

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 24 June 2010

A

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.	2 St Johns Court Baildon [Approve] (page 2)	Baildon
2.	Former New Mill New Road Denholme [Approve] (page 7)	Bingley Rural
3.	Land North Of 33 - 37 Low Ash Road Shipley [Approve] (page 16)	Windhill And Wrose
4.	Land South Of 30 Prospect Mount Shipley [Approve] (page 24)	Windhill And Wrose
5.	Pennine Fibre Industries Limited Former New Mill New Road Denholme [Approve] (page 29)	Bingley Rural
6.	Site At Swan Avenue Bingley [Approve] (page 39)	Bingley
7.	The Grange Woodfield Road Cullingworth Bingley [Approve] (page 45)	Bingley Rural
8.	The Stone Yard Derry Hill Menston Ilkley [Approve] (page 51)	Wharfedale
9.	Middle Lodge Otley Road Burley In Wharfedale Ilkley [Refuse] (page 62)	Wharfedale

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Environment and Culture

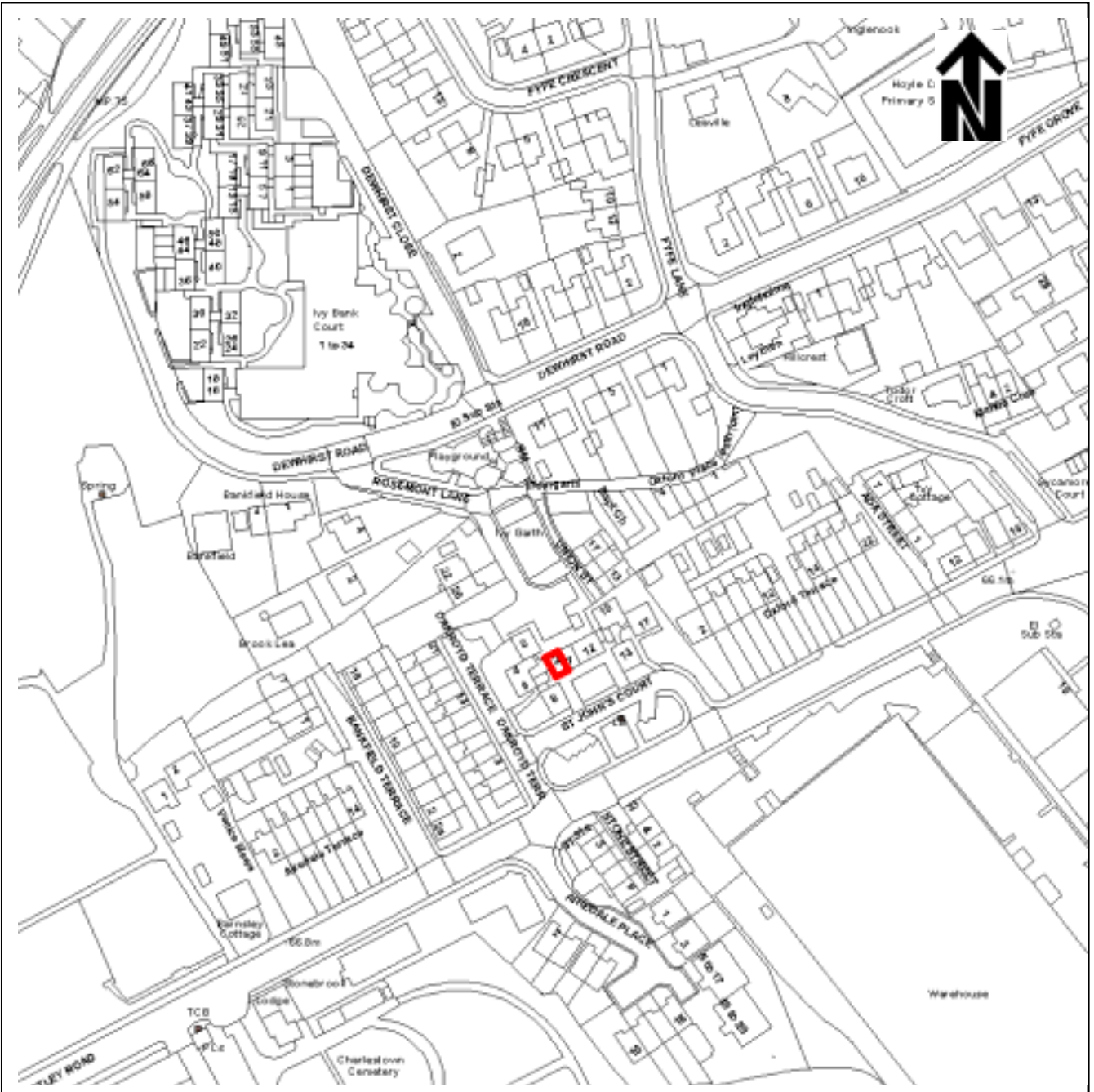
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

10/00753/FUL

24 June 2010



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ITEM NO. : 1	LOCATION: 2 St Johns Court Baildon
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24 June 2010

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

Application Number:
10/00753/FUL

Type of Application/Proposal and Address:

A full application for Change of use from off licence/convenience store to tattoo studio at 2 St Johns Court, Baildon.

Applicant:

Mr Mark Yates

Agent:

None

Site Description:

This is a ground floor shop within a small shop/flat development just off Otley Road, Baildon. The development is configured as an "H" block with three storey development to both sides and two storeys across the middle section. There are four ground floor shops, a hair salon, fish and chips, a beauty salon (appears closed) and the closed off licence, the subject of this application. Above the shops are flats. To the front there is a parking forecourt with a landscaped buffer to Otley Road. Opposite is a local butchers shop and the locality is generally residential.

Relevant Site History:

None.

Replacement Unitary Development Plan (RUDP):

Allocation

The Shipley Constituency Proposals Plan has no proposals for this site.

Proposals and Policies

UR3 The Local Impact of Development.
TM19A Traffic Management and Road Safety.
D4 Community Safety.

Parish Council:

Baildon Parish Council No comment.

Publicity and Number of Representations:

The proposal has been publicised by site notice(s) and letters to near neighbours. The overall publicity period expired on 24 April 2010. There have been seven objections received. A further seven letters of support have been submitted by the applicant.

Summary of Representations Received:

Objections

1. Existing parking problems.
2. Youths gathering/reduce opening hours/appointments system.
3. Attract the wrong sort of people.
4. Not a local shop/service – will attract motorists.
5. Lost local service.

Support

6. From an Art & Design teacher tattoo imagery is a scholarly subject. There is a new acceptance with many recipients from the middle classes and women. It would be ideal alongside a beautician and hairdresser.
7. Customers may make use of other services in the area.
8. Prominent artist with exhibitions nationwide.
9. Successful rock artist.
10. Positive addition to Baildon facilities.
11. Would not operative anti-social hours of off licence.
12. Convenience store unlikely to reopen after Tesco Extra store opened with in ½ mile.
13. Encouragement to a new business venture.
14. Better than shop standing empty.

Consultations:

Environmental Protection No Comment.

Summary of Main Issues:

1. Principle of Development.

Appraisal:

The application is for a Tattoo studio within premises formerly occupied as an off-license/local grocer which has now ceased business. The application includes no physical alterations to the premises but will involve a replacement sign to the front of the shop.

Principle of development

The use is sui generis (outside any use class). It is not a shop although can trade from such premises as there is a public clientele. It is unlikely to attract passing trade or high numbers of customers. It is not a noisy process any more than a general grocers or other shop use. The proposed hours of opening are Monday to Friday 9.00 hrs to 18.00 hrs, Saturdays 10.00 hrs to 18.00 hrs with no Sunday or Bank Holiday opening. As such it is unlikely the proposed use would cause harm to neighbouring occupiers, particularly the residents of the flats above.

The changes within the local environment would be minimal. Therefore RUDP policy UR3 would be satisfied.

Whilst there is no specific parking provision, parking within the forecourt area is available. There would be no highway safety problems any more than the existing use Policy TM19A will be satisfied.

Whilst the proposal will produce a use which is unlikely to attract custom from passing trade, there are no policies to protect the loss of local shopping facilities. The applicant likens this use to a dentist or salon and he intends operating on an appointments only basis.

Public Comment

Parking problems – It is anticipated custom to the off licence would have generated a much greater parking demand than this proposal.

Youths gathering – As the applicant points out, this probably originated from the now closed off licence which opened late and sold cigarettes and alcohol.

Hours of opening – The proposal is to close at 18.00 in line with normal business hours and much earlier than the off licence.

Appointments system – The applicant states this will be his normal system.

Wrong sort of people – Not a planning consideration.

Attract motorists – Addressed above.

Lost local service – The applicant suggests the existing business may have been unprofitable but the planning system cannot be used to resist alternative uses that would not be contrary to policies.

Supporting Comments

Letters of support submitted by the applicant raise counter views and whilst giving personal views about the applicant and tattooing they also make valid planning comment.

Community Safety Implications:

No apparent community safety implications.

Reason for Granting Planning Permission:

The proposed use is considered to be appropriate in a local shopping parade. The impact of the proposal on neighbouring residents, highway safety and community safety has been assessed and it is considered that it will not have a significant adverse effect upon these interests. As such the proposal is considered to be in accordance with Policies UR3, TM19A and D4 of the Replacement Unitary Development Plan.

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 received by the Council on 11 May showing the corrected red line application site and corrected floor layout plan

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

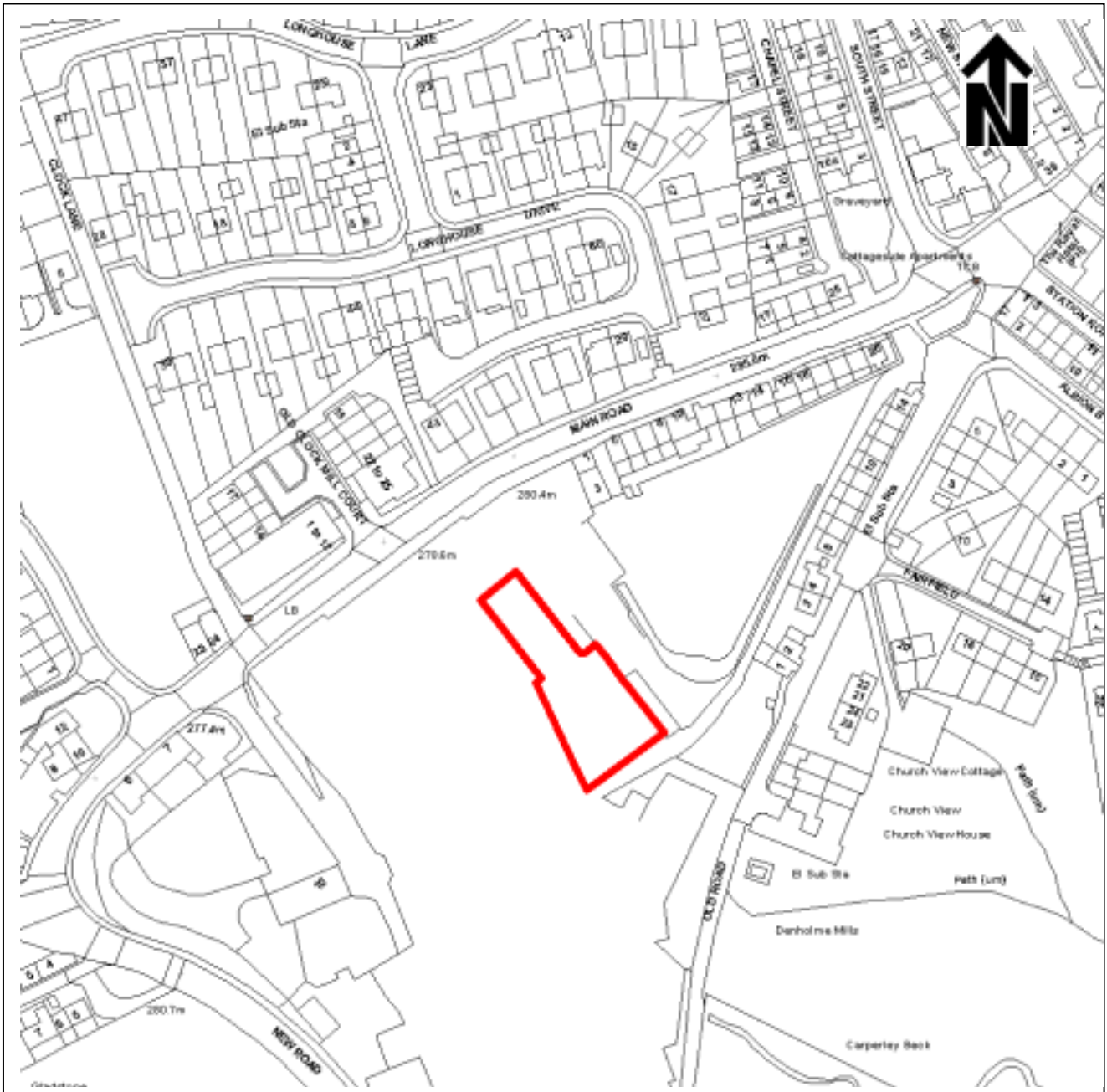
3. The premises shall not be used outside the hours of 09.00 to 18.00 Mondays to Saturdays and not at all on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policy UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

10/00781/REM

24 June 2010



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<p>ITEM NO. : 2</p>	<p>LOCATION: Former New Mill New Road Denholme</p>
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24 June 2010

Item Number: 2
Ward: BINGLEY RURAL
Recommendation:
TO APPROVE RESERVED MATTERS SUBJECT TO CONDITIONS

This application was deferred by the Shipley Area Planning Panel on 11 May 2010 because the members requested additional information concerning the materials to be used to face the proposed dwelling houses. Plans have now been submitted showing the proportion of artificial stone and render on individual units. Samples of the artificial stone will be available for the members to inspect on the day of the panel meeting.

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 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 ***.

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)

10/01648/OUT

24 June 2010



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<p>ITEM NO. : 3</p>	<p>LOCATION: Land North Of 33 - 37 Low Ash Road Shipley</p>
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24 June 2010

Item Number: 3
Ward: WINDHILL AND WROSE
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
10/01648/OUT

Type of Application/Proposal and Address:
Outline application for the construction of a detached dwelling on land to the north of 33-37 Low Ash Road, Wrose.

Applicant:
CBMDC Department of Regeneration – Asset Management

Agent:
West and Machell Architects

Site Description:
The application site comprises a roughly triangular grassed area of open land measuring some 0.02ha situated to the north of 33-37 Low Ash Road, a small group of C18 cottages located on the east side of Low Ash Road. The land is fringed by non-mature trees and there is a willow tree positioned centrally within the site. The land was occupied by buildings up until 1985 when the land was cleared and has until recently been let on a garden tenancy. Levels fall slightly across the site towards the north east.

The area to the south of the site is predominantly residential in nature and to the east is a purpose built garage block. The character of the area changes quite significantly to the north of the site in that residential development becomes more sporadic in nature within a woodland setting. Low Ash Road turns into an unadopted highway which leads to Gaisby Hill, designated as an area of Urban Green Space on the Council's adopted Replacement Unitary Development Plan (RUDP). There is an established woodland area to the north west of the site adjacent to No 28 Low Ash Road – allocated as a Bradford Wildlife Area on the RUDP.

Relevant Site History:
10/00108/OUT Detached dwelling-Refused 10 March 2010 on the following grounds;

1. The proposed development would, by virtue of its proximity with the boundary to 33-37 Low Ash Road represent an unsatisfactory form of development in that it would fail to meet the Council's normally applied spacing standards. The useable side garden of the new property would be overlooked by habitable room windows of 33-37 Low Ash Road to the detriment of the amenities of future residents. The proposal therefore fails to comply with policies UR3 and D1 of the Council's adopted Replacement Unitary Development Plan.

2. The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular there is inadequate information on the impact of the proposal on the trees within and adjacent to the application site namely a detailed tree survey (to BS5837:2005 Trees in Relation to Construction), an accurate layout drawing showing the precise position and crown spread of these trees and a root protection zone plan.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

UR3 The Local Impact of Development

D1 General Design Considerations,

NE5 and 6 Assessment and Protection of Trees on Development Sites

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

D4 community Safety Implications

Parish Council:

Wrose Parish Council object to the proposal on the grounds that; the proposal would represent overdevelopment on a small plot and it would adversely affect the historical nature of the immediate area; it would detract from the amenity of the neighbouring cottages and houses and would destroy a green oasis which forms a pleasant focal identity in this area; a house built here would cause problems of overlooking and being overlooked and there would be extra traffic implications; neighbours are worried about narrow access ways and risk to children and pedestrians.

Publicity and Number of Representations:

Advertised by Neighbour Notification letters and site notice. Expiry date 31 May 2010.

One letter of objection received to date. A Local Ward Councillor has also objected to the proposal and requested that the application be referred to the Shipley Planning Panel if the application is recommended for approval. Any further representations will be verbally reported.

Summary of Representations Received:

1. Loss of green space.
2. Adjacent to a busy public footpath – the path slopes towards the green and is used by children, families, dog walkers whose safety would be at risk by the development.
3. Detrimental impact on the setting of nearby cottages
4. Area is used for recreation and washing
5. Additional cars using this stretch of Low Ash Road would result in congestion/parking problems.
6. The dwelling would overlook and be overlooked by neighbouring houses.

Consultations:

Minerals No objection in principle subject to a condition and footnote - site is located close to land which has historically been used for coal mining and domestic land fill.

Drainage No objection subject to a separate drainage system and the investigation of the use of porous surfaces for the off street parking area.

Trees Acceptable in arboricultural terms. Tree loss is not significant and the dwelling achieves the minimum distances to significant retained trees.

Summary of Main Issues:

1. Proposal
2. Principle of Development
3. Impact on the Surrounding Environment
4. Impact on Residential Amenity
4. Impact on Highway Safety
5. Community safety Implications

Appraisal:

Proposal

The proposal seeks outline consent for the construction of a single dwelling on land to the north of 33-37 Low Ash Road, Wrose. Consent is sought for access, layout and scale with all other matters reserved for future consideration.

The new property is positioned towards the northern end of the site and is to be two storeys in height providing 3No bedrooms with off street parking provision for 3No vehicles.

Principle of Development

The site is unallocated on the replacement Unitary Development Plan and as such the principle of residential development is acceptable.

Impact on the Surrounding Environment

The proposed dwelling is to be located at the northern end of the site with a frontage to Low Ash Road. It will be of a similar height to surrounding properties – the plans indicate that the ridge and eaves height of the dwelling will be kept below the level of the existing dwelling. Although the dwelling will sit at one end of the site close to the highway because of the nature of the site, which has development on only one boundary it is not considered that the dwelling will appear cramped.

The proposal would result in the loss of a small area of open space and all trees on the site would be removed as a consequence of the proposal. It should be noted that the applicant has advised that the land was until recently let on a garden tenancy but this tenancy has lapsed as the land is no longer wanted by adjacent residents. In other words the land has been in residential use. Whilst it is accepted that the development of the site would change the character and appearance of the local area it is not considered that refusal on the grounds of the loss of this open area of land could be justified given that the site has no specific policy allocation or protected status on the RUDP and that the site has been used for residential purposes and is surrounded by residential development on all sides.

The Council's Tree Officers have advised that the submitted tree survey is acceptable and overcomes their initial objection to the previous refused scheme. It is accepted that the existing trees within the site are not of significant amenity value to warrant their retention and protection. The proposal will not therefore conflict with the aims of Policies NE5 and 6 of the RUDP.

It is considered that the proposed form of development would not significantly harm the character of the local environment.

Impact on Residential Amenity

The layout of the current application addresses the reasons for refusal of the earlier scheme in that the rear garden area of the new dwelling will no longer be significantly overlooked by the existing dwellings at 33-37 Low Ash Road as the garden area is 10 metres away from the habitable room windows in the neighbouring dwellings. This has been achieved by relocating the parking area along the joint boundary and through narrowing and elongating the footprint of the property to give more usable garden space.

The dwelling has been sited a minimum of 12 metres from the existing properties at 33-37 Low Ash Road with no windows shown in the facing gable. In view of the distance from these properties, the height of the proposed dwelling and the fact that the proposed dwelling is not set with a full elevation facing these properties it is considered that the dwelling will not adversely affect the outlook from or light to these neighbouring properties. The proposed ridge and eaves height of the new building are also shown to be lower than the neighbouring cottages. The proposal is therefore considered to accord with Policy UR3 of the Council's adopted RUDP.

Impact on Highway Safety

Concern has been expressed by local residents regarding congestion, highway safety and parking. Access to the proposed dwelling is to be provided from Low Ash Road to a parking area which can accommodate 3 vehicles. There is good visibility at the site entrance and it is not considered that the provision of a residential access in the location proposed would be detrimental to highway safety. There is an over provision of off street car parking for this development in relation to Council policy – 1.5 spaces is the maximum requirement.

It is not considered that the development would result in conditions prejudicial to highway safety and as such would accord with Policies TM12 and TM19A of the RUDP.

Community Safety Implications:

There are no anticipated Community Safety Implications.

Reason for Granting Planning Permission

The proposed development of the application site is acceptable in principle. It is not considered that the proposed development would be materially detrimental to residential amenity or the local environment including the health and sustainability of nearby mature trees. There are no adverse highway safety implications or community safety implications. The proposal is therefore considered to accord with Policies UR3, D1, NE5, NE6, TM12, TM19A and D4.

Conditions of Approval:

1. An application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

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

2. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

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

3. Before any development is begun plans showing the:

- i) appearance
- ii) landscaping

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

4. The eaves and ridge heights of the new dwelling shall be lower than those of the adjacent dwellings at 33-37 Low Ash Road as specified on the section drawing within the submitted design and access statement which accompanied this application.

Reason: In the interests of the amenities of neighbouring dwellings and to accord with Policies D1 and UR3 of the Council's adopted Replacement Unitary Development Plan.

5. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

6. The parking spaces intended to serve the dwelling shall be provided before the dwelling is occupied and the parking spaces shall be of porous material or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. The parking spaces shall be retained thereafter and shall not be used for any purpose other than parking of vehicles.

Reason: In the interests of the safe and free use of the highway and to accord with policies TM19A and TM12 of the Replacement Unitary Development Plan.

7. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority for approval in writing before the expiration of 1 month from the date on which the contamination was found. If remediation is found to be necessary, a remediation scheme must be prepared and submitted and submitted to the Local Planning Authority for approval in writing; following completion measures identified in the approved remediation scheme and prior to the commencement of the use of the approved development a verification report must be prepared and submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that risks from land contamination are minimised, in accordance with policies UR3, NR17 and NR17A of the Replacement Unitary Development Plan and Planning Policy Statement 23.

8. Before the development hereby permitted is brought into use, a dropped footway crossing in the highway shall be constructed to the Council's approved specification.

Reason: To ensure the provision of an appropriate standard of pedestrian access to serve the development and to accord Policy TM19A of the Replacement Unitary Development Plan.

Footnote:

Coal Authority Standing Advice

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heating and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

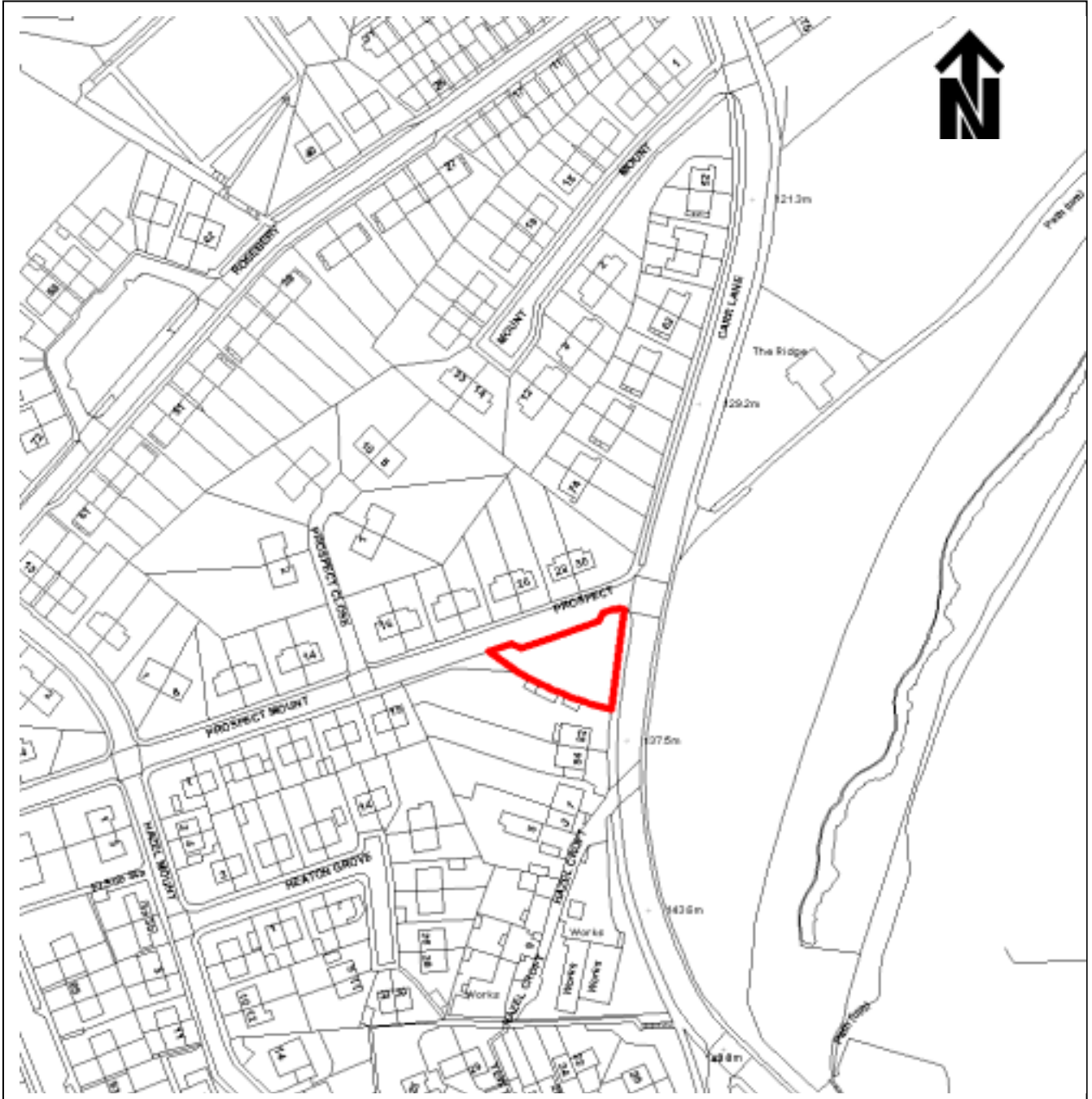
Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

Area Planning Panel (Shipley)

10/01414/OUT

24 June 2010



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<p>ITEM NO. : 4</p>	<p>LOCATION: Land South Of 30 Prospect Mount Shipley</p>
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24 June 2010

Item Number: 4
Ward: WINDHILL AND WROSE
Recommendation:
TO GRANT OUTLINE PLANNING PERMISSION WITH CONDITIONS

Application Number:
10/01414/OUT

Type of Application/Proposal and Address:

This is an application for outline planning permission for the construction of a pair of semi-detached dwellings on land to the south of 30 Prospect Mount, Shipley, Bradford. The application reserves all matters for later approval although an indicative site layout and scale drawings have been provided.

Applicant:

Mrs Christine Waterhouse, City of Bradford MDC, Department of Regeneration, Asset Management

Agent:

Not applicable

Site Description:

The site is a currently a vacant plot of greenfield land at the corner of Carr Lane and Prospect Mount on Bierley House Avenue. The area to the west is wholly residential consisting of semi-detached dwellings and the land to the east forms a large area of open space. The site slopes steeply to the north and also to the west.

Relevant Site History:

There is no planning history on this site.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated on the Replacement Unitary Development Plan.

Proposals and Policies

Policy UDP1	<i>Promoting Sustainable Patterns of Development</i>
Policy UR2	<i>Promoting Sustainable Development</i>
Policy UR3	<i>The Local Impact of Development</i>
Policy OS3	<i>Protection of Playing Fields</i>
Policy H7	<i>Density</i>
Policy H8	<i>Density</i>
Policy D1	<i>General Design Considerations</i>
Policy TM2	<i>Impact of Traffic and its Mitigation</i>
Policy TM12	<i>Parking Standards for Residential Developments</i>
Policy TM19A	<i>Traffic Management and Road Safety</i>

Planning Policy Statement 3: Housing

Parish Council:

Not in a Parish

Publicity and Number of Representations:

The application was publicised with neighbour notification letters and a site notice. The publicity period expired on 12th May 2010. One representation has been received.

Summary of Representations Received:

1. Proposed dwellings would overlook and overshadow neighbouring properties
2. Proposal will result in increased traffic
3. Proposal will result in noise, disruption, dirt and dust during the construction phase
4. Proposals have been previously refused
5. Neighbour notification letters were sent at a time when people were distracted by the elections

Consultations:

Drainage – No objections subject to conditions

Highways DC – No objections to the principle but further detailed information will be required at the reserved matters stage.

Summary of Main Issues:

1. Principle of the Development
2. Visual amenity
3. Residential Amenity
4. Highway Safety
5. Community Safety Implications

Appraisal:

This is an application for outline planning permission for the construction of a pair of semi-detached dwellings on land to the south of 30 Prospect Mount, Shipley, Bradford. The application reserves all matters for later approval although an indicative site layout and scale drawings have been provided.

Principle of the Development

The site is unallocated on the RUDP and is not therefore protected for any uses other than those which accord with the general policies of the RUDP. The surrounding area is dominated by residential uses and the site itself while a Greenfield one is in a sustainable location with good access to public transport and local services. Policy UR2 allows for development which makes efficient use of existing physical and social infrastructure. Large development in unsustainable locations has the potential to generate significant extra car journeys and can prevent development in or direct development away from the urban areas. While the site is Greenfield it is relatively small and in a sustainable location within the main urban area and has reasonable access to the public transport network. The development of such sites is unlikely to cause demonstrable and significant harm to the policy aims and objectives of the plan.

Although the layout details are reserved for later approval the application provides an indicative site layout which achieves a density of around 32 dwellings per hectare. Due to the location of the site Policy H7 would normally require a density of over 50 dwellings per hectare. Given the level changes and the shape of the site it may not be possible to achieve a higher density of development. At this stage however it is sufficient that the principle of the development is considered to be acceptable subject to its local impact.

Visual Amenity

The indicative details show a semi-detached pair of split-level properties in line with 82 Carr Lane. Vehicular access is gained from Prospect Mount and basement level garages are provided for the properties. Further details of changes to the land levels will be required however the indicative details are sufficient to establish that the site can be developed without causing any significant harm to visual amenity.

Residential Amenity

All details are reserved for later approval however the indicative plans show a distance of around 19m from the side wall at its nearest to the front wall of the 28 Prospect Mount, which is the closest property to the proposed development. This is considered to be a sufficient distance to avoid any overshadowing of this property. More than 25m is retained from the rear wall of the proposed dwellings to numbers 18-24 Prospect Mount. It is therefore considered that the indicative layout demonstrates that the site can accommodate development in positions which do not cause any significant harm to the residential amenity of any of the neighbouring properties.

Highway Safety

The application reserves the consideration of access details for later approval. The indicative plan proposes to take access to the site directly from Prospect Mount and provides a basement level double garage. The site plan provided is only indicative however it is sufficient to show that a safe access can be gained to the site.

Community Safety Implications:

There are no apparent community safety implications.

Reason for Granting Planning Permission

The application has demonstrated that the site can accommodate a residential development that can be safely accessed and that would not cause any significant harm to the character and appearance of the streetscene or to the residential amenity of neighbouring properties. As a result the proposal would comply with the requirements of Policies UDP1, UR2, UR3, H7, H8, D1, TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

Conditions of Approval:

1. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

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

2. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

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

3. Before any development is begun plans showing the:
- i) access,
 - ii) appearance
 - iii) landscaping
 - iv) layout,
 - v) and scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4)
- must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

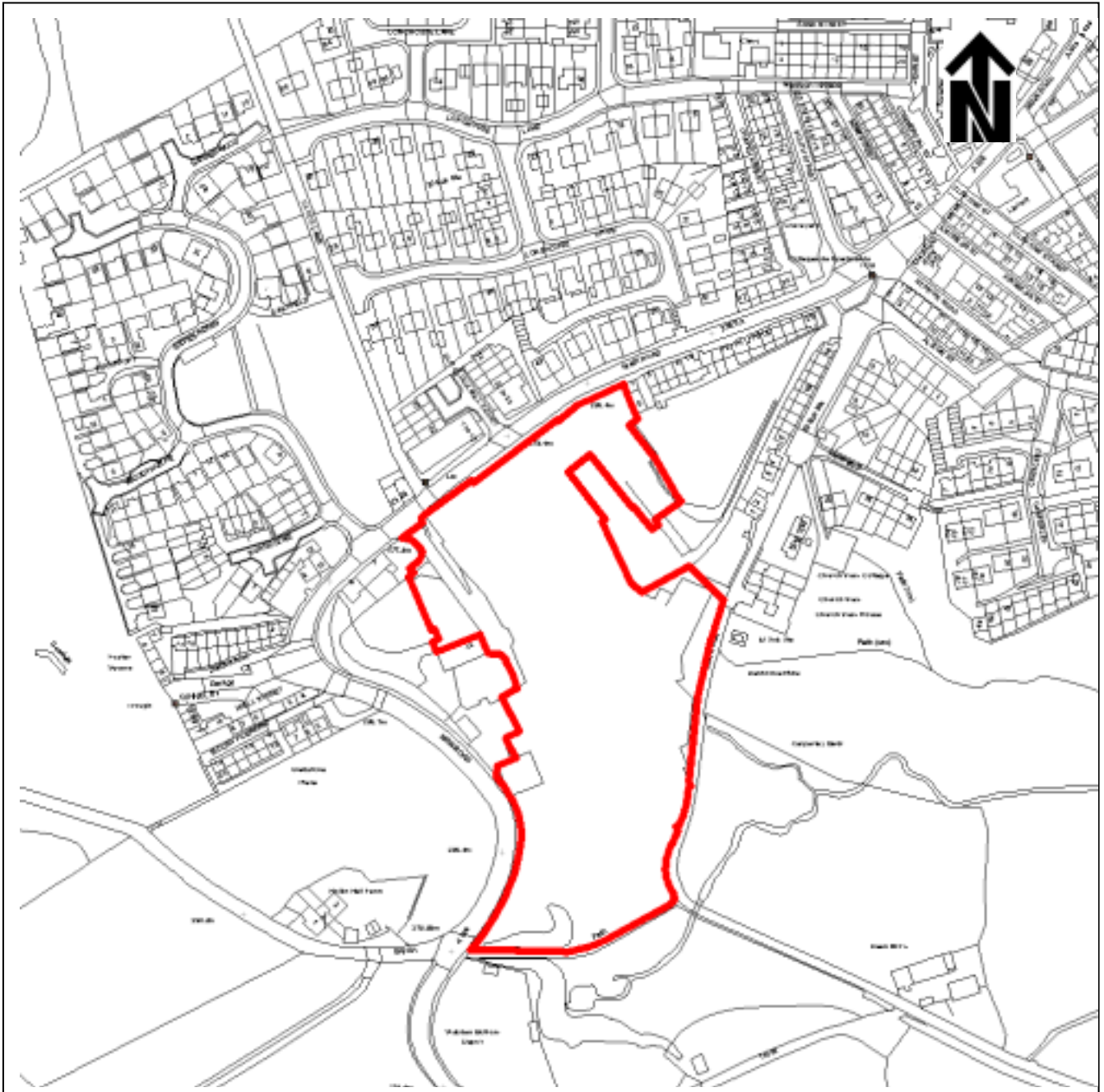
4. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

10/00739/MAR

24 June 2010



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<p>ITEM NO. : 5</p>	<p>LOCATION: Pennine Fibre Industries Limited Former New Mill New Road Denholme</p>
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24 June 2010

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

This application was deferred by the Shipley Area Planning Panel on 11 May 2010 because the members requested additional information concerning the materials to be used to face the proposed dwelling houses. Plans have now been submitted showing the proportion of artificial stone and render on individual units. Samples of the artificial stone will be available for the members to inspect on the day of the panel meeting.

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 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 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 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 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 form 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 through 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 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 non-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.

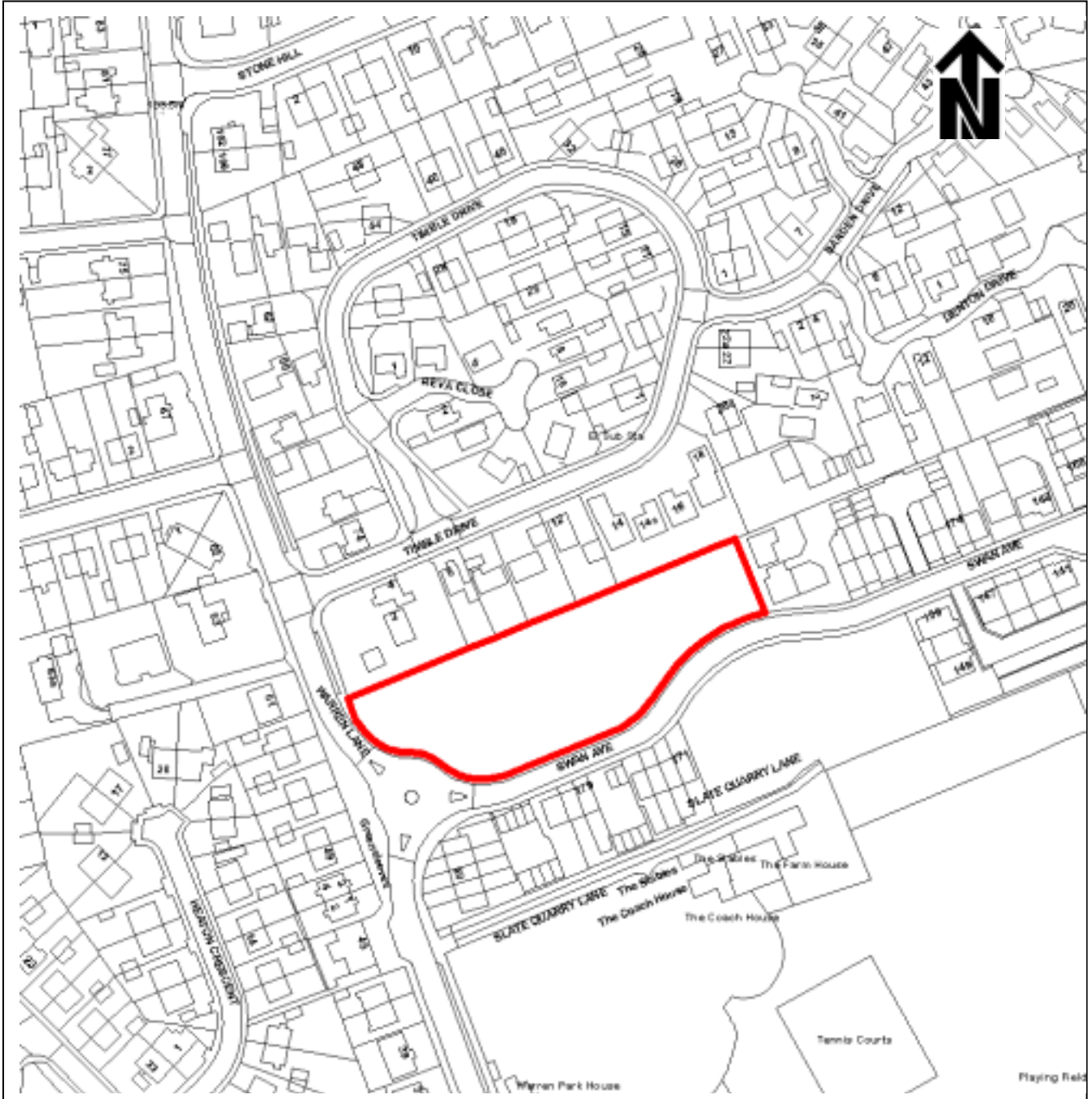
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no development falling within Class (es) A to E of Part 1 of Schedule 2 of the said Order shall be carried out at plots 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)

10/01510/VOC

24 June 2010



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ITEM NO. : 6	LOCATION: Site At Swan Avenue Bingley
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24 June 2010

Item Number: 6
Ward: BINGLEY
Recommendation:
TO GRANT PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
10/01510/VOC

Type of Application/Proposal and Address:

Construction of doctor's surgery, pharmacy, veterinary practice, 2 retail units, nursery and D1 class use (non-residential) unit: Change to opening/operating hours for the two small retail units (units 1B/1C) from 07:30 -20:30 to 07:30 - 23:00 (7 days a week); veterinary surgery (unit 3A) from 07:30 - 23:00 to 0730 - 20.30 (7 days a week plus unrestricted access for emergencies only) and the remainder to the units on the site to operate between the hours of 07:30 - 20:30 (Mondays to Saturdays).

Site at Swan Avenue, Bingley, West Yorkshire.

Applicant:
Cleckheaton Properties

Agent:
Miss Penelope Hubb, D J Curtis Associates Ltd

Site Description:

A 0.422 hectare grassed crescent shaped parcel of land located at the corner of Warren Lane and Swan Avenue. The site currently being constructed with development comprising a doctors surgery, pharmacy, veterinary practice, 3 retail units, nursery and a D1 (non-residential institution) unit (granted planning permission under application 08/07436/FUL). The site slopes on a west to east axis falling approximately 6m in height between Warren Lane and properties in Swan Lane which are located at the eastern edge of the development site.

Residential properties in Trimble Drive back onto the long northern boundary of the development site and there are two properties in Swan Lane which front onto the north eastern boundary of the site. Other nearby residential properties are located opposite the development site in Swan Avenue and Warren Lane. A mini roundabout exists at the junction between Warren Lane and Swan Avenue. Vehicular access to the site is via Swan Avenue.

Relevant Site History:

- Originally the site formed part of Warren Park Quarries.
- Outline planning permission 92/04535/OUT was granted subject to a S106 legal agreement in 1992 for residential development (400 units). Within the s106 document provision was made for community uses, including retail units, on part of the development site. Under the agreement, until the community uses were granted planning permission and subsequently built, the site was to be maintained in a tidy manner.

- Reserved matters application 01/03730/REM was granted subject to a S106 agreement in 2001 for the development of 299 dwellings and associated works.
- More recently, planning application 08/02163/FUL was for the development of a mix of community uses on the current application site was withdrawn from determination.
- Planning application 08/07436/FUL granted permission subject to a traffic regulation order for the construction of doctors surgery, pharmacy, visionary practice, 3 retail units, nursery and a D1 (non-residential institution) unit. Condition 18 of this permission stated restricted opening hours:-

With the exception of the proposed D1 use and the largest retail unit (located in the eastern apex of the site), uses on the development shall only operate between the hours of 07:30 to 20:30 Mondays to Saturdays (including staff movements to and from the site) and the uses shall not operate on a Sunday. The largest retail unit (located in the eastern apex) shall only operate between the hours of 07:30 to 23:00 (7 days a week).

- Reason: In the interests of the amenities of neighbouring residents and to accord with policy UR3 of the Replacement Unitary Development Plan.

Planning application 10/00464/FUL granted permission for the construction of a veterinary unit in lieu of the previously approved retail unit.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is allocated on the Proposals Map of the Replacement Unitary Development Plan as part housing site S/H1.10. As outlined above, within the S106 agreement which formed part of planning permission 92/04535/OUT for residential development of housing site S/H1.10, provision was made for community uses on the site.

Proposals and Policies

UDP1 Location of development
UDP3 – Quality of built and natural development
UDP7 – Reducing the need to travel
UR2 – Sustainable development
UR3 – Local Impact of development
CR3A - Small Shops
CR4A - Other retail development
D1 – Design considerations
D5 – Landscaping
D4 - Community Safety
D6 – Meeting the needs of Pedestrians
TM2 – Impact of traffic and its mitigation
TM12 – Parking standards for residential developments
TM19A – Traffic management and road safety
CF3 - Community Uses

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application was advertised by both site notice and individual neighbour letters to surrounding properties. The statutory expiry date for comments was 28 May 2010.

A petition has been received with 40 signatures (from 13 households) objecting to the scheme. 5 individual letters of objection have also been received.

Summary of Representations Received:

Comments against:-

- The site is in a predominately residential area where occupiers reasonably expect a level of residential amenities.
- The increase in the proposed hours of the two small retail units would mean the car park would remain open until after 23.00 hours every day and there would be no respite whatsoever for neighbouring residents during waking hours from the noise, small and dust from parking cars and delivery vans.
- The proposed opening hours will mean vehicles driving down Swan Avenue the full length of the development and then back up the site adjoining Timble Drive thus creating both a noise nuisance and the high chance of youths gathering late at night.
- In addition, residents on Warren lane will be affected by the lighting from these late night retail units.
- Loss of privacy.
- Out of keeping with the surroundings.
- Overall, the proposal introduces increased noise, disturbance, pollution and nuisance.

Consultations:

Environmental Health (noise) – any comments made will be reported orally.

Summary of Main Issues:

- Whether the extension of the hours for the two small retail units is appropriate.
- Impact on the amenities of the surrounding residents.
- Comments on letters of representation.

Appraisal:

1. Planning permission has already been granted for the construction of doctor's surgery, pharmacy, veterinary practice, 2 retail units, nursery and D1 class use (non-residential) unit. This application seeks to change the opening/operating hours for the various uses as follows:

- the two small retail units (units 1B/1C) from 07:30 -20:30 to 07:30 - 23:00 (7 days a week);
- the veterinary surgery (unit 3A) from 07:30 - 23:00 to 07:30 - 20:30 (7 days a week plus unrestricted access for emergencies only), and;
- The remainder to the units on the site to operate between the hours of 07:30 - 20:30 (Mondays to Saturdays).

2. All materials for the scheme, and the location and number of parking spaces are to remain as per the original planning permission (08/07436/FUL). It should be noted that the approved details of these car parking areas is as follows:

- The whole site is to be gated after hours (23:00) with simple metal upright post to ensure that parts of the site do not become a magnet for anti-social behaviour
- The provision of a further gate between the eastern end of the site which has 18 spaces and the remainder of car park. The western end of this car park (behind the houses at 2, 4, 6, 8, 10, 12 Timble Drive) will be shut off at 20:30.

3. Confirmation has been received from the applicants that the hours of use of this western part of the car park will remain the same as granted in the original planning permission and thus be closed from 20:30 hours each day.
4. It is considered that the proposed increase in hours of the two small retail units until 23.00 Monday to Sunday is acceptable. Indeed, such an increase would not be unduly detrimental to the established amenities of the nearby residents in part because only that car park at the eastern part of the site would be available for use after 20.30 hours (as per the original planning permission) thereby ensuring no cars will be manoeuvring behind the above noted residential properties. Retail units 1b and 1c are located away from the residential boundaries. Entrance to these units is via the Swan Avenue and a further security gate is provided between units 1c and 2a which will also be closed off at 20.30 hours each evening. As such, the proposal is considered to be in conformity with policy UR3 of the Replacement Unitary Development Plan.
5. The reduction in the proposed hours of use of the veterinary unit (3a/b) from 23:00 to 20:30 (except for emergency uses) is clearly considered acceptable and will not adversely affect the amenities of surrounding properties.
6. Various issues mentioned in the letters of representations and petition have been addressed above. The principle of the development has already been established – it is not considered that the revised operating hours of two of the units would create a loss of privacy or overlooking. Conditions can be attached to any permission granted to ensure that appropriate external lighting is provided for two units which are proposed to open later than 20:30. Similarly conditions regarding the management of the site to ensure that part of the rear car park (behind units 2, 4, 6, 8, 10, 12) is secured after 20:30 and that the remainder of the car park is effectively secured after 23:00. These management actions will help ensure that no undue detriment will be created to the residential amenities of the surrounding residential properties.
7. Whilst it is considered that a clearly defined management plan is an effectively way to ensure that local amenities are protected as far as possible, it should also be noted that if any noise becomes excessive etc. and clearly detrimental to neighbouring residents, it may be identified as a statutory noise nuisance and can be addressed using environmental protection legislation.

Community Safety Implications:

As discussed in above report.

Reason for Granting Planning Permission:

It is considered that the extension of the hours of units 1b and 1c until 23:00 Mondays to Sundays is considered acceptable providing a detailed security management plan of the site is submitted to and approved in writing by the Local Planning Authority prior to the occupation of the units. No undue detriment to residential amenities will result. As such it is considered that the variation of condition 18 of planning permission 08/07436/FUL is acceptable and in accordance with policy UR3 of the Replacement Unitary

Conditions of Approval:

1. The retail uses within units 1b and 1c shall only operate between the hours of 07:30 to 23:00 Mondays to Sundays (including staff movements to and from the site). The D1 veterinary use within units 3a and 3b shall only operate between the hours of 07:30 to 20:30 Mondays to Saturdays (including staff movements to and from the site and with the exception of veterinary emergencies).

Reason: In the interests of the amenities of neighbouring residents and to accord with policy UR3 of the Replacement Unitary Development Plan.

2. A security management plan, management responsibility, and operation of security features for all communal areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the operation of any of the units and adhered to thereafter unless otherwise agreed in writing by the local Planning Authority. It should be noted that the management plan must provide 24 hours contact details of management security in order to be able to report anti-social behaviour and should provide full details of all lighting aspects of the units.

Reason: To ensure proper management of security details/issues of the communal areas in the interests of amenity and security of the site and adjoining premises, and to accord with policies UR3 and D4 of the Replacement Unitary Development Plan.

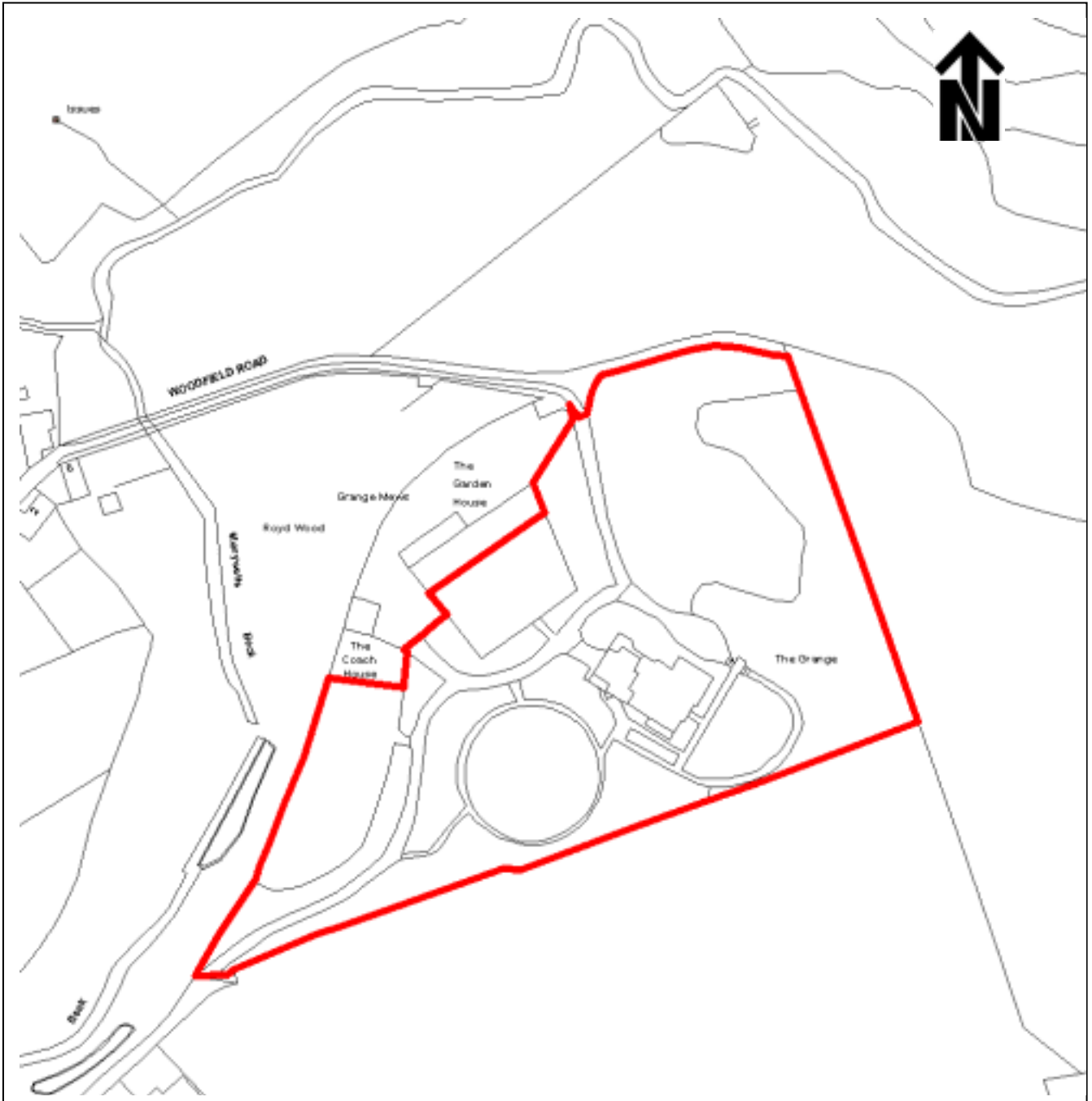
3. The development hereby approved shall only be carried out in accordance with the email dated 4 June 2010 received from the applicant's agent.

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

Area Planning Panel (Shipley)

10/01541/HOU

24 June 2010



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ITEM NO. : 7	LOCATION: The Grange Woodfield Road Cullingworth Bingley
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24 June 2010

Item Number: 7
Ward: BINGLEY RURAL
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
10/01541/HOU

Type of Application/Proposal and Address:

Householder application for the construction of a side extension (porch) at The Grange, Woodfield Road, Cullingworth.

The proposed side extension will be sited on the south west side elevation of the property and is an enlargement of the existing kitchenette. The proposal will have a depth of 2.6 metres, a width of 6.2 metres and a height of 4.1 metres and will be constructed of stone to match the host dwelling and will have a lean to style slate tile roof with a glass roof pitch projection.

This application, initially, also proposed a detached quadruple garage with games room above. This proposal has now been withdrawn from the application.

Applicant:
Mrs M K Nagra

Agent:
Mr J Steel

Site Description:

The Grange is a substantial stone built dwelling situated within large grounds and can be accessed via Woodfield Road or Parkside Terrace.

The surrounding area is predominantly rural with residential dwellings evident to the south west of the site. Parkside School is located to the south of the site.

Relevant Site History:

05/02905/FUL: Installation of 2 dormer windows and openings. Granted 20.06.2005

02/01624/FUL: Internal alterations and dormer extensions. Granted 23.07.2002

90/03405/FUL: Extension to provide swimming pool. Granted 6.08.1990.

Extension not built. Permission expired

75/03957/OUT: 58 detached dwellings. Refused 1.10.1975

Replacement Unitary Development Plan (RUDP):

Allocation

The site is located within the Green Belt and within the Wilsden Landscape Character Area in the Replacement Unitary Development Plan.

Proposals and Policies

- GB1 – New Building in the Green Belt
- GB5 – Extension and Alteration of Buildings in the Green Belt
- UR3 - The Local Impact of Development
- D1 – General Design Considerations
- NE3/NE3A – Landscape Character
- D4 – Community Safety

Parish Council:

Cullingworth Parish Council – initial comments:

The proposed construction will extend the footprint of the existing outbuilding contrary to policy GB1. The applicant has not demonstrated special circumstances.

The proposed tower like structure encasing the proposed spiral staircase is out of keeping with the large Victorian property design. Does not satisfy policy GB2.

Equally the proposed building cannot be considered as an infill as defined in GB3.

The demolition of the tractor store suggests that the footprint of this building may be of an adequate size to convert into 4 garages. This in turn would suggest that GB4 requirements could not be satisfied in terms of the conversion of the tractor store. The Parish Council is aware that the building named as the Tractor Store may be misleading as it is unlikely to be big enough to house one.

The proposed extension of the footprint of the existing property and its proposed use would in our view be contrary to GB5 in that it would adversely affect the character of the Green Belt, is a property which has had a previous extension and it could be argued that this proposed construction may not be viewed as 'providing reasonable degree of domestic accommodation'.

The proposed construction would not be in-keeping with neighbouring properties.

Mature trees have been felled which may have screened this area.

Work to the porch area has commenced.

A ¼ acre of land, once a Victorian Wall Garden has had top soil removed and hard core laid. As area in flood zone it may be ill advised to replace this large garden area with hard standing. This area has not been included in the planning application.

The Grange is served by two access points, both are single lane tracks. One is Woodfield Road which is mostly a single lane track with no turning or passing points. Access will require vehicles to travel over the courtyard area of the converted Woodfield Mill properties. The exit/entrance onto the main road provides poor visibility. Additional vehicle movements along this track would compromise highway safety given the existing warning sign of a weak bridge. Alternatively, vehicles can access property via Parkside Terrace but must also negotiate narrow back streets servicing Victoria and Brunswick Street. Parkside Terrace also provides the only access road to Parkside School. Any additional vehicles would compromise highway safety and the free flow of traffic. The existing access to the Grange would be inappropriate to accommodate more vehicles.

Following the withdrawal of the garage block from the application, the Parish Council have been re-notified. Any additional comments will be reported verbally at panel.

Publicity and Number of Representations:

The application was publicised as a departure from the approved development plan by the display of press and site notice in addition to neighbour notification letters. The publicity period expired on the 14th May 2010. 19 letters have been received. 14 of the letters are identical – a circular letter signed by local residents. One of the letters is from Parkside Arts College.

Summary of Representations Received:

1. Work has already started without planning permission.
2. Several mature trees have been felled.
3. Soil has been removed from the walled garden with hardcore laid to make provision for several more cars to be parked. The proposal is in the Green Belt and also in a flood risk area and therefore the trees and grass were an asset.
4. Access concerns – Heavy traffic will be routed along Brunswick Street, Victoria Street and The Dell which are unmade and unadopted. A large number of vehicles have already used this route – there is already some erosion on the road following this activity and the wall on one side of the road is collapsing. Proposals would cause further damage to the road. Residents would have to pay for the repair of damage to these roads.
The access to the site along Woodfield Road is single track, unmade with only one passing place followed by a blind bend. The bridge on Woodfield Road has a limit of 3 tonnes meaning heavy vehicles cannot use this route.
The wagons will also be using Parkside Terrace which is the only access to a large and busy school with associated vehicular and pedestrian traffic. There would be a risk to children from the increase in traffic.
5. The development is not in keeping with the area.

Consultations:

Trees Team: There are significant trees on this site but these are a sufficient distance from the development to not be affected by the proposals.

Summary of Main Issues:

1. Green Belt Policy
2. Impact on local environment
3. Impact on Neighbouring occupants
4. Impact on highway safety
5. Community safety implications.

Appraisal:

Green Belt Policy

The site is in the Green Belt. Planning Policy Guidance note 2 Green Belts (PPG2) notes that the construction of new buildings in the Green Belt is inappropriate except amongst other things for the limited extension or alteration of an existing dwelling provided it does not result in a disproportionate addition over and above the size of the original building. This is reflected in policy GB5 of the replacement Unitary Development Plan.

The proposed porch extension is a modest addition to this large dwelling and will not represent a disproportionate addition over and above the dwelling as originally built. It is not considered that the extension will adversely affect the character and openness of the Green Belt. The proposal is considered to comply with policy GB5 of the Replacement Unitary Development Plan.

Impact on local environment

The application site is located in a rural location which has been identified in the Replacement Unitary Development Plan as the Wilsden Landscape Character Area. The site sits on the edge of areas of mixed upland pasture and wooded valley.

The application property is an established residential property with substantial grounds. The porch is of modest size and will have no significant impact on the character of the area as a whole.

No trees are affected by this development proposal.

The proposed extension will be constructed of materials to match the host dwelling and has been designed to be in-keeping with the existing features of the dwelling. The porch extension will be sited behind the existing study and will not be visible from the principle elevation of the property. The proposal is not considered to harm the character of the host dwelling or the local environment.

The proposal is considered to be in accordance with guidance contained in the Revised House Extensions Policy Document and policies UR3 and D1 of the Replacement Unitary Development Plan.

Impact on Neighbouring occupants

The property is located in large grounds and is set a considerable distance from neighbouring properties. Consequently the proposal will not adversely affect any neighbouring occupants. The proposal is therefore in accordance with policies UR3 and D1 of the Replacement Unitary Development Plan.

Impact on Highway Safety

The extension is of modest size and will not, therefore, generate significant vehicular traffic. Vehicular traffic may be generated by other works being undertaken at the site but these works are not the subject of this planning application.

Other Issues

It has been noted that the porch extension has commenced but the proposal must still be considered on its planning merits.

The application site is not within Flood Zones 2 or 3 where flood risk mitigation measures are required.

Trees have been felled on the site but they are not protected by a Tree Preservation Order.

The agent has advised that works carried out in the walled garden, referred to by objectors, is a temporary measure to allow materials to be stored on site during the construction and renovation process. The area will be returned to garden area once the works have been completed.

Community Safety Implications:

There are no apparent community safety implications.

Reason for Granting Planning Permission:

The proposed porch extension is considered to constitute appropriate development in the Green Belt and accords with Policy GB5 of the Replacement Unitary Development Plan. The extension is considered to relate satisfactorily to the character of the existing dwelling and will not harm the local environment. 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. There are no highway safety or community safety implications. As such this proposal is considered to be in accordance with Policies UR3, D1, NE3 and D4 of the Replacement Unitary Development Plan and the Revised House Extensions Policy.

Conditions of Approval:

1. The development hereby approved shall only be carried out in accordance with the amended plans showing only the proposed porch with the garage block omitted from the scheme.

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

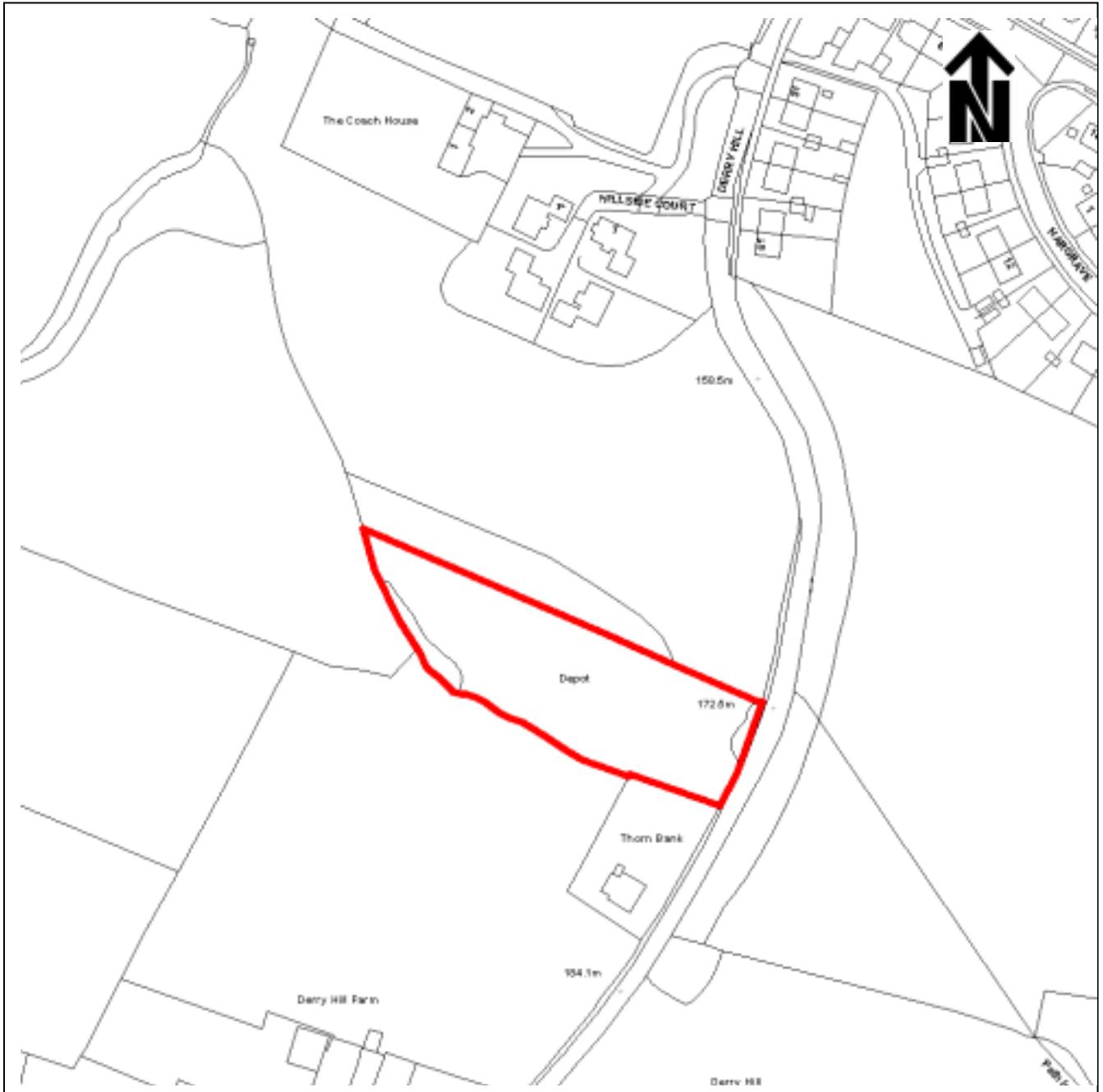
2. The development hereby permitted shall be constructed of facing and roofing materials to match the existing building as specified on the submitted plans.

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.

Area Planning Panel (Shipley)

09/05910/FUL

24 June 2010



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ITEM NO. : 8	LOCATION: The Stone Yard Derry Hill Menston Ilkley
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24 June 2010

Item Number: 8
Ward: WHARFEDALE

Recommendation:

THIS ITEM WAS DEFERRED FROM A PREVIOUS PANEL ON 8 APRIL 2010.

TO GRANT PLANNING PERMISSION. THIS APPLICATION IS REFERRED TO THE PANEL SO THAT IT CAN ADVISE THE REGULATORY AND APPEALS COMMITTEE ON THE LOCAL IMPLICATIONS OF THE APPLICATION. THE APPLICATION MUST BE DETERMINED BY THE REGULATORY AND APPEALS COMMITTEE AS IT IS A DEPARTURE FROM THE REPLACEMENT UNITARY DEVELOPMENT PLAN

Application Number:

09/05910/FUL

Type of Application/Proposal and Address:

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

Applicant:

Clayax Yorkstone Limited

Agent:

Rollinson Planning Consultants

Site Description:

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

Resolution:

The Shipley Area Planning Panel considered the above planning application on 8th April 2010. (The Technical Report is attached as Appendix A).

The Planning Panel resolved that the application be deferred to enable the applicant to reconsider the size of the building and provide further information in respect of any special circumstances.

Amended Plans/Additional Information:

The applicant has submitted amended plans which reduce the length of the proposed building by 4m. The overall floorspace has been reduced to 86 m². In support of the application the applicant has advised that the proposed accommodation is required to provide;

Secure storage space (which is currently within the lock up container) – it is necessary to be able to house ladders, a cement mixer, a pallet truck, a large jet washer and still saws securely when the site is unattended;

Two separate toilets – for staff and visitors;

Space for computer facilities;

A filing storage area;

A staff welfare and rest area;

Office and visitor reception space;

A safe space to store diesel and oils.

The proposal is to replace all of the existing facilities in a new purpose built structure to allow the business to move forward with confidence.

The proposed building constitutes inappropriate development in the Green Belt for the reasons set out in the April 2010 Panel report (Appendix A) and it must be shown that there are very special circumstances to justify inappropriate development in the Green Belt.

There are a number of factors to be taken into consideration in determining whether there are very special circumstances; there is an existing authorized business operating from the site; the business requires some accommodation to provide essential facilities to operate effectively; there are existing structures on the site which will be replaced by a more attractive building, albeit larger than the buildings being replaced.

In view of the locational requirements for the building and in the light of the size of the proposed building in relation to the business needs it is considered that it has been shown that there are very special circumstances which are particular to this site and which justify approval of this development. The reduction in the overall size of the new building combined with the proposal to demolish existing structures will limit the impact of the development on the character of the area and the openness of the green belt to an acceptable level. The building is considered to be of an appropriate design in relation to its function and location in a rural area and is sited in an appropriate locations screened by existing trees.

To address security concerns raised by the Police Liaison Officer it is recommended that a condition be imposed requiring the incorporation of windows and doors certified to the relevant British Standard for enhanced security in accordance with Secured by Design Standards.

On the basis of the amended submission it is considered that approval should be granted for the following reason and subject to the following conditions;

Reason for Approval:

The proposed development constitutes inappropriate development in the green belt but it is considered that there are very special circumstances that exist to justify an exception to Green Belt Policy and as such the proposal will accord with Policy GB1 of the RUDP. Consideration has been given to the visual impact of the development on the local environment and it is considered that the impact will not be so adverse as to warrant refusal when balanced against the very special circumstances offered by the applicant. As such the proposal complies with Policies UDP3, UR3, D1, GB1,GB2, NE4 and NE5 of the RUDP. There are no adverse implications for neighbouring occupants or highway safety and as such the proposal complies with Policies UR3, TM2 and Tm19A of the RUDP. With appropriate door and window security it is considered that Community Safety concerns in relation to the proposed building and its contents can be satisfactorily addressed.

Conditions:

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).

The development hereby approved shall only be carried out in accordance with the amended plan 0102/1 dated 14 April 2010 and received by the Council on 19 April 2010 showing the size of the building reduced in length.

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

2. Within 28 days of occupation of the building hereby approved the existing structures on the site comprising the office, portaloo, steel container and storage bays, as shown on the approved plans, shall be removed from the site.

Reason: The proposed development lies within an area defined as green belt on the Replacement Unitary Development Plan. The removal of the existing buildings from the site will mitigate against the impact of the new building on the openness of the green belt.

3. Prior to occupation of the building hereby approved the windows shall be fully certified to BS7950 and the doors shall be fully certified to PAS24.

Reason: To ensure the building meets the standards for Secured by Design and in the interests of Crime Prevention and Community Safety and to accord with Policy D4 of the Replacement Unitary Development Plan.

APPENDIX A

8 April 2010

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

Application Number:
09/05910/FUL

Type of Application/Proposal and Address:

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

Site Description:

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

Relevant Site History:

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

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

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

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

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

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

83/05288/OUT - Residential Development – Refused.

Replacement Unitary Development Plan (RUDP):

Allocation

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

Proposals and Policies

UDP3 – Quality of the Built and Natural Environment

UR3 – The Local Impact of Development

D1 – General Design Consideration

GB1 – New Building in the Green Belt

GB2 – Siting of New Building in the Green Belt

NE4 – Local Amenity Value of Trees

NE5 – Retention of Trees on Development Sites

TM2 – Impact of Traffic and its Mitigation

TM19A – Traffic management and road safety

Relevant National Planning Guidance:

PPG2 – Green Belts

Parish Council:

Menston Parish Council: Recommend approval of the application.

Publicity and Number of Representations:

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

Summary of Representations Received:

Not applicable.

Consultations:

Minerals Section

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

Highways

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

Trees

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

Planning Policy Team

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

Police Architectural Liaison Officer

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

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

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

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

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

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

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

Summary of Main Issues:

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

Appraisal:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Highway Safety

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

Local and residential amenity

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

Design

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

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

Community Safety Implications:

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

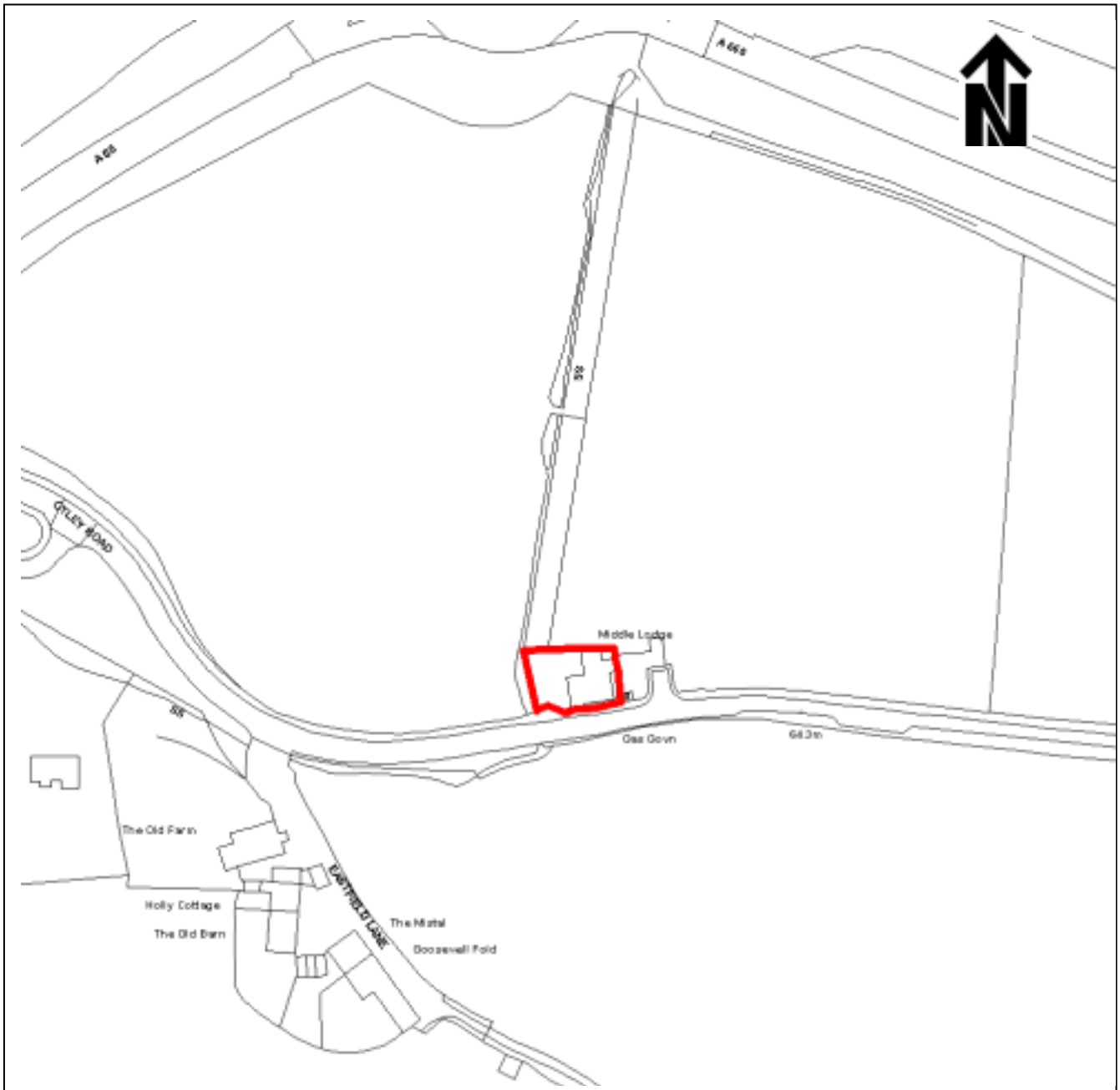
Reasons for Refusal:

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

Area Planning Panel (Shipley)

09/06010/HOU

24 June 2010



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ITEM NO. : 9

LOCATION:

Middle Lodge
Otle Road
Burley In Wharfedale Ilkley

24 June 2010

Item Number: 9
Ward: WHARFEDALE
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
09/06010/HOU

Type of Application/Proposal and Address:

Householder application for rebuilding of attached garage with roof accommodation and construction of a roof extension to the rear at Middle Lodge, Otley Road, Burley in Wharfedale.

Applicant:

Mr & Mrs Dobson

Agent:

Mr Eric Breare

Site Description:

The property is a detached single storey dwelling built of stone with a slate roof. The building is located in a rural location to the east of Burley in Wharfedale. The property sits on its own fronting Otley Road. The surrounding area is characterised by open fields, with a row of trees to the West boundary of the site.

Relevant Site History:

80/20783/FUL - Demolitions and Extensions - Granted 02.04.1980

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated but is located in the Green Belt

Proposals and Policies

D1 General Design Considerations
UR3 The Local Impact of Development
GB5 Extensions and alteration of buildings in the Green Belt
TM12 Parking Standards for residential developments
TM19A Traffic Management and Road Safety
D4 Community Safety

Supplementary Planning Guidance - Revised House Extensions Policy

Parish Council:

Burley in Wharfedale Parish Council support the application and request the application be referred to the Area Planning Panel if the recommendation is for refusal.

Publicity and Number of Representations:

The application was advertised by Site Notice and Press Advertisement. Expiry date 11th February 2010. No representations received.

Summary of Representations Received:

None.

Consultations:

None.

Summary of Main Issues:

1. Green Belt Policy
2. Impact on Local Environment
3. Impact on Neighbouring Occupants.
4. Impact on Highway Safety.
5. Community Safety Implications

Appraisal:

Proposal

This proposal involves the demolition of an existing flat roof garage at the side of the dwelling and its replacement with a new garage with pitched roof to match the existing dwelling and a small rear roof extension. Rooms are to be provided in the roofspace.

Green Belt Policy

The property is located within the defined Green Belt on the Replacement Unitary Development Plan 2005 and Policy GB5 is applicable, which states that planning permission for the extension and/or alteration of dwellings within the green belt will not be granted unless the proposal satisfies all of the following criteria:

- (1) It does not adversely affect the character of the green belt;
- (2) It does not adversely affect the character of the original dwelling and any adjacent buildings;
- (3) It does not result in disproportionate additions over and above the size of the dwelling as originally built.

Paragraph 13.21 states: "Particular attention will be paid to proposals for extensions to dwellings which have already been extended and extensions should be limited to what is necessary to provide a reasonable degree of domestic accommodation."

This Policy reflects guidance in Planning Policy Guidance Note 3(PPG); Green Belts.

The application property has been extended in the past. Originally the building was a one bedroom cottage, but in the early 1980's was extended to the side and rear to provide a double garage, bedroom and additional habitable rooms, all at ground floor level only. These extensions have more than doubled the size of the original dwelling. The proposed side extension whilst replicating the footprint of the existing garage would include a large pitched roof and combined with the proposed rear extension would result in a further significant increase in the volume of the dwelling. Taking into account the existing additions and the proposed extensions the proposals would constitute disproportionate additions to the original building contrary to policy GB5 of the RUDP and PPG2.

The applicant has provided supporting information in an attempt to show special circumstances to justify approval of the proposal. The appellant argues that the existing extension has a poor quality design and finish, while the proposed development would introduce an extension of similar style to the original building, thus improving the appearance and character of the building. Whilst it is acknowledged that the existing 1980's extension is not of a design which complements the existing property, the existing flat roof extension is not prominent in local views and the proposed re-building of a larger extension, in these circumstances, does not constitute very special circumstances which would justify approval.

It is considered that the proposal represents a disproportionate addition which would harm the openness of the green belt and in the absence of any very special circumstances the proposal is contrary to policy GB5 of the Replacement Unitary Development Plan and Planning Policy Guidance Note 2: Green Belt.

If members were, contrary to officer advice, minded to approve the application; then under the Council's constitution the matter will need to be referred to the Regulatory and Appeals Committee for consideration as a departure application as defined in the Town and Country Planning (Consultation) (England) Directions 2009. Any very special circumstances justifying approval would also need to be identified.

Impact on Local Environment:

The extensions are considered to be of an acceptable design and appearance which maintain the character of the original dwelling and in this respect the proposal accords with Policies UR3 and D1 of the Replacement Unitary Development Plan.

Impact on Neighbouring Occupants:

The property is located in its own extensive grounds and is approximately 80 metres from the nearest neighbouring dwelling. Therefore, the proposal will have no detrimental impact on neighbouring occupants. In this respect the proposal accords with Policies UR3 and D1 of the Replacement Unitary Development Plan

Impact on Highway Safety:

There are no highway safety implications.

Community Safety Implications:

There are no apparent community safety issues.

Reasons for Refusal:

The site lies within an area defined for green belt purposes on the Replacement Unitary Development Plan. Within such areas, it is both national and local planning policy to severely restrict new development unless it is for a purpose appropriate in the green belt or it is for a limited extension to an original building. The proposed extension would further add to the volume of the dwelling resulting in a disproportionate addition over and above the size of the original dwellinghouse amounting to inappropriate development within the green belt. In the absence of any very special circumstances, which may warrant the proposal being treated as an exception, the proposed development is, by definition, harmful to the Green Belt and contrary to Policy GB5 of the Replacement Unitary Development Plan (2005) for the Bradford District and guidance in PPG2 on "Green Belts".