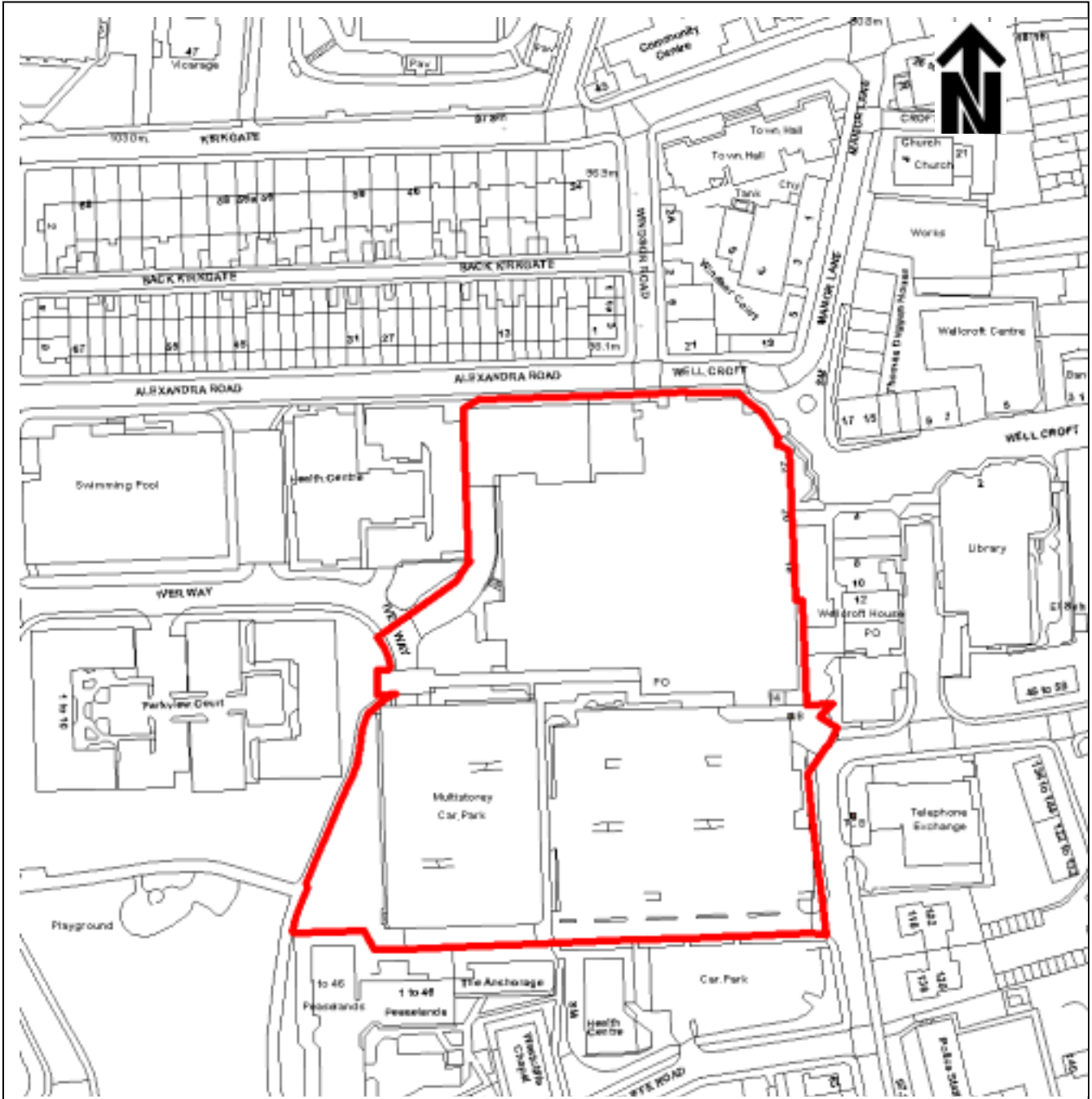
6. Prior to the first operation of the approved use, an off street car parking space for use by staff members working at the premises shall be provided within the application site at the rear of the premises using the existing dropped kerb from Oakdale Drive and this car parking space shall be kept clear of obstruction and available for such use whilst ever the hot food takeaway use continues.

Reason: To provide an off-street car parking space and reduce pressure for on street parking in the vicinity in the interests of traffic and pedestrian safety and to comply with policies TM2, TM11 and TM19A of the Replacement Bradford Unitary Development Plan (2005).

Area Planning Panel (Shipley)

09/01848/FUL

11 May 2010



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ITEM NO. : 2

LOCATION:

**Asda Superstore
Manor Lane
Shipley**

11 May 2010

Item Number: 2
Ward: SHIPLEY

Recommendation:
TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS A S106 LEGAL AGREEMENT

An application with two petitions: 1 against the proposed development and 1 in support of the development

Application Number:
09/01848/FUL

Type of Application/Proposal and Address:

A full application for the provision of (i) a mezzanine floor extension to store; (ii) formation of new additional access to store; and, (iii) increase in the hours of car parking use from 2 hours to 3 hours to the existing store at ASDA Stores Ltd, Manor Lane, Shipley

Applicant:
ASDA stores Limited

Agent:
Planning Potential Limited

Site Description:

Asda is a large superstore within the central shopping area of Shipley Town centre. The building dates from the early 1980s and is constructed from natural stone with a tiled roof in part, and the majority of the remaining flat roof screened by parapet walling. The surrounding area is a mix of commercial and residential uses. Directly to the south of the site is a large, part surface, part two storey car park which serves the supermarket. This car park is allocated as a public car park within the Replacement Unitary Development Plan.

Relevant Site History:

1. Application 09/01850/FUL (elsewhere on this agenda) is for the extension of the car parking deck to create 127 additional spaces.
2. Planning permission was granted in May 1983 (82/7/03287) for the Shipley Town Centre Scheme, which included a retail store, offices, shops, public library, hotel, sheltered housing, day centre, landscaping and car parking. Condition 4 of this permission states that the net retail floor space of the superstore must not exceed 45,000 square feet (4,180.5sqm).
3. Since the 1980s there have been several permissions/advertisement consents granted for various alterations to the premises.

Replacement Unitary Development Plan (RUDP):
Allocation

The existing store building – is located on a site within the primary/central shopping area of Shipley and is therefore allocated as appropriate for shopping/town centre uses
The car park adjacent to the existing store – is allocated as a public car park.

Policies

UDP1 – Promoting sustainable patterns of development
UDP6 - Continuing Vitality of Centres
UDP7 – Reducing the need to travel
UR2 – Promoting sustainable development
UR3 – The Local Impact of Development
UR6 – Planning Obligations and Conditions
CT5 – Primary Shopping Areas
CR1A – Retail Development within Centres
TM1 – Transport Assessment
TM2 – Impact of Traffic and its Mitigation
TM11 – Parking Standards for Non-residential Developments
TM14 – Public Car Parking in City and Town Centres
TM18 – Parking for People with Disabilities
TM19 – Cycle Parking
TM19A – Traffic Management and Road Safety
D1 – General Design Considerations
D3 – Access for People and Disabilities
D4 – Community Safety
D6 – Meeting the needs of Pedestrians
D7 – Meeting the needs of Cyclists

Parish Council:

Not applicable

Publicity and Number of Representations:

The application has been advertised by individual neighbour notifications and the display of site notices around the site.

Original application details - The statutory period of expiry of the publicity was 29 May 2009. A petition with 230 signatures against the application on the grounds that Asda's expansion is unacceptable because (i) the extra sales will be at the expense of local shops, (ii) that the extra store deliveries and parking spaces will increase local traffic congestion, noise and pollution, and (iii) that the new car parking tier will over dominate the frontage of the store has been received. A petition with 145 signatures in support of the application on the grounds that it would bring much needed jobs to the area has been received. 204 individual letters of objection and 1 letter of concern have also been received.

Revised details – the statutory period of expiry of the publicity for the revisions (amended store entrance and increase in the hours of free car parking use from 2 to 3 hours) is 7th May 2010. Any comments received will be orally reported to the planning panel.

Summary of Representations Received:

- Asda's commercial expansion will undermine Shipley town Centre as a vibrant retail centre for local residents
- The proposed extension of the ASDA car park will increase levels of traffic in Shipley Town Centre and adjacent approach roads at a time when the town already suffers from traffic congestion, pollution and noise nuisance
- The new car parking tier will dominate the store frontage and undermine the visual amenity of residents and shoppers

- Asda's expansion and added store delivery and car traffic will increase the greenhouse gas emissions that Asda is responsible for, undermining the fight to deal with climate change.
- Contrary to national planning guidelines and the RUDP policies TM1, TM2, TM11, TM16, TM19A, UR2 and UR3.
- Resulting traffic increase and congestion along Manor Lane and adjoining streets
- Detrimental effect on town centre retail shops
- Contrary to Planning policy Supplementary note 6
- Envisages a 23% increase in the overall space of Asda's operations and a 43.6% increase in the in-store sales space making it even more difficult for a number of independent speciality retailer to survive
- As Asda expands into the non-food sector other shops will come under greater pressure to survive
- Asda is becoming town within a town offering no meaningful choice to residents about where they shop
- The vitality of Shipley Town Centre as a place in which residents can shop among a vibrant array of independent retailers has been badly undermined by the presence of a dominant retailers
- The presence of a large supermarket of this scale in a relatively small residential town centre has attracted enormous and growing volumes
- The extra layer of car park will damage the visual amenity and appearance of Shipley
- Keeping small and medium sized shops are the only way to maintain long term competition and variety.
- Asda has turned Shipley into a ghost town

Consultations:

a) Urban Design Section – The proposal will increase the retail floor space of the ASDA store from 38498 sq ft to 54510 sq ft by the insertion of a mezzanine level. This is a substantial increase and many members of the local community are concerned at the impact this may have on the vibrancy of the rest of the town centre.

One of the positive aspects of the store is its sustainable location within the town centre. However it is situated right on the edge of the centre and feels rather peripheral to it. It certainly doesn't relate or engage with the centre as well as it could, in fact it turns its back on it. The expansion to the store offers the opportunity to address this – to open up the store more so that it feels a proper part of the town centre. The proposed expansion will in itself probably be larger than any other shop in the town centre. It is unacceptable that this can just be tacked on as an internal mezzanine level without any benefits to the wider town centre and the way it functions. With regard to ASDA there is an opportunity available to improve the way the store relates to the wider town centre. In particular it can improve the way it is orientated toward the street, it can minimise the amount of blank frontage and provide better pedestrian access to the centre

It is considered that the amended plans now address previous concerns subject to the new store entrance consisting of two sets of sliding doors. A condition should be attached to any permission granted to ensure that both doorways are left free from obstruction and remain open whenever the store is open. Monies are also being secured as part of any S106 agreement to ensure that external treatments around the store improve and animate the route between Asda and the town centre.

b) Airedale Partnership – the partnership is working with the Shipley Town Centre manager to re-invigorate Shipley Town Centre in the short to medium terms with the aims of: - attracting shoppers, visitors and businesses to the town centre; improving the public realm; improving access and connectivity within the town, and; improving people's perceptions of Shipley town centre.

A Town Centre Strategy and a Marketing action plan have been produced with these aims in mind.

Airedale partnership would support the re-design of the Wellcroft frontage of Asda to create a secondary store entrance, to improve connectivity and pedestrian flow to and from Asda through Wellcroft and the market square.

c) Economic Development Shipley Town Centre Manager – (writing on behalf of Shipley Business Watch) - the Asda location has become a hot spot for crime related incidents which has had a knock on effect for the smaller retailers operating within the town. Members are concerned that the increased footfall would attract a higher percentage of crime. There have also been incidents relating to boy racers/cruisers congregating in the Asda underground car park.

d) Highway Section - . This is a proposal by Asda Shipley for a new sales mezzanine floor and an additional 127 spaces on a raised car park. Two separate applications have been submitted for the mezzanine floor and the car park deck, but these are considered both together in this response, and an indication is given whether one will be acceptable without the other.

The increase in the size of the store to 8438sqm and the corresponding increase in car parking provision to 583 spaces are considered acceptable. Although the car parking provision of 585 in total is 32 spaces above the maximum level. However, as the store is within a town centre and the car park is available for short stay use for the whole town centre, the higher figure is acceptable and accords with local and national policy. Recommend that consideration is given to increasing the length of stay from 2 hours to 3 hours to give shoppers additional time for visiting the town centre.

Without the mezzanine floor, the existing car park as already established is operating over capacity at peak times and provision of any additional spaces would be acceptable. To operate at 85% efficiency the car park would need to accommodate 537 spaces (i.e. an additional 69 spaces over existing provision). As such if the mezzanine were not considered acceptable the car park deck (which provides 127 spaces) would need to be reduced to an appropriate level.

Cycle Parking is proposed to be increased for both customers and staff.

The travel plan is comprehensive and covers all areas expected for staff travel to the site.

e) Environment Agency – No objections

f) Highways Agency - No comments to make

g) Police Architectural Liaison Officer - No comments

Summary of Main Issues:

Principle
Design
Residential amenity
Highway safety
Community Safety Implications/Secure by Design
Heads of Terms of the S106 agreement
Comments regarding letters of representation

Appraisal:

1. This application relates to the construction of a mezzanine floor which will increase the retail floor space of the ASDA store from 38498 sq ft (3576 sq m) to 54510 sq ft (5064 sq m). The floor area will be split with 60% (3038 sq m.) convenience goods and 40% (2026 sq m.) comparison goods. In terms of gross floorspace the existing store will increase from 6826 sq m to 8438 sq m. It is proposed to provide 127 extra car parking spaces to serve the additional floorspace. These spaces are shown within application 09/01850/FUL which is linked to this application and is detailed elsewhere on this agenda.

2. Principle of development

Planning Policy Statement 4; Planning for Sustainable Economic Growth (PPS4) has been recently published (December 2009). This statement supersedes guidance contained in PPS6. PPS4 outlines the Government's key objective for town centres which is to promote their vitality and viability and encourage:

- New economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities; and,
- Competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups)

It is significant to note that in determining planning applications for retail development the specific policy test of need that was previously identified in PPS6 has now been removed.

3. Both PPS4 and Policy CR1A of the Replacement Unitary Development Plan identify a hierarchy of locations within which new retail development should be located. As the proposal lies entirely within the Primary Shopping Area of Shipley town centre it is considered to accord with PPS4 and Policy CR1A.

4. Further to the above statement, the retail and leisure report for the Bradford District, produced by White Young Green on behalf of the Council, identified a shortfall of approximately 2162sq.m (max.) additional convenience floor space in the town centre to meet requirements up to 2012. This shortfall rises to approximately 4079sq.m by 2022. In addition, it identifies a requirement for approximately 4100sq.m extra comparison floor space by 2012 and 11,400sq.m by 2022. The proposed mezzanine is slightly under 1600sq.m and therefore falls within the identified maximum need which will ensure that its overall impact of the additional floor space would be acceptable. On the basis of retail strategy, the application is considered acceptable.

5. Design

Policy D1 of the Replacement Unitary Development Plan states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposal should be well related to the existing character of the locality in terms of design, scale, massing height and materials.

6. In addition to Paragraph 34 of PPS1 states that design which *“fails to take the opportunities available to improve the character and quality of an area and the way it functions, should not be accepted”*. Further guidance on design specific to town centres is provided in ‘Planning for Town Centres: Guidance on Design and Implementation tools’. It states that development should:

- Normally be orientated so that it fronts the street;
- Maximise the amount of street frontage;
- Avoid designs which are inward looking and which present blank frontages;
- In edge of centre locations provide good pedestrian access to the centre.

7. Whilst the Retail and Leisure Study for the Bradford District recommended the provision of additional retail floorspace in Shipley Town Centre, the study by White Young Green did express concern in their report at the dominance of Asda. It considered that the Council should encourage the provision of a second supermarket in the centre; ideally at the other side of the market square to provide more competition, more choice and encourage more linked trips for the benefit of the town centre as a whole. Essentially, this would make the market square the focus of the town centre, instead of, as at present, Asda being the focus. It specifically pointed out that physical connections between the market square and Asda are poor. It further observed that one of the reasons for failure to secure adequate linked trips is the paucity of car parking in and around the market square. On the face of it, therefore, an expansion of Asda and the provision of 127 extra car parking spaces to support it (application 09/01850), is likely to exacerbate the issues identified in the White Young Green report. One simple way of addressing this, and at the same time improving the “inclusive design” of the town centre, could be by the provision of a new entrance into the store from Wellcroft.

8. Amended plans have now been received showing an additional access to the store from Wellcroft. This new access takes the opportunity available within this application to improve the way the ASDA store relates to the wider town centre. In particular it improves the way it is orientated toward the street, minimising (in a small way) the amount of blank frontage and providing better pedestrian access to the centre. Furthermore, along side the provision of a second entrance which will encourage a more active frontage to the store from Wellcroft, a S106 legal agreement has also been proposed as part of the application to ensure that works to improve the external area of the store, the Wellcroft area and facilities to better link the store with market Square/Shipley Town Centre can be provided. By creating a store which opens up and interacts better with the town centre this amended proposal helps to alleviate some of the local concerns regarding the impact the proposed extension will have on the centre.

9. Overall, it is considered that the insertion of a mezzanine floor and the alterations to create a second access to the store onto Wellcroft are acceptable and the resultant building will not be unduly visually dominate in the street scene over and above its existing appearance.

10. Residential Amenity

Policy D1 of the Replacement Unitary development Plan states that all development proposals should make a positive contribution to the environment and quality of life through high quality design and layout. It contains a number of criteria against which development proposals are assessed and includes, amongst others, the criterion that proposals should not harm the amenity of prospective or existing users and residents.

11. The nearest residential properties to the site are located in Manor Lane and Alexandra Road. It is considered that the insertion of a mezzanine floor will not create any undue detrimental impact in terms of the loss of amenities. Details of the impacts of car parking movements will be assessed in the report below under the highway section because in essence this application cannot be considered without the car parking scheme submitted under application 09/01850/FUL and the highways section below considers both applications.

12. Highway issues

Whilst two separate applications have been submitted for the mezzanine floor and the car park deck, these have been considered together from a highway perspective. Asda has stated that data from other stores that have installed mezzanine floors has indicated that increases in transactions are not directly proportional to increases in floor area. Increases in retail floor area permit a reorganisation and improvement of the existing sales area to allow better circulation for customers and a higher quality shopping environment. It also ensures that there is an increase in the range of goods displayed that will encourage existing customers to stay longer, thereby increasing the average spend per trip instead of the number of trips. Asda anticipates that there will not be a substantial or proportional increase in customer numbers as a result of the mezzanine floor, rather that the facilities on offer in the store are improved to compete successfully with other super stores.

13. Based on data from other stores, Asda predicts that a 25% increase in floor area will give rise to 4.5% increase in transactions. So for the Shipley store, with an increase in floor area of 43% would lead to 7.7% increase in transactions. Asda are also assuming that the number of transactions is directly proportional to the number of car trips to the store i.e. a 7.7% increase in transactions would lead to a 7.7% increase in car trips. It is difficult to predict accurately the likely effects of a mezzanine floor in terms of trip attraction and car parking demand. But Asda uses data from existing extended stores, for making these predictions and the assessments are therefore likely to be fairly robust. The RUDP maximum car parking standard for food retail is 1 space per 14sqm maximum, which allows up to 489 spaces for the existing store with 6846sqm ground floor area, so existing car parking provision of 456 spaces is well within this maximum figure. Asda is now proposing to increase the size of the store to 8438sqm and a corresponding increase in car parking provision to 583 spaces based on the same standard as the existing store.

14. The increased floor space would essentially be for non food retail and it is considered appropriate to use the car parking standard for non food retail for this, which is 1 space per 25sqm, and this would give an additional requirement of 64 spaces. The total parking requirement assuming full maximum allocation for existing store would therefore be $489 + 64 = 553$. The proposed car parking provision of 585 is therefore 32 spaces above this level. However, as the store is within a town centre and the car park is available for short stay use for the whole town centre, the higher figure is acceptable and accords with local and national policy. Increasing the length of stay from 2 hours to 3 hours to give shoppers additional time for visiting the town centre is encouraged and will help to facilitate linked shopping trips to the remainder of commercial premises in Shipley town Centre.

15. The maximum demand in the Asda car park occurred in Feb 2008 as indicated in the Transport Assessment, when 468 spaces were occupied out of 456 (103%). This indicates that as the car park is already operating over capacity at peak times any increase in floor area without an increase in car parking would be unacceptable. Assuming 7.7% increase in car trips and maximum car parking demand of 468, the additional parking demand associated with the mezzanine floor would be in the order of 36 spaces at peak times, resulting in a total demand of 504 out of 585 proposed spaces (86% occupancy). This indicates the proposed car park would operate efficiently. Without the mezzanine floor, the existing car park as already established is operating over capacity at peak times and provision of any additional spaces would be acceptable. To operate at 85% efficiency the car park would need to accommodate 537 spaces i.e. an additional 69 spaces over existing provision. The proposed car park deck provides 127 spaces so this would need to be reduced to an appropriate level.

16. There in summary, it is considered that the details contained within the Transport Assessment are satisfactory. Adequate pedestrian access is available to the store from surrounding residential areas, public transport facilities are already well established, and cycle parking is proposed to be increased for both customers and staff. The Travel Plan is also considered acceptable. Members should note however that although this application for a mezzanine floor and the application 09/01850 for the provision of a car parking deck with 127 additional spaces are two separate applications, technically they should be linked as one if one application fails, the other application would not be considered acceptable i.e. if the car park application (09/01850) was considered unacceptable and refused, the mezzanine floor space would then not be acceptable as there would be a deficiency in car parking spaces to support an increased floor space for the store.

17. With regard to the impacts of the proposed car parking on the surrounding environment, it is considered that additional car parking movements will not unduly erode the established amenities of the surrounding properties by reason of adverse noise and disturbance over and above that which already exists.

18. Community Safety Implications

Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime.

19. The West Yorkshire Police Architectural Liaison Officer has not objected to the principle of the development. Further details are required by the submission of a lighting schedule of the new car parking area to ensure that there are no dark spots or concealed areas being created. This aspect of the proposals will be dealt with under application 09/01850/FUL which is elsewhere on this agenda. Various issues have also been raised by Shipley Business Watch members in conjunction with the Shipley Neighbourhood Policing Team. One particular issue relates to congregation of persons in the existing Asda underground car park and how this could be controlled within the new scheme. It is considered appropriate to ensure that all these issues are effectively dealt with in the detailed design of the car parking elements of the scheme and as such an appropriate condition is recommended to be attached to any planning permission granted.

20. Heads of Terms of S106 legal agreement/Use of conditions

Firstly, in order to sustain the vitality and viability of the Town Centre, secondly, due to the fact that the current Asda store is currently designed facing away from the town centre and finally due to the way in which this application has been submitted separately from the proposed car parking scheme (09/018500, it is considered appropriate and in line with policy UR6 of the Replacement Unitary Development Plan that the developer should enter into a Section 106 to address the following issues:–

- an increase in the amount of free car parking from 2 hours to 3 hours
- payment of £30,000 to fund measures to animate and create an interesting street scape in the area between the store and the market square
- linking of this application 09/01848/FUL for the provision of a mezzanine floor space to that of application 09/01850/FUL for the provision of a car parking deck whereby the mezzanine floor space cannot be used without the provision of the car parking shown in application 09/01850/FUL.

21. Comments on the representations made

The majority of issues raised in the letters of representation have been addressed in the above report. Planning policy allows for the expansion of this town centre store. In order to provide the best linkages possible from the store to the remainder of the town centre in order to reduce any undue impacts, amended plans have been submitted to provide an access to/from the store directly onto Wellcroft and a sum of money has been obtained to help provide an more active, animated area between the store and the market square. An increase in the amount of free hours of car park use (from 2-3 hours) will also ensure that visitors to Shipley Town Centre have time to link any trip they make to benefit all business in the Town Centre. Car parking provision is in line with established government policy but with the more attractive links proposed within this application (i.e. animated street area and additional store entrance onto Wellcroft) more use of the public transport hubs for both bus and train which are located to the north west of the application site may result.

Reason for Granting Planning Permission:

The proposal for the insertion of a mezzanine within the existing store, when linked via a S106 legal agreement with application 09/01850/FUL for the provision of 127 car parking spaces, is considered to be acceptable in principle and would relate satisfactorily to the character of the surrounding area and would have no undue adverse impact on residential amenities or highway safety. As such, the proposal is considered to be in accordance with policies UR2, UR3, UR6, CR1A, TM1, TM2, TM11, TM19A and D1 of the Replacement Unitary Development Plan.

Permission is recommended subject to the following conditions and S106 legal agreement:

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.
Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).
2. The development hereby approved shall only be carried out in accordance with the amended plans ***.
Reason: for the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

3. Prior to construction commencing, a schedule of the means of access to the site for demolition/construction traffic shall be submitted to and approved in writing by the LPA. The schedule shall include the point of access for demolition/construction traffic, details of the times of use of the access, the routing of demolition/construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the LPA, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
Reason: To ensure the provision of proper site construction facilities in the interests of highways safety and amenity of the surrounding environment and its occupants and to accord with policy UR3 of the Replacement Unitary Development Plan.
4. The development hereby permitted shall not exceed 8,438 sq m gross floorspace and 5064 sq m sales area. No more than 2026 sq m of this floor space shall be used for the sale of comparison goods.
5. The mezzanine shall not open for trade until the Travel Plan measures for employees which have been submitted with this application have been put into place. The measures and arrangements in the approved Travel plan shall be operated by the developer whilst the development is in use.
Reason: to promote sustainable travel measures, to accord with planning policy guidance note 13 and policy TM1 of the Replacement Unitary Development Plan.
6. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the development shall be constructed in the approved materials.
Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with policies UR3 and D1 of the Replacement Unitary development Plan.
7. The new store entrance hereby permitted shall be fully completed prior to the use of any of the mezzanine floor space. This door shall remain whilst ever the mezzanine floor space subsists. It shall remain fully operational during the opening hours of the store to allow entrance/exit to/from the store to/from Wellcroft.
Reason: In the interests of securing pedestrian linkages to the Town Centre and to accord with planning Policy Statement no. 1 and policy D1 of the Replacement Unitary Development Plan.

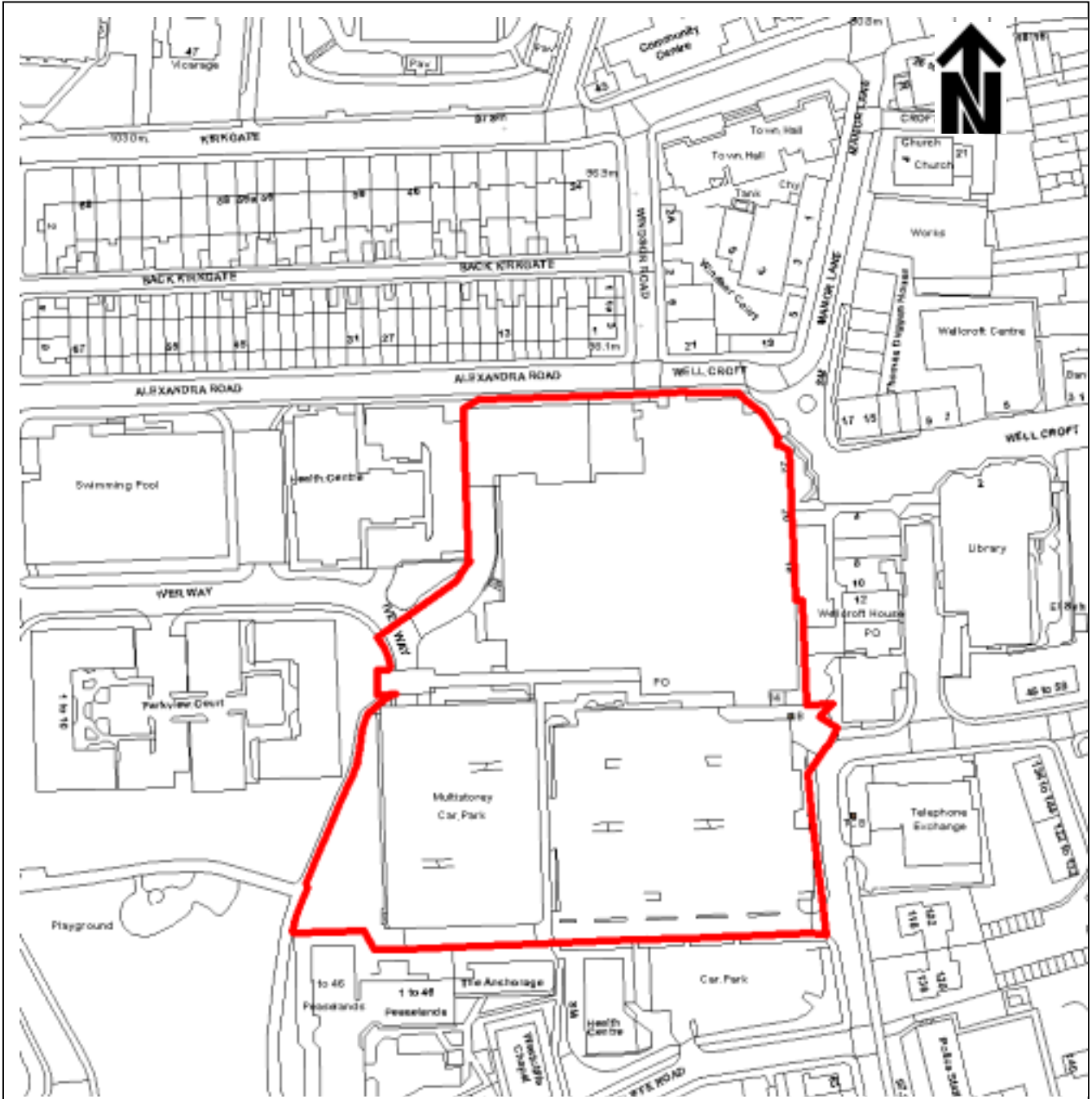
Heads of Terms of the S106 legal agreement:

- That this application is only implemented in conjunction with application 09/01850/FUL
 - That £30,000 is to be spent on works between the store and Wellcroft leading down the market square to provide better, more animated linkages between the store and the remainder to the town centre.
 - That the 'free' car parking which already exists along with the car parking proposed within related application 09/01850/FUL shall be increased from 2-3 hours
-

Area Planning Panel (Shipley)

09/01850/FUL

11 May 2010



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ITEM NO. : 3

LOCATION:

**Asda Superstore
Manor Lane
Shipley**

11 May 2010

Item Number: 3
Ward: SHIPLEY

Recommendation:
TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS A S106 LEGAL AGREEMENT

An application with two petitions: 1 against the proposed development and 1 in support of the development

Application Number:
09/01850/FUL

Type of Application/Proposal and Address:

A full application for the extension of the car parking deck to create 127 additional spaces and an increase in the hours of car parking use from 2 hours to 3 hours to the existing store at ASDA Stores Ltd, Manor Lane, Shipley

Applicant:
ASDA stores Limited

Agent:
Planning Potential Limited

Site Description:

Asda is a large superstore within the central shopping area of Shipley Town centre. The building dates from the early 1980s and is constructed from natural stone with a tiled roof in part, and the majority of the remaining flat roof screened by parapet walling. The surrounding area is a mix of commercial and residential uses. Directly to the south of the site is a large, part surface, part two storey car park which serves the supermarket. This car park is allocated as a public car park within the Replacement Unitary Development Plan.

Relevant Site History:

1. Application 09/01848/FUL (elsewhere on this agenda) is for the provision of (i) a mezzanine floor extension to store; (ii) formation of new additional access to store; and, (iii) increase in the hours of car parking use from 2 hours to 3 hours to the existing store.
2. Planning permission was granted in May 1983 (82/7/03287) for the Shipley Town Centre Scheme, which included a retail store, offices, shops, public library, hotel, sheltered housing, day centre, landscaping and car parking. Condition 4 of this permission states that the net retail floor space of the superstore must not exceed 45,000 square feet (4,180.5sqm).
3. Since the 1980s there have been several permissions/advertisement consents granted for various alterations to the premises.

Replacement Unitary Development Plan (RUDP):

Allocation

The existing store building – is located on a site within the primary/central shopping area of Shipley and is therefore allocated as appropriate for shopping/town centre uses

The car park adjacent to the existing store – is allocated as a public car park

Policies

UDP1 – Promoting sustainable patterns of development

UDP6 - Continuing Vitality of Centres

UDP7 – Reducing the need to travel

UR2 – Promoting sustainable development

UR3 – The Local Impact of Development

UR6 – Planning Obligations and Conditions

CT5 – Primary Shopping Areas

CR1A – Retail Development within Centres

TM1 – Transport Assessment

TM2 – Impact of Traffic and its Mitigation

TM11 – Parking Standards for Non-residential Developments

TM14 – Public car parking in City and Town Centres

TM18 – Parking for People with Disabilities

TM19 – Cycle Parking

TM19A – Traffic Management and Road Safety

D1 – General Design Considerations

D3 – Access for People and Disabilities

D4 – Community Safety

D6 – Meeting the needs of Pedestrians

D7 – Meeting the needs of Cyclists

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application has been advertised by individual neighbour notifications and the display of site notices around the site. It should be noted that most of the letters of representation which have been received relate to both applications currently on the site (09/01848/FUL for the mezzanine extension and this application for the car deck parking) and as such have been summarised in both applications.

Original application details - The statutory period of expiry of the publicity was 29 May 2009. A petition with 230 signatures against the application on the grounds that ASDA's expansion is unacceptable because (i) the extra sales will be at the expense of local shops, (ii) that the extra store deliveries and parking spaces will increase local traffic congestion, noise and pollution, and (iii) that the new car parking tier will over dominate the frontage of the store has been received. A petition with 145 signatures in support of the application on the grounds that it would bring much needed jobs to the area has been received. 204 individual letters of objection and 1 letter of concern have also been received.

Revised details – the statutory period of expiry of the publicity for the revisions (amended store entrance and increase in the hours of free car parking use from 2 to 3 hours) is 7 May 2010. Any comments received will be orally reported to the planning panel.

Summary of Representations Received:

- ASDA's commercial expansion will undermine Shipley town Centre as a vibrant retail centre for local residents
- The proposed extension of the ASDA car park will increase levels of traffic in Shipley Town Centre and adjacent approach roads at a time when the town already suffers from traffic congestion, pollution and noise nuisance
- The new car parking tier will dominate the store frontage and undermine the visual amenity of residents and shoppers
- ASDA's expansion and added store delivery and car traffic will increase the greenhouse gas emissions that ASDA is responsible for, undermining the fight to deal with climate change.
- Contrary to national planning guidelines and the RUDP policies TM1, TM2, TM11, TM16, TM19A, UR2 and UR3.
- Resulting traffic increase and congestion along Manor Lane and adjoining streets
- Detrimental effect on town centre retail shops
- Contrary to Planning Policy Supplementary note 6
- Envisages a 23% increase in the overall space of Asda's operations and a 43.6% increase in the in-store sales space making it even more difficult for a number of independent speciality retailer to survive
- As Asda expands into the non-food sector other shops will come under greater pressure to survive
- Asda is becoming town within a town offering no meaningful choice to residents about where they shop
- The vitality of Shipley Town Centre as a place in which residents can shop among a vibrant array of independent retailers has been badly undermined by the presence of a dominant retailers
- The presence of a large supermarket of this scale in a relatively small residential town centre has attracted enormous and growing volumes
- The extra layer of car park will damage the visual amenity and appearance of Shipley
- Keeping small and medium sized shops are the only way to maintain long term competition and variety.
- Asda has turned Shipley into a ghost town

Consultations:

a) Airedale Partnership – the partnership is working with the Shipley Town Centre manager to re-invigorate Shipley Town Centre in the short to medium terms with the aims of:- attracting shoppers, visitors and businesses to the town centre; improving the public realm; improving access and connectivity within the town, and; improving people's perceptions of Shipley town centre. A Town Centre Strategy and a Marketing action plan have been produced with these aims in mind. Airedale partnership would support the re-design of the Wellcroft frontage of Asda to create a secondary store entrance, to improve connectivity and pedestrian flow to and from Asda through Wellcroft and the market square.

b) Economic Development Shipley Town Centre Manager – (writing on behalf of Shipley Business Watch) - the Asda location has become a hot spot for crime related incidents which has had a knock on effect for the smaller retailers operating within the town. Members are concerned that the increased footfall would attract a higher percentage of crime. There have also been incidents relating to boy racers/cruisers congregating in the Asda underground car park.

c) Highway Section - . This is a proposal by Asda Shipley for a new sales mezzanine floor and an additional 127 spaces on a raised car park. Two separate applications have been submitted for the mezzanine floor and the car park deck, but these are considered both together in this response, and an indication is given whether one will be acceptable without the other.

The increase in the size of the store to 8438sqm and the corresponding increase in car parking provision to 583 spaces is considered acceptable. Although the car parking provision of 585 in total is 32 spaces above the maximum level. However, as the store is within a town centre and the car park is available for short stay use for the whole town centre, the higher figure is acceptable and accords with local and national policy. Recommend that consideration is given to increasing the length of stay from 2 hours to 3 hours to give shoppers additional time for visiting the town centre.

Without the mezzanine floor, the existing car park as already established is operating over capacity at peak times and provision of any additional spaces would be acceptable. To operate at 85% efficiency the car park would need to accommodate 537 spaces (i.e an additional 69 spaces over existing provision). As such if the mezzanine were not considered acceptable the car park deck (which provides 127 spaces) would need to be reduced to an appropriate level.

Cycle Parking is proposed to be increased for both customers and staff.
The travel plan is comprehensive and covers all areas expected for staff travel to the site.

e) Environment Agency – No objections

f) Highways Agency - No comments to make

g) Police Architectural Liaison Officer - No objections in principle subject to submission of a lighting schedule to ensure that there are no dark spots or concealed areas within the car park being created.

Summary of Main Issues:

Principle
Design
Residential amenity
Highway safety
Community Safety Implications/Secure by Design
Heads of Terms of the S106 agreement
Comments regarding letters of representation

Appraisal:

1. This application relates to the provision of 127 car parking spaces the formation of a car parking deck above the existing surface car park in front of the existing Asda store. Although the construction of a mezzanine floor which will increase the retail floorspace of the ASDA store from 38498 sq ft (3576 sq m) to 54510 sq ft (5064 sq m) is the subject of a separate application on this agenda (09/01848/FUL) it is considered necessary to determine both applications together as one is not acceptable without the other. The floor area will be split with 60% (3038 sq m.) convenience goods and 40% (2026 sq m.) comparison goods. In terms of gross floorspace the existing store will increase from 6826 sq m to 8438 sq m. It is proposed to provide the 127 extra car parking spaces to serve this additional floorspace.

2. Principle of development

Planning Policy Statement 4; Planning for Sustainable Economic Growth (PPS4) has been recently published (December 2009). This statement supersedes guidance contained in PPS6. PPS4 outlines the Government's key objective for town centres which is to promote their vitality and viability and encourage:

- New economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities; and,
- Competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups)

It is significant to note that in determining planning applications for retail development the specific policy test of need that was previously identified in PPS6 has now been removed.

3. Both PPS4 and Policy CR1A of the Replacement Unitary Development Plan identifies a hierarchy of locations within which new retail development should be located. As the proposal lies entirely within the Primary Shopping Area of Shipley town centre it is considered to accord with PPS4 and Policy CR1A.

4. Further to the above statement, the retail and leisure report for the Bradford District, produced by White Young Green on behalf of the Council, identified a shortfall of approximately 2162sq.m (max.) additional convenience floorspace in the town centre to meet requirements up to 2012. This shortfall rises to approximately 4079sq.m by 2022. In addition, it identifies a requirement for approximately 4100sq.m extra comparison floorspace by 2012 and 11,400sq.m by 2022. The proposed mezzanine is slightly under 1600sq.m and therefore falls within the identified maximum need which will ensure that its overall impact of the additional floorspace would be acceptable. On the basis of retail strategy, the application is considered acceptable.

5. Design

Policy D1 of the Replacement Unitary Development Plan states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposal should be well related to the existing character of the locality in terms of design, scale, massing height and materials.

6. In addition to Paragraph 34 of PPS1 states that design which “*fails to take the opportunities available to improve the character and quality of an area and the way it functions, should not be accepted*”. Further guidance on design specific to town centres is provided in ‘Planning for Town Centres: Guidance on Design and Implementation tools’. It states that development should:

- Normally be orientated so that it fronts the street;
- Maximise the amount of street frontage;
- Avoid designs which are inward looking and which present blank frontages;
- In edge of centre locations provide good pedestrian access to the centre.

7. Whilst the Retail and Leisure Study for the Bradford District recommended the provision of additional retail floorspace in Shipley Town Centre, the study by White Young Green did express concern in their report at the dominance of Asda. It considered that the Council should encourage the provision of a second supermarket in the centre, ideally at the other side of the market square to provide more competition, more choice and encourage more linked trips for the benefit of the town centre as a whole. Essentially, this would make the market square the focus of the town centre, instead of, as at present, Asda being the focus. It specifically pointed out that physical connections between the market square and Asda are poor. It further observed that one of the reasons for failure to secure adequate linked trips is the paucity of car parking in and around the market square. On the face of it, therefore, an expansion of Asda and the provision of 127 extra car parking spaces to support it (application 09/01850), is likely to exacerbate the issues identified in the White Young Green report. One simple way of addressing this, and at the same time improving the “inclusive design” of the town centre, could be by the provision of a new entrance into the store from Wellcroft.

8. Amended plans have now been received showing an additional access to the store from Wellcroft. This new access takes the opportunity available within this application to improve the way the ASDA store relates to the wider town centre. In particular it improves the way it is orientated toward the street, minimising (in a small way) the amount of blank frontage and providing better pedestrian access to the centre. Furthermore, along side the provision of a second entrance which will encourage a more active frontage to the store from Wellcroft, a S106 legal agreement has also been proposed as part of the application to ensure that works to improve the external area of the store, the Wellcroft area and facilities to better link the store with market Square/Shipley Town Centre can be provided. By creating a store which opens up and interacts better with the town centre this amended proposal helps to alleviate some of the local concerns regarding the impact the proposed extension will have on the centre.

9. Overall, it is considered that the provision of 127 spaces in the formation of a car parking deck adjacent to the existing car parking deck to support the floorspace created by the insertion of a mezzanine floor is acceptable. Indeed, it is considered that the resultant car parking structure would not be unduly visually dominant in the street scene and will create a structure which is considered appropriate in this town centre, urban location.

10. Residential Amenity

Policy D1 of the Replacement Unitary development Plan states that all development proposals should make a positive contribution to the environment and quality of life through high quality design and layout. It contains a number of criteria against which development proposals are assessed and includes, amongst others, the criterion that proposals should not harm the amenity of prospective or existing users and residents.

11. The nearest residential proposers to the site are located in Manor Lane and Alexandra Road. It is considered that the provision of a car parking deck in the manner proposed will not create any undue detrimental impact in terms of the loss of amenities, loss of privacy nor would it create any adverse overlooking. The impact of additional car parking movements is considered acceptable in this town centre location and will not erode established amenities.

