

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (SHIPLEY) to be held on 12 May 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.	8 Nab Wood Mount Shipley West Yorkshire BD18 4EN - 11/00784/HOU [Approve] (page 1)	Shipley
2.	84 Woodcot Avenue Shipley West Yorkshire BD17 6QS - 10/05920/FUL [Approve] (page 7)	Baildon
3.	Erlings Works Half Acre Road Denholme West Yorkshire BD13 3SG - 11/00414/FUL [Approve] (page 13)	Bingley Rural
4.	Hazelmere 50 Burley Lane Menston Ilkley West Yorkshire LS29 6EH - 10/05982/FUL [Approve] (page 25)	Wharfedale
5.	Land East Of 128 Higher Coach Road Baildon West Yorkshire - 11/00692/FUL [Approve] (page 33)	Shipley
6.	Pine Croft Prospect Road Burley In Wharfedale Ilkley West Yorkshire LS29 7PG - 11/00475/FUL [Approve] (page 39)	Wharfedale

Julian Jackson
Assistant Director (Planning)

Report Contact: Ian Wilson
Phone: 01274 434605

Email: ian.wilson@bradford.gov.uk

Portfolio:
Environment and Culture

Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

11/00784/HOU

12 May 2011



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ITEM NO. : 1	LOCATION: 8 Nab Wood Mount Shipley
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12 May 2011

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

Application Number:
11/00784/HOU

Type of Application/Proposal and Address:

Householder application for proposed development at 8 Nab Wood Mount, Shipley, comprising:

the construction of a single storey side extension with rear dormer window, two rear dormer windows in the rear roof slope of the existing property, a conservatory to the rear, and the enlargement of the vehicular access on to Nab Wood Drive.

[NB. The submitted drawings show the formation of a new parking space to the front of the dwelling with a dropped kerb on to Nab Wood Mount. The dropped kerb and hard-surfaced parking space are permitted development under the terms of the Town and Country Planning (General Permitted Development) Order (as amended). These elements do not require planning permission. It is noted that the parking space is to be drained to a permeable or porous area.]

Applicant:
SJKC Developments

Agent:
Mr S Fisher

Site Description:

The existing property is a semi detached bungalow with a rendered finish and a concrete tiled roof situated on a corner plot at the junction of Nab Wood Drive and Nab Wood Mount in a residential part of Shipley. Surrounding residential development comprises semi detached bungalows and houses. The property is not listed and is not situated within a conservation area. There is a holly tree in the front garden and two trees in the highway to the side of the property.

Relevant Site History:

09/01083/FUL: Construction of single storey side extension, rear conservatory extension and 2 no. rear dormer windows to serve loft conversion, and widening of access to driveway, approved 1st May 2009.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated on the RUDP Proposals Map

Proposals and Policies

Relevant policies are:

UR3 - The local impact of development
D1 – General design considerations

TM19A - Traffic management and road safety

Additional supplementary guidance is contained in the Council's approved, revised policy documents on House Extensions and Dormer Windows.

Parish Council:

N/A

Publicity and Number of Representations:

The application was publicised by letter to occupiers of adjacent premises. Upon receipt of amended plans to add a driveway and a dropped curb off Nab Wood Mount, the application was re-advertised. Expiry date for comments was the 13th April 2011.

10 representations have been received including one from a ward councillor who refers the application to the Area Planning Panel and requests that Panel members visit the site.

Summary of Representations Received:

1. Traffic and pedestrian safety would be prejudiced by the formation of the new vehicular access from Nab Wood Mount;
2. The quality of the street scene and visual amenity in general would be harmed by the new vehicular access, the associated loss of shrubs and a holly tree, and the front roof lights which are out of character with the surrounding area;
3. Residential amenity would be harmed due to a loss of privacy due to overlooking from the rear dormer windows and neighbouring properties and gardens would be overshadowed;
4. The side extension is not sufficiently subordinate, would dominate the property, and would unbalance the symmetry of this pair of properties.
5. The application form states that no trees will be removed but this is incorrect.
6. The development could lead to the formation of two separate residential units which would be out of character and an overly-intensive development for the site.

Consultations:

Trees Team: Widening the existing access from Nab Wood Drive has previously been approved. Construction details need to be tree-friendly and the trees need to be protected during development. With regard to the proposed new access on Nab Wood Mount, the holly tree has no significant amenity value but the tree needs to be accurately plotted on the plan. If the tree is to be retained, tree friendly construction will be required within the root protection area of the tree.

Highways: Raise no objections to the development.

Summary of Main Issues:

The main issues for consideration relate to:

- i) impact on the local environment;
- ii) impact on neighbouring occupants;
- iii) impact on highway safety;
- iv) community safety implications; and
- v) other issues.

Appraisal:

The site already benefits from planning permission for the construction of two rear dormer windows on the existing dwelling, a rear conservatory, a side extension and the widening of the existing driveway on to Nab Wood Drive.

This current application seeks to enlarge the approved side extension by widening the front part to square off the ground floor, and to raise the ridge height to provide a gable rather than a hipped roof with a new rear dormer. Two roof windows are also proposed to the front slope of the extension and one to the rear. Another proposed roof window in the rear slope of the existing dwelling could be inserted as permitted development. Otherwise, the various developments are as approved under reference 09/01083/FUL and may be constructed lawfully.

Impact on Local Environment:

The side extension is considered acceptable in principle since the materials of construction would match the existing bungalow and a similar roof form and overall design is proposed. The extension would be adequately set back from the principle elevation and the roofline would be lower than the existing main roof.

Due to an existing original side projection, the width of the extension would be 4.6 metres wide at the front reducing to 2.5 metres at the rear. The extension would sit 4.5 metres from Nab Wood Drive at the closest point and 5.4 metres from Nab Wood Mount. Due to changes in level the extension would be slightly lower than both highways.

The dormer window in the rear roof of the extension would be of the same scale and design as those already approved on the host dwelling. Like the others, it is considered to be of an acceptable design and scale which does not form a disproportionate addition to the roofscape, either by itself or as part of the group of three.

The two rooflights to the front of the extension are of an acceptable design and scale and would not harm the character or appearance of the host dwelling unduly.

Impact on Neighbouring Occupants:

The side extension would not cause any unacceptable overbearing or overshadowing issues to neighbouring properties since adequate distances would be maintained to boundaries.

The dormer window would face Nab Wood Drive and the front area of 37 Nab Wood Drive at a distance of 8.7 metres to the shared boundary. The front garden area at No. 37 is open to public view from the street and is not a space that would reasonably be considered private. There would be no overlooking of habitable room windows or private amenity space from the dormer window.

The rooflights to the front elevation and window to the side elevation face toward the highway and front elevations of neighbouring properties. The proposal will not overlook any private amenity space. The rooflights are located at floor level of the upper floor level and thus the overlooking from these windows would be incredibly limited.

Impact on Highway Safety:

There are no concerns with regard to highway or pedestrian safety with adequate space being retained on site for the off street parking of 2 vehicles.

Community Safety Implications:

There are no apparent community safety issues

Other issues:

Trees: A holly tree in the front garden would be removed. The tree is not protected nor in a conservation area and planning permission is not required for its removal. The Council's Arboricultural Officer advises that this tree is not of such significant amenity value as to require retention through a preservation order.

Occupancy: The development shows that the first floor accommodation would have a kitchen, bathroom, lounge and bedroom. The agent has confirmed in writing that the extended property would not be occupied as two independent units. Rather, occupation of the first floor level would be ancillary to the host dwelling. A condition is recommended to ensure this.

Reason for Granting Planning Permission:

The proposed development, subject to appropriate conditions, would relate satisfactorily to the character of the existing dwelling, adjacent properties, and the wider vicinity. The impact of the development upon the occupiers of neighbouring properties has been assessed and it is considered that there would be no significant adverse impact on their residential amenity. Nor would the development result in any unacceptable highway or pedestrian safety issues. As such this proposal is considered to be in accordance with saved policies UR3, D1, and TM19A of the Replacement Unitary Development Plan, and with the Council's approved, revised policy documents on House Extensions and Dormer Windows.

Conditions of Approval:

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

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

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

Amended drawing SR-777-3E – Dated 26/1/2011 – Plans as existing and proposed – revised drawing.

Received by the Council on 15th April 2011

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 submitted plans.

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

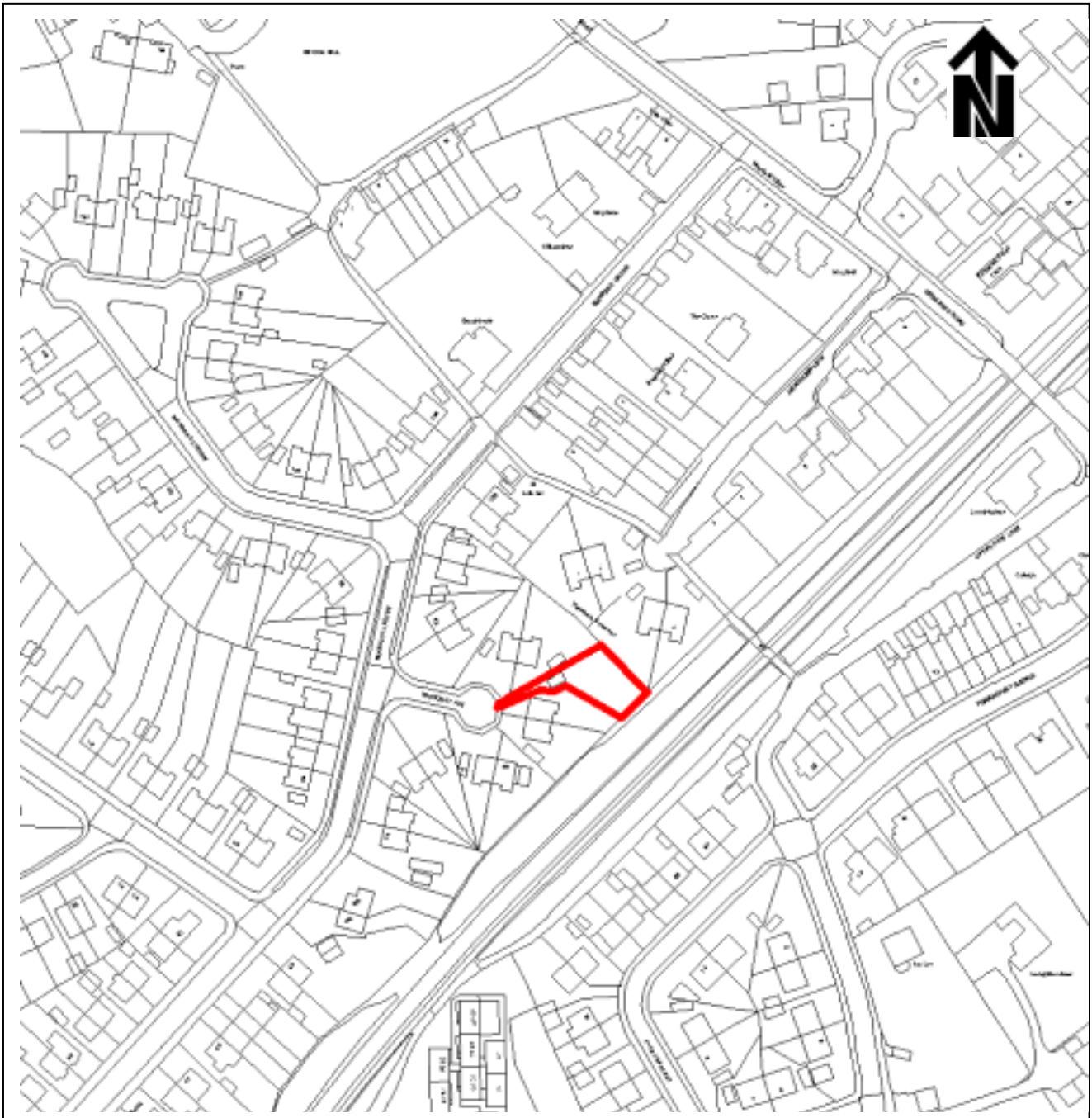
4. The first floor accommodation hereby approved shall only be occupied in connection with and incidental to the occupation of the existing dwelling. The first floor accommodation, the ground floor accommodation, nor any combination of parts of accommodation shall at no time be severed and occupied as a separate, independent dwelling unit.

Reason: The establishment of an independent residential unit would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings contrary to policies UR3 and D1 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

10/05920/FUL

12 May 2011



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<p>ITEM NO. : 2</p>	<p>LOCATION: 84 Woodcot Avenue Shipley BD17 6QS</p>
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12 May 2011

Item Number: 2
Ward: BAILDON
Recommendation:
TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:
10/05920/FUL

Type of Application/Proposal and Address:
A full planning application for the construction of a detached bungalow within the rear garden of the existing dwellinghouse at 84 Woodcot Avenue, Baildon, Shipley.

Applicant:
Mrs Belinda King

Agent:
Philip Coote

Site Description:
The forms the garden area of the existing dwelling and covers an approximate area of 300 m². The surrounding area is residential with a fairly uniform architectural character with semi-detached properties being the main form. Access to the site is via the existing private driveway to the main house. The site is not level; an increase in altitude to the north is evident. A main line train route passes close to the site to the southeast.

Relevant Site History:
None relevant

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
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:

Baildon Parish Council: no comments made on the proposal

Publicity and Number of Representations:

The application has been publicised by individual notification letters and by site notice. Expiry of the publicity period was 29 December 2010. To date, one individual representation has been received

Summary of Representations Received:

1. Concerns raised over the safety of construction and delivery of materials to the site
2. Drainage issues

Consultations:

Highways:	No objections subject to conditions
Drainage:	No objections subject to conditions
Baildon Parish Council:	No comments
Biodiversity officer:	No bat survey required

Summary of Main Issues:

1. Principle
2. Residential amenity
3. Visual amenity
4. Highway safety
5. Noise
6. Protected species
7. Comments on representations received

Appraisal:

Principle

The site consists of the modest garden area of an existing dwelling. Although, following revisions to Planning Policy Statement 3 (PPS 3) in June 2010, residential curtilage is no longer classified as previously developed land, it is considered that the development of this modest 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 in a relatively sustainable location within the urban areas of Baildon and Shipley and would be considered an appropriate site for development in line with the sustainability objectives of PPS 3. It is therefore considered that the principle of development is acceptable.

Residential amenity

The building proposed is a true bungalow, only one storey high with no proposals for roofspace accommodation. Only one habitable room window is proposed facing the existing house with the addition of a fence to the boundary prevent any direct overlooking. All other windows face onto the garden area and do not allow direct views to the surrounding houses, particularly as they are located on a higher level.

Following revisions to the plans, it is now considered that future occupants will have a reasonable level of outlook with the main habitable room benefiting from a minimum distance to the boundary of 4.6 metres. The proposal is therefore considered to comply with policies UR3 and D1.

Visual amenity

Due to its location to the rear of the site, the proposed dwelling will not be prominent when viewed from Woodcot Avenue. Its visual prominence is further reduced by the dwelling being one storey only and its relatively limited footprint. The materials proposed (brick to the walls and concrete tiles) are found in abundance in the immediate locality and it is considered this will assist in the dwelling being sympathetic to the street scene.

Highway safety

The existing drive access will be used to reach the dwelling. Although its width is only 3 metres, a shared turning area is proposed to allow vehicles to enter Woodcot Avenue in a forward direction. Parking is also provided at 2 spaces for each dwelling. It is considered that there will be no significant highway safety implications as a result of the proposal and servicing will be carried out as existing from Woodcot Avenue.

Noise

Due to the proposed dwelling's proximity to a main train line, it is possible that disturbance and adverse effect on the amenity of future occupants is possible. However, the rail line is enclosed by a deep cutting and much lower than the site – this will no doubt help to reduce noise transfer to the site. In addition, the frequency of trains on this line is not significant and the situation of the new dwelling will not be significantly closer than the existing properties in the area. It is considered that a modest acoustic boundary treatment to the site and the use of double glazed windows would satisfactorily mitigate against this potential noise source and allow an acceptable level of amenity for future occupants.

Protected species

The site is located within a bat alert zone which means it is located close to features which could support bat populations. In such cases, a bat survey is normally required prior to determination of a planning application. However, this site offers few features that are likely to support bat populations – the existing dwelling may offer opportunities for occupation by transient bats (non-breeding) during the summer months. Given also that no demolition is proposed or that any suitable roosting trees are affected by the proposal, it is considered that a bat survey would not be required in this case.

Comments on representations received

The following issues have been raised in representations received and are appraised below:

Concerns raised over the safety of construction and delivery of materials to the site

This is not a material planning consideration and is unlikely to be a significant issue. A condition to require the approval of a construction plan is unlikely to be enforceable and would not be justified as controls over this aspect of the scheme can be affected through other legislation.

Drainage issues

It is proposed to drain surface/foul water via soakaways with foul sewage being disposed of via existing mains sewer at 84 Woodcot Avenue – full details of the proposed drainage system can be required and controlled by a condition.

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 in view of 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, impact on the trees at the site and the effect of noise on future occupants. The proposal is therefore considered to comply with policies UR2, UR3, D1, D4, TM2, TM12, TM19A, H7, H8, P7, NE4, NE5, NE6, NE10 and NE11 of the replacement Unitary Development Plan.

Conditions of Approval:

1. 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.

2. Prior to first occupation of the dwelling, full details of a scheme for the enhancement of roosting opportunities for bats and/or other protected species shall be submitted to and approved in writing by the Local Planning. The scheme shall then be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of the preservation of protected species and to accord with policy NE10 of the replacement Unitary Development Plan.

3. 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.

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 PM/BK/2A 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 the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

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

6. The 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 Local Planning Authority. The treatments so approved shall then be provided in full prior to the first occupation of and shall thereafter be retained.

Reason: In the interests of amenity and privacy and to accord with Policies UR3, D1 and P7 of the Replacement Unitary Development Plan.

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

PMC/BK/3A (revised floor plan)
PMC/BK/2A (Revised site plan)
PMC/BK/4A (revised elevations)
PMC/BK/5 (site sections)

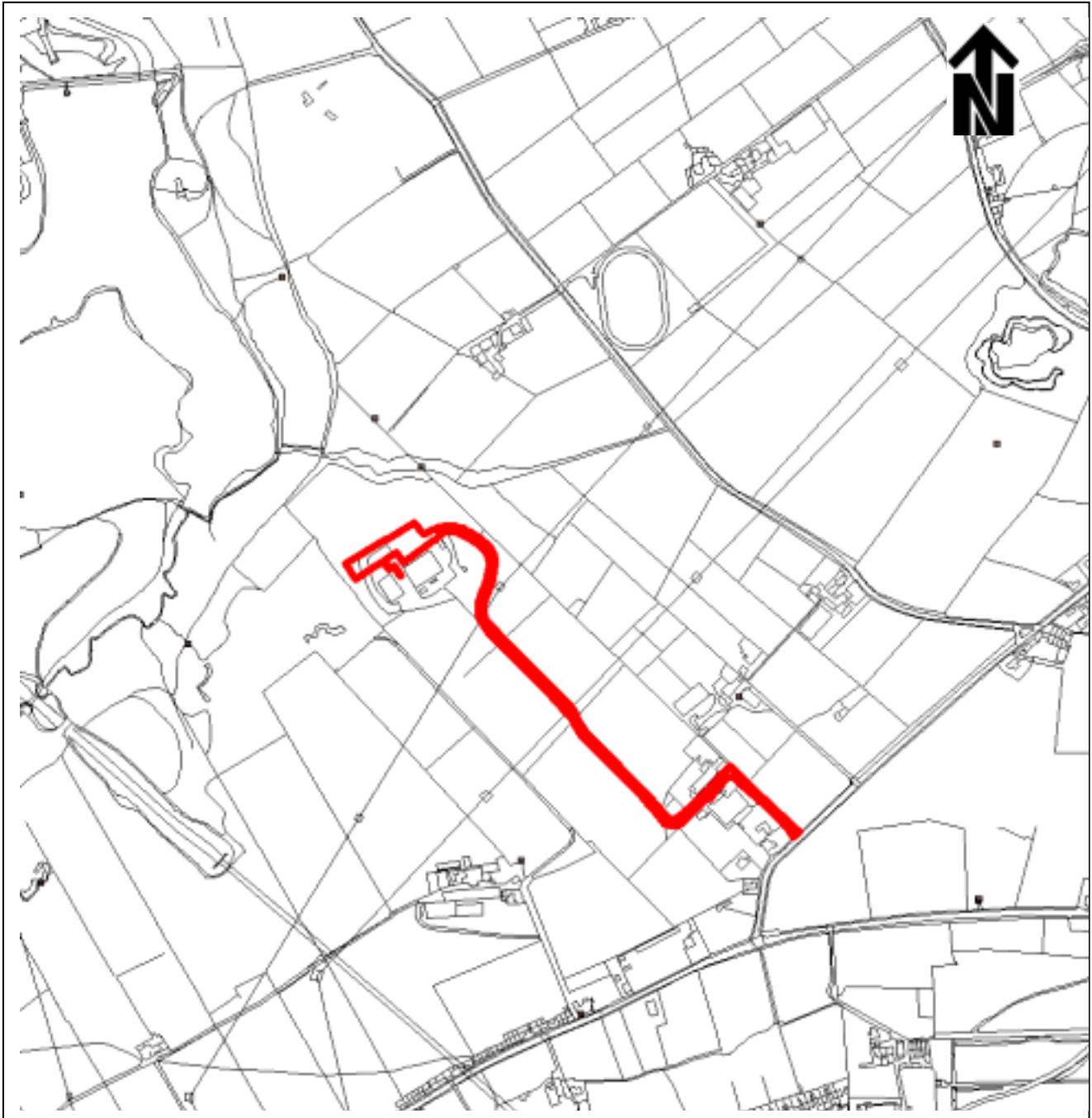
Received by the Council on 24 February 2011

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

Area Planning Panel (Shipley)

11/00414/FUL

12 May 2011



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ITEM NO. : 3

LOCATION:

**Erlings Works
Half Acre Road
Denholme**

12 May 2011

Item Number: 3
Ward: BINGLEY RURAL
Recommendation:
TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:
11/00414/FUL

Type of Application/Proposal and Address:

This is a full application for a single storey building to form a trailer shed for 12 trailers at Erlings Works, Half Acre Road, Thornton.

The development to which this application relates could be considered to be a departure from the Development Plan and *Green Belt development* as defined by paragraph 4 of The Town and Country Planning (Consultation) (England) Direction 2009. If the Panel is minded to refuse the application then they can resolve to do so at the Area Planning Panel meeting. If the Panel would be minded to approve then the application must be referred to the Regulatory and Appeals Committee.

Applicant:

Omega Proteins Ltd

Agent:

Graham Bolton Planning Partnerships Ltd, Manchester

Site Description:

This site is in a predominantly agricultural area approximately 1 km north west of Thornton and 1 km south east of Denholme. Access to the site is via a track off Half Acre Road which is approximately 255 metres, dropping down the valley to the operational site which sits above Doe Park Reservoir. The site sits in a former quarry and the land slopes down from the north west of the site to Doe Park Reservoir with some screening provided to the west by trees below the site. The site has some bunding and tree planting, however parts are still visible from Doe Park Reservoir, the village of Denholme on the other side of the valley, a number of public footpaths and in particular to the east from Ten Yards Lane.

Relevant Site History:

08/00300/FUL – Retrospective application for construction of single storey meal building and cover existing alleyway. Granted Oct 2008

07/04911/VOC - Variation of conditions 2 (hours HGVs), 3 (number of HGVs) 8 (hours rendering) and 10 (out of hrs vehicle movements) 01/02817/VOC - allowed under Appeal APP/W4705/A/01/1075978, Erlings Works, Half Acre Road, Thornton. Refused October 2007 appealed. Appeal dismissed – appeal was heard with 06/09646/VOC which was allowed on the 9 December 2010.

07/03388/FUL - Extension to enlarge delivery bay, Granted June 2007

06/09646/VOC - Variation of conditions 2 (hours HGVs to site), 3 (number of HGVs) and 10 (clarify out of hrs vehicle movements) 01/02817/VOC. Increase of HGV movements from 30 per day to 60 per day and alter hours from 0800 - 19.00, to 0700 - 2200. Refused Feb 2007, appealed. Appeal allowed on 9 December 2010

06/01549/FUL - Retrospective planning application for 20m high 1.5m diameter, refused 4 May 2006 - following Public Inquiry allowed on appeal May 2007

02/02099/FUL – Planning application for erection of 26m high 2.6m wide chimney - refused October 2002 due to green belt issues, visual intrusion and failure to demonstrate sustainable waste management option. Appeal dismissed July 2003

01/02817/VOC - Planning application to vary planning permission referenced 98/03267/FUL to allow extended hours for heavy goods vehicles to visit the site and double the number of vehicle movements to and from the site. Refused but partly allowed on appeal, to allow slight increase in hours and an increase in HGV movements.

98/03267/FUL - Planning permission for demolition and re-construction for rendering plant and formation of new filter bed at Erlings Works was granted on 18 October 1999.

98/01911/CLE - A Certificate of Lawfulness of Existing Use or Development issued in November 1998 for the use of land at Erlings Works for the breeding of maggots and as a knackers yard with an incinerator and by-products plant area.

Replacement Unitary Development Plan (RUDP):

Allocation

- The proposal site is within the Green Belt as defined on the replacement RUDP proposals map and therefore RUDP policy GB1 (Green Belt) is relevant. Additionally policy GB2 (New Buildings in the Green Belt) is also relevant.

Proposals and Policies

- The proposal involves a facility for the storage of trailers for animal by-product waste, therefore RUDP policies, UR2, UR3, UDP9 (Management of Pollution Hazards and Waste), P1 (Air Quality) P8 (Waste Management Facilities) and P12 (Operational matters) are relevant.
- The building will be visible within the landscape therefore RUDP policies D1 (General Design Considerations), D5 (Landscaping) and NE3 (Landscape Character Areas) are relevant.

Regional Spatial Strategy (RSS)

- There are no specific policies that are required to be relied upon to determine the application.

National Policy

- Planning Policy Statement 7: Sustainable Development in Rural Areas
- Planning Policy Statement 10: Planning for Sustainable Waste Management

Parish Council:

Denholme Town Council – Note the company is complying with the Inspectors recommendations in submitting this application, however concerned about potential increase in noise – seeks reassurance that shed is sound proof and height of bund sufficient to prevent noise and light pollution.

Publicity and Number of Representations:

The application was advertised in the press as a departure from the adopted development plan, site notices were posted, neighbour notification letters sent to the adjacent properties and to residents who have previously expressed an interest in the site. The notification period expired on the 1 April 2011. There have been a total of 73 representations received.

- 1 representation from a local MP objecting
- 3 representations from ward Councillors objecting
- 19 individual representations from local residents objecting
- 40 pro-forma letters of objection from local residents
- 5 pro-form letters of objection from outside the area
- 1 letter of objection from a resident outside the area
- 1 letter not objecting but expressing concerns regarding noise
- 1 representation not objecting
- 2 anonymous pro-forma letters

Summary of Representations Received:

- Company does not comply with planning regulation already granted so expansion should be refused
- Thermal oxidiser chimney and plume blight the area
- Company are not able or willing to prevent business polluting area with noise and smells
- Amounts to unacceptable massive industrial expansion in the Green belt
- Concentrated storage of waste will cause smells and noisy trailer shunting – increasing noise pollution and odour pollution.
- Trailer storage should be half that proposed and half the footprint
- Building is a means of increasing the volume of animal waste being stored and transported through this area
- What guarantees are there that shed will not be used for other purposes
- Building will lead to more vehicle movements, traffic congestion and an increase in throughput – country roads are unsuitable for industrial wagons
- Impacts on amenity of local residents – plagued by smells
- Tourