

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 22 February 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.	26 Hill Crescent Burley In Wharfedale Ilkley West Yorkshire LS29 7QG - 10/05381/FUL [Approve] (page 1)	Wharfedale
2.	8 Cleasby Road Menston Ilkley West Yorkshire LS29 6JG - 10/04812/HOU [Approve] (page 9)	Wharfedale
3.	Errington House 15 Micklethwaite Lane Bingley West Yorkshire BD16 2AY - 10/06048/RG4 [Approve] (page 14)	Bingley
4.	Land At Grid Ref 415993 436281 Thornhill Avenue Shipley West Yorkshire - 10/02066/MAO [Approve] (page 28)	Windhill And Wrose
5.	Laverly House West Lane Shipley West Yorkshire BD17 5DX - 10/05005/OUT [Approve] (page 39)	Baildon
6.	Menston Hall Low Hall Road Menston Ilkley West Yorkshire - 11/00450/FUL [Approve] (page 48)	Wharfedale
7.	Reevadale Clarence Drive Menston Ilkley West Yorkshire LS29 6AH - 10/03370/FUL [Approve] (page 62)	Wharfedale
8.	Eccleshill Sports And Social Club Kingsway Bradford West Yorkshire BD2 1PN - 10/05087/OUT [Refuse] (page 77)	Windhill And Wrose

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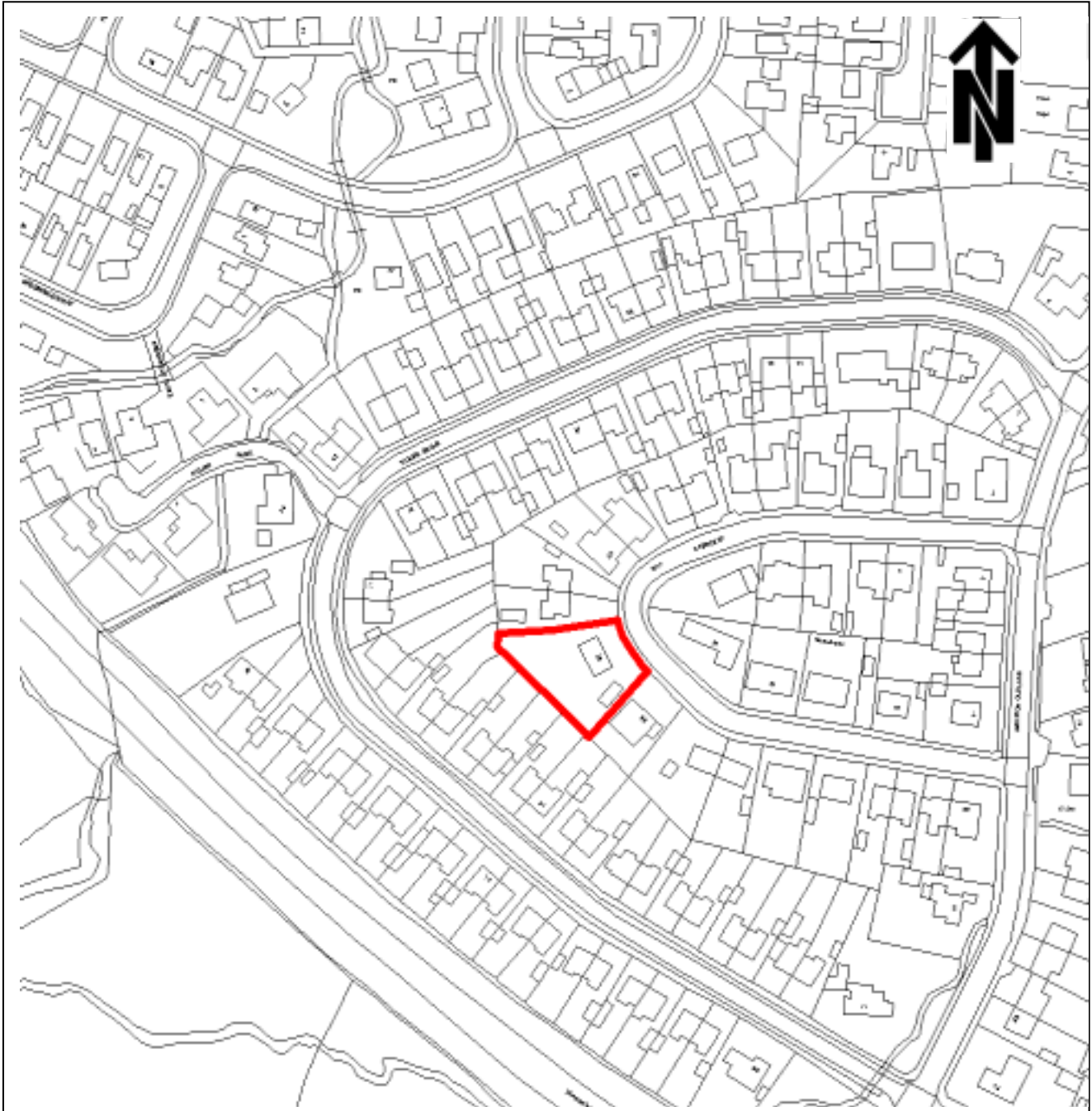
Overview & Scrutiny Area:
Regeneration and Economy



Area Planning Panel (Shipley)

10/05381/FUL

22 February 2011



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ITEM NO. : 1	LOCATION: 26 Hill Crescent Burley In Wharfedale Ilkley
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22 February 2011

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

Application Number:
10/05381/FUL

Type of Application/Proposal and Address:

Full planning application for demolition of existing single storey house and construction of a pair of semi-detached houses at 26 Hill Crescent, Burley-in-Wharfedale LS29 7QG.

Applicant:

Mr Geoff Whiteley

Agent:

Mr Malcolm Bayliss

Site Description:

Hill Crescent is a reasonably level residential street with footways either side. It is lined by a variety of dwellings – mostly dating from the 1950s and 1960s. Some are two-storey, but the majority of dwellings along the street are bungalows. All are set in mature gardens. The application site comprises an existing detached dwelling that has rendered walls and a very steeply sloping red clay tiled roof with dormers. A single detached garage is to one side. Adjoining the site to the north is a pair of conventional two storey semi detached houses at 22-24 Hill Crescent set back from the curve of the street. Adjoining to the south is a detached bungalow at 34 Hill Crescent which is set slightly below the level of the street. The application site backs onto the rear of properties on Holme Grove which are set some distance from the back boundary where there is a 2.5m high clipped conifer hedge. There are some small trees and a hedge on the site frontage.

Relevant Site History:

10/03962/FUL - Demolition of existing single storey house and construction of a pair of three storey semi-detached houses. Withdrawn.

03/03818/FUL - Two storey extension to side, porch to front and conservatory to rear of property. Granted 23.9.03

75/04753: Extension to house. Granted 1975

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated on the RUDP Proposals Map

Proposals and Policies

The following Policies are relevant

UR3 – local planning considerations

D1 – design considerations

TM12 – residential car parking

TM19A- highways safety/traffic management

NR15B – Flood risk

NR16 - Surface water run off and sustainable drainage systems

Parish Council:

Burley Parish Council objects. The Parish Council acknowledges that efforts have been made to reduce the height of the development but is concerned about the increase in depth. The overall design, height and width are considered out of keeping with the street scene. It would be overdevelopment of the site making it over dominant on the neighbouring properties.

Publicity and Number of Representations:

Advertised by letters to 24 neighbours and site notice expiring 03.12.2010. 10 letters of objection have been received.

Summary of Representations Received:

- I object to the third storey dormers. Hill Crescent consists mostly of bungalows
- The new design is an improvement but overall the height and width of the properties is out of keeping with the local character, it is overdevelopment which will make the area feel more “built up”
- The houses would overlook our property and take our light
- No.26 is on a tight bend, it defies belief that there are to be 7 parking spaces.
- The risk of accidents will be high and the increased congestion will block the crescent
- There is already excessive on road car parking overnight, making it difficult to manoeuvre along the road particularly at peak hours. The increased traffic and visitor parking will compound this problem.
- The property is adjacent to a sharp bend in the road and frequent parking outside this house necessitates cars to negotiate the bend on the blind side of the road. • Extra cars would be a traffic hazard
- Cars often park on the pavement forcing pedestrians, including mothers with prams, elderly people and children onto the road thus increasing the risk of accidents
- We note the comments of the highways department; “one extra trip” is meaningless as it fails to take into account the specific circumstances of the site and the occupants, also “vehicle speeds are generally low” our observations show that speeds vary. Most traffic during the day comes from visitors or delivery vans. On street parking can act as traffic calming but not when you cannot see them as on this blind corner
- The pavement opposite No.26 is very narrow
- The amount of free draining area to the front of the house would be greatly reduced creating a flood risk for other properties
- Flooding has recently become a problem in the area
- There is a mature ash tree which will stretch well over the property and whose roots will be under it
- The existing house could be made more thermally efficient without the need for demolition and rebuilding which will require the expenditure of huge amounts of energy
- Access to the rear for emergency services is not provided
- There is an increased fire risk as access to the rear of the properties appears to be only through the garage

Consultations:

Highways DC

Proposal is able to offer 200% car parking within the curtilage of each dwelling. The additional dwelling proposed will only generate one extra vehicle trip in the am and pm peak which can be accommodated within the capacity of the highway network. Conditions are suggested to ensure provision of additional dropped crossing, parking and turning.

Environmental Protection

No objections but suggest a condition restricting construction works to standard hours.

Drainage

Separate drainage system required. Car parking areas to be drained using road type gullies. Development must be undertaken in a manner that does not change ground levels at the site boundary or change overland surface water flows.

Environment Agency

The EA previously objected due to the lack of a flood risk assessment (FRA). Following submission of a FRA the EA confirms it now removes its objection on the condition that the development is constructed in accordance with the FRA document.

West Yorkshire Ecology

This is a "hit" on the bat alert layer and a bat survey prior to demolition of the existing house is advised.

Summary of Main Issues:

1. History – revisions to the proposal
2. Principle/Density
3. Impact on local character – scale and height
4. Impact on local character – appropriateness of design and materials
5. Impact on amenity of adjoining occupiers
6. Highway safety/parking
7. Flood risk
8. Bats

Appraisal:

History and the revisions to the proposal

A previous application on this site - 10/03962/FUL - proposed a pair of semis that were a full three storeys in height. This was opposed by officers as being over dominant and out of keeping with the scale of existing dwellings in this residential street. In addition, the site is within an area of Flood Risk (Flood Zone 2) and the necessary Flood Risk Assessment was not provided. The applicant withdrew that application and has now resubmitted a new scheme following discussions with the Environment Agency and planning officers.

The revised application includes a Flood Risk Assessment. The EA confirms it is satisfied with the FRA and now has no objections.

The height of the pair of semis has been reduced by a storey.

Principle/Density

Being occupied by an existing dwelling, and within the built up area of Burley, the site is appropriate for redevelopment and the additional dwelling will make more effective use of land. The proposal represents a density of 22 dwellings per hectare. This is below the density of 30-50 dwellings per hectare expected by Policy H7 of the RUDP but acceptable in this instance in view of the site constraints and the character of the area.

Impact on local character – scale and height

The applicant was advised that the previously proposed three storey development was totally inappropriate to this area. The applicant has responded by reducing the height by a full storey. The removal of the third storey has lowered the ridge line by around 2m from 11 metres to 9 metres. This is the height of a conventional semi detached house and produces a pair of two storey semis that are of conventional proportions and better balanced with the site and more appropriate to the scale of other houses in the neighbourhood.

Dormer windows are retained to create rooms in the roof space but the use of hipped gables would reduce the overall bulk and mass of the development.

The majority of dwellings in the area are conventional bungalows, some with dormers and rooms in the roof. There are however, some two storey semi detached properties (such as 24 and 22 to the north). The revised design is of commensurate scale to the neighbouring semis and it is not considered that it would be an overly dominant feature in the street scene due to its scale or height. The adjoining property to the south east is a conventional bungalow. However, it is not unusual to have bungalows and houses alongside each other and in this case there a reasonable gap between the two storey section of the proposed houses and the bungalow. The “street scene” elevation now provided by the architect shows this and is considered to demonstrate that the proposed development would be of a reasonable scale in relation to the adjoining dwellings, including 34 Hill Crescent.

The Parish Council remains concerned about the scale of the development – including its width and depth. It is understood the Parish Council is especially concerned about the single storey sections to the sides of each house which accommodate a garage, utility room, hall and kitchen. Whilst the proposed footprint of the pair of semis extends across the width of the site the predominant mass of the two houses would be set well in from the side boundaries of the plot and the single storey components would be well behind the front wall of the dwellings, partly screened from the street by the hedge on the frontage and with pitched roofs which slope away from the side boundaries. This would ensure that when viewed from the street a visual gap between the new dwellings and their neighbours would be retained.

Although it is acknowledged that Hill Crescent includes a large proportion of bungalow properties, conventional semis and detached houses are also present. Given the mix of heights and styles of housing, it is considered that the proposals as now presented would be reasonably related to the existing character of the locality in terms of design, scale, massing, height and materials and accords with Policy D1 of the RUDP.

Impact on local character – appropriateness of design and materials

There are a wide variety of designs of dwelling along this street and in the surrounding area mostly reflecting post war housing styles. The general architectural style of the proposed houses is considered to reflect the 1950s/1960s dwellings seen elsewhere in the area, and the overall appearance would be appropriate and in accordance with the requirements of RUDP Policy D1. The roof is to be half-hipped to limit the bulk of the roof and is an appropriate feature that would not be out of place in the area. The materials proposed are facing brickwork and render plus concrete interlocking tiles. The agent has not specified colours for either but samples of brickwork and roof tile can be reserved for agreement by condition.

Impact on amenity of adjoining occupiers

The site is bounded by a bungalow (34 Hill Crescent) to the south and two conventional semi detached two storey dwellings (22 and 24 Hill Crescent) to the north. The impact of the new development on these adjoining dwellings has been considered. The proposals show retention of sections of existing hedge along the boundaries that would mitigate any impact on these neighbours. While the single storey components extend to the boundaries, the two storey bulk of the houses would be situated 11.3 metres from No 24 and between 6m and 8m from No 34 Hill Crescent. This is considered adequate to prevent over dominance and safeguard the outlook and amenity of occupiers of the neighbouring dwellings.

It is noted that the 34 Hill Crescent has a side facing dormer window which overlooks No.26; it is not clear if the window is to a habitable room but it currently looks out over the existing single garage. The proposed single storey component to the proposed dwelling would be set further back from the site frontage but nearer to the shared boundary than the existing garage. However, it is not considered that this element of the building will have a significant detrimental impact on the outlook from the side window in No. 34 compared with the existing situation.

The new dwellings would have no ground floor windows facing the side boundaries but would have two 1st floor windows in the side walls serving a bathroom and landing. Providing these are obscure glazed, it is not considered that these windows would affect privacy to the adjoining neighbours. A condition to require obscure glazing is recommended.

To the rear of the application are semi detached properties on Holme Grove with long back gardens stretching down to the site. These houses are set some distance from the back boundary of the application site, along which there is a 2.5m high clipped conifer hedge. The proposed new dwellings are a minimum of 10.5m to the rear boundary and there is a distance of 28m to the closest house on Holme Grove. It is acknowledged that the scheme includes dormer windows in the roof of the new houses, but the relationship and separation to the houses on Holme Grove and their gardens is considered within acceptable and the scheme will not cause any significant loss of amenity for the occupiers of these properties.

In conclusion, separation distances from adjacent dwellings are more than adequate and no issues of overlooking or overshadowing are foreseen. Overall it is not considered that the development would have a significant impact on residential amenity.

Highway safety/Parking

Although concerns of local residents on this issue have been given careful consideration, the Council's Highway Officer has no objections to the one additional dwelling proposed by this scheme and considers that the additional traffic movements from one extra house would be of limited scale and can be safely accommodated. Hill Crescent is designed to normal standards and is a reasonably level street. Residents are concerned about what is described as an acute bend in the road and report a good deal of on-street parking congestion overnight. However, during the day, the road is generally quiet and lightly trafficked. Each of the dwellings proposed includes a garage and drives of 11 and 12 metres length. Each house would therefore be provided with in excess of 200% off street car parking. The Council's Highways DC Officer confirms that refusal on grounds of the limited additional traffic generation from just one extra house would not be justified on highway safety grounds. The site already benefits from two appropriately located dropped crossings that correspond to the proposed new drives.

Flood Risk

The site partly falls within Flood Zone 3 and partly within Flood Zone 2 as defined by the Environment Agency. The application now includes a flood risk assessment which proposes that finished floor levels should be no lower than floor levels in the existing house, that surface water run-off should be limited to the run off from the site in its undeveloped state and proposing some basic flood proofing measures for the new houses. The Flood Risk assessment proposals are acceptable to the Environment Agency which confirms withdrawal of its previous objection. A condition to secure implementation of the flood mitigation measures is recommended by the EA and should be imposed on any permission.

Bats

The site is noted by West Yorkshire Ecology Service to be in the “bat alert layer” but after closer assessment is actually some distance from the nearest habitat that would be suitable for bats. The existing house has a very steeply sloped roof with inhabited rooms in the roof space providing limited capacity for bats to roost. Given these factors, it is not considered that there is a reasonable likelihood of bats being present nor that the nature and location of a development is such that nature conservation impacts would be significant. The existing house could be demolished under permitted development rights and given the low probability of bats being present, it is considered that requiring ecological surveys in advance of determining a planning application would be unreasonable in this instance. The legal status of bats and the responsibilities of the developer to protect roosts before commencing demolition can be highlighted via a footnote on the planning consent. The Council’s ecological consultants have not proposed any specific bat mitigation measures.

Community Safety Implications:

None apparent

Reason for Granting Planning Permission:

The development will have no significant adverse effects on local amenity, the amenity of neighbours or the character of the local environment. The design is considered sympathetic to its setting in terms of design, scale, height, massing and materials. The level of parking provision is found to be adequate and it is not considered that the development will have a detrimental impact on highway safety. It complies with Policies UDP3, UR2, UR3, TM12, TM19a and D1 of the Bradford Replacement Unitary Development Plan.

Conditions of Approval:

1. 3 years for commencement of development.
2. The development hereby approved shall only be carried out in accordance with the approved plans 21.40.11 Proposed Layout and 21.40.12 Proposed Site Layout received by the Council on 29th October 2010.

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

3. The development permitted by this planning permission shall only be carried out in accordance with the Flood Risk Assessment (FRA) by Hutchinson Whitlam Associates (Reference 10101689/PH) dated 26th October 2010, and the following mitigation methods detailed in the FRA shall be incorporated into the development :

Limiting the surface water run-off generated by the site so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off site.

Incorporation of the flood proofing measures detailed on page 3 of the FRA in the approved development.

Finished floor in the new houses shall be set no lower than the existing finished floor levels within the buildings to be demolished, or no lower than the level of the road frontage of the site as detailed on Page 2 of the FRA.

Reason : To prevent or reduce the impact of flooding and to accord with Policies UR3, NR15B and NR16 of the Replacement Unitary Development Plan.

4. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

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.

5. Before any part of the development is brought into use, the off street parking areas shall be laid out, hard surfaced, sealed and drained within the site in accordance with details shown on the approved plan numbered 21.40.12 and retained whilst ever the development is in use.

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

6. Construction work, including any works of demolition associated with the approved development, shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays and Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

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

7. The windows at 1st floor level in the side elevations of the dwellings hereby permitted shall be glazed in obscure glass prior to the first occupation of the dwellings hereby approved and thereafter retained.

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

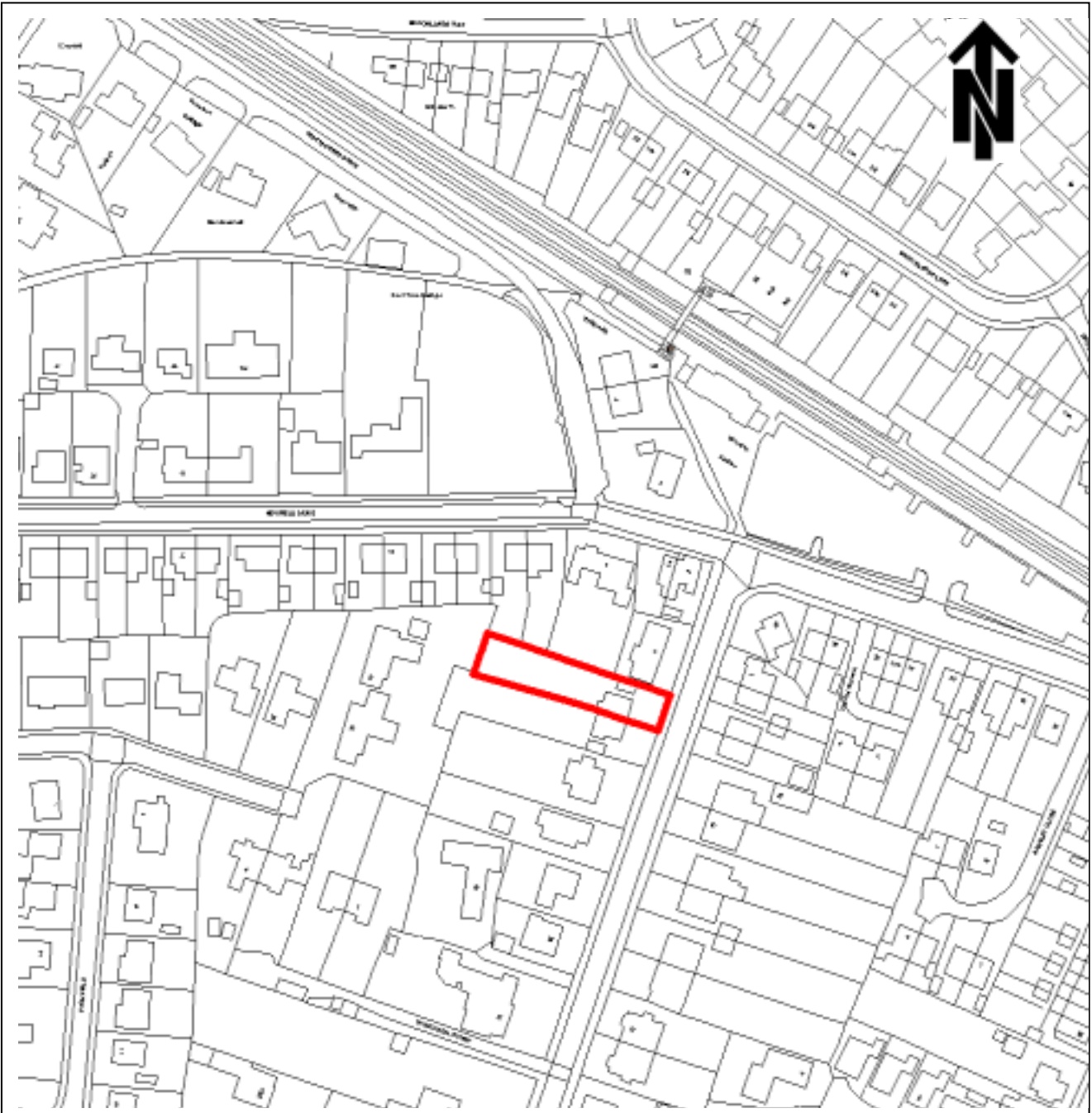
FOOTNOTE:

Advise applicant of legal responsibilities in relation to bats.

