

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 08 September 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.	204 Gaisby Lane Shipley West Yorkshire BD18 1AE - 10/01617/HOU [Approve] (page 1)	Windhill And Wrose
2.	36 North Parade Burley In Wharfedale Ilkley West Yorkshire LS29 7JR - 10/02186/HOU [Approve] (page 7)	Wharfedale
3.	4 Grosvenor Road Shipley West Yorkshire BD18 4RN-10/03313/HOU [Approve] (page 13)	Shipley
4.	66 & 68 Wrose Road Shipley West Yorkshire BD18 1PB - 10/02586/FUL [Approve] (page 19)	Windhill And Wrose
5.	Asda Superstore Manor Lane Shipley West Yorkshire BD18 3RY - 09/01848/FUL [Approve] (page 24)	Shipley
6.	Asda Superstore Manor Lane Shipley West Yorkshire BD18 3RY - 09/01850/FUL [Approve] (page 38)	Shipley
7.	27 Greenfield Crescent Cullingworth Bingley West Yorkshire BD13 5AW - 10/00480/HOU [Refuse] (page 51)	Bingley Rural
8.	66 - 68 Wrose Road Shipley West Yorkshire BD18 1PB - 10/02296/VOC [Refuse] (page 56)	Windhill And Wrose
9.	Ivy House Farm Ryecroft Harden Bingley West Yorkshire BD16 1DH - 10/01171/FUL [Refuse] (page 61)	Bingley Rural
10.	Otley Road News 14 Otley Road Baildon West Yorkshire BD17 7HB - 09/05982/FUL [Refuse] (page 69)	Baildon

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Portfolio:
Environment and Culture

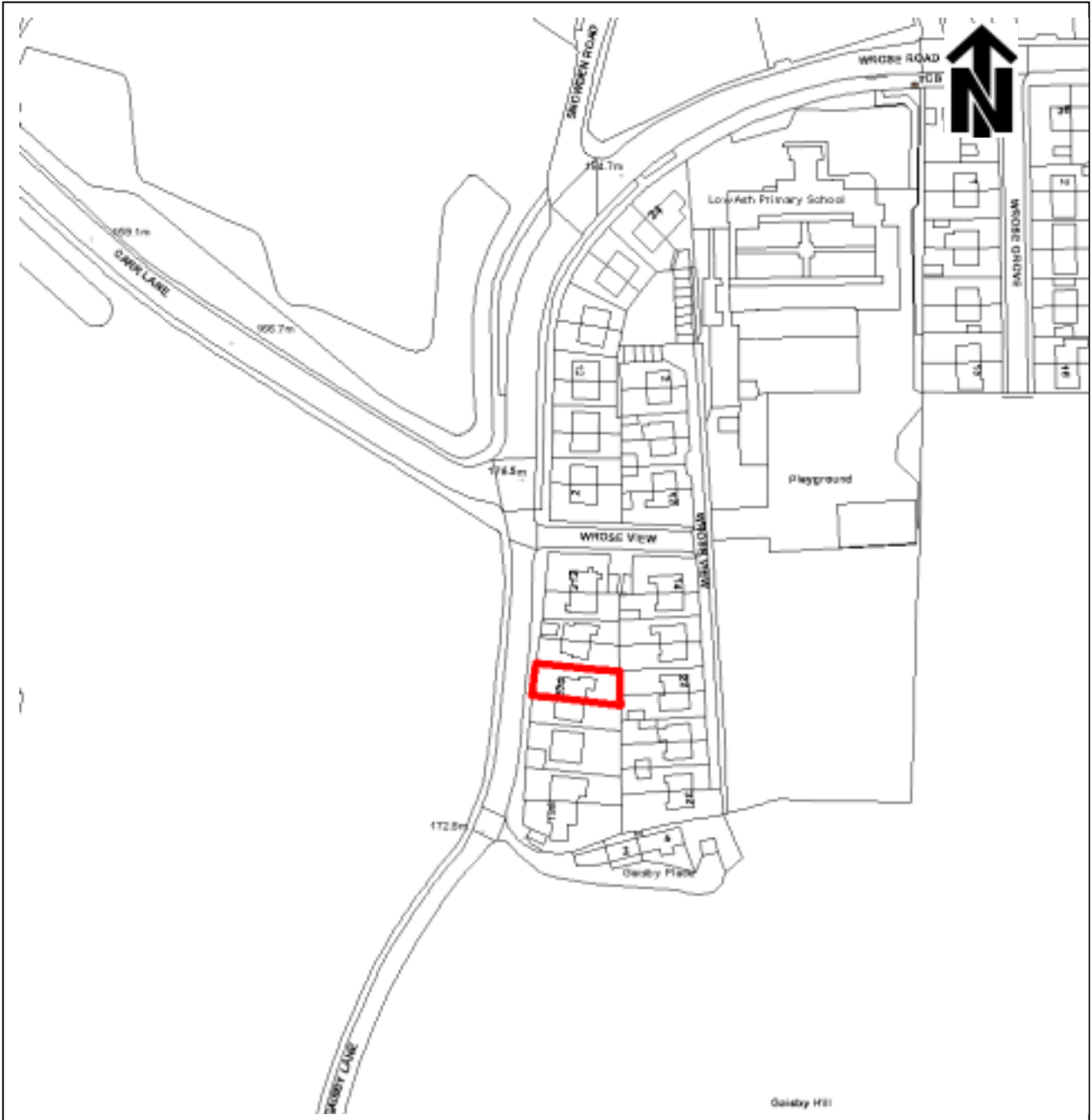
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

10/01617/HOU

8 September 2010



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ITEM NO. : 1	LOCATION: 204 Gaisby Lane Shipley
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8 September 2010

Item Number: 1

Ward: WINDHILL AND WROSE

Recommendation:

TO GRANT PLANNING PERMISSION

THE APPLICATION IS REFERRED TO PLANNING PANEL BECAUSE THE APPLICANT IS RELATED TO A WARD COUNCILLOR

Application Number:

10/01617/HOU

Type of Application/Proposal and Address:

A full application for the construction of a two storey side extension and garage, as amended, at 204 Gaisby Lane, Bradford.

Applicant:

Mr Sabir Hussain

Agent:

Stephen Fisher

Site Description:

The application building is a two storey semi-detached dwelling. The dwelling is constructed of natural stone to the ground floor level of the principal elevation and blockwork render to all other elevations, surmounted by a concrete tile roof. The dwelling is setback from Gaisby Lane by 7 metres and occupies an elevated position with the front garden raised above Gaisby Lane by approximately 2 metres. Surrounding properties on Gaisby Lane follow a similar layout with elevated front gardens. A number of surrounding properties benefit from domestic garages which are set down within the front gardens and abut the back edge of the footway of Gaisby Lane.

Relevant Site History:

None

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

UR3- The Local Impact of Development

D1- General Design Considerations

TM2- Impact of Traffic and Its Mitigations

TM19A- Traffic Management and Road Safety

The Revised House Extensions Policy (2003)

Parish Council:

Wrose Parish Council – No comments received

Publicity and Number of Representations:

The application was publicised by neighbour notification letters. The expiry date for comments in connection with the application was 16.07.2010. Two letters of objection were received in connection with the application

Summary of Representations Received:

1. The extension will overlook properties to the rear on Wrose View.
2. The extension will result in the loss of views from properties Wrose View.
3. The extension will overshadow 24 Wrose View.
4. The extension is a visual intrusion.

Consultations:

Minerals- No objection subject to contamination remediation condition

Highways Development Control- No comments received

Summary of Main Issues:

1. Visual Amenity
2. Residential Amenity
3. Highway and Pedestrian Safety

Appraisal:

Visual Amenity

In terms of visual amenity the proposed extension is considered to be acceptable. The submitted plan indicates that the extension is to be constructed of materials to match the application dwelling (blockwork render, concrete tiles, stone), compliant with policy No.1 of the Revised House Extensions Policy.

The development is also considered to be acceptable in terms of size and design as the submitted plan indicates that the two storey side extension includes a 150mm setback at the ground floor level and a 1 metre setback at the first floor level, compliant with policy No.9 of the Revised House Extensions Policy. Furthermore the ridgeline of the proposed extension is set down by 500mm from the ridgeline of the application property further contributing to the subordinate appearance of the extension, compliant with policies UR3 and D1 of the Replacement Unitary Development Plan as well as policy No.2 of the Revised House Extensions Policy.

In terms of visual amenity the proposed garage is considered to be acceptable. The submitted plan indicates that the garage is to be positioned within an excavated area of the front garden of the dwelling and will therefore be largely obscured from view, with the exception of the garage door fronting West onto Gaisby Lane. As there are a number properties on Gaisby Lane (most notably 198, 200 and 208 Gaisby Lane) with existing garages occupying similar positions the proposal is considered to be in keeping with character of surrounding properties and is compliant with policies UR3 and D1 of the Replacement Unitary Development Plan.

The proposal includes the construction of a stone plinth and railing with a height of 500mm on top of the proposed garage in order to form the boundary of the raised garden area. In light of similar boundary treatments to the raised garden areas of surrounding properties on Gaisby Lane and the residential appearance of the low level railings the proposal is considered to be in keeping with the character of the application dwelling and surrounding street scene, compliant with policies UR3 and D1 of the Replacement Unitary Development Plan.

Residential Amenity

In terms of residential amenity no adverse implications are foreseen. The submitted plan indicates that the rear first floor bedroom window of the proposed extension is to be located 7 metres from the rear boundary of 22 Wrose View and within 19 metres of the rear habitable room windows of 22 Wrose View. However as the first floor bedroom window of the extension is to be a high cill window positioned 1.8 metres above the finished floor level the proposal is not considered to introduce any adverse overlooking implications, compliant with policy UR3 and D1 of the Replacement Unitary Development Plan as well as supplementary planning guidance contained within the Revised House Extensions Policy.

The proposed two storey side extension is not considered to result in any adverse overbearing or overshadowing implications as there are no habitable room windows located in the South elevation of the neighbouring property at 206 Gaisby Lane. The two storey section of the extension which extends to the rear of the property is also considered to be acceptable as it does not intersect the 45 degree line as measured from the nearest habitable room window at 206 Gaisby Lane. A concern has been expressed from a local resident regarding loss of view but this is not a material planning consideration. The proposal is therefore considered to be compliant with policies UR3 and D1 of the Replacement Unitary Development Plan as well as supplementary planning guidance contained within the Revised House Extensions Policy.

Highway and Pedestrian Safety

The submitted plan indicates that the proposed garage is to be set down within the front garden of the property with the garage door abutting the back edge of the footway to the East side of Gaisby Lane. Policy No.16 of the Revised House extensions policy requires all garages to be setback from the edge of the highway by a minimum of 5.6 metres. However, it should be noted that there are a number of existing garages serving properties on Gaisby Lane (198, 200 and 208 Gaisby Lane) which are located flush with the back edge of the footway. It is considered that the addition of one further garage, in the proposed location, will not result in any significant adverse highway or pedestrian safety implications beyond that which already exist, compliant with policy TM2 and TM19A of the Replacement Unitary Development Plan.

Community Safety Implications:

None

Reason for Granting Planning Permission:

The proposed development is considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the development 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. No adverse highway or pedestrian safety implications are foreseen. As such the proposal is considered to be in accordance with policies UR3, D1, TM2 and TM19A of the Replacement Unitary Development Plan and supplementary planning guidance contained within the Revised House Extensions Policy.

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 approved plan(s) listed below:
Approved Plan Details: Amended Plan No. SR-967-1B. Received by the Council on 18 August 2010.

Plan No SR-967-2 received by the Council on 25 June 2010.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. The development hereby permitted shall be constructed of materials as specified on the submitted plan drawing No. SR-967-1B dated DEC 09 and received by the council on 07 APR 2010.

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.

4. 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, East or West elevations of the extension without prior written permission of the Local Planning Authority.

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

5. The first floor bedroom window in the rear extension hereby approved shall on installation be a high cill window located a minimum of 1.7 metres above the finished floor level of the extension and shall be retained as such thereafter.

Reason: In the interests of residential amenity and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

6. The garage hereby granted planning permission shall be used only for the purpose incidental to the domestic enjoyment of the occupants of the dwelling house, and shall not be used for business purposes.

Reason: To safeguard the amenities of people living nearby and to accord with Policy UR3 of the Replacement Unitary Development Plan.

