

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 29 July 2010

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Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	17 Menston Old Lane Burley in Wharfedale Ilkley LS29 7QQ - 10/00729/HOU [Approve] (page 1)	Wharfedale
2.	5 Long Meadows Burley In Wharfedale Ilkley LS29 7RX - 10/01332/HOU [Approve] (page 8)	Wharfedale
3.	Land East Of 128 Higher Coach Road Baildon - 10/01527/OUT [Approve] (page 12)	Shipley
4.	Beckfoot House Beckfoot Lane Harden Bingley BD16 1AR - 10/01525/FUL [Refuse] (page 18)	Bingley Rural

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Portfolio:
Environment and Culture

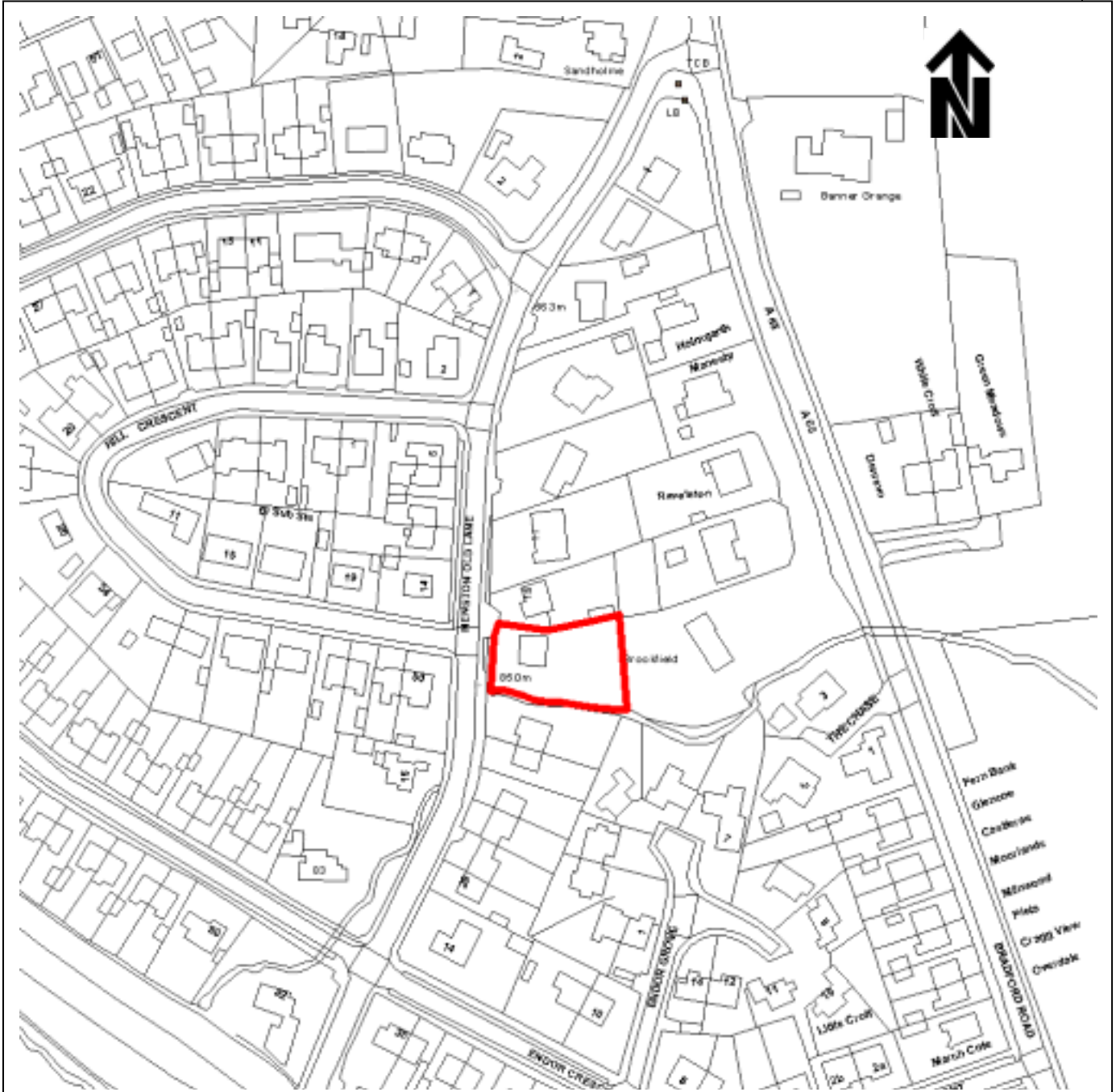
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

10/00729/HOU

29 July 2010



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ITEM NO. : 1	LOCATION: 17 Menston Old Lane Burley In Wharfedale Ilkley
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29 July 2010

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

Application Number:
10/00729/HOU

Type of Application/Proposal and Address:

A full application for the construction of a two storey side extension at 17 Menston Old Lane, Burley in Wharfedale (A two storey rear extension is shown on the submitted plans which has been granted planning permission).

Applicant:

Mrs Victoria Hiley

Agent:

Mr Mark Scatchard

Site Description:

The application property is a two storey detached dwelling located on the east side of Menston Old Lane. The property is situated within a residential area of detached and semi-detached houses. The existing dwelling has a render finish with some stone detailing and has concrete tiles to the roof.

Relevant Site History:

08/05198/FUL – Construction of detached double garage, two storey rear extension and internal alterations - Approved 01/10/2008

09/05587/HOU – Construction of two storey side extension -Refused 14/01/2010 for the following reasons:

1. The proposed two storey side extension would be contrary to Policy D1 and UR3 of the Replacement Unitary Development Plan (2005) and the Supplementary Planning Guidance contained within the Council's approved Revised House Extension Policy (2003), as the proposed extension would, by reason of its excessive width and relationship with the neighbouring dwelling, be over dominant and detract from the character of the street scene to the detriment of visual amenity.
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 flood risk to the proposed extension and mitigating measures.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated on the RUDP

Proposals and Policies

D1 General Design Considerations
UR3 The Local Impact of Development
TM12 Parking Standards for residential developments
TM19A Traffic Management and Road Safety
D4 Community Safety
NR15B Flood Risk

Supplementary Planning Guidance - The Councils Revised House Extensions Policy (2003)

Parish Council:

Burley in Wharfedale Parish Council recommends refusal stating that the proposal:

Represents over-development in relation to the original property;
Given the known history of the nearby watercourse (Mickle Ing Beck) and the likelihood of flooding at this property and the surrounding area that the information provided re flood risk is not sufficient; Neither requirement for the ground levels to be set at 300mm above the known or modelled 1 in 100 annual probability flood level, or the affect on other properties of the restriction to the watercourse by the side extension have been addressed. The Committee strongly suggests a full Flood risk Assessment is carried out. If a professional sound engineering case is made for this proposal having no effect on others or damage to itself, then this would allow the committee to reconsider and avoid going to Panel. If this is not provided then we would wish the application to go to Panel.

The applicant submitted further information to address the flood Risk issue which was made available to the Parish Council.

The Parish Council advised that the additional information does not fully address their concerns regarding flooding of the application property and more importantly on the neighbours or surrounding area.

Publicity and Number of Representations:

Publicised by neighbour notification letters. Publicity expiry date 24th March 2010. Two representations received.

Summary of Representations Received:

One representation raises the following concerns:

1. Over-dominant and detracts from the character of the street scene to the detriment of visual amenity.
2. Damage mature trees to the detriment of the character of the area.
3. Cause flooding. The extension would be built on the flood plain of Mickle Ing Beck. The extension would place a barrier in the course of the flooding stream which could water to be diverted causing flooding to 17 Menston Old lane and 15 Menston Old Lane.

The other representation supports the deletion of the ground floor windows to the northern elevation and requests that approval is subject to a condition that no windows be inserted in the northern elevation without planning permission.

Consultations:

Trees Team - The tree report, as amended, now accurately plots the Root Protection Areas of the trees. Although the extension encroaches on the Root Protection Areas, particularly that of the Pine, it is unlikely, provided the trees are adequately protected during construction, that there will any major long term affect on the trees. A protective fencing condition is recommended.

Environment Agency – No consultations were undertaken by the Local Planning Authority with the Environment Agency. Changes to article 10 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, introduced an exception to the requirement to consult a statutory consultee where a Local Planning Authority (LPA) considers that the development proposed is subject to standing advice. Domestic extensions in Flood Zone 2 are the subject of standing advice which the applicant has followed. Furthermore, the applicant consulted the Environment Agency direct for advice regarding their flood risk proposals.

The Environment Agency responded as follows;

“The Environment Agency’s Flood Risk Standing Advice for householder extensions less than 250m² in area requires one of the following:

Proposing floor levels are set no lower than existing levels and flood proofing of the proposed development has been incorporated where appropriate. Details to be provided of any flood proofing/resilience and resistance techniques, to be included in accordance with ‘improving the flood performance of new dwellings’ CLG (2007).

OR

Flood levels within the extension will be set at 300mm above the known modelled 1 in 100 annual probability river flood (1%) or 1 in 200 annual probability sea flood (0.5%) in any year.

The Flood Risk map shows that the site is not situated within Flood Zone 3, which corresponds to the 100 year flood level. It can be assumed, therefore, that the ground levels on the site are above the 100 year flood level and propose to set the floor levels at 300mm above existing ground levels. This would in effect be the same as option 2 described above.

Given the lack of modelled data available for the site an approximate level would be the best estimate that could be achieved.”

Summary of Main Issues:

1. Impact on the Local Environment
2. Impact on neighbouring occupants
3. Flood Risk
4. Community Safety Implications

Appraisal:

Impact on the Local Environment

The proposed two storey side extension projects 5.8 metres from the east facing side elevation of the original dwelling. Whilst the proposed side extension is relatively wide in relation to the original dwelling (65% of the width of the original dwelling) it is to be set back from the front elevation of the dwelling by 4.9 metres. The extension will, therefore, be subservient to the original dwelling. Furthermore, the set back will significantly reduce the impact of the extension in the street scene in that it will retain the break between the dwellings.

The design of the extension, whilst not replicating the existing dwelling is not considered to be harmful to the overall appearance of the dwelling or the street scene in which there is a variety of house types. Materials are to be used which match the original dwelling.

There is a group of trees on the eastern site boundary – Scots pine, Silver Birch (x2) and Atlas Cedar. The applicant has submitted a tree survey and the Tree's Officer is satisfied that the proposed development will not harm the trees.

The proposal is not considered to have a detrimental impact on the character of the surrounding area and therefore, in terms of visual amenity, the proposal is not considered compliant with policy D1 of the Replacement Unitary Development Plan (2005) or Guidance contained within the councils Revised House Extensions Policy (2003).

Impact on Neighbouring Occupants

The proposed extension is to be located on the south side of 17 Menston Old Lane and will also project beyond the rear elevation of the original dwelling.

The extension will be largely hidden from view from 15 Menston Old Lane owing to the siting of the approved two storey rear extension (the side extension will only be visible from the rear garden of No 15). As such there will be no adverse impact on the light to or outlook from No.15 as a result of the proposed extension.

The proposed extension will be over 14m from the boundaries to the front and rear and as such there will be no adverse impact on the occupants of properties located to the front and rear of No 17.

The extension will be located over 2.5m from the boundary with No 19 Menston Old Lane, to the south. No. 19 has had a two storey side extension and although there are side facing ground floor windows on the extension these are secondary windows which should not prejudice a similar extension at the neighbouring property. Owing to the siting of the extension and its relationship with the property and grounds of No. 19 it is not considered that the two storey side extension will be overbearing in relation to the rear elevations or primary garden amenity space of No. 19.

The plans show the incorporation of two velux windows in the north facing side elevation of the original dwelling facing No 15 Menston Old Lane. These windows are indicated as serving non-habitable rooms and will be over 2.5m above floor level and therefore will not result in overlooking of No.15.

The proposal also incorporates an additional first floor window in the southern facing side elevation of the existing dwelling, serving a non-habitable room. This window will be no bigger and no nearer to the boundary with No. 19 than existing windows and is not therefore considered to increase levels of overlooking.

The proposal is not considered to cause harm to the residential amenity of neighbours and is therefore compliant with policy UR3 of the Replacement Unitary Development Plan and guidance contained in the councils Revised House Extensions Policy (2003).

Flood Risk

The Parish Council have raised concerns regarding the flooding of the application property and the surrounding properties.

The application site lies within Flood Zone 2. The applicant has indicated on the plans that the floor level will be set 300mm above existing ground levels and confirmed that the floor levels will in fact be set nearer 600mm above ground level as is the case with the rear extension which has been started in accordance with a previous consent. The Environment Agency have confirmed that setting the ground floor 300mm above ground levels accords with the Environment Agency's Standing Flood Risk advice. As such it is not considered that refusal on the grounds of flood risk can be justified.

Impact on Highway Safety

The proposal retains sufficient off-street parking for two vehicles. Alterations to the access have been approved as part of a previous application.

Community Safety Implications:

There are no apparent Community Safety implications.

Reason for Granting Planning Permission:

The proposed two storey side extension is considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. 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 implications. It is considered that the development has satisfactorily addressed the issue of flood risk. As such this proposal is considered to be in accordance with Policies UR3, D1, TM19a, TM12, D4 and NR15B of the Replacement Unitary Development Plan (2005) and guidance contained within the Revised House Extensions Policy (2003).

Conditions of Approval/:

1. The development hereby approved shall only be carried out in accordance with the amended plans P-01 REV E, P-02 REV E, P-03 REV E and E-01 REV E dated 18th June 2010 and received by the Council on 23rd June 2010 showing finished floor levels and trees on site.

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 first floor side extension hereby permitted shall be constructed of facing and roofing materials to match the existing building.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan (2005)

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the north and south elevations of the extension without the prior written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy UR3 and D1 of the Replacement Unitary Development Plan.

