

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (SHIPLEY) to be held on 12 January 2011

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Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	Heather Croft Sheriff Lane Eldwick Bingley West Yorkshire BD16 3EN - 10/04845/FUL [Approve] (page 1)	Bingley
2.	Land South East Of 16 Ayrton Crescent Mornington Road Bingley West Yorkshire - 10/01189/OUT [Approve] (page 6)	Bingley

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Portfolio:
Environment and Culture

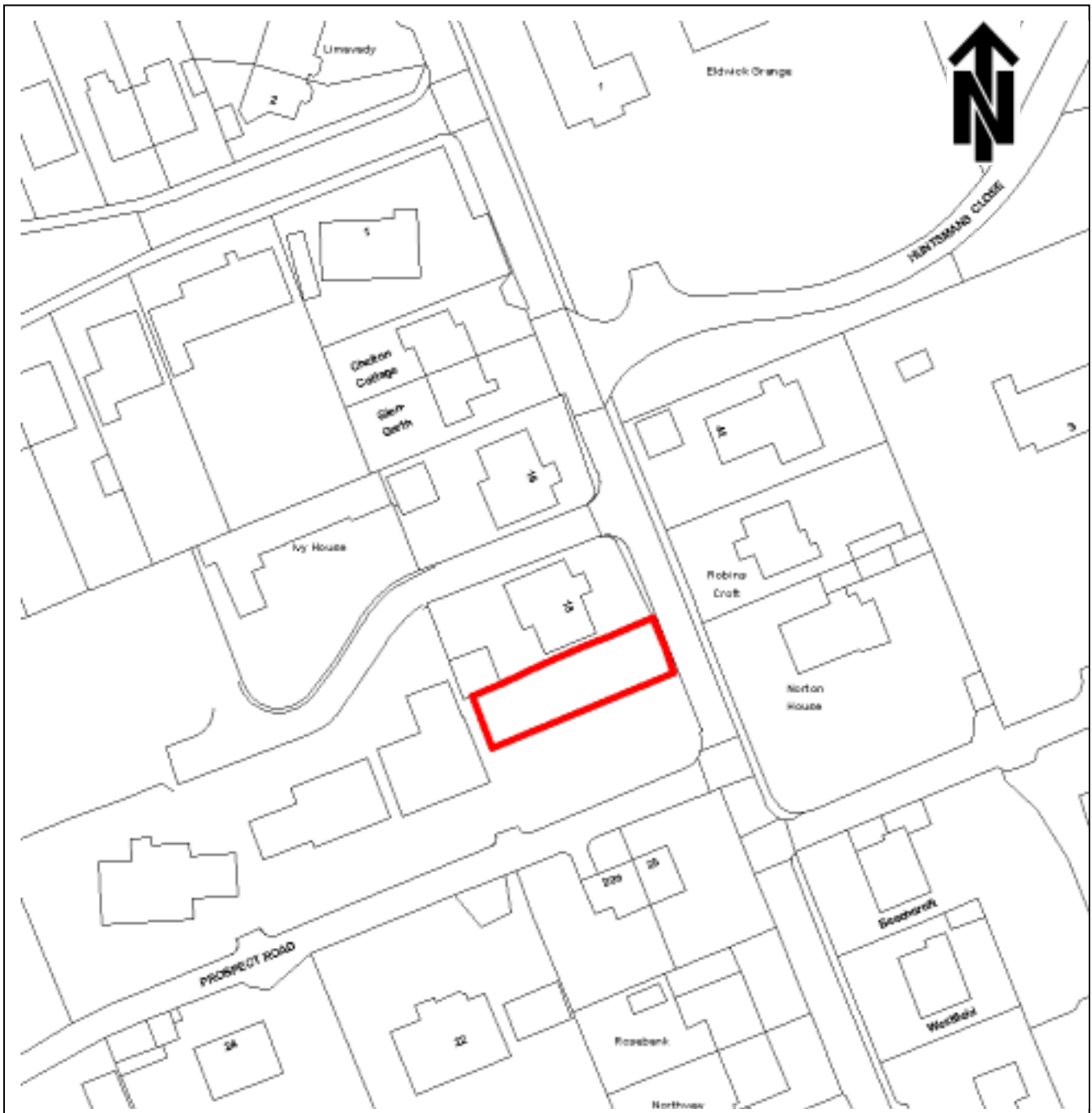
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

10/04845/FUL

12 January 2011



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ITEM NO. : 1	LOCATION: Heather Croft Sheriff Lane Eldwick Bingley
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12 January 2011