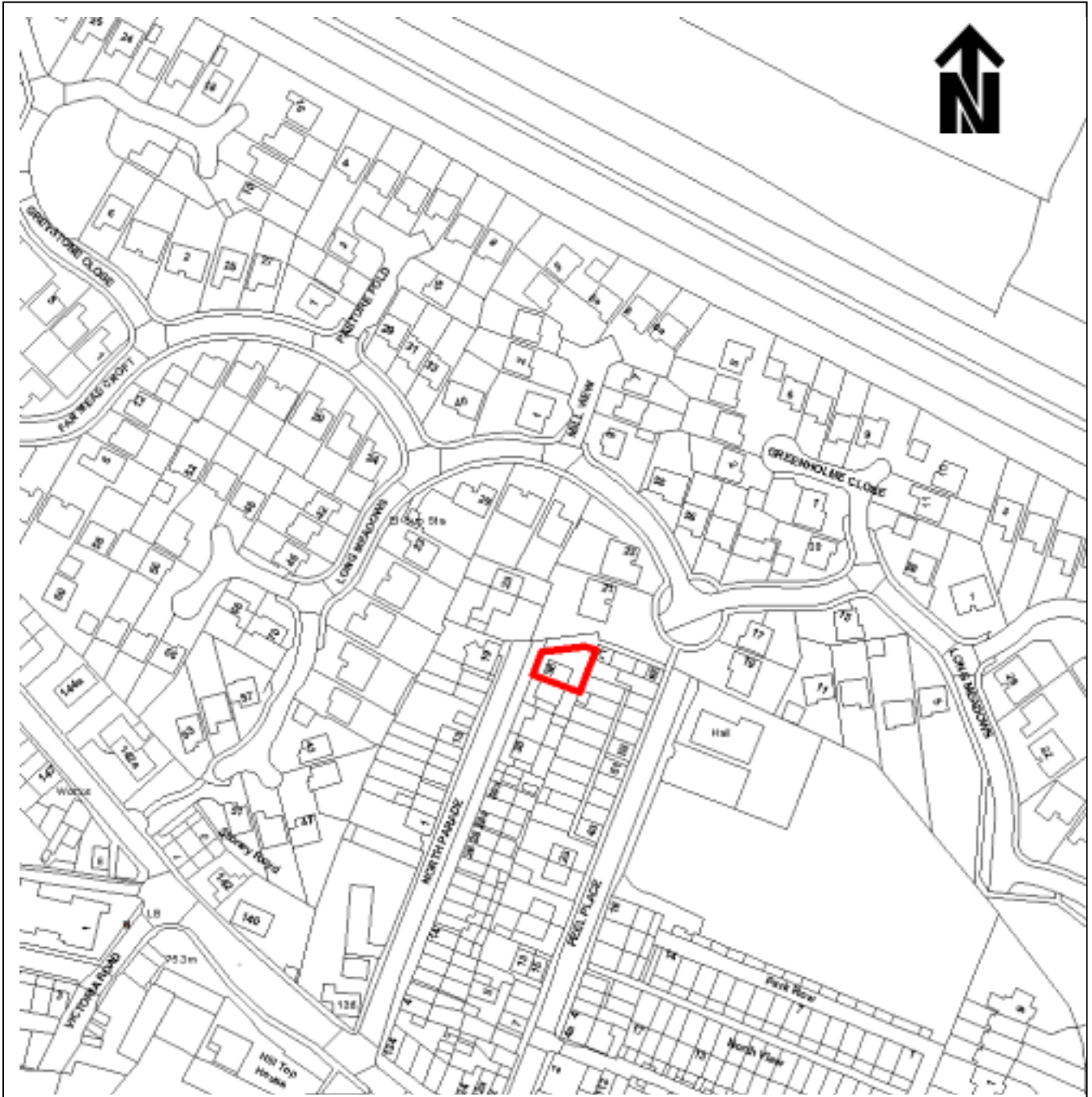
7. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, an investigation and risk assessment must be undertaken, details of which must be submitted to 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 to the Local Planning Authority for approval in writing; following completion of 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.

Area Planning Panel (Shipley)

10/02186/HOU

8 September 2010



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<p>ITEM NO. : 2</p>	<p>LOCATION: 36 North Parade Burley In Wharfedale Ilkley</p>
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2 September 2010

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

Application Number:
10/02186/HOU

Type of Application/Proposal and Address:
Full planning application for construction of a two storey side extension and single storey rear extension at 36, North Parade, Burley-in-Wharfedale LS29 7JR

Applicant:
Miss Caroline Rees

Agent:
Neil Grimes

Site Description:
The application property is a rendered semi detached house situated at the end of a cul de sac street leading off Burley Main Street. It is located in Burley Conservation Area. The majority of houses on the street are traditional stone terrace houses with doors straight onto the pavement but this is one of a group of later (circa 1950s) houses at the end of the road which have front gardens. To the north of the property is a tarmac access leading to the rear of properties on Peel Place that are set at right angles to the garden of No. 36. Beyond the property to the north are houses on the modern Long Meadows estate, the nearest is No. 21 which has its side wall facing the application property.

Relevant Site History:
No recent or relevant applications relating to this house.

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated on the RUDP Proposals Map. Site is inside Burley Conservation Area

Proposals and Policies
UR3 – local planning considerations
D1 – design considerations
TM12 – car parking
BH7 – development in conservation areas
Supplementary Planning Guidance – revised House Extensions Policy.

Parish Council:
Burley Parish Council recommends approval

Publicity and Number of Representations:
Publicised by neighbour notification letters and conservation area site notice expiring 15 July 2010.

6 objections received. The Member of Parliament has requested determination by Panel.

Summary of Representations Received:

1. The extensions proposed threaten to overpower the surrounding houses particularly the smaller Victorian cottages which back onto it on Peel Place, and their gardens.
2. The extensions are large and will cause overlooking and make this tightly developed area more overcrowded, setting a precedent for other over development. The development is too large for the plot and will be out of keeping.
3. The two storey extension will overshadow and overlook property on Long Meadows. A single storey extension is all that is appropriate on the side of the house.
4. The proposed rear extension would run along the boundary with the adjoining semi and cause detrimental overshadowing and create noise.
5. North Parade is a very restricted road and this extension will cause great disruption at the end of the cul de sac when it is built. The plot has no provision at all for construction vehicles. There have always been parking problems on North Parade as properties have no off street parking and turning will be very restricted when the extension is under construction.
6. The proposed loss of the front garden to tarmac hardstanding will not be aesthetically pleasing.
7. Parking space will be restricted.
8. Loss of garden space will be caused and this may affect drainage. General concerns regarding drainage.

Consultations:

None

Summary of Main Issues:

1. Design and materials – impact on character and appearance of the Burley conservation area.
2. Impact on living conditions of occupiers of adjoining properties.
3. Concerns regarding car parking/highway congestion, including during construction.

Appraisal:

The drawings propose a two storey extension on the side of the house set back 1.6 metres behind the front wall, and a single storey extension projecting 3.0 metres from the back wall of the house. The scheme has been amended to omit a proposal to tarmac the whole of the front garden to form extra parking. This resolves concerns about the possible impact of water run off to the adjoining semi.

The two storey extension has been amended to ensure a space of 5 metres remains between the extension and the boundary with the highway – thus enabling the present single car parking space serving the property to be retained.

Single storey extension

Although shown on the drawings and referred to on the application form, the single storey extension has been found to constitute permitted development which does not require planning permission. The height of the eaves does not exceed 3 metres (it is about 2.4m), the overall height does not exceed 4 metres, no more than 50% of the garden is being developed, similar materials are being proposed and the extension will not project out from the back wall by more than 3 metres. It is therefore permitted development by virtue of Part 1 Class A to the amended General Permitted Development Order. It is acknowledged that the single storey extension at the rear would have some impact on occupiers of the adjoining semi due to its proximity to the joint boundary and that the neighbour has lodged a strong objection to this proposal. However, the single storey extension does not require planning permission.

Two storey extension:

(i) Design, scale and materials

The two storey extension on the side of the house would require planning permission. It would be set back 1.6m behind the front wall of the main dwelling and with a correspondingly lower ridge line. It achieves an appropriate degree of subordination as required by the revised House Extensions Policy. Although in the Conservation Area, the existing semi detached house is not of architectural significance. It is predominantly rendered to all sides with a concrete tiled roof. The proposed extension is proposed to be faced in matching render and roofed with matching tiles. Scale, design and materials are all therefore appropriate and due to the degree of set back the extension would not be unduly prominent when seen from North Parade.

It is not considered that the extensions would have any significant adverse impact on the character or appearance of Burley Conservation Area sufficient to justify refusal.

It is acknowledged that this is a densely developed residential area. However, the side garden of the property is not of particular significance as an open space and it is not considered that the extension would significantly erode the spatial qualities of the area - especially given the degree of set back and subordination when viewed from the street. The property would be left with a reasonable amount of garden space and it is not accepted that the extension could be described as "over development".

(ii) Impact on neighbouring properties

Note is made of concerns by neighbours living to the north (Long Meadows) and east (Peel Place) about dominance and overlooking of homes and gardens. The nearest property on Long Meadows (No. 21) is located about 11 or 12 metres from the position of the proposed extension and presents its side wall towards the site. This wall has no windows at 1st floor level and the windows at ground floor level appear to be secondary windows and are behind a tall screen fence and planting along the boundary. It is not accepted that the extension would have any significant impact on the outlook or living conditions of occupiers of this property given that the house has its principal windows facing away from the extension and would be seen set against the taller mass of the existing house.

It is noted that the rear garden of the property behind 36 North Parade - at 63 Peel Place - has a garden running up to the garden of No 36 and that this garden is somewhat hemmed in by development running along its north side. The extension would be located about 19 metres from the windows in the main dwelling at 61 and 63 Peel Place – this is the same distance as the existing terrace from all the dwellings on this section of Peel Place so it is not considered that the extension would impact on the outlook from within the house itself to any significant extent. The proposed extension would have only a bathroom window at 1st floor level, and this is shown with obscure glazing. It is proposed to impose a condition requiring that obscure glazing is retained to this window so that the extension would not cause any more overlooking of the objector's houses or garden than arises from the existing dwelling.

While the extension would add to the sense of enclosure of the garden behind No. 63 Peel Place, the degree of separation between the extension and the garden would be the same as the degree of separation between all the gardens of 43 – 59 Peel Place and the existing houses on North Parade. The outlook from the garden behind 63 Peel Place would be affected but it is not considered that the degree of impact is unreasonable or would be sufficient to justify refusal of the application. The extension would be aligned with the back wall of the existing houses and its roof would be set lower. In terms of overshadowing, the two storey extension would cause no more effect on the adjoining properties than is caused by the mass of the existing row of houses.

It is therefore not considered that the two storey extension would cause harm any significant to the amenity of occupiers of adjoining dwellings.

Parking and highway congestion issues

The 2-storey extension has been amended to ensure retention of a space of 5.0 metres between the front wall and the boundary with the highway so that the existing off street car parking space is retained. It is fully acknowledged that North Parade is a constrained cul de sac and space for manoeuvring at the end of the street is difficult. However, it would be unreasonable to refuse planning permission provided the existing off street space is retained.

Neighbours fear that approval of planning permission would mean that skips and other building equipment would have to be stored in the highway making manoeuvring and parking for other residents even more difficult - with consequent harm to safety and living conditions. However, the applicant's arrangements for construction facilities are unknown. It is not known whether builders would need to use the highway for storage of skips etc. It would be for the Council's Highway Officers to decide whether to grant a licence to allow skips etc to be stored in the highway. It would not be reasonable to refuse a planning application on these grounds.

The proposal to tarmac more of the front garden is now omitted from the scheme. Neighbours' concerns regarding drainage run off are noted, but surface water drainage from the new roof areas of the extensions would be dealt with under Building Regulations Consent procedures.

Community Safety Implications:

None

Reason for Granting Planning Permission:

The impact of the development has been carefully assessed but it is considered that it will have no significant adverse effects on local amenity, the character or appearance of the Conservation Area within which the property is situated, or the amenity of occupiers of neighbouring properties. It is considered to comply with relevant saved Policies BH7 and UR3 of the Replacement Bradford Unitary Development Plan (2005) and relevant Supplementary Planning Guidance relating to House Extensions.

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 plan 02 revision B dated 7/10 and received by the Council on 6 July 2010 showing amendment to the length of the two storey extension in order to retain the existing car parking space, and to omit reference to creating a further hardstanding at the front of the property.

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

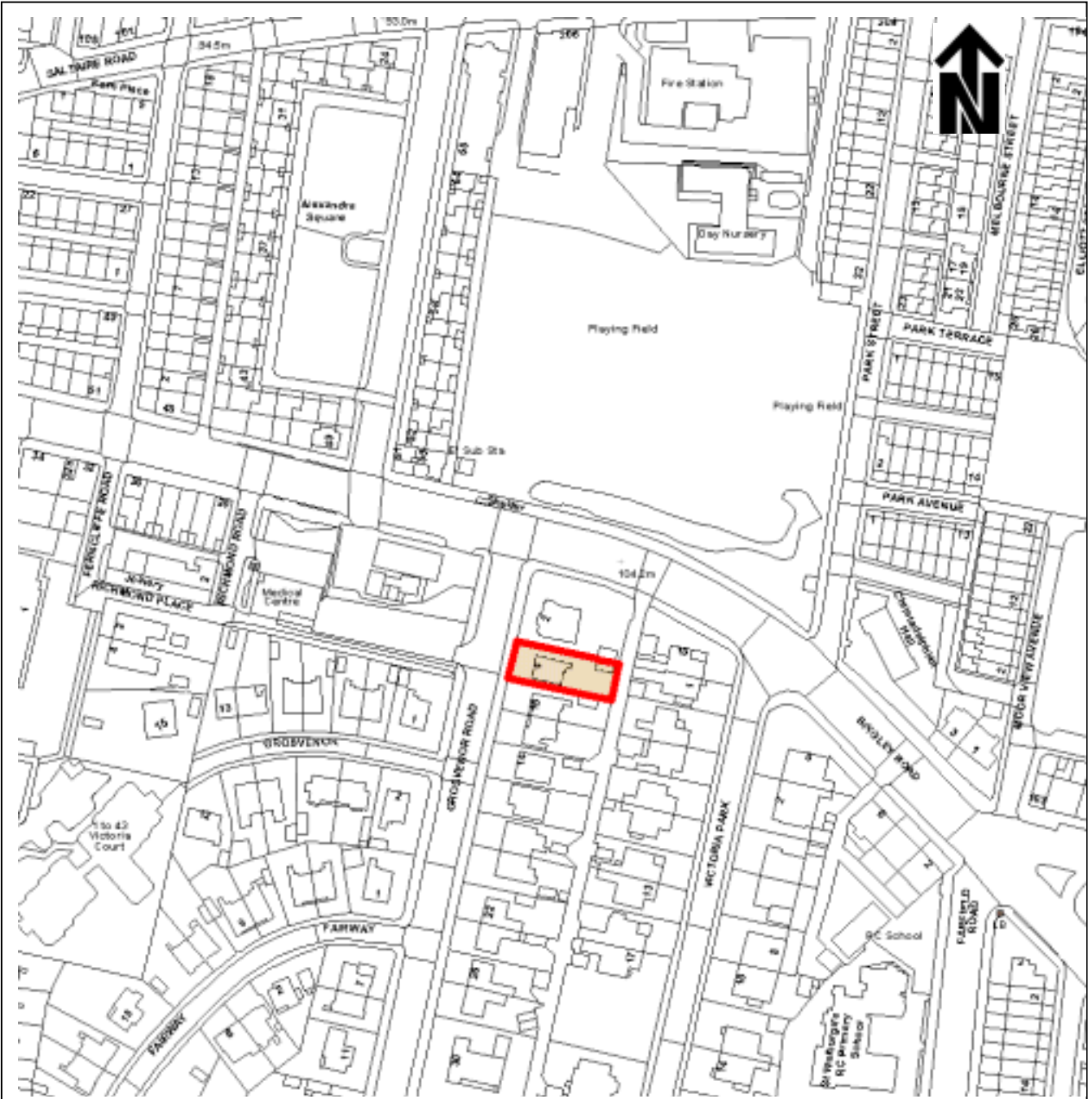
3. The en suite bathroom window proposed in the south east (rear) elevation of the extension hereby permitted shall be glazed in obscure glass prior to the first occupation of the extension and thereafter obscure glazing shall be retained to this opening.

