

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 19 October 2010

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.	108 Low Ash Drive Shipley West Yorkshire BD18 1JQ - 10/01504/HOU [Approve] (page 1)	Windhill and Wrose
2.	67 - 69 Main Street Bingley West Yorkshire BD16 2JA - 10/03527/FUL [Approve] (page 5)	Bingley
3.	Land South East Of 16 Ayrton Crescent Mornington Road Bingley West Yorkshire - 10/01189/OUT [Approve] (page 10)	Bingley
4.	Land West Of 14 Woodville Street Shipley West Yorkshire - 10/03077/REG [Approve] (page 18)	Windhill and Wrose
5.	Plot 3 Land Adj 19 Hazebrouck Drive Baildon West Yorkshire BD17 5PE - 10/03093/OUT [Approve] (page 26)	Baildon
6.	Bingley Auction Mart Keighley Road Bingley West Yorkshire - 09/04421/FUL [Refuse] (page 33)	Bingley
7.	Otley Road News 14 Otley Road Baildon West Yorkshire BD17 7HB - 09/05982/FUL [Refuse] (page 51)	Baildon

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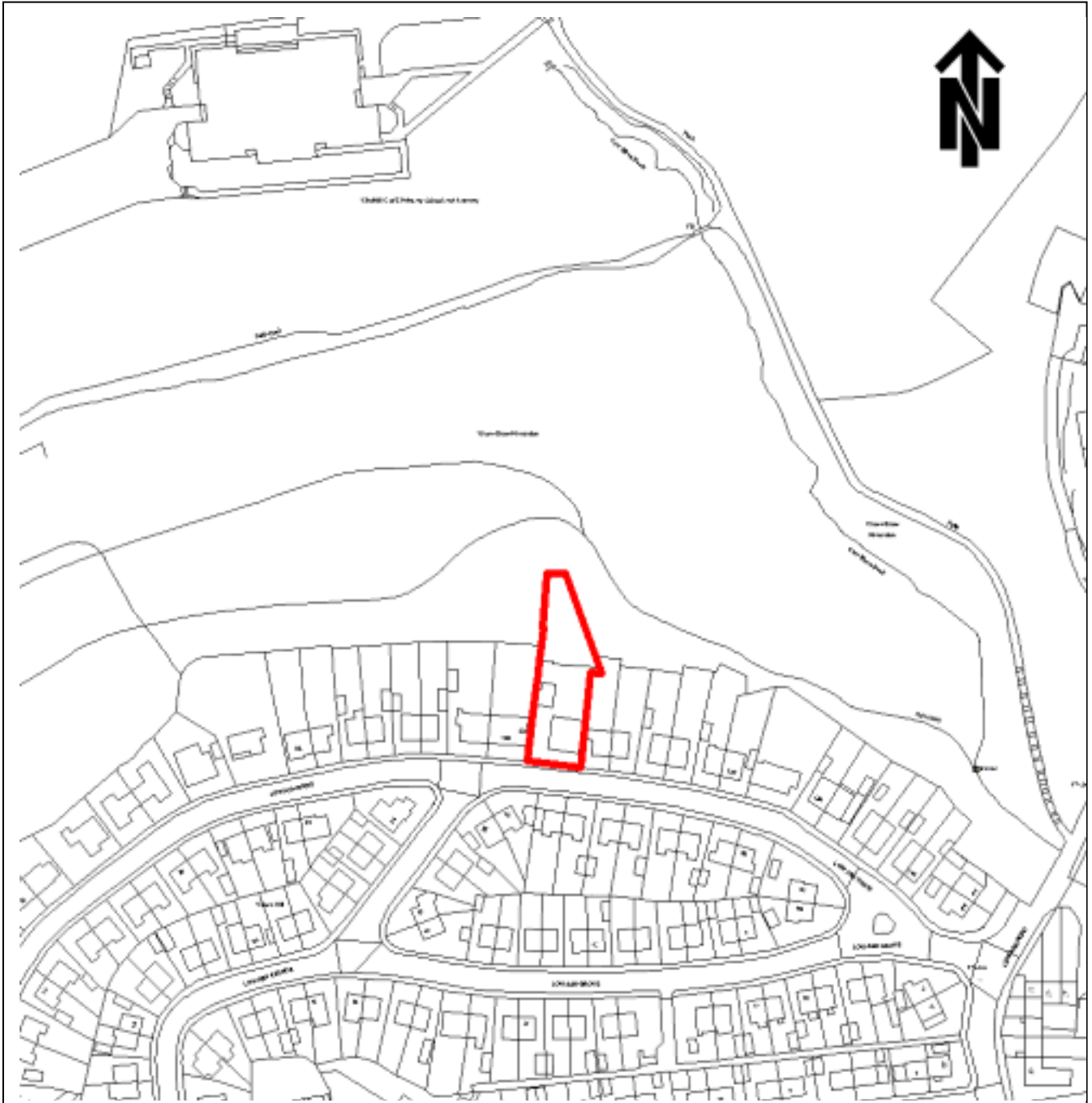
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

10/01504/HOU

19 October 2010



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ITEM NO. : 1

LOCATION:

**108 Low Ash Drive
Shipley**

19 October 2010

Item Number: 1
Ward: WINDHILL AND WROSE
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
10/01504/HOU

Type of Application/Proposal and Address:
Concrete base at 108 Low Ash Drive, Shipley, West Yorkshire BD18 1JQ

Applicant:
Mrs Sheila Beanland

Agent:
None

Site Description:
The site is located in the rear garden of the property which is a detached bungalow in an established residential area. To the rear of the property is an area of woodland.

Relevant Site History:
There is no record of previous planning applications relating to this address.

Replacement Unitary Development Plan (RUDP):
Allocation
S/BH14, World Heritage Site Buffer Zone

Proposals and Policies
UR3 – Local Impact of Development
D1 – General Design Considerations
Supplementary planning guidance contained within the Council's Revised House Extensions Policy 2003

Parish Council:
Wrose Parish Council was consulted, but no reply was received.

Publicity and Number of Representations:
The application was advertised by letters to neighbours and a site notice with an expiry date of 15th June 2010.
10 letters have been received from five separate addresses. However, two objections, from one address, have been withdrawn.

Summary of Representations Received:
The objections are on the grounds of loss of trees, affect on surrounding trees within falling distance of red line boundary, business use, keeping and breeding of dogs and associated noise creating a nuisance, lack of information on kennels, loss of residential values, adverse affect on view from public woodland.

Consultations:

Minerals and Wastes replied raising concerns over materials to be imported to backfill the area to be concreted, and requested that a condition be attached together with the coal authority standing advice footnote.

Summary of Main Issues:

1. Impact on the local environment
2. Impact on neighbouring occupants
3. Impact on highway safety
4. Community Safety

Appraisal:

The proposal is for a concrete base 5.1 metres by 3.4 m to make a suitable level base for a kennel and kennel run. The concrete base is located behind a garage and outhouse close to the boundary with the adjoining property where there is an existing fence. The garden slopes down from the house to the rear boundary and the northern edge of the concrete base is therefore raised up above the natural ground level a total of about 0.5 metres. A 0.75 metre high concrete block wall is located at the northern end of the concrete base and beyond this a rockery. The applicant states that the base is in place of a broken foundation.

Impact on Local Environment:

The concrete hard standing has already been constructed and does not have a significant impact on the local environment given its limited size and elevation above the natural ground level.

Whilst trees have been removed from the site, these were not protected by a tree preservation order and this did not require planning permission. There are trees within falling distance of the red lined site boundary that have not been shown on the plans, but as the closest large tree is located about 12 metres from the proposal and at a point in excess of 1 metre lower than the hard standing, it is not considered that this point is relevant in this case.

The kennels and associated run appear to be permitted development.

It is not considered that the hard standing will have an adverse affect on the view from public woodland.

Impact on Neighbouring Occupants:

It is not considered that the hard standing will have a significant adverse impact on the occupants of the neighbouring properties as it is not greatly elevated above the natural ground level and will be screened by the existing fence.

Impact on Highway Safety:

The proposal will not alter the existing access or driveway and it is not considered to have a negative impact on highway safety.

Other issues:

There is no evidence of intensive business use which would require a change of use application. Any nuisance caused by keeping of dogs created by such activities would be regulated by Environmental Health Legislation. The loss of residential value is not a matter that can be attached weight in the determination of this planning application.

Community Safety Implications:

There are no apparent community safety implications.

Reason for Granting Planning Permission:

The concrete hard standing is considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the hard standing upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significant adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with Policy UR3 (The Local Impact of Development) and D1 (General Design Considerations) of the Replacement Unitary Development Plan 2005 and the Revised House Extensions Policy 2003.

Conditions of Approval:

1. The development hereby approved shall only be carried out in accordance with the approved plan(s) listed below:

site plan and SB/108/1 and SB 108/2 dated 16th May 2010 and received by the Council on 18th May 2010.

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

Area Planning Panel (Shipley)

10/03527/FUL

19 October 2010



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ITEM NO. : 2

LOCATION:

**67 - 69 Main Street
Bingley**

19 October 2010

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

Application Number:
10/03527/FUL

Type of Application/Proposal and Address:
Planning application for change of use of premises from a leisure arcade to a shop selling/buying jewellery and related goods at 67-69 Main Street, Bingley, BD16 2JA.

Applicant:
Mr Ali Shan

Agent:
Mr Graham Farmer

Site Description:
The site is a double shop unit on the ground floor of a row of traditional two storey premises fronting directly onto Bingley Main Street. It is part of the shopping parade between the Queens public house and the junction of Park Road. This section of the street includes several hot food takeaways, a restaurant and shop selling wedding dresses. The shop adjoining the application property to the east is an existing jeweller's and the unit immediately to the west appears to be vacant. The premises have a solid roller shutter across the shop front – as does the adjoining jeweller's business and several other units along the row. The proposed business is already in occupation of the premises.

Relevant Site History:
86/04087/COU: Change of use of office to amusement centre (ground floor), granted 27.10.1986
96/00262/FUL: Installation of roller shutters to front shop door, granted 13.03.1996
01/02358/COU: Change of use from office to amusement centre, creation of four flats, rear extension and roof extension, new shop fronts and roller shutters, refused 3.12.01 on the grounds of the undesirable height/appearance of the proposed roof extension.
02/01620/FUL: Erection of storage building at rear and installation of satellite dish on roof of premises, granted 4.7.02
03/03174/FUL: Reorganisation of amusement centre and creation of two new flats including rear extensions and glazed roof terrace and alteration to shop front, granted 12.9.03
03/03189/ADV: Installation of two shop signs, granted 11.9.03
07/01783/FUL : Retrospective application for re-organisation of amusement centre and creation of 2 new flats including rear extension, glazed roof terrace and altered shop-front, granted 13.7.07.

Replacement Unitary Development Plan (RUDP):
Allocation

Within CR1A – Central Shopping Area of Bingley as defined on the RUDP Proposals Map.

Proposals and Policies

BH7 – New development in conservation areas

UR3 – The local impact of development

D1 – General design considerations

Parish Council:

Not applicable.

Publicity and Number of Representations:

The proposal was publicised by site notice expiring 24 September 2010.

Three objections have been received. One is from a Ward Councillor, who has requested referral to Panel, and one is from the Bingley Town Centre Manager.

Summary of Representations Received:

1. Adverse effect on character of the conservation area.
2. The business occupies a very prominent site and does not comply with the policy (in PPS6) to sustain and enhance our town centres because the type of business is out of keeping with its surroundings and should be sited in a more low key location.
3. The area needs good businesses that add to Bingley's reputation. This proposal is not suitable in a prime retail location such as this one.
4. The proposal has opened next to an existing bespoke jewellery business that has operated in Bingley for many years. It could adversely affect this business and discourage other more professional businesses from locating in the area.
5. It will be detrimental to efforts to regenerate Bingley town centre. This business will have no civic interest in Bingley and there is a very real possibility of it attracting undesirable activities and less than honest people.
6. The area is already well served by a number of other shops spread through the lower end of Bingley that offer jewellery and collectables for sale.
7. Opening this business before planning permission has been obtained shows the 'modus operandi' of the firm by flaunting the due processes of the Council.
8. The existing shutters are also non compliant with policy.

Consultations:

Design and Conservation: The shop units occupy a prominent position in Bingley Conservation Area as they front Main Street. The existing security shutters have a negative impact on the character and appearance of the conservation area. However, as this particular application proposes no changes to the external appearance of the building, there are no Design and Conservation objections as the change of use of the premises will not have any harmful effects on the character or appearance of the conservation area.

Summary of Main Issues:

1. Appropriateness of the proposed use to the vitality and viability of Bingley town centre.

Appraisal:

The planning history shows that the premises have been an amusement arcade for more than 20 years. In planning law such a use would be classed as "sui generis" which would mean that a change back to conventional retail or other uses does not fall into the definitions of permitted development. Hence the need for this application.