12. Highway issues

Whilst two separate applications have been submitted for the mezzanine floor and the car park deck, these have been considered together from a highway perspective. Asda has stated that data from other stores that have installed mezzanine floors has indicated that increases in transactions are not directly proportional to increases in floor area. Increases in retail floor area permit a reorganisation and improvement of the existing sales area to allow better circulation for customers and a higher quality shopping environment. It also ensures that there is an increase in the range of goods displayed that will encourage existing customers to stay longer, thereby increasing the average spend per trip instead of the number of trips. Asda anticipates that there will not be a substantial or proportional increase in customer numbers as a result of the mezzanine floor, rather that the facilities on offer in the store are improved to compete successfully with other super stores.

13. Based on data from other stores, Asda predicts that a 25% increase in floor area will give rise to 4.5% increase in transactions. So for the Shipley store, with an increase in floor area of 43% would lead to 7.7% increase in transactions. Asda are also assuming that the number of transactions is directly proportional to the number of car trips to the store i.e. a 7.7% increase in transactions would lead to a 7.7% increase in car trips. It is difficult to predict accurately the likely effects of a mezzanine floor in terms of trip attraction and car parking demand. But Asda uses data from existing extended stores, for making these predictions and the assessments are therefore likely to be fairly robust. The RUDP maximum car parking standard for food retail is 1 space per 14sqm maximum, which allows up to 489 spaces for the existing store with 6846sqm ground floor area, so existing car parking provision of 456 spaces is well within this maximum figure. Asda is now proposing to increase the size of the store to 8438sqm and a corresponding increase in car parking provision to 583 spaces based on the same standard as the existing store.

14. The increased floor space would essentially be for non food retail and it is considered appropriate to use the car parking standard for non food retail for this, which is 1 space per 25sqm, and this would give an additional requirement of 64 spaces. The total parking requirement assuming full maximum allocation for existing store would therefore be $489 + 64 = 553$. The proposed car parking provision of 585 is therefore 32 spaces above this level. However, as the store is within a town centre and the car park is available for short stay use for the whole town centre, the higher figure is acceptable and accords with local and national policy. Increasing the length of stay from 2 hours to 3 hours to give shoppers additional time for visiting the town centre is encouraged and will help to facilitate linked shopping trips to the remainder of commercial premises in Shipley town Centre.

15. The maximum demand in the Asda car park occurred in Feb 2008 as indicated in the Transport Assessment, when 468 spaces were occupied out of 456 (103%). This indicates that as the car park is already operating over capacity at peak times any increase in floor area without an increase in car parking would be unacceptable. Assuming 7.7% increase in car trips and maximum car parking demand of 468, the additional parking demand associated with the mezzanine floor would be in the order of 36 spaces at peak times, resulting in a total demand of 504 out of 585 proposed spaces (86% occupancy). This indicates the proposed car park would operate efficiently. Without the mezzanine floor, the existing car park as already established is operating over capacity at peak times and provision of any additional spaces would be acceptable. To operate at 85% efficiency the car park would need to accommodate 537 spaces i.e. an additional 69 spaces over existing provision. The proposed car park deck provides 127 spaces so this would need to be reduced to an appropriate level.

16. There in summary, it is considered that the details contained within the Transport Assessment are satisfactory. Adequate pedestrian access is available to the store from surrounding residential areas, public transport facilities are already well established, and cycle parking is proposed to be increased for both customers and staff. The Travel Plan is also considered acceptable. Members should note however that although this application for a mezzanine floor and the application 09/01850 for the provision of a car parking deck with 127 additional spaces are two separate applications, technically they should be linked as one if one application fails, the other application would not be considered acceptable i.e if the car park application (09/01850) was considered unacceptable and refused, the mezzanine floorspace would then not be acceptable as there would be a deficiency in car parking spaces to support an increased floorspace for the store.

17. Community Safety Implications

Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime.

18. The West Yorkshire Police Architectural Liaison Officer has not objected to the principle of the development. Further details are required by the submission of a lighting schedule of the new car parking area to ensure that there are no dark spots or concealed areas being created. This aspect of the proposals will be dealt with under application 09/01850/FUL which is elsewhere on this agenda. Various issues have also been raised by Shipley Business Watch members in conjunction with the Shipley Neighbourhood Policing Team. One particular issue relates to congregation of persons in the existing Asda underground car park and how this could be controlled within the new scheme. It is considered appropriate to ensure that all these issues are effectively dealt with in the detailed design of the car parking elements of the scheme and as such an appropriate condition is recommended to be attached to any planning permission granted.

19. Heads of Terms of S106 legal agreement/Use of conditions

Firstly, in order to sustain the vitality and viably of the Town Centre, secondly, due to the fact that the current Asda store is currently designed facing away from the town centre and finally due to the way in which this application has been submitted separately from the proposed car parking scheme (09/018500, it is considered appropriate and in line with policy UR6 of the Replacement Unitary Development Plan that the developer should enter into a Section 106 to address the following issues:—

- an increase in the amount of free car parking from 2 hours to 3 hours
- payment of £30,000 to fund measures to animate and create an interesting street scape in the area between the store and the market square
- linking of this application 09/01848/FUL for the provision of a mezzanine floorspace to that of application 09/01850/FUL for the provision of a car parking deck whereby the mezzanine floorspace cannot be used without the provision of the car parking shown in application 09/01850/FUL.

20. Comments on the representations made

The majority of issues raised in the letters of representation have been addressed in the above report. Planning policy allows for the expansion of this town centre store. In order to provide the best linkages possible from the store to the remainder of the town centre in order to reduce any undue impacts, amended plans have been submitted to provide an access to/from the store directly onto Wellcroft and a sum of money has been obtained to help provide a more active, animated area between the store and the market square. An increase in the amount of free hours of car park use (from 2-3 hours) will also ensure that visitors to Shipley Town Centre have time to link any trip they make to benefit all business in the Town Centre. Car parking provision is in line with established government policy but with the more attractive links proposed within this application (i.e. animated street area and additional store entrance onto Wellcroft) more use of the public transport hubs for both bus and train which are located to the north west of the application site may result.

Reason for Granting Planning Permission:

The proposal for the creation of a car parking deck with 127 car parking spaces, when linked via a S106 legal agreement with application 09/01848/FUL for the insertion of a mezzanine floor, is considered to be acceptable in principle and would relate satisfactorily to the character of the surrounding area and would have no undue adverse impact on residential amenities or highway safety. As such, the proposal is considered to be in accordance with policies UR2, UR3, UR6, CR1A, TM1, TM2, TM11, TM19A and D1 of the Replacement Unitary Development Plan.

Permission is recommended subject to the following conditions and S106 legal agreement:

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: to accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall only be carried out in accordance with the amended plans ***.

Reason: for the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

3. Prior to construction commencing, a schedule of the means of access to the site for demolition/construction traffic shall be submitted to and approved in writing by the LPA. The schedule shall include the point of access for demolition/construction traffic, details of the times of use of the access, the routing of demolition/construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the LPA, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: To ensure the provision of proper site construction facilities in the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with policy UR3 of the Replacement Unitary Development Plan.

4. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor

Reason: To ensure proper drainage of the site and in the interests of pollution prevention and to accord with policy UR3 of the Replacement Unitary Development Plan

5. A management plan detailing the security measures, which shall include a proposed lighting schedule, for the car parking areas to be created shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be implemented prior to the use of the car parking spaces.

Reason: To ensure the car parking areas created are designed in accord with secure by design principle and to accord with policy D4 of the Replacement Unitary Development Plan.

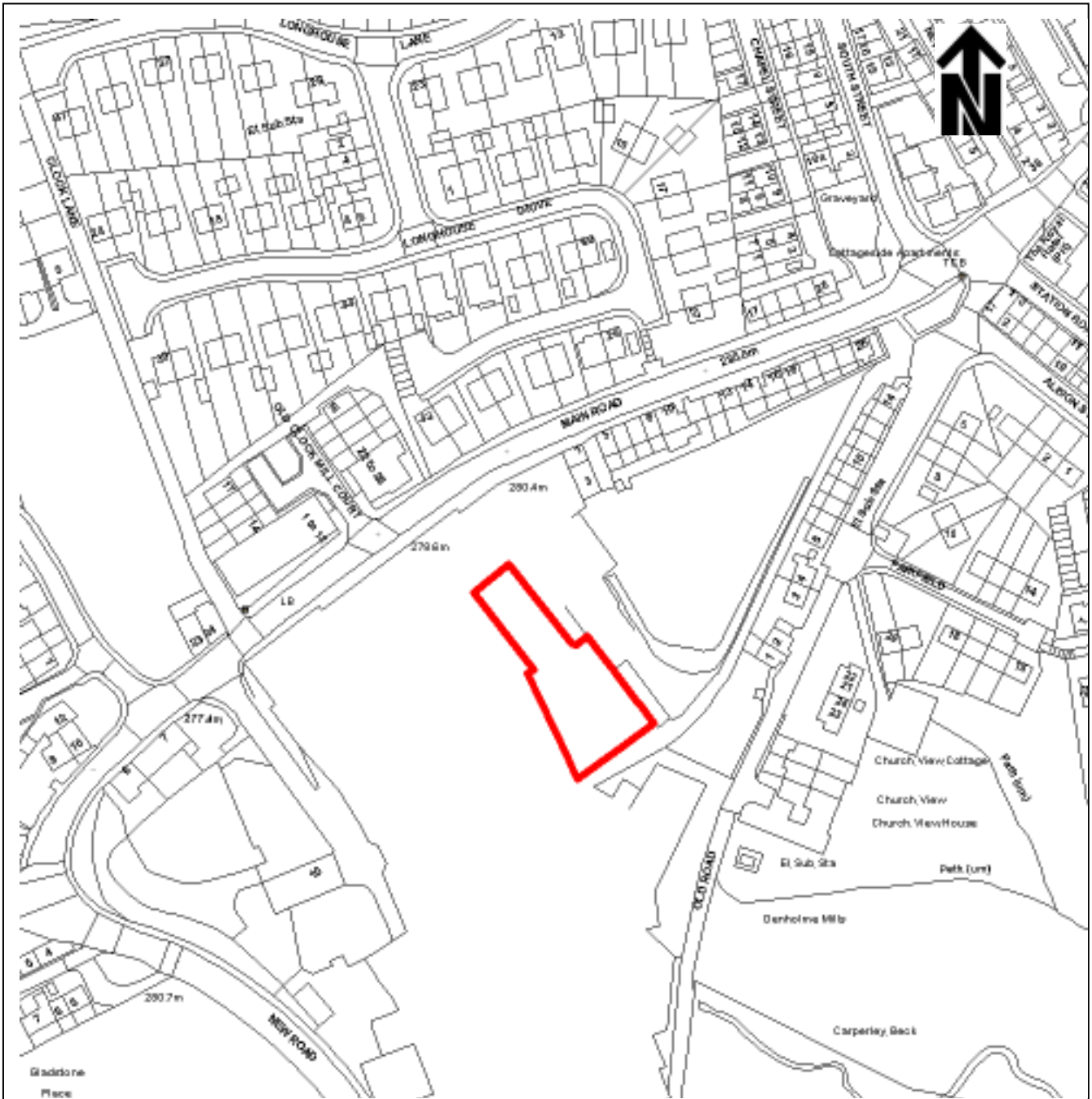
Heads of Terms of the S106 legal agreement:

- That this application is only implemented in conjunction with application 09/01850/FUL
 - That £30,000 is to be spent on works between the store and Wellcroft leading down the market square to provide better, more animated lineages between the store and the remainder to the town centre.
 - That the 'free' car parking which already exists along with the car parking proposed within related application 09/01850/FUL shall be increased from 2-3 hours
-

Area Planning Panel (Shipley)

10/00781/REM

11 May 2010



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LOCATION:

**Former New Mill
New Road
Denholme**

ITEM NO. : 4

11 May 2010

Item Number: 4
Ward: BINGLEY RURAL
Recommendation:
TO APPROVE RESERVED MATTERS SUBJECT TO CONDITIONS

Application Number:
10/00781/REM

Type of Application/Proposal and Address:

A reserved matters application for the construction of residential development (on 0.4 hectares) on the former industrial site at Pennine Fibre Industries Limited, New Mill, New Road, Denholme. Matters to be considered are appearance, landscaping, layout and scale pursuant to outline planning permissions 07/05830/OUT.

Applicant:

Mr Neil Morton, Nathaniel Lichfield and Partners

Agent:

Commercial Estates Projects Partnerships Ltd

Site Description:

A large former industrial site extending to approximately 0.4 hectares of land located on the southern edge of Denholme. The site forms part of a much larger parcel of land and it is considered appropriate that this smaller parcel of land should be determined in a comprehensive manner as part of a larger 2.9 hectares site (submitted under application 10/00739/MAR which is elsewhere on this agenda). As such, the remainder of this report details the comprehensive redevelopment of both parcels of land and not just this particular development site. The land is below road level with extensive retaining walls to the roadside in places and is prominent in views from elevated ground to the south on the approach to Denholme and from the rural landscape to the south west. There is a big difference in levels between the northern and southern boundaries of the total site.

The site has been vacant for several years and is currently vacant after having all the buildings on it demolished. Access is currently available from two points from the A629. A public footpath, designated Denholme 79 and part of the Millennium Way Circular Walk, is situated immediately outside the southern boundary. The site abuts the landscape character area of Thornton and Queensbury and the surrounding landscape comprises both mixed upland pasture and upland pasture landscape setting.

On either side of the site's road frontage there are dwellings, to the rear of which are commercial businesses. Facing the site across Main road are residential properties.

Relevant Site History:

1. Outline application 07/05839/OUT was granted permission for construction of residential development (approx 0.4 hectare).