Reason: To prevent overlooking or loss of privacy to adjacent occupiers and to accord with Policy UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

10/03313/HOU

8 September 2010



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<p>ITEM NO. : 3</p>	<p>LOCATION: 4 Grosvenor Road Shipley</p>
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8 September 2010

Item Number: 3
Ward: SHIPLEY
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
10/03313/HOU

Type of Application/Proposal and Address:
Householder application for the construction of a single storey rear extension to the permitted development two storey rear extension at 4 Grosvenor Road, Shipley, BD18 4RN

Applicant:
Mrs Malik

Agent:
Mr Michael Hall

Site Description:
The application property is a detached dwelling sited on a predominantly residential street which has a mixture of detached and semi-detached dwellings. The property is rendered and has a blue slate roof.

Relevant Site History:
10/02144/CLP: An application for a certificate of lawful proposed development was submitted for a two storey rear extension at a depth of 3metres. The proposal was considered Permitted Development under Class A, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (Amendment) (No.02)(England) Order 2008 subject to those conditions imposed under Class A, Section A.3 of The Town and Country Planning (General Permitted Development) Order 2008.
The application was approved on 25.06.2010.

10/00348/HOU: Two storey rear extension. An application for a two storey rear extension at a depth of 4.5metres. This application was withdrawn on 14.07.2010

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated on the RUDP Proposals Map. The site is located in the buffer zone of the Saltaire World Heritage Site

Proposals and Policies

UR3 - The Local Impact of Development
D1 – General Design Considerations
BH14 – Saltaire World Heritage Site

Supplementary guidance- The Revised House Extensions Policy Document

Parish Council:
Not applicable

Publicity and Number of Representations:

The application was initially publicised by neighbour notification letters. Expiry date 27.08.2010. Three representations were received which include a request from Ward Councillor K Warnes for the application to be referred to the Area Planning Panel.

Following amendments to the scheme, the proposal was re-advertised by neighbour notification letters. Expiry date 27.08.2010. The Planning Panel will be advised verbally of any further representations.

Summary of Representations Received:

1. Obliterate view of Baildon Moor from kitchen window of 10 Grosvenor Road.
2. Reduce level of natural light reaching kitchen window of 10 Grosvenor Road.
3. Overshadow property number 10 Grosvenor Road.
4. Out of keeping with character of the area. Houses on this street have space around them. Proposal would result in properties being crammed in.
5. Extension would be oppressive and claustrophobic.
6. Block out street lighting from main road – safety concerns.
7. Overshadow side garden.
8. Creation of a wind tunnel.
9. Loss of garden area resulting in increased levels of flooding during wet weather.
10. Overlook property number 3 Victoria Park. Reducing privacy and increasing noise levels.

Consultations:

Design and Conservation Team: Site is located in the World Heritage Buffer Zone. No objections.

Summary of Main Issues:

1. Impact upon Local Environment
2. Impact upon Neighbouring Occupants
3. Impact upon Highway safety
4. Community Safety Implications

Appraisal:

Proposal

The current application, as amended, is for a single storey lean-to rear extension to the rear of the permitted development (10/02144/CLP) 3m deep two storey rear extension. The depth of the single storey rear extension is 1metre from the rear elevation of the two storey extension.

Impact on Local Environment

The proposed single storey rear extension to the rear elevation of the dwelling will be constructed of materials to match the host dwelling and will have a hipped roof with roof materials to match.

Sited to the rear of the property, the proposal will not form an incongruous or dominant form. In terms of visual amenity, the proposal is considered acceptable and sufficiently subordinate and is in-keeping with the character of the host dwelling and present street scene.

The proposal is in accordance with guidance contained in the Revised House Extensions Policy document and policy UR3 of the Replacement Unitary Development Plan.

Impact on Neighbouring Occupants

No. 2 Grosvenor Road, to the north, is a single storey dwelling which has been extended to the rear with a rendered 4m deep extension and a conservatory. The proposed extension at no.4 will not project beyond the rear elevation of No. 2 Grosvenor Road. No.2 does have side windows facing the application property - a side facing habitable room window in the original dwelling (bedroom), a side facing bathroom window, a secondary side facing habitable room window in the rear extension (kitchen) and side facing windows in the rear conservatory. Only one of these windows is a principle window providing the only outlook and light to a habitable room – the bedroom window. This window is set 6m away from the side elevation of No. 4 and 6m back from where the proposed rear extension starts. In view of this relationship it is not considered that the proposed single storey extension will have any impact on the outlook from or light to this habitable room window.

No. 10 Grosvenor Road is a two storey dwelling located to the south of No. 4 Grosvenor Road. This neighbouring property is located slightly higher than No. 4 and has a ground floor and a first floor primary habitable room window on the side elevation facing 4 Grosvenor Road.

The 3m deep two storey rear extension at No 4, which can be built as permitted development will sit in front of the neighbouring windows and affect the light to and outlook from these windows. The additional 1m deep ground floor extension, which is the subject of this application, will not affect the neighbour's first floor window and will be located between 5m and 6m from No.4's ground floor window. In view of the distance between the neighbours window and the 1m deep extension, the height of the extension (3.57m) and the fact that the extension is offset from the neighbours window it is not considered that the additional 1m ground floor rear extension would have any significant impact on the outlook from or light to the neighbours ground floor window.

The single storey extension is not considered to result in any increased levels of overshadowing to the garden area of number 10 since there is fencing along the boundary which naturally overshadows the border to the side of number 10. The proposed extension will be set in 1.6m from this boundary fence.

No windows are proposed to the side elevations of the proposed extension which would cause overlooking of neighbouring properties.

The single storey extension will bring the rear wall of the application dwelling to within 11.8m of the rear boundary and 15m from the rear boundaries of No.s 1 and 3 Victoria Park. There is a rear access road separating these properties. There is one first floor rear facing window at No. 1 Victoria Park that is located within 1m of the rear boundary of No. 1 Victoria Park and allows overlooking of the garden of 4 Grosvenor Road. This window does not sit directly opposite the proposed extension but to one side. Whilst the distance between the windows in the ground floor extension and the first floor window at No. 1 Victoria Park is only in the region of 17m in view of the fact that the windows are not directly facing and the windows in the proposed extension are no closer than the windows in the rear elevation of no. 2 Grosvenor Road it is not considered that the proposal would result in any significant increase in levels of overlooking.

All other windows at Nos. 1 and 3 Victoria Park are over 21m from the proposed extension.

On balance it is not considered that the impact of the additional 1m deep ground floor rear extension on the residential amenity of neighbouring occupants is so significant as to warrant refusal.

Impact on Highway Safety

There are no highway safety implications

Community Safety Implications:

The proposal is sited to the rear of the dwelling and as such, the spacing between the dwellings is not reduced. The proposal will not result in any apparent community safety implications.

Reason for Granting Planning Permission:

The proposed 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. As such this proposal is considered to be in accordance with Policy UR3 and D1 of the Replacement Unitary Development Plan and the Revised House Extensions Policy.

Conditions of Approval:

1. 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 3011 008 Rev A and 3011007 Rev A dated 09/08/10 and received by the Council on 9th August 2010 showing the depth of the single storey extension reduced to 1metre.

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 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.

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

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

8 September 2010

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

Application Number:
10/02586/FUL

Type of Application/Proposal and Address:

Full application for the change of use from hot food takeaway at 66/68 Wrose Road to hot food takeaway & Retail Unit at 68 Wrose Road. Permission for the addition of a ramp to the front of the property is also sought.

Applicant:

Mr Abdul Satar

Agent:

Mr Jason Allatt

Site Description:

66-68 Wrose Road is a pair of semi-detached dwellings where the ground floor has been changed into a hot food takeaway and an associated shop front installed. The property with the exception of the shop front retains the appearance of a pair of residential dwellings. This appearance is comparable with the other residential dwellings within the wider locality.

The property is sited between the highways of Oakdale Drive and Childs Lane with residential properties beyond. To the front the site has a tarmac forecourt leading to the public footpath, and to the rear the boundary is shared with No.1 Oakdale Drive.

Relevant Site History:

07/03794/COU – Change of use from two shops to hot food take-away – Refused

07/08191/COU - Change of use from two shops to hot food takeaway and bin store – Approved

08/05018/COU - Change of use of premises at ground floor to sandwich take-away and coffee shop with new security shutters to front. Conversion of roof space involving change in shape of roof from hipped to gabled form and incorporation of new accommodation with existing first floor to provide separate four bedroom dwelling – Refused

08/06713/FUL - Single storey extension to rear, internal alterations and new external door – Approved

10/00458/VOC - Variation of condition 3 of planning approval 07/08191/COU Dated 21/05/08: Change of use from two shops to hot food takeaway and bin store - Approved

10/02296/VOC - Variation of condition 3 of planning approval 07/08191/COU Dated 21/05/08: Change of use from two shops to hot food takeaway and bin store - Pending

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

UR3	The Local Impact of Development
D1	General Design Considerations
CR1A	Retail Development within Centres
TM2	Impact of traffic and its mitigation
TM19A	Traffic management and road safety
P7	Noise

Parish Council:

Wrose – The parish council objects to the proposal based on an anticipated loss of amenity for nearby residents, through an increase in traffic, fumes, and disruption.

Publicity and Number of Representations:

The application has been advertised by site notice and individual neighbour notification letters. The overall expiry of the publicity is 29.07.2010.

Three representations have been received including one from a local councillor.

Summary of Representations Received:

The representations received are objecting to the proposal on the following grounds:

1. Parking, Highway Safety
2. No need for another retail unit within the area.
3. Previous planning conditions have not been adhered to

Consultations:

Highways DC – No highway objections are raised.

Summary of Main Issues:

1. Principle of the development
2. Residential amenity
3. Highway safety
4. Comments on representations received

Appraisal:

66-68 Wrose Road, Wrose is a pair of semi-detached properties, which in the past have had retail units installed at ground floor level. In 2007 these units were converted to a single hot food takeaway use. The proposal is to revert to two units – a retail unit and the previously approved hot food takeaway.

It is noteworthy that since the previous approval Highway safety improvements have been carried out on Wrose Road, and as part of these works a lay-by has been provided outside 66-68 Wrose Road. The lay-by has a 20 minute waiting restriction. The lay-by can be used by members of the public visiting any of the local businesses

Principle of the development

The property lies within the Wrose local centre boundaries, policy CR1A would therefore apply. Policy CR1A encourages retail use within the local centre, as such subject to compliance with the other relevant policies contained within the RUDP, the proposal to revert to two units would be deemed acceptable. The main issues will now be considered:

Residential amenity

The history of the site clearly shows that the properties were previously run as two separate units. As a result of the restrictions placed on the hot food takeaways hours of operation, and the improved highway situation, it is not anticipated that the addition of a retail unit will result in a significant detrimental impact on neighbouring amenity. The proximity to the local centre means some level of disturbance has to be expected.

Highway safety

The council's highway officer confirms he has no concerns in terms of highway safety with this application. The representations however, do raise highway safety as a major concern. With consideration given to the new parking facilities, and the fact that the hot food takeaway has restrictions placed upon its hours of operation, which mean in all likelihood the times when both units are in operation will be restricted to between 11.00am and 13.30pm, the proposal is deemed unlikely to result in significant highway safety concerns.

Notwithstanding the above, it has been brought to the officer's attention, as part of another application currently under consideration, that the forecourt should not be used for parking. It can be assumed that if this is occurring, as it is alleged, it has the potential to be exasperated by the separation of the units. As such improved measures to prevent vehicles accessing the forecourt are proposed as a condition of any planning approval. It is considered undesirable that the forecourt be used for parking as it would represent a notable highway safety concern, as vehicles are required to pass over the public footpath to access the forecourt.

Comments on Representations Received

The need for another retail unit within the locality has been considered, however, the site falls within a local centre where retail units are encouraged, and also represent a sustainable form of development, providing amenities for the local residents.

The matter of previous planning conditions not being adhered to is not a material planning consideration. Further to this the council's enforcement team have been dealing with this and the majority of issues have now been resolved.