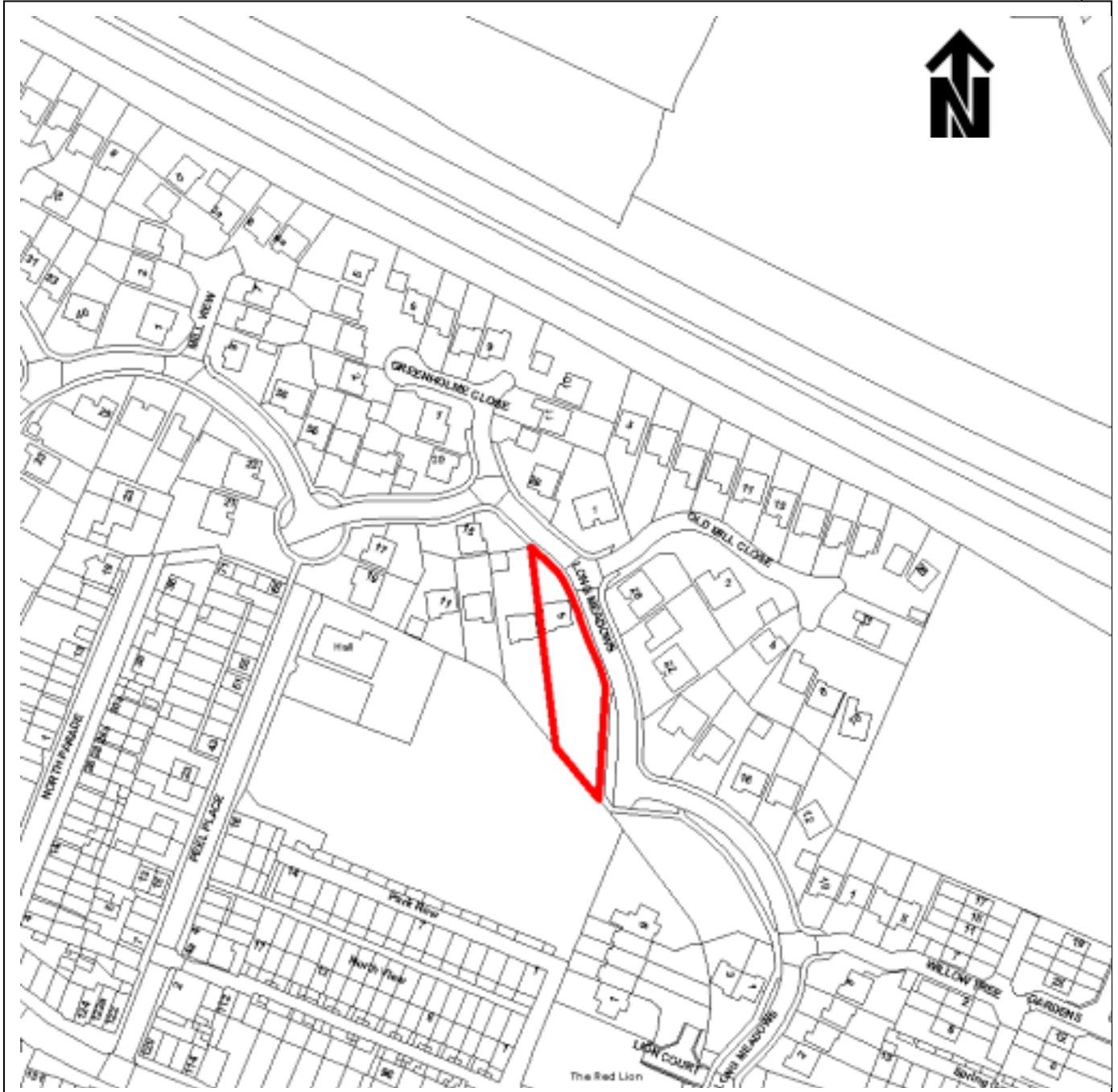
4. The development shall not be begun, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2005) approved by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

10/01332/HOU

2 July 2010



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ITEM NO. : 2	LOCATION: 5 Long Meadows Burley In Wharfedale Ilkley
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29 July 2010

Item Number: 2
Ward: WHARFEDALE
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
10/01332/HOU

Type of Application/Proposal and Address:
Retrospective application for retention of wooden gazebo to rear garden of 5 Long Meadows, Burley In Wharfedale, Ilkley.

Applicant:
Mr Steve Keane

Agent:
None

Site Description:
A detached residential property within a modern housing development. The Gazebo is situated within a triangular shaped rear garden which adjoins the highway. Long Meadows – to the north east, the boundary with which is defined by stone wall with timber fence panels to a height of around 2 metres.
The boundary to the west is with number 7 Long Meadows and is defined by timber fence and high conifer hedge 3 metres in height.
A tree and shrubs are located to the northern corner to the rear of the decking and gazebo.

Relevant Site History:
09/01416/ENFUNA – Unauthorised development (Gazebo) – Application Received
00/01583/FUL - Erection of conservatory to rear of dwelling – Granted 07.07.2000

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated

Proposals and Policies
UR3 – The Local Impact of Development
D1 – General Design Considerations

Parish Council:
Burley Parish Council object to the proposal due to the impact on the street scene.

Publicity and Number of Representations:
The application was advertised by neighbour notification letters with an expiry date of 04.05.2010.
Letters of objection have been received from one neighbouring resident received.

Summary of Representations Received:

1. The structure has a harmful impact in terms of its visual impact
2. The structure is out of keeping with the character of the area
3. The structure has an overbearing effect

Consultations:

None

Summary of Main Issues:

1. Impact on the street scene
2. Impact on neighbouring properties residential amenity

Appraisal:

The application is for the retention of an existing timber structure within the garden of number 5 Long Meadows. The structure comprises a decked area to the northern rear corner of the garden with a pitched roof structure above. The structure adjoins a boundary and is the subject of an enforcement complaint. Permitted development rights under the amended version of the Town and Country Planning (General Permitted Development) Order would allow such a structure to be erected up to 2.5 metres in height without the need for a planning application, but this structure requires planning permission as the height is 2.85 metres.

Impact on the street scene

The gazebo is entirely in timber and dual pitched. Views from adjacent dwellings 7 and 15 Long Meadows are screened by high hedge and trees. The roof structure is however visible from Long Meadows above the boundary wall and fence. The eaves height of the structure is just above the boundary wall and fence, and extends approximately an additional 65 cm up, to the ridge. The structure projects along the boundary 316cm from front to rear.

Whilst the structure is clearly visible from the highway, it is only the upper section which projects above the boundary wall and fence. Trees are located to the front and rear of the structure and provide a degree of screening of the roof from views from the north and south east. The property has a large rear conservatory which was granted permission in 2000 along the same boundary. The conservatory is higher and considered more prominent from Long Meadows, in white UPVC.

Whilst open to views, it is not considered that the timber roof structure has a significantly harmful impact upon the street scene given the materials (timber), screening provided by trees and hedges and when viewed in the context of the large rear conservatory.

Impact on neighbouring properties residential amenity

The proposal is set close to the shared boundaries of two residential properties, number 15 Long Meadows to the North West, and number 7 to the west. Mature coniferous hedge however screens the structure fully from views and as such the structure has no impact on the living conditions and residential amenities of adjoining neighbours. The structure is visible from properties to the north east and to the south east, however these properties are located at some distance to the other side of the highway Long Meadows.