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

Application Number:
10/04845/FUL

Type of Application/Proposal and Address:

Full planning application for amendments to previously approved plans for the construction of two detached dwellings at Heathercroft, Sheriff Lane, Eldwick, Bingley BD16 3EN

Applicant:

Mr Chris Hefferman

Agent:

Mr. Andrew Kaminski

Site Description:

The application relates to one of two new detached houses that have been built on the site of a detached bungalow on the corner of Sheriff Lane and a narrow side road called Prospect Road. Sheriff Lane is an unmade road lined by a varied mix of detached and semi detached residential properties. To the rear of the two houses fronting Sheriff Lane is a further recent development of residential properties.

Relevant Site History:

08/02050/FUL Full planning application for the demolition of a bungalow and construction of two detached dwellings. Granted 28.8.08

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated in the Replacement Bradford Unitary Development Plan (2005)
Relevant policies are:

Proposals and Policies

UR3 – local planning considerations
D1 – design considerations
TM12 – car parking for residential developments
TM19A – highway safety considerations

Parish Council:

None for this area.

Publicity and Number of Representations:

The proposal was advertised with a site notice and neighbour notification letters. The expiry date for comments was 26 October 2010. A petition signed by 27 local people has been received.

Summary of Representations Received:

The petition signed by 27 people does not specify any objections to the development on planning grounds. It requests that any retrospective application be dealt with by a full Panel meeting because it is retrospective and so the residents of Eldwick can have their say.

Consultations:

Highways DC: The proposed section of new wall shown on the amended plan is now positioned such that it should protect the visibility splay from Prospect Road. Land falling within the visibility splay should be hard surfaced, sealed and drained.

Summary of Main Issues:

Impact on local visual amenity; impact on the amenity of occupiers of adjoining properties.

Appraisal:

Circumstances

Planning permission 08/02050/FUL gave consent for the demolition of a bungalow and the construction of two stone built detached dwellings on this corner site. 'House A' is the northern-most one that is subject to this application and has been finished. The southern one is nearing completion. At the same time, a development of 5 houses at Heatherville to the west is completed or under construction.

Following complaints, an investigation by the Council's Planning Enforcement Service established that the northern-most house 'House A' had not been built in accordance with the approved plans. This application seeks retrospective permission for the changes which are: The house has been positioned 1.4m further towards Sheriff Lane than was approved and about 0.25m further from the boundary with the existing house to the north.

A small single storey extension projecting from the back elevation has not been built.

The roof of a small detached single storey outbuilding in the back garden has been built with a ridge running east-west rather than north-south.

Minor changes to appearance: Two additional roof lights, minor changes to windows and doors at ground level on the rear elevation and the string course being set at a slightly higher position.

The minor changes to windows and addition of rooflights will have no material impact on the amenity of any neighbouring occupiers. The rear patio windows that replace the previously proposed minor projection and the substitution of the approved door and window to the kitchen by a three light window will have no significant impact on privacy or amenity given that they will be set 1.4 metres further from the west boundary than was approved.

Similarly the amendment to the direction of the roof of the small outbuilding has no significant adverse effects on neighbours or local amenity.

The most significant amendment for which this retrospective permission is sought is therefore the fact that the house has been built 1.4 metres closer to Sheriff Lane than is shown on the approved plans. The implications of this for neighbouring occupiers, highway safety and local visual amenity will be considered in turn.

Impact on amenity of occupiers of adjoining properties

Despite the dwelling being positioned 1.4 metres closer to the street, a space of between 5.0 metres and 7.3 metres is retained between the house and the boundary with Sheriff Lane. The separation distance to the existing dwellings across the lane is considered acceptable and no unreasonable or direct overlooking of these neighbouring properties would occur due to the change in position.

Given the relative position of the new dwelling in relation to 18 Sheriff Lane, it is not considered that the new dwelling has caused any significant overshadowing or dominance of the windows in that existing house.

Impact on highway safety

It has been observed that the position of the dwelling as built means that a section of the driveway does not provide sufficient depth to park a vehicle and retain the visibility splay at the Prospect Road and Sheriff Lane junction. After discussion with the applicant's agent and the Council's Highway Officer, the proposal has been amended to ensure that the front boundary walling will return from the existing garden wall to the southern site boundary and will be set back behind a 2m x 23m visibility splay from Prospect Road. The wall will also prevent vehicles in front of the house being parked in the visibility splay.