Other matters for consideration

The addition of a ramp to the front of the store raises no specific concerns. Building Regulations mean that such developments are becoming more frequent additions to the built environment. The ramp will be entirely within the curtilage of the unit and does not encroach on to the public footpath, alleviating any concerns of the ramp becoming an unnecessary obstacle to pedestrians.

Community Safety Implications:

No community safety implications are anticipated as a consequence of this application.

Reason for Granting Planning Permission:

It is considered that the proposal will not have an unacceptable impact on the amenities of surrounding residents and will comply, with appropriate policies UR3, CR1A, TM2, TM11, TM19A and P7 of the Replacement Bradford Unitary Development Plan (2005).

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

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

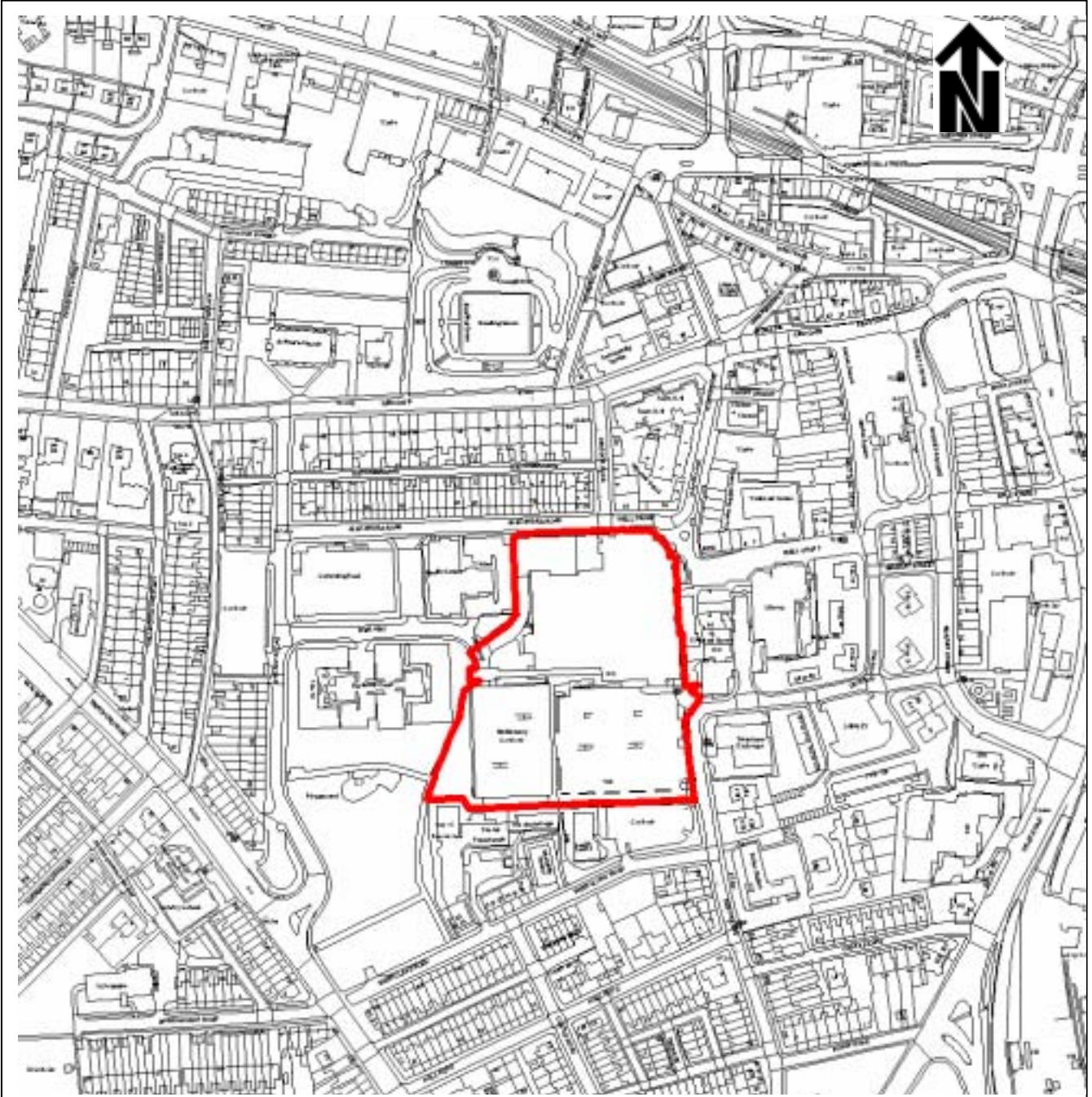
3. Prior to the first use of the retail new unit a scheme showing details of the measures to prevent cars entering and leaving the forecourt shall be submitted to and approved in writing by the Local Planning Authority. The works to the forecourt shall then be carried out in accordance with the approved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

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

Area Planning Panel (Shipley)

09/01848/FUL

8 September 2010



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<p>ITEM NO. : 5</p>	<p>LOCATION: Asda Superstore Manor Lane Shipley</p>
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8 September 2010

Item Number: 5
Ward: SHIPLEY

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

Application Number:
09/01848/FUL

ADDENDUM REPORT

(Please note that the original planning report which deals with all the planning issues is attached to this addendum report for reference *For the sake of clarity it should also be noted that the original report details now include the additional letters of representation reported orally at the Panel on 11 May 2010.)

Update:

At Shipley Area Planning Panel on 11 May 2010, Members resolved to grant planning permission for the development subject to the conditions and a Section 106 legal agreement outlined in the officers report and the following changes:

Change to S106 requirements:

To include the heads of terms set out in the Strategic Director, Regeneration's technical report with the following changes to the original officer report:

1. The hours of free public and shoppers' car parking use to be increased from 2 hours to 4 hours;
2. That the developer be required to fund the full cost of the installation of a 'real time' public transport information facility in the store if deemed necessary by the Assistant Director, Planning after consultation with West Yorkshire Passenger Transport; and
3. That the Assistant Director, Planning in consultation with the Assistant Director, Transportation and Highways, shall consider the desirability of providing a safe pedestrian crossing facility and if deemed appropriate the developer shall be required to fund the full cost of installation of any such pedestrian crossing as a head of term of the Section 106 Agreement.

The main issue:

Following the Planning Panel meeting, the applicants have raised concerns with regard to one of the aspects of the resolution of the Area Planning Panel, namely item number 1 above which requires an increase in the hours of free use of the car parking from 2 hours to 4 hours.

It should be noted that the applicants accept the resolution to provide additional S106 requirements required by Members that (i) a real time public transport information facility is provided in store and (ii) the provision of a safe pedestrian crossing facility.

The main issues raised by the applicants is that if the length of the stay in the car park is to be extended to 4 hours this raises several issues for both ASDA and the town centre itself. It is not uncommon for part-time shop workers to work 4 hour shifts, encouraging parking in this accessible town centre shoppers car parking instead of one of the Council car parks designed for longer stays. Should those working in the town be encouraged to park at the ASDA car park, this will leave fewer spaces for those who genuinely want to shop in the town which is not what the Council and ASDA are trying to achieve.

The opinion of the Shipley Town Centre Manager and Town Centre management group:

The Shipley Town Centre Development Partnership met on Wednesday, 28 April 2010. The partnership welcomed the increase of free car parking from 2 to 3 hours to facilitate the linked trips between ASDA and the town centre. The benefits of the additional one hour parking will assist in stimulating a more inclusive visitor/shopping experience.

It is considered that given that the majority of local employment is made up of part time work, anything more than 3 hours would be seen as a disadvantage to the town.

RECOMMENDATION:

Members have two options:-

Option A: To take into account the opinions of the Shipley Town Centre Manager and to amend the heads of terms of the required S106 legal agreement to provide the following:-

- That this application is only implemented in conjunction with application 09/01850/FUL;
- That £30,000 is to be spent on works between the store and Wellcroft leading down the market square to provide better, more animated linkages between the store and the remainder to the town centre;
- That the 'free' car parking which already exists along with the car parking proposed within related application 09/01850/FUL shall be increased from 2-3 hours;
- That the developer be required to fund the full cost of the installation of a 'real time' public transport information facility in the store if deemed necessary by the Assistant Director, Planning after consultation with West Yorkshire Passenger Transport; and,
- That a safe pedestrian crossing facility is provided if deemed appropriate which shall be funded by the developer.

Option B: To resolve to resolve to maintain its previous decision with regards to the heads of terms of the S106 legal agreement to provide the following:-

- As above (with the exception of bullet point 3), and
- That the 'free' car parking which already exists along with the car parking proposed within related application 09/01850/FUL shall be increased from 2-4 hours

11 May 2010

Item Number: 2

Ward: SHIPLEY

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS A S106 LEGAL AGREEMENT

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

Application Number:

09/01848/FUL

Type of Application/Proposal and Address:

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

Applicant:

ASDA stores Limited

Agent:

Planning Potential Limited

Site Description:

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

Relevant Site History:

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

Replacement Unitary Development Plan (RUDP):

Allocation

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

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

Policies

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

Parish Council:

Not applicable

Publicity and Number of Representations:

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

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

Revised details – the statutory period of expiry of the publicity for the revisions (amended store entrance and increase in the hours of free car parking use from 2 to 3 hours) is 7th May 2010. Any comments received will be orally reported to the planning panel. *Update: 18 further letters of representation received objecting to the proposed scheme on the basis of the comments detailed below.

Summary of Representations Received:

- Asdas commercial expansion will undermine Shipley town Centre as a vibrant retail centre for local residents
- The proposed extension of the ASDA car park will increase levels of traffic in Shipley Town Centre and adjacent approach roads at a time when the town already suffers from traffic congestion, pollution and noise nuisance

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

Consultations:

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

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

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

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

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

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

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

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

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

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

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

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

e) Environment Agency – No objections

f) Highways Agency - No comments to make

g) Police Architectural Liaison Officer - No comments

Summary of Main Issues:

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

Appraisal:

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

2. Principle of development

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

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

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

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

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

5. Design

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

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

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

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

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

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

10. Residential Amenity

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

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

12. Highway issues

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

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

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

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

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

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

18. Community Safety Implications

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

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

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

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

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

21. Comments on the representations made

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

Reason for Granting Planning Permission:

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

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

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.
Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).
2. The development hereby approved shall only be carried out in accordance with the amended plans ***.
Reason: for the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.
3. Prior to construction commencing, a schedule of the means of access to the site for demolition/construction traffic shall be submitted to and approved in writing by the LPA. The schedule shall include the point of access for demolition/construction traffic, details of the times of use of the access, the routing of demolition/construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the LPA, all construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
Reason: To ensure the provision of proper site construction facilities in the interests of highways safety and amenity of the surrounding environment and its occupants and to accord with policy UR3 of the Replacement Unitary Development Plan.
4. The development hereby permitted shall not exceed 8,438 sq m gross floorspace and 5064 sq m sales area. No more than 2026 sq m of his floor space shall be used for the sale of comparison goods.
5. The mezzanine shall not open for trade until the Travel Plan measures for employees which have been submitted with this application have been put into place. The measures and arrangements in the approved Travel plan shall be operated by the developer whilst the development is in use.
Reason: to promote sustainable travel measures, to accord with planning policy guidance note 13 and policy TM1 of the Replacement Unitary Development Plan.
6. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the development shall be constructed in the approved materials.
Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with policies UR3 and D1 of the Replacement Unitary development Plan.
7. The new store entrance hereby permitted shall be fully completed prior to the use of any of the mezzanine floor space. This door shall remain whilst ever the mezzanine floor space subsists. It shall remain fully operational during the opening hours of the store to allow entrance/exit to/from the store to/from Wellcroft.
Reason: In the interests of securing pedestrian linkages to the Town Centre and to accord with planning Policy Statement no. 1 and policy D1 of the Replacement Unitary Development Plan.

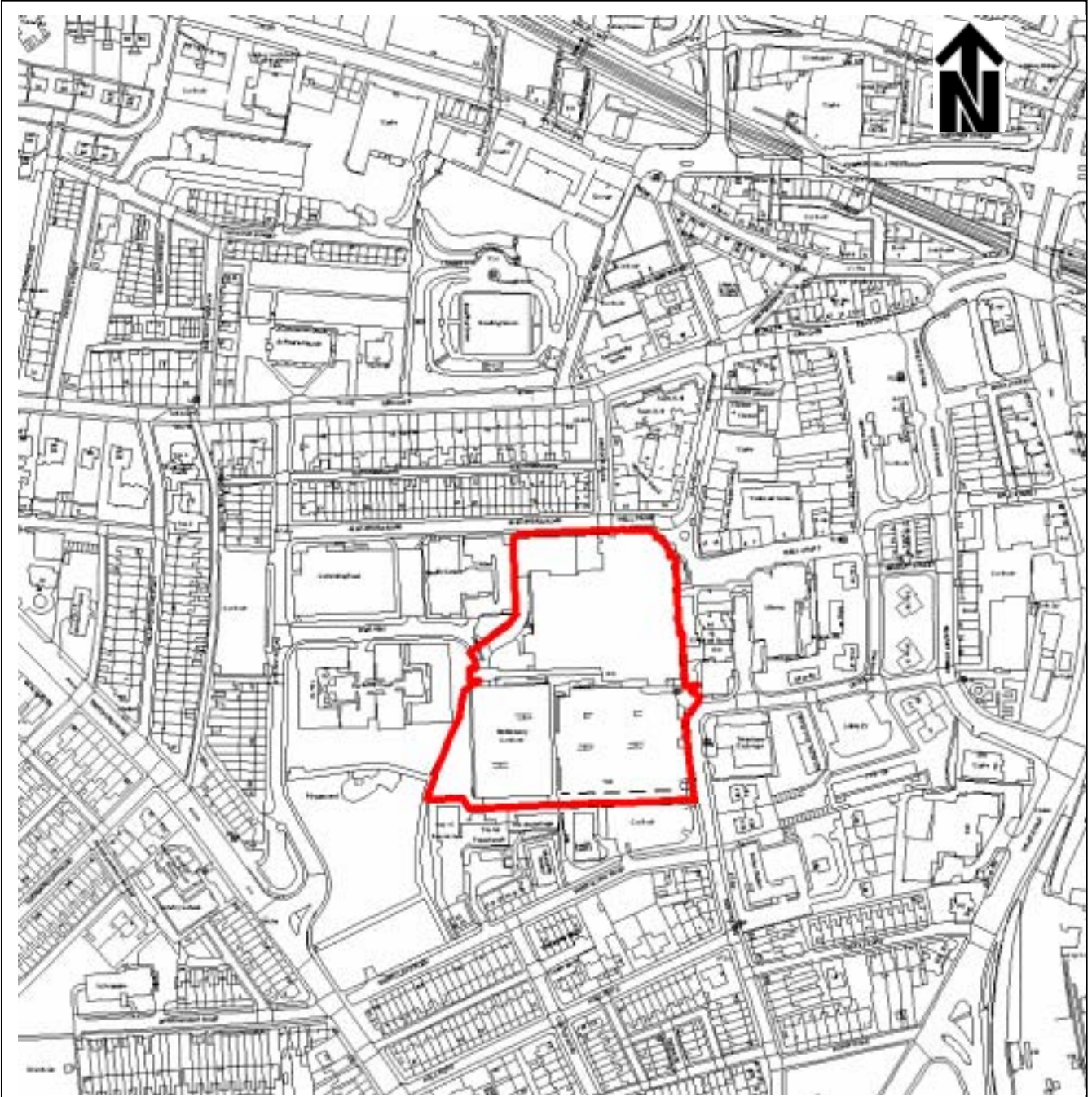
Heads of Terms of the S106 legal agreement:

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

Area Planning Panel (Shipley)

09/01850/FUL

8 September 2010



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<p>ITEM NO. : 6</p>	<p>LOCATION: Asda Superstore Manor Lane Shipley</p>
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8 September 2010

Item Number: 6

Ward: SHIPLEY

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS A S106 LEGAL AGREEMENT

Application Number:

09/01850/FUL

ADDENDUM REPORT

(Please note that the original planning report which deals with all the planning issues is attached to this addendum report for reference *For the sake of clarity it should also be noted that the original report details now include the additional letters of representation reported orally at the Panel on 11 May 2010.)

Update:

At Shipley Area Planning Panel on 11 May 2010, Members resolved to grant planning permission for the development subject to the conditions and a Section 106 legal agreement outlined in the officers report and the following changes:

Change to S106 requirements:

To include the heads of terms set out in the Strategic Director, Regeneration's technical report with the following changes to the original officer report:

1. The hours of free public and shoppers' car parking use to be increased from 2 hours to 4 hours;
2. That the developer be required to fund the full cost of the installation of a 'real time' public transport information facility in the store if deemed necessary by the Assistant Director, Planning after consultation with West Yorkshire Passenger Transport; and
3. That the Assistant Director, Planning in consultation with the Assistant Director, Transportation and Highways, shall consider the desirability of providing a safe pedestrian crossing facility and if deemed appropriate the developer shall be required to fund the full cost of installation of any such pedestrian crossing as a head of term of the Section 106 Agreement.

The main issue:

Following the Planning Panel meeting, the applicants have raised concerns with regard to one of the aspects of the resolution of the Area Planning Panel, namely item number 1 above which requires an increase in the hours of free use of the car parking from 2 hours to 4 hours.

It should be noted that the applicants accept the resolution to provide additional S106 requirements required by Members that (i) a real time public transport information facility is provided in store and (ii) the provision of a safe pedestrian crossing facility.

The main issues raised by the applicants is that if the length of the stay in the car park is to be extended to 4 hours this raises several issues for both ASDA and the town centre itself. It is not uncommon for part-time shop workers to work 4 hour shifts, encouraging parking in this accessible town centre shoppers car parking instead of one of the Council car parks designed for longer stays. Should those working in the town be encouraged to park at the ASDA car park, this will leave fewer spaces for those who genuinely want to shop in the town which is not what the Council and ASDA are trying to achieve.

The opinion of the Shipley Town Centre Manager and Town Centre management group: The Shipley Town Centre Development Partnership met on Wednesday, 28 April 2010. The partnership welcomed the increase of free car parking from 2 to 3 hours to facilitate the linked trips between ASDA and the town centre. The benefits of the additional one hour parking will assist in stimulating a more inclusive visitor/shopping experience.

It is considered that given that the majority of local employment is made up of part time work, anything more than 3 hours would be seen as a disadvantage to the town.

RECOMMENDATION:

Members have two options:-

Option A: To take into account the opinions of the Shipley Town Centre Manager and to amend the heads of terms of the required S106 legal agreement to provide the following:-

- That this application is only implemented in conjunction with application 09/01850/FUL;
- That £30,000 is to be spent on works between the store and Wellcroft leading down the market square to provide better, more animated linkages between the store and the remainder to the town centre;
- That the 'free' car parking which already exists along with the car parking proposed within related application 09/01850/FUL shall be increased from 2-3 hours;
- That the developer be required to fund the full cost of the installation of a 'real time' public transport information facility in the store if deemed necessary by the Assistant Director, Planning after consultation with West Yorkshire Passenger Transport; and,
- That a safe pedestrian crossing facility is provided if deemed appropriate which shall be funded by the developer.

Option B: To resolve to resolve to maintain its previous decision with regards to the heads of terms of the S106 legal agreement to provide the following:-

- As above (with the exception of bullet point 3), and
- That the 'free' car parking which already exists along with the car parking proposed within related application 09/01850/FUL shall be increased from 2-4 hours

11 May 2010

Item Number: 3
Ward: SHIPLEY

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

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

Application Number:
09/01850/FUL

Type of Application/Proposal and Address:

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

Applicant:
ASDA stores Limited

Agent:
Planning Potential Limited

Site Description:

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

Relevant Site History:

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

Replacement Unitary Development Plan (RUDP):

Allocation

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

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

Policies

UDP1 – Promoting sustainable patterns of development

UDP6 - Continuing Vitality of Centres

UDP7 – Reducing the need to travel

UR2 – Promoting sustainable development

UR3 – The Local Impact of Development

UR6 – Planning Obligations and Conditions

CT5 – Primary Shopping Areas

CR1A – Retail Development within Centres

TM1 – Transport Assessment

TM2 – Impact of Traffic and its Mitigation

TM11 – Parking Standards for Non-residential Developments

TM14 – Public car parking in City and Town Centres

TM18 – Parking for People with Disabilities

TM19 – Cycle Parking

TM19A – Traffic Management and Road Safety

D1 – General Design Considerations

D3 – Access for People and Disabilities

D4 – Community Safety

D6 – Meeting the needs of Pedestrians

D7 – Meeting the needs of Cyclists

Parish Council:

Not applicable

Publicity and Number of Representations:

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

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

Revised details – the statutory period of expiry of the publicity for the revisions (amended store entrance and increase in the hours of free car parking use from 2 to 3 hours) is 7th May 2010. *Update: 18 further letters of representation received objecting to the proposed scheme on the same basis of the comments detailed below.

Summary of Representations Received:

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

Consultations:

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

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

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

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

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

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

e) Environment Agency – No objections

f) Highways Agency - No comments to make

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

Summary of Main Issues:

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

Appraisal:

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

2. Principle of development

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

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

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

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

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

5. Design

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

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

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

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

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

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

10. Residential Amenity

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

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

12. Highway issues

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

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

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

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

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

17. Community Safety Implications

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

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

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

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

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

20. Comments on the representations made

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

Reason for Granting Planning Permission:

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

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

Conditions of Approval:

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

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

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

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

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

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

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

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

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

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

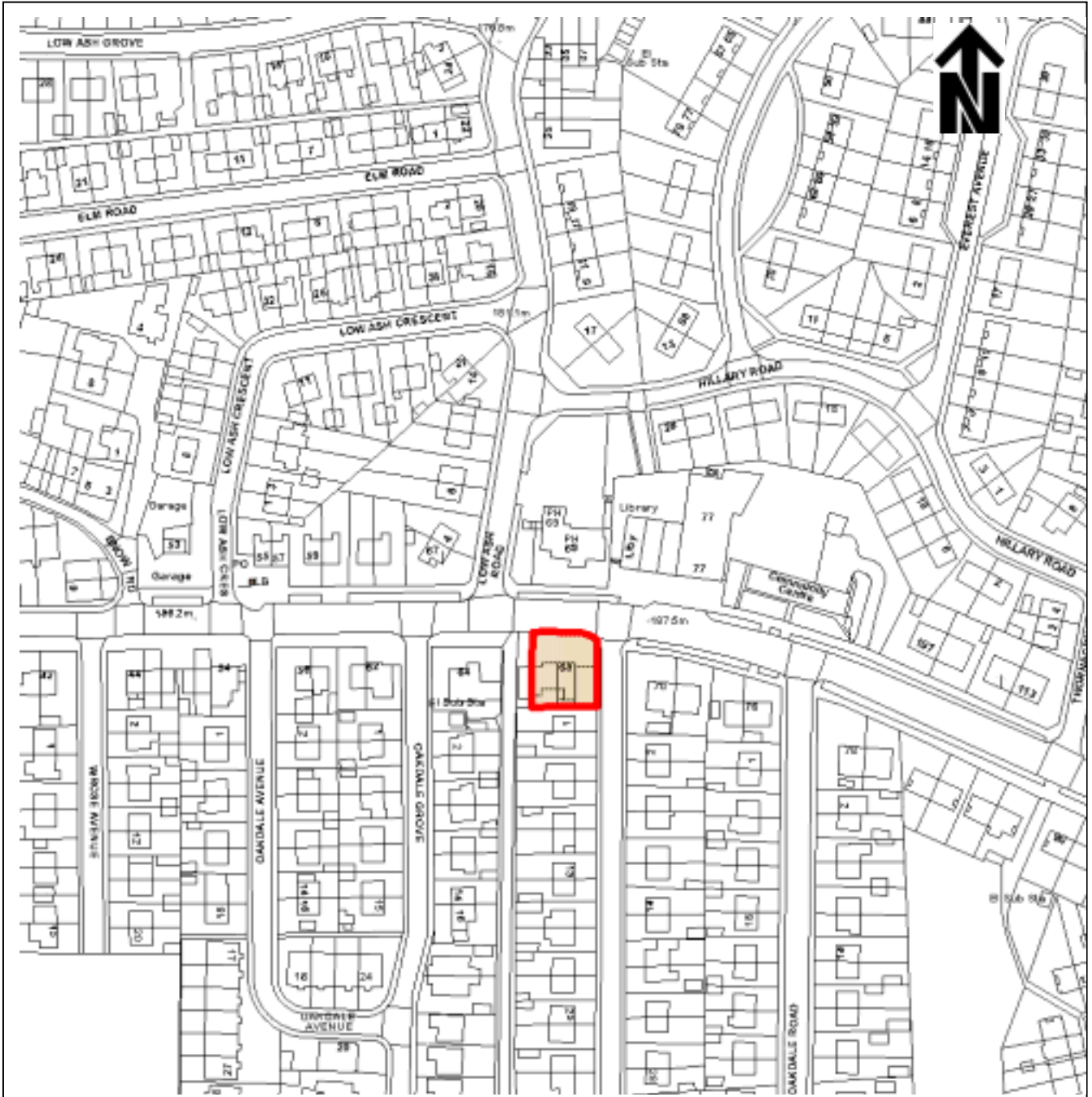
Heads of Terms of the S106 legal agreement:

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

Area Planning Panel (Shipley)