Conclusion

The structure erected does not significantly affect adjoining properties given the boundary screening provided by high conifer hedge. Trees to the front and rear of the structure help to soften its appearance from views to the north and south east on Long Meadows. When viewed from Long Meadows, the visual impact of the timber roof is considered to be less prominent than the large white upvc conservatory attached to the rear of the property and that its effect on the street scene is not so great as to justify a refusal. The Officer recommendation is therefore for approval.

Community Safety Implications:

None

Reason for Granting Planning Permission:

The development has no significant adverse effects on local amenity or neighbours and complies with Policies UR3 and D1 of the Bradford Replacement Unitary Development Plan (2005)

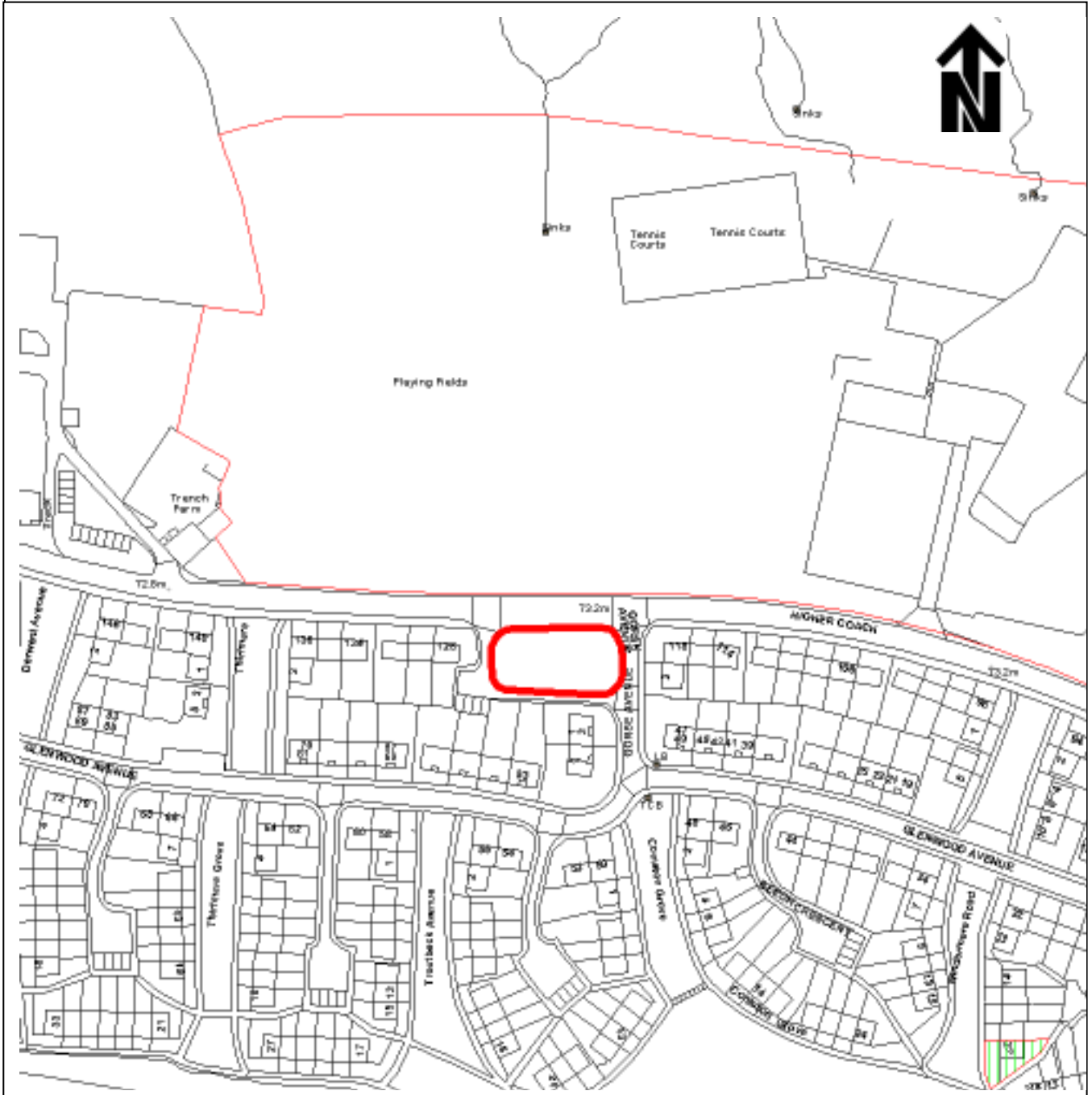
Conditions of Approval:

None

Area Planning Panel (Shipley)

10/01527/OUT

29 July 2010



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<p>ITEM NO. : 3</p>	<p>LOCATION: Land East Of 128 Higher Coach Road Baildon</p>
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29 July 2010

Item Number: 3
Ward: SHIPLEY

Recommendation:
THAT OUTLINE PLANNING PERMISSION WITH ALL MATTERS RESERVED SHOULD BE GRANTED SUBJECT TO THE ATTACHED CONDITIONS

Application Number:
10/01527/OUT

Type of Application/Proposal and Address:

An outline application with all matters reserved for a residential development at land east of 128 Higher Coach Road, Baildon.

Applicant:

Bradford Council

Agent:

Acanthus WSM Architects

Site Description:

The application site is currently a grassed area between Gorse Avenue and Higher Coach Road with a vehicular access track to the South and West of the site which provides access to a block of garages. Residential properties are located to the South, East and West of the site with a school located opposite. Materials in the area include render on brick or stone plinths with concrete tile roofs.

Relevant Site History:

06/03365/FUL: Erection of site compound Granted 22.06.2006

Replacement Unitary Development Plan (RUDP):

Allocation

The site is located within the World Heritage Site Buffer Zone and fronts onto a National and Local Cycle Network, relevant policies are as follows:

Proposals and Policies

BH14: World Heritage Site Buffer Zone
UDP1: Promoting sustainable patterns of development
UDP3: Restraining Development
UR2: Promoting sustainable development
UR3: The local impact of the development
H7: Density
H8: Density
TM2: Impact of Traffic and its Mitigation
TM10: The National and Local Cycle Network
TM12: Parking standards for Residential Developments
TM19A: Traffic management and road safety
D1: General design considerations
D3: Access for people with disabilities
D4: Community Safety

D5: Landscaping
NR16: Drainage

National Guidance

Planning Policy Statement 3: Housing
Planning Policy Statement 1: Sustainable Development
Planning Policy Guidance note 13: Transport

Parish Council:

Baldon Parish Council: Object to the scheme, supporting the local ward Councillor's objection.

Publicity and Number of Representations:

The application was publicised through site notice and neighbour notification letter with the statutory publicity date expiring on the 19th of May 2010. Fifteen letters of objection were received along with an objection letter from a local Ward Councillor.

Summary of Representations Received:

1. Inadequate parking provision
2. Loss of privacy
3. Loss of residential amenity
4. Loss of right and public access to the grassed area
5. Loss of visual amenity
6. Visual intrusion
7. Overshadowing
8. Poor unsuitable vehicular access
9. Traffic and pedestrian safety
10. Traffic congestion

Consultations:

Highways: No objection to the principle, however, amendments to the access would be required at reserved matters stage.

Drainage: Recommended conditions.

Design and Conservation: Neutral impact on the World Heritage Site.