Area Planning Panel (Shipley)

10/04812/HOU

22 February 2011



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ITEM NO. : 2

LOCATION:

**8 Cleasby Road
Menston
Ilkley**

22 February 2011

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

Application Number:
10/04812/HOU

Type of Application/Proposal and Address:

A Householder application for the construction of a first floor side extension over an existing ground floor extension at No 8, Cleasby Road, Menston, LS29 6JG.

Applicant:

Mr Steven Burrows

Agent:

Martin Smith Designs

Site Description:

The site is located in an established residential area comprising of a mixture of semi-detached and detached dwellings.

The application property is semi-detached and is constructed from brick/rendered walls, concrete roof tiles and white UPVC window frames.

Relevant Site History:

06/07971/FUL - First floor extension over existing kitchen/dining room - Refused 12/12/2006
02/01415/FUL - Single storey extension to side of property to form extended kitchen and dining area - Approved 13/06/2002

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated

Proposals and Policies

D1 General Design Considerations
UR3 The Local Impact of Development
TM19A Traffic Management and Road Safety
D4 Community Safety

Supplementary Planning Guidance - Revised House Extensions Policy

Parish Council:

Menston Parish Council recommends approval

Publicity and Number of Representations:

The application was advertised by Neighbour notification letters. Expiry date 23rd November 2010. No representations were received.

Due to the applicant's agent being an elected member, the application is being referred to the Area Planning Panel.

Summary of Representations Received:

Not applicable

Consultations:

None

Summary of Main Issues:

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

Appraisal:

The proposal involves the construction of a first floor extension over an existing ground floor extension to provide a bedroom and en-suite at No 8 Cleasby Road.

Impact on Local Environment:

The proposed first floor extension will be set back 3.7 metres from the principle elevation of the original dwellings being sited directly above the existing ground floor side extension. The extension is designed to be sympathetic to the appearance of the original dwelling. Owing to the fact that the extension will be set back from the frontage and of a lower height it will be subservient to the main dwelling and maintain the symmetry of the pair of semi detached dwellings.

The proposal incorporates materials that are in-keeping with the existing dwelling, compliant with policy No 1 of the Revised House Extensions Policy (2003).

The proposed first floor extension is not considered to cause any harm to the appearance of the existing dwelling or wider surrounding street scene.

Therefore in terms of visual amenity, the proposal is considered compliant with policies D1 and UR3 of the Replacement Unitary Development Plan (2005) and Guidance contained within the councils Revised House Extensions Policy (2003).

Impact on Neighbouring Occupants:

The extension will extend along the side and to the rear of the application property having an overall depth of 8.7m. It will be set 1.5 metres from the boundary with No.s 6 Cleasby Road and 1 Newfield Drive to the north. There is an existing hedge in the region of 4m high along the boundary between No 8 Cleasby Road and 1 Newfield Drive. The extension will impinge on the outlook from No. 6 Cleasby Road but in view of the distance of the extension to the nearest rear facing window at No. 6, the overall height of the proposed extension and the existing high hedge it is not considered that the extension will have a significant adverse impact on the light to or outlook from the rear facing windows of No. 6 Cleasby Road.

Increasing the height of the existing single storey extension at No. 6 will result in some overshadowing in the afternoon of the gardens of No.s 6 Cleasby Road and 1 Newfield Drive. However in view of the height of the existing boundary hedge which is almost to the height of the eaves of the proposed extension it is not considered that the overshadowing will be significantly greater than at present.

The extension will be set 6m from the boundary with No. 10 Cleasby Road and will not adversely affect the outlook from this neighbouring dwelling.

Windows are proposed in the front and rear elevations of the proposed extension and the side elevation facing No. 10 Cleasby Road. The window in the front elevation will serve a bathroom and be obscure glazed and will not create any overlooking issues.

The window in the rear elevation of the first floor extension faces down the rear garden which is over 30m deep and the existing boundary hedge limits views into the garden of 1 Newfield Drive. The new window in the south facing side elevation will face the garden of 10 Cleasby Road but this window is shown as incorporating obscure glazing which will prevent overlooking. Any approval can be conditioned to ensure the obscure glazing is retained.

It is not considered that the proposed extension will cause any significant harm to the residential amenity of neighbouring occupants and in this respect the proposal is deemed acceptable when measured against policies UR3 and D1 of the Replacement Unitary Development Plan (2005) and the supplementary planning guidance contained within the council's Revised House Extensions Policy (2003).

Impact on Highway Safety:

The proposal will retain sufficient off street parking and poses no apparent threat to highway safety and as such will comply with policy TM19A of the Replacement Unitary Development Plan.

Community Safety Implications:

There are no apparent community safety issues.

Reason for Granting Planning Permission:

The proposed first floor extension is considered to relate satisfactorily to the character of the existing dwelling and wider surrounding area. The impact of the first floor extension upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significantly adverse effect upon their residential amenity or the surrounding highway safety. As such this proposal is considered to be in accordance with Policy UR3 and D1 of the Replacement Unitary Development Plan (2005) and guidance contained within the Revised House Extensions Policy (2003)

Conditions of Approval:

1. Time Limit 3 Years On after
2. The development hereby approved shall only be carried out in accordance with the approved plans listed below:
 1. Drawing Number 10/528/2 Date August 10
 2. Drawing Number 10/528/1 Date August 10
Received by the Council on 29/9/2010

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

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

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

4. The bedroom window in the south facing elevation of the first floor extension hereby permitted shall be glazed in obscure glass prior to the first occupation of the building/extension and thereafter retained.

Reason: To prevent overlooking or loss of privacy to adjacent occupiers and to accord with Policy UR3 of the Replacement Unitary Development Plan (2005)

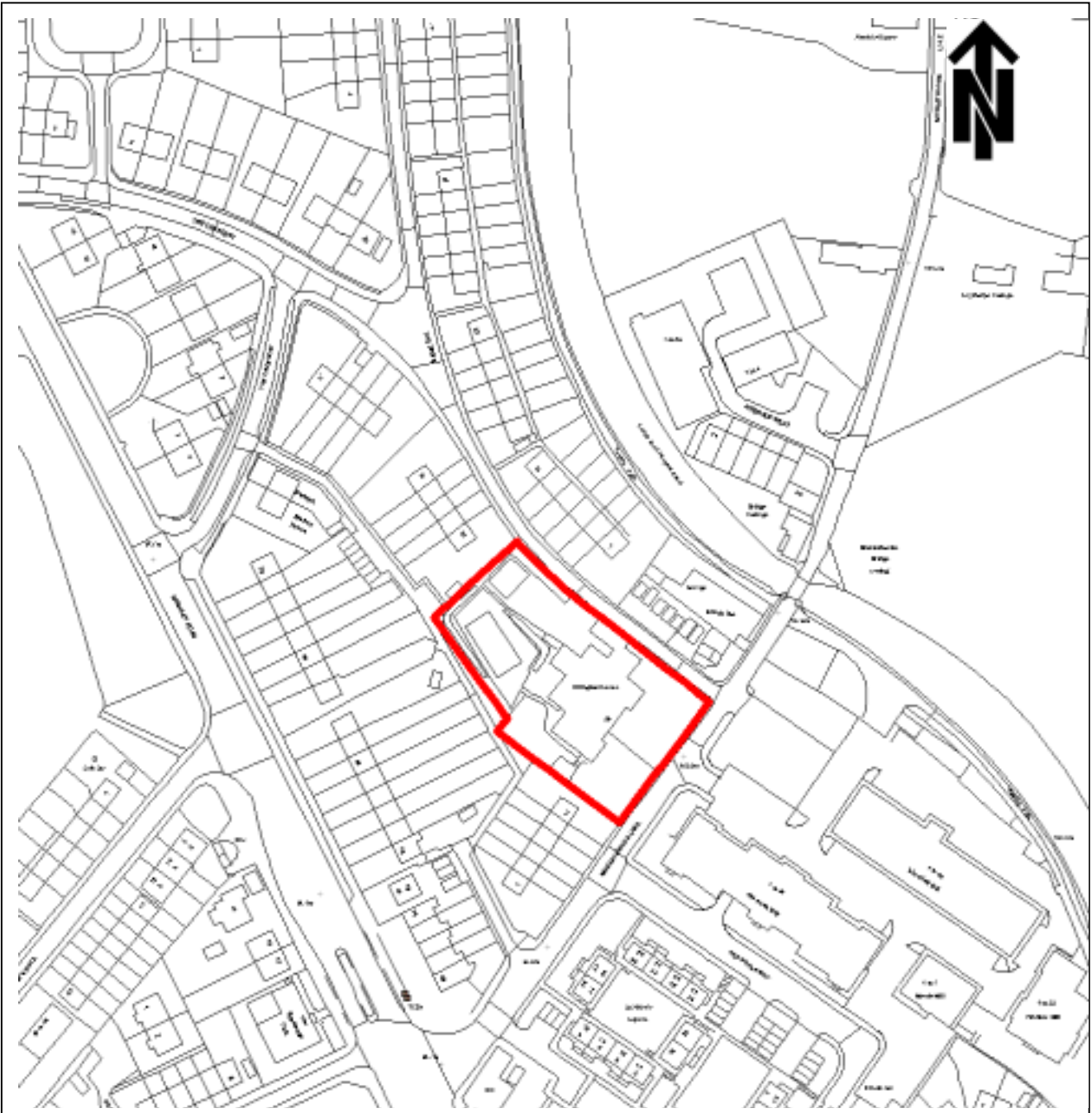
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows or other openings shall be formed in the first floor extension without prior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

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy UR3 of the Replacement Unitary Development Plan (2005)

Area Planning Panel (Shipley)

10/06048/RG4

22 February 2011



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ITEM NO. : 3

LOCATION:

**Errington House
15 Micklethwaite Lane
Bingley**

22 February 2011

Item Number: 3
Ward: BINGLEY

Recommendation:
TO APPROVE SUBJECT TO CONDITIONS AND A UNILATERAL UNDERTAKING

Application Number:
10/06048/RG4

Type of Application/Proposal and Address:

Outline application for the demolition of the existing building and the construction of 14 dwellings at Errington House, Micklethwaite Lane, Crossflatts, Bingley. Means of access and layout are to be considered within this application.

Applicant:

City of Bradford Metropolitan District Council

Agent:

Janet Keenan

Site Description:

This rectangular shaped application site comprises 0.33 hectares in extent. The site slopes markedly from north to south and has frontages to both Micklethwaite Lane and to The Drive. Tree Preservation Order 0791 exists on the site and covers a group of trees in the north-western apex of the site (trees T1 to G6).

There is an existing two storey building, Errington House on the site along with a large portakabin in the rear of the site. Errington House is currently vacant but was formerly used by BMDC as offices. There are currently two accesses to the site, one off Micklethwaite Lane and on off The Drive. Public footpath Bingley 603 abuts the south western boundary of the site.

The general locality on this part of Micklethwaite Lane is residential. To the north, along Micklethwaite Lane lies the Leeds Liverpool Canal and the Leeds-Liverpool Canal conservation area and Site of Ecological/Geological Interest (SEGI). To the south, Micklethwaite Lane runs down to Keighley Road and to connections to buses running along Keighley Road and the trains at Crossflatts Station.

Relevant Site History:

There is no recent development history for this site. The site has most recently been used as offices but was originally used as a school.

Planning application 10/01381/OUT for the demolition of the existing building and construction of 14 dwellings was withdrawn from determination.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is Brownfield and is unallocated within the Replacement Unitary Development Plan. Public footpath Bingley 603 abuts the south west of the site.

Proposals and Policies

UDP1 – Promoting sustainable patterns of development
UDP2 – Restraining development
UDP3 – Quality of built and natural environment
UDP7 – Reducing the need to travel
UR2 – Promoting sustainable development
UR3 – The local impact of development
E3 - Protecting existing employment land and buildings in urban areas
H7 – Housing Density
H8 - Housing Density - Efficient Use of land
H9 – Affordable housing
TM2 – Impact of traffic and its mitigation
TM12 - Residential parking
TM19A – Traffic management and road safety
D1 – General design considerations
D4 – Community safety
BH10 - Open Space within and adjacent to conservation areas
BH20 - The Leeds Liverpool Canal
CF2 - Education contributions in new residential development
OS5 - New Open space provision
NE4 - Trees and Woodland
NE5 - Retention of trees on development sites
NE6 - Protection of trees during development
NE9 - Other sites of landscape or wildlife interest
NE10 - Protection of natural features and species
NE11 - Ecological appraisals
NR16 – Surface Water Run off and Sustainable Drainage Systems

Leeds and Liverpool Canal Conservation Area Assessment

Parish Council:

Not applicable

Publicity and Number of Representations:

Site notices were displayed at the site and individual neighbourhood notifications were also carried out with the statutory period of expiry date for comments being 28 January. Twelve letters of representations have been received objecting to the development.

Summary of Representations Received:

(In no particular order of importance)

We should not be developing this area in a piecemeal fashion and this application should not be taken in isolation from the Sty Lane development and land at Airedale House.

The development is out of keeping with the surroundings

Traffic and pedestrian safety

Traffic congestion,

Inadequate highway provisions will compromise residents' amenity

The Council should be more socially responsible - should look for more options for the building

The area has substantial amounts of empty properties

The existing building should be retained/conserved - its loss undermines the architectural heritage of the area which is on the edge of a conservation area

Generation of more traffic over the overburdened Micklethwaite swing bridge

The road is a rat run with extremely narrow/non-existent pavements and not enough room for tow vehicles to pass in places

The existing building is in sound structural condition and capable of adaptation for a variety of future uses

The existing building provides positive visual character to Crossflatts

The demolition of the building is not sustainable and there are many examples of former school buildings which have been successfully converted to residential use

The building could be put to use as a non residential use such as an office/workshop, medical/dental suite or other mixed community uses.

There will be an adverse impact on the wildlife and the SSSI

There is not sufficient parking for the development

The timing of the submission is poor in that it was during the Christmas period when the Council are more likely to get as few public comments as possible.

The houses will overlook and overshadow the adjoining property with the ridge line 4 metres above the neighbouring one

Construction will be 3 metres away from an existing building whereas the existing building is 9 metres away

The rear windows of the terrace on The Drive will all overlook the neighbouring property garden

All the previous objections to 10/01381/OUT should be considered with this application since there is no substantial change.

The local schools are already full and this is a ready made building for that purpose

Local amenities such as shops, buses, doctors are already overstretched in this area.

Where in the application will the existing facade of this attractive building be retained?

This building would be better used as a village hall

The Drive is much too narrow to accommodate extra traffic.

Consultations:

Local Development Framework - Policy Section - No objections in principle to a residential use. The proposal is located in an urban area on unallocated Brownfield land in proximity to facilities and services.

Highways (Development Control) Section – The amended plan 2980(P) 02F addresses all highway concerns and therefore there are no objections in principle.

The applicant will be required to enter into a Section 278 agreement in order to carry out the off site highway works on The Drive and Micklethwaite Lane. Suggested conditions are attached to any permission granted.

Yorkshire Water – no comments received.

Environmental Protection (Contamination) - After reviewing all the technical and scientific information suggested conditions are attached to any permission to ensure the submission of a Phase II risk assessment, remediation/mitigation measures and verification report.

Environment Agency – There are no objections in principle but recommend a condition regarding surface water drainage is attached to any permission granted.

Drainage Section – Suggested conditions to be attached to any permission granted.

Landscaping Section – The existing stone boundary wall to Micklethwaite Lane should be retained (albeit re-built using the existing materials in a matching style). A high quality railing

detail should be installed on top of the wall in a traditional style. The railings should be stepped.

West Yorkshire Ecology – The building falls within the bat alert layer. As such it is proposed to demolish the property expect to see a bat survey and assessment before the application is determined. Any comments with regard to the bat report submission will be reported orally.

Rights of Way Section - No objections to the proposals

British Waterways - No objections (as detailed on application 10/01381/OUT)

Metro - Future residents should all be offered one years free public transport travel cards. The new scheme requires the applicant to provide discounted tickets to 60% of the total number of units on the site over a 3 year period on a first come first served basis.

Education Section – There is a need to request a contribution towards both primacy and secondary educational resources.

The nearest primary schools are Crossflatts, East Morton CE and Eldwick which are all full and adding to this there is an increase in population within this area so a primacy contribution is required.

The nearest secondary schools are Bingley Grammar and Beckfoot which area full and adding to this there is an increase in population within this area so a primacy contribution is required.

Primary Provision: 2 children x 7 year groups x 14/100 houses x £11,648 = £22,830.
Secondary Provision: 2 children x 6 year groups x 14/100 houses x £12,688 = 21,316
Total contribution for education = £44,146

Parks and Landscaping Section – In lieu of on site public open space and to meet demand in the areas we would request that an off site recreation contribution of £13,902 is sought from the developer.

Summary of Main Issues:

1. Principle of development
2. Sustainability/housing density
3. Highway and pedestrian safety
4. Impact on the amenities of the nearby properties and the surrounding location
5. Other impacts:- contamination, flooding/drainage, ecology
6. Use of planning conditions/ S106 legal agreements/Contributions
7. Comments on representations made
8. Community Safety

Appraisal:

1. Outline permission is sought for the erection of the following development: -
Two terraces each comprising 7 dwellings (a mix of 3 and 4 bedroom properties) following the demolition of the existing buildings on the site. One terrace will front onto and have access from Micklethwaite Lane whilst the other will front onto and;
provision of new access road to the site from Micklethwaite Lane following the closing of the existing access and widening of the existing site access only The Drive.

Only means of access and layout of the development are to be considered as part of this outline submission.

Principle of development

2. The site and buildings are currently used as offices. Within the Replacement Unitary Development Plan (RUDP) for the Bradford District the site is unallocated. Policies H7 and E3 of the Replacement Unitary Development Plan policies are particularly relevant in the context of this application.

3. The proposal is within the town of Bingley, is less than 0.4 hectares in size and is not within an employment zone so it is considered that the redevelopment of the site for alternative uses other than a commercial use in terms of policy E3 is acceptable. Policy H7 advises that proposals for residential development will be acceptable in principle provided the site is developed for a suitable density. As such, in terms of the above policies, it is considered that the principle of housing development on this site is acceptable.

4. With regard to the demolition of the existing building on the site, it is regrettable that such a building will be lost although it must be noted that it is not listed nor is it within a conservation area.

Sustainability/Density

5. The application site is a fairly regular shaped parcel of land which is 0.33 hectares in extent. The whole of the site is in a good quality public transport corridor which is within 800m radii around the railway station and within close proximity to the 10 minute bus route along Keighley Road. Replacement Unitary Development Plan policy H7 states that in good quality public transport corridors planning permission will only be granted if a minimum density of 50 dwellings per hectare is proposed.

6. The density currently proposed (42 dwellings per hectare) is considered acceptable in this particular instance due to topography constraints of the site and the presence of a TPO in the north western apex of the site. As such, the proposal is considered to accord with policies H7 and H8 of the Replacement Unitary Development Plan and the expectations of PPS1 and PPS3, each of which promotes to use land effectively and efficiently.

Effects on the amenities of the surrounding properties and locality

7. Details of scale, appearance and landscaping area reserved for future reserved matters applications. In terms of the layout of the proposed scheme, it is considered appropriate that two terraces are formed each fronting either Micklethwaite Lane or The Drive. Although no design details form part of this submission, plots 1-7 are shown to cascade down Micklethwaite Lane and the building line along this Lane will be respected. Plots 8-14 which front The Drive will form a terrace which allows a suitable development distance to be maintained to the root protection areas of the preserved trees in the north western apex.

8. The surrounding locality is primarily residential in character. It is considered that the proposal will not unduly detract from the amenities of this locality in terms of the provision of two terraces of residential properties on this Brownfield site. No undue impacts will be created on the Right of Way which abuts the site nor will any undue impact be created on the nearby Leeds – Liverpool Conservation Area.

Highway Safety

9. The proposal is considered to be acceptable in highway and pedestrian safety terms and as such accords with policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan. Conditions are recommended to be attached to any planning permission to ensure that suitable parking provision is provided and a Traffic Regulation Order will be provided along the front of Micklethwaite Lane. The applicants have also agreed to provide Metro cards for the development in accordance with our usual requirements. This facility is welcomed and will aid in the promotion of public transport in this locality.

Other impacts: - contamination, flooding/drainage, biodiversity

Flooding/drainage

10. The Environment Agency considers the development to be satisfactory. Conditions to ensure appropriate surface water mitigation and drainage measures are carried out are suggested for any permission granted.

Contamination

11. No development was evident on the site prior to the building of a school. The submitted Phase I contamination reports advises that a site investigation is required as there is the potential of possible contamination from made ground and from activities close to the NE. As such conditions are recommended to ensure that the site is remediated appropriately and development of this site is 'fit for purpose'

Biodiversity

12. Whilst Policy NE10 of the RUDP states that wildlife habitats accommodating protected species will be protected by the use of Planning conditions/obligations it is clear from the supporting text and Policy NE11 that an ecological appraisal should be submitted with a planning application so that the Local Planning Authority can 'assess the potential impact of the proposed development prior to the consideration of granting planning permission.'

13. An appropriate survey has been submitted which did not find any evidence of bat or nesting bird occupation.

Use of planning conditions/ S106/278 agreements/Contributions

14. To accord with policy UR6 of the Replacement Unitary Development Plan, development such as the one proposed should provide the necessary obligations for the provision of social infrastructure such as recreational provision, education contributions, and public transport encouragement (in this instance the provision of metro cards).

15. Policy OS5 of the RUDP requires that new residential development make appropriate provision of or equivalent commuted payment for recreational open space. No formal recreational space (with children's play facilities) is provided within the development and as such there is a requirement for a commuted sum of £13,902 in lieu of on site play and formal recreational provision which will be spent in the near locality enhancing the existing facilities.

16. Policy CF2 of the RUDP requires that new housing proposals, which result in an increased demand for educational facilities which cannot be met by existing schools, shall provide a contribution towards new or extended facilities. The education sum required for this development is £44,146.

17. In light of the above policies and the requirements requested by consultees, it is considered necessary for the developer to enter into a S106 legal agreement that will address the above issues in detail. Head of Terms of any agreement should include: -

Payment of contribution of £44,146 towards the provision or enhancement of education infrastructure within the wards of Bingley and or Bingley Rural.;

Payment of contribution of £13,902 towards provision of recreation in the nearby vicinity of the site

Payment of £6,120 to participate in the residential metro card scheme.

To enter into a section 278 agreement to secure necessary highway works.