10/02586/FUL

8 September 2010



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ITEM NO. : 4

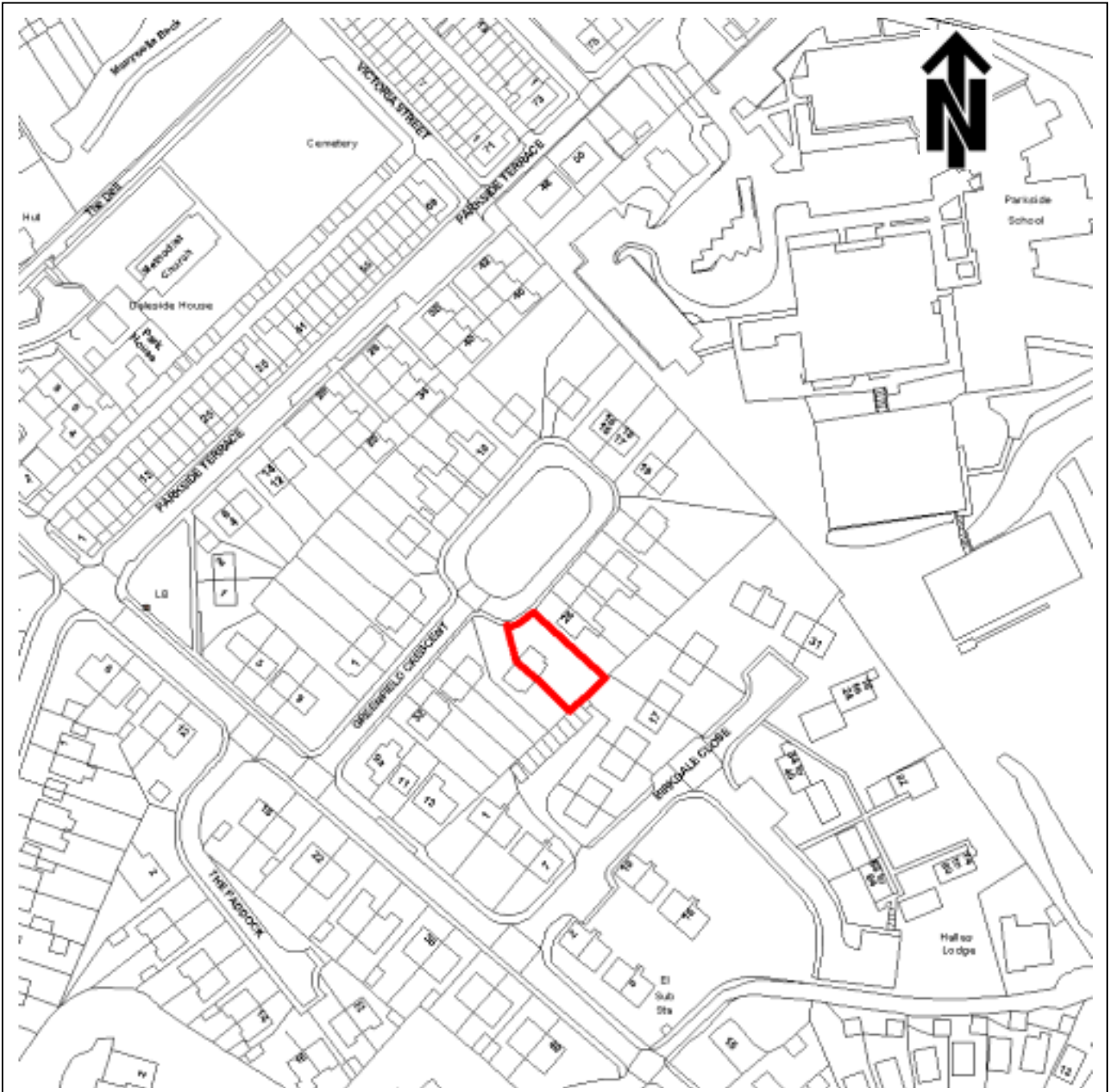
LOCATION:

**66 & 68 Wrose Road
Shipley**

Area Planning Panel (Shipley)

10/00480/HOU

8 September 2010



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ITEM NO. : 7

LOCATION:

**27 Greenfield Crescent
Cullingworth
Bingley**

8 September 2010

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

Application Number:
10/00480/HOU

Type of Application/Proposal and Address:

Retrospective householder application for a conservatory and dormer window to the rear at 27 Greenfield Crescent, Cullingworth, Bingley BD20 5UP.

Applicant:

Mr Martin Crosswaite

Agent:

Sam Dewar

Site Description:

The application was originally a semi detached house but now forms the centre terraced dwelling in a row of three as a new dwelling has been built on one side of the application property. The application property is pebble dashed and has dark concrete tiles.

Relevant Site History:

07/05083/FUL: Construction of two new town houses - Refused 19.10.2007

07/09544/FUL: Construction of two storey dwelling adjoining existing property -Approved 23.01.2008

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

UR3 The Local Impact of Development

D1 General Design Considerations

D4 Community Safety

Parish Council:

Cullingworth Parish Council recommends refusal and has made the following observations: The conservatory is 0.6m above the area of permitted development and it does appear to be overshadowing the immediate neighbour's properties. The roofline of 27 overlaps that of 27a and infringes on the boundary of 27a.

The dormer window is not in keeping with neighbouring properties and the materials and design does have an adverse affect upon the street scene from the adjacent Birkdale Close. The use of white UPVC does serve to increase the sense of prominence and lack of symmetry with the nearby properties. There is significant overlooking onto the bungalows of Birkdale Close.

Due to the topography of the area and despite fencing to the boundary of 27 Greenfield Crescent the dormer window is unsightly and dominating. Perhaps a modification of the materials would lessen its impact.

The vent pipe under the dormer window could place the occupants at risk and is a health and safety issue.

There is some marginal overlapping of the dormer window onto 27a Greenfield Crescent. The guttering appears to be inadequate and does not appear to be connected to any down pipe.

Publicity and Number of Representations:

Publicised by neighbour notification letters. Expiry date for representations 14th April 2010. The Ward Councillor for the ward where the applicant resides has made a representation.

Summary of Representations Received:

1. The Ward Councillor has requested that if the application is recommended for refusal it be referred to the Area Planning Panel on the grounds that the proposal does not detract from the visual appearance of the area in which the dormer window is placed and the materials used are matching the conservatory below.

Consultations:

Minerals and Waste Team; No comments

Summary of Main Issues:

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

Appraisal:

Impact on the Local Environment

The rear conservatory measures 3.75m deep, 4.6m wide and has a lean to roof which at its highest point is 4m. The conservatory is built of UPVC and glazing and is built of a low rendered wall. The conservatory wraps around the neighbouring property, No 27a Greenfield Crescent which is in the applicants ownership but this is because 27A wraps around the corner of No27. The design and appearance of the conservatory is considered to be acceptable.

The rear dormer window is 4.1m wide, with white uPVC cladding to the dormer cheeks and to the main rear facing elevation. The agent has stated that 'the dormer window was completed prior to the conservatory under permitted development rights however there appears confusion in this regard from Bradford MBC so I have included it on the drawing for convenience purposes'.

It is considered that the rear dormer requires planning consent from the Local Planning Authority and is not permitted development. The rear dormer is clad in uPVC. The Town and Country Planning (General Permitted Development) Order 1995 (Amendment) (No.2) (England) 2008 Class B states that additions or alteration to the roof are permitted development if the materials used in any exterior work are similar in appearance to those used in the construction of the existing dwelling house. As the existing dwelling house has not been constructed in uPVC boarding it is considered that this development required planning permission.

The width of the dormer window exceeds the 2.5m maximum set out in Policy 5a of the Dormer Windows Policy. Furthermore the use of cladding materials which do not match the existing roof, and in particular their use on the front of the dormer is contrary to Policy 6a of the Dormer Windows Policy. The dormer window is considered to create an incongruous feature which dominates the existing dwelling and adjacent properties to the detriment of their character and visual amenity. The proposal is therefore contrary to Policy D1 and UR3 of the Replacement Unitary Development Plan.

Impact on Neighbouring Occupants

The proposed dormer window is not considered to have any adverse impact on neighbouring occupants in terms of creating overshadowing, loss of light or outlook or overlooking and in these respects is considered to be acceptable in terms of residential amenity. (There is over 15m to the rear boundary and 30m to the dwelling to the rear).

The proposed conservatory projects from the rear elevation of the existing dwelling by 3.75m. Policy 3 of the Revised House Extensions Policy states that 'permission will not normally be granted for extensions to the rear of terraced and semi-detached dwellings which exceed 3m in depth and which do not also comply with Policy 8'. Policy 8 states that 'permission will not normally be granted for rear extensions which would leave insufficient space for amenity purposes and the storage of waste bins'.

There is adequate space for amenity space and waste bins.

Policy 3 is worded to allow for consideration of the circumstances of each application, for example, changes in level or substantial boundary screening. In this case, the conservatory does not abut both of the neighbouring boundaries with a 3.75m deep elevation.

The conservatory is set in from the boundary with No. 28 Greenfield Crescent by 1m and there is a 2m fence on the boundary with No 28. In this context the additional 75cm depth over and above that allowed by the house extensions policy is not considered to have a significantly adverse impact on the residential amenity of the occupants of No 28 and is therefore acceptable.

No. 27a Greenfield Crescent is in the ownership of the applicant although it may be occupied by tenants. Both tenants and future occupiers have a right to have their residential amenity protected. The rear elevation of No. 27a Greenfield Crescent was built 1.9m deeper than the rear elevation of the application site and, therefore, the conservatory only projects by 1.7m on that boundary. No.27a is at a lower ground level than No.27 and as such the side elevation of the conservatory is relatively high in relation to No. 27a. Nevertheless, in view of the fact that the conservatory only projects 1.7m beyond the rear wall of No. 27a and sits adjacent to a door opening to an internal porch it is not considered that it will have a significant adverse impact on the residential amenity of the occupants of no. 27a.

The conservatory includes an obscure glazed window in the side elevation facing into the garden of 27a and were this application to be recommended for approval a condition would be recommended requiring this window to be obscure glazed whilstsoever the conservatory is on site.

Other issues

Position of vent pipe in relation to dormer window. This is a matter for Building Control.
Inadequate guttering. The conservatory guttering is connected to a down pipe.

Relationship of conservatory/dormer in relation to 27a. There appears to be some overlapping of the new dwelling (no.27a) with No 27 and of the conservatory and dormer with No.27. However, both properties are both in the red line boundary and the applicant has signed the ownership certificate to indicate that he owns both properties. The position of the boundary is not a material planning matter and is not relevant to the consideration of the application.

Impact on Highway Safety

The proposal has no impact on highway safety.

Community Safety Implications:

There are no apparent community safety implications.

Reasons for Refusal:

The proposed rear dormer window, by virtue of its design, size and choice of materials would detract from the appearance of the host dwelling to the detriment of its character and the visual amenity of the local area. The proposal is therefore contrary to Policies UR3 and D1 of the replacement Unitary Development Plan and the supplementary guidance contained within the Councils revised Dormer Windows Policy.

Area Planning Panel (Shipley)

10/02296/VOC

8 September 2010



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ITEM NO. : 8	LOCATION: 66 - 68 Wroose Road Shipley
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8 September 2010

Item Number: 8
Ward: WINDHILL AND WROSE
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
10/02296/VOC

Type of Application/Proposal and Address:

Permission is sought to vary condition 3, attached to planning approval 07/08191/COU, to extending the opening hours from 23:00 to 24:00 - 66-68 Wrose Road, Wrose, Bradford.

Applicant:

Mr Abdul Satar

Agent:

Mr Jason Allatt

Site Description:

66-68 Wrose Road is a pair of semi-detached dwellings where the ground floor has been changed into a hot food takeaway and an associated shop front installed. The property with the exception of the shop front retains the appearance of a pair of residential dwellings. This appearance is comparable with the other residential dwellings within the wider locality.

The property is sited between the highways of Oakdale Drive and Childs Lane with residential properties beyond. To the front the site has a tarmac forecourt leading to the public footpath, and to the rear the boundary is shared with No.1 Oakdale Drive.

Relevant Site History:

07/03794/COU – Change of use from two shops to hot food take-away – Refused

07/08191/COU - Change of use from two shops to hot food takeaway and bin store – Approved

08/05018/COU - Change of use of premises at ground floor to sandwich take-away and coffee shop with new security shutters to front. Conversion of roof space involving change in shape of roof from hipped to gabled form and incorporation of new accommodation with existing first floor to provide separate four bedroom dwelling – Refused

08/06713/FUL - Single storey extension to rear, internal alterations and new external door – Approved

10/00458/VOC - Variation of condition 3 of planning approval 07/08191/COU Dated 21/05/08: Change of use from two shops to hot food takeaway and bin store - Approved

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

UR3	The Local Impact of Development
D1	General Design Considerations
CR1A	Retail Development within Centres
TM2	Impact of traffic and its mitigation
TM19A	Traffic management and road safety
P7	Noise

Supplementary Planning Policy

Policy for Cafes, Restaurants and Takeaways

Parish Council:

Wrose – The Parish Council objects to the proposal based on an anticipated loss of amenity for nearby residents, through an increase in traffic, fumes, and disruption.

Publicity and Number of Representations:

The application has been advertised by site notice and individual neighbour notification letters. The overall expiry of the publicity is 26.06.2010. Five Written representations have been received objecting to this application – including three from local Councillors. A further representation has been received from a Councillor supporting the application and requesting it be referred to the planning panel should refusal be recommended.

Summary of Representations Received:

The representation in support states no explicit reasons for support.

The representations objecting to the proposal do so, on the following grounds:

Smells
Rubbish
Noise and Disturbance
Parking, Highway Safety

Consultations:

Highways DC – No highway objections are raised but conditions are suggested.

Summary of Main Issues:

1. Residential amenity
2. Highway safety
3. Comments on representations received

Appraisal:

The application is for the variation of condition 3 of planning permission 07/08191/VOC at 66-68, Wrose Road, Bradford, to allow the property to open between 23-00 and 24-00. The condition was a stipulation of the original planning permission approved by the planning panel in May 2008 restricting the hours of operation to between 18:00 and 23:00. These hours have since been amended to include the hours between 11:00 and 13:30.

Residential amenity

The property lies within the Wrose local centre boundaries, although it is notable that these boundaries are tight to the rear and east side of the curtilage of 66-68 Wrose Road. The main area of the identified local centre extends to the west of the site and to the opposite side of the road to 66-68 Wrose Road. The land use surrounding the local centre is residential.

Notwithstanding the site's presence within a local centre the decision to grant planning permission for the original change of use was taken with due consideration given to the amenities of surrounding residents and highway safety. The recommendation for approval was subsequently made subject to certain conditions in order to ensure that no unacceptable impact was felt by the neighbouring residents. The decision to restrict the hours of operation can be seen as one of the measures taken to ensure that the proposed hot food takeaway would not unduly impact neighbouring amenity.

The council's guidance in respect of cafes, restaurants, and takeaways suggests that opening hours should usually be restricted to midnight, but notes that where necessary this condition may be varied. In this instance restricting the opening hours to 23:00 was considered an appropriate variation on the hours of operation due to the proximity of neighbouring residential properties. The circumstances surrounding the site have not changed since the original approval and it is noted from the level of representation received that neighbours are experiencing some degree of disturbance as a result of the operations of this unit. Although some level of disturbance is to be expected being located in close proximity to an established local centre, it is anticipated that by owing to the hot food takeaway to extend the hours of operation the impact would be exasperated extending the impact into more unsocial hours.

It is acknowledged that the original condition may have been restrictive to the operations of the business, but this has subsequently been revised to allow opening between the hours of 11:00 – 13:30. It is therefore considered that by continuing to restrict the hours of operation the feasibility of the business would not be jeopardised.

In conclusion it is considered that the proposal as a result of general noise and disturbance at unsocial hours is unacceptable and fails to accord with the aims of policies UR3, and D1 of the RUDP. As such it is recommended the hours of operation should continue to be restricted in line with the original condition.

Highway safety

Highway safety improvements have been carried out on Wrose Road and as part of these works a lay-by has been provided outside 66-68 Wrose Road. The lay-by has a 20 minute waiting restriction. The lay-by can be used by members of the public visiting any of the local businesses. As such the council's highway officer confirms he has no concerns in terms of highway safety with this application.

The conditions suggested by the highway officer are both conditions precedent that were added to the original change of use approval. Should approval be recommended the repetition of these conditions would serve no purpose.

Comments on Representations Received

The issues raised are dealt with in the appraisal above, with the exception of rubbish which is not anticipated to be a significant concern as a result of this proposal to extend the hours of operation. Furthermore the provision of litter bins to the forecourt was a condition of the original planning approval and the subsequent extension of hours approval.

Community Safety Implications:

No community safety implications are anticipated as a consequence of this application.

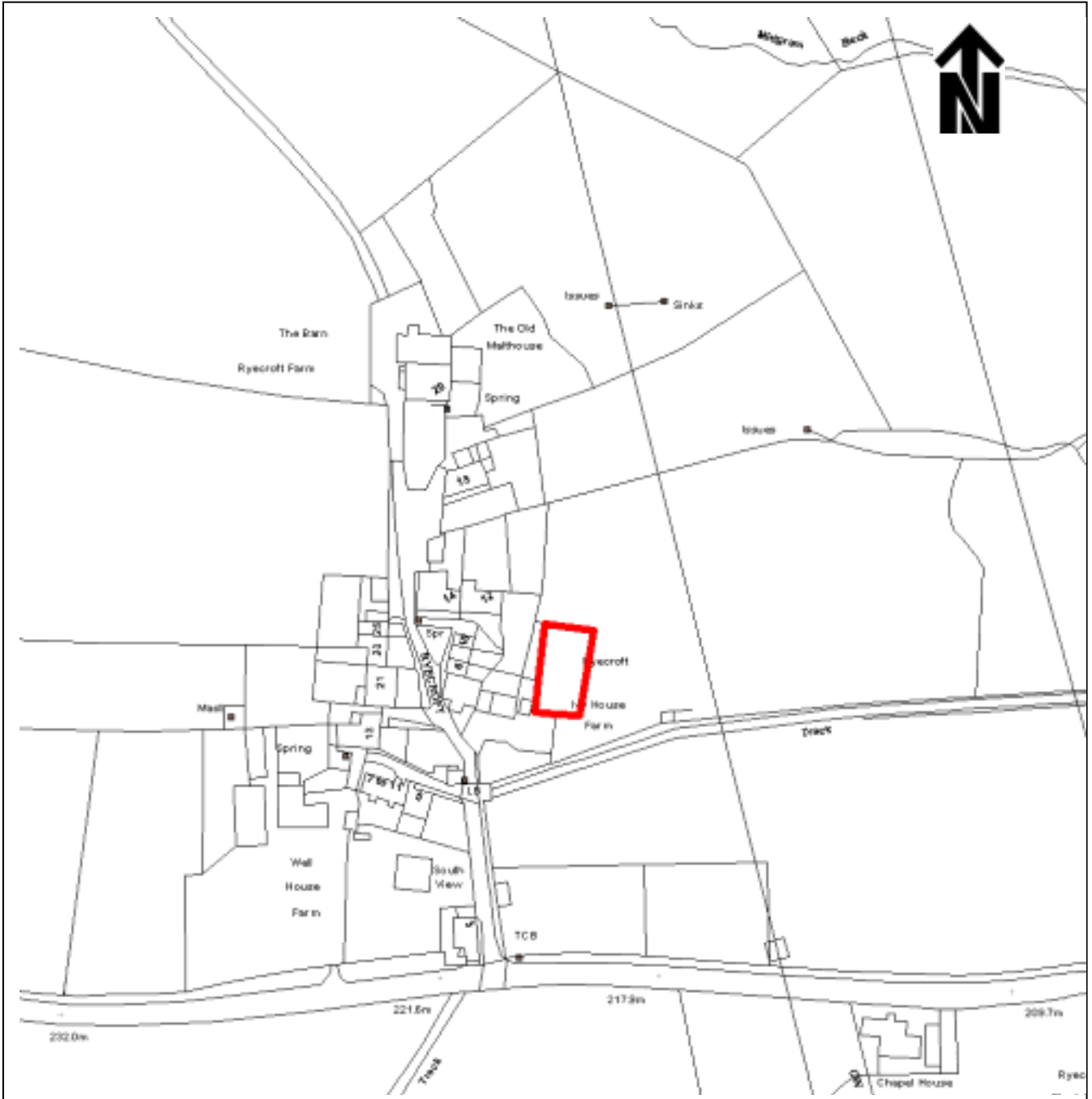
Reasons for Refusal:

The extension in opening hours would be detrimental to the amenities of nearby residents, having regard to the likely noise and general disturbance at unsocial hours, and as such would be contrary to Policies UR3, and D1 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

10/01171/FUL

8 September 2010



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ITEM NO. : 9

LOCATION:

**Ivy House Farm
Ryecroft
Harden Bingley**

8 September 2010

Item Number: 9
Ward: BINGLEY RURAL
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
10/01171/FUL

Type of Application/Proposal and Address:
Full application for the construction of extension to ménage at Ivy House Farm, Ryecroft, Harden.

Applicant:
Mrs Sally Padgett

Agent:
Mr Roger Lee

Site Description:
The site is located within the small hamlet of Ryecroft to the north of Ryecroft Road, levels fall to the east down a steeply sloping hillside towards Harden.

Ivy House Farm is Grade II Listed and lies within the designated green belt and Ryecroft Conservation Area.

There is currently a ménage located to the east of the property, which was approved under application 06/05623/COU, beyond which is open rural land. The current application seeks to extend this existing ménage and work including depositing of waste material has already commenced.

A public footpath runs adjacent to the site to the southern boundary wall (Bingley 123).

Relevant Site History:
09/06008/FUL - Construction of extension to ménage - Refused

09/06013/HOU - Construction of detached double garage - Refused

07/03682/COU - Extension and alterations to stables to form additional habitable accommodation – Granted

07/03711/LBC - Extension of dwelling into stables, provision of pitched roof, sub-division of bedroom and insertion of one window – Granted

06/05623/COU - Retrospective application to retain stable & ménage – Granted

Replacement Unitary Development Plan (RUDP):
Allocation

The site is within the Greenbelt (GB1) and Ryecroft Conservation Area (BH7) on the 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
NE2 - Outdoor Sport and Recreation
NE3 – Landscape Character Areas
NE3A – Landscape Character Areas
BH7 – New Development in Conservation Areas
UR3 – Local Impact of Development
D1 – General Design Considerations

Parish Council:

The Parish Council can find no proof that the extension is essential, merely desirable. The addition of tree planting is acknowledged but the Parish Council still object on the grounds of their comments on the previous application.

Previous comments 4th February 2010 (09/06008/FUL): *The Parish Council is opposed to the application and is of the view that (i) the land excavated to the north and east of the existing ménage should be restored to the natural contours of the site (ii) the imported materials should be removed from the site and (iii) the hole to the south east should be filled in.*

Publicity and Number of Representations:

The application has been publicised by way of neighbour notification letter, site notice and the local press, with an overall expiry date for comments of 30.04.2010.

6 letters of representation have been received, 5 in support and 1 in objection.

A local Ward Councillor has requested that the application be determined by the Area Planning Panel.

Summary of Representations Received:

Supporting comments:

The site has been improved by the current owners and the proposal would further improve the property.

Equine facilities are appropriate for a farm house property

Once grassed over the development will mellow into the landscape

Comments of objection:

Harmful impact on the visual amenity of the Green Belt

Harmful impact on the character of Ryecroft

Consultations:

Landscape Architect – In conclusion, the extension of the ménage will damage the landscape character, but it would be possible to limit the damage by creating an embankment that mimics natural contours rather than being angular. The ménage surface upon which the horses will be exercised can only be seen from footpath Bingley 256, and any extension makes this feature more noticeable. There are other, even more noticeable modern features on show in the view from Bingley 256. Views from adjacent parts of the footpath Bingley 123 will be negatively impacted, although the present bare earth bank highlights the alteration in ground level, which would not be so obvious if covered with grass.

The planting of shrubs and/or trees on the bank or below it might be a mistake because it may obscure the view of historic Ryecroft from various viewpoints lower down the hill.

Design and Conservation Team – The ménage is located in an area highlighted as key open space and with key views within the Conservation Area assessment and appraisal.

Concerns regarding the visual impact of the proposed extension to the ménage. Further information relating to levels and sections through the site has not been submitted with this application and therefore previous comments for 09/06008/FUL are still applicable.

Still have concerns regarding the visual impacts of the area of raised land and the impact that this will have on views into and out of the conservation area, in particular from the footpath to the south east of the site.

Drainage – A public sewer crosses the site.

Summary of Main Issues:

1. Impact on the Green Belt,
2. Impact on Ryecroft Conservation Area and the setting of a Listed Building (Ivy House Farm)
3. Impact on the Wilsden Landscape Character Area.

Appraisal:

The proposal is for the extension of an existing ménage to the east of the Grade II Listed, Ivy House Farm. The proposed scale of extension would be an increase in the width of the ménage from its present 12 metres to 20 metres. Work has already been undertaken in preparation for the extension. The ménage is located on a sloping hillside and ground levels have been altered to create a level surface to extend across from the existing ménage. Due to the gradient of the slope in this location, quite significant alteration of ground levels has been undertaken to create a level area.

The application is a resubmission of a recently refused application (09/06008/FUL) which was refused for the following reasons:

1. *The proposed development would be obtrusive and prominently sited in an area of open countryside defined for green belt purposes on the Replacement Unitary Development Plan (RUDP) and subject to the guidance contained within Planning Policy Guidance Note 2 "Green Belts" (PPG2). 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, as specified in RUDP Policy GB1 and PPG2. The application provides insufficient information to justify the need for the altered levels and ménage extension and enable the Local Planning Authority to determine that it is acceptable within the green belt. In the absence of such justification, the proposal is considered to represent an inappropriate development that would be harmful to the openness of the green belt and, in the absence of very special circumstances, which would warrant an exception to this policy, the development would be contrary to Policies GB1 of the Replacement UDP.*
2. *The altered levels and ménage extension is positioned in a prominent and obtrusive position in open countryside and within Ryecroft Conservation Area, directly visible from vantage points including those within the Conservation Area and from the adjacent public right of way. Further, no proposals have been put forward to mitigate the effects of the development, including the alteration of land levels, on the visual amenity of the surrounding countryside through tree planting or landscaping. The development is considered to be harmful to the character and appearance of the Ryecroft Conservation Area, the visual amenity of the Green Belt and the Landscape Character Area and contrary to Policies BH7, NE2, NE3, NE3A and GB2 of the Bradford Replacement Unitary Development Plan.*

3. *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 alteration of land levels, site restoration and the impact of the development upon the public sewer crossing the site.*

The application has been re-submitted with information to address the reasons for refusal of the previous application.

Impact on GreenBelt:

The site lies within the green belt where development proposals are tightly controlled; RUDP Policy GB1 applies and sets out uses which may be considered acceptable in principle within the green belt.

The submitted statement with the current application argues that the ménage is an essential facility for outdoor recreational use of the land and that such uses of land within the green belt are appropriate. As the application is for an extension to a previously approved ménage the applicant states that the extended ménage is similarly acceptable as such a facility. There is further information which sets out that the existing ménage is too small to effectively exercise the applicant's horses as it stands and necessitates the extension for it to be of any use.

Notwithstanding this, it is not considered that a ménage is an 'essential' facility for outdoor sport and recreation but rather is a use which can be considered acceptable development within the green belt providing it would not impact on openness. Advice contained within PPG2 Green Belts states:

"The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt."

The proposed ménage extension is located on a steeply sloping hillside and the formation of the extension has resulted in large quantities of materials being tipped onto the site to create an extended level area above. The newly banked section some 3 metres in height appears as an unnatural feature, clearly visible from numerous public vantage points most notably a public footpath running along the site boundary (Bingley 123). It is considered that the development reduces the openness of the Green Belt and is as such, an unacceptable encroachment into it. Accordingly the proposal is considered to amount to inappropriate development which by definition would be harmful to the green belt and therefore fails when measured against Policy GB1 of Bradford's Replacement Unitary Development Plan (2005).

If despite the recommendation of officers the Panel considered there were very special circumstances justifying approval of planning permission, the application would have to be referred to the Regulatory and Appeals Committee for decision under the Council's Constitution in the light of the Town and Country Planning (Consultation) (England) Directions 2009.

Impact on Conservation Area/ Setting of a Listed Building:

The ménage extension is to the side away from the grade II listed farmhouse which it would serve, however it is located in a sensitive location in the context of the Ryecroft Conservation Area. The Ryecroft conservation area appraisal, published in June 2009, provides a map which highlights important open spaces and key views within the conservation area. The site of the ménage extension is highlighted as both a key area of open space and lies at a junction of key views entering and exiting the settlement on the footpath adjacent the site and across the site itself.