Summary of Main Issues:

1. Principle
2. Visual amenity
3. Residential amenity
4. Highway Safety

Appraisal:

The application is an outline with all other matters reserved. The application seeks to assess the principle of developing the site with indicative drawings showing two pairs of semi-detached dwellings, access and layout. The site is owned by Bradford Council and the application has been made on behalf of the City of Bradford Metropolitan District Council.

Principle

The site consists of a grassed area of land measuring 0.08ha located within a predominantly residential area which is unallocated on the RUDP. Whilst the land is classed as 'Greenfield' the site would form an infill type development in the Shipley/ Baildon area which is towards the top of the settlement hierarchy for housing provision. Furthermore the site is located close to public transport and existing infrastructure. Given the above and the size of the plot the development is considered to be acceptable in principle subject to other material planning considerations. The four dwellings shown on the indicative plan would result in a density of 57 dwellings per hectare which is considered to meet with density requirements.

Visual amenity

This application is outline with all matters reserved, however, an indicative layout has been submitted which was subsequently amended on the 5th of July 2010. The amended indicative layout is considered to be acceptable and relates to the character of the street scene, maintaining the existing building line and continuing the built line of properties along Higher Coach Road. The properties fronting onto Higher Coach Road are predominantly two storey terraced buildings with a render finish and concrete tile roofs. Samples of facing and roofing material could be agreed at the reserved matters stage. It is considered that suitable materials could be agreed.

In terms of the scale, a two storey property with a gabled roof would be acceptable in this location with fenestration to match the surrounding properties. The indicative scale and layout are considered to be appropriate for the location. Whilst parking is to the rear the development would need to front onto Higher Coach Road to integrate with the street scene as shown on the elevation drawings and site layout. Subject to the relevant details being submitted the development is considered to be acceptable in terms of visual amenity.

Residential amenity

In terms of the impact on the surrounding occupants the amended indicative site layout shows that the housing can be sited a sufficient distance away to overcome issues of overlooking, overshadowing and overbearing effects. The amended indicative site layout plan shows a distance of 18metres being achieved from the gable wall of the eastern property to the side and front elevation of 118 Higher Coach Road and 2 Gorse Avenue. In terms of the gable of the proposed dwelling on the western boundary of the site a distance of around 14metres would be achieved to the gable of 128 Higher Coach Road. A distance of 13metres is achieved to the gable of 1 Gorse Avenue. In view of the above detail it is considered a residential development would fit on the site without being overbearing or resulting in undue overshadowing. In terms of overlooking, facing distances of roughly 10metres would be achieved to the rear garden area of the properties to the South which would border on the level of acceptability and complies with guidance within the House Extensions Policy Document. Distances of well over 21metres would be achieved between first floor habitable room windows. It is considered the site can accommodate a residential development without adversely affecting the residential amenity of the surrounding neighbouring occupants.

Highway Safety

The application is indicative with access reserved, however, an assessment of whether access can be achieved is required to assess the principle of development on the site. A bus stop is located to the front of the development site and consequently vehicular access is proposed to the rear of the site.

The access to the garage court and the rear access road to Gorse Avenue are adopted highways. However it is only capable of accommodating one way vehicular movement.

The access proposed on the amended indicative site plan is considered to be acceptable, it shows the access track amended to allow two-way vehicular movement at the access onto Higher Coach Road which involves widening the road to 4.8m in width to ensure a suitable access can be achieved. The plans also show vehicle access onto Gorse Avenue blocked up with bollards as visibility is poor around this junction. The amended indicative site layout shows that an acceptable access to the properties can be achieved.

Community Safety Implications:

There are no unforeseen community safety implications with the development the development satisfies policy D4 of the RUDP.

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 street scene 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, BH14, NR16, TM2, TM12 and TM19A of the Replacement Unitary Development Plan and Planning Policy Statement 3.

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 hereby approved shall only be carried out in accordance with the amended indicative layout plan 1549.05.001B received by the Local Planning Authority on 05/07/2010 showing alterations to the access, unless subsequent reserved matter approvals indicate otherwise.

Reason: For the avoidance of doubt as to the terms under which this outline planning permission has been granted since amended plans have been received and to accord with Policy TM2 and TM19A of the Replacement Unitary Development Plan.

5. 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(s) 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To accord with Policy UR3 of the Replacement Unitary Development Plan.

6. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

7. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before the development commences, and the development shall be constructed in the approved materials

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

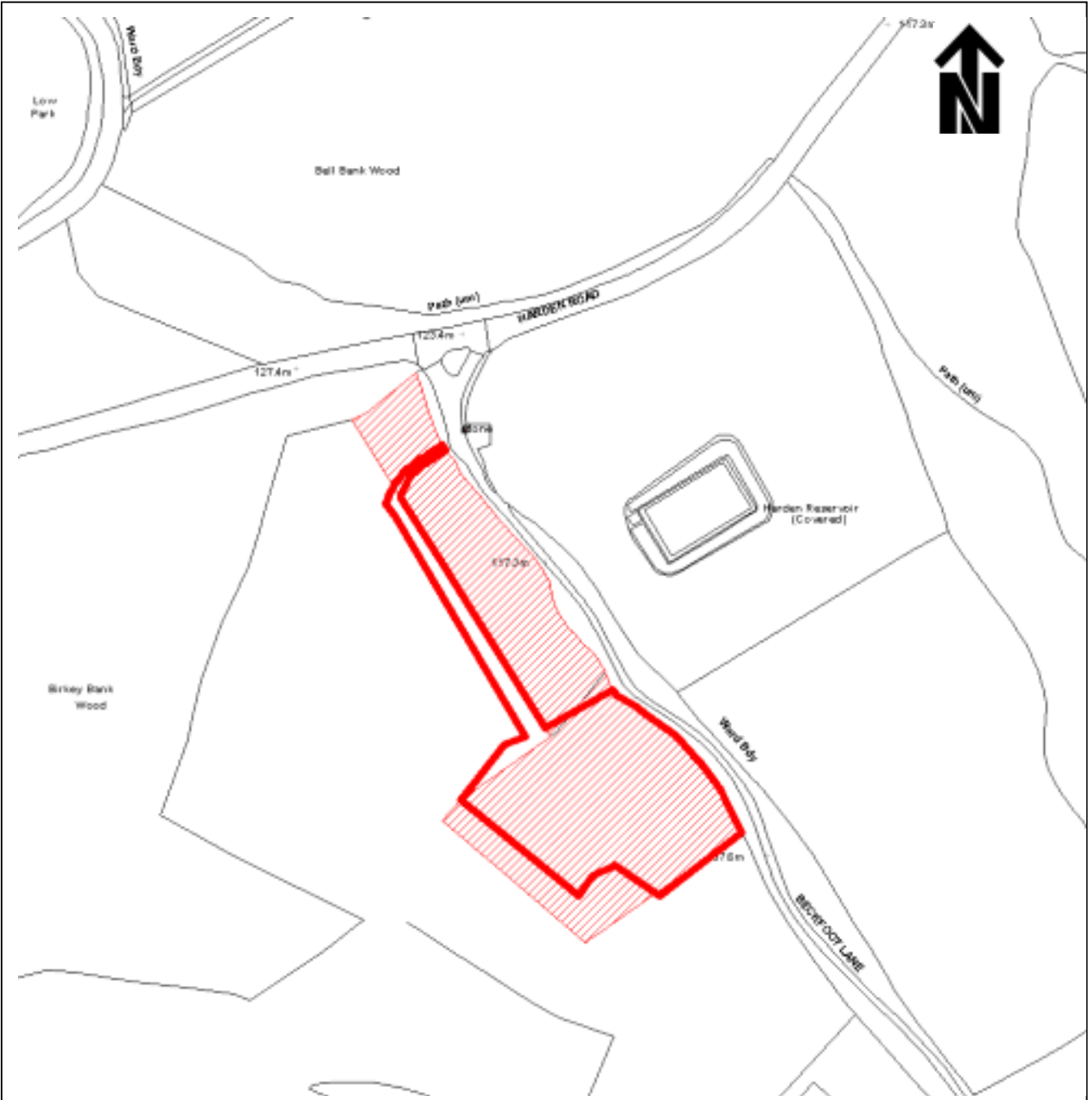
8. The development shall be drained using separate foul sewer and surface drainage systems.

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)

10/01525/FUL

29 July 2010



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<p>ITEM NO. : 4</p>	<p>LOCATION: Beckfoot House Beckfoot Lane Harden Bingley</p>
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29 July 2010

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

Application Number:
10/01525/FUL

Type of Application/Proposal and Address:

A full application for construction of a new livestock building together with retention of part of a general purpose agricultural building. Land at Beckfoot House, Beckfoot Lane, Harden, Bingley.

Applicant:

Mr. P. Walton

Agent:

J O Steel Consulting

Site Description:

A sloping pasture field in the green belt adjacent to the narrow Beckfoot Lane, situated to the north-west of Beckfoot House and south of Harden Road (B6429). A large, brown steel framed shed clad in dark brown profiled sheeting has been erected on the field close to its boundary with the lane and a new access has been formed. In addition, a further track has also been formed which leaves the lane and runs parallel to it down to a large forecourt in front of and around the side of the building. The building stands in this new gravel covered curtilage separated from the field by fencing. The land slopes so that building is elevated at the rear. The building stands on a holding of 8.09 hectares (20 acres) belonging to Beckfoot House.

Relevant Site History:

09/01478/FUL : Retrospective application for retention of a general purpose agricultural building and adjacent hard standing. Refused by Area Planning Panel on June 18th 2009.

An appeal against this refusal was dismissed on October 19th 2009 following a site visit by the Inspector.

An enforcement notice requiring removal of the building, hardstandings, and accesses within three months was served on 24th February 2009.

An appeal against the Notice was dismissed under s176(3)(a) of the Town and Country Planning Act 1990 because the appellant failed to comply with the requirements of the Act within the prescribed time. In this case, information required by the Planning Inspectorate was not provided. Neither did the appellants show that there were any exceptional circumstances preventing the submission of that information. The enforcement notice is, therefore, effective.

08/06969/FUL: Retrospective application for a general purpose agricultural building. Refused 14th January 2009 due to lack of justification in the greenbelt, harm to the visual amenity of the green belt, and visual intrusion detrimental to the character of the landscape.

06/04058/PN - Erection of general purpose agricultural building - Prior Approval Not Required - 29.06.2006

07/08188/FUL – Application for ‘conversion of garage to swimming pool, conversion of lower ground floor void to garage and living accommodation with associated balconies and terrace’ was refused on 16th November 2007 because the proposal was considered to be a disproportionate, unjustified and inappropriate development within the green belt.

08/00901/FUL – Application for ‘conversion of garage to swimming pool with terrace and lower ground floor to living area with balconies and storage space’ was granted on 20th March 2008.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is in the Green Belt on the adopted Replacement Bradford Unitary Development Plan (2005) (RUDP).

Proposals and Policies

GB1 – New Building in the Green Belt
GB2 – Siting of New Building in the Green Belt
NE3 – Landscape Character Areas
NE3A – Landscape Character Areas
UR3 – Local Impact of Development
D1 – General Design Considerations

Parish Council:

Harden Parish Council : No response received.

Publicity and Number of Representations:

This has been done via site notice and advertisement in the local press with an overall expiry date of 14 May 2010.

The Council has received 8 letters/emails of representation confirming support for the proposal and refer to letters sent in support of the previous applications.

Summary of Representations Received:

Support

If the present barn is taken down and another erected further down Beckfoot Lane it will cause more inconvenience to nearby residents and other users of the lane and be more intrusive to those living at Beckfoot Mill and Hesp Hills.

The scheme provides a beneficial new passing place to ease problems on the narrow lane and provides a channel so floodwater running down Beckfoot Lane runs into the field and soak away and could prevent further flash flooding.

Consultations:

Council's Landscape Design Team

The site is located within the Airedale Landscape Character Area, as described in the Local Development Framework for Bradford, Landscape Character Supplementary Planning Document, Volume 1: Airedale, adopted by Bradford Council in October 2008. The Landscape Character Supplementary Planning Document (SPD) supplements policies NE3 and NE3A of the Replacement Unitary Development Plan. The site lies within the Wooded Incline Landscape Character Type.

The existing building is an incongruous element located in a prominent and obtrusive position in open grassland, directly visible from a public right of way and other vantage points. It is poorly related to existing built form. The overall effect is a visual intrusion which is detrimental to the character of the landscape. The primary issues are its size, height, scale and position. The proposed alterations to the building do not fully address the primary issues of its size, height, scale and position. The Council's Landscape Architect would therefore recommend refusal of this planning application.

Council's Tree Officer

There has been significant clearance of tree at this site without the knowledge of the Council's Trees Team. It is noted that replacement planting has taken place but without reference to the Trees Team so cannot say whether the species mix is appropriate/acceptable.

Highways DC

Note that the road to the building has already been constructed. There are some concerns with regard to the geometry and vertical alignment of the junction of Beckfoot Lane and Harden Road but also notes that the new access would take some traffic off a significant length of Beckfoot Lane to the benefit of other users particularly pedestrians and cyclists. Raise no objections on highway grounds subject to appropriate surfacing and drainage of new accesses and that any gates do not open outwards over the public highway.

Drainage Section

The proposals do not include any proposals for disposal of surface water. There are no public sewers near the site suggesting a need for drainage by sustainable drainage techniques such as soakaways. The ground needs investigation to assess the appropriateness of surface water disposal arrangements.

Environmental Protection

No objections to raise in respect of the introduction of animal housing to the building.

Summary of Main Issues:

1. Circumstances and history
2. Whether the building is inappropriate development in the green belt or whether it is justifiable in that it is necessary and designed for the purposes of agriculture.
3. Whether the size, height, scale and position of the building are appropriate and commensurate to the claimed agricultural needs of the land holding.
4. The impact of the building on the visual amenity of the green belt and on landscape character.
5. Whether the effects of the building on the area can be appropriately mitigated and weight to be attached to other benefits put forward by the applicant and supporters.

Appraisal:

Circumstances and history

A large metal clad building has already been constructed on this site without planning permission and an enforcement notice requiring its removal remains extant. The building measures 31m x 12.3m (= 381.3 sq metres) and is 7.5 metres high to the ridge (scaled from the plans). It is of steel frame construction clad in dark brown profiled steel sheeting. The gabled (NW) 'front' elevation contains two large roller shutter doors. The side (SW) elevation includes a further large roller shuttered door and pedestrian door. The rear (SE) elevation contains a number of large reflective windows and there are CCTV cameras on the building. The north eastern side elevation is blank.

Two retrospective applications seeking permission to retain the unauthorised building as a general purpose agricultural building have been refused by the Council. The last application 09/01478/FUL was refused by Shipley Area Planning Panel following a site visit on the following grounds:

- 1. The building is positioned in a prominent and obtrusive position in open countryside, directly visible from the adjacent public right of way and other vantage points. The scale and bulk of the building are not considered proportionate to the size of the agricultural holding and the building is poorly related to any existing buildings. Proposals for tree and hedge planting put forward are not considered adequate to effectively mitigate the effects of the building on the visual amenity of the surrounding countryside. The building is harmful to the visual amenity of the Green Belt and contrary to Policy GB2 of the Bradford Replacement Unitary Development Plan.*
- 2. The site lies within the Airedale Landscape Character area identified by the Replacement Unitary Development Plan. Due to the height, scale and prominent siting of the building, it is considered to cause unacceptable visual intrusion and introduce an incongruous element into the landscape that is detrimental to its character and distinctiveness and is contrary to Policies NE3 and NE3A of the Replacement Unitary Development Plan.*

A subsequent appeal against this refusal was dismissed on 19 October 2009 with the Inspector supporting both reasons for refusal. The Inspector commented that no evidence had been provided which supports the need for a building of this size within the holding and she was not satisfied that a building of this scale is reasonably necessary for the purposes of agriculture within the unit or that there was any evidence of any functional need that would justify the location of the building further away from Beckfoot House than a smaller building previously agreed under the Prior Approval procedure.

The Inspector remarked that

"In my opinion, given the scale, height and mass of the building, along with its siting away from other buildings, it appears incongruous and visually intrusive in views from Beckfoot Lane and Harden Road, despite the presence of significant tree planting along these highways. The appeal site is in an elevated position and the building is highly visible in the surrounding landscape....given its industrial design, scale, height and mass, it appears prominent and visually obtrusive in the landscape. In my opinion, this is detrimental to the visual amenity of the Green belt and the character and appearance of the Airedale Landscape Character Area."

The Inspector took account of the applicant's offers of providing an additional passing place in Beckfoot Lane, improved drainage, removing some of the extensive hardstanding around the building and carrying out more tree planting and wetland creation. However, none of this changed the Inspector's overall conclusion that the appeal should be dismissed.

The new proposal is to retain approximately 2/3rds of the previously refused building at its existing height; to demolish about a 1/3rd and reconstruct it with the design adapted to provide ventilation suitable for housing livestock and a lower height to ridge of 4.5 metres. Dark stained timber boarding would form the upper walls.

Whether the building is inappropriate development in the green belt or whether it is justifiable in that it is necessary and designed for the purposes of agriculture

The site is located within the green belt where development is tightly controlled. Policy GB1 makes provision to allow buildings for certain purposes within the green belt, including buildings designed for agriculture. Previous application 09/01478/FUL claimed the building is necessary to support agricultural use of the land which the applicant bought with an ambition to keep sheep and Limousin cattle and create new woodland habitats. The land forms a DEFRA registered agricultural smallholding of 8.09 hectares (20 acres) which the applicant has re-fenced and improved to reverse previous poor management. The applicant has carried out tree and hedge planting in association with the Forest of Bradford Environmental Trust.

Despite the industrial character of the building erected on the site, the applicant has insisted it is designed and intended for general agricultural storage purposes to support the holding. A difference from the previous applications is that it is now claimed that the building is required for overwintering of livestock. However, part of the structure needs adapting to make it suitable for this purpose : hence the changes to the structure.

The Council has previously accepted that there is no evidence that the building was erected for non-agricultural purposes. The Appeal Inspector similarly agreed that the construction of a new building for agriculture is not inappropriate development in the green belt having regard to Policy GB1 of the RUDP and PPG2 on Green Belts.

However, the main issue to consider in determining this application continues to be the impact of the building on the openness of the green belt and the character and appearance of the landscape due to its bulk and scale and its prominent siting - especially given the relatively small size of the land holding and the scale and prominence of the building. The Council and the Appeal Inspector previously found against the building on both these grounds.

Whether the size, height, scale and position of the revised building are appropriate and commensurate to the claimed agricultural needs of the land holding

Buildings are considered acceptable in the green belt if they are genuinely required to be used for the purposes of agriculture or forestry. If a building is deemed acceptable in principle within the green belt, then Policy GB2 of the RUDP is applied to ensure the visual amenity of the green belt is protected. Policy GB2 requires that new buildings in the green belt should relate closely to existing buildings; be placed in an unobtrusive position within the landscape and where appropriate, additional tree planting and landscaping should be included to further reduce the impact of buildings.

The Council did not oppose the siting and appearance of a smaller agricultural shed on a different part of the land holding under a Prior Notification application (06/04058/PN) in 2006. This was to be erected on the far side of Beckfoot House and would have had a significantly lesser impact on the green belt than the building now on the site because
It was proposed in a less intrusive position on the far side of Beckfoot House and was grouped with and was better related to that existing building
It would have been set behind a high bank with mature trees helping to screen the proposal from views
It would have had a more conventional agricultural character being clad largely in stained timber boarding,
Its height and footprint would have been significantly smaller than the building now erected.

The building previously agreed under 06/04058/PN measured 9.1m x 18.2m (Footprint Area = 165.6 sq metres) and would have been 4.28 metres in height.

The constructed building on site and dismissed at appeal measures 31m x 12.3m (Footprint Area = 381.3 sq metres) and would be 7.5 metres high to the ridge (scaled from the plans).

The building as now constructed has a footprint that is 230% larger than the Prior Notification building and it is 1.7 metres higher.

The adapted building proposed under the current application measures 31m x 12m with a footprint area of 371 sq. metres. The majority would remain at the existing eaves and ridge height, the end 1/3rd would be lowered to 4.5m, measured to ridge.

The building now presented for consideration would remain in the same location some distance away from Beckfoot House. The applicant has once again argued that this is to reduce the amount of farm traffic that would have to negotiate the length of Beckfoot Lane to the benefit of other road users.

The building will have to be significantly adapted to make it suitable to accommodate livestock which casts some doubt on its original intended purpose. However, an agricultural statement from agents representing the applicant describes the applicant's intention to establish a pedigree beef herd and sheep flock. It says that the location of the building is justified in terms of practicality for the farming enterprise, topography and access and to avoid potential conflict with neighbouring properties. The size is said to be justified by reference to welfare standards and regulations governing the housing of livestock and by reference to the amount of feed, straw equipment and ancillary items such as medicines required by the intended number of livestock.