The position of the garden wall would thus ensure that vehicles cannot be parked within the driveway where they might interfere with the visibility splay. Whilst the walling would reduce the amount of frontage parking available, the site would still provide sufficient space for at least two vehicles to park off the road and thus continues to accord with normal policy in terms of car parking standards.

It is proposed to impose a condition to ensure compliance with this amended plan to ensure the front garden walling and parking is aligned to maintain the visibility splay.

Impact on local visual amenity and the street scene

In terms of impact on the street scene, it is acknowledged that the house steps 1.4m forward of the existing house at 18, Sheriff Lane. However, there is no consistent alignment of buildings along the road. Local character is not dependent on any fixed degree of set back from the highway and it is not considered that the position of the house 'as built' causes any detriment to local visual amenity.

The new dwelling is set forward of 18, Sheriff Lane, but would line up with the approved position of 'House B'. Given that there is not a single established "Building Line" along Sheriff lane, and given the variety of sizes and positions of dwellings up and down this road, it is not considered that the slightly amended siting of the dwelling causes any significant detriment to the character of the area or the visual amenity of the street scene compared with the dwelling as it was approved.

Consideration of the petition

Whilst a petition has been received, it does not give any specific planning reasons for objection. Local residents have not highlighted any specific planning problems arising from the repositioning of the dwelling and the other more minor amendments.

Conclusion

The impact of the amendments on local visual amenity, the amenity of occupiers of adjoining properties and road safety have been carefully considered but there are no valid planning reasons to oppose the changes subject to this application. Although not built in accordance with the previously approved plans, the changes do not cause significant harm in planning terms and there is no conflict with Policies TM12, TM19A or UR3 of the Replacement Unitary Development Plan.

Community Safety Implications:

No apparent community safety implications.

Reason for Granting Planning Permission:

It is considered that the amendments to the development have no significant detrimental impact on the character of the area or on the amenity of occupiers of adjoining properties or on local highway safety. The development is considered to accord with the provisions of the Bradford Replacement Unitary Development Plan and relevant Policies UR3, D1, TM12 and TM19A.

Conditions of Approval:

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

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

2. Development hereby approved shall only be carried out in accordance with the approved plans listed below:

2015.07 Rev A - AS BUILT FLOOR PLANS, ELEVATIONS and SITE PLAN
2015.08 Rev B - Heathercroft - SITE PLAN

Received by the Council on 1st Oct 2010 and 10th November respectively

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

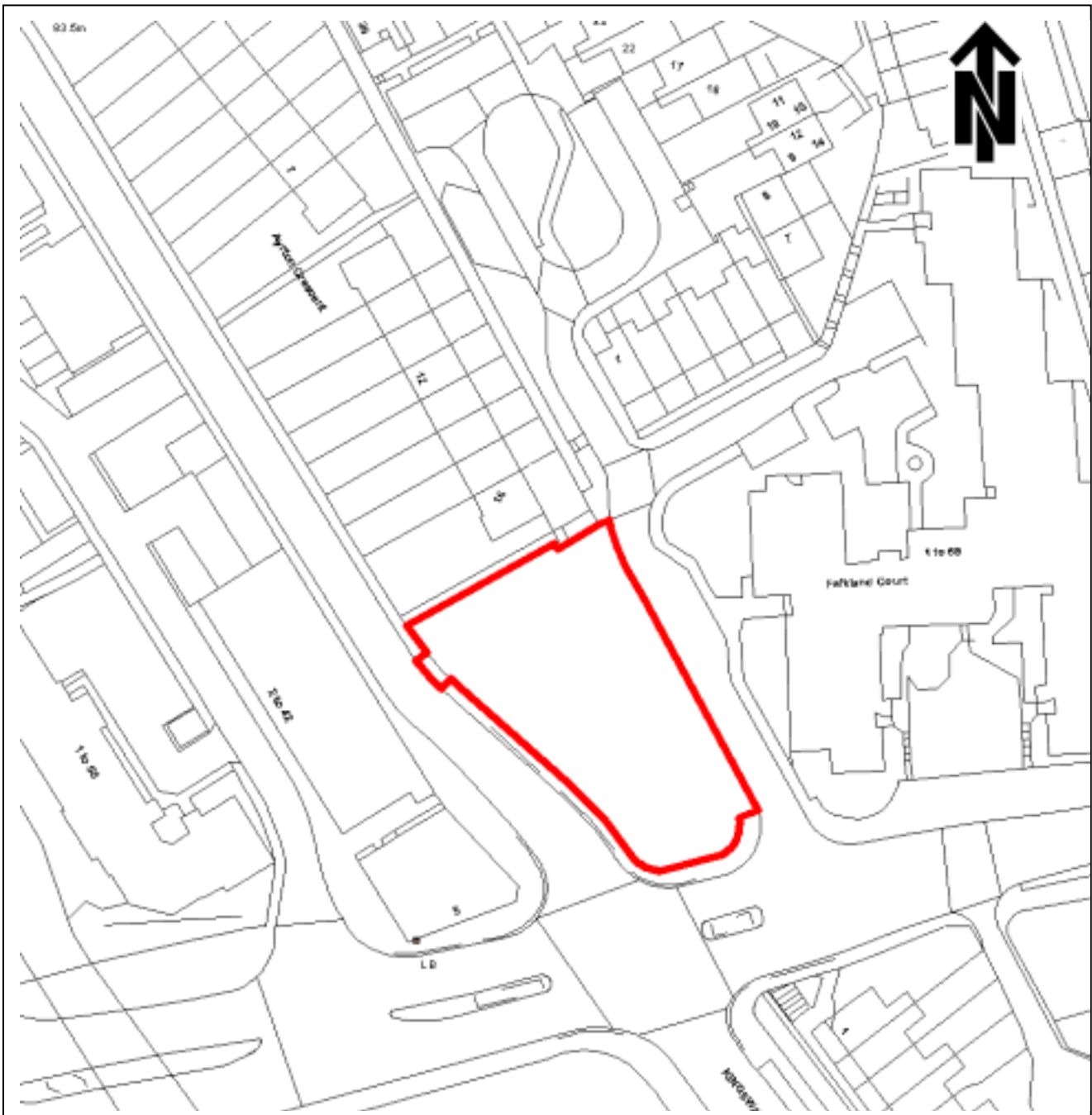
3. The section of new wall to protect the visibility splays hereby approved on plan 2015.08B shall be constructed within six months of the date of this permission to match the existing dry stone wall to the southern boundary and which shall not exceed 700mm in height to the site frontage in order to preserve a 2.0 x 23 metre visibility splay. The hard margin to the site frontage between the new walling and Sheriff Lane shall be laid out, hard surfaced and dedicated to the Local Highway Authority in accordance with the approved plan and thereafter retained.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

10/01189/OUT

12 January 2011



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ITEM NO. : 2

LOCATION:

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

12 January 2011

Item Number: 2
Ward: BINGLEY

Recommendation:
TO GRANT OUTLINE PLANNING PERMISSION SUBJECT TO COMPLETION OF A SECTION 106 AGREEMENT

Application Number:
10/01189/OUT

Type of Application/Proposal and Address:
Outline application for residential development comprising 10 apartments at land to the south east of 16 Ayrton Crescent, Mornington Road, Bingley.

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 with 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

The site is unallocated. Relevant policies are:

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, and site and press notices with comments being requested by 14th May 2010. Nine letters of objection have been received from 8 separate households along with a petition containing 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. 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 at a level of 60% over the development.

Education: The proposal is below the required threshold to require a contribution towards increasing educational resources.

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 Council's 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 onstreet 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, any building on 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 developed 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 indicative design and layout demonstrate that the site would be capable of accommodating a residential development comprising 10 apartments and could appropriately fit into the street scene, subject to the limitation of scale on the Edward Street Frontage as noted above.

Loss of Open Space

The site is a steeply sloping grassed area and representations have 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, its primary function is visual rather than a facility 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 this sustainable location would outweigh the visual amenity provided by the land. Further, with appropriate landscaping and careful attention to design at the reserved matters stage, it is considered that an appropriate scheme could be delivered, so maintaining local visual amenity.

Other issues

Contamination: The site historically contained buildings last used as a garage. A phase 1 desk top study has been submitted to formulate an opinion on the potential for hazardous substances 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 UR3.

Public transport: West Yorkshire Metro has provided comments regarding the provision of metro cards for prospective occupiers of the development and states that cards should be provided for 60% of the development. It is recommended that this be ensured by means of an Undertaking under Section 106.

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 UR3 of the Replacement Unitary Development Plan.

Heads of Terms of Section 106 Unilateral Undertaking

Payment prior to occupation of any dwellings of the sum of £4,039.20 to the Council towards the cost of providing discount bus/train travel cards to occupiers of the proposed dwellings.