The proposed use of the premises is the buying and selling of jewellery and gold – as signalled by the business name: “Cash4Gold” which is now shown on a new sign on the fascia. The business has apparently been in occupation for some months and this application follows a complaint and a subsequent enforcement investigation. The retail area does not extend for the full depth of the two units and the gross retail floor space is relatively small. It is given as 95 sq metres with a net tradable area of 36 sq metres. Operating hours are stated as 9am – 5pm and it is stated that 2 people will be employed.

If the proposed use operated solely as a pawnbroker’s offering money for jewellery and other goods, it might be defined as falling with the A2 Financial and Professional Services Use Class. However, the proposed use also involves the retail sales of jewellery and related goods, as well as buying. Consequently it could not strictly be described as a pawnbroker’s or money lenders within Use Class A2. The inclusion of retail sales is such that the particular use under consideration is considered, as a matter of fact and degree, to fall within the A1 retail Use Class.

The three objections, including one from the Bingley Town Centre Manager are all focussed around the undesirability of what is perceived as a pawn broking business in this prominent part of Bingley town centre. The objectors fear that it will lower the quality of Bingley’s retail offer and lead to undesirable people coming into the area to the detriment of attempts being made to regenerate the town centre. There are also concerns that the new business will adversely affect the existing traditional jeweller’s shop next door at No. 71 Main Street.

However, consideration of planning applications cannot consider the nature or the quality of a retail use, only the appropriateness of that class of use for the location.

In this case, the premises are situated in Bingley town centre and within the Central Shopping Area as defined by Policy CR1A of the adopted RUDP. Importantly, the premises are not part of a Primary Shopping Area as defined by Policy CT5 and in any case it is clear that the majority of premises along the parade are no longer strictly in shopping use given that the majority are takeaways and restaurants - with only a handful of true retail outlets.

Whatever the aspirations of the Town Centre Manager for securing high quality retailing on this section of Main Street, planning control could not make such a distinction or permit discrimination against the particular profile of the operator. Indeed, Policies of the Replacement UDP would permit either an A1 retail or an A2 Financial and Professional Services use at the application premises.

Objectors have made reference to guidance in Planning Policy Statement 6 – Planning for Town Centres (PPS6) and the need to protect the vitality and viability of town centre areas. PPS6 has now been superseded by PPS4 - Planning for Sustainable Economic Growth, but there is nothing in PPS4 that would support refusal of this application.

With regards to the points made by the objectors, some comfort can be taken that the granting of planning permission would not be exclusively to this particular business, but to any subsequent A1 retail use. The objectors have hinted that the proposed business may be short lived. However, if this proves to be the case, the granting of this application would not be an obstacle to other retail uses, of whatever quality, moving in to the vacated premises in the future. This would depend on market factors.

Officers are very mindful of the need not to discourage the take up of empty retail premises along Bingley Main Street and the need to actively encourage the regeneration of the town centre. However, it is not possible to use the Town and Country Planning Act to discriminate against a particular type of retail business in the way suggested by objectors. Furthermore, Members will be well aware that the planning system cannot be used to protect established businesses such as the jewellers next door from competition by preventing similar businesses coming into the area.

The suggestions that the business will attract undesirable customers seem anecdotal and not based on facts. Customers are unlikely to stay long at the premises (compared with say the previous amusement arcade) and there is no material evidence that the proposal would increase opportunities for crime or lead to anti-social behaviour.

Judged on its planning merits, the proposal is considered to fall within the retail A1 use class, and would seem a satisfactory replacement of the former amusement arcade use. The use is entirely appropriate for the proposed location in the Central Shopping Area of Bingley town centre especially given that there are a wide variety of uses along this part of the Main Street including conventional retail, A2 financial and professional services, A3 restaurant, A5 takeaway uses and A4 public houses. In planning terms, it is not considered that the proposed use would be inappropriate as an addition to that mix of uses or adversely affect the character or amenity of the conservation area, or the vitality and viability of the town centre.

Community Safety Implications:

None

Reason for Granting Planning Permission:

The proposed use is considered acceptable in principle for its location in the central shopping area of Bingley. No changes to the external appearance of the premises are proposed and the use would have a neutral impact on the character and appearance of this part of Bingley Conservation Area. The development is considered to accord with Policies CR1A, D1, and BH7 of the Bradford Replacement Unitary Development Plan.

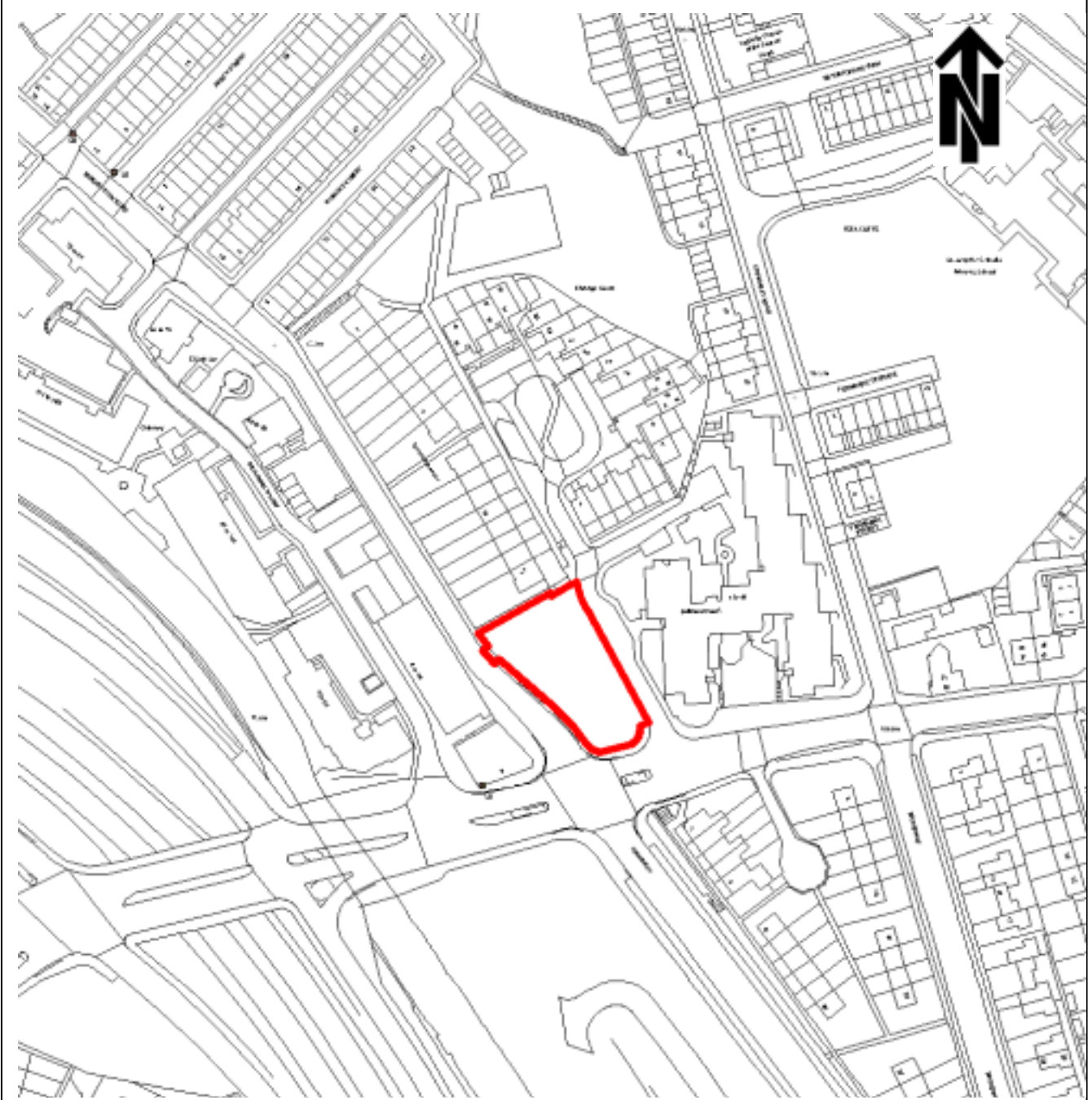
Conditions of Approval:

None

Area Planning Panel (Shipley)

10/01189/OUT

19 October 2010



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ITEM NO. : 3

LOCATION:

**Land South East Of 16 Ayrton Crescent
Mornington Road
Bingley**

19 October 2010

Item Number: 3

Ward: BINGLEY

Recommendation: TO GRANT OUTLINE PLANNING PERMISSION

Application Number:

10/01189/OUT

Type of Application/Proposal and Address:

Outline application for residential development of 10 apartments at land to the south east of 16 Ayrton Crescent, Mornington Road, Bingley. All matters are reserved with the exception of Access.

Applicant:

City of Bradford Metropolitan District Council.

Agent:

Acanthus WSM Architects.

Site Description:

The site comprises a steeply banked grassed verge close to Bingley Town Centre at the traffic-controlled junction of Edward Street, Ferncliffe Road, Mornington Road and Ayrton Crescent. Levels fall from the top of the site (east) down towards the west, beyond which is Mornington Road and Britannia Mills, a residential mill conversion.

To the north of the site is the gable end of 16 Ayrton Crescent, an end terrace residential property; to the east lies Edward Street and Falkland Court, a 2-4 storey residential care home constructed in the 1980's; and to the south lies Ferncliffe Road and a small parade of local shops and medical centre.

Relevant Site History:

09/03310/OUT - Construction of nine apartments – Withdrawn (18.09.2009)

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

UDP1 – Promoting Sustainable Patterns of Development

UR2 – Promoting Sustainable Development

UR3 – The Local Impact of Development

D1 – General Design Considerations

TM2 – Impact of Traffic and its Mitigation

TM12 – Parking standards for Residential Developments

TM19A – Traffic Management and Road Safety

H7 – Housing Density - Expectation

H8 – Housing density – Efficient Use of Land

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application has been advertised by way of neighbour notification letters, site notice and in the local press with an overall expiry date for comments of 14.05.2010.

Nine letters of objection have been received from 8 separate households along with a petition with 64 signatures. Objection and request for referral to planning panel has been received from a ward councillor should the officer recommendation be for approval.

Summary of Representations Received:

1. The area is already overdeveloped
2. There are already problems with parking congestion particularly on Edward Street and the proposal will exacerbate issues further.
3. Loss of open/green space
4. The area is already saturated in terms of housing
5. The proposal would result in a loss of residential amenity for neighbouring properties.

Consultations:

Highways: Initially concerns were raised over the practicalities of providing the parking as shown on the plans and section drawings were requested to demonstrate that what was proposed could be constructed. An additional plan was subsequently received (1549.17.30A – Site Sections) and Highways DC can now support the application subject to conditions regarding car parking provision, surfacing and draining prior to occupation.

Drainage: A separate drainage system is required within the site boundary. The applicant should investigate the use of porous materials in the construction of car parking and vehicle manoeuvring areas. Surface water flow patterns should not be changed to the detriment of adjacent landowners. Particular attention should be given to ensuring that ground levels are not changed at the site boundary.

British Waterways: No objection.

Rights of Way: No objection providing that the public footpaths adjacent to the site are kept clear during construction.

Yorkshire Water: No objection subject to conditions requiring details and provision of separate systems for foul and surface water disposal.

Metro: Recommends that metro cards could be provided for the development in conjunction with a nearby development at Stanley Street (10/01189/OUT) with costs shared between the two developers.

[NB. The application at Stanley Street (10/01189/OUT) was withdrawn on 02.06.2010]

Summary of Main Issues:

1. Principle of development,
2. Traffic and highway safety,
3. Amenity considerations,
4. Street scene/visual amenity,
5. Loss of open space.

Appraisal:

This application seeks outline permission for a residential development of 10 apartments. Although details of layout have been provided, they are illustrative only and serve to demonstrate how such a scheme might fit onto the site. The applicant has only requested consideration of means of access at this stage. Siting, design and scale are reserved for later consideration.

Principle of development

Additional dwellings within this established residential area would conform to surrounding uses. Further, the principle of development satisfies sustainability objectives, representing an appropriate use of a 'brown field site' within the urban area which has good access to existing facilities in Bingley town centre and the railway station. As such, the principle of development is considered to be acceptable under the terms of RUDP policies UDP1 and UR2.

The density of the development would be 77 dwellings per hectare which is appropriate given the accessibility of the site and would accord with Policy H7 and H8 of the RUDP.

Traffic and highway safety

The outline application requests the consideration of the means of access which comprises a combination of an access to a parking court off Mornington Road and parking bays to the Edward Street frontage.

Objection has been received regarding existing problems with regards to congested on-street parking around the site, primarily resulting from a lack of parking provision for the Edridge Court and Falkland Court developments. The current boundary of the site along Edward Street is unrestricted in terms of parking and is well used presently for the parking of vehicles. Concern is raised regarding the impact of the development in terms of the loss of this current on street parking.