The introduction of an unnatural, steeply banked feature is considered to have impacted negatively on views up into Ryecroft and the Listed Ivy House Farm which the proposed landscaping would not be considered to effectively mitigate, indeed could further impinge of views of Ryecroft when approaching on the footpath to the south east.

The Councils Conservation Team has provided comments on the proposal and raised concerns regarding the visual impact as noted above, going on to state that the proposal will result in a negative impact on the character and appearance of the Ryecroft Conservation Area.

Accordingly, the development is considered to have introduced an incongruous feature in the form of the steeply banked area, harmful to the character and appearance of the Ryecroft Conservation Area, impinging on an important area of open space and upon key views throughout the Conservation Area, contrary to Policy BH7 of the RUDP.

Impact on Landscape Character Area:

The site is located within the Wilsden Landscape Character Area, as described in the Local Development Framework for Bradford, Landscape Character Supplementary Planning Document, Volume 9: Wilsden, and 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 Upland Pasture Landscape Character Type and is clearly visible from the Public Footpath to the east. Excavation works have already been undertaken on site. The banked material forming a level area to the east of the existing ménage is visible from the adjacent public footpath and views up to Ryecroft and the Grade II Listed Ivy House Farm.

Policies NE3 and NE3a ensure that development will not be permitted if it would adversely affect landscape character.

Further Policy NE2 relates specifically to proposals for outdoor sport and recreation. The policy supports proposals for such uses within the countryside providing it does not materially detract from the visual character of the landscape and providing that it retains or enhances existing landscape features.

The landscape architect consulted on the application has advised that planting may not be appropriate in this instance as it could further screen views of Ryecroft from the footpath below the site (Bingley 123) although perhaps if the banked area could be re contoured to appear a more natural feature and grassed over its impact might be acceptable.

The development would not be particularly harmful when viewed from Ryecroft itself but from the public footpath Bingley 123 which abuts the site boundary it has introduced a significant and clearly made feature in an otherwise naturally sloping open pasture. The Landscape architect consulted has stated that the proposal as submitted will damage the landscape character of the area as the landform has been changed from the original gentler slope to a more pronounced and angular bank.

On balance it is considered that the development has introduced an incongruous and clearly man made element into the landscape. The altered levels and tipped materials with minimal landscaping proposals would not either conserve or enhance this landscape and it is considered the development comprises an unacceptable visual intrusion contrary to Policies NE2, NE3 and NE3a of the RUDP.

Other Issues:

The manhole on the site has remained uncovered and the applicant states that access to it is to be maintained and it would remain accessible. There remains however a lack of detail as to where the manhole is located in respect of the proposed extended ménage, it is not shown on any of the drawings submitted and also there are no sections to demonstrate the extent of earthworks which have been undertaken crossing the line of the sewer.

There is also minimal information regarding landscaping for the bank with only a nominal indication of planting around the perimeter of the ménage.

Community Safety Implications:

None

Reasons for Refusal:

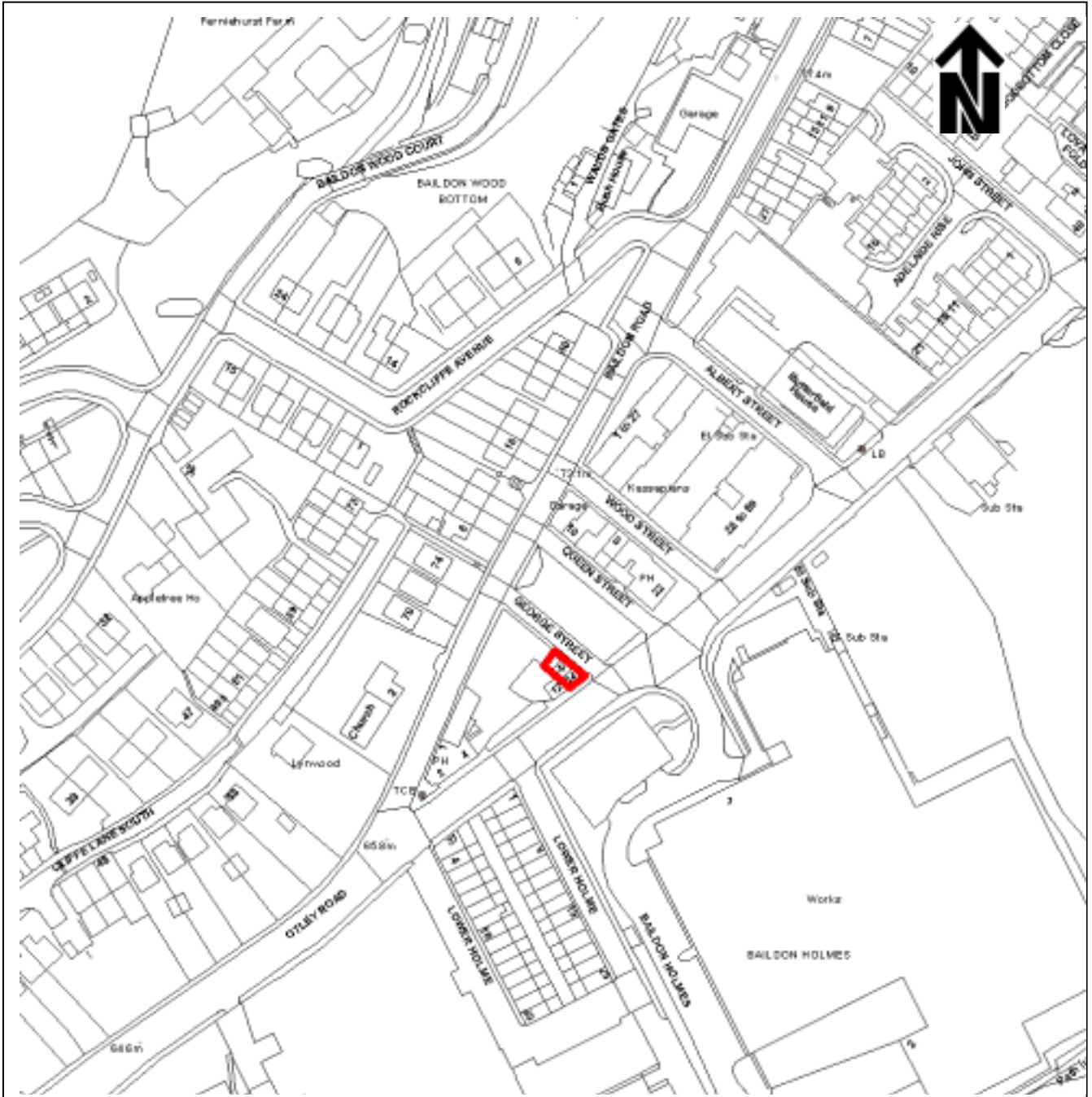
1. The proposed development would be obtrusive and prominently sited in an area of open countryside defined for green belt purposes on the Replacement Unitary Development Plan (RUDP) and subject to the guidance contained within Planning Policy Guidance Note 2 "Green Belts" (PPG2). Within such areas it is both national and local planning policy to severely restrict new development unless it is for a purpose appropriate in the green belt, as specified in RUDP Policy GB1 and PPG2. The application provides insufficient information to justify the need for the altered levels and ménage extension and enable the Local Planning Authority to determine that it is acceptable within the green belt. In the absence of such justification, the proposal is considered to represent an inappropriate development that would be harmful to the openness of the green belt and, in the absence of very special circumstances, which would warrant an exception to this policy, the development would be contrary to Policies GB1 of the Replacement UDP.
2. The altered levels and ménage extension is positioned in a prominent and obtrusive position in open countryside and within Ryecroft Conservation Area, directly visible from vantage points including those within the Conservation Area and from the adjacent public right of way. Further, no proposals have been put forward to mitigate the effects of the development, including the alteration of land levels, on the visual amenity of the surrounding countryside through tree planting or landscaping. The development is considered to be harmful to the character and appearance of the Ryecroft Conservation Area, the visual amenity of the Green Belt and the Landscape Character Area and contrary to Policies BH7, NE2, NE3 and NE3A of the Bradford Replacement Unitary Development Plan.

3. 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 alteration of land levels, site restoration and the impact of the development upon the public sewer crossing the site.
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Area Planning Panel (Shipley)

09/05982/FUL

8 September 2010



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LOCATION:

ITEM NO. : 10

Otley Road News
14 Otley Road
Baildon

8 September 2010

Item Number: 10
Ward: BAILDON
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
09/05982/FUL

Type of Application/Proposal and Address:

Full application to change the use of the ground floor shop and first floor residential accommodation at 14 Otley Road, Baildon to a hot food takeaway and general office respectively.

Applicant:

Mr Mehboob Hussain

Agent:

Shazad Mohammed

Site Description:

14 Otley Road is sited at the junction between Otley Road and George Street, and is adjoined to no.12 Otley Road. The building appears to have been separated into two units in the past 14a and 14b but the current application relates to the entire building. The building is traditional in appearance although a more modern style shop front has been installed at the ground floor. To the North West elevation an external staircase leading to the first floor has been constructed and a small outbuilding beyond this, both accessed from George Street. George Street has no further development; beyond the site is an overgrown area with established trees enclosed by palisade fencing and on the opposite side of the highway is a car park.

Relevant Site History:

09/03563/FUL - Change use of ground floor from shop to fast food take away and first floor from residential accommodation to taxi office – Refused 24/09/09

08/06947/FUL - New external access to first floor above 13A and 14B – Approved 22/01/09.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

UR3 - The Local Impact of Development

D1 - General Design Considerations

TM2 - Impact of traffic and its mitigation

TM11 - Parking standards for non residential developments

TM19A - Traffic management and road safety

P1 - Air Quality

P7 - Noise

Parish Council:

Baildon Parish Council raise no objections subject to the parking area being secured.

Publicity and Number of Representations:

The application was advertised by site notice and individual neighbour notification letters. The overall expiry date for the publicity is 03.02.2010

Five representations objecting to the proposal have been received, including two from local councillors and a 37 signature petition.

In addition to this a councillor has expressed his support for the proposal.

Summary of Representations Received:

The representation in support of the application is based on the economic benefits of new business in Bradford.

The written representations received objecting the proposal do so, on the following grounds:

- Highway safety and parking issues
- Noise and pollution

Consultations:

Environmental Protection – The Environment Protection Officer considers that the proposal, subject to the installation of the appropriate equipment and the restriction of opening hours, would be unlikely to result in a detrimental impact on residential amenity.

Highways DC – The Highway Officer has serious concerns in respect of this application. The high turnover and parking habits of vehicles in association with the Hot Food Takeaway in this location will impact the safe and free flow of traffic.

It is noted that the proposed parking area is not in the control of the applicant or in a position that is likely to be used by customers visiting the hot food takeaway.

Summary of Main Issues:

1. Principle of the development
2. Residential amenity
3. Highway safety

Appraisal:

Included within the red line boundary for this application is a proportion of the car park of George Street. This car park area was included in attempt to overcome previous reasons for refusal. This area is not within the applicants control and the appropriate notice has not been served on the land owner. As such this area cannot be considered to form part of the application proposals. In order for this to be included the applicant would need to enter into a 106 legal agreement with all interested parties ensuring the car parking area would be available whilst ever the hot food takeaway use subsists. The applicant has not pursued this course of action. Had the applicant decided to pursue the above the Council's Highway Officer would have requested that use of the bottom half of the car park was secured, as it is anticipated that the top half of the car park would not be utilised by the customers due to the position in relation to the hot food takeaway.

Principle of the development

The site subject of this application is unallocated within the RUDP and as such the proposed change of use is deemed acceptable in principle subject to compliance with the relevant policies within the RUDP, identified above.

Residential amenity

The nature of a hot food takeaway outlet is that some level of impact can be anticipated in terms of neighbouring residential amenity. In this instance the fact that residential accommodation within the immediate locality is restricted to the upper floors of 12 Otley Road, it is concluded that with suitable conditions in respect of the extraction system and hours of operation these concerns can be overcome. As such the proposal is deemed acceptable when measured against policies UR3 and D1 of the RUDP

Highway safety

As noted above the application to all intents and purposes has to be assessed based on there being no provision of off street parking. It is acknowledged that the property subject of this application used to be in use as an A1 retail unit which would generate some level of passing trade and vehicle borne customers, which in some locations could be considered mitigating circumstances. In this location however, with consideration given to the nature of Otley Road, the proximity to a major road junction, the presence of existing traffic restrictions and the anticipated increase in car borne customers associated with hot food takeaways the previous use is not deemed to outweigh the potential highway safety issues.

It is noted in the Council's HDC guidance note 11 which provides highways guidance in respect of hot food takeaways, that car borne customers for hot food takeaways usually rely on roadside parking being available directly outside the premises and as such parking restrictions are frequently ignored. In this location alongside Otley Road which is a heavily trafficked commuter road, the uncontrolled parking and high parking space turnover (with associated reversing manoeuvres) are deemed to result in conditions prejudicial to the free and safe flow of traffic. As such without the provision of acceptable off street parking arrangements the proposal fails to meet the requirements of policies TM2, TM11, and TM19A of the RUDP.

Conclusion

In conclusion although the principle of the proposal is accepted this is not considered to outweigh the highway safety concerns associated with the change of use and refusal is therefore recommended.

Community Safety Implications:

Community safety implications are limited to the highway safety issues discussed above.

Reasons for Refusal:

1. The proposed development fails to provide suitable provision for the accommodation of motor vehicles. The use of the premises as a hot food takeaway would therefore result in an increase in on-street parking interfering with the safe and free flow of traffic on a stretch of highway where the principal function is that of carrying traffic freely between centres of population. The proposal is therefore contrary to Policies TM2, TM11, and TM19A of the Bradford Replacement Unitary Development Plan.