The applicant anticipates keeping up to 8 cows, each with calves and a maximum of 20 sheep. The cows will have to be housed indoors over winter. The portion of the building that needs to be rebuilt to accommodate livestock seems to have been designed to reflect DEFRA recommendations and welfare guidance. However, justification of the height, scale and industrial character of the rest of the retained building is less convincing. The agents explain that the slope of the site is such that feed will need to be brought in and stored in the building and that high eaves facilitates safe access for loaded tractors. It has not been explained why a building of the proportions and in the position agreed under the Prior Approval procedure would not suffice given the small scale of the holding.

The unauthorised building seems disproportionate to the winter feed and bedding needs of just 8 Limousin cattle and the need to accommodate farm machinery, fence posts and straw. It would still be of a bulk and height that seems out of proportion with a land holding of just 8 hectares, parts of which have also been recently planted as woodland.

The arguments about minimising traffic impact on Beckfoot Lane were considered but these benefits were not considered to outweigh the green belt and landscape objections by the appeal Inspector. The agents have not explained why the functional requirements would not allow a building to be sited in the location selected previously selected for the Prior Notification building. The Inspector agreed with the Council's description that the building is perched on the edge of a steeply sloping field which falls down towards Beckfoot House. It is clearly visible from Beckfoot Lane which runs to the east of the site and from longer distances such as Harden Road to the north. Some views are obtained from Shipley Golf Course and the public footpath which runs across it. The proposal to lower the height of 1/3rd would only marginally mitigate this intrusive visual impact since the mass of the majority of the metal clad structure would continue to loom over the landscape.

Whilst the ambitions of the applicant are acknowledged, it is not accepted that a building of the scale and height now presented to the Local Planning Authority is justified given the sensitivity and character of this part of the green belt. Nor is it accepted that the chosen site is the best location to position a building with regard to maintaining the openness of the countryside. The building looms over the surrounding land and appears intrusive and detrimental to the character of the Green belt.

The impact of the building on the visual amenity of the green belt and on landscape character

The site is located within the Airedale Landscape Character Area as identified in the Council's Landscape Character Assessments which form part of the Local Development Framework and support Policies NE3 and NE3A of the RUDP. The site lies within the Wooded Incline Landscape Character Type. Policy Guidelines state that with moderate strength of character, high historic continuity and a prominent, open character the wooded incline is sensitive to change. They go on to state that development of the pastures within the wooded incline are not appropriate as the open grassland and scrub elements form an important part of the landscape unit.

The building is set within attractive countryside and Beckfoot Lane provides a walking route which links Myrtle Park in Bingley with the St Ives Estate and its numerous circular walks. Several trees alongside Beckfoot Lane have been felled which increases the prominence of the new shed, and the excavations and large areas of hard standing further serve to draw attention to the intrusiveness of the building in the landscape. Policies NE3 and NE3A of Bradford's RUDP aim to ensure proposals do not have an unacceptably harmful impact upon landscape character. Development will be assessed having regard to the extent to which it would cause unacceptable visual intrusion; introduce or remove incongruous landscape elements, or cause disturbance to or loss of elements of the landscape that contribute to local distinctiveness.

The Council's Landscape Architect advises that the existing building is an incongruous element located in a prominent and obtrusive position in open grassland, directly visible from a public right of way and other vantage points. It is poorly related to existing built form. The existing building appears to take the form of an industrial workshop, rather than a conventional agricultural shed. The overall effect is a visual intrusion which is detrimental to the character of the landscape. The primary issues are its size, height, scale and position. The reduction in the height of the end portion of the building and substitution of dark stained timber boarding only marginally reduces the impact of the structure on the landscape. The Landscape Architect considers that these proposed alterations do not fully address the primary issues of its size, height, scale and position and would therefore recommend refusal of this planning application.

The Inspector previously supported the Council's concerns about its adverse effects on landscape character. She noted the elevated position of the site and its visibility from public footpaths and considered that the industrial design, scale and height and mass result in the building appearing incongruous and visually intrusive. This negative impact on landscape character has not been significantly mitigated by the proposal to lower only the end portion of the structure. The building, by reason of its position on the sloping hillside, will continue to be unduly dominant and uncomfortably sited, causing unacceptable visual intrusion and introducing an incongruous landscape element, contrary to Policies NE3 and NE3A of Bradford's RUDP.

Whether the impact of the building on the area can be appropriately mitigated and the weight to be attached to other benefits put forward by the applicant and supporters

The impact of the building when viewed from Beckfoot Lane has been heightened by removal of mature trees from along the lane during 2008. These have been replaced by new planting carried out in conjunction with the Forest of Bradford. A previous letter from the Trust confirms that 350 whips and 45 light standard trees have been planted on the applicant's land as an initial phase of a planting programme which will continue with new tree planting and new hedgerows to be planted on the holding in November 2009. The applicant intends to plant at least 3 acres of the holding as woodland copses.

It is accepted that, in the long term, this planting would have some beneficial effects in screening the unauthorised development. However, the benefits would be mostly in terms of screening the unauthorised track and views of the building from only certain vantage points in Beckfoot Lane. Only limited planting is proposed around the building and in any case it would be some years before such planting provided effective screening to a structure that is 31 metres long and over 7 metres high for 2/3rds of its length.

The Council's Landscape Architect advises that the recently planted landscape mitigation and the additional landscaping proposed with this application will take many years to become effective and even following maturity will not fully screen the building the prominence and scale of which in this prominent position would have a harmful impact on the openness of the surrounding countryside. Neither would the planting overcome the policy objections to the size, height, scale and position of the building which, if approved, could set an undesirable precedent. The Landscape Architect also considers that the new planting proposed may, in itself, detract from the open pasture character of the landscape.

Local residents have previously expressed a view that the new access to the site allows water that previously flowed down Beckfoot Lane to be diverted onto the applicant's fields to soak away and so reduce the risk of flooding. The applicant has agreed that he would be prepared to improve drainage further by placing an interceptor drain across the lane. However, it is not considered that this work would be sufficient to mitigate the adverse effects of the building on the character of the green belt or the landscape, or to overcome the above mentioned policy objections. The Planning Inspector considered this and other claimed benefits such as the passing place created at the gate. However, the Inspector did not accept that these benefits outweigh the impact of the building on the countryside.

Consideration has been given to the various benefits claimed by the applicant and supporters, but as before, and as agreed by the Appeal Inspector, none are considered sufficient to fully mitigate the adverse impact of the building on the openness and character of this area of countryside.

Community Safety Implications:

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

Reasons for Refusal:

1. The building is positioned in a prominent and obtrusive position in open countryside, directly visible from the adjacent public right of way and other vantage points. The scale and bulk of the building are not considered proportionate to the size of the agricultural holding and the building is poorly related to any existing buildings. Proposals for tree and hedge planting put forward are not considered adequate to effectively mitigate the effects of the building on the visual amenity of the surrounding countryside. The building is harmful to the visual amenity of the Green Belt and contrary to Policy GB2 of the Bradford Replacement Unitary Development Plan (RUDP).
2. The site is located within the Airedale Landscape Character Area as identified in the Council's Landscape Character Assessments which form part of the Local Development Framework and support Policies NE3 and NE3A of the Bradford Replacement Unitary Development Plan. Due to the height, scale and prominent siting of the building, it is considered to cause unacceptable visual intrusion and introduce an incongruous element into the landscape that is detrimental to its character and distinctiveness and is contrary to Policies NE3 and NE3A of the RUDP.