Seventeen car parking spaces are proposed to serve the development, of which 7 would be allocated to existing users. Policy TM12 of the RUDP seeks 1.5 spaces across a development or 1 space per dwelling in town centres. It is considered that the character of this development and its location close to the town centre are such that this level of provision would be acceptable.

The proposal would provide parking for 5 vehicles off Mornington Road to the North West corner of the site and further 12 parking spaces along the Edward Street Boundary. Additionally a footpath 2 metre in width would be provided on Edward Street where at present none exists.

The proposal has been assessed by the Councils Highways Development Control team. It was requested that section drawings be submitted to demonstrate that the parking areas shown could be provided given the level changes across the site without compromising the stability of Edward Street. These have now been received showing retaining structures and confirming level changes. It is considered that the parking spaces can be provided without compromising the stability of Edward Street and the Highways Section do not raise any objection.

It is considered that the proposal, by providing a new 2 metre wide public footpath to Edward Street site boundary and 7 new off street parking spaces in addition to the 10 designated for the occupants of the proposed development would ensure that the current and congested on-street parking situation would not be made significantly worse. The site is within a sustainable location, in close proximity to Bingley Town Centre and is well connected in terms of public transportation. As such, it is not felt that the proposal would be detrimental to highway safety. It therefore accords with RUDP policies TM2, TM12 and TM19A of Bradford's RUDP.

Amenity considerations

The application is for outline permission with details of scale, layout and appearance reserved. The applicant has however provided an indicative design in order to demonstrate the ability of the site to accommodate a development of 10 apartments. This shows a design cut in to the slope which responds to changes in levels within the site and would be appropriately related in terms of separation to neighbouring residential properties.

A number of objections have been received with regards to the proposal, citing that it would cause an unacceptable loss of light and privacy. However, as discussed previously, matters relating to appearance, scale and layout - and therefore the relationship with neighbouring dwellings - would be more carefully considered under a subsequent reserved matters application where such detail would be included. The indicative layout submitted shows that a development can be accommodated within the site which is sited such, that it would meet required separation distances. The indicative layout provided shows the development to be in excess of 23 metres from Falkland Court at its nearest point.

Whilst the detailed design, scale and layout would be considered at the reserved matters stage it is considered important that as shown on the indicative design that buildings to the Edward Street Frontage should be no more than two storeys in height in order that the scale and height of the development is well related to neighbouring buildings and to avoid dominance of Falkland Court. A condition is recommended to restrict the height of the approved development to 2 storeys of accommodation on the Edward Street frontage.

Concern has been raised regarding the impact of the proposed development upon the occupiers of 16 Ayrton Crescent and the proximity of bin storage areas to their rear garden area. Again the application is outline only and the layout submitted is indicative only with design scale and layout reserved. Accordingly the relationship between 16 Ayrton Crescent and the application site would be assessed at the reserved matters stage when a design and layout would be submitted.

For these reasons, it is considered that the development of this site could take place with suitable design and layout. Design, layout and scale of development are not under consideration at this outline stage. The Council is satisfied however that there is adequate space on the site to allow a development which would preserve the amenities of the site and neighbouring occupiers and acceptably accord with the provisions of policies D1 and UR3 of the RUDP.

Street scene/visual amenity

The site lies at a prominent junction close to Bingley Town centre. The application as previously discussed is for outline permission with all matters reserved with the exception of the access.

The applicants have submitted an indicative design and layout which demonstrate that the site would be capable of accommodating a residential development comprising 10 apartments and could appropriately fit into the street scene. Whilst the detailed design, scale and layout would be considered at the reserved matters stage it is considered important that as shown on the indicative design that buildings to the Edward Street Frontage should be no more than two storeys in height.

Loss of Open Space

The site is currently a steeply sloping grass verge and whilst comment has been received regarding its importance as an area of open space, it is considered that as a result of the severe gradient of the site the function of the site currently, in terms of open space is primarily its visual contribution rather than its importance as an area to be used for recreational purposes. The site is not protected by any designation on the RUDP proposals map.

Whilst it is accepted that the site does have some value in terms of providing a visually open and green space, it is considered that the provision of additional housing, in a sustainable location close, to Bingley Town Centre would outweigh the loss of the open space and its contribution in terms of visual amenity and the street scene. Further, with appropriate landscaping and careful attention to design at the reserved matters stage, it is considered that an appropriate scheme could be delivered. This scheme could provide some planting and green areas to the edges of the site.

Other issues

Due to the site historically accommodating works buildings last marked as garage, a phase 1, desk top study has been submitted regarding the site to formulate an opinion on the potential for hazardous substances to exist on or near to the site which might effect its future development.

The recommendations of the report are that the site has moderate potential to be contaminated and that intrusive investigation should include a trial pit or borehole. It is considered that this issue could be dealt with by way of condition to provide details of an intrusive investigation and if any contaminants are discovered a remediation report and methodology submitted and approved by the Council prior to commencement of development. A condition is proposed to this effect in order that the proposal might comply with RUDP policy P4.

West Yorkshire Metro has provided comments regarding the provision of metro cards for prospective occupiers of the development but this was to be in conjunction with requirements suggested for another scheme in nearby Stanley Street. The development at Stanley Street 10/01189/OUT was withdrawn on 02.06.2010 and so this application falls to be determined on its own merits. Due to the limited scale of the development in addition to the proximity of Bingley Town Centre it is considered that the imposition of a requirement for the developer to provide metro cards would in this case be unreasonable.

Conclusion

For the reasons noted above, and despite the receipt of objections, it is considered that the proposal represents appropriate development that – with appropriate conditions – would adequately protect the residential, visual and general amenities of the site and the surrounding area. Accordingly, approval is recommended subject to the conditions set out below.

Matters to be reserved include appearance, landscaping, layout and scale.

Community Safety Implications:

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

Reason for Granting Planning Permission:

The proposal would represent an appropriate development in this sustainable location close to Bingley Town centre. It is considered that the proposed development would not have any significant detrimental impact in terms of residential amenity and traffic safety and acceptably accords with the provisions of the Replacement Unitary Development Plan Policies UDP1, UR2, UR3, D1, P4, H7, H8, TM2, TM12 and TM19A.

Conditions of Approval:

1. Details of the, appearance, landscaping, and scale of the development (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

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

2. Application for approval of the reserved matters shall be made to the local Planning Authority not later than three years from the date of this permission.

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

3. No buildings to the Edward Street boundary of the site shall exceed two storeys in height.

Reason: To ensure that the development would sit appropriately within the site and to adequately protect the amenities of the occupants of Falkland Court in accordance with Policies UR3 and D1 of the RUDP.

4. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 1549.17.004A and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

5. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered 1549.17.004A and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policy TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

6. No piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the foul drainage works.

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

7. Details for means of disposal for foul and surface water drainage required and no buildings shall be occupied prior to completion of approved foul water drainage works.

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

8. Prior to the commencement of development, a Phase II Environmental Risk Assessment in respect of suspected contamination of the site shall be submitted to, and approved in writing by the Local Planning Authority, as recommended in the submitted Phase I geo-environmental desk study report. This shall include:

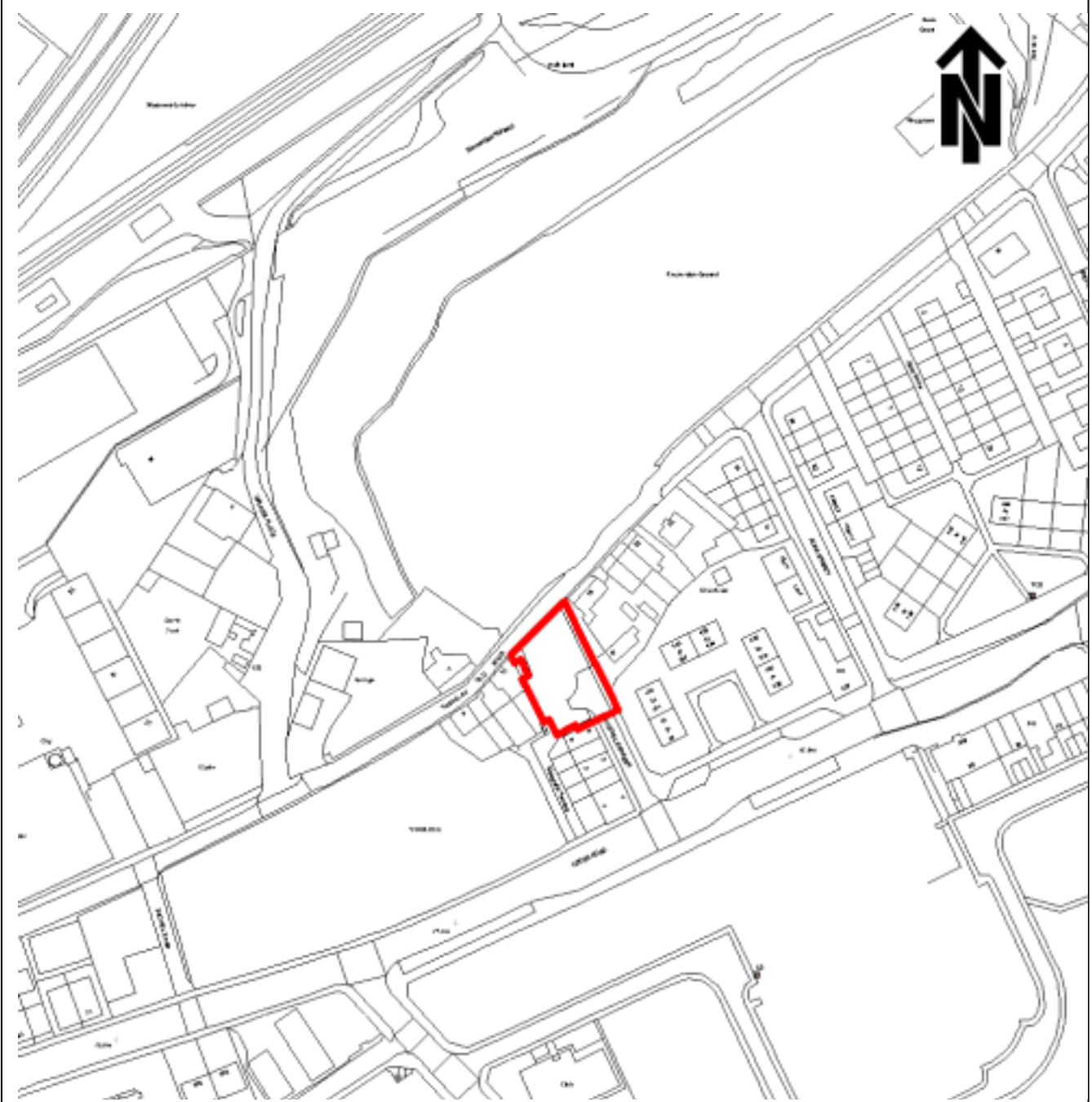
- a) Production of a conceptual model across the whole site,
- b) Identification of each contaminant and its concentration level,
- c) Whether CLEA Model soil guideline values are exceeded for each identified contaminant (and where the CLEA model does not specify the contaminant, which alternative reference values are used),
- d) A risk characterisation and assessment of each contaminant, including a CLEA Model Tier 1 and 2 assessments for contaminants exceeding CLEA Model SGVs.
- e) A proposed remediation methodology and procedure to ensure the site is safe for residential occupation.

Reason: To ensure that the site is free from contamination before occupation, in accordance with Policy P4 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

10/03077/REG

19 October 2010



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ITEM NO. : 4

LOCATION:

**Land West Of 14
Woodville Street
Shipley**

19 October 2010

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

Application Number:
10/03077/REG

Type of Application/Proposal and Address:

Outline application for the construction of a pair of semi detached dwellings on land to the west of 14 Woodville Street, Windhill, Shipley.

Applicant:
CBMDC

Agent:
CBMDC

Site Description:

The application site comprises an L shaped grassed area of land on the south side of Thackley Old Road to the north of the turning head to Woodville Street, a short residential street that also serves a veterinary practice which fronts onto Leeds Road, the A657. Levels fall steeply westwards down Thackley Old Road and the carriageway is very narrow at this point. A public footpath (Shipley 116) crosses the southern edge of the site alongside 9 Woodville Terrace and an adopted path links Woodville Street with Thackley Old Road along the eastern boundary of the site.

The surrounding area is essentially residential in nature with a variety of housing styles and ages. No 7 Thackley Old Road is Grade II listed. Opposite the site is a playing field.

Relevant Site History:

10/01061/OUT Residential development for 2 semi detached dwellings
Withdrawn 04.05.2010

Replacement Unitary Development Plan (RUDP):

Allocation

The site has no specific allocation although it does fall within the World Heritage Site Buffer Zone. The site is also within 250 m of a landfill site.

Proposals and Policies

Policies UR3 *The Local Impact of Development*, H7 and H8 *Density*, D6 *Meeting the Needs of Pedestrians and Cyclists Through Design*, BH4A *Setting of Listed Buildings*, BH14 *World Heritage Site Buffer Zone*, TM2 *Impact of Traffic and its Mitigation*, TM12 *Parking Standards for Residential Developments*, TM19A *Traffic Management and Road Safety* and NR17 *Ground Water Protection* are of most relevance.

Parish Council:

Not applicable

Publicity and Number of Representations:

Advertised by NN letter and press and site notice as development which may affect the route of a right of way. Overall expiry date 16 August 2010.

1 letter of support received and 2 No letters of objection received from one household.

Summary of Representations Received:

Support

1. Plans are an improvement on the earlier application as it will prevent cars from parking within the turning head on Woodville Street
2. Retention of public rights of way
3. Dedicated residents parking for existing residents is welcomed.

Against

1. Turning arrangements would block neighbouring access
2. Concerns over publicity as certain neighbours were not notified of the proposal by individual letter.
3. Neighbour at 14 Woodville Street has received unsolicited and unwelcome calls by trades people as a result of the description of the development
4. Loss of a play area for local children
5. Devalue property
6. Loss of outlook/view
7. Disturbance during construction and potential for damage to properties

Consultations:

Highways - No objection

Drainage - No objection subject to conditions. Site is identified as being subject to surface water flooding according to EA records.

Yorkshire Water - No development should occur within 3 metres of a 110mm live water main which crosses the site. The position of one of the units may impact upon the main which would be highly likely to affect the site layout. Whilst small diameter public sewers cross the site these could be considered under Building Regulations. (Comments as per previous application).

Public Rights of Way (PRoW) - No objection subject to conditions. The addition of street lighting to the eastern footpath i.e. that which connects Thackley Old Road to Woodville Street is welcomed.

Conservation - No objection in principle subject to appropriate design/detailing. The proposal would have a neutral impact on the adjacent listed building.

Minerals and Waste - Site is located within 250m of a landfill site (13NE02). This site was affected by the unauthorised deposit of waste materials which could potentially cause contamination issues. No significant objection subject to an appropriate condition to control potential contamination.

Summary of Main Issues:

1. Site History
2. Principle of development
3. Access
4. Public Right of Way
5. Drainage
6. Representations

Appraisal:

The proposal seeks outline approval for the construction of a pair of semi-detached two storey dwellings with all matters reserved. The submitted plan indicates that the properties will have a frontage to Thackley Old Road with vehicular access taken off an existing turning head to Woodville Street to the rear. 2no parking spaces are shown per property.

Site History

An outline planning application for the construction of a pair of semi detached dwellings was accepted as valid by the Local Planning Authority on 8 March 2010 (10/01061/OUT). This scheme involved vehicular access being taken off Thackley Old Road and the closure of the public footpath, Shipley 116 which runs along the south of the site.

Thackley Old Road is very narrow at this point being single width in part along the site frontage, and vehicles reversing out into the highway at this point would have been detrimental to the safe and free flow of traffic and consequently highway safety. The loss of the public footpath without an appropriate replacement provision could also not be supported.

In view of these objections, the application was withdrawn by the applicants on 4 May 2010.

Principle of Development

As the site has no specific allocation in the Council's adopted Replacement Unitary Development Plan (RUDP) and the surrounding area is residential in character, the redevelopment of the site for residential purposes would be acceptable in principle and in line with Policy UR3 of the Council's RUDP. It should be noted that dwellings previously stood on the site although they were cleared during the 1970s and the site has been grassed over ever since.

Whilst no details have been submitted at this stage, it is unlikely that the siting of the units as shown would have an adverse impact on the amenities of neighbouring residents. Both Nos 14 and 16 Thackley Old Road have blank side elevations and the dwellings are positioned clear of a neighbouring property at 14 Woodville Street. The proposal could therefore comply with Policy UR3.

It is likely that a site of this site could accommodate more than the 2no units as shown but in this particular case it is unlikely that additional units could be achieved given the existing constraints of the access to the site and position of neighbouring residential dwellings. It is not considered that a refusal against Policies H7 and H8 could be substantiated in an appeal situation.

The site falls inside the World Heritage Site Buffer Zone and within 50 metres of a listed building – No 7 Thackley Old Road. It is not considered that the development of the site would prejudice the setting of this building, subject to the submission of appropriate details at a reserved matters stage. The development should not therefore conflict with RUDP Policies BH14 and BH4A respectively.

Access

Vehicular access is now taken off an existing turning head at Woodville Street. 2 no parking spaces per dwelling have been shown together with some dedicated residents parking for neighbouring properties. The Council's Highway Engineers are satisfied with this layout and the proposal therefore accords with Policies TM2, TM12 and TM19A of the RUDP.

Right of Way

The proposal would retain the existing Public Right of Way and introduce lighting to a pedestrian link which runs along the eastern boundary of the site. The proposal therefore is in accordance with Policy D6 of the RUDP.

Drainage Issues

Yorkshire Water (YW) have advised that a 110mm live water main crosses the site and could be affected by the proposed dwelling closest to No 16 Thackley Old Road. YW have advised that this could be diverted, although the costs of doing so may well be prohibitive. In this instance it is not considered that the proximity of a sewer would render the scheme unacceptable. It would be up to the potential developer to bear these costs or devise an alternative layout if required. It is not considered therefore that an objection under Policy NR17 could be sustained.

Representations

Representations from neighbouring residents have been received both in support and against the scheme.

2No letters of objection have been received from one household and a letter of support from near neighbours.

The Local Planning Authority concurs with the supporter in that the proposed layout is an improvement on that as submitted under 10/01061/OUT in that the access arrangements off Woodville Street are more suitable and the Public Right of Way has been retained. The applicant, CBMDC, has confirmed that the residents parking area as shown could be dedicated to local residents as a condition of sale of the land when it is disposed of.

It is acknowledged that the turning head on Woodville Street is well used and that there is a high take up of on street parking along its length, however it is not considered that the proposed access arrangements would obstruct neighbouring properties. The Council's Highway Engineers have raised no objections to the scheme.

The Local Planning Authority has publicised the application in the normal way i.e. press and site notice and individual letters to adjoining neighbours. Any neighbours who do not share an immediate boundary with the site would not normally be notified individually. The fact that a neighbour at 14 Woodville Street has received unsolicited and unwelcome calls by trades people as a result of the description of the development is unfortunate but would not have a bearing on the consideration of the application. No misrepresentation was intended and the applicant is clearly stated on the application form as being CBMDC Asset Management.

The positioning of the units as shown should not result in any neighbours being overlooked or overshadowed to the detriment of amenity. Loss of view and property value are not planning considerations. It is acknowledged that the site could have alternative uses such as a play area or residents parking however the LPA can only consider the scheme as submitted.

Community Safety Implications:

None anticipated as a result of this development

Reason for Granting Planning Permission:

The proposed development successfully addresses the concerns on an earlier similar scheme (10/01061/OUT) and would not be materially detrimental to residential amenity, highway safety or the existing public rights of way / footpaths which cross the site. It is accepted that the scheme would result in the loss of a small area of green space however this land does not benefit from any protected status being unallocated on the development plan. There is a public sewer which crosses part of the site but this could, in theory, be relocated. The re-development of this site for residential purposes would not adversely affect the character of the wider area which is essentially residential in nature with a mix of housing types and ages. The proposal is therefore considered to accord with Policies UR3, D1, D6, BH4A, BH14, H7, H8, TM2, TM12, TM19A and NR17 of the Council's adopted Replacement Unitary Development Plan.

Conditions of Approval:

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

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

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

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

3. Before any development is begun plans showing the:

- i) access,
- ii) appearance
- iii) landscaping
- iv) layout,
- v) and scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4)

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

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

4. The development hereby approved shall only be carried out in accordance with the approved plans listed below:

Location Plan	T- 001-023A
Site Layout Plan	T- 001-027
Section	T- 001-025

Received by the Council on 21 June 2010.

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

5. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the 110mm live water main which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times and to comply with Policy *NR16 of the Replacement Unitary Development Plan*.

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

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

7. Prior to the commencement of development, drawings showing the proposed and existing levels and cross sections should be submitted to the Local Planning Authority and the development shall only be carried out in accordance with the agreed details. Particular attention should be paid to ensuring ground levels are not changed at the site boundary.

Reason: To ensure that the development does not change the overland surface water flow patterns to the detriment of adjacent land owners and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

8. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

Reason: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

9. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

10. 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.

11. Prior to the commencement of development, details of the boundary fencing and lighting to the public footpath to the east of the site and full details of all works affecting the Public Right of Way (Shipley 116) along the southern edge of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the dwellings hereby approved and thereafter retained.

Reason: To ensure that the development will not adversely affect the public rights of way which cross the site and to accord with Policy D6 of the Replacement Unitary Development Plan.

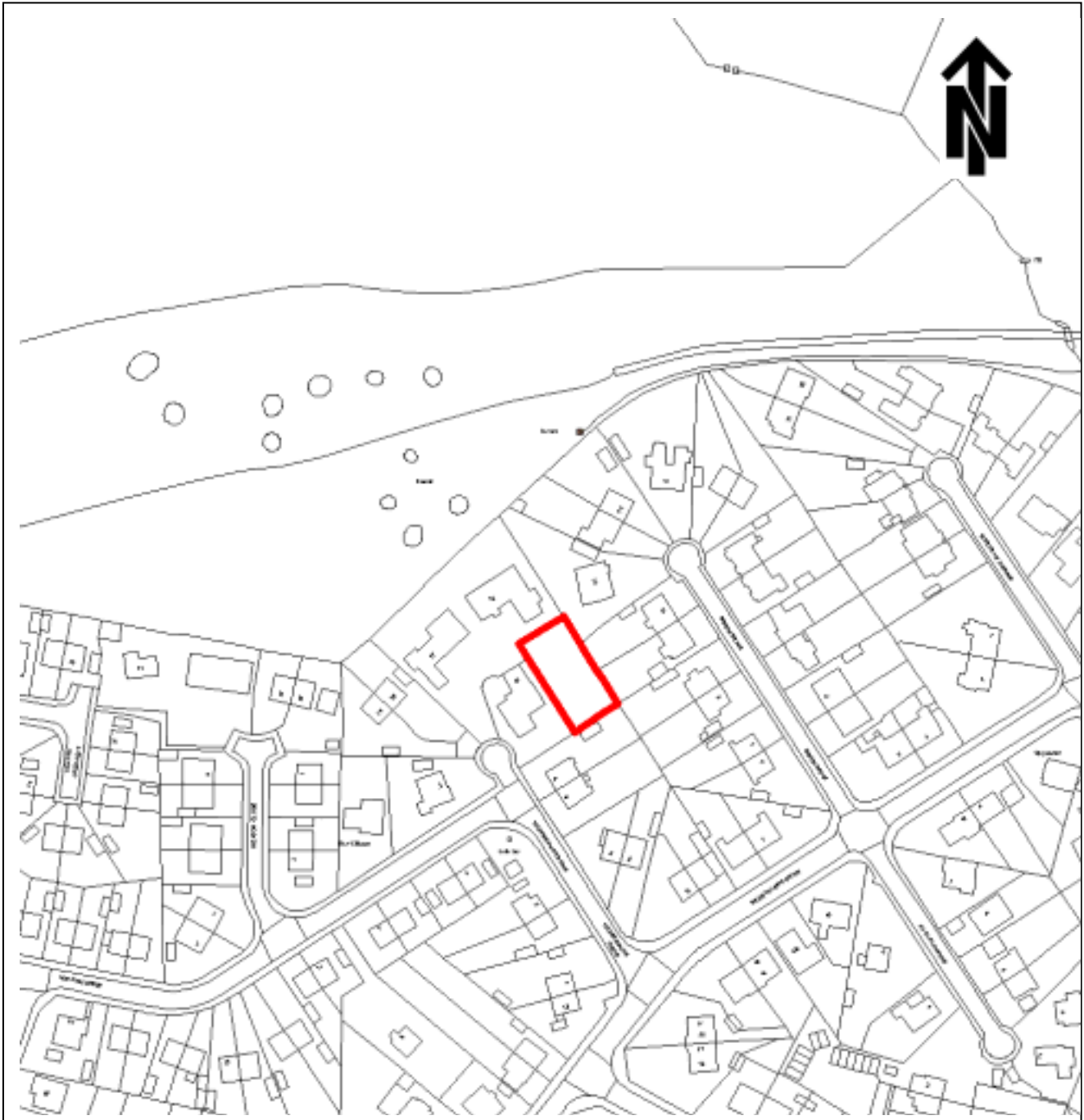
12. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority for approval in writing before the expiration of 1 month from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

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

Area Planning Panel (Shipley)

10/03093/OUT

19 October 2010



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ITEM NO. : 5

LOCATION:

**Plot 3 Land Adj
19 Hazebrouck Drive
Baildon**

19 October 2010

Item Number: 5
Ward: BAILDON
Recommendation:
TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:
10/03093/OUT

Type of Application/Proposal and Address:

An outline planning permission for the construction of one dwelling. Layout and access and submitted for formal consideration with all other matters reserved.

Applicant:

Mr and Mrs. D. Allcock

Agent:

Allison And MacRae

Site Description:

The site is modest in scale and located within a quiet residential area close to the edge of the urban part of Baildon. Access to the site is gained via a private drive already serving three other properties constructed as part of a residential planning permission granted in 1995. The surrounding area exhibits a variety of housing style including bungalows, new development and more traditional housing.

Relevant Site History:

95/00047/OUT: Construction of two bungalows and two houses (granted 21/02/1995)

95/00046/FUL: Construction of two bungalows (granted 23/02/1995)

95/01607/FUL: Construction of a house (granted 27/07/1995)

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
D1	General Design Considerations
D4	Community Safety
H7	Housing Density – Expectation
H8	Housing Density – Efficient Use of Land
TM2	Impact of traffic and its mitigation
TM12	Parking standards for residential developments
TM19A	Traffic management and road safety

National policy:

Planning Policy Statement 1: Delivering sustainable development

Planning Policy Statement 3: Housing

Parish Council:

Baildon Parish Council: no comments given

Publicity and Number of Representations:

The application has been publicised by individual notification letters and site. Expiry of the publicity period was 18 August 2010. Two letters of representation has been received to date in addition to a written request by a local ward councillor that the application be considered by the planning committee.

Summary of Representations Received:

1. Concerns that the new development on the site will affect the view for local residents.
2. new landscaping should be proposed to screen views of the new building
3. drainage issues raised including impact on the watercourse close to the site
4. changes in land levels
5. the development will be out of keeping with the surrounding area
6. adverse impact on the residential amenity of the surrounding properties
7. only a bungalow should be permitted on the site

Consultations:

Highways: No objections subject to conditions

Drainage: No objections subject to conditions

Baildon Parish Council: No comments

Summary of Main Issues:

1. Principle
2. Matters not reserved
3. Matters reserved
4. Comments on representations received

Appraisal:

Principle

The site forms a modest area of greenfield (undeveloped) land within the existing modern housing development (covering approx. 400 m²). This plot of land was originally granted planning permission for a single dwelling in 1995 (in outline), however, the required reserved matters application was not submitted with the time restrictions and as a result the planning permission lapsed. Plots 1, 2 and 4 have been built on the site in relation to that planning permission.

Notwithstanding the above, it is considered that the site, despite not falling with the definition of previously developed land under PPS 3, would be acceptable for development. Its modest scale, relatively sustainable location and the previous approval of residential planning permission in 1995 suggest approval in principle is appropriate.

Matters not reserved

The following matters are submitted for formal consideration:

Access

Access to the site will be taken via the private drive already serving plots 1, 2 and 4. It is considered that the additional of one dwelling to this arrangement will make little material difference and will not exceed the maximum of 5 dwellings which can be served from a private drive access. In addition, the original planning permission granted in 1995 made provision for this additional dwelling which was not built at the time. A distance of up to 10 metres is available within the proposal driveway to allow up to 2 vehicles to stand clear of plot 4. It also appears from the indicative plans that an integral garage will be provided for the dwelling allowing sufficient off-street parking provision. With imposition of conditions, it is considered that no significant highway safety implications would result from the proposal.

Layout

The plans illustrate a dwelling of similar scale, footprint and general design to those existing at plots 1, 2 and 4. The main aspect of the dwellings is shown as northwest/southeast and it is therefore considered that any habitable room windows would be restricted to these elevations and would not be required to the southwest/northeast elevations whereby overlooking at close quarter would result to plot 4 and 11 Menin Drive. This requirement can be controlled by a condition removing permitted development rights for the creation of windows in these elevations. On submission of the reserved matters application, issues of the appearance, location and type of windows proposed will be formally considered. In addition to this, the ridge height of the dwelling is shown as a maximum of 7.95 metres above ground level with only 4.85 metres to the northern extreme of the dwelling, such a modest height is unlikely to lead to significant impacts on the surrounding properties.

In terms of the impact on no. 10 to the west, there are no significant habitable room windows on the side elevation facing the site and so it is not considered that overlooking/overshadowing would occur.

Given all of the above, it is considered that dwelling can be accommodated within the site without significant detriment to the surrounding properties.

Matters reserved

Appearance, landscaping and scale are all reserved for later approval under an appropriate reserved matters application. It is considered that there is sufficient information submitted to demonstrate that the development is acceptable at the site and that the design, height and landscaping of the scheme can be fully controlled at reserved matters stage.

Comments on representations received

The following issues have been raised following the receipt of representations – these are appraised below:

1. Concerns that the new development on the site will affect the view for local residents.
The loss of a view cannot be considered as a material planning consideration
2. New landscaping should be proposed to screen views of the new building
All landscaping will be controlled as part of the reserved matters application submission

3. Drainage issues raised including impact on the watercourse close to the site
Conditions are considered appropriate to deal with the drainage issues on the site and there appears to be no watercourse affected by the development
4. Changes in land levels
It is not considered that there will be a requirement for any significant changes in lands levels to implement this development – the site is mainly level with a slight decrease in height to the south/southeast.
5. The development will be out of keeping with the surrounding area
The design, appearance and materials for the dwelling will be fully controlled at reserved matters application stage. The indicative plans show a sympathetic building in keeping with the surrounding street scene which has no specific character.
6. Adverse impact on the residential amenity of the surrounding properties
Appraised under 'matters not reserved – layout'
7. Only a bungalow should be permitted on the site
Given the scale parameters shown and the footprint of the building, it is considered that a bungalow will be constructed on the site; however, all overlooking/overshadowing can be controlled at reserved matters stage.

Community Safety Implications:

None significant

Reason for Granting Planning Permission:

The principle of residential development of the site is considered acceptable in line with Planning Policy Statement 3, the planning history of the site and the sites reasonably sustainable location together with its modest size. No significant implications are foreseen in terms of highway safety, residential amenity or visual amenity. The proposal is therefore considered to comply with policies UR2, UR3, D1, D4, TM2, TM12, TM19A, H7, H8 of the replacement Unitary Development Plan.

Conditions of Approval:

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

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

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

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

3. Before any development is begun plans showing the:

- i) appearance
- ii) landscaping
- iii) Scale, within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4)

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

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

4. The development hereby approved shall only be carried out in accordance with the approved plan(s) listed below:

1020/02, Rev. B (revised site plan)

Received by the Council on 01/09/2010

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

5. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

6. The garage shall be set back not less than 5.6 metres from the highway boundary.

Reason: To ensure that a vehicle can stand in front of the garage clear of the highway, in the interests of highway safety and to accord with Policies TM12 and TM19A of the Replacement Unitary Development Plan.

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

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

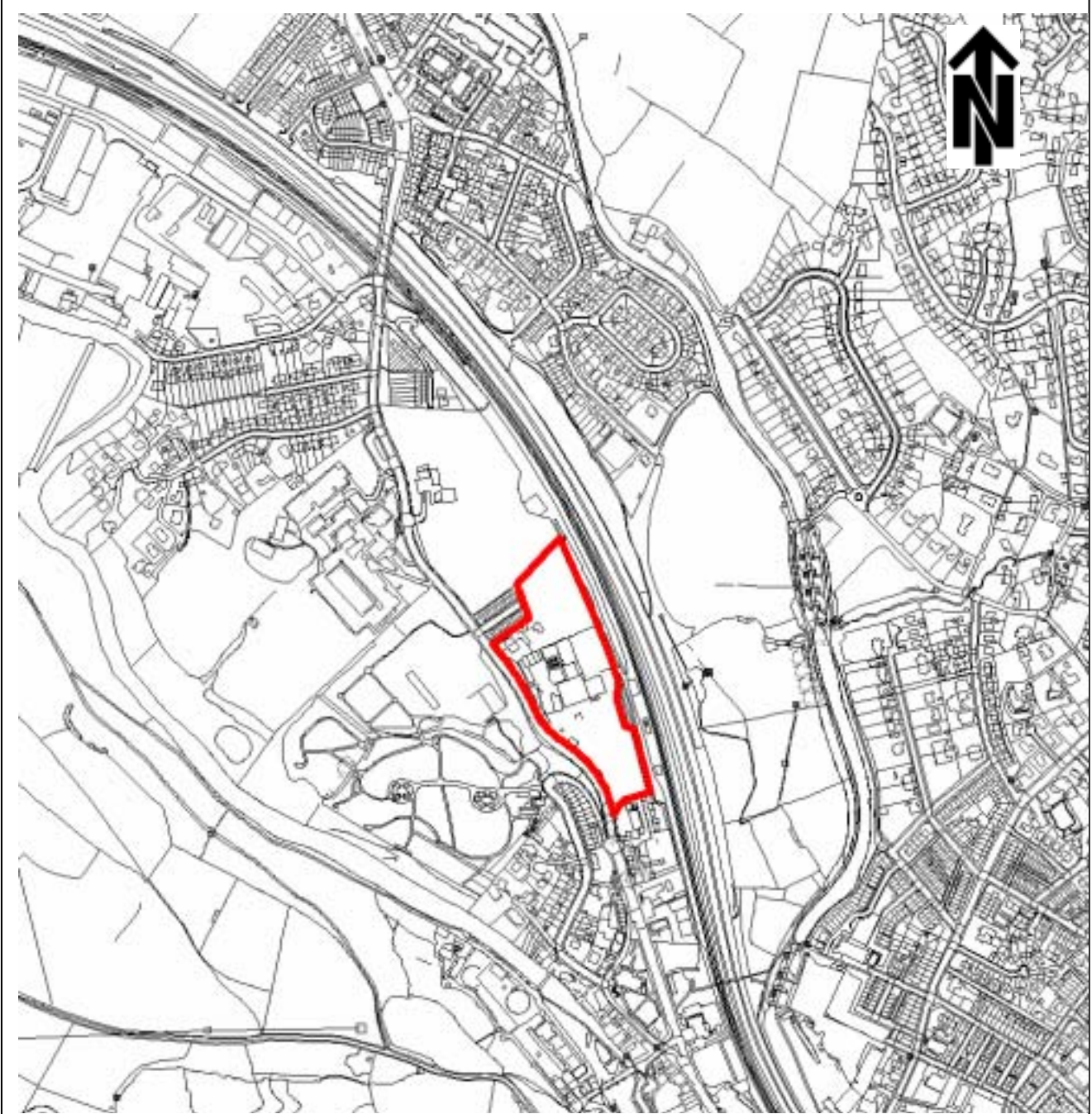
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the side (southwest and north east) elevations of the dwelling house 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.

Area Planning Panel (Shipley)

09/04421/FUL

19 October 2010



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ITEM NO. : 6

LOCATION:

**Bingley Auction Mart
Keighley Road
Bingley**

19 October 2010

Item Number: 6
Ward: BINGLEY
Recommendation:
TO REFUSE THE APPLICATION

Application Number:
09/04421/FUL

Type of Application/Proposal and Address:

A full planning application for a retail unit comprising 6174m² with surface car parking, landscaping and service yard at the former auction mart, Keighley Road, Bingley.

Applicant:

Tesco Stores PLC

Agent:

Burnett Planning & Development Ltd

Site Description:

The application site is located at the former auction mart, north of Bingley town centre, between Keighley Road and the railway line/A650 relief road. There is an electricity sub-station immediately south of the application site with agricultural land to the north. There are three residential buildings located within the north-western part of the site.

The site is currently hard surfaced and there are a number of vacant prefabricated and brick buildings centrally located, previously occupied by the auction mart. The site is used for car boot sales on Sundays.

The application site slopes downwards, from Keighley Road, towards the railway line, with a change in levels of c.3m.

Directly opposite the application site, across Keighley Road, is Bingley Conservation Area.

Relevant Site History:

An application, 99/01903/OUT, for a food retail store with petrol filling station and car parking was refused in December 1999. The reasons for refusal being the site was allocated for employment use; and the site not being allocated for retail use.

Application no. 05/00109/OUT, for a food retail store with petrol filling station and parking was refused in February 2005. The reasons for refusal being insufficient information submitted, including lack of a sequential approach for retail development; adverse affect on residential amenity; lack of flood risk assessment and loss of employment land.