2. Outline application 06/09190/OUT was granted permission for a mixed use development (residential & 487sqm of employment). Access to the site was approved as part of this outline permission and a S106 legal agreement offered: - affordable housing (17%), £72,576 towards education provision, £96,000 towards recreation provision in the vicinity of the site, two bus shelters on the A629 and provision of a light controlled pedestrian crossing.
3. Variation of condition application 09/00864/VOC was granted for the changing of condition 05 of planning permission 06/09190/OUT which stated that “the approved employment units shall be built and be ready for occupancy prior to the occupation of any dwelling to “the approved employment units shall be built and be ready for occupancy prior to the occupation of 30% of the dwellings”.
4. Reserved matters application 10/00739/MAR for the construction of mixed use development is elsewhere on this agenda. Matters to be considered under this application are appearance landscaping, layout and scale. Members should note that due to the necessity to comprehensively develop this site essentially both applications, this one and 10/00739/MAR are being considered together.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated. Relevant polices include:

Proposals and Policies

UDP1 – Promoting sustainable patterns of development
UDP2 – Restraining development
UDP3 – Quality of built and natural environment
UDP4 – Economic regeneration
UDP7 – Reducing the need to travel
UR2 – Promoting sustainable development
UR3 – The local impact of development
E4 - Protecting Existing Employment Land and buildings in Rural Areas
H7 – Housing Density – expectation
H8 – Housing Density – efficient use of land
H9 - Affordable housing
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
D6 - Meeting the needs of pedestrians
CF2 - Education contributions in new residential development
OS5 – Provision of recreational open space
NE3 – Landscape Character Areas
NE3A – Landscape Character Areas
NE4- Trees and Woodlands
NR16 - Surface Water Run Off and sustainable Drainage Systems

Town Council:

Denholme Town Council - Whilst the Town Council (TC) is keen to see this site developed and is happy with the general layout of the site; the TC has serious concerns regarding the proposed reduction in industrial units and access to the site.

The Town Council would like to see up to an additional four industrial units on the site. It has been suggested that consideration is given to using the land on plots 77 to 82 for industrial use. A decent boundary fence would clearly be required between this and the residential units. The TC should also like to see an increase in FOG Type 2 developments in place of some of the prized Type 1 and 11 properties.

The TC has serious concerns regarding the proposed access to the site, particularly for HGVs. It has been suggested that plots 84 and 85 are utilised for industrial developments. That a mini roundabout is situated at the main entrance to the site from Main Road, increasing the visibility splay at this point, particularly towards Bradford. It would like to see the second access point restricted for access beyond an alternative exit route formed through plots 84 and 85 to the proposed mini roundabout. The TC would have serious concern regarding vehicles, particularly HGVs exiting the site from the second access point onto the A629, at what is already a danger point.

Request that the application is considered by Planning Panel.

Publicity and Number of Representations:

The application has been advertised by individual neighbour notifications and the display of site notices around the site. The statutory period of expiry of the publicity is 17 March 2010. One letter of representation has been received and is summarised below.

Summary of Representations Received:

- No landscaped buffer is proposed between the existing B2 use and the proposed residential use. The layout proposed provides very little space at the side of plot 26 for the incorporation of a landscaping buffer. Need to ensure that the applicant can provide sufficient details to demonstrate that an acceptable landscaped buffer sufficient to comply with the landscape condition 09 on outline application 06/09190/OUT can be provided.
- Client currently negotiating the lease of the adjacent B2 use for metal working and would not want to be prejudiced if insufficient safeguards are not put into place to protect future residential occupiers from disturbance.
- Potential conflicts between residential and existing and proposed industrial uses and traffic immediately south of the access road. It is considered that the proposed development ignores lawful uses and activities on immediately adjoining land and fails to provide a comprehensive solution for redevelopment.
- The submitted layout should not be approved until it is established that the sewers should not be compromised and the landscaping areas may encroach upon and obstruct a right of access through the development site.

Consultations:

a) Landscape Design – Original Scheme - The Design and Access Statement that was submitted with the planning application contains an extract from the Landscape Character Supplementary Planning Document, Volume 6: Thornton and Queensbury, adopted by Bradford Council in October 2008. The landscape character type 'Mixed Upland Pasture' has been described, but in actual fact this is only one of the surrounding landscape character types, and the 'Upland Pasture' character type is just as important as it is this that meets the southern boundary of the site. The policy guidelines for the Upland Pasture character type are to conserve and restore, and particularly stated is the need to "Strengthen the edges of the upland pasture of both Denholme and Queensbury by appropriate shelter belts of natural tree planting to frame the edges of the existing settlement and other development where this impinges on the openness of the character." This highlights the importance of finding an appropriate boundary treatment for the southern edge of the development site.

The layout of the site to the south in the latest proposal has reduced the perceived density of the development towards the southern limit of the new extent of Denholme, and it is appropriate that the density of dwellings should reduce towards the edges of the settlement.

Matters requiring attention include the depth of the shelter belt at the southern of the site (request 10m), the boundary treatment to Main Road which is shown as metal railing but these alone are not, at the northern edge of the site, alongside Main Road, the tree planting is no appropriate in this location

Revised Scheme – comments awaited and will be reported orally. Essentially however members should note that amended plans have been received to the scheme to take into account the landscape officers comments. For instance, (i) the metal railing fence at the northern boundary to Main Road has been replaced with a dwarf stone wall and railings, (ii) trees have been removed from the gardens of properties fronting main Road, and; (iii) landscape planting is proposed at the eastern boundaries of plots 27 to 30 inclusive and at the southern boundary of plot 26 to provide a buffer with the existing industrial premises in accordance with condition 9 of outline planning permission 07/05839/OUT.

b) Local Development Framework – the uses are acceptable in principle.

c) Highway Section – comments awaited and will be reported orally. It should be noted that the two accesses to the site are not being considered as part of this scheme (only internal road layout) because the two accesses onto Main Road were formally approved as part of outline application 06/09190/OUT.

d) Police Architectural Liaison Officer - No objections in principle. Original scheme - concerns over the rear access alleyways to several plots and vulnerable communal refuse area.

e) Design Enabler – No objections

f) Yorkshire Water – No objections in principle

g) Drainage – No objections subject to conditions

h) Minerals and Waste –note that a geo-environmental site investigation report was submitted to support the outline application for the development of the site (07/05839/OUT) and that condition 13 was imposed requiring further site investigations and remediation to be undertaken prior to the development being constructed. No comments to make at this reserved matters stage other than that the applicant should be reminded of the requirements of these conditions.

i) Tree Section - Buffer planting needs to be a minimum of 10m wide

j) Environmental Health – A check was made of the situation in respect of existing businesses in the vicinity of the proposed development. First impressions were that there were none within influencing distance that should cause conflict. The primary source of noise was traffic noise and I note that this was identified and quantified in a Noise Assessment undertaken in Feb 2010 by the company, WYG.

Counteractive measures by means of provision of suitable double glazing and an acoustic fence were recommended to meet criteria set out in relevant environmental noise guidance. To the best of my knowledge these recommendations were not acknowledged and reflected in either 06/09190/OUT or 07/05839/OUT. As well as retaining the conditions contained within these decision notices, I would recommend further conditions specifying suitable double glazing and an acoustic fence to protect the amenity of houses bordering on to the main road through Denholme (A629). I would go along with the technical data relating to both these issues provided by the consultant.

Summary of Main Issues:

Principle

Design – appearance, landscaping, layout and scale

Residential amenity

Adjoining commercial uses

Highway safety

Community Safety Implications/Secure by Design

Appraisal:

1. This specific proposal for this site is a residential scheme on the whole site of 0.4 hectares. However, as discussed above, it is considered necessary to secure a comprehensive of a 2.9 hectare site comprising of residential development covering 2.7 hectares, and industrial units over a 0.2 hectare site. The development would consist of 85 houses in a mix of styles, and 487 square metres of employment space in the industrial units. A proposed scheme has been prepared for the whole site, in order to achieve a holistic and integrated character. Comments will therefore be made with respect to the development as a whole.

2. Principle of development

Outline planning permissions 06/09190/OUT (subsequently varied by application 09/00864/VOC) and 07/05839/OUT have been granted for residential development and 487 sqm of employment floor space on two parcels of land. Both this application and application 10/00739/MAR elsewhere on this agenda are being considered together in order to ensure to site is considered in a comprehensive manner.

3. The principle of a mix of residential and commercial uses has already been established at this site under the above outline applications. Means of access to the site was also considered as part of the outline application and as such, this reserved matters applications are now only considering appearance, landscaping, layout and scale.

4. Design

Policy D1 of the Replacement Unitary Development Plan states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposal are assessed and includes, amongst others, proposal should be well related to the existing character of the locality in terms of design, scale, massing height and materials.

5. The layout of the scheme is considered acceptable and has been designed to take advantage of the natural and existing ground levels, the character of existing development in Denholme and to take advantage of the views over the adjoining open countryside. The commercial units are well located adjoining the existing commercial uses adjoining the site whilst also providing an enclosed frontage to Main Road. In terms of the residential use, short terraces and linked semi detached terraces form the layout in the northern two thirds of the site with a looser knit forma of detached dwellings sited in the south east of the site. It should also be noted that the layout of the site has had to accommodate the rights of access though the site and drainage easement but still creates an attractive, interesting layout which is compatible with the locality. Amended plans have also been submitted to ensure that the rear access alleyways which were originally proposed have been designed out of the scheme.

6. The layout of the parking bays ensure that the majority of the spaces are in- curtilage and those that are not specifically in curtilage are located in parking courtyards which are overlooked by surrounding houses.

7. In terms of appearance and scale, the application proposes a range of residential units both in terms of size, amount of floor space and height. These housing types have been placed to provide good design features at focal points of the residential layout and provide a wide variety of units which take advantage of the differing levels throughout the site.

8. In terms of landscaping, the scheme has been amended to ensure the development incorporates an appropriate tree buffer (shelter belt) to the south and east boundaries in accordance with the landscape strategy contained within the Landscape Character Supplementary Planning Document adopted by the council. This boundary will be planted with native species of between 5-10m in width. The buffer will be part of a management plan agreement and private gardens will be formed beyond the buffer. A post and rail fence is proposed between the private residential gardens and the tree buffer which will be formed of a hawthorn hedge and native trees.

9. Whilst landscaping is provided throughout the development, in addition to the strategic shelter belt along the eastern boundary of plots 51 – 60, a more dense belt is also to be created at the eastern boundaries of plots 27 to 30, to minimise any conflicts of interests between the existing industrial use and the proposed residential properties and at the southern boundary of plot 61 to ensure the development at this location is not unduly prominent.

10. Residential Amenity/Street Scene

Policy D1 of the Replacement Unitary development Plan states that all development proposals should make a positive contribution to the environment and quality of life through high quality design and layout. It contains a number of criteria against which development proposals are assessed and includes, amongst others, the criterion that proposals should not harm the amenity of prospective or existing users and residents.

11. Residential properties surround this development site. It is considered that the provision of a development in the manner proposed will not create any undue detrimental impact in terms of the loss of amenities, loss of privacy nor would it create any adverse overlooking. Furthermore it is considered that the dwellings along with their respective boundary treatments which front onto Main road will provide an enhancement to the street scene in this part of Denholme.

12. Adjacent Commercial uses

A letter of representation has been received from the owners of the commercial premises which surround the site (on both the eastern and western boundaries). Concerns have been raised regarding the potential noise conflicts which could be evident between the proposed houses and the existing commercial premises. Environmental health officers have commented that the primary source of noise affecting the development of this site is from traffic noise associated with the A629 Main Road. As such, in order to mitigate the effects of the traffic noise from the main road and to ensure that the conflicts between the existing commercial premises and the new residential development are designed out, it is considered a condition should be attached to any permission granted requiring a scheme for protecting dwellings from both the noise of the A629 and the adjacent non-residential buildings. It should also be noted that a denser form of landscaping is proposed in the rear gardens of plots 26 – 30.

13. Highway issues

Planning permission has already been granted for the two accesses onto Main Road and both these accesses remain acceptable in principle. Comments will be given orally at the meeting regarding the internal layout of the scheme but members can be reassured that the development of this site has been discussed twice at the major development team meetings and no substantive highway issues have arisen.

14. Community Safety Implications

Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime.

15. The West Yorkshire Police Architectural Liaison Officer has not objected to the principle of the development but there are several issues in the original scheme which needed addressing. These issues have now been addressed but the submission of amended plans to ensure (i) rear access to plots 20 -30 and 38-40 inclusive have been designed out, (ii) provision of a lockable gate on the communal refuse store in front of plot 38 and, (iii) pin kerbs to define hard standing boundaries between plots. As such the proposal is considered to be acceptable in terms of secure by design.

Reason for Granting Planning Permission:

The development of this site with a well conceived residential scheme which closely follows the up to date design guidance offered in Manual for Streets, is considered a good opportunity to provide a sustainable pattern of housing and commercial development within the urban fabric of Denholme. The effect of the proposal on the surrounding locality and the adjacent neighbouring properties has been assessed and is acceptable. Parking provision has been made to accord with the location of the development. As such, the proposal is in conformity with the principles outlined within the Replacement Unitary Development Plan and subject to appropriate conditions it is considered that the proposal complies with policies UDP3, UR2, UR3, H7, H8, H9, TM2, TM12, TM19A, D1, D4 and D5.

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall only be carried out in accordance with the amended plans (insert).

Reason: for the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

3. Prior to construction commencing, a schedule of the means of access to the site for demolition/construction traffic shall be submitted to and approved in writing by the LPA. The schedule shall include the point of access for demolition/construction traffic, details of the times of use of the access, the routing of demolition/construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the LPA, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: To ensure the provision of proper site construction facilities in the interests of highways safety and amenity of the surrounding environment and its occupants and to accord with policy UR3 of the Replacement Unitary Development Plan.

4. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor

Reason: To ensure proper drainage of the site and in the interests of pollution prevention and to accord with policy UR3 of the Replacement Unitary Development Plan

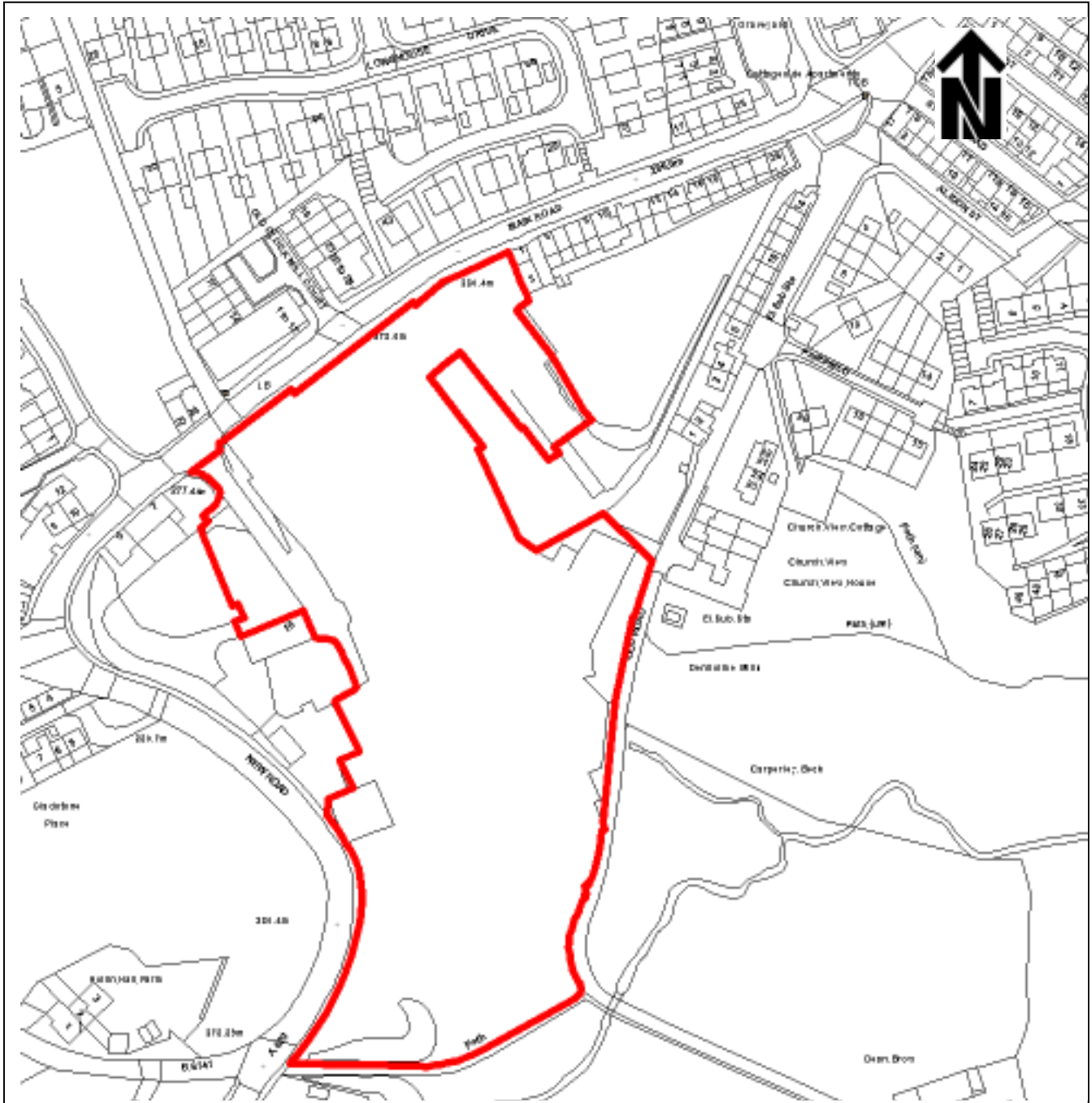
5. Prior to the commencement of development a scheme for protecting the proposed dwellings from noise from the A629 main road and adjacent no-residential buildings shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before each relevant dwelling is occupied.

Reason: To protect the residential amenity of the dwellings and to accord with policy UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

10/00739/MAR

121 May 2010



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ITEM NO. : 5

LOCATION:

**Pennine Fibre Industries Limited
Former New Mill New Road
Denholme**

Item Number: 5
Ward: BINGLEY RURAL
Recommendation:
TO APPROVE RESERVED MATTERS SUBJECT TO CONDITIONS

Application Number:
10/00739/MAR

Type of Application/Proposal and Address:

A reserved matters application for the construction of mixed use redevelopment (residential and employment) of former industrial site at Pennine Fibre Industries Limited, New Mill, New Road, Denholme. Matters to be considered are appearance, landscaping, layout and scale pursuant to outline planning permissions 06/09190/OUT.

Applicant:

Mr. Neil Morton, Nathaniel Lichfield and Partners

Agent:

Commercial Estates Projects Partnerships Ltd

Site Description:

A large former industrial site extending to 2.5 hectares of land located on the southern edge of Denholme, where it is enclosed on two sides by the sweeping alignment of the A629 road as it traverses the valley. The land is below road level with extensive retaining walls to the roadside in places and is prominent in views from elevated ground to the south on the approach to Denholme and from the rural landscape to the south west. There is a big difference in levels between the northern and southern boundaries of the site.

The site has been vacant for several years and is currently vacant after having all the buildings on it demolished. Access is currently available from two points from the A629. A public footpath, designated Denholme 79 and part of the Millennium Way Circular Walk, is situated immediately outside the southern boundary. The site abuts the landscape character area of Thornton and Queensbury and the surrounding landscape comprises both mixed upland pasture and upland pasture landscape setting.

On either side of the site's road frontage there are dwellings, to the rear of which are commercial businesses. Facing the site across Main road are residential properties.

Relevant Site History:

1. Outline application 06/09190/OUT was granted permission for a mixed use development (residential & 487sqm of employment). Access to the site was approved as part of this outline permission and a S106 legal agreement offered: - affordable housing (17%), £72,576 towards education provision, £96,000 towards recreation provision in the vicinity of the site, two bus shelters on the A629 and provision of a light controlled pedestrian crossing.
2. Variation of condition application 09/00864/VOC was granted for the changing of condition 05 of planning permission 06/09190/OUT which stated that "the approved employment units shall be built and be ready for occupancy prior to the occupation of any dwelling to "the approved employment units shall be built and be ready for occupancy prior to the occupation of 30% of the dwellings".

3. Outline application 07/05839/OUT was granted permission for construction of residential development (approx 0.4 hectare).
4. Reserved matters application 10/00781/REM for the construction of residential development on 0.4 hectares of land is elsewhere on this agenda. Matters to be considered under this application are appearance landscaping, layout and scale. Members should note that due to the necessity to comprehensively develop this site essentially both applications, this one and 10/00781/REM are being considered together.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated. Relevant policies include:

Proposals and Policies

UDP1 – Promoting sustainable patterns of development
UDP2 – Restraining development
UDP3 – Quality of built and natural environment
UDP4 – Economic regeneration
UDP7 – Reducing the need to travel
UR2 – Promoting sustainable development
UR3 – The local impact of development
E4 - Protecting Existing Employment Land and buildings in Rural Areas
H7 – Housing Density – expectation
H8 – Housing Density – efficient use of land
H9 - Affordable housing
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
D6 - Meeting the needs of pedestrians
CF2 - Education contributions in new residential development
OS5 – Provision of recreational open space
NE3 – Landscape Character Areas
NE3A – Landscape Character Areas
NE4- Trees and Woodlands
NR16 - Surface Water Run Off and sustainable Drainage Systems

Town Council:

Denholme Town Council - Whilst the Town Council (TC) is keen to see this site developed and is happy with the general layout of the site; the TC has serious concerns regarding the proposed reduction in industrial units and access to the site.

The Town Council would like to see up to an additional four industrial units on the site. It has been suggested that consideration is given to using the land on plots 77 to 82 for industrial use. A decent boundary fence would clearly be required between this and the residential units. The TC would also like to see an increase in FOG Type 2 developments in place of some of the prized Type 1 and 11 properties.

The TC has serious concerns regarding the proposed access to the site, particularly for HGVs. It has been suggested that plots 84 and 85 are utilised for industrial developments. That a mini roundabout is situated at the main entrance to the site from Main Road, increasing the visibility splay at this point, particularly towards Bradford. We would like to see the second access point restricted for access beyond an alternative exit route formed through plots 84 and 85 to the proposed mini roundabout. The TC would have serious concern regarding vehicles, particularly HGVs exiting the site from the second access point onto the A629, at what is already a danger point.

Request that the application is considered by Planning Panel.

Publicity and Number of Representations:

The application has been advertised by individual neighbour notifications and the display of site notices around the site. The statutory period of expiry of the publicity is 16 April 2010. One letter of representation has been received and is summarised below.

Summary of Representations Received:

- No landscaped buffer is proposed between the existing B2 use and the proposed residential use. The layout proposed includes that there is very little space at the side of plot 26 for the incorporation of a landscaping buffer. Need to ensure that the applicant can provide sufficient details to demonstrate that an acceptable landscaped buffer sufficient to comply with the landscape condition 09 on outline application 06/09190/OUT can be provided.
- Client currently negotiating the lease of the adjacent B2 use for metal working and would not want to be prejudiced if insufficient safeguards are not put into place to protect future residential occupiers from disturbance.
- Potential conflicts between residential and existing and proposed industrial uses and traffic immediately south of the access road. It is considered that the proposed development ignores lawful uses and activities on immediately adjoining land and fails to provide a comprehensive solution for redevelopment.
- The submitted layout should not be approved until it is established that the sewers should not be compromised and the landscaping areas may encroach upon and obstruct a right of access through the development site.

Consultations:

a) Landscape Design – Original Scheme - The Design and Access Statement that was submitted with the planning application contains an extract from the Landscape Character Supplementary Planning Document, Volume 6: Thornton and Queensbury, adopted by Bradford Council in October 2008. The landscape character type 'Mixed Upland Pasture' has been described, but in actual fact this is only one of the surrounding landscape character types, and the 'Upland Pasture' character type is just as important as it is this that meets the southern boundary of the site. The policy guidelines for the Upland Pasture character type are to conserve and restore, and particularly stated is the need to "Strengthen the edges of the upland pasture of both Denholme and Queensbury by appropriate shelter belts of natural tree planting to frame the edges of the existing settlement and other development where this impinges on the openness of the character." This highlights the importance of finding an appropriate boundary treatment for the southern edge of the development site.

The layout of the site to the south in the latest proposal has reduced the perceived density of the development towards the southern limit of the new extent of Denholme, and it is appropriate that the density of dwellings should reduce towards the edges of the settlement.

Matters requiring attention include the depth of the shelter belt at the southern of the site (request 10m), the boundary treatment to Main Road which is shown as metal railing but these alone are not, at the northern edge of the site, alongside Main Road, the tree planting is no appropriate in this location

Revised Scheme – comments awaited and will be reported orally. Essentially however members should note that amended plans have been received to the scheme to take into account the landscape officers comments. For instance, (i) the metal railing fence at the northern boundary to Main Road has been replaced with a dwarf stone wall and railings, (ii) trees have been removed from the gardens of properties fronting main Road, and; (iii) landscape planting is proposed a the eastern boundaries of plots 27 to 30 inclusive and at the southern boundary of plat 26 to provide a buffer with the existing industrial premises in accordance with condition 9 of outline planning permission 07/05839/OUT.

b) Local Development Framework – the uses are acceptable in principle.

c) Highway Section – comments awaited and will be reported orally. It should be noted that the two accesses to the site are not being considered as part of this scheme (only internal road layout) because the two accesses onto Main Road were formally approved as part of outline application 06/09190/OUT.

d) Police Architectural Liaison Officer - No objections in principle. Original scheme - concerns over the rear access alleyways to several plots and vulnerable communal refuse area.

e) Design Enabler – No objections

f) Yorkshire Water – No objections in principle

g) Drainage – No objections subject to conditions

h) Minerals and Waste –note that a geo-environmental site investigation report was submitted to support the outline application for the development of the site (07/05839/OUT) and that condition 13 was imposed requiring further site investigations and remediation to be undertaken prior to the development being constructed. No comments to make at this reserved matters stage other than that the applicant should be reminded of the requirements of these conditions.

i) Tree Section - Buffer planting needs to be a minimum of 10m wide

j) Environmental Health – A check was made of the situation in respect of existing businesses in the vicinity of the proposed development. First impressions were that there were none within influencing distance that should cause conflict. The primary source of noise was traffic noise and I note that this was identified and quantified in a Noise Assessment undertaken in Feb 2010 by the company, WYG.

Counteractive measures by means of provision of suitable double glazing and an acoustic fence were recommended to meet criteria set out in relevant environmental noise guidance. To the best of my knowledge these recommendations were not acknowledged and reflected in either 06/09190/OUT or 07/05839/OUT. As well as retaining the conditions contained within these decision notices, I would recommend further conditions specifying suitable double glazing and an acoustic fence to protect the amenity of houses bordering on to the main road through Denholme (A629). I would go along with the technical data relating to both these issues provided by the consultant.

Summary of Main Issues:

Principle.

Design – appearance, landscaping, layout and scale.

Residential amenity.

Adjoining commercial uses.

Highway safety.

Community Safety Implications/Secure by Design.

Appraisal:

1. This proposal is for the development of a 2.9 hectare site comprising of residential development covering 2.7 hectares, and industrial units over a 0.2 hectare site. The development would consist of 85 houses in a mix of styles, and 487 square metres of employment space in the industrial units. A proposed scheme has been prepared for the whole site, in order to achieve a holistic and integrated character. Comments will therefore be made with respect to the development as a whole.

2. Principle of development

Outline planning permissions 06/09190/OUT (subsequently varied by application 09/00864/VOC) and 07/05839/OUT have been granted for residential development and 487 sqm of employment floor space on two parcels of land. Both this application and application 10/00781/REM elsewhere on this agenda are being considered together in order to ensure the site is considered in a comprehensive manner.

3. The principle of a mix of residential and commercial uses has already been established at this site under the above outline applications. Means of access to the site was also considered as part of the outline application and as such, this reserved matters applications are now only considering appearance, landscaping, layout and scale.

4. Design

Policy D1 of the Replacement Unitary Development Plan states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should be well related to the existing character of the locality in terms of design, scale, massing height and materials.

5. The layout of the scheme is considered acceptable and has been designed to take advantage of the natural and existing ground levels, the character of existing development in Denholme and to take advantage of the views over the adjoining open countryside. The commercial units are well located adjoining the existing commercial uses adjoining the site whilst also providing an enclosed frontage to Main Road. In terms of the residential use, short terraces and linked semi detached terraces form the layout in the northern two thirds of the site with a looser knit forma of detached dwellings sited in the south east of the site. It should also be noted that the layout of the site has had to accommodate the rights of access though the site and drainage easement but still creates an attractive, interesting layout which is compatible with the locality. Amended plans have also been submitted to ensure that the rear access alleyways which were originally proposed have been designed out of the scheme.

6. The layout of the parking bays ensure that the majority of the spaces are in- curtilage and those that are not specifically in curtilage are located in parking courtyards which are overlooked by surrounding houses.

7. In terms of appearance and scale, the application proposes a range of residential units both in terms of size, amount of floor space and height. These housing types have been placed to provide good design features at focal points of the residential layout and provide a wide variety of units which take advantage of the differing levels throughout the site.

8. In terms of landscaping, the scheme has been amended to ensure the development incorporates an appropriate tree buffer (shelter belt) to the south and east boundaries in accordance with the landscape strategy contained within the Landscape Character Supplementary Planning Document adopted by the council. This boundary will be planted with native species of between 5-10m in width. The buffer will be part of a management plan agreement and private gardens will be formed beyond the buffer. A post and rail fence is proposed between the private residential gardens and the tree buffer which will be formed of a hawthorn hedge and native trees.

9. Whilst landscaping is provided throughout the development, in addition to the strategic shelter belt along the eastern boundary of plots 51 – 60, a more dense belt is also to be created at the eastern boundaries of plots 27 to 30, to minimise any conflicts of interests between the existing industrial use and the proposed residential properties and at the southern boundary of plot 61 to ensure the development at this location is not unduly prominent.

10. Residential Amenity/Street Scene

Policy D1 of the Replacement Unitary development Plan states that all development proposals should make a positive contribution to the environment and quality of life through high quality design and layout. It contains a number of criteria against which development proposals are assessed and includes, amongst others, the criterion that proposals should no harm the amenity of prospective or existing users and residents.

11. Residential properties surround this development site. It is considered that the provision of a development in the manner proposed will not create any undue detrimental impact in terms of the loss of amenities, loss of privacy nor would it create any adverse overlooking. Furthermore it is considered that the dwellings along with their respective boundary treatments which front onto Main road will provide an enhancement to the street scene in this part of Denholme.

12. Adjacent Commercial uses

A letter of representation has been received from the owners of the commercial premises which surround the site (on both the eastern and western boundaries). Concerns have been raised regarding the potential noise conflicts which could be evident between the proposed houses and the existing commercial premises. Environmental health officers have commented that the primary source of noise affecting the development of this site is from traffic noise associated with the A629 Main Road. As such, in order to mitigate the effects of the traffic noise from the main road and to ensure that the conflicts between the existing commercial premises and the new residential development are designed out, it is considered a condition should be attached to any permission granted requiring a scheme for protecting dwellings from both the noise of the A629 and the adjacent non-residential buildings. It should also be noted that a denser form of landscaping is proposed in the rear gardens of plots 26 – 30.

13. Highway issues

Planning permission has already been granted for the two accesses onto Main Road and both these accesses remain acceptable in principle. Comments will be given orally at the meeting regarding the internal layout of the scheme but members can be reassured that the development of this site has been discussed twice at the major development team meetings and no substantive highway issues have arisen.

14. Community Safety Implications

Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime.

15. The West Yorkshire Police Architectural Liaison Officer has not objected to the principle of the development but there are several issues in the original scheme which needed addressing. These issues have now been addressed but the submission of amended plans to ensure (i) rear access to plots 20 -30 and 38-40 inclusive have been designed out, (ii) provision of a lockable gate on the communal refuse store in front of plot 38 and, (iii) pin kerbs to define hard standing boundaries between plots. As such the proposal is considered to be acceptable in term of secure by design.

Reason for Granting Planning Permission:

The development of this site with a well conceived residential scheme which closely follows the up to date design guidance offered in Manual for Streets, is considered a good opportunity to provide a sustainable pattern of housing and commercial development within the urban fabric of Denholme. The effect of the proposal on the surrounding locality and the adjacent neighbouring properties has been assessed and is acceptable. Parking provision has been made to accord with the location of the development. As such, the proposal is in conformity with the principles outlined within the Replacement Unitary Development Plan and subject to appropriate conditions it is considered that the proposal complies with policies UDP3, UR2, UR3, H7, H8, H9, TM2, TM12, TM19A, D1, D4 and D5.

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall only be carried out in accordance with the amended plans (Insert).

Reason: for the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

3. Prior to construction commencing, a schedule of the means of access to the site for demolition/construction traffic shall be submitted to and approved in writing by the LPA. The schedule shall include the point of access for demolition/construction traffic, details of the times of use of the access, the routing of demolition/construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the LPA, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.

Reason: To ensure the provision of proper site construction facilities in the interests of highways safety and amenity of the surrounding environment and its occupants and to accord with policy UR3 of the Replacement Unitary Development Plan.

4. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor

Reason: To ensure proper drainage of the site and in the interests of pollution prevention and to accord with policy UR3 of the Replacement Unitary Development Plan

5. A landscape management plan detailing the management of the shelter belt running along the eastern and southern boundaries from plot 51 – 61 shall be submitted to the Local Planning Authority. The landscape management plan shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped areas in the interests of amenity and to accord with policies UR3, D1 and D5 of the Replacement Unitary Development Plan.

6. Prior to the commencement of development a scheme for protecting the proposed dwellings from noise from the A629 main road and adjacent no-residential buildings shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the scheme shall be completed before each relevant dwelling is occupied.

Reason: To protect the residential amenity of the dwellings and to accord with policy UR3 of the Replacement Unitary Development Plan.

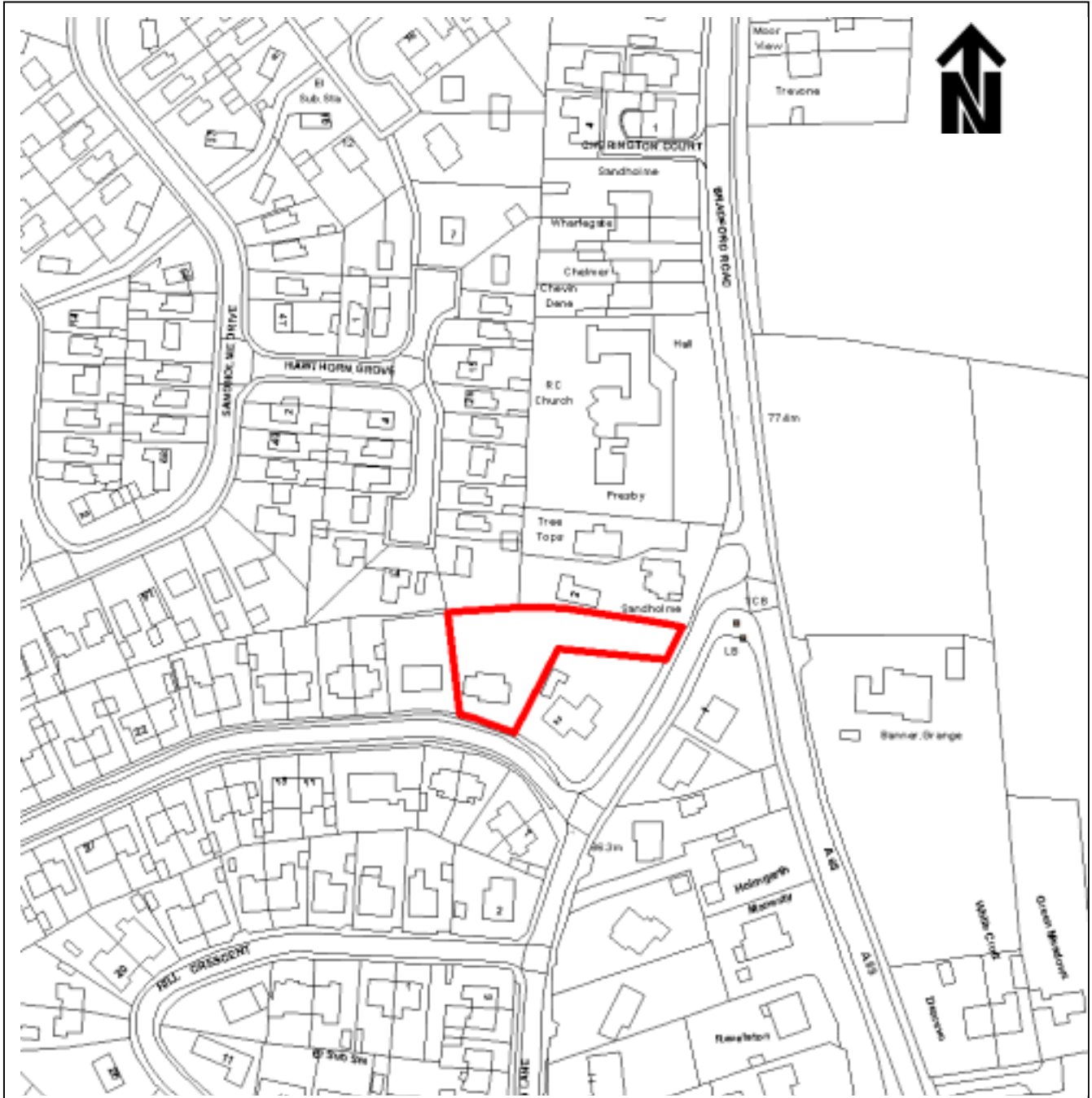
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no development falling within Class (es) A to E of Part 1 of Schedule 2 of the said Order shall be carried out at plots 51, 54, 55, 57, 58, 59, 60 and 61 without the prior written permission of the Local Planning Authority.

Reason: To accord with Policies UR3, NE3A and D1 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

10/00957/HOU

11 May 2010



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ITEM NO. : 6

LOCATION:

**Skelda House
4 Holme Grove
Burley in Wharfedale**

11 May 2010

Item Number: 6
Ward: WHARFEDALE
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application No:
10/00957/HOU

Type of Application/Proposal and Address:

A full application for the construction of a two storey and single storey side extension and alterations to the existing dwelling at Skelda House, No 4 Holme Grove Burley In Wharfedale. The alterations comprise; changing the gable to a hip to the front of the garage roof; adding a gable roof to the two storey flat roof front projection and adding a roof canopy to the front door.

Applicant:

Mr/Mrs John Cockcroft

Agent:

Mr Martin Smith – Martin Smith Designs.

Site Description:

The application property is a detached dwelling located within a residential area where there is a mix of detached and semi-detached dwellings of various styles. The existing dwelling is constructed from rendered block work with stone plinth, pan tiles and part white painted timber frames and part white UPVC frames.

Relevant Site History:

No relevant site history.

Replacement Unitary Development Plan (2005) (RUDP):

Allocation

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

Proposals and Policies:

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

The councils Revised House Extensions Policy (2003)

Parish Council:

Burley-in-Wharfedale Parish Council: Recommend an approval

Publicity and Number of Representations:

Publicised by neighbour notification letters

The overall expiry for the publicity was the 08th April 2010.

No representations were received.

Summary of Representations Received:

Not applicable.

Consultations:

Not applicable.

Summary of Main Issues:

1. Impact on the Local Environment.
2. Impact on Neighbouring Occupants.
3. Impact on Highway Safety.

Appraisal:

Impact on the Local Environment

The proposed two storey side extension and alterations to the existing dwelling are to be constructed from materials (rendered block work with stone plinth, pan tiles and white UPVC frames) that are considered well related to the existing property and sympathetic with the wider surrounding area. The proposed materials are considered acceptable, compliant with guidance contained within the councils Revised House Extensions Policy (2003).

The submitted plans show the incorporation of a hipped roof to the existing garage gable, a canopy above the dwellings front entrance and the inclusion of a gable to the front elevation flat roof design. These alterations will improve the overall appearance of the dwelling.

The front elevation of the two storey extension does not reflect the front elevation of the existing dwelling in that it has an extended roof slope, covering the full upper floor with two pitched roof dormer windows. However, this style sits comfortably with the existing dwelling and is a style which is common in the area. The roof ridge line of the two storey extension is set 1.1 metres lower than that of the existing dwellings roof and the extension incorporates a setback from the original front wall of the dwelling. The inclusion of these design elements ensure the extension appears subservient to the main dwelling.

The overall design of the extensions is not considered to significantly detract from the appearance of the original dwelling owing to the fact that their design relates well to the existing dwelling and is subordinate.

Therefore in terms of visual amenity, the proposal is considered compliant with policy D1 of the Replacement Unitary Development Plan (2005) and Guidance contained within the councils Revised House Extensions Policy (2003).

Impact on Neighbouring Occupants

The two storey and single storey extensions are located on the eastern side of the dwelling and the only neighbouring dwelling in close proximity to the proposed development is No 2 Holme Grove which is a bungalow. No. 2 Holme Grove is set a minimum of 7m away from the joint boundary which is marked by a deciduous hedge of over 2m in height. No. 2 Holme Grove does have a side window which faces the proposed extensions. Owing to the overall size and orientation of the extensions in relation to this window, it is not considered that there will be any significant loss of light to or outlook from No. 2 Holme Grove.

The principle windows and doors in the extension are to the front and rear and these windows are set far enough away from neighbouring properties not to result in overlooking of habitable room windows or private gardens. The proposal is compliant with Policy No 7 and 7B of the councils Revised House Extensions Policy (2003).

The proposal does include ground floor glazing to the side elevation of the single storey extension. There is a window to a utility room and glazed elevation to an entrance porch which are within close proximity to No, 2 Holme Grove's boundary. These windows serve non-habitable rooms and as such it is not considered that these windows will cause any significant overlooking issues. The proposal is therefore compliant with policy No 6 of the councils Revised House Extensions Policy (2003).

The proposed two storey side extension is considered to retain a sufficient amount of space for private amenity purposes of the occupants and the storage of waste bins, thus deeming it compliant with policy No 8 of the councils Revised House Extensions Policy (2003). The proposal is therefore considered acceptable in terms of residential amenity and therefore compliant with policy UR3 of the Replacement Unitary Development Plan (2005) and guidance contained in the councils Revised House Extensions Policy (2003).

Impact on Highway Safety

The proposal retains sufficient off-street parking for two vehicles. There are no highway safety implications.

Community Safety Implications

There are no apparent community safety implications.

Reason for Granting Planning Permission:

The proposed two storey side extension is considered to relate satisfactorily to the character of the existing dwelling and wider surrounding area. The impact of the extension 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 (2005) and guidance contained within the Revised House Extensions Policy (2003).

Conditions of Approval

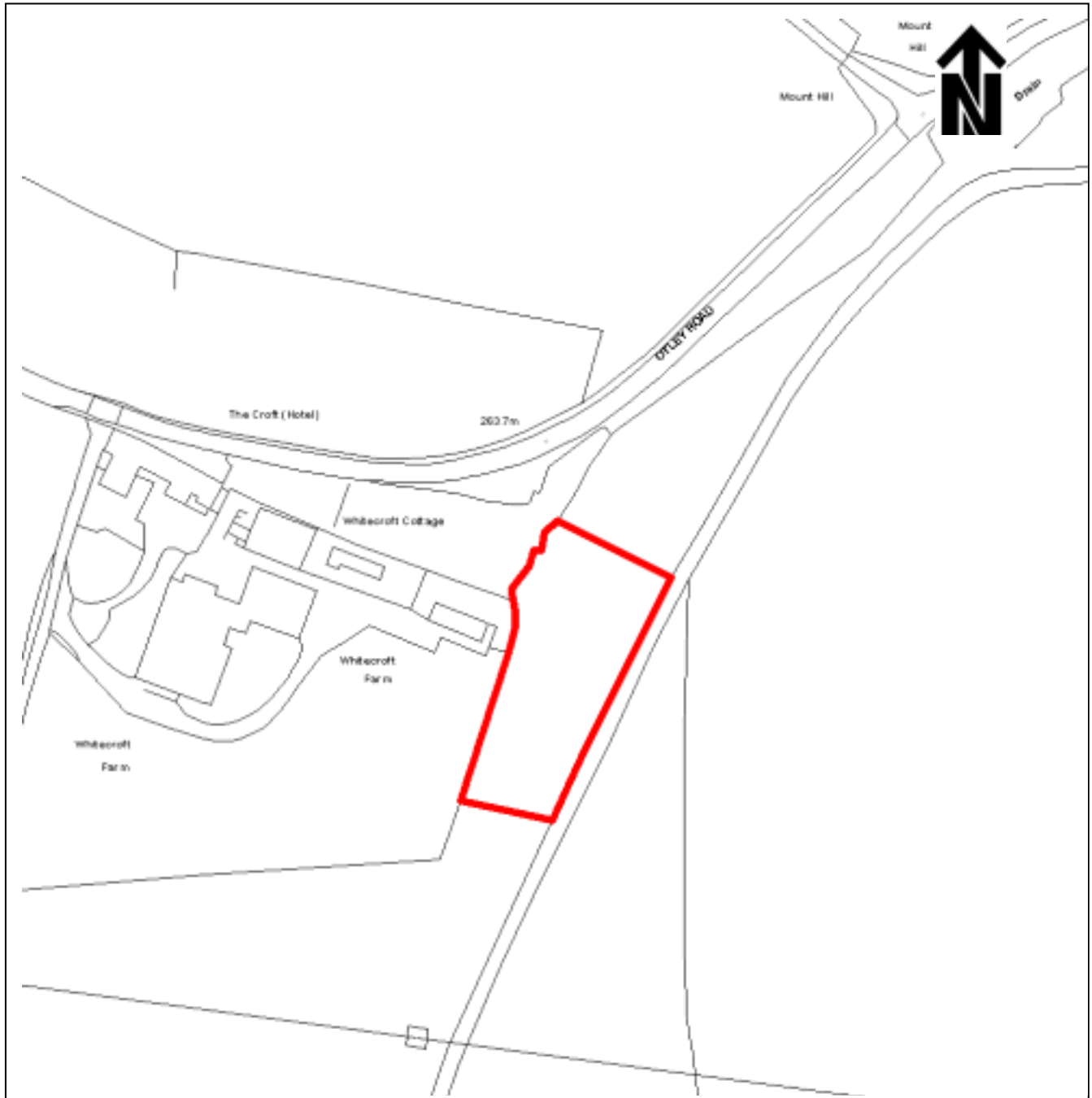
1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.
Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).
2. The two storey side extension and alterations to the existing dwelling hereby permitted shall be constructed of facing and roofing materials to match the existing building as specified on the approved plans.
Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan (2005).

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the side extension without prior written permission of the Local Planning Authority.
Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy UR3 of the Replacement Unitary Development Plan (2005)
-

Area Planning Panel (Shipley)

09/05737/FUL

11 May 2010



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ITEM NO. : 7

LOCATION:

**Land East Of Whitecroft Farm
Otley Road High Eldwick
Bingley**

11 May 2010

Item Number: 7
Ward: BINGLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
09/05737/FUL

Type of Application/Proposal and Address:

Full application for construction of stable block for horse isolation/rehabilitation and new dwelling for supervisor.

Land to the east of Whitecroft Farm, Otley Road, High Eldwick, Bingley

Applicant:

Mr and Mrs H Smith

Agent:

JO Steel Consulting

Site Description:

This site comprises part of the Craiglands Farm equine business holdings which include, to the south of Otley Road, an extensive area of land that is used for equine training and racing practice – the ‘gallops’.

Craiglands Farm, some 300 metres north of the application site, comprises a large collection of buildings from which a range of equine operations are presently run.

The application site is located on the western boundary of the ‘gallops’ exercise area, and the development would be separated from that land by a driveway and fence, a distance of some 5 metres.

The application site is in the approved Green Belt and set within open countryside crossed by a number of public footpaths.

The site is at lower level than Otley Road and views from the carriageway are further interrupted by heaps of waste that have been tipped alongside the road at this point.

Relevant Site History:

None on this site

Replacement Unitary Development Plan (RUDP):

Allocation

Within the approved Green Belt on the RUDP Proposals Map

Relevant policies:

Proposals and Policies

UDP3 – quality of built development
UR3 – local impact of development
D1 – general design considerations
D4 – community safety
GB1 – new building in the Green Belt
GB2 – siting of new buildings in the Green Belt
NE3 – landscape character areas
NE3A – landscape character areas
TM2 – impact of traffic and its mitigation
TM19A – traffic management and road safety

Parish Council:

Not applicable.

Publicity and Number of Representations:

Advertised as a Departure from the Development Plan by press and site notice and by neighbour letters. Expiry 8 January 2010
One representation received from a local ward councillor

Summary of Representations Received:

Application referred to Panel at the request of the Ward Councillor.

Consultations:

Highways: - The proposed visibility splays at the junction of the access road and Otley Road are not in accordance with the standard for a 50mph road. It is however an existing junction that is being made safer and the splays are therefore acceptable.

Drainage: - Soakaways and septic tank capacity require verification prior to use

Landscape Architect: - This site lies within the Rombalds Ridge Landscape Character Area which in this locality comprises Mixed Upland Pasture. The Bradford district Local Development Framework Supplementary Planning Document notes that the remoteness of the mixed upland pastures is gradually being eroded by new and more frequent buildings. The siting of the development at lower level than Otley Road will assist in shielding the buildings from views from that highway but the development would be prominent in views from the surrounding landscape including from a number of public footpaths. The introduction of a new group of buildings into this open landscape would harm visual amenity and adversely affect the character of the landscape.

Summary of Main Issues:

1. Principle – Green Belt Policy
2. Local amenity and landscape character
3. Highway Safety
4. Community Safety

Appraisal:

Introduction

The applicant operates a large and well respected equine business at Craiglands Farm, some 300 metres north of the application site. This business employs a number of people and makes a significant contribution to the local and rural economy.

It is acknowledged that the nature of the applicant's business, involving the wide ranging movement of equines for competition reasons, may give rise to the need for quarantine, or isolation of equines where infectious disease is suspected to be present. However there is a need to ensure that if such a facility is deemed acceptable in the Green Belt on the grounds of very special circumstances, and that the facility is sited to minimise its effects on the openness of the Green Belt and the character of the landscape.

In addition it should be noted that this application seeks permission not just for an isolation stable but also for a new dwelling in the Green Belt, and again it has to be shown that there are very special circumstances to justify this as well.

Principle

This development involves the construction of a new dwelling in the Green Belt and the construction of a block of 9 new stables and ancillary tack room and stores.

Current Governmental Green Belt planning guidance in the form of PPG2 makes it clear that only a limited range of developments are appropriate and therefore acceptable in the approved Green Belt. These are:

Agricultural and forestry development

Essential facilities for outdoor sport and recreation – these being limited, in the case of equine related activities, to small stables

Limited alterations to, or replacement of, existing dwellings

Limited infill development in identified villages

Justification of the quarantine/isolation stable

In respect of stable developments, only stable blocks of two to three small loose boxes will represent appropriate development in the Green Belt and thus be acceptable.

It is clear then that a block of nine new stables, plus the equivalent of four more to form stores and tack rooms would exceed what might reasonably be regarded as 'small scale'. It follows that the stable development here is inappropriate and contrary to Green Belt policy as a matter of fact and, therefore, the proposed new dwelling is unjustified and equally unacceptable.

In order for the presumption against inappropriate development to be overcome, very special circumstances require demonstration to justify a departure from Green Belt policy. In the event that special circumstances are shown to exist, then Policy GB2 of the RUDP requires that such new development is sited close to existing buildings or, where this is not possible, in an unobtrusive position in the landscape. The question of the visual impact of the development in the landscape is addressed in detail below.

In this case, the applicants point to a need for the separation and isolation of equines from other healthy animals in order to prevent the spread of disease. The proposed solution is for a new stables facility and new dwelling to be constructed some 300 metres south of the applicant's main business complex of Craiglands Farm.

The applicants indicate that this distance is necessary to ensure separation of those animals in isolation from animals housed at Craiglands Farm. However, the proposed new facility is located on land that is immediately adjoining other land used for horses, including the training circuit, or 'gallops'.

The fact that the facility is proposed immediately adjacent to this other operational land on which healthy equines are exercised confirms that the facility could perfectly reasonably be constructed on land adjacent to Craiglands Farm, where it would in visual terms appear to be more a part of the existing complex and where there would be no need for a new dwelling.

The applicants suggest that the facility needs to be sited remotely from the main complex at Craiglands Farm so that, in effect, there is no need for best practice to be employed by staff who move between stables and who might therefore transmit disease from horse to horse.

However, the applicant's statements in this respect fail to take account of the fact that staff working at the proposed new isolation facility would still need to ensure that potential transmission of diseases between animals occupying each of the isolation/quarantine stables is avoided. This could only be ensured by use of the very same best practice principles of cleanliness and care that would be employed if the facility was sited next to the main complex and operated from there.

The applicant's assertions regarding the requirement for a remote location, and the consequent need for a new dwelling, therefore carry no weight in terms of the setting aside of the presumption against inappropriate development in the Green Belt

Indeed, advice from a vet consulted by the applicants confirms that the limited separation distance between the proposed facility and the land used for exercise of equines is more than adequate and that such separation can be augmented by a wall or fence. In view of that confirmation it is clear that there is no reason why the isolation stable cannot be located closer to Craiglands Farm, where its impact would be lessened, and where a new dwelling would not be required.

In addition to the above the vet, writing in support of the application, indicates that the proposed isolation unit would also serve as a hospital for equines injured on the 'gallops'. Such a dual use further confirms that there is no need for the separation distance that is claimed to be necessary between this facility and Craiglands Farm, or the consequent need for a new dwelling, provided that existing managers and staff follow basic good practice with respect to their movement between different stables and/or animals.

It is clear from all the above that the isolation unit could be perfectly reasonably sited adjacent to Craiglands Farm, but with its own yard and turnout areas that do not directly share physical boundaries with land used by healthy animals. The facility would then be perfectly reasonably operated as part of the existing business, without the need for a new dwelling to be built in the Green Belt and without the unnecessary spread of new built form in the Green Belt.

Justification of the new dwelling

In any event and notwithstanding the question of principle, the proposed dwelling detailed on the submitted drawings, measuring 19 metres x 17 metres in overall footprint, is considered to be most excessive in scale, as is the extent of its proposed curtilage. This scale of development would in any event appear disproportionate to enable a stable worker to provide full time supervision. The additional and clearly harmful impact upon openness and the character of the area from a new dwelling of this scale is equally unjustified in this case.

Further submissions made by a vet in support of the planning application indicate that to operate the new stables a minimum of three people would need to be immediately available on site to allow for shift changes, holidays and other time off. This reinforces the view that the stable would be better placed where it can be efficiently supervised from the existing large group of buildings that include residential accommodation at Craiglands Farm. Being proposed in such a remote location away from the main farm group, there may be pressure for further dwellings to accommodate different people working at the proposed facility, so as to ensure 24 hour supervision when the occupiers of the currently proposed dwelling are not at home.

In order for a properly, and transparently, consistent approach to be taken with respect to developments in the Green Belt, and in the absence of any overriding or convincing justification for the proposed location of the facility and for a new dwelling, a recommendation of refusal in this case must be made.

This recommendation of refusal in terms of principle is on the basis that the development is directly and fundamentally contrary to Policies GB1 and GB2 of the Replacement Unitary Development Plan and to Governmental Planning Guidance in the form of PPG2.

Local Amenity and Landscape Character

The site is located within the Rombalds Ridge Landscape Character Area, which is defined as mixed upland pasture.

The Council's adopted LDF Landscape Character supplementary planning document observes that the remoteness of the mixed upland pastures is gradually being eroded by new and more frequent buildings. The document also notes that Rombalds Ridge is very sensitive to change due to its character, historic continuity and remote feeling.

The proposed development here would introduce further new buildings into this sensitive open landscape. The visual impact of the development would be harmful, with the impact upon users of the local bridleway and footpath network being most significant.

This harm to visual amenity and landscape character and to the openness, visual quality and integrity of the Green Belt would arise without any adequate justification since it is clear from exchanges of correspondence that the stable block and its yards could perfectly reasonably be sited adjacent to, and operated from or as part of Craiglands Farm and consequently without the need for a further dwelling.

As is the case with the principle of this development within the approved Green Belt, the proposals carry with them serious and unnecessary visual implications for this sensitive and open upland landscape, which are clearly not justified.

Accordingly the proposals are considered to be contrary to Policies UDP3, UR3, D1, NE3 and NE3A of the Replacement Unitary Development Plan. If members were minded to approve the application against the recommendation contained in this report the application would need to be referred to the Regulatory and Appeals Committee for consideration as a departure from green belt policy application in accordance with the Town and Country Planning (Consultation) (England) Directions 2009.

Highway Safety

The proposed access to the application site would involve changes to, and an expansion of manoeuvring areas alongside the busy Otley Road.

There is the potential for increased vehicular activity at this point on Otley Road as a consequence of the development.

It is considered that the proposed access point has inadequate sight lines along Otley Road to the North East. However, the Highway Engineer is of the opinion that the development would be unlikely to lead to significant harm to highway safety and the free flow of traffic.

As such the proposals are acceptable in light of Policies TM2 and TM19A of the RUDP.

Community Safety Implications:

There are no community safety implications.

Reasons for Refusal:

1. The proposals represent development that is by definition inappropriate in the approved Green Belt. The applicants have failed to demonstrate very special circumstances to outweigh the presumption against inappropriate development or to justify the development as proposed. Accordingly the proposals are contrary to Policy GB1 of the RUDP and contrary to Governmental planning guidance in the form of PPG2 (Green Belts).
 2. The proposed development would be sited in a position that is remote from existing groups of buildings and which is prominent in the approved Green Belt. As such the proposed development would result in harm to the openness, visual quality and integrity of the approved Green Belt, contrary to Policies GB1, GB2, UDP3, UR3 and D1 of the RUDP, and contrary to Governmental planning guidance in the form of PPG2 (Green Belts)
 3. The proposed development would result in harm to the quality and character of the Rombalds Ridge Landscape Character Area by virtue of the introduction of unjustified new built form. As such the proposed development is contrary to Policies UDP3, UR3, D1, NE3 and NE3A of the RUDP.
-