The payment of £5000 to fund necessary traffic regulation orders along Micklethwaite Lane

Comments on representations made

18. Material issues raised in representations have been addressed in the appraisal to this report above. Whilst the loss of the existing building is regrettable, this building is not listed nor is it within the conservation area. Highway/parking details are in accordance with the Councils adopted standards and as such it considered that highway safety will not be compromised by the proposed development. Full design details of the proposed dwellings will be considered in any future reserved matter application.

Community Safety Implications:

19. There is no objection in principle from a community safety point of view. Appropriate details can be designed/or conditions can be attached to any reserved matters application permission to deal with the issues of defining public/private space, lighting, landscaping and property security.

Reason for Granting Planning Permission:

In granting permission for this development the Council has taken into account all material planning considerations including those arising from the comments of many statutory and other consultees, public representations about the application and Government Guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and the content and policies within the Supplementary Planning Guidance and The Development Plan consisting of The Yorkshire and Humber Plan - regional Spatial strategy 2008 and the Replacement Unitary Development Plan for the Bradford District 2005.

The Council considers that the following matters justify the grant of planning permission:

The development of this site with a suitable residential scheme is considered a beneficial reuse of an underutilised site that gives the opportunity to provide a sustainable pattern of housing within the existing urban fabric of Bingley. The effect of the proposal on the conservation area, the Site of Special Ecological Interest, the surrounding locality and the adjacent neighbouring properties has been assessed and is considered acceptable. The provision of accesses in the manner and locations proposed is appropriate and parking provision can be made to accord with the sustainable location of the development whilst mitigation measures will encourage public transport usage. As such, the proposal is considered acceptable in that it allows for an appropriate redevelopment of a Brownfield site in a sustainable location. Overall, it is considered that the provision of a scheme in the manner proposed is in conformity with the principles outlined within the Replacement Unitary Development Plan and policies UDP1, UDP3, UDP7, UR2, UR3, E3, H7, H8, TM2, TM12, TM19A, D1, D4, BH10, BH20, CF2, OS5, NE4, NE5, NE6, NE10, NE11 and NR16.

Conditions of Approval:

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

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

2. The development to which this notice relates must be begun not later than whichever is the later of the following dates:
 - i) the expiration of five years from the date of this notice, or
 - ii) 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.

3. Before any development is begun plans showing the:

- i) appearance,
- ii) landscaping,
- iii) and scale,

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 following plans ***.

Reason: For the avoidance of doubt as to the terms under which this outline planning permission has been granted since amended plans have been received and to accord with policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

5. Any application for the reserved matter of layout shall include plans showing the following:

- i) adequate cross sections of the site,
- ii) details of the existing and proposed ground levels,
- iii) proposed finished floor levels of buildings,
- iv) levels of any paths, drives, garages and parking areas,
- v) height of any retaining walls,

and the development shall be carried out in accordance with the details so approved.

Reason: To ensure that works are carried out at suitable levels in relation to adjoining properties and highways and in the interests of visual amenity and to accord with Policy UR3 of the Replacement Unitary Development Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no development falling within Classes A, B, C, D and E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: In order to protect the amenities of the surrounding locality and properties and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

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

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

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

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

9. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

- (i) A preliminary risk assessment that has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site.
- (ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (iii) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the site is remediated to an acceptable level and to accord with policy UR3 of the Replacement Unitary Development Plan.

10. Prior to development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To ensure the site is remediated to an acceptable level and to accord with policy UR3 of the Replacement Unitary Development Plan.

11. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure the site is remediated to an appropriate standard, to deal with any site contamination in a comprehensive manner and to accord with policy UR3 of the Replacement Unitary Development Plan.

12. The development shall not begin until a plan showing the positions, design and materials of boundary treatments has been submitted to and approved in writing by the LPA. The treatments so approved shall then be provided in full prior to the first occupation of the dwellings and shall thereafter be retained

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

13. 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.

14. Surface water drainage from areas of hard standing shall be passed through a trapped gully or series of trapped gullies, prior to being discharged into any watercourse, soakaway or surface water sewer. The gully/gullies shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the gully/gullies.

Reason: To reduce the risk of pollution to the water environment and to accord with policy UR3 of the Replacement Unitary Development Plan.

15. 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 2980(P) 02F 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

16. Concurrently with the construction of the new access and prior to it being brought into use, the existing vehicular access to the site shall be permanently closed off with a full kerb face, and the footway returned to full footway status, in accordance with the approved plan numbered 2980(P) 02F.

Reason: In the interest of highway safety and to accord with policy TM19A of the Replacement Unitary Development Plan

17. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered 2980(P) 02F shall be laid out and there shall be no obstruction to visibility exceeding 900 mm in height within the splays so formed about the road level of the adjacent highway.

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.

18. Before any part of the development is brought into use, the adoptable visibility splays shall be laid out, hard surfaced, sealed and drained within the highway in accordance with the approved plan numbered 2980(P) 02F.

Reason: In the interest of highway safety and to accord with policy TM19A of the Replacement Unitary Development Plan

19. Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan numbered 2980(P) 02F and retained whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse onto or from the highway, in the interest of highway safety and to accord with policy TM19A of the Replacement Unitary Development plan.

20. 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 drains. 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.

21. Works to the Drive and Micklethwaite Lane shall be carried out before any part of the development is brought into use in accordance with the approved plan numbered 2980(P) 02F and to a specification to be submitted to and approved in writing by the Local Planning Authority.

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

22. The development shall not be begun, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until a Tree Protection Plan showing Root Protection Areas and location of temporary Tree Protective Fencing has been submitted to and approved in writing by the Local Planning Authority.

The Tree Protection Plan shall be to a minimum standard as indicated in BS 5837 (2005) Trees In Relation To Construction Recommendations and show the temporary Tree Protective Fencing being at least 2.3m in height of scaffold type construction and secured by chipboard panels or similar. The position of the temporary Tree Protective Fencing will be outside Root Protection Areas (unless otherwise agreed with the Local Planning Authority) as shown on the Tree Protection Plan.

The development shall not be begun, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted in the Tree Protection Plan as approved by the Local Planning Authority. The temporary Tree Protective Fencing shall be driven at least 0.6m into the ground and remain in the location as shown in the approved Tree Protection Plan and shall not move or be moved for the duration of the development.

The Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing and have confirmed in writing that it is erected in accordance with the approved Tree Protection Plan.

No development, excavations, engineering works and storage of materials or equipment shall take place within the Root Protection Areas for the duration of the development without written consent by the Local Planning Authority.

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

Heads of Terms of the Unilateral Undertaking

Payment of contribution of £44,146 towards the provision or enhancement of education infrastructure within the wards of Bingley and or Bingley Rural.;

Payment of contribution of £13,902 towards provision of recreation in the nearby vicinity of the site

Payment of £6,120 to participate in the residential metro card scheme.

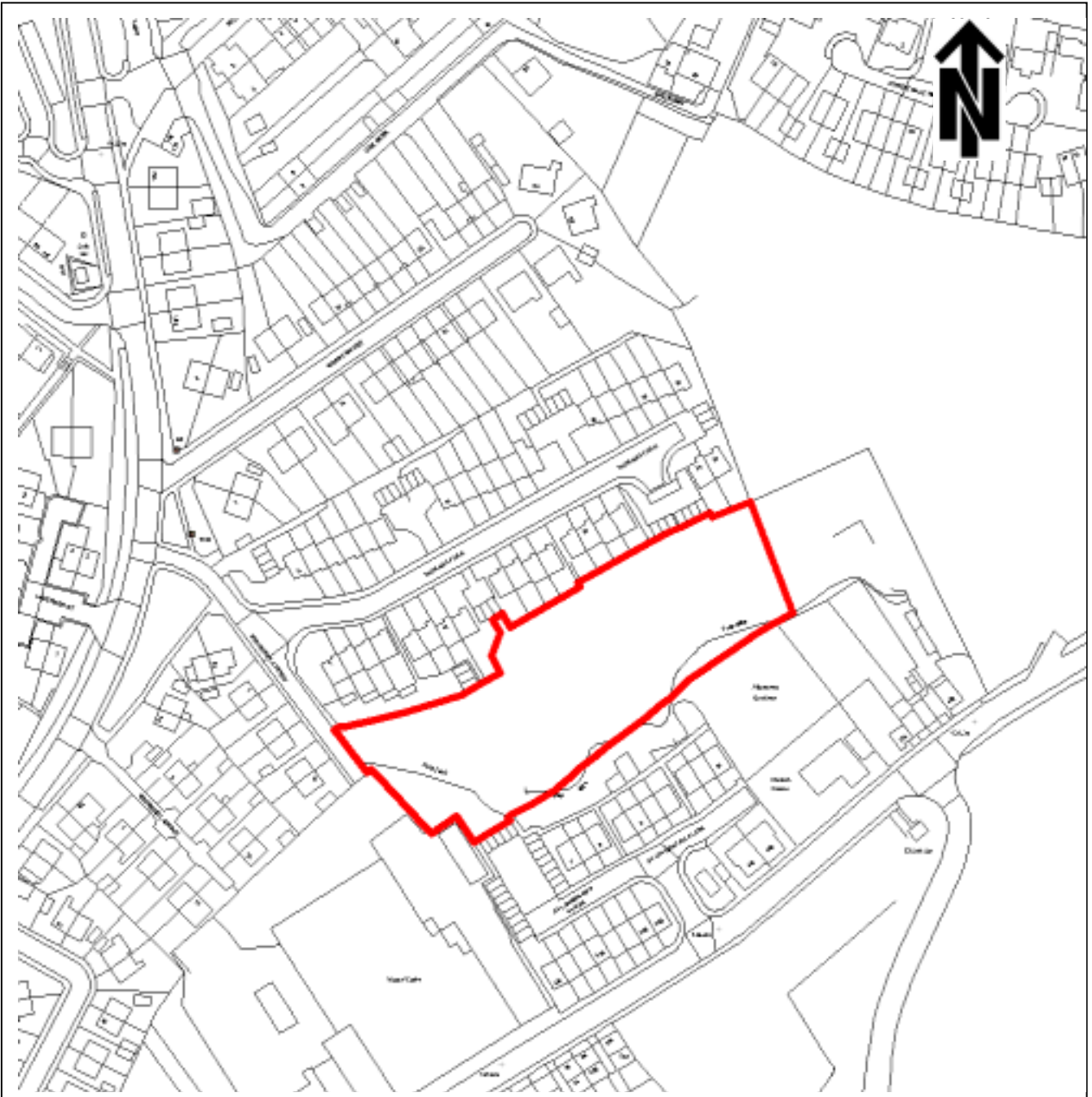
To enter into a section 278 agreement to secure necessary highway works.

The payment of £5000 to fund necessary traffic regulation orders along Micklethwaite Lane

Area Planning Panel (Shipley)

10/02066/MAO

22 February 2011



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<p>ITEM NO. : 4</p>	<p>LOCATION: Land At Grid Ref 415993 436281 Thornhill Avenue Shipley</p>
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22 February 2011

Item Number: 4
Ward: WINDHILL AND WROSE

Recommendation:
TO GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 AGREEMENT AND CONDITIONS

Application Number:
10/02066/MAO

Type of Application/Proposal and Address:
An outline planning permission for the construction of 21 dwellings. Landscaping is reserved with all other matters submitted for formal consideration.

Applicant:
G and W Developments

Agent:
CB Richard Ellis

Site Description:
The site is a designated phase II housing site covering approximately 0.6 ha. The site is accessed by road from Thornhill Avenue and also from the St. Laurences Close to the south. A public right of way runs through the west edge of the site, linking St. Laurences Close with Thornhill Avenue. The site is not level – it consists of a sloping profile with increasing height from the south of the site to the north. A number of trees are located mainly to the southern part of the site which is covered by a Tree Preservation Order and form a belt running from west to east.

Relevant Site History:
09/02104/OUT: Development of 24 residential units with associated works and access arrangements (withdrawn 31/07/2009)

Replacement Unitary Development Plan (RUDP):
Allocation
Phase II housing site

Proposals and Policies

UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
D1	General Design Considerations
D4	Community Safety
D5	Landscaping
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
NE4	Trees and woodland
NE5	Protection of trees on development sites
NE6	Protection of Trees During Development

NE10	Protection of Natural Features and Species
H9	Affordable Housing
NE11	Ecological Appraisals
NR15B	Flood Risk
NR16	Surface Water Run Off and Sustainable Drainage Systems
NR17	Groundwater Protection
CF2	Education Contributions in New Residential Development
OS5	Provision of recreation Open Space and Playing Fields In New Development

National policy:

Planning Policy Statement 1:	Delivering sustainable development
Planning Policy Statement 3:	Housing
Planning Policy Guidance Note 13:	Transport
Planning Policy Statement 9:	Biodiversity and conservation
Planning Policy Statement 23:	Contaminated land

Parish Council:

None

Publicity and Number of Representations:

The application has been publicised by individual notification letters and site/press notices. Expiry of the publicity period was 25 June 2010. A total of 10 letters of representation have been received in relation to the application.

Summary of Representations Received:

1. Adverse implications for highway safety – additional pressure for on street parking, inadequate width of Thornhill Avenue
2. Yellow lines unacceptable outside residents houses
3. The area around Thornhill Avenue will become unsafe for children playing there
4. Adverse effect on wildlife
5. Noise levels associated with the residential use of the land
6. Drainage issues
7. Flood risk
8. Adverse implications for the trees on the site
9. The site is Greenfield and should not be developed
10. disturbance/problems during the construction of the development

Consultations:

Highways: No significant objections subject to conditions

Drainage: No objections subject to conditions

Trees: No objections to the amended plans received on 18/11/2010

Education: A contribution to primary and secondary education infrastructure of £66,219

Housing: Provision of 3 affordable units on the site at 35% discount from the open market value

Park and Landscape: Contribution of £16,617 requested

West Yorkshire Police: No comments received

Yorkshire Water: No objections subject to conditions

Environmental Protection: Conditions suggested to require phase II site investigation and remediation statement

Environment Agency: Consider the proposal to have a low flood risk

Landscaping unit: Considered a lack of information in regard to the proposed landscaping strategy

Summary of Main Issues:

1. Principle of development
2. Matters not reserved
3. Matters reserved
4. Other considerations
5. Comments on representation received

Appraisal:

Principle

The site is allocated as a phase II housing site within the replacement Unitary Development Plan. It is therefore considered that the principle of residential development of the site is acceptable.

The density of development equates to approximately 35 dwellings per hectare, given the number of units proposed and the site area of about 5,500 sq. metres. Such a density is considered fairly low for the site, it being located in a reasonable sustainable location such as this, being close to public transport links and close to the urban centres of Shipley and Bradford. However, given the topography of the site and the need for retention of trees, together with the proximity of the site to residential properties, it is considered that such a density is acceptable and could not reasonably be increased. In principle, therefore, the development is considered to accord with policies H7 and H8.

Matters not reserved

Only landscaping is reserved on this application and therefore the following matters are submitted for formal consideration and appraised below:

Access

The development will take its access from Thornhill Avenue via a traditional estate road. At present, Thornhill Avenue terminates in a cul-de-sac whereby access to the site is gained via a public right of way linking up to St Laurence's Close to the south. In order to maintain the width of the highway, the scheme makes provision for the relocation of on-street parking for residents of Thornhill Avenue and to maintain access to all dwellings in this location. It is considered with these works that there would not be problems of capacity or highway width and there would be no significant implications for highway safety as a result of the development of the site with the safe flow of traffic maintained on Thornhill Avenue. The access width is considered acceptable at 4.8 metres and would meet adoptable standards.

Layout

Firstly, considering the internal access routes and parking, it is considered that there would be no significant issues. A turning area is provided within the development site close to its access point which is sufficient to allow service vehicles to turn safely. A second, small turning area is provided at the eastern extreme of the site, however, this is sufficient to serve only private cars. A bin storage facility will be provided within 25 metres of the service vehicle turning area – this is considered acceptable to prevent long reversing manoeuvres for service vehicles (this may still occur, but will be a slow manoeuvre under the guidance of a banksman). It is considered that there would be no significant highway safety implications as a result of this arrangement.

Parking provision is provided at 200% plus visitor parking at 25% - this creates a total of 50 spaces on the site to include 4 additional spaces for existing residents of Thornhill Avenue. It is considered that this level of parking is more than sufficient to serve the development and exceeds rUDP requirements.

Given the above factors, it is considered that the development will not cause any significant implications for highway safety.

Appearance

The indicative plans show five principle house types, however, they are all of a similar design. The design of the dwellings is in the form of town houses featuring a variety of materials; render and artificial stone to the walls, concrete roof tiles and UPVc windows. It is considered, given the character and appearance of buildings in the locality of the site, that the designs proposed would be acceptable in this location.

Scale

The typical height of the dwellings is shown as 9.5 metres – this is considered acceptable although it is a little higher than the surrounding buildings. However, the topography and location of the site serve to lessen the visual impact of the units to an acceptable level with surrounding buildings being positioned on a higher level than the proposed development.

Matters reserved

Only landscaping is reserved for later approval. It is considered that a good quality landscaping scheme may be difficult to achieve on the site owing to its topography and constrained nature. The existing tree belt to the southern part of the site will remain which will help to screen the development and maintain the character of the area, however, it is considered that a landscaping scheme can be agreed on the site at reserved matters submission stage.

Other considerations

Trees

The scheme has been designed to reduce impact on the protected trees on the site. The dwellings will all be located a minimum of 5 metres from all trees on the site; however, it is the proposed adoptable highway that may impact on the trees. It is considered, however, that a method statement for the construction of the highway can be controlled and required by a condition prior to any development commencing on the site which will enable protection of trees and tree roots as far as is practicable.

Biodiversity and protected species

Although there is potential for the woodland area of the site to contain protected species, the site is not located in a bat protection area or close to a designated wildlife area. In addition, the development is not considered to adversely affect any trees on the site and will have a very limited impact any species habitat. The nature of the use will not be significantly harmful to protected species and an ecological survey is not considered necessary

Contamination

A phase I desktop survey has been submitted with the application. The report suggests there could be a risk of contamination and ground gases to be present at the site although the overall risk is considered to be low. It is considered that conditions requiring a more **thorough** site investigation should be imposed to control how any contaminants found on the site would be dealt with in addition to the submission and agreement of a final remediation strategy for the site should that be necessary. The main risks would result from the alteration to ground levels at the site

Social contributions

Given the scale of the proposed development, it falls within the thresholds for contributions to affordable housing, public open space and education infrastructure. Metro have also requested contributions. The contributions which would be normally requested for this type of development are as follows:

Affordable housing

Provision on site of 3 units on site at 88 sq. metres to be offered at the discount of 35% off the open market value

Educational infrastructure

Total contribution of £66,219 requested (£34,245 primary and £31,974 secondary)

Public open space

Financial contribution of £16,617 requested

Metro – provision of subsidised travel card scheme and improvements to nearby bus stops.

In connection with the above financial contributions, the developer submitted a financial appraisal in October 2010 which has concluded that to include this full range of contributions would mean that the scheme would become unviable and would not proceed. This is partly due to the current economic climate but also due to the engineering works required at the site due to its topography. Whilst the costs of the engineering operations have not been included within the appraisal, it is considered that the financial appraisal submitted is robust and gives an accurate assessment of the financial details of the scheme.

In view of this, it is considered that a flexible approach should be taken. A more effective approach would be to request a single financial figure to cover all relevant contributions – this figure has been calculated at £210,975 which equates to 80% of the total policy contribution requirement (the Metro contributions are not considered justified given the modest scale of development). This sum will be distributed between affordable housing provision (it will be ring fenced to be used to deliver affordable housing elsewhere within the ward), education infrastructural improvements and public open space. The exact distribution of the money is likely to be as follows: Education £66,219, Public Open Space £13,293 and Affordable Housing £131,463.

It is considered that the contributions secured above would provide an appropriate level of contribution to essential infrastructure and the provision of affordable units in lieu of on site provision whilst allow the scheme to be financially viable.

Comments on representations received

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

Adverse implications for highway safety – additional pressure for on street parking, inadequate width of Thornhill Avenue

Appraised under 'access and layout'

Yellow lines unacceptable outside resident's houses

Appraised under 'access and layout'

The area around Thornhill Avenue will become unsafe for children playing there

This is not a material planning consideration – the public highway is for vehicular use only

Adverse effect on wildlife

See appraisal in the main body of the report

Noise levels associated with the residential use of the land

The proposed residential use will not have any significant impacts upon residential amenity – this site has been specifically designated for this use

Drainage issues

The site is located within flood zone 1 and it is considered that careful control of surface water discharge rates should ensure that flood risk is not increased significantly in other locations as a result of the development – conditions are considered reasonable to control this.

Flood risk

See comments above

Adverse implications for the trees on the site

See appraisal under ‘trees’

The site is Greenfield and should not be developed

The site is allocated as a phase II housing site – therefore the development is acceptable in principle

Disturbance/problems during the construction of the development

This is not considered to hold significant weight in the determination of this application – other environmental legislation will exercise control over the manner in which the development is constructed on the site.

Community Safety Implications:

None significant

Reason for Granting Planning Permission:

The principle of residential development of this phase II allocated housing considered acceptable. No significant implications are foreseen in terms of highway safety, residential amenity, impact on protected species, and impact upon trees on the site or the visual amenity of the area. A single financial contribution to provide enhancements in terms of affordable housing (in lieu of on site provision), education infrastructure and public open space is considered acceptable given the financial constraints of the scheme. The proposal is therefore considered to comply with policies UR2, UR3, D1, D4, TM2, TM12, TM19A, H7, H8, NE4, NE5, NE6, NE10, NE11, CF2, OS5, H9, NR15B, NR16 and NR17 of the replacement Unitary Development Plan.

Conditions of Approval:

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

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

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

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

3. Before any development is begun plans showing the:
- i) landscaping must be submitted to and approved in writing by the Local Planning Authority.

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

4. Prior to the commencement of any development on the site, a risk assessment and Final Remediation Validation Report shall be submitted to the Local Planning Authority for approval in writing. The report shall contain details of all the remediation works necessary to be carried out across the site and any such work shall be carried out in accordance with the recommendations of the risk assessment and Final Remediation Validation Report.

Reason: In the interests of health and safety and potential contamination risk at the site and to accord with Policy P5 of the Replacement Unitary Development Plan and Planning Policy Statement 23.

5. 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 2008-398-006 rev E 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.

6. Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan numbered 2008-398-006 and retained whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

7. 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.

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 use being established on site.

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

9. The development shall not begin until details of a scheme for separate foul and surface water drainage, including any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme so approved shall thereafter be implemented in full before the first occupation 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.

10. No piped discharge of surface water from the application site shall take place until surface water drainage works have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is properly drained and that surface water is not discharged to the foul sewerage system/sewage treatment works and to accord with Policy UR3 of the Replacement Unitary Development Plan.

11. The development shall not be begun, nor shall any demolition, site preparation, ground works, materials or machinery be brought on to the site until a Tree Protection Plan showing Root Protection Areas and location of temporary Tree Protective Fencing has been submitted to and approved in writing by the Local Planning Authority.

The Tree Protection Plan shall be to a minimum standard as indicated in BS 5837 (2005) Trees In Relation To Construction Recommendations and show the temporary Tree Protective Fencing being at least 2.3m in height of scaffold type construction and secured by chipboard panels or similar. The position of the temporary Tree Protective Fencing will be outside Root Protection Areas (unless otherwise agreed with the Local Planning Authority) as shown on the Tree Protection Plan.

The development shall not be begun, nor shall any demolition, site preparation, ground works, materials or machinery be brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted in the Tree Protection Plan as approved by the Local Planning Authority. The temporary Tree Protective Fencing shall be driven at least 0.6m into the ground and remain in the location as shown in the approved Tree Protection Plan and shall not move or be moved for the duration of the development.

The Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing and have confirmed in writing that it is erected in accordance with the approved Tree Protection Plan.

No development, excavations, engineering works and storage of materials or equipment shall take place within the Root Protection Areas for the duration of the development without written consent by the Local Planning Authority.

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

12. The development shall not be begun nor any works carried out on the development site until a detailed tree planting scheme has been submitted to and approved in writing by the Local Planning Authority.

In the first planting season following the completion of the development or as otherwise specified by the Local Planning Authority the trees shall be planted in accordance with the approved tree planting scheme.

Any trees becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree.

No other tree shall be removed from the site except with the written consent of the Local Planning Authority. Any replacement tree or trees specified in such written consent shall be planted as soon as reasonably practicable and in any event during the first available planting season following such removal.

Reason: For the maintenance of tree cover and in the interests of visual amenity and to accord Policies D5 and NE12 of the Replacement Unitary Development Plan.

13. No works forming part of or ancillary to the development shall be carried out on the site until an Arboricultural Method Statement for Arboricultural Works has been submitted to and approved in writing by the Local Planning Authority.

The Arboricultural Method Statement for Arboricultural Works shall include a detailed programme of timescales for the carrying out of the works identified in the statement during the period immediately prior to, during and after the proposed development.

The works the subject of this statement shall be carried out in accordance with the timescale set out in the approved statement.

The management statement shall include a detailed tree management programme with timescales.

The programme shall be carried out in accordance with the timescales set out in the approved statement.

Reason: To ensure the future sustainability of the trees being retained on the site in the interests of visual amenity and to accord with Policies UR3 and D5 of the Replacement Unitary Development Plan.

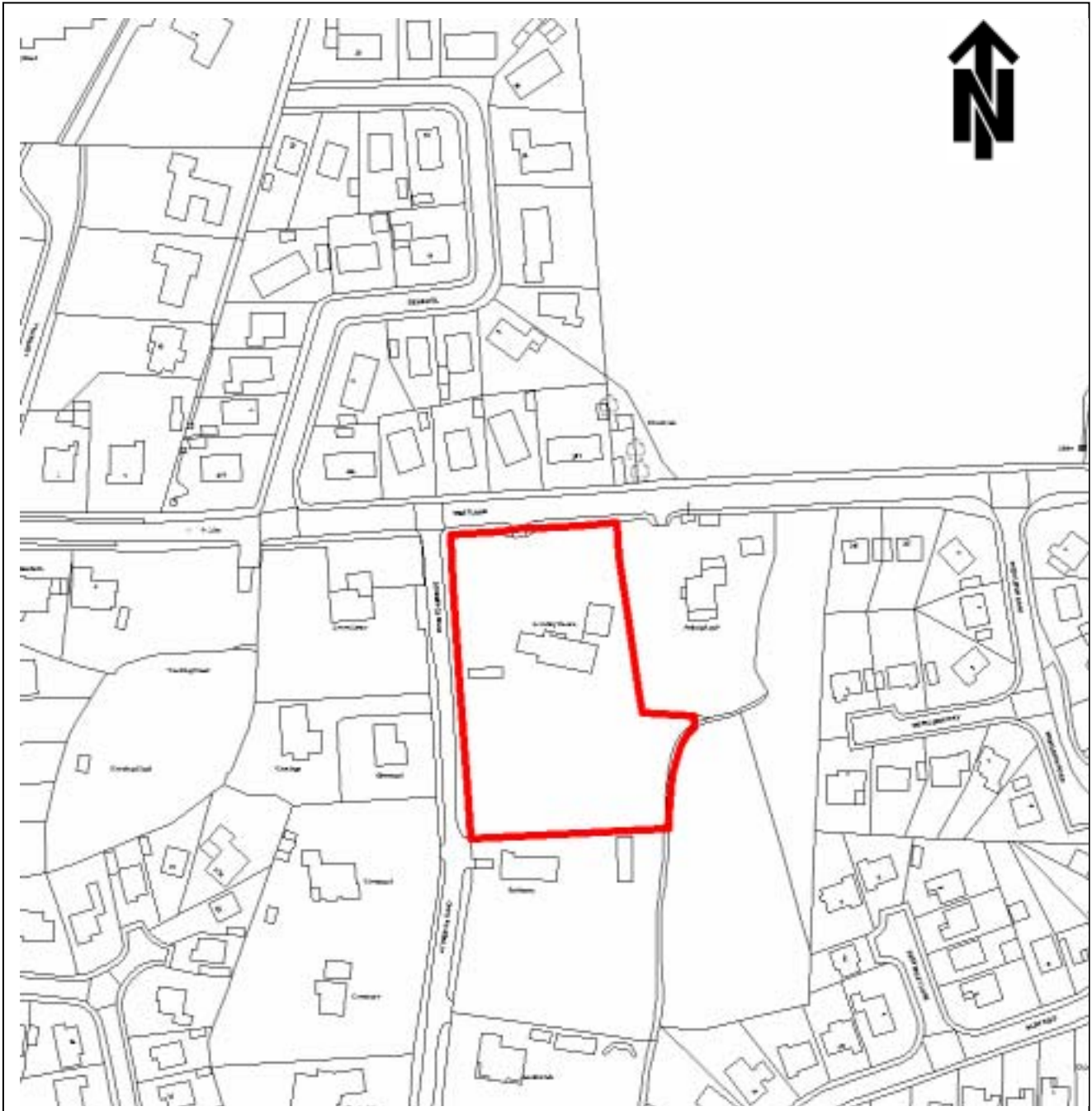
Heads of Terms of Section 106 Agreement:

Financial contribution totalling £210,975, to be distributed between off-site affordable housing provision, education infrastructure and public open space (as detailed in the main body of the report), to be spent in the Windhill and Wrose ward or adjacent wards.

Area Planning Panel (Shipley)

10/05005/OUT

22 February 2011



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<p>ITEM NO. : 5</p>	<p>LOCATION: Laverly House West Lane Shipley</p>
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22 February 2011

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

Application Number:
10/05005/OUT

Type of Application/Proposal and Address:
An outline planning permission for the construction of six detached dwellings. Scale, landscaping and appearance are reserved.

Applicant:
Mr Neil Craven

Agent:
Peter Brooksbank

Site Description:
The site is located on the edge of the urban area of Baildon and consists of a large detached dwelling and associated large private curtilage. Access to the site is directly from Lucy Hall Drive. Within the site, there are a small number of trees and a hedgeline to the southern boundary. There are no protected trees on the site – a group tree preservation order extends within the adjacent site almost to the site boundary from the south. Immediately to the east of the site is located a small phase II housing site which contains a group tree preservation to its eastern boundary. The surrounding area is residential with a mixture of densities and dwellings sizes.

Relevant Site History:
10/03010/OUT: Demolition of existing house and construction of 10 houses with garages and new access road (withdrawn)

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated

Proposals and Policies

UDP1	Promoting Sustainable Patterns of Development
UDP3	Restraining Development
UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
H7	Density
H8	Density
TM2	Impact of Traffic and its mitigation
TM12	Parking standards for residential developments
TM19A	Traffic management and road safety
D1	General design considerations
D3	Inclusive access
D4	Secured by design
D5	Landscaping

NE4	Trees and woodlands
NE5	Protection of trees
NE10	Protection of Natural Features and Species
NE11	Ecological Appraisals

National policy

Planning Policy Statement 1:	Achieving Sustainable Development
Planning Policy Statement 3:	Housing
Planning Policy Statement 9:	Biodiversity and nature conservation
Planning Policy Guidance Note 13:	Transport
Circular 06/2005:	Biodiversity

Parish Council:

Baldon Parish Council: no objections in principle, but recommend reorientation of the plots nearest the roadside to present front elevations to Lucy Hall Drive

Publicity and Number of Representations:

The application has been publicised by individual notification letters and by site notice. Expiry of the publicity period was 24 November 2010. To date, a total of 7 letters of representation have been received.

Summary of Representations Received:

1. the proposal constitutes overdevelopment of the site
2. the development will increase flooding to the surrounding properties
3. traffic congestion/highway safety implications
4. adverse impact on the openness and character of the street scene
5. the site is not sustainably located
6. inadequate parking provision
7. the proposal amounts to garden grabbing
8. adverse impact on residential amenity
9. inadequate visibility at the entrance to the site
10. removal of trees from the site frontage

Consultations:

Highways:	No objections to the latest amended plans
Drainage:	No objections subject to conditions
Baldon Parish Council:	No objections subject to minor design issues
Heritage management:	No objections on the basis of the potential effect on the World Heritage Site
Trees:	Considered plot 3 to be too close to protected trees and concerned about the impact of the access road on trees on the site.
Environment Agency:	No comments
Environmental protection:	No comments to date

Summary of Main Issues:

1. Principle
2. Density
3. Matters reserved
4. Matters not reserved
5. Other issues/considerations
6. Comments on representation received

Appraisal:

Principle

The site consists of a large dwelling and its associated garden area. Although, following revisions in Planning Policy Statement 3 in June 2010, residential curtilage is no longer classified as previously developed land, it is considered that the development of this site would not prejudice the wider objectives of the development plan and assist the local authority in meeting its housing targets over the coming years. In addition, the site is located on a half-hourly bus route and within the urban area of Baildon and Shipley and would be considered moderately sustainable. It is therefore considered that the principle of development is acceptable when considered in relation to PPS1 and PPS3.

Density

With a total of 6 dwellings proposed, the development achieves a density of approximately 15 dwelling per hectare. Such a density is considered low and is only half that stipulated in policy H7 of the RUDP. However, regard must be had for the appearance and character of the surrounding area and the limitations of the site. In addition, revisions to PPS 3 remove the minimum density threshold of 30 dwellings per hectare. Given this, it is considered that the density proposed is suitable in relation to the character and context of the surrounding area and is considered justified on this basis.

Matters reserved

The following matters are reserved on this application for later approval:

Scale

The section plans submitted show an indicative height of the dwellings of about 7 metres to the ridgeline – this is considered to be acceptable in relation to the character of the surrounding area. It is also considered that the physical size and footprint of the units are acceptable in this location.

Appearance

Full details of the design, detailing and materials of the dwellings will be assessed at reserved matters stage, however, the indicative plans appear to show sympathetic units which will relate acceptably to the surrounding street scene.

Landscaping

An indicative landscaping scheme is shown on the plans and it is considered that there is scope on the site to strengthen the existing tree and hedge lines. Planting to the frontage of the site will assist in enhancing the character and setting of the development. Such a landscaping scheme can be fully assessed by the submission of a reserved matters application.

Matters not reserved

The following matters are submitted for formal consideration;

Access

Access to the development will be taken from Lucy Hall Drive via an adoptable access. Visibility is shown as 2.4 x 45 metres at the site entrance and such a level of visibility is achieved from Stubbings Road to the west. Given the traffic speed on Lucy Hall Drive and the scale of the development, such a level of visibility is considered acceptable. Provision is made within the site for a service vehicle turning area and parking is provided at 200% provision (2 spaces to each unit) which is considered adequate for this location. The internal access is positioned so as to allow access to the adjacent phase II housing site should this be necessary in future. Given the above, it is considered that there is unlikely to be any significant adverse effects as a result of the development in terms of highway safety.

Layout

The development is not considered to have any significant effects on the surrounding properties, particularly given the distances achieved to these buildings. Distances in excess of 30 metres are achieved to the dwelling at Ardying Nook to the east from plots 1 and 2 and more than 31 metres is achieved to the property at Seven Steps to the west. These distances are considered sufficient to prevent unacceptable effects in terms of overlooking and overbearing impacts. To the southern part of the site, plots 3 and 4 approach the boundary of the site to 8.8 and 6.8 metres respectively and come within 15.5 metres of the dwelling beyond; however, the indicative height of these plots appears to illustrate single storey dwellings which, in addition to the vegetation/tree screen will prevent overlooking. Conditions are considered reasonable to prevent windows to first floor level without the need for further planning permission and the maintenance of an appropriate boundary treatment to the site boundary. Distances within the site and the relationship of each plot is considered acceptable with minimum facing distances of 18 metres between plots 6, 7, 1 and 2. The layout as proposed is therefore considered to be acceptable both on the impacts on existing and future residential amenity.

Other considerations

Trees

There are few trees within the site itself; however, to the southern boundary is a hedge screen with a bank of trees beyond outside the boundary of the site. A further group of trees is located to the east within the phase II housing site. A small group of trees is located close to the existing house. None of the trees within the site are protected by a tree preservation order. It is evident that a number of trees have been felled to the front of the site alongside Lucy Hall Drive.

The development is not considered to put significant pressure on protected trees – plot 3 is located close to existing trees but maintains, with the exception of the garage building, a distance of 7 metres to the trees. The access road may impact upon the small group of trees within the site; however, the plans show them to be retained. A replanting/landscaping scheme is indicated on the plans – given that there may be slight tree loss on the site, such a scheme would enable an enhancement and help to compensate for tree loss, particularly to the frontage of the site. On balance, it is considered policies NE4, NE5 and NE6 are satisfied.

Biodiversity and protected species

An ecological survey of the existing house has been conducted to investigate the potential for bats and protected species to be roosting in the existing house. The survey concludes that there is unlikely to be any activity within the building due to its construction and a lack of suitable roosting sites within it. The site may be on a flight path for bats; however, the development is unlikely to significantly disrupt these. The proposed scheme is therefore considered to significantly impact upon protected species.

Contamination

There is no evidence to suggest the site is contaminated – it is not located within 250 metres of a landfill site and appears to have been in residential use for some time. It is therefore not considered necessary to impose any conditions relating to contamination.

Flood risk

The site is located within flood zone 1 and is below 1 hectare in area. Conditions will be sufficient to control runoff and the nature of any proposed drainage systems, given the low flood risk.

Social contributions

With only 6 units proposed, the development is below the threshold to trigger any contributions to affordable house, education provision or public open space.

Comments on representations received

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

The proposal constitutes overdevelopment of the site

The density of the development is low – only 15 dwellings/hectare, however, it is considered acceptable in relation to the character of the surrounding area.

The development will increase flooding to the surrounding properties

Conditions are considered acceptable to control drainage issues at the site.

Traffic congestion/highway safety implications

See appraisal under 'access'

Adverse impact on the openness and character of the street scene

The development is not considered to compromise the character of the surrounding, particularly at the density proposed.

The site is not sustainably located

See appraisal under 'principle'

Inadequate parking provision

Parking provision is proposed at 2 spaces per dwelling – this is more than that required by the replacement Unitary Development Plan.

The proposal amounts to garden grabbing

The principle of development is considered acceptable – PPS 3 does not state that the development of private residential cartilage is unacceptable per se.

Adverse impact on residential amenity

See appraisal under 'layout'

Inadequate visibility at the entrance to the site

The level of visibility achieved at the site entrance is considered sufficient to serve a development of this scale.

Removal of trees from the site frontage

The trees removed from the site frontage were not protected and their removal was not under the control of the LPA. A replanting and landscaping scheme is considered appropriate to mitigate their loss and restore character to the site

Community Safety Implications:

None significant

Reason for Granting Planning Permission:

The principle of residential development at this site is considered to be acceptable in line with the revised Planning Policy Statement 3 (Housing) and given the moderately sustainable location of the site. No significant implications are foreseen in terms of highway safety, visual and residential amenity, impact on protected species, contamination and impact on the trees at the site. The proposal is therefore considered to comply with policies UR2, UR3, D1, D4, TM2, TM12, TM19A, H7, H8, NE4, NE5, NE6, NE9, NE10 and NE11 of the replacement Unitary Development Plan.

Conditions of Approval:

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

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

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

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

3. Before any development is begun plans showing the:

- i) appearance
- ii) landscaping
- iii) 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. 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 308/10 Rev. A 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 visibility splays hereby approved on plan numbered 308/10 Rev. A shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

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.

6. Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan numbered 308/10 Rev. A and retained whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

7. 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.

8. Before development commences on site, details of the type and position of all proposed external lighting fixtures to the buildings and external areas (including measures for ensuring that light does not shine directly on the highway or is visible to highway users) shall first be submitted to and approved in writing by the Local Planning Authority. The lights so approved shall be installed in accordance with the approved details and maintained thereafter to prevent the light sources adversely affecting the safety of users of adjoining highways.

Reason: To avoid drivers being dazzled or distracted in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

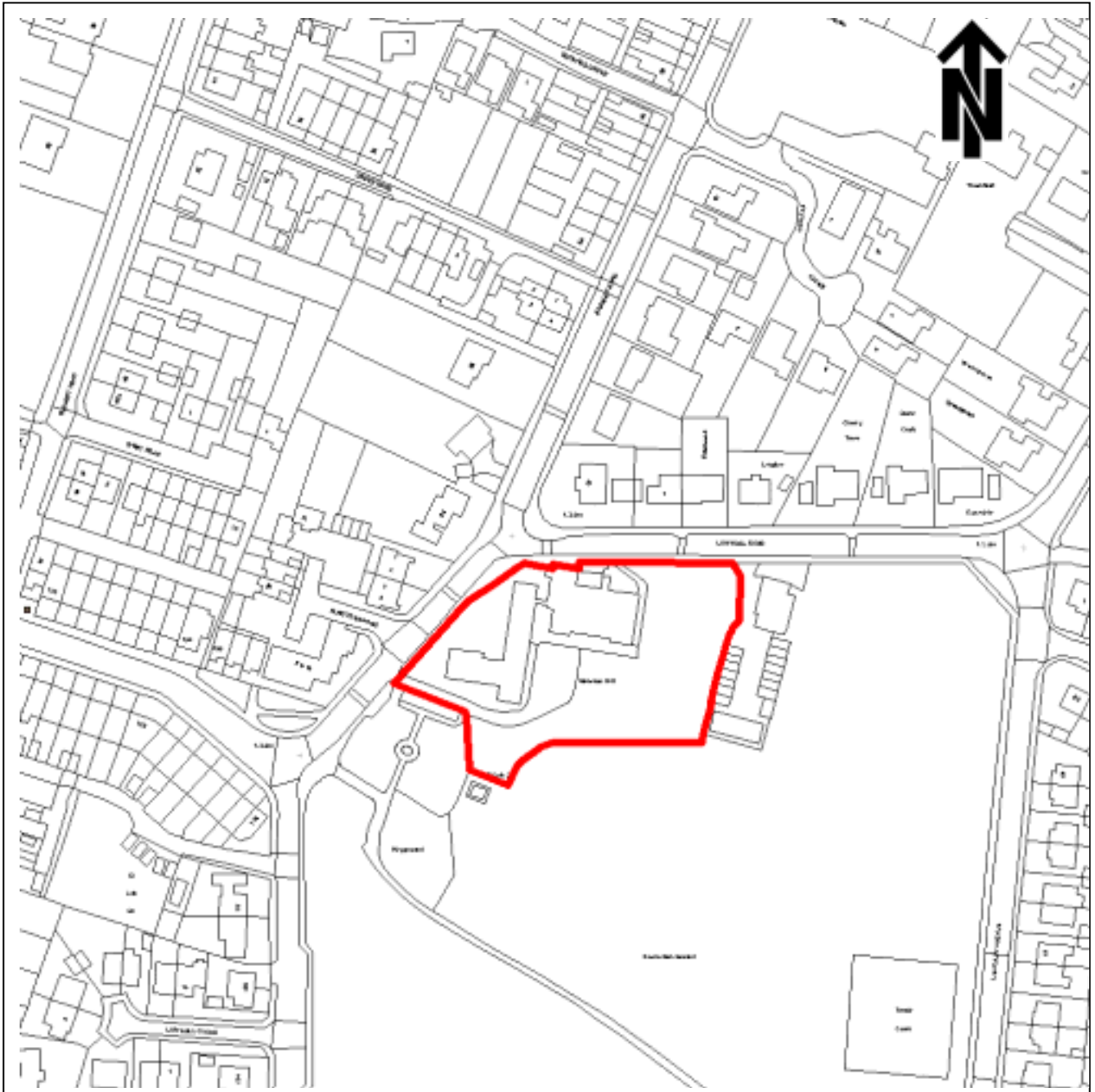
9. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the use being established on site.

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

Area Planning Panel (Shipley)

11/00450/FUL

22 February 2011



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ITEM NO. : 6

LOCATION:

**Menston Hall
Low Hall Road
Menston
Ilkley**

22 February 2011

Item Number: 6
Ward: WHARFEDALE

Recommendation:

TO DELEGATE TO THE ASSISTANT DIRECTOR OF REGENERATION & CULTURE AUTHORITY TO APPROVE THE APPLICATION AFTER GIVEN DUE CONSIDERATION TO ANY FURTHER REPRESENTATIONS RAISING NEW MATERIAL ISSUES THAT MAY BE RECEIVED BEFORE THE END OF THE PUBLICITY PERIOD ON 3RD MARCH 2011 AND THE COMPLETION OF A S106 AGREEMENT

Application Number:

11/00450/FUL

Introduction:

On the 11th February 2010 Shipley Area Planning Panel granted planning permission for the Menston Hall scheme for the provision of 30 flats and is the subject of this item before Members. Subsequent to the signing of the S106 the decision was issued on 17 February 2010.

A complaint was received in January 2011 suggesting that the arched building under construction appeared higher than those shown on the approved plans. After investigation and a meeting with the Agents it was concluded this situation had indeed arisen. The explanation given for situation is due to the "*working drawing stage the roof pitch of New Build 02 has been implemented into New Build 01 i.e. 32 degree pitch in lieu of 30 degrees which means that the roof ridge is higher by 1000mm approximately. This discrepancy unfortunately progressed to site ...*". New Build 01 refers to the arched shaped building just to the west of Menston Hall and New Build 02 refers to the block sited 12m east of Menston Hall.

Planning Officers informed the Agents that a Non Material Amendment Application would not be acceptable as the increased height of the building constituted a significant material change. As such it is for this reason that a new Planning Application has been submitted.

The scheme secured funding from the previous Government's Kickstart Initiative. However the funding was approved on the proviso that the scheme is complete, including Planning and other approvals, by the end of March 2011, if not, the funding would be lost. It is for this reason that the application has been placed on the earliest possible Area Planning Panel agenda. Hence due to the very early stage of this application to date only part of the advertisement process has recently been carried out and very few consultation responses have been received. Members will be updated on any subsequent representations that may be received at the meeting.

Councillor Dale Smith has requested that the application be determined by the Planning Panel as he considers the overall height of the building needs to be fully appraised by the Panel in order to assess its visual impact.

Type of Application/Proposal and Address:

Full planning permission is sought for 30 flats all of which contain 2 bedrooms. Residential units are segregated into 3 block areas. The first of which are for 8 units and these would be incorporated within the existing Menston Hall through conversion. The second block would involve the demolition of the existing two storey flat roofed building which is attached to Menston Hall. This new building would be in 'arch' shaped and would accommodate 17 flats. The residential units on the third floor tier would be incorporated within the roof space through utilisation of dormers and roof lights. The third block would be sited 12m east of Menston Hall and would incorporate 5 residential units and the roof space would accommodate 1 unit within the roof area utilising dormers. Use of materials is a mixture of natural and ashlar stone and slate for the roofing. Access is off Farnley Road leading to a parking area providing provision for 31 vehicles.

The Applicants intend to secure funding from the Government's Kickstart Initiative. Under this initiative the Government have made funding available to enable Developers to proceed with schemes that have stalled and in doing so encourage economic activity in the District and deliver new homes. Out of the 30 residential units proposed 22 would be affordable grant funded homes.

Applicant:

Mr Jim Smith

Agent:

Mr Andrew Croxall

Site Description:

The application site measures 0.48 hectares and is generally level. It is flanked by Low Hall Road to the north, Farnley Road to the West, Leathley Avenue to the east and a recreational ground to the south. The existing buildings fronting onto these roads are predominantly residential properties.

Occupying the northernmost section of the application site stands an impressive and substantial two-storey stone building identified as Menston Hall. West of this building is the arched building currently under construction. The external envelope of this building is virtually complete. Approximately half of the internal works have been completed. This part of the scheme has displaced a dilapidated and an unsightly two-storey, mostly rendered, flat roofed building. 12m to the east of Menston Hall is a detached two-storey building where construction is almost completed. All of the external works have been completed and very little of the internal works remaining.

South of the application site is a recreation ground and the 2 areas are separated by a line of shrubs, tree and a 1.0m high timber fence. Towards the north east of the application site is a cluster of trees subject to a TPO.

Relevant Site History:

Application ref. 02/02255/REG was approved for extension to car park.

Application ref. 09/04891/FUL was approved by Shipley Panel for the demolition of two storey extensions and conversion of house to 8 flats, construction of 17 flats on site of 2 storey annex and construction of 5 flats in new building.

Replacement Unitary Development Plan (RUDP):

Allocation

Whilst the majority of the site is unallocated the southern part of the site, comprising of the informal lawn garden area of Menston Hall, is designated as Recreational Open Space.

Proposals and Policies

POLICY UDP1 THE LOCATION OF DEVELOPMENT TO MEET THE NEEDS OF THE DISTRICT WILL BE MADE BY: (1) FOCUSING ON THE URBAN AREAS (2) ENCOURAGING THE MOST EFFECTIVE USE OF BROWNFIELD SITES AND BUILDINGS (3) CONCENTRATING DEVELOPMENT IN AREAS WITH GOOD PUBLIC TRANSPORT LINKS (4) CONCENTRATING DEVELOPMENT IN AREAS WITH PROXIMITY TO ESSENTIAL AND WIDER FACILITIES AND SERVICES (5) PHASING THE RELEASE OF LAND FOR HOUSING DEVELOPMENT

POLICY UR2 DEVELOPMENT WILL BE PERMITTED PROVIDED THAT IT CONTRIBUTES TO THE SOCIAL ECONOMIC AND ENVIRONMENTAL ASPECTS OF SUSTAINABLE DEVELOPMENT AND: MAKES EFFICIENT USE OF EXISTING PHYSICAL AND SOCIAL INFRASTRUCTURE AND MINIMISES ADVERSE IMPACTS FROM THE DEVELOPMENT. PROVIDES APPROPRIATE MITIGATION WHERE NEGATIVE IMPACTS ARE IDENTIFIED

POLICY UR3 DEVELOPMENT WILL BE PERMITTED PROVIDED THAT IT DOES NOT HAVE AN ADVERSE EFFECT ON: THE SURROUNDING ENVIRONMENT; OR THE OCCUPANTS OF ADJOINING LAND.

POLICY UDP4 TO PROMOTE ECONOMIC REGENERATION AND CREATE THE CONDITIONS TO SUPPORT ECONOMIC GROWTH AND EMPLOYMENT OPPORTUNITIES FOR ALL THROUGH THE PROVISION OF LAND AND APPROPRIATE REUSE OF BUILDINGS IN SUSTAINABLE LOCATIONS PREDOMINANTLY WITHIN THE EXISTING BUILT UP AREAS.

POLICY H7 ON PLANNING APPLICATIONS FOR RESIDENTIAL DEVELOPMENT PLANNING PERMISSION WILL ONLY BE GRANTED IF A DENSITY OF 30 TO 50 DWELLINGS PER HECTARE NET AT LEAST IS PROPOSED, EXCEPT WITHIN THE CITY AND TOWN CENTRES AND IN GOOD QUALITY PUBLIC TRANSPORT CORRIDORS, WHERE PLANNING PERMISSION WILL ONLY BE GRANTED IF A MINIMUM DENSITY OF 50 DWELLINGS PER HECTARE NET IS PROPOSED.

POLICY H9 ON PLANNING APPLICATIONS FOR SUBSTANTIAL RESIDENTIAL DEVELOPMENT THE COUNCIL WILL NEGOTIATE FOR A PROPORTION OF AFFORDABLE HOUSING BASED ON THE EXTENT AND TYPE OF NEED, THE SUITABILITY OF THE SITE OR BUILDING IN THE CASE OF CONVERSIONS, AND THE ECONOMICS OF PROVISION.

POLICY TM2 PLANNING PERMISSION FOR NEW DEVELOPMENT OR CHANGE OF USE WILL NOT BE GRANTED UNLESS: (1) THE COUNCIL IS SATISFIED THAT THE PROPOSAL DOES NOT ADVERSELY AFFECT EXISTING AND PROPOSED TRANSPORT INFRASTRUCTURE OR SERVICES, INCLUDING PUBLIC TRANSPORT AND WALKING AND CYCLING FACILITIES, IN THE VICINITY OF THE SITE, OR THE LOCAL ENVIRONMENT

POLICY TM12 IN DETERMINING PLANNING APPLICATIONS FOR RESIDENTIAL DEVELOPMENTS THE COUNCIL WILL REQUIRE PROVISION OF PARKING IN ACCORDANCE WITH THE COUNCIL'S ADOPTED STANDARDS, AS SET OUT IN APPENDIX C. LOWER STANDARDS APPLY FOR DEVELOPMENTS OF AFFORDABLE HOUSING AND FOR UNITS LOCATED IN THE CITY AND TOWN CENTRES WITH VERY GOOD LEVELS OF PUBLIC TRANSPORT ACCESSIBILITY. CAR FREE HOUSING DEVELOPMENTS WILL BE ENCOURAGED IN AREAS OF VERY GOOD PUBLIC TRANSPORT ACCESSIBILITY.

POLICY NE4 THE COUNCIL WILL SEEK TO PRESERVE AND ENHANCE THE CONTRIBUTION THAT TREES AND AREAS OF WOODLAND COVER MAKE TO THE LANDSCAPE CHARACTER OF THE DISTRICT, (INCLUDING THE AMENITY VALUE OF TREES IN BUILT UP AREAS). IN PARTICULAR THE COUNCIL WILL: (1) REFUSE DEVELOPMENT PROPOSALS WHICH WOULD RESULT IN THE LOSS OF TREES OR AREAS OF WOODLAND COVER WHICH CONTRIBUTE TO: (a) THE CHARACTER OF THE LANDSCAPE; (b) THE CHARACTER OF A SETTLEMENT OR ITS SETTING; (c) THE AMENITY OF THE BUILT UP AREA, (d) VALUABLE WILDLIFE HABITATS OR (e) THE ANCIENT WOODLANDS OF THE DISTRICT. (2) THE COUNCIL WILL CONTINUE TO MAKE TREE PRESERVATION ORDERS WHERE NECESSARY, ESPECIALLY WITHIN AND ADJACENT TO DEVELOPMENT, IN ORDER TO PROTECT TREES AND WOODLAND AREAS WHICH CONTRIBUTE TO LOCAL AMENITY OR LOCAL LANDSCAPE CHARACTER. THE COUNCIL WILL RIGOROUSLY ENFORCE SUCH ORDERS. (3) THE COUNCIL WILL REQUIRE DEVELOPERS TO CONTRIBUTE TO WOODLAND COVER IN APPROPRIATE LOCATIONS AS PART OF THEIR DEVELOPMENT PROPOSALS;

POLICY NE5 ON DEVELOPMENT SITES THE COUNCIL WILL REQUIRE THE RETENTION OF THOSE TREES WHICH ARE HEALTHY AND WHICH HAVE OR WOULD HAVE A CLEAR PUBLIC AMENITY BENEFIT. THE COUNCIL WILL REQUIRE THE PROTECTION DURING CONSTRUCTION OF TREES TO BE RETAINED AND, WHERE APPROPRIATE, REPLACEMENT TREE PLANTING FOR TREES LOST OR DAMAGED DURING CONSTRUCTION. POLICY

NE6 IN ORDER TO ENSURE SATISFACTORY TREE MANAGEMENT AND PLANTING ON DEVELOPMENT SITES, DURING CONSTRUCTION, THE COUNCIL WILL REQUIRE PROTECTION MEASURES WHICH MEET THE MINIMUM STANDARDS AS SET OUT IN BS5837: 1991 GUIDE FOR TREES IN RELATION TO CONSTRUCTION (OR ITS SUCCESSOR).

POLICY NE10 DEVELOPMENT PROPOSALS SHOULD ENSURE THAT IMPORTANT: - LANDSCAPE ECOLOGICAL GEOLOGICAL FEATURES, or WILDLIFE HABITATS ACCOMMODATING PROTECTED SPECIES ARE PROTECTED. THE COUNCIL WILL ENSURE THAT THE REQUIREMENTS OF THIS POLICY ARE SATISFIED THROUGH THE USE OF CONDITIONS AND/OR PLANNING OBLIGATIONS. PLANNING PERMISSION WILL NOT BE GRANTED FOR DEVELOPMENT WHICH WOULD HAVE AN ADVERSE IMPACT ON BADGERS OR SPECIES PROTECTED BY SCHEDULES 1, 5 OR 8 OF THE WILDLIFE AND COUNTRYSIDE ACT 1981, AS AMENDED OR EUROPEAN BIRDS AND HABITAT DIRECTIVES

POLICY OS2 DEVELOPMENT WILL NOT BE PERMITTED ON LAND SHOWN ON THE PROPOSALS MAPS AS RECREATION OPEN SPACE OR ON SITES OTHERWISE USED AS RECREATION OPEN SPACE UNLESS:
(1) THE LOSS OF RECREATION OPEN SPACE DOES NOT LEAD TO OR EXACERBATE A LOCAL DEFICIENCY IN THE AVAILABILITY OF OPEN SPACE AND THE SITE COULD NOT BE USED TO HELP MEET ANY DEFICIENCY IN ANOTHER TYPE OF OPEN SPACE;
(2) THE DEVELOPMENT PROPOSAL PROVIDES FOR EQUIVALENT ALTERNATIVE PROVISION IN TERMS OF SIZE AND QUALITY WHICH IS CLOSE TO EXISTING USERS;
(3) AND IN EITHER CASE IT DOES NOT RESULT IN A SIGNIFICANT LOSS OF AMENITY.
(4) THE DEVELOPMENT PROPOSAL IS ANCILLARY TO AND SUPPORTS THE RECREATIONAL USE, AND WOULD NOT SIGNIFICANTLY AFFECT THE QUANTITY AND QUALITY OF OPEN SPACE ITS RECREATIONAL FUNCTION THE CHARACTER AND APPEARANCE OF THE RECREATION OPEN SPACE.

POLICY OS5 NEW RESIDENTIAL DEVELOPMENT WILL BE REQUIRED TO MAKE APPROPRIATE PROVISION OF OR EQUIVALENT COMMUTED PAYMENT FOR: (1) RECREATION OPEN SPACE, INCLUDING CHILDREN'S PLAY SPACE AND INFORMAL OPEN SPACE, TO A MINIMUM STANDARD OF 20 SQUARE METRES PER DWELLING (INCLUDING A SUITABLY DESIGNED AND EQUIPPED PLAY AREA IN DEVELOPMENTS OF 0.8ha OR 50 OR MORE FAMILY DWELLINGS); AND (2) PLAYING FIELDS, TO A MINIMUM STANDARD OF 40 SQUARE METRES PER DWELLING. PROVISION WILL BE LOCATED WITHIN THE SITE, HOWEVER WHERE THIS IS INAPPROPRIATE, OFF SITE PROVISION OR IMPROVEMENTS TO EXISTING LOCAL PROVISION CAN BE SUITABLE ALTERNATIVES. DEVELOPERS WILL BE REQUIRED TO MAKE ARRANGEMENTS FOR ADEQUATE MAINTENANCE OF ANY NEW PROVISION.

POLICY CF2 WHERE NEW HOUSING PROPOSALS WOULD RESULT IN AN INCREASED DEMAND FOR EDUCATIONAL FACILITIES WHICH CANNOT BE MET BY EXISTING SCHOOLS AND COLLEGES, THE COUNCIL WILL SEEK TO ENTER INTO A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, IN ORDER TO SECURE THE PROVISION OF, OR CONTRIBUTION TOWARDS, NEW OR EXTENDED FACILITIES.

POLICY D1 ALL DEVELOPMENT PROPOSALS SHOULD MAKE A POSITIVE CONTRIBUTION TO THE ENVIRONMENT AND QUALITY OF LIFE THROUGH HIGH QUALITY DESIGN, LAYOUT AND LANDSCAPING. IN PARTICULAR THEY SHOULD ... (7) ALLOW FOR FLEXIBILITY TO ADAPT TO MEET CHANGING NEEDS AND CIRCUMSTANCES AND PROVIDE FOR ACCESS FOR THOSE WITH PHYSICAL DISABILITIES;

POLICY D4 DEVELOPMENT PROPOSALS SHOULD BE DESIGNED TO ENSURE A SAFE AND SECURE ENVIRONMENT AND REDUCE THE OPPORTUNITIES FOR CRIME

POLICY P4 PLANNING PERMISSION FOR DEVELOPMENT ON LAND WHERE CONTAMINATION IS SUSPECTED WILL BE GRANTED SUBJECT TO CONDITIONS REQUIRING (1) A SITE INVESTIGATION BEFORE DEVELOPMENT IS COMMENCED, AND (2) A PROGRAMME OF IMPLEMENTATION OF ANY REMEDIAL MEASURES SHOWN BY THE SITE INVESTIGATION TO BE NECESSARY. WHERE THERE IS A STRONG SUSPICION OF CONTAMINATION WHICH WOULD ADVERSELY AFFECT THE PROPOSED DEVELOPMENT OR INFRINGE STATUTORY REQUIREMENTS, PLANNING PERMISSION WILL BE GRANTED ONLY FOLLOWING A SITE INVESTIGATION AND RISK ASSESSMENT, AND THE SUBMISSION TO THE COUNCIL OF ANY PROGRAMME OF MEASURES WHICH THE SITE INVESTIGATION AND RISK ASSESSMENT SHOW TO BE NECESSARY TO PREVENT HARM FROM CONTAMINATION.

Planning Policy Statement 1 – Delivering Sustainable Development

PPS1 stipulates that the planning system should facilitate and promote sustainable and inclusive patterns of urban development by:

making land available for development in line with economic, social and environmental objectives to improve people's quality of life;
contributing to sustainable economic development;
ensuring high quality development through good and inclusive design, and the efficient use of resources; and

ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

Planning Policy Statement Note 13 – Transport

Aims to promote more sustainable transport choices, promote accessibility to jobs shopping, leisure facilities and services by public transport, cycling and walking and to reduce the need to travel, especially by car.

Planning Policy Statement Note 3 – housing. Sets out the national planning policy framework for delivering the Government’s housing objectives.

Planning Policy Statement 9: Biodiversity and Geological Conservation. Ensure species are protected from the adverse effects of development, where appropriate, by using planning conditions or obligations.

Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System. The presence of a protected species is a material consideration. Consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species.

Regulation 3(4) of the Conservation (natural Habitats, & c.) Regulations 1994. To consider, before granting planning permission, the question as whether it is reasonably likely that a licence will in due course be issued by English Nature to allow otherwise unlawful acts necessitated by the carrying out of the proposed development to take place.

Planning Policy Statement 23. Planning and Pollution Control

Supplementary Planning Guidance - ‘Planning for Crime Prevention’.

Parish Council:

Meeting to discuss this item scheduled for 17th February. Comments will be reported orally to the Panel meeting.

Publicity and Number of Representations:

The application has been advertised by site notices (posted 10th March) and neighbour notification letters (sent out on 4th February). The application is due to be advertised in the press notices as a major application and as a departure to the Development Plan on the 10th February. Therefore the overall expiry date for the publicity period is on the 3rd March 2011.

To date representations have been received from Councillor Dale Smith has follows:

“My reason for referral to Planning panel is that the overall height of the building needs to be fully appraised by the Panel in order to assess its visual impact.”

As explained in the introduction section of this report this application is at a very early stage. Any further representations will be orally reported to Members on the date of the Shipley Planning Panel.

Summary of Representations Received:

None

Consultations:

As explained in the introduction section of this report this application is at a very early stage. The following contains summarised consultation responses that have been received to date:

Sport England. No impact on sporting facilities.

Sports and Leisure Services. In lieu of public open space the Sports & Leisure Service will be seeking from the developer a Section 106 contribution of £19,003. This will be used towards the provision or enhancement of recreation facilities in the vicinity of the development. Under the original application (09/04891/FUL) the calculated sum amounted to £18 000. This increase is due to the index linked sliding scale annual increase.

Design Enabler. Can see nothing wrong with roof from a design point of view. Walking along the pavement on the far side reveals very little of the roof due to its low(ish) pitch.

Trees Team. I understand that this application relates only to increasing the height of the 1-18 block for which there are no arboricultural issue providing the existing conditions to the current application are attached to the new consent.

Highways Development Control. Highway objections were raised under the original scheme referenced 09/04891/FUL. These were partially met through the provisions of Metro Cards and a Travel Plan. No objections are raised should this previously established position be repeated.

Countryside Officer. No objections to the proposals subject to scheme covering recommendations in reports regarding roost creation.

Building Control. Satisfied with Drainage proposals.

Further consultation responses to be received will be orally reported to Members on the date of the Shipley Planning Panel. However for information the following are the consultation responses from the previous scheme (09/04891/FUL) which was subsequently approved by the Shipley Area Planning Panel.

Police Architectural Liaison Officer. Satisfied that all aspects of security required to fulfil policy D4 of the RUDP have been fulfilled and the guidance contained within the SPD 'Planning for Crime Prevention'.

The Local Development Framework Group. The site is brownfield. Whilst the majority of the site is unallocated the southern part of the site is designated as Recreational Open space where policy OS2, H7, H9 UR2 and UDP1 are applicable. The development is acceptable in terms of policy UDP1/UR2 and H9. Also residential use on this site is in a suitable location in terms of transport and local facilities and located within a residential area. The scheme provide significant levels of affordable housing (22 out of 30) contributing to meeting local housing needs. The density equates to an area of 60 per hectare which would be an efficient use of land acceptable under policy H7.

The development would encompass an area designated as Recreation open Space. The application would appear to be acceptable under points 1-4 of Policy OS2. It would not appear that the development would result in a significant loss of amenity.

Conservation and Design. Menston Hall is of a listable quality. The removal of the 1970's wing is encouraged as it detracts from the main building and the surroundings. The scale and massing is appropriate. No objections to the final revised scheme.

Education. Request a contribution towards secondary educational resources totalling £22,838

Metro. Require contribution to the cost of upgrading nearby bus stops with raised kerbs installed at a cost to the Developer of around £3 000 each.

Environmental Health (Scientific & Technical Services). Significant contamination have been identified and there are incomplete results from gas monitoring. Asbestos survey has not been carried out for Menston Hall itself. Recommend a condition requiring a remediation strategy taking account of all the above.

Housing. Satisfied with affordable housing provision.

English Nature. The proposed demolition of the annex building will result in the loss of an area that is used by bats as a hibernation roost and this has been addressed by the applicant, but it is unknown what the impact will be on any bats using the Main Hall until further surveys are carried out in May (2010). Conditions requiring surveys to Menston Hall are recommended.

Summary of Main Issues:

1. Principle of development and departure (Recreational Open Space notation on RUDP)
2. Design, appearance and scale of buildings
3. Residential amenity
4. Impact on trees
5. Highway implications
6. Infrastructure
7. Bats
8. Sustainable drainage
9. Community safety prevention
9. Disabled access
10. Financial appraisal and planning obligations.

Appraisal:

Principle of Development and departure (Recreational Open Space notation on RUDP)

The site is within the grounds of Menston Hall hence it can be classified as brownfield. A residential use on this site is considered to be in a suitable location in terms its proximity to public transport and local facilities. Furthermore it is located within a predominantly residential area therefore there is no conflict in terms of differing uses. The scheme provides significant levels of affordable housing (22 out of 30 equating to approximately 73%) contributing to meeting local housing needs. The density equates to an area of 60 per hectare which would be an efficient use of land acceptable under policy H7.

Whilst the majority of the site is unallocated the southern part of the site, comprising of the informal lawn garden area of Menston Hall, is designated as Recreational Open Space where policy OS2 is applicable. Consultation comments (under application referenced 09/04891/FUL) from the Leisure Services confirm that the land within the grounds of Menston Hall is not a part of a public recreational area. In addition comments from Sport England confirm that formal playing fields and sports facilities are not affected. Albeit part of the application site falls within the Recreational Open Space notation on the RUDP the proposed scheme would not amount to any loss in recreational open space. These circumstances are a material consideration to warrant a departure from policy OS2. As such there is no principle objection to a residential scheme on the location proposed.

The additional height of the crescent shaped building from that approved under application referenced 09/04891/FUL has no bearing to the principle of the scheme in terms of land use.

Design, appearance and scale of buildings

The removal of the predominantly rendered two storey flat roofed building, which has been carried out, is welcomed as it was in a severely dilapidated state and had a significant detrimental impact upon the visual amenities of the area. In its place is a new block of 17 residential units currently being built and it is also subject of this application. The footprint of this building would form a crescent-like shape and the proposed materials are natural slate for the roofing and natural stone with smooth ashlar stone for the walling. Departing from the approved plans the angle of the roof pitch has been increased resulting in the building being 1m higher than that approved previously (09/04891/FUL). Visually this would not be considered out of keeping in terms of scale and not over-dominant with respect to the adjacent Menston Hall building. The comments from the Design Enabler have been noted where no objections are raised due to this variation from the previously approved plans. Within Menston Hall 8 residential units would be incorporated which would involve relatively minor external alterations. The scheme would ensure the upkeep of this building which is considered to be of a listable quality and prevent it falling further into disrepair. To the east of Menston Hall at a distance of 12m a detached residential block is proposed for 5 residential units. The proposed materials are natural slate for the roofing and natural stone with smooth Ashlar stone for the walling.

On balance the proposed design, appearance and scale of the new buildings is considered acceptable as is the landscape scheme and boundary treatment.

Residential amenity

Taking account of the 1m height increase to the crescent shaped block the layout of the proposed residential units are such that there would be sufficient stand-off distance in relation to existing nearby residential properties to the extent where it is considered that future residents of the proposed development and those residents of existing nearby properties would not suffer an undue loss of amenity through loss of privacy and overshadowing.

Post approval of the original application referenced 09/04891/FUL further information regarding contamination has been submitted in order to discharge conditions. The Councils Environmental Protection team are satisfied that gas monitoring has been completed and have concluded no gas protection measures are required. Also an asbestos survey of the Menston Hall has been carried out and all asbestos material has been removed. However a remedial report is outstanding for the contamination that has been identified within the grounds of the application site. As such a condition is recommended requiring a remediation strategy.

Impact on trees

The additional height of the arched residential block poses no arboricultural issue providing the existing conditions to the current application are attached to the new consent.

Highway implications

Under application 09/04891/FUL there were originally concerns over the access width, unsatisfactory turning head and lack of parking provisions however during the course of the application amended plans showed the access width and the turning head to be to their satisfaction. These changes have been carried forward to this resubmitted application.

Highways require 150% parking provision and in addition parking for casual visitors is also required. The application shows 100% parking provision falling below the required standard. However the Developer has agreed to overcome this shortfall through the provision of a travel plan to include metro cards. Furthermore Officers would highlight that the Menston Railway Station is between 5-10 minutes walking distance to the application site. Officers view these circumstances to be acceptable as they are in line with the Government's drive to promote maximum parking standards under PPG13. Highway Officers have commented that they do not now raise objections should this previously established position be repeated.

Infrastructure

Policy OS5 of the RUDP requires an appropriate provision or equivalent commuted sum payment for recreation open space including children's play space and informal open space. The Developer is also required to pay commuted sum payment proportional to the scale of the proposed development with regards to education.

Under the previously approved application (09/04891/FUL) a financial appraisal was submitted and in order for the scheme to become viable both of these contributions were waived.

Bats

All species of bats are afforded full legal protection under UK and EU law and a European Protected Species (EPS). Licence from Natural England (NE) will be required in order for the roost to be disturbed prior to the proposed demolition works along with suitable mitigation proposals and the provision of compensatory habitat, in the form of a Method Statement. The EU Habitats Directive, as implemented in the UK by the Conservation Habitats and Species Regulations 2010 (Conservation Regulations), contains three "derogation" tests which must be applied by NE when deciding whether to grant a licence to carry out an activity which would harm an EPS (and thereby constitute a criminal offence).

The derogation tests are as following:

- The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be obtained.

The Developers have commented on the 3 derogation test and in considering these test Officers are of the opinion that:

The Menston area is identified as having limited affordable housing and the scheme is devised to address this issue thereby creating significant public benefit. Menston Hall is a building of significant architectural and historic interest. It is in the public interest that this building is prevented from falling into further disrepair and is brought into active use whereby ensuring its upkeep. There is no satisfactory alternative to the project as the design team have formulated a site-specific response. Mitigation measures will maintain the species affected in a favourable conservation status.

The derogation tests required by the Directive have been carefully considered and engaged satisfactorily taking into account of the bat survey report and the mitigation measures proposed. Natural England have been consulted and any comments received will be orally reported to the Panel.

During the process stage of the original application, referenced 09/04891/FUL, a solitary hibernating bat was discovered behind the lead flashing in the flat roofed annex building. Subsequently all lead from the building was stolen resulting in the roost site too being lost. Endoscope surveys during Spring 2010 found that bats did not use the building for roosting during the summer and this was further confirmed prior to demolition. In order to re-create suitable roosting features in the new replacement arched building, plans show 2 brick bat boxes are proposed in the northern and southern elevation and 4 are proposed in the south west corner.

Sustainable drainage

Under the original application referenced 09/04891/FUL conditions were discharged demonstrating acceptable drainage proposals.

Community Safety Implications:

Under the previous application referenced 09/04891/FUL the Police Architectural liaison Officer was satisfied that all aspects of security required to fulfil policy D4 of the RUDP had been fulfilled and the guidance contained within the SPD 'Planning for Crime Prevention'. With respect to the resubmitted application there are no alterations to the security details.

Disabled access

Under the design and access statement it is stated that entrances would be level and would comply with the part M1 of the Building Regulations.

Conclusion

The difference between this scheme and that previously approved by the Area Planning Panel (09/04891/FUL) is the increased 1m roof height on the crescent shaped block. The two key issues to consider are visual and residential amenities. It is not considered that this resultant building would harm visual amenities. It would still be in keeping in terms of scale and not be over-dominant with respect to the adjacent Menston Hall building. The layout siting of the proposed residential units are such that there would be sufficient stand-off distance in relation to existing nearby residential properties to the extent where it is considered that future residents of the proposed development and those residents of existing nearby properties would not suffer an undue loss of amenity through loss of privacy and overshadowing. As such there are no objections to this element of the application.

In line with the previous decision for the application 09/04891/FUL metro cards to overcome shortage in parking provisions and affordable housing would be sought through a Section 106 Agreement.

The scheme has secured Government funding through the Kickstart initiative thereby having the benefit of encouraging economic activity and delivering new affordable homes. The proposal has merit through the removal of a flat roof-annex building and replaced by one that represents a vast improvement in many areas particularly in terms of visual amenity. Furthermore the scheme would ensure the upkeep of Menston Hall through active use. No harmful issue of a materially significant nature has been identified hence this application is recommended for approval.

Reason for Granting Planning Permission:

This scheme has secured funding through the Kickstart initiative thereby having the benefit of encouraging economic activity and delivering new homes thus meeting the objectives of policies UR4 coupled with the social benefits identified under UR2.

The application would be contrary to the RUDP as it would involve development within the land identified as Recreational Open Space. However the proposed development would not result in the loss of any recreation open space used by the public hence it is not consider to conflict with OS2.

The scheme represents an efficient use of land, on a brownfield site and is within a sustainable location meeting the objectives of policies UDP1, UR2 and H7 and acceptable in terms of residential amenity considered under policy UR3. The issues of contamination can be resolve through use of conditions to fulfil the requirements of policy P4.

Part of the scheme would result in the removal of an unsightly flat roofed building and replace it with one which would represent a vast improvement in terms of design, appearance, use of materials and safety in line with policies D1 and D4. No material harm to neighbouring residential amenities would result and would comply with policy UR3. Furthermore development on Menston Hall would save this building of listable quality from falling into further disrepair.

There would be the provision of a proportionally high number of affordable housing units and commuted sum for infrastructure provision for education and public open space as required by policies H9, OS5 and CF2 by way of completion of an Agreement under section 106 of the Planning Act 1990.

Despite the shortage of parking it is considered that this issue can be overcome by mitigation measures such as Travel Plan, Metro Card scheme and a commuted sum payment towards raised kerbs taking into account policies TM2, TM3 and PPS 13 by way of completion of an Agreement under section 106 of the Planning Act 1990.

No bats have been effected and this application has been considered against the Conservation Regulation 1994, Circular 06/05, PPS9 and policy NE6.

Whilst in close proximity to protected trees it is not considered that the proposed development would result in a loss of any protected trees hence there would be no conflict with policy NE4 and NE5.

Conditions of Approval:

Under the original scheme 09/04891/FUL the vast majority of the work has been completed and most of the original conditions have been discharged. Only the outstanding conditions are recommended:

To cover:-

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

4267/101A Location Plan
4267/105G Proposed site plan
4267/106A Proposed floor plans
4267/107A proposed elevations
4267/108B New Build 01 Floor Plan
4267/109D New Build 01 Elevations
4267/110C New Build 02 Plans and Elevations
4267/113D Boundary details secured by design

2260.01A Planting plan
2260.02A Multi stemmed Tree Staking detail
2260.03A Cross Bar Staking detail
2260.04A Knee Staking detail

1891/D/001B Foul and surface Water Drainage Sheet 1 of 2
1891/D/002B Foul and surface Water Drainage Sheet 2 of 2
1891/GA/001A Permeable Parking Bays General Arrangements and Details
1891/SD/01A Drainage Standard Details

Ref 80804 AIA Arboricultural Implication Assessment
Ref 80804 MS Arboricultural Method Statement
BE/D/0624/02 Bat roost Details
Forticrete Bat box details

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

2. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to the Local Planning Authority for concurrent approval in writing with the landscaping scheme. The landscape management plan shall be carried out as approved.

Reason: In the interests of visual amenity and to accord with Policy NE4, NE5 and NE6 of the Replacement Unitary Development Plan. 12.

3. External construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority. Internal works of a quieter nature (generally second fix work and painting) shall only be carried out between the hours of 0730 and 2000 on Mondays to Fridays, 0730 to 1700 on Saturdays and 0800 to 1500 on Sundays.

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

4. Before any part of the development, hereby approved, is brought into use the proposed car park hereby approved shall be laid out, hard surfaced, sealed, marked out into bays and drained within the site as shown on the approved drawings.

Reason: In the interests of highway safety and to accord with RUDP policies TM2 and TM12.

5. Prior to occupation of the residential units two full copies of a full completion report confirming the objectives, methods, results and conclusions of all remediation works shall be submitted to the Local Planning Authority and agreed in writing.

Reason: To safeguard residents and the environment from pollution in accordance with RUP policy P4 and Government advice contained within PPG 23

Heads of Terms of Section 106 Agreement

The head of terms are identical to those approved by the Shipley Area Planning Panel under application referenced 09/04891/FUL.

Affordable Housing. 22 units out of the total 30 designated as affordable housing.

Travel Green Plan. To include metro card provision which shall provide for occupiers the following over three years the Contribution from the scheme to fund:-

- A free MetroCard in the first year.
- 40% discount on a rail and bus MetroCard in year 2
- 25% discount on a rail and bus MetroCard in year 3
- The total number of rail and bus MetroCards that will be made available will be equivalent to 60% of the units for which planning permission was obtained.

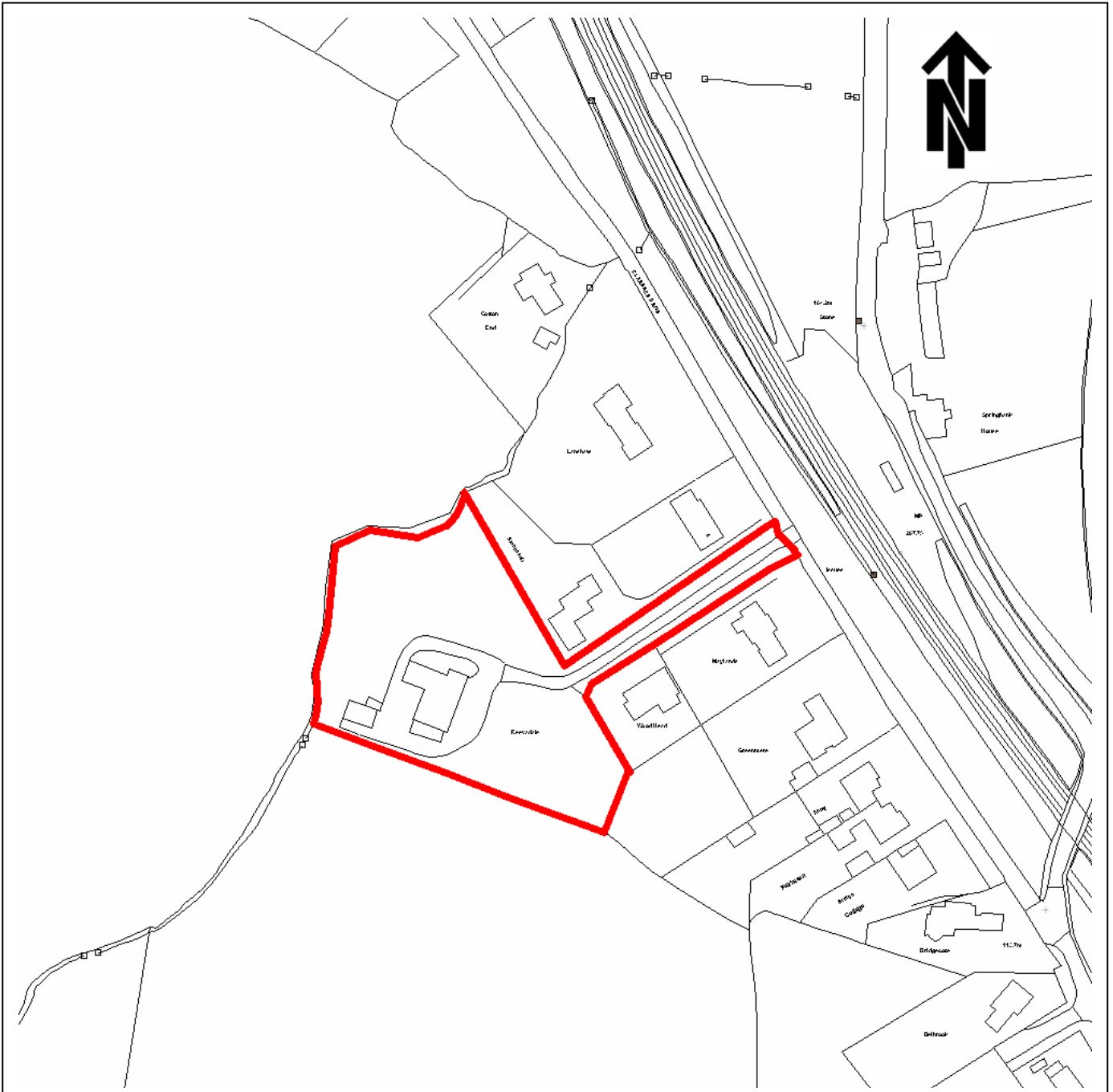
OR

The total number of units actually built if the developer does not fully develop out the site beyond 60% of the permitted units.

Area Planning Panel (Shipley)

10/03370/FUL

22 February 2011



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ITEM NO. : 6

LOCATION:

**Reevadale
Clarence Drive
Menston
Ilkley**

22 February 2011

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

Application Number:
10/03370/FUL

Type of Application/Proposal and Address:

Full application, as amended, for the demolition of existing dwelling and coach house/garage and construction of three detached houses, utilising existing access at Reevadale, Clarence Drive, Menston, Ilkley LS29 6AH.

Applicant:

Executors of the Estate of Mrs Hey

Agent:

Halliday Clarke Ltd

Site Description:

Clarence Drive is located on the north-west side of Menston in a semi rural location where Burley Lane and Clarence Drive form a ribbon of development extending out into the countryside along the side of the railway line. Clarence Drive is an unadopted private road with no through access. It serves around 15 dwellings. It lacks a footway in places and its carriageway is about 4.1 - 4.5m wide. It begins at a simple priority junction with Burley Lane which has an acute angle to the north as Burley Lane bends towards the north east, crosses over the railway line and becomes Menston Old Lane.

The area is characterised by large detached properties on extensive plots generally surrounded by trees and mature landscaping. Reevadale is the oldest property in the locality dating from around 1908; the other plots were developed in the 1920's/30's and there has been later infill in places.

The application site comprises a wedged shaped plot of some 0.65ha and is towards the far end of Clarence Drive. It is accessed via a driveway approximately 90m long between the houses at Maylands and Chartres, which front Clarence Drive. Woodhead and Stonecroft are neighbouring houses that have been developed in what were originally the rear gardens of the older properties. Reevadale is bounded by mature trees including a belt of poplars along the south western edge. Green Belt fields are beyond the trees. The northern section is overgrown with mainly self seeded trees and scrub. The house itself is a very large arts and crafts style dwelling of some architectural merit. A large lawned area is to the front and a detached garage and outbuildings to the rear. It has been empty for some years and has fallen into disrepair.

Relevant Site History:

10/00382/OUT – Demolition of existing dwelling and development of 5 dwellings. Withdrawn

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated on the RUDP Proposals Map but is bounded by Green Belt land to the north, west and south.

Proposals and Policies

UDP3 – Quality of the built and natural environment
UR3 – Local impact of development
D1 – General Design Considerations
D2 - Energy Efficiency and Sustainable Design
TM12 Parking Standards for Residential Developments
TM19A – Traffic Management and Road Safety
NE5 – Retention of Trees on Development Sites
NE6 – Protection of Trees During Development
NE10 - Protection of Natural Features and Species

Supplementary Planning Guidance contained in the Council's approved House Extension Policy has been considered as a material consideration as it provides useful guidance on separation distances which can reasonably be applied to infill development.

Relevant National Planning Guidance;

PPS 1 – Delivering sustainable development
PPS 3 – Housing
PPS 9 – Biodiversity and Geological Conservation

Parish Council:

Menston Parish Council recommend refusal for the following reasons:

The size of the houses in relation to the plot sizes is not in keeping with the surrounding area

The access and egress from Clarence Drive is difficult and possibly dangerous. More development will exacerbate this problem

The development will be ecologically harmful as a large number of trees will be removed

Publicity and Number of Representations:

The application was publicised by neighbour notification letters and a site notice with the overall expiry date for representations being the 27.08.2010. The following representations have been received

6 individual letters of objection from residents.

An objection from the Clarence Drive Residents Association (membership – 26 individuals from 14 addresses on Clarence Drive)

An objection from Walton and Co Solicitors (who were instructed by the members of the residents association).

Summary of Representations Received:

- The proposed dwellings are too large, too many in number and the scheme represents an over development of the site
- The junction with Clarence Drive and Burley Lane/Menston Old Lane is dangerous and no further development should take place on Clarence Drive as this would be detrimental to highway safety.
- The highway issues which were identified when the application at Greenmere was refused planning permission in 2004 are still relevant

- Large amounts of hikers, dog walkers, children and cyclists use Clarence Drive. Access and egress onto the drive must be taken with extreme care. Visibility is limited by the trees and landscape
- The proposed dwellings are over 30% larger than those surrounding and considerably higher with windows and rooms in the roofspace meaning that they are set over 3 floors. The proposed dwellings are overbearing and dominant
- The design is unacceptable and not in keeping with local properties, unit three has a “gothic” tower which will appear incongruous in this setting
- The size of the houses in relation to the plot size and the number of dwellings on a single plot is out of character with the rest of Clarence Drive
- The proposed dwellings will cause overlooking problems from habitable rooms and balconies and the external staircase
- Does the external staircase signal an intention to split unit 3 into flats?
- The extra traffic using the driveway at Reevadale will harm the amenity of neighbours through noise and disturbance
- The development will result in the loss of up to 100 trees. This will have a negative impact on the character of the area and local wildlife
- The loss of trees will open up views from neighbouring properties resulting in a loss of privacy for neighbours.
- Clarence Drive is not a public highway therefore the red line should be amended to extend along Clarence Drive to the junction with Burley Lane. A new application is therefore required.
- The construction of the development will have an adverse impact on the surface of Clarence Drive
- The site floods due to inadequate surface water drainage – drainage issues have not been adequately addressed. There are underground water courses and heavy rainfall leads to water logging.
- Any development at Reevadale will set an immediate precedent for development at other sites along Clarence Drive, such as Lanshaw.
- A similar proposal at Greenmere was refused by the council in 2004 and later dismissed at appeal. The reasons for refusal (scale, bulk, impact on local character) to be even more relevant to this development
- The application site is not previously developed land and therefore the proposal does not accord with policy UR4 of the rUDP.
- PPS3 has reclassified garden land as Greenfield land. It is not Brownfield land and it is therefore not a sustainable form of development
- Unit 2 is out of line with Stonecroft affording views over my garden into my home

Consultations:

Council Drainage Services

Part of this site has been identified by the Environment Agency as lying within land which is susceptible to surface water flooding. The developer must therefore submit a FRA undertaken in accordance with PPS25.

Note that it is the developer’s intention to dispose of surface water using sustainable drainage techniques. This is acceptable subject to the developer submitting details of the proposed scheme to the council for comment before development commences.

Highways Development Control

No objections. Note that a view has been expressed previously by the Planning Inspectorate that both the road and its junction are capable of serving further development. The two additional dwellings will result in a maximum of two additional trips at peak times. This is well within the capacity of Clarence Drive (which currently serves approximately 17 dwellings) and its junction with Burley Lane. Note that Clarence Drive has low traffic speeds with a width varying between 4.1-4.8m. It is therefore capable of accommodating two way vehicle movements with localised wider areas which can be used for larger vehicles to pass. The long drive leading to the site is some 80m+ long and it is noted that a passing place is provided. The turning head, whilst not complying with adoptable standards, it is of a suitable size to enable a refuse vehicle to turn. Highways DC suggest conditions relating to ensuring the means of access, parking, visibility splays and the turning facility are provided.

Council's Tree Officer

Initially had concerns regarding details of drainage runs, resurfacing engineering and impact on root protection areas. The Halliday Clarke plans were not consistent with the Smeeden Foreman landscaping plans resulting in buildings and the passing place being within RPA's of protected trees. These issues have now been satisfactorily resolved by amendments to layout and the Tree Survey and Recommendations.

Council Countryside Services (Ecology)

Initially raised concerns about the adequacy of the amount of bat survey work conducted and that an EPS Licence was unlikely to be forthcoming without further work. In particular the deficiencies related to the number of surveyors to cover a large complex house, the period of time over which the surveys were conducted and the type of equipment used. The survey work established that pipistrelle bats roost in the premises, although there may be potential for more bats i.e. a small maternity roost, hibernation roost or other species.

Following discussions with the applicant's ecologist, further explanation of the survey work conducted and the proposals for mitigation the Countryside Officer is satisfied that the additional work required can appropriately be secured by condition and that there is no reason to withhold planning permission pending further investigations. This conclusion has been reached following advice from Natural England.

West Yorkshire Ecology Service

Advise that this is a very high risk property for bat roosts both in the building and the trees. Further survey work is required. There should also be an extended phase 1 habitat survey conducted to establish what habitats are present in the curtilage of the building.

Summary of Main Issues:

1. Principle of development and density considerations
2. Design issues and appropriateness of the scheme to the character of the area
3. Impact on residential amenity and neighbours
4. Considerations of highway safety
5. Impact on trees
6. Protection of bats
7. Drainage
8. Other matters

Appraisal:

Principal of development and density considerations

As stated in the objections, amendments to PPS3 on "Housing" in June 2010 have taken residential gardens out of the definition of "previously developed land". However, there has been no substantive change in policy that would ban all development in gardens. In any case, officers do not consider that this change to PPS3 is relevant in this instance. What is under consideration is not an additional dwelling within the garden of Reevadale but its demolition and the redevelopment of the previously developed site. Demolition of the existing dwelling would not require planning permission and once the dwelling was demolished the site would fall within the definition of "previously developed land". National and RUDP local planning policies continue to encourage more efficient use of previously developed land for housing.

Reevadale occupies a substantial plot of 0.65ha and there are no policy reasons to oppose the principle of constructing further dwellings here to other relevant material considerations such as addressing local character and amenity issues. One of the objections is noted to have cited policy UR4 (the sequential approach to accommodating development) as an objection to the principle of development. However, Policy UR4 was not one of the policies "saved" by the Secretary of State in 2008 and is no longer part of the development plan.

Density

The proposal for three dwellings on the land at Reevadale represents a density of just 4.62 dwellings per hectare (DPH) which is significantly below the minimum of 30 DPH expected by policy H7 of the RUDP. Recent changes to PPS3 have deleted references to 30 dwellings per hectare as a national indicative minimum density. Whilst the policy in the rUDP remain extant the national change is considered to enable the Local Planning Authority to much more confidently consider housing developments on the basis of the appropriateness of that density to the local area and its character - with far less weight now having to be afforded to meeting minimum density targets.

Judged on its merits and against considerations of local character it is considered that the proposed density of this scheme (excluding for now considerations of scale, bulk massing etc) reflects the low density character of the surrounding area. The closest dwellings; Wood Head, Stone Croft, Maylands and Chartres represent a density of around 8 DPH, almost double that proposed at Reevadale. Further south along Clarence Drive the plots become larger, the largest being Greenmere which, with one dwelling on a plot of 0.29ha, represents a density of 3.44 DPH. In total, the triangular area of development fronting Clarence Drive between Bridgcote, Lanshaw and Reevadale covers approximately 2ha and accommodates 11 dwellings with an overall density of 5.5DPH. The proposed density at Reevadale therefore reflects the prevailing density of the area and whilst not achieving the expectation of Policy H7 of the rUDP, the proposal for 3 dwellings in place of the existing single dwelling is acceptable in principle.

As the prevailing density in the surrounding area is between 10 and 3.44 DPH, with an average of 5.5DPH, the objections by local people that the proposed density of 4.62 DPH is "overdevelopment" of the plot are difficult to substantiate.

Design issues and appropriateness of the scheme to the character of the area

Although an impressive period house, Reevadale is acknowledged to be in poor condition and is not protected by listed building or conservation area status. Its demolition could be carried out as permitted development. Replacement with appropriately designed new dwellings is therefore acceptable in principle.

The application proposes to replace Reevadale with three individually designed detached dwellings positioned around an informal turning head and incorporating integral garages, terraces and driveways. A new passing place would be provided on the existing 90m long driveway leading from Clarence Drive.

The existing dwellings in the Clarence Drive area are all individually designed large detached properties set on plots with mature landscaping. There is no prevailing style, age, character or material pallet, each being a reflection of the architectural style of its time. Reevadale itself is built from natural stone, with tudor style timber framed render, gables and cut stone mouldings. It has a striking red coloured roof and is an imposing property reaching a full three storeys in height with a maximum ridge height of around 10m.

The proposed dwellings are to be constructed from natural coursed stone and render, clay rosemary tiles or natural slate, timber windows and doors with porous gravel drives and block paving. Each dwelling has been individually designed in a style which blends traditional and modern elements over two storeys with a maximum height slightly lower than that of Reevadale at approximately 9.5m. They feature varied roof forms with dormers, peaked gables and flued chimneys, reflecting the 1920s styling of Reevadale. Typical ridge heights would be between 9.5 and 8.5m with roof heights stepping down towards boundaries.

It is considered that the individual designs of the 3 houses are of a high quality with design cues taken from the existing dwelling and those in the surrounding area. The site will not be readily visible from public vantage points due to the tree cover but design scale and materials are all of high standard and appropriate to the area. The incorporation of more individual design elements, such as the tower on unit 3, is considered to be entirely appropriate in this location. The pallet of materials is also appropriate to the area and the incorporation of sustainable design features is to be welcomed.

The dwellings have been designed to meet a minimum of code level 4 of the Code for Sustainable Homes and to be "Lifetime Homes" compliant. This ensures that access to the properties is suitable for both wheelchair users and the ambulant disabled and that suitable and adaptable facility are provided on the ground floor. Habitat for bats can also be incorporated into the fabric of the buildings. Sufficient space is provided for the storage of waste bins and for service vehicles to enter and exit the site in forward gear.

Impact on residential amenity and neighbours

The objections from the neighbouring properties about the perceived detrimental impacts on residential amenity summarised above have been very carefully considered. The scheme will increase the level of development on the site and the new dwellings will be more visible from neighbouring properties than Reevadale is at present. However given the context, separation distances and availability of screening by trees it is not considered that the development will result in effects on local or residential amenity that would be so significant as to warrant refusal of the application.

Dwelling 1 is positioned at 90° to the shared boundary with Stonecroft with about 19m between the two buildings and a 4 metre gap to the shared boundary. The building has been designed with the closest section to the boundary set down 2m from the main ridge height. There are no first floor habitable windows in the side facing elevation of the proposed dwelling and substantial screening along the boundary which will limit any oblique views from the windows on the principle elevation. It is acknowledged that Unit 1 will be visible from Stonecroft through the trees, but it is not accepted that it will have an over bearing impact or result in significant levels of overlooking of the Stonecroft or other neighbouring properties.

Dwelling 3 is positioned roughly in line with the existing dwelling at Wood Head with approximately 7 metres between the proposed dwelling and the shared boundary. There are no habitable room windows facing Wood Head (the facing windows limited to a ground floor cloak room and first floor en suite). An external stair case on the side facing elevation will provide external access should one of the bedrooms be used as a home office, this is not, as suggested by one of the objectors, to facilitate the division of this unit into flats. If this was proposed in the future it would require further planning application which would be considered on its merits at that time.

It is acknowledged that Wood Head has been extended recently which has brought the building closer to Reevadale. However, there will remain a gap of about 14 metres between the two dwellings, with Wood Head having an ensuite window and a secondary dining room window in the south west facing elevation. No significant issues of overlooking or over dominance of this existing house are foreseen.

Dwelling 2 is positioned well within the site a significant distance (approx. 40 metres) from the nearest existing building and will not result in any significant detrimental effects on the residential amenity of any neighbouring properties.

In conclusion, the distances separating the new dwellings from existing houses are considered to be generous and acceptable. The positioning of windows and the scale, massing and position of the proposed buildings in relation to the neighbouring houses and gardens has been carefully considered but the redevelopment scheme is not considered to result in any significant loss of amenity to occupiers of neighbouring properties and complies with Policies UDP3, UR3 and D1 of the RUDP.

Considerations of highway safety

The comments of the objectors regarding highway safety along Clarence Drive and its junction with Burley Lane have been carefully considered. Reference is made to a previous appeal on an adjoining property (Greenmere) when, in 2005, highway safety on Clarence Drive/Burley Lane came under close scrutiny. Whilst dismissing the 2005 appeal, the Planning Inspector concluded that whilst imperfect, the visibility at the junction of Clarence Drive and Burley Lane was adequate, as were widths and passing facilities along Clarence Drive. He dismissed the Greenmere appeal on other grounds but, as is pointed out in the highway consultation advice, was satisfied on the issue of road safety and capacity. No new dwellings have been constructed on Clarence Drive since 2005 and the proposed scheme represents a net increase of just two dwellings. In the opinion of the Council's Highway Officer, this will generate very few net additional trips even at peak periods and would be within the capacity of the highway network, including the junction.

Clarence Drive is a shared surface road of varying widths serving 15 dwellings at present. Although lacking footways, the number of dwellings served is not considered excessive and vehicle speeds are generally low. Overall it is not considered that the net increase of only two additional dwellings would result in conditions so prejudicial to highway safety as to warrant refusal of the application. The scheme is therefore considered to comply with the requirements of Policies TM2, TM11 and TM19a of the RUDP.

Impact on trees

The site contains two group tree preservation orders (TPOs) and a number of individually protected trees. These are mainly along the northern and southern boundary of the site but also include some of the large specimens with the site to the north of the existing dwelling and 8 trees along the access drive and two in front of the building. A number of trees will need to be removed to accommodate the dwelling, and whilst these have some group value most (especially those in the northernmost section of the site) are poor self sown specimens that have been badly managed with very few significant individual trees amongst their number.

Care has been taken to retain and where necessary enhance the tree cover around the periphery of the site to retain the character of the site when viewed from the positions beyond the boundary as this is an important part of the character of the location. The plans and proposals have been amended following the original consultation comments of the Council's Tree Officer so that the layout achieves better separation to the important retained trees and is now considered to be acceptable. The information regarding trees has now been correctly transposed from the Landscape Architects plans to the architect's drawings, which had previously shown the locations of trees but not their root protection areas. The two drawings now facilitate a better understanding of the impact of the development in context. The scheme has been amended accordingly to account for the Root Protection Areas (RPAs) of significant trees which are to be retained.

The passing place on the driveway has been moved to avoid the root protection area of T36 and the informal turning head has been redesigned to better accommodate T1, a cedar. Dwelling 3 has also been pivoted to make better use of the available space and to avoid RPAs. While the scheme does involve the removal of number of trees, this is considered acceptable as the majority of these provide little public amenity and are poor self sown specimens in need of management. The most noticeable trees to be removed will be a group of Lombardy Poplars along the south western boundary of the site. These are highly visible in long range views into the site from the Green Belt. However, these trees have significant cavities, dead wood and old branch stumps and the arboriculturalist is of the opinion that while these trees do form a prominent landmark, their failure is readily foreseeable. Their roots have caused significant damage to the foundations of the existing dwelling and the proposal to remove them is supported. They will be replaced with more suitable native tree species which will mature to provide appropriate tree cover in the medium to long term.

The scheme includes a significant replanting scheme with an emphasis on ensuring that only native tree and shrub species taken from the Science Museum's post code plants database are used. Protection of existing healthy trees plus the new native tree planting scheme will ensure that the well treed character of the site is maintained. Subject to the implementation of this tree planting scheme and appropriate tree protection measures during construction and demolition the application proposals are considered to comply with the requirements of tree protection policies NE5 and NE6 of the RUDP.

Protection of Bats

The existing dwelling at Reevadale has a complex roof structure capable of providing roosting sites for bats with potential for bats in the outbuildings and mature trees. This and its location on the edge of open countryside near good foraging habitat means that there is a reasonable likelihood of bats being present. A bat survey of the dwelling, outbuildings and trees was therefore required prior to the validation of the planning application.

An initial assessment of the bat roost potential of the buildings was undertaken in June 2010. This identified a number of potential roost sites. A dusk activity survey was undertaken followed by a dusk and dawn survey. Following the advice of the Council's Countryside Officer, the mature trees were also checked for evidence of bat roosts in their crevices.

Common pipistrelle, noctule and myotis bats were observed foraging in the grounds of the site and a brown long eared bat was also observed. Approximately 12 common pipistrelles were observed entering and exiting the main dwelling at two separate points. No evidence of bats using the trees was discovered at the time of the survey. The surveyor concluded that the house was providing summer roosting space for a small number of males or non breeding females. No evidence of a maternity roost was found.

All species of bats are afforded full legal protection under UK and EU law and a European Protected Species (EPS) Licence from Natural England (NE) will be required in order for the roost to be disturbed prior to the proposed demolition works along with suitable mitigation proposals and the provision of compensatory habitat, in the form of a Method Statement. The granting of planning permission does not overrule this requirement, but planning permission must be in place before an application for a licence can be made. The developer would need to obtain an EPS Licence prior to demolishing Reevadale to facilitate the development.

The Senior Countryside Officer and West Yorkshire Ecology raised initial concerns about the bat survey in terms of the number of surveys, timing and the explanation of the methodology and findings. It is considered that further survey work would be required in order for Natural England to be able to grant the requisite licences prior to demolition due to the quality and breadth of information in the consultants submitted report. The applicant's ecological consultant was asked to supply further details and clarification. This has been provided and has helped to address the concerns of the Senior Countryside Officer. Officers are satisfied that the submitted surveys are adequate for purposes of determining this application.

The EU Habitats Directive, as implemented in the UK by the Conservation Habitats and Species Regulations 2010 (Conservation Regulations), contains three "derogation" tests which must be applied by NE when deciding whether to grant a licence to carry out an activity which would harm a European Protected Species.

Notwithstanding the above licensing regime governed by NE, the Local Planning Authority (LPA) must also address the three "derogation" tests when deciding whether to grant planning permission for a development which would give rise to any criminal offence against an EPS and has a statutory duty to have regard to the requirements of the Habitats Directive in the exercise of its functions. The activity to be licensed must be for one of the reasons listed in Regulation 53(2) of the Conservation Regulations, and in the case of development the 'three tests' to be met are:-

53 (2)(e) preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;

53 (9)(a) there must be no satisfactory alternative; and

53 (9)(b) the favourable conservation status of the species in their natural range must be maintained.

The existing building at Reevadale has been vacant since 2004 and is in a semi derelict state. It suffers from structural problems, is unsafe and its condition is deteriorating. Reevadale has been the family home of the applicant since 1962 and consideration has been given to the possibility of repairing the building and bringing it up to a modern standard.

However, following a detailed inspection of its condition it was determined that this would not be economically viable. The dwelling sits on a substantial plot and makes inefficient use of the available land. The proposal to demolish the existing redundant building and replace it with three new dwellings built to modern environmental standards will make more efficient use of the site whilst maintaining the character of the area.

Officers are of the opinion that the requirements of “three tests” can be successfully met. The demolition or substantial renovation of the existing structure is required on health and safety grounds and notwithstanding the issue of economic viability it is unlikely that the building could be renovated without causing disturbance to the roost. There is therefore no satisfactory alternative to the proposed demolition. In addition, the sensitive redevelopment of the site incorporating additional roosting features for bats would utilise an otherwise neglected area of land and make more efficient use of the site than the existing single dwelling. The proposal is therefore considered to be in the public interest and could ultimately provide better roosting opportunities for bats.

The building is not a significant maternity roost site, providing summer roosting for a small number of male common pipistrelles. If the building is allowed to deteriorate further the current roost sites will be lost as a consequence anyway. Subject to the provision of suitably robust mitigation methodology and its implementation it is considered that the favourable conservation status of the species can be maintained.

Overall, it is considered that the survey work has established that bats are using the building and that a Natural England Licence will need to be obtained prior to the commencement of demolition or dismantling works. Subject to the developer conducting further survey work as may be required and submitting this along with a revised Method Statement containing acceptable mitigation proposals to the Council for approval prior to the commencement of development it is considered that the conservation status of the local bat population can be maintained in line with the requirements of PPS9 and policy NE10 of the RUDP.

Other matters raised by objectors

Solicitors acting for Clarence Drive Residents Association have stated an opinion that because Clarence Drive is not an adopted public highway, the red line around the proposed development site should extend all the way along Clarence Drive to the junction with the public highway requiring notification to other residents. Officers have considered this point but the submitted site plan satisfactorily identifies the land to which the application relates. The development does not propose any improvements or alterations to Clarence Drive, nor are any engineering works to Clarence Drive required to make the development acceptable (such as resurfacing or the creation of a passing place). All land necessary to carry out the proposed development is therefore within the edged red site.

If the objectors have concerns relating to access rights along Clarence Drive this is a private matter between the parties involved and not a matter for the local planning authority. This also applies to concerns from objectors about possible damage to the surface of the road during development. The agents have been advised to take their own legal advice on this.

Drainage

Objectors have expressed concerns that the site is waterlogged and that development could cause flooding. The Council's Drainage Section has said that the site is included in a large scale map produced by the Environment Agency which indicates land which is susceptible to surface water flooding. However, it is not in a Zone 2 or 3 Flood Risk area. The site is in Flood Zone 1 and contrary to the advice of the Council's Drainage Officer PPS25 does not require a flood risk assessment in such circumstances.

Nevertheless, localised surface water drainage is recognized to be of significant concern to local residents and requires careful consideration. The Environment Agency states that the surface water flooding map has been produced using a simplified method that ignores urban sewerage and drainage systems, ignores buildings, and uses a single rainfall event – therefore it only provides a general indication of areas which may be more likely to suffer from surface water flooding. It does not show the susceptibility of individual properties to surface water flooding.

The garden areas of Reevadale are certainly wet, the waterlogging being particularly evident towards the north and west of site where there is a small beck. The architects have indicated that there are land drain and an attenuation tank on site which are currently blocked, as is the beck which has become very overgrown.

It would therefore appear that the lack of maintenance of the existing surface water drainage system is the most likely cause of localised problems of concern to local residents.

Redevelopment would therefore be a means of securing more effective drainage. The problems of surface water management can be dealt with through requiring a practical surface water management scheme to be introduced as part of the new development. The architects have indicated that it is their intention to dispose of surface water via sustainable drainage techniques if possible. A condition to require full details of the proposed scheme should be submitted to the local authority for approval prior to the commencement of development is recommended but it is not considered that there is an overriding drainage objection to redevelopment of the site and introduction of a modern and effective drainage regime.

Community Safety Implications:

There are no community safety implications

Reason for Granting Planning Permission:

The development, as amended, will have no significant adverse effects on local amenity, the amenity of neighbours, the character of the local environment or significant trees. The design of the dwellings is considered sympathetic to its setting in terms of design, scale, height, massing and materials. The level of parking provision is found to be adequate and it is considered that the scale of development is such that it will not have a detrimental impact on highway safety. It is considered to comply with Policies UDP3, UR2, UR3, TM12, TM19a, NE5, NE6 and D1 of the Bradford Replacement Unitary Development Plan.

Conditions of Approval:

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

554.01.100 UNIT 2 ELEVATIONS & PLAN
554.01.101 UNIT 1 ELEVATIONS & PLAN
554.01.102 UNIT 3 ELEVATIONS & PLANS
554.01.111 LOCATION & SITE PLANS
554/01/01 SITE LAYOUT PLAN
554/01/05 PROPOSED PLANS HOUSE TYPE 1
554/01/06 PROPOSED PLANS HOUSE TYPE 2
554/01/07 PROPOSED PLANS HOUSE TYPE 3
554/01/101 UNIT 1 PLANS & ELEVATIONS
554/01/110 SITE SECTIONS
R-N2104/201 REV A 3063.252 - TOPOGRAPHIC SURVEY AS OF 15/09/09

which were received by the Council on 6h July 2010 and:

554/01/04 REV B AMENDED PROPOSED SITE LAYOUT
SF 1773 LL1 REV A AMENDED LANDSCAPE PROPOSALS
SF 1773 TS01 AMENDED ARBORICUTURAL SURVEY

which were received by the Council on 11 October 2010

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

2. Notwithstanding any details shown on the permitted plans, the development shall not begin until arrangements have been made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

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.

3. Before any part of the development is brought into use, the vehicle parking and the turning area and passing place shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan numbered 554/01/04 REV B and retained whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

4. 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.

5. Prior to the commencement of the development an amended Method Statement detailing proposed mitigation, with additional up-to-date surveys if development takes place more than 12 months after the original surveys, shall be submitted to LPA for approval, in accordance with but not withstanding the licensing requirements from Natural England. The development will then proceed in strict accordance with the approved details.

Reason: To ensure that the mitigation measures implemented will satisfactorily safeguard and provide alternative habitat for the European Protected Species at the site and to ensure that the LPA has had regard for the European Habitats Directive in respect of Regulation 9(5) and in accordance with the Conservation of Habitats and Species Regulations 2010 as well as Policy NE10 and NE11 of the Replacement Unitary Development Plan and the national planning guidance contained within PPS9.

6. Demolition of the existing house/garage shall take place outside the bat activity season (i.e. mid October to mid March) and shall be supervised by a suitable qualified ecologist in accordance with the mitigation scheme outlined in the Method Statement (dated October 2010) on pages 3-4 sections A & B or in accordance with amended details as may be agreed in writing by the Local Planning Authority.

Reason: to reduce the disturbance to the known European Protected Species roosting at the property in accordance with the requirements of policy NE10 of the rUDP and the national planning guidance contained within PPS9.

7. The period between demolition of the existing house and completion of the external structure of at least one new building, with agreed number of integrated long-life bat roost features, shall be less than 1 year unless otherwise agreed in writing by the Local Planning Authority.

Reason: to reduce the disturbance to the known European Protected Species roosting at the property in accordance with the requirements of policy NE10 of the rUDP and the national planning guidance contained within PPS9.

8. A post development monitoring plan shall be submitted and have been approved in writing by the Local Planning Authority prior to commencement of development. Post development monitoring will then proceed in accordance with the approved plan.

Reason: to establish the effectiveness of the mitigation and compensation strategy outlined in the Method Statement in accordance with the requirements of policy NE10 of the rUDP and the national planning guidance contained within PPS9.

9. In the first planting season following the completion of the development or as may otherwise be approved in writing by the Local Planning Authority, landscaping and new tree planting shall be implemented at the site in accordance with the approved Landscape Proposals Drawing SF1773 LL1 Revision A received by the Council on 11th October 2010.

Any trees or landscaping becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree.

No other tree shall be removed from the site except for those indicated on the approved layout drawings or with the express written consent of the Local Planning Authority. Any replacement tree or trees specified in such written consent shall be planted as soon as reasonably practicable and in any event during the first available planting season following such removal.

Reason: For the maintenance of tree cover and in the interests of visual amenity and to accord Policies D5 and NE12 of the Replacement Unitary Development Plan.

10. No works of demolition, site preparation, groundworks, or development shall be begun on the site until temporary Tree Protective Fencing has been erected in accordance with the approved layout drawing SF1773 LL1 Rev.A and tree protection methodology accompanying the application. The temporary Tree Protective Fencing shall be to a minimum standard as indicated in BS 5837 (2005) "Trees In Relation To Construction", being at least 2.3m in height of scaffold type construction and secured by chipboard panels or similar and driven at least 0.6m into the ground. The position of the temporary Tree Protective Fencing will be outside Root Protection Areas or as shown on the approved layout plan. It shall remain in the location as shown on the approved plan and shall not move or be moved for the duration of the development.

Before the development or any demolition commences on site, the Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing and have confirmed in writing that it is erected in accordance with the approved plan.

No development, excavations, engineering works and storage of materials or equipment shall take place within the protected areas for the duration of the development without written consent by the Local Planning Authority.

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

FOOTNOTE :

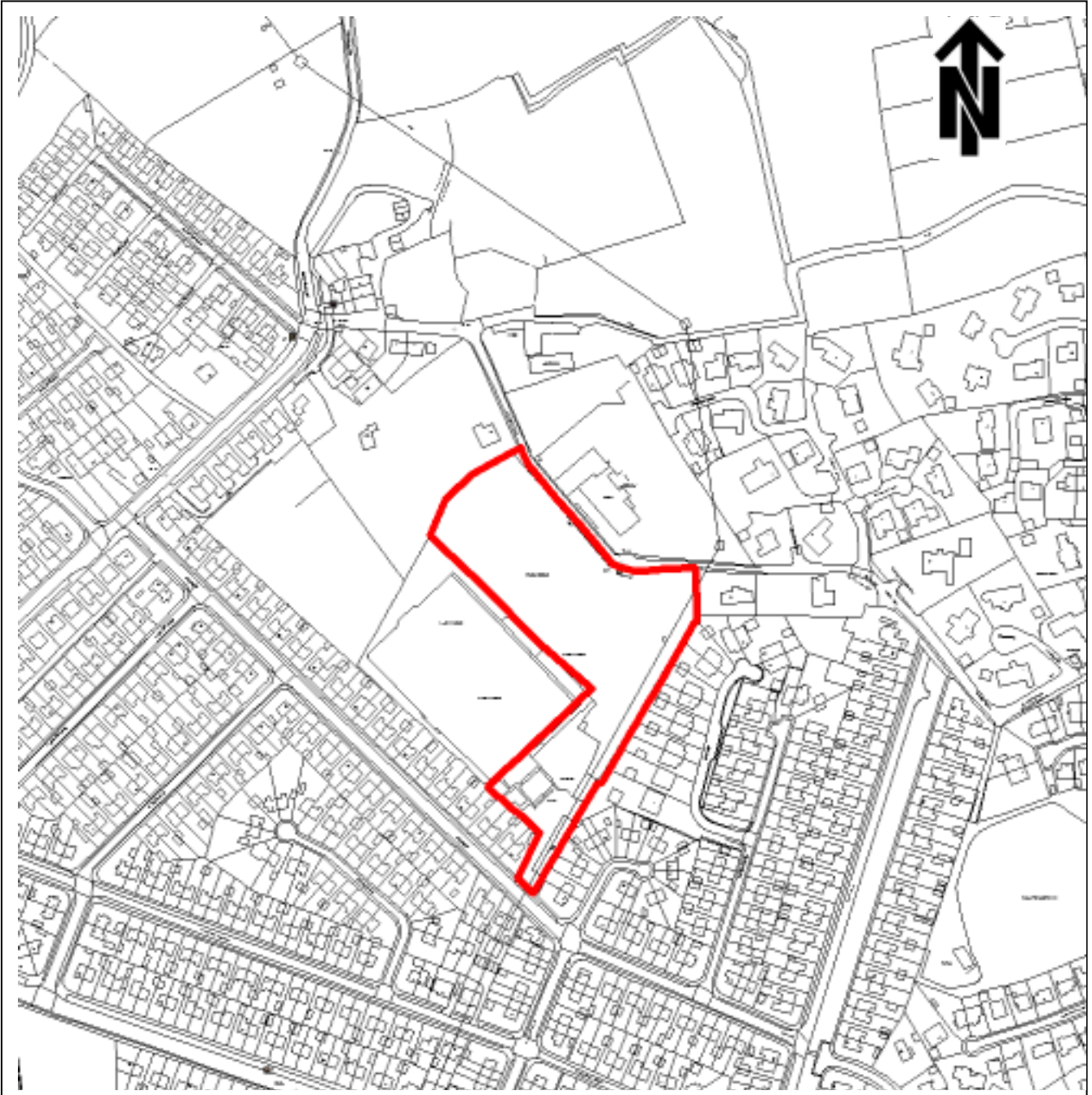
It has been established through survey work conducted in June and July 2010 that bats are roosting in the existing dwelling at Reevadale.

All species of bats are afforded full legal protection under UK and EU law and the developer will need to obtain a European Protected Species licence from Natural England prior to the commencement of any works pursuant to this planning consent which may disturb the bats or their habitat within the existing building and trees. The granting of planning permission does not overrule this requirement nor does it guarantee that Natural England will agree to grant a licence.

Area Planning Panel (Shipley)

10/05087/OUT

22 February 2011



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ITEM NO. : 8

LOCATION:

**Eccleshill Sports And Social Club
Kingsway
Bradford**

22 February 2011

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

Application Number:
10/05087/OUT

Type of Application/Proposal and Address:

This is an outline application for the change of use from a redundant football training ground (D2) to residential use (C3) incorporating an element of affordable housing units at Eccleshill United, Kingsway, Bradford. All matters have been reserved for consideration at a later stage.

Applicant:

Eccleshill United Sports Club

Agent:

Dodd Associates Ltd

Site Description:

The site forms part of the larger sports complex used by Eccleshill United Football Club. The larger site includes a football pitch and associated car park together with the application site comprising a training ground, overspill car park, access road and outbuildings. Access to the site is gained from Kingsway. Adjacent to the eastern boundary of the site is All Alone Road on which there are commercial/industrial premises whilst to the south east are residential properties on Kentmere. To the north is an open piece of land.

Relevant Site History:

An application under reference 08/01294/OUT for the redevelopment of redundant land for housing and relocation of football pitch and clubhouse was withdrawn on the 14th August 2008.

Planning permission was refused on the 2nd July 2010 under reference 10/02136/OUT for the change of use from a redundant football training ground (D2) to residential use (C3) to provide up to 56 family dwellings including 15% affordable housing units.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is allocated as a Playing Field within the RUDP and as such policy OS3 is relevant to the principle of the development.

Proposals and Policies

Policies UR2 (sustainable development) and UR3 (Local Impact of development) are relevant policies to the principle of the use. Policies TM2 and TM19A refer to the impact of traffic and its mitigation, traffic management and road safety. Policy TM12 deals with car parking standards for the development. Policy D1 deals with general design considerations. Provision of recreation open space (OS5), community safety (D4), housing density (H7 and H8), affordable housing (H9), trees (NE4 and NE5), protection of natural features and species (NE10), education (CF2), and drainage (NR16) are also considerations.

Within the Regional Spatial Strategy for Yorkshire and The Humber there are a relevant policies including H1 (Provision and distribution housing), H2 (Managing and stepping up the supply and delivery of housing), H4 (The provision of affordable housing), and, H5 (Housing mix). The Plan states that the 5 West Yorkshire Districts will need to accommodate higher levels of growth within the context of strong economic growth and demographic changes (demographic changes, in-migration & falling household size). The Plan aims to transform Bradford and in this context there is potential for significant job growth and a need to increase housing growth to reflect this and demographic changes. Policy E1 (Creating a successful and competitive regional economy) seeks to create a more successful economy by helping to deliver economic growth, restructuring and diversification.

Other relevant guidance includes PPS1 Delivering sustainable development, PPS3 Housing, PPG13 Transport, PPG17 Planning for Open Space, Sport and Recreation, and, PPS23 Planning and Pollution Control.

The land to both the north and east of the site is allocated as a phase 2 Housing site within the RUDP (Ref: BN/H2.1).

Parish Council:

Not applicable in this instance

Publicity and Number of Representations:

The application has been advertised by site notice, press notice and neighbour notification letters. The expiry date for the publicity exercise is the 31st January 2011.

As a result of the publicity exercise 6 letters have been received objecting to the proposal.

A petition containing 490 signatures has been submitted in support of the application.

Summary of Representations Received:

Objections to the residential application:

- Result in an unacceptable burden of extra traffic on already narrow roads
- Existing primary schools are all full
- There is net loss of recreation ground
- A community facility as part of the club house does not include outdoor recreational facilities
- The sale of the land is being driven by the poor management of the club and the subsequent debt accrued
- The application site is not 'redundant' as stated in the application and is used as a training pitch
- Overlooking and loss of privacy to neighbouring properties on Kentmere
- Increase in noise and pollution
- Increase in traffic and parking problems caused by match day traffic in conjunction with the proposed dwellings
- Concerns over access to the site by emergency vehicles
- How do they intend to access the area with all the construction traffic needed to construct the houses
- Local infrastructure problems, such as the doctors being full
- If permission is granted what happens to the profit that will be made through the sale of the land
- The site is an ex quarry and mining area and is subject to contamination

Objections to the replacement recreation facilities:

- Traffic to and from the car park would be a hazard as Gaisby Lane is both busy and narrow
- The car park would be unnecessary if the pitches are to be used for training purposes only
- The car park is unacceptable as it would remove a green space that is used by people for a variety of uses
- The car park could be used by Travellers, it would be used for anti-social behaviour, and, neighbouring properties would suffer damage by the proposed work
- Future expansion of the site is a concern
- The use of Low Ash School car park would be more acceptable
- The replacement parking and pitch provision are on Council land which could be withdrawn at any time
- The site is contaminated

Consultations:

LDF – Objection to the principle of the development. It does not conform to a number of development criteria of policy OS3, i.e. there is not a demonstrable excess of playing field provision in the area and it does not provide for an alternative provision in a suitable location. There is also a Phase 2 housing allocation adjacent to the site which has had no planning applications submitted on it and therefore from a sequential point of view the allocated site should be developed first

Sport England – Objection with regard to the loss of an existing sports pitch without adequate alternative provision resulting in a net deficit of playing pitch provision within the locality

Environment Agency – No objection in principle, condition sought re surface water drainage from the site

Drainage Services – No objection in principle, conditions sought re foul and surface water drainage from the site

Yorkshire Water - No objection in principle, conditions sought re foul and surface water drainage from the site

Highways – No objection in principle, conditions sought re access to the site

Minerals Section – No objection in principle, the site is situated on and close to landfill site and is located on an area of known underground sandstone workings and in the vicinity of a number of abandoned sandstone mine shafts. There is a significant potential risk therefore that contamination and/or land stability issues may affect the proposed development

Design Enabler – No comments at this stage due to it being an outline application

Education – No objection in principle, seek the payment of a commuted sum of £176,583 towards improving education infrastructure due to existing primary and secondary schools in the vicinity of the site all being full

Rights of Way – No objection in principle, state that Bradford North Public Footpath 141 abuts the site, if the path is to be retained as submitted it should be widened to a minimum width of 3 metres, have street lighting and be adopted as part of the overall scheme

West Yorkshire Passenger Transport Executive – No objection in principle, seek contributions towards improving existing bus stops in the vicinity of the site and the provision of MetroCards

Tree Officer – No objection in principle, seek condition re provision of detailed tree survey and Root Protection Area Plan

Environmental Protection – No objection to the principle of the development, seek conditions relating to the submission of a Phase 2 site investigation report, a quantitative risk assessment and associated remediation strategy

Wrose Parish Council – No comments received

Biodiversity Team – No comments received
Housing Services – No comments received
Parks and Landscape Services – No comments received
West Yorkshire Police – No comments received

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Recreation open space
7. Trees
8. Affordable housing
9. Education
10. Secured by design
11. Contaminated land
12. Other issues

Appraisal:

The application relates to the construction of 56 dwellings on land at Eccleshill United Football Club. The application is in outline form with all matters reserved for consideration at a later stage. An indicative plan has been submitted showing how the site could be developed with a suggested house type (2½ - 3 storeys). Access to the site will be taken from Kingsway. As part of the proposal – although not forming part of the application – replacement recreation provision has been shown at land off Gaisby Lane.

1. Principle of development

The site is allocated as Playing Fields in the RUDP and as such policy OS3 is relevant. The policy states that development will not be permitted on land shown as playing fields or otherwise used as playing fields unless, amongst other things:

- (1) there is a demonstrable excess of playing field provision in the area and the site could not be used to help meet any deficiency in another type of open space, or,
- (2) the development proposal provides for alternative provision in the form of equivalent or better quality and of equivalent or greater quantity of playing field provision in a suitable location, or if suitable replacement land does not exist, the playing fields can be satisfactorily re-located elsewhere within the same neighbourhood, or,
- (5) the development is ancillary to the principal use of the site as a playing field or playing fields and does not affect the quantity and quality of pitches or adversely affect their use

Objections to the principle of the development have been raised by both Sport England and the Councils LDF Team.

The LDF Team have stated that in assessing the proposal against criterion 1 of the above policy that in light of the growth options for the Bradford Urban Area (as issued in January 2008) which propose accommodating between 25 – 35,000 dwellings by 2026 it is essential to ensure retention of designated open spaces such as this one.

Through the continued urban growth there will be a need for open spaces to allow people to pursue recreational activities without the need to travel significant distances. The Applicant would also need to justify that there is a demonstrable excess of playing field provision in the area and the site could not be used to help meet any deficiency in another type of open space. A shortfall has been identified in that Eccleshill Bowling Club have expressed the need for additional land to meet their current and future demand. As such the Open Space Assessment, in which this need was identified, has shown that there are deficiencies that could possibly be met by the type of open space in question. The application therefore fails to meet the requirements of criterion 1 of policy OS3.

With regard to criterion 2 of the policy, as outlined above, the Applicant would have to deliver alternative playing field provision to recompense for the loss of the land encompassed within the proposed site area. The playing fields would have to be of an equivalent/better quality/quantity and provided in the same neighbourhood. The replacement facilities relate to the intensification of existing fields and not the provision of new ones. As such it does not meet the requirements of the policy. Furthermore there is currently an undeveloped phase 2 housing allocation adjacent to the proposed site which has had no planning applications submitted on it. From a sequential point of view this site should be developed first. As such the proposal does not satisfy criterion 2 of policy OS3.

Sport England have also objected to the proposal. Their policy in relation to playing fields states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the Specific circumstances applies.”

They also state that Planning Policy Guidance Note 17 – Planning for Open Space, Sport and Recreation – is relevant and states in paragraph 13 that “development may provide the opportunity to exchange the use of one site for another to substitute for any loss of open space, or sports or recreational facility. The new land and facility should be at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality. Wherever possible, the aim should be to achieve qualitative improvements to open spaces, sports and recreational facilities”. Paragraph 15 states that “in advance of an assessment of need, local authorities should give careful consideration to any planning applications involving development on playing fields. Where a robust assessment of need in accordance with this guidance has not been undertaken, planning permission for such developments should not be allowed unless (amongst other things):

iii) the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality and in a suitable location”.

The proposed replacement facilities on Gaisby Lane amount to an intensification of an existing playing field rather than a direct replacement on a like for like or better basis which national policy guidance and Sport Englands policy E4 requires. Intensification can only be acceptable where evidence by way of a playing pitch strategy or similar is produced to justify there are no quantity deficits locally and the only deficit is in the quality of the existing provision.

No such strategy has been submitted by the Applicant and it is considered that through the intensification of the existing pitches rather than the provision of new pitches there will be a net deficit locally of playing pitch provision. The LDF response states that a least one local club is looking to expand their facilities and therefore there is a need in the area.

It is stated that the club house could be used by more groups/clubs over and above those that already use it. Whilst this is considered to be an acceptable proposal it doesn't overcome the concerns of Sport England and the Councils LDF Team with regard to the overall net loss of playing pitch provision.

It is therefore considered that principle of residential development on the site cannot be considered acceptable for the reasons outlined in the objections raised by both the LDF Team and Sport England in that it will result in the loss of an allocated sports pitch and that adequate replacement provision has not been made which will result in an overall net loss of sports pitch provision within the Ward.

Were members minded to approve the application, then in the light of the Sport England objection it would have to be referred to the Regulatory and Appeals committee for consideration and possibly to the Secretary of State under the Town and Country Planning (Consultation) (England) Directions 2009.

2. Visual amenity

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

The application is in outline form with all matters reserved for consideration at a later stage. An indicative plan has been submitted which shows the proposed dwellings to be 2½ /3 storeys in height. The plan suggests that a possible layout could be in the form of townhouses in terraces between 4 and 9 units. Whilst the surrounding dwellings are mainly traditional 2 storey, semi-detached units it is not considered that these would be out of keeping with the character of the area. However, as stated previously the plan is indicative and is not to be considered as part of this application.

3. Residential amenity

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

The application is in outline form with all matters reserved for consideration at a later stage. A layout plan has been submitted with the application but is indicative only and is not to be considered as part of the application. The plan shows that the 21 metre separation distance with the properties on Kentmere to the east can satisfactorily be met whilst the relationship to the west with 16 All Alone Road the distance is approximately 17 metres which is significantly below the 21 metres normally required. It is considered that the site is of an adequate size such that the required 21 metres can be met and therefore the scheme would need to be revised accordingly. Within the site the separation distances are adequate.

As stated previously the application is in outline form with all matters reserved for consideration at a later stage and therefore a refusal reason based on residential amenity could not be justified.

4. Highway safety

Policies TM2 and TM19A of the RUDP support proposals for new development providing that, amongst other things, the Council is satisfied that the proposal does not adversely affect existing and proposed transport infrastructure or services, including public transport and walking and cycling facilities, in the vicinity of the site or the local environment. Policy TM12 requires the provision of parking in accordance with the Councils adopted standards.

The application is in outline form only with all matters reserved for consideration at a later stage. However, the access point is clearly identified as being off Kingsway and the Highways department have not raised an objection to this. The Transport Assessment submitted with the application is acceptable and concludes that the development traffic could be accommodated within the highway network and that the site is in a sustainable location and well served by public transport.

Running along the eastern boundary of the site is Bradford North Public Footpath 142 which was originally excluded from the site. The submission does not make reference to the existence of the path or how it will fit in with the proposals. The Rights of Way Section have suggested that should the path be retained as submitted it should be widened to a minimum width of 3 metres, have street lighting and be adopted as part of the overall scheme. These comments will need to be taken on board when designing the layout of the scheme.

West Yorkshire Passenger Transport Executive have no objection in principle to the proposal but are seeking contributions towards improving existing bus stops in the vicinity of the site together with the provision of MetroCards for the future occupiers of the dwellings. These would be sought through the provision of a Section 106 Legal Agreement.

5. Drainage

Policy NR16 of the RUDP relates specifically to the provision of adequate surface water drainage systems whilst policy UR3 states that proposals should not have an adverse impact on the surrounding environment.

Neither the Environment Agency nor the Councils Drainage Services have raised an objection to the proposal subject to the imposition of appropriate conditions including one regarding the investigation of the use of sustainable drainage techniques.

6. Recreation open space

Policy OS5 of the RUDP states that new residential development will be required to make appropriate provision of or equivalent commuted payment for recreation open space and playing fields.

Parks and Landscape Services have not commented specifically on the proposal but based upon the number of units included within the scheme a commuted sum of £97,089 will be required to improve the existing recreational facilities within the vicinity of the site. Whilst within the submitted layout there is an area shown as open space this cannot be considered at this stage as the layout is an indicative plan only and does not form part of the permission.

Submitted with the application is a document that shows the possible improvement of the existing playing fields at Wrose Recreation Ground (Gaisby Lane) to maximise their potential for sport. The Applicant has suggested that within the Section 106 Legal Agreement that funds be made available from the sale proceeds of the surplus land to pay for the provision of an additional playing pitch and car park at Low Ash. A number of objections have been received to the replacement pitch provision and whilst these are noted they cannot be taken into account as the scheme does not form part of the planning application. Any works required to carry out the improvements, such as the provision of the car park, will require the submission of a separate planning application.

Whilst it is considered that the recreation provision would be satisfactory to meet the requirements of the policy, OS5 in terms of new residential development it does not comply with other policies in relation to the loss of existing recreational facilities.

7. Trees

Policy NE4 of the RUDP seeks to preserve and enhance the contribution that trees make to the landscape character of the district whilst policy NE5 seeks to retain those trees which are healthy and which have or would have a clear public amenity benefit. The Council will require the protection during construction of trees to be retained and, where appropriate, replacement tree planting for trees lost or damaged during construction.

The Councils Arboriculturalist has not objected to the principle of the development particularly as the layout has not been submitted for consideration and therefore the full impact on the trees cannot be fully assessed at present. When the layout of the development is being considered a detailed tree survey to BS5837:2005 Trees in Relation to Construction will be required together with a Root Protection Area Plan and associated Arboricultural Impact Assessment. It is considered that the site is of an adequate size such that the dwellings can be satisfactorily accommodated such that the impact on the existing trees is minimised.

8 Affordable housing

Policy H9 of the RUDP states that the Council will negotiate for a proportion of affordable housing based on, amongst other things, the extent and type of need, and, the economics of provision.

The site is within an area where the affordable housing quota is 15% and the dwellings should be transferred to an RSL nominated by the Council at a discount of 35% on open market value. The need in the area is for 2 and 3 bedroomed dwellings at respective sizes of 70 and 85 square metres. This provision could be sought through a Section 106 Legal Agreement and the Applicant has agreed to the provision.

9. Education

Policy CF2 of the RUDP states that where new housing proposals would result in an increased demand for educational facilities which cannot be met by existing schools and colleges, the Council will seek to enter into a planning obligation in order to secure the provision of, or contribution towards, new or extended facilities.

Education Services have no objection to the proposal but are seeking the payment of a commuted sum of £176,583 to improve educational facilities in the Ward. This is split into £91,320 for primary education and £85,263 for secondary education. This payment could be sought through a Section 106 Legal Agreement and the Applicant has agreed to the provision.

10. Secured by Design

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

The application is in outline form only and does not incorporate a layout to consider. No comments have been received from the West Yorkshire Police Architectural Liaison Office but as the application relates to access only the details of the layout, on which comments would be expected, would be considered at Reserved Matters stage.

11. Contaminated land

Planning Policy Statement 23 – Planning and Pollution Control – states that Contamination of land may threaten public health and safety, the natural environment, the built environment and economic activities, through its impacts on the users of the land, and on neighbouring users. Land contamination, or the possibility of it, is therefore a material planning consideration in the preparation of development plan documents and in taking decisions on individual planning applications. It remains the responsibility of the landowner/developer to identify land affected by contamination and to ensure that remediation is undertaken to secure a safe development.

The Councils Minerals Section have not objected to the principle of the development but have stated that the site is situated on and close to landfill site and is located on an area of known underground sandstone workings and in the vicinity of a number of abandoned sandstone mine shafts. There is a significant potential risk therefore that contamination and/or land stability issues may affect the proposed development.

The Councils Environmental Protection Team have fully assessed the Phase 1 desk top study and concur with the findings in that there are some concerns regarding the potential for contamination and ground gases to be found on the site together with them to potentially migrate onto the site from adjacent areas of land. As such they are recommending that a Phase 2 intrusive site investigation report is submitted together with a regime of ground gas monitoring. Subsequently a quantitative risk assessment and remediation strategy should be submitted where appropriate. These issues can be satisfactorily dealt with through the imposition of appropriate conditions on a planning permission.

12. Other issues

A number of other issues have been raised during the publicity exercise that have not been covered in the report, these are assessed as follows:

The sale of the land is being driven by the poor management of the club and the subsequent debt accrued – this is not a material planning consideration
If permission is granted what happens to the profit that will be made through the sale of the land – this is not a material planning consideration

Community Safety Implications:

There are no other community safety issues other than those already referred to in the report.

Reasons for Refusal:

1. The proposal will result in the loss of an area of land allocated as a Playing Field within the Replacement Unitary Development Plan for which no suitable replacement provision over and above the level that already exists within the vicinity of the site has been identified. The proposal will therefore result in a net loss of recreational facilities in the area. As such the proposal is considered to be contrary to policy OS3 of the Replacement Unitary Development Plan.