Replacement Unitary Development Plan (RUDP):

Allocation

The application site is located within two employment sites, all of E1.7, former Bingley Auction Mart, and the southern part of E1.8, Coolgardie, Keighley Road, as identified on the Proposals Map of the RUDP. The former being a site carried forward from the 1998 UDP, where only core B1 & B2 employment uses are suitable on the site. The latter being a new employment site, to be developed in accordance with Policy E2 and again only suitable for B1 & B2 uses.

Proposals and Policies

Policy UDP1 promotes sustainable patterns of development.

Policy UDP3 aims to maintain a high-quality built environment.

Policy UDP4 promotes economic regeneration to support economic growth and employment opportunities.

Policy UDP6 - sustaining the vitality and viability of the centres.

Policy UDP7 - reducing the need to travel

Policy UR2 - promotes sustainable development.

Policy UR3 - local impact of development.

Policy UR6 - the Council will seek planning obligations where development proposals require or would not be acceptable without the provision of - physical infrastructure, the mitigation of adverse environmental impacts and/or the enhancement of the environment and social infrastructure.

Policy E1 - protection of Allocated Employment Sites

Policy CR4A - retail development

Policy TM1 - developments likely to be significant generators of travel, will be required to be supported by a Transport Assessment (TA). The TA should incorporate proposed traffic reduction measures and measures to promote sustainable travel.

Policy TM2 relates to the impact of traffic and its mitigation.

Policy TM6 - improving bus priority network.

Policy TM10 - national/local cycle network.

Policy TM11 relates to car parking standards for non-residential development, a minimum requirement will not normally be imposed unless under-provision would result in road safety implications.

Policy TM18 - parking for disabled

Policy D1 - all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping.

Policy D2 - development should maximise opportunities to conserve energy and water resources.

Policy D3 seeks to provide an accessible environment for all.

Policy D4 - developers are required to integrate crime prevention measures, to provide a safe and secure environment.

Policy D5 - development proposals designed so that new landscape features are incorporated.

Policy BH7 - development within or which would affect the setting of conservation areas will be expected to be of the highest standards of design and to preserve or enhance the character or appearance of the conservation area.

Policy BH12 - Conservation Area Environment

Policy BH20 - Leeds and Liverpool Canal Conservation Area.

Policy NE9 - development adversely affecting local nature conservation sites not permitted.

Policy NE10 - development should ensure that ecological features and wildlife habitats, accommodating protected species are protected.

Proposals for the Shipley Constituency.

S/E1.7 Former Bingley Auction Mart, Keighley Road, Bingley.

Planning for Crime Prevention Supplementary Planning Document

This SPD identifies five core principles in planning for crime prevention – defensible space; natural surveillance; safe permeability; property security and maintenance. These components contribute to making criminal or anti-social behaviour less likely to happen, in well-designed buildings and spaces.

Sustainable Design Guide Supplementary Planning Document

The SPD identifies four key objectives for achieving sustainable development – social progress that recognises the needs of everyone; effective protection of the environment; the prudent use of natural resources; maintaining high levels of economic growth and employment. Sustainable design is embedded within sustainable development and is concerned with ensuring the minimising of resources through environmentally friendly construction materials; built fabric is re-used as far as possible; the use of renewable energy sources; energy efficient buildings; buildings have a long lifespan and can be easily adapted.

Planning Obligations Supplementary Planning Document

This sets out the approach taken to the implementation of Policy UR6 of the RUDP in guidance for developers in terms of the Council's key areas for contributions. In order to mitigate against any adverse impact of development a number of key areas for contributions are identified. These include transportation & highways and public realm enhancements.

Parish Council:

No comment received.

Publicity and Number of Representations:

The application was advertised through site notices and in the local press.

There have been 180 representations - 153 objecting to the application and 27 supporting the application. There have also been 5 petitions with 661 signatures, objecting to the application.

Summary of Representations Received:

The objections to the application are based on the following grounds -

1. The applicant has not demonstrated compliance with the requirements of the sequential approach;
2. The proposed retail store would have an adverse impact on the vitality and viability of the Town Centre;
3. The works to improve Bingley Town Centre, including the Market place and the traffic calming measures would be compromised by a large retail unit located outside of the Town Centre;
4. The proposed development would have an adverse effect on the Leeds-Liverpool Canal Conservation Area;
5. There would be increased traffic congestion;
6. The increased traffic would endanger pupils of Bingley Grammar School;
7. It would encourage car usage;
8. There would be noise and light pollution.

Bingley Civic Trust objects to the planning application on the following grounds:–

The scale and size of the proposed retail use much exceeds local needs. The impact of this proposal will have a damaging effect on existing local main street retailing;

The location of the application site is inappropriate and inimical to town centre trading.

A full sequential test has not been provided in the applications supporting documents;

The predicted traffic impact will be harmful.

The Airedale Partnership comments that – the proposed development would be contrary to the aims and objectives of the Airedale Masterplan which identifies the Coolgardie and Auction Mart sites as key sites for the delivery of a new ‘technology park’; major food retail should be within the Town Centre; out of town shopping would dilute the Town Centres potential and vitality; the proposal would lead to the loss of a key site, essential for the creation of new businesses and jobs in Airedale; the proposal would create traffic congestion in the area.

Cllr Heseltine objects to the application as he considers it would affect the vitality, viability and economic vibrancy of the Town Centre. Out of town development is against the Councils retail policy, the application fails to demonstrate need and fails on the sequential test.

Bingley Grammar School originally objected to the application. Consequently, Tesco has met with the School. The School has subsequently “clarified” its position on the application. The School is anxious that if planning permission was granted it should not disadvantage the schools position, when seeking permission for a new school entrance. Tesco has agreed to accommodate cars picking up/dropping off pupils in its car park and provide a pedestrian access from its car park to the footway.

Those supporting the proposed development comment that –

The development would attract people and spending to Bingley;

There would be additional jobs created;

It would reduce the need to travel out of Bingley to shop;

The former auction mart site is unsightly and should be redeveloped;

The existing retail offer in Bingley is limited.

Consultations:

The Environment Agency has no objection in principle and recommends conditions to cover flood risk; protection of groundwater and a methodology for dealing with contaminated land.

Yorkshire Water has requested conditions, if planning permission is granted. The site shall be developed with separate systems of drainage for foul and surface water on and off site. (In the interest of satisfactory and sustainable drainage).

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

No development shall take place until details of the proposed means of disposal of foul and surface water drainage , including details of any balancing works and off -site works , have been submitted to and approved by the local planning authority .

Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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.

Metro has undertaken 'accessibility assessments' of the area, which highlight a reduced level of accessibility to the north-east of the site. The provision of a 'local links' style service could improve access to the site and could potentially link into Crossflatts and Bingley rail stations.

The Transport Assessment indicates 3 years funding for this service, however, Metro would expect the applicant to fund the service in recognition of the wider benefits the service could bring, for 5 years. Metro expects this provision to cost c. £90,000 per annum.

Metro has also requested bus shelters be provided on Keighley Road, near the proposed store. However, the footways would require alterations to enable bus shelter installation. Whilst 'real time' in-store display would reduce wait time at bus stops, if an alternative location could be provided for a shelter, Metro would welcome this. From viewing the proposed site layout plan, Metro considers there would be scope to add an additional set of bus stops close to the pedestrian crossing and site entrance on Keighley Road. This would be expected to be in addition to the 'real time' information display in-store.

The layout should also include a drop-off facility, to cater for the Metro Access Bus service, which provides a service to local destinations for people with limited mobility.

Metro suggest the development should be conditioned to encourage employees to use public transport to access the site by joining the Travel Plan Network. This entitles employees to discounted Metro Cards which can be used on public transport in West Yorkshire.

West Yorkshire Archaeology Advisory Service – no comment.

Environmental Health (Scientific & Health Services) – the developer should provide a remediation strategy prior to the commencement of development

Environmental Health (Pollution) comments that servicing the store is proposed to be carried out between 0600 to 0000hrs. To protect the amenity of residents (to exclude servicing at the times most people would expect to be able to sleep) servicing between 0700 to 2300hrs is suggested.

In addition to the above, should the application be considered for approval it is requested that a condition relating to noise from fixed plant is conditioned as part of any permission.

West Yorkshire Police has no objection to the application. It is requested that a condition be imposed on the application requiring the applicant to achieve the 'Park Mark' Safer Parking award for parking, in the interests of community safety and crime prevention (verbally reported).

Internal Consultations

Drainage recommends conditions to ensure that the development is designed & constructed to comply with the recommendations & conclusions of the Flood Risk Assessment and the development is drained via a separate system.

Countryside & Rights of Way (CROW) has no objection to the proposal on biodiversity issues, provided the presence of bats is dealt with in an appropriate manner and that a managed wetland is incorporated into the scheme as a form of sustainable drainage systems. A contribution towards biodiversity enhancement at Bingley North Bog would be requested.

Landscape Design considers that there is an excellent opportunity for the developer to show a commitment to cutting-edge design, whilst addressing environmental issues, by introducing an innovative green roof system. This, combined with more tree planting within the car park, could help to deliver the quality design agenda detailed within the document, whilst better integrating the development into the wider environment.

Design Enabler believes the proposals are neatly designed and of good quality. The proposals display a thorough understanding of how to reduce any negative impact that the store would have in the local environment and the initiative to use a timber frame and other sustainable elements within the structure is to be welcomed.

Design & Conservation considers the design of the building and the intended materials to have been developed well and to respond to local character. The use of natural stone is welcomed, and the extensive use of timber would moderate the potential for harshness or functionality which might arise from excessive use of cladding or curtain walling. The contemporary design is welcomed and would ensure an individual building which departs from the conventional and monotonous approach to large retail buildings.

Policy Team recommends refusal on policy grounds.

Transportation & Highways considers that a major benefit of this proposal would be to reduce journey lengths by car for shopping and provide local people with a genuine alternative to using the private car for main food shopping. This in turn should reduce congestion in Keighley and Shipley where Bingley people currently do their food shopping.

Minerals & Waste comments that if level changes are proposed, then further information should be sought to establish - the volume of material intended to be excavated or deposited at the site; the number of HGV movements this will give rise to and the method for storage and disposal of any contaminated material, that is intended to be excavated.

Summary of Main Issues:

1. Principle of development
2. Design and appearance of the buildings
3. Affect on nearby residents
4. Transportation & highway implications
5. Ecological impact
6. Planning obligations

Appraisal:

Principle of Development

The proposed development is not considered to be the most effective use of a brown field site, as the most effective use would be as employment use, as allocated in the development plan. The proposed development would therefore be contrary to Policy UDP1 of the RUDP.

The proposed development would improve the local environment by reason of the redevelopment of a vacant site and removal of derelict buildings. The development would incorporate a number of sustainable elements and the design of the building would represent a contemporary addition to the area. As such, the new development would ensure that the quality of the built and natural environment was maintained and where practical improved, and Policy UDP3 would be met.

In order to sustain and enhance the vitality and viability of Bingley Town Centre, the proposed development would need to be located in order of preference - in the Primary Shopping Area; in the town centre, then the Expansion Areas. The application site is located outside all of three sequentially preferable areas. Consequently, the proposed retail use would neither sustain nor enhance the vitality or viability of Bingley Town Centre and would be contrary to Policy UDP6 of the RUDP.

There are residential properties, Harold Street, to the immediate north western boundary of the application site. (The residential properties within the application site would be demolished). There are also residential properties, Lock View, on Cemetery Road, opposite the application site. The latter properties are elevated some 10m above the application site.

The application site is allocated as an employment site and planning permission has been granted for employment use on land, including the northern part of the application site.

The proposed scheme includes landscaping along the north western boundary to provide a 'buffer zone' to the residential properties on Harold Street. The 'buffer zone' being created to separate the residential properties from the proposed car park. At a minimum depth of 7m, the landscaped area is considered to provide an appropriate level of protection from the car park.

The properties to Lock View, Cemetery Road, would overlook the proposed development and specifically the service yard. The proposed service yard would be set back from the Keighley Road frontage, behind a band of landscaping and a solid timber screen fence. However, owing to the elevated position of the properties to Lock View, residents would have views into the service yard. Consequently, the means of mitigating any impact on residential amenity would be by restrictions on delivery/collection hours. This could be dealt with by condition, meeting Policy UR3.

Employment Allocation

The application has to be assessed against Policy E1 in the RUDP. Policy E1 states, that proposals for non-employment uses, on sites shown as employment sites, will not be permitted unless:

the site is below 1.0 ha in size; and
it is within the urban areas of Bradford/Shipley/Baildon/Keighley; and
it is not within an Employment Zone; or

there has been a material change in circumstances which have arisen since the date of adoption of the plan, or during the life of the plan, or, the site is no longer appropriate for employment use because of possible adverse effects on surrounding land uses.

In order to meet the policy requirements, the application would have to meet criteria 1, 2 and 3; or 4 or 5. Criteria 3 is met, the others are not met (as it's not within an Employment Zone it meets the criteria).

National guidance issued in PPS4 – Planning for Sustainable Economic Growth is also relevant to the proposed development. The PPS contains guidance on the consideration of main town centre uses that are not within a defined centre and not in accordance with an up to date Development Plan.

It states in paragraph EC10.1 that Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that would secure sustainable economic growth should be treated favourably.

The proposed use in policy terms is classed as retail, not employment, however it would provide job opportunities, with up to 340 jobs being created, the equivalent to 220 full time jobs. It would also improve what is currently an untidy site through redevelopment and associated landscaping proposals.

On this basis, the proposed development, providing up to 340 jobs is considered to meet the objectives of PPS4, and this national guidance has to be weighed against the policies within the development plan. As a use bringing with it some job creation benefits, the proposal is not considered to prejudice the requirements of Policy E1.

Retail Use

The application site lies outside of the Primary Shopping Area, Bingley Town Centre and the Expansion Areas, identified in the RUDP. As such, RUDP Policy CR4A would apply, where retail development will only be permitted outside the Primary Shopping Area if all of the following criteria are satisfied -

there is a demonstrable need for the additional retail floorspace;
there are no alternative sites which are suitable, viable and likely to become available within a reasonable period of time, in the defined shopping area, a flexible approach having been taken;
there are no alternative sites on the edge of the centre;
the proposed development, together with recent and potential development arising from unimplemented current planning permissions, would not have an adverse effect on the vitality/viability of the town centre;
there would be convenient access to the development by means other than the private car;
the development would not lead to an increase in the need to travel, or reliance on the private car and would help facilitate multi-purpose trips;
the development would not undermine the retail strategy of the Development Plan.

Sequential Approach

The Council commissioned consultants, White Young Green, to undertake a comprehensive assessment of current and future capacity for retail and leisure development in Bradford District. The purpose of the Study being to inform the preparation of the Local Development Framework (LDF). The objectives of the Study being to carry out a health check on the vitality and viability of the City and Town Centres in accordance with Government guidance; to confirm the appropriateness of amendments to the RUDP; to assess the quantitative and qualitative need and justification for additional retail and leisure development; to assess the potential for additional retail and leisure developments within the District; advise on the need to plan for the expansion or contraction of the Centres within the District; to assess the net leakage of retail expenditure from the Bradford catchment area; to advise on the relevant retail hierarchy of the Centres in the context of the Leeds City Region; and to advise on a strategy for retail and leisure development, to inform the emerging LDF.

The Study was published in June 2008. In view of the economic downturn, since the publication of the Study, a review of the Study was commissioned by the Council in November 2009.

The outcome of the review being that -

there is an alternative edge of centre site, the former Bradford & Bingley Building Society offices site, and there is a site within an Expansion Area, Lilycroft Mills that would be sequentially preferable to the application site;
the application sites location would result in access to the proposed development being reliant on the private car and owing to the application sites out of centre location, there would be limited linked trips to the town centre;
the proposed development would act as a single shopping destination that would undermine the future viability and vitality of Bingley Town Centre, and would prejudice the bringing forward of more appropriate sites within the Town Centre, e.g. former Bradford & Bingley headquarters site and adversely impact on an existing retail development within the Town Centre, Myrtle Walk.

Since the submission of the planning application, September 2009, and the review of the WYG report, the policy guidance issued by the Government has been revised. Previously, Planning Policy Statement 6, Planning for Town Centres would have been applied against retail developments. In December 2009, PPS 6 was superseded by PPS 4, Planning for Sustainable Economic Growth. The principal difference between the guidance, for retail developments, being that need no longer has to be established.

The key policies, in relation to this application, within PPS 4 are -

EC14: Supporting Evidence for Planning Applications for Main Town Centre Uses;
EC15: The Consideration of Sequential Assessments for Planning Applications for Main Town Centre Uses That Are Not In a Centre and Not in Accordance with an Up to Date Development Plan;
EC16: Impact Assessment for Planning Applications for Main Town Centre Uses that are not in Centre and not in Accordance with an Up to Date Development Plan;
EC17: Consideration of Planning Applications for Development of Main Town Centre Uses not in a Centre and not in Accordance with an Up to Date Development Plan.

The supporting evidence provided by the applicant includes a sequential assessment and an assessment of the “economic effects” of the proposed store.

The sequential approach is required to meet two important policy objectives:

- the assumption underpinning the policy, that town centre sites (or failing that, well connected edge of centre sites) are likely to be the most readily accessible locations by alternative means of transport and will be centrally placed to the established centres they serve, thereby reducing the need to travel;
- the second, related objective is to seek to accommodate main town centre uses in locations where customers are able to undertake linked trips in order to provide for improved consumer choice and competition. In this way, the benefits of the new development will serve to reinforce the vitality and viability of the existing centre.

On consideration of the sequential approach, the Council has looked at the availability, suitability and viability of sites; examined in-centre sites; looked at edge-of-centre sites; and the flexibility of the applicants requirements.

The applicant has considered a number of sites in the sequential assessment. These include an ‘in-centre’ site, Myrtle Walk; edge of centre sites, Bradford & Bingley offices and Chapel Walk car park; and sites allocated as Expansion Areas - Lilycroft Mill, Midland Hill; depot site, Keighley Road; Ferncliffe Road and Queen Street. The WYG review discounts all of the above sites, excepting the Bradford & Bingley site and Lilycroft Mills site.

The former Bradford & Bingley offices are vacant and have recently been acquired by Sainsbury’s Plc. The site directly adjoins Bingley’s Primary Shopping Area and is located almost entirely within the town centre boundary (the exception being an area of car parking at the rear of the site). Furthermore, contrary to the applicants assertion in its Retail Assessment, the site is available in its entirety for redevelopment.

The Bradford & Bingley site (including parking and landscaping areas to the rear) measures approximately 0.8 hectares. Whilst this is clearly smaller than the application site at Keighley Road, it is considered sufficient to accommodate a food store of a scale appropriate to Bingley, without adversely impacting on the town centre.

Furthermore, although the site is edge-of-centre in terms of the definition provided by PPS4, it clearly has the potential to act as a logical extension to the existing Primary Shopping Area. Convenience goods floor space in this location would be complementary to the new retail offer provided by the 5Rise development. It is also considered likely a store at this location would offer genuine potential for linked trips within Bingley Town Centre.

Accordingly, although it is accepted that the Bradford & Bingley office site is smaller than the application site, it is considered that through an appropriate design, a store of an appropriate size could be delivered. The site is considered to be suitable, viable and available for development and is clearly sequentially preferable to the application site.

The Lilycroft Mill site is identified as an Expansion Area by the RUDP, with Policy CT1 stating that the area will be suited for quantitative and qualitative improvements to retail and other town centre facilities which cannot be accommodated in the centre itself.

It's accepted that it would not be straightforward to assemble a site which includes residential properties on Dobb Lane within its curtilage.

Based on this, it's considered that a site of c.0.7 hectares is likely to be available. The potential site would be even greater in size, if the adjacent Chapel Walk car park was incorporated as part of the land assembly.

The Bradford Retail and Leisure Study asserted that the Lilycroft Mill site was appropriate for a mix of uses, including retail, commercial and residential development. It is considered that in the current market and with the need for additional convenience goods retail provision in Bingley, retail may be the most viable of these uses.

Accordingly, it is not considered that the applicant has effectively demonstrated that this site is unsuitable, unviable nor unavailable for retail use, and it is clearly sequentially preferable to the application site, as a location for additional retail development.

In terms of flexibility of approach, the applicant states that its 'superstore' business model conforms with that described in PPS 6, "usually more than 2500 sq.m trading floor space". It is argued by the applicant that it is not necessary, reasonable or practical to consider disaggregating the proposed comparison goods floor space into small units, in the town centre. The size of store is believed by the applicant to meet the qualitative and quantitative need for Bingley.

Those promoting less central sites should not discount more central locations as unsuitable unless they are able to clearly demonstrate that a development on the site in question would be unable to satisfactorily meet the need /demand their proposal is intended to serve. They should not reject sites based on self-imposed requirements of preference of a single operator, or without demonstrating a serious attempt to overcome any identified constraints.

Impact on Bingley Town Centre

The consideration of the application has included the impact on existing and committed public and private investment in the Town Centre; the impact on Town Centre vitality and viability, including consumer choice and range and quality of the retail offer and the impact of the proposal on Town Centre trade/turnover and trade in the wider area.

The applicant argues at paragraph 8.15 of the Retail Assessment that the proposal would be 'complementary' to the role played by the existing Co-op and, at paragraph 8.17, that any impact of comparison goods provision will be due to day-to-day or impulse purchases of comparison goods. In reality, the proposed store is of a size, and is located at a distance from Bingley Town Centre, to act as a single shopping destination in its own right. The range of goods offered is likely to be so comprehensive as to render a trip to the Town Centre inessential and the distance involved is likely to dissuade casual browsing of Town Centre shops, when visiting the proposed retail store.

Similarly, due to the distance from the Town Centre, the alignment of Keighley Road and tree cover, the visual connection between the Town Centre and the proposed retail store is unlikely to encourage trips between the proposed store and Bingley Town Centre.

Whilst it is acknowledged that the applicant intends to provide for “improvements to the pedestrian linkage between the site and the Town Centre” (paragraph 8.19), there are existing pedestrian links and it is not considered that any such improvement would realistically result in a materially significant number of linked trips between the Town Centre and the proposed retail store.

The applicants assertion, para. 8.20 of the Retail Assessment, that the proposed development “may have wider positive effects in generating confidence in other retailers, that Bingley is a place to invest” is questionable. Indeed, it is argued that the exact opposite would occur, as the development of an out-of-centre site would be likely to prejudice the bringing forward of a sequentially preferable edge-of-centre site, the former Bradford & Bingley headquarters. The prospect of this better located site not being developed would not engender confidence in further investment in the Town Centre.

Similarly, there are a number of vacant units within the Town Centre, including recently completed units in the 5Rise development, Myrtle Walk. With a large-scale development proposed out of centre, there remains concern that the future letting of these premises could be prejudiced in the short to medium term.

In summary, it is not considered that the application has been properly appraised against all of the impact criteria set out in PPS4. From the information provided, there are serious concerns that the proposed development would have an adverse impact on the future vitality and viability of Bingley Town Centre, particularly given existing difficult trading conditions. Furthermore, the development would prejudice the development of a sequentially preferable site, the Bradford & Bingley offices site.

It is not considered that the applicant has demonstrated compliance with the requirements of the sequential approach and there is clear evidence that the application is likely to lead to significant adverse impacts, and being contrary to Policies EC15, EC16 and EC17 of PPS4, cannot be supported.

Design & Appearance

The design of the proposed building follows a contemporary approach, providing a simple response to Keighley Road and the adjacent Conservation Area.

The building would be constructed in stone, timber and glazing, with cladding to the roof. The glazing and cladding materials would be non-reflective and the cladding dark coloured, to reduce the buildings impact, when viewed from the surrounding area, including the Leeds-Liverpool Canal Conservation Area.

Existing trees and planting would be retained with additional planting along the eastern, north western and southern boundaries, to provide an integrated setting for the proposed development.

The applicant has attempted to ensure that key views from the adjoining conservation areas, including Bingley Five Rise are not adversely affected. One example of this being the orientation of the building, parallel to Keighley Road, to reduce the impact of the building when viewed from across the valley.

Additional tree planting would be provided on-site, to provide visual and acoustic screening between the site and residential properties on Lock View. Together with restrictions on the hours of servicing, it is considered that the proposal would not adversely affect residential amenity, to an extent warranting the refusal of the application.

Energy efficiency measures have been considered, including renewables and low-carbon technology. By following a best practice approach, the energy efficiency measures would reduce carbon emissions by c. 15%. These measures would include 'wind catchers' which enable the heating, ventilation and air conditioning systems to operate at reduced levels; the maximising of natural light through roof lights; dimmable lighting in store and zonal lighting to the car park. A combined heat and power gas unit would provide 25% of the energy for the store and reduce carbon emissions by a further 10%. The proposed development would therefore meet the aims of Policy D2 of the RUDP.

In terms of access to the building, the development would make provision for the disabled, ensuring inclusive design meeting the requirements of Policy D3 of the RUDP.

West Yorkshire Police has no objection to the proposed development and the application is considered to provide a safe and secure environment, in accordance with Policy D4.

As part of the proposed development, the existing trees to the north western boundary would be incorporated within the landscape scheme. A mature tree at the eastern end of Harold Street would also be retained as part of the landscape scheme. Along the western boundary, the existing mature tree belt immediately outside of the application site, would be supplemented by additional planting, alongside the proposed store, according with Policy D5.

BH7 affect on conservation area

The application site is located adjacent to the Bingley Conservation Area, with the Leeds-Liverpool Canal Conservation Area being located on the opposite side of the Relief Road, to the application site.

Currently, there is a relatively large expanse of hard standing, with a number of poor quality buildings, currently vacant on the application site. The current state of the site can be seen to detract from the character and appearance of the Conservation Areas when viewed from the Conservation Areas.

The physical presence of the proposed building and associated car parking would inevitably have an affect on the character and appearance of the Bingley Conservation Area. However, the application site is not located in the conservation area and the site could at some stage, hopefully, be the subject of redevelopment. The proposed building being of bespoke design is considered to represent an appropriate response to its location in proximity to the Conservation Area. The scale, massing and materials of the building would provide a relatively discrete building and would contextually not be inappropriate to the surrounding area.

In this regard, the Bingley Conservation Area Assessment refers to the "leafy character" and "quiet leafiness" of the northern part of the Conservation Area.

Whilst the traffic generated by the proposed store would affect the character of the Conservation Area, it is not considered that additional traffic would have a demonstrable adverse impact on the character of the Bingley Conservation Area.

The introduction of a relatively large building within the application site would affect the character and appearance of the area. However, given the site is allocated for employment use, and there has been a previous approval for commercial development, the part-open nature of the site is unlikely to be maintained indefinitely.

At present, a car boot sale is held on the application site every Sunday. This in itself affects the “quiet leafiness” referred to, albeit for a limited period. Notwithstanding its current use for car boot sales, the introduction of a proposed retail store, would result in increased traffic movements through the Bingley Conservation Area. It is accepted that this would affect the “quiet leafiness” of the Conservation Area. However, the current use, as car boot sales has a limited affect on the Conservation Area, and an employment use, as allocated in the RUDP, and as previously approved, would result in the site being built upon and additional traffic being generated in the area.

The Leeds-Liverpool Canal Conservation Area includes pasture and bog, on the opposite side of the Relief Road to the application site, the canal towpath and Bingley Five Rise Locks. The Locks and towpath are located on the higher ground, with the application site on the valley bottom. The views from the west and south-west at the Locks and towpath, overlook the application site. A public footpath runs through the pasture and along the bog, with limited views from the footpath across to the application site.

The applicant comments that the views of the application site from Bingley Five Rise would be screened by existing off-site woodland; the A650 and railway infrastructure, and proposed tree planting within the application site. The proposed planting to the perimeter of the site is intended to both reduce the impact of the development on the Harold Street properties and ‘soften’ views of the site from Bingley Five Rise.

There are trees along the eastern boundary of the application site and trees along the western edge of Bingley North Bog. There are also trees on the field boundary alongside the canal towpath. These trees provide screening of the application site, as viewed from the Leeds-Liverpool Canal Conservation Area.

In order to mitigate against the impact on views from the Conservation Area, the proposed building has been oriented so the ridge runs parallel to Keighley Road and the A650. The roofing and walling materials would be of a mid-grey colour to lessen the visual impact on the landscape. Additionally, non-reflective materials would be used on the most visible elevations.

The impact of lighting upon night time views has also been considered by the applicant. At night time there is lighting along both the Relief Road and Keighley Road. Any additional lighting associated with the proposed development would be seen in conjunction with the existing lighting and it is not considered that this element of the scheme would adversely affect the setting of the Conservation Area.

On balance, the proposal is not considered to have an adverse impact on the Conservation Areas and would meet the requirements of Policy BH20.

Affect on Residential Amenity

There are a number of residential properties, Harold Street, on the north-western boundary of the application site, and at Lock View/Cemetery Road, south-west of the application site.

The proposed development includes planting along the north-western boundary, to provide a buffer zone to the residential properties on Harold Street. It is also proposed to retain a mature tree within the site, beyond the eastern end of the terrace. The buffer zone being created to separate the residential properties from the proposed car park. At a depth of between 5-10m, this landscaped area is considered to provide an appropriate level of protection from the impact of the car park.

A number of residential properties to Lock View, would overlook the proposed development. The proposed service yard would be c.30m from those properties, set back from Keighley Road, behind a band of landscaping and a solid timber screen fence. Owing to the elevated position of the properties to Lock View, residents would have views of the proposed development. However, the distance and elevation of the properties together with the landscaping, would not result in the outlook from those properties being adversely affected, to warrant refusal.

The store is proposed to operate on a 24 hour basis, subject to statutory trading hours. In terms of mitigating the impact on residential amenity, Environmental Health has recommended deliveries/collections are restricted to - 0700 hours to 2300 hours to protect residential amenity.

Transportation & Highways

TM1 The applicant has submitted a Transport Assessment (TA) which has been reviewed by the Transportation & Highways service. As the traffic modelling used by the applicant is not commonly used by the Council, the Council commissioned a highways consultant to assess that part of the TA. On consideration of the affect of traffic generated by the proposed development, together with the measures included within the Travel Plan, it is not believed that there would be any adverse affect on the local highway network that would warrant refusal of the application.

TM6 The application site is located on the Bus Priority Network. Through improvements to the Bus Priority Network, the Council seeks to encourage the greater use of public transport. Metro has undertaken "accessibility assessments" of the area, which highlight a lower level of accessibility to the north-east of the site. The provision of a 'local links' service would improve access to the site and could potentially link into Crossflatts and Bingley rail stations.

Linking the rail stations would further improve the accessibility of the site, as well as providing additional benefits, particularly for commuters accessing rail services at the AM and PM peak periods. These wider benefits are essential to establish the 'local links' style service, as a commercially viable proposition.

To encourage the use of public transport, it is believed that bus stops with shelters should be located in close proximity to the proposed store entrance. Currently, there are no stops along the frontage of the application site. The proposed shelters would have to be sited without adversely affecting the proposed cycle/pedestrian improvements between Bingley Town Centre, the Grammar School and Crossflatts.

The proposed site layout would include a drop-off facility to cater for the Metro Access Bus service, which provides a local service for people with limited mobility.

The proposed development could be conditioned to encourage employees to use public transport to access the site by joining the Travel Plan Network. This entitles employees to discounted Metro Cards which can be used on bus and rail services in West Yorkshire.

TM10 As part of the promotion of pedestrian & cycle improvements between Bingley and Crossflatts, if the application was to be supported, a contribution towards the provision of shared footway/cycleway between the site and Crossflatts would be sought.

TM11/18 The car parking standard given in the RUDP Appendix C is applied as a maximum, a minimum requirement is not used, unless under provision would result in road safety implications which could not be resolved through the introduction or enforcement of on-street parking controls. The car park would include 391 parking spaces and this would accord with the Standards in the RUDP. Of these, 20, 5% of the total, would be designated as disabled spaces. This would be greater than the disabled Parking Standard, 4%, in the RUDP.

Ecological Impact

Bingley North Bog, an identified Bradford Wildlife Area, is located opposite the application site, on the immediate eastern side of the Bingley Relief Road. It has been confirmed by Countryside & Rights of Way that the hydrology of Bingley North Bog would not be adversely affected by the proposed development and hence Policy NE 9 is met.

The applicant has dealt with the more obvious ecological issues resulting from the proposed development and has concluded that there is unlikely to be any adverse impact on habitats and Protected Species. The assessment has covered the range of species expected for this site. The surveys which were carried out in 2008, produced a record of a pipistrelle bat emerging from Building B1 and indicated that a licence may be needed from Natural England before any works can commence on that building. Any planning permission should include conditions to this effect and further survey work is likely to be needed for a licence as the emergence survey was carried out relatively late in the season. On this basis it is considered that Policy NE10 has been met.

Planning Obligations

UR6 In the event of the planning application being recommended for approval, there would normally be requirements, through planning obligations for public realm enhancements; highway improvements and public transport infrastructure enhancements.

The applicant has agreed in principle to enhance the pedestrian links between the site and Bingley Town Centre and provide a 'local links' type bus service, to connect with existing public transport services.

Options

The Panel can refuse the planning application, as recommended, or be minded to approve the application. If the Panel is minded to approve the application, the application would have to be reported to the Regulatory & Appeals Committee and then referred to the Secretary of State as a departure to the Development Plan. If the subsequent recommendation was for approval, a Section 106 Agreement would be required for the delivery of the aforementioned planning obligations.

Community Safety Implications:

None

Reasons for Refusal:

1. The application fails to meet the requirements of the sequential approach and demonstrate that there are no sequentially preferable sites to the application site.
2. The proposed development would have an adverse impact upon committed private investment in the town centre i.e. 5Rise shopping centre, where the take up of vacant units would be prejudiced by the out-of-centre development, Consequently, there would be an adverse impact on the vitality and viability of the town centre, contrary to Policy EC17 of PPS4..

Background Documents

RUDP

Planning for Crime Prevention Supplementary Planning Document

Sustainable Design Guide Supplementary Planning Document

Planning Obligations Supplementary Planning Document

Employment Land Review

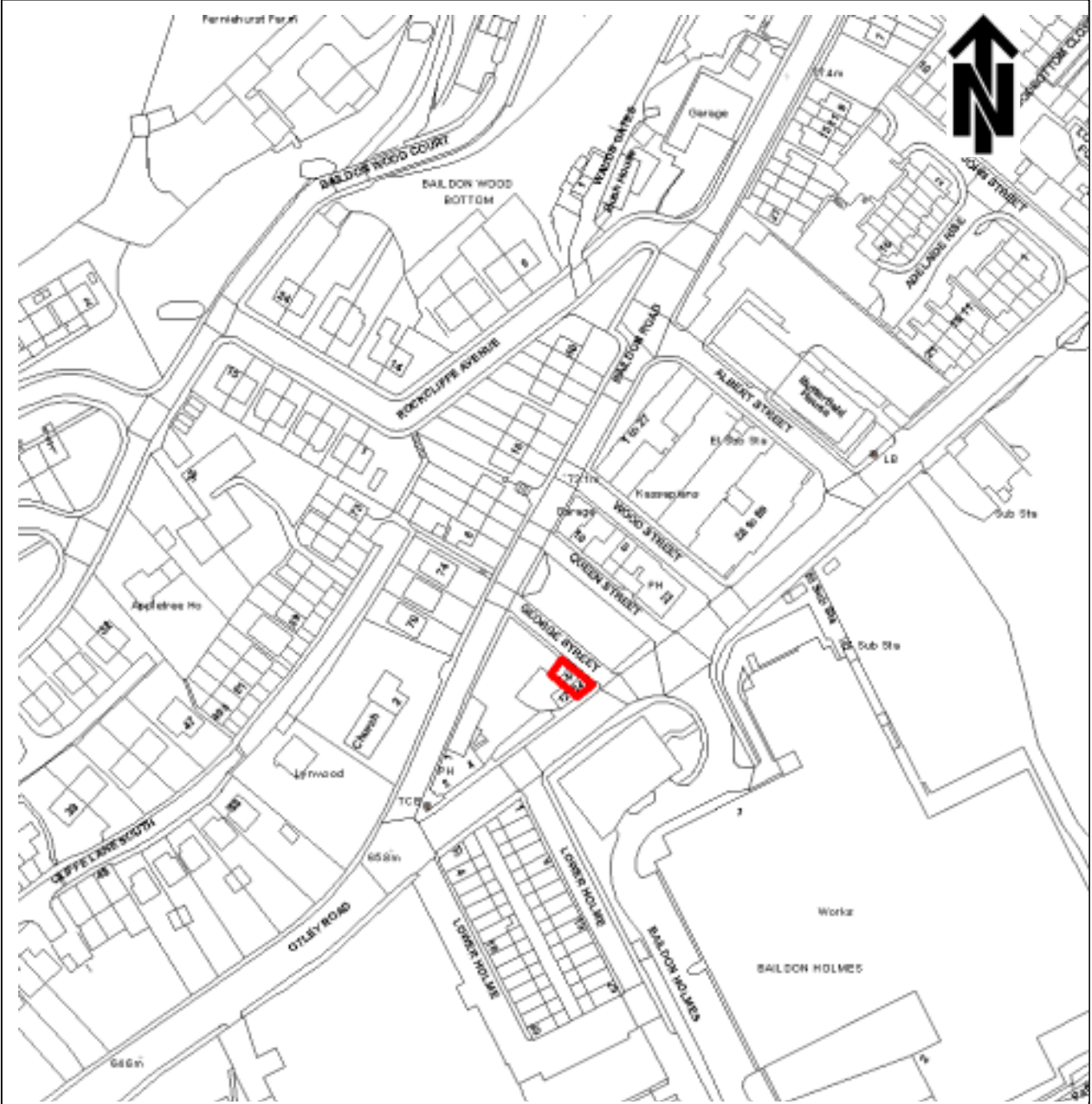
Bradford District Leisure & Retail Study

Planning Policy Statement 4 Planning for Sustainable Economic Growth

Area Planning Panel (Shipley)

09/05982/FUL

19 October 2010



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LOCATION:

ITEM NO. : 7

**Otley Road News
14 Otley Road
Baildon**

19 October 2010

Item Number: 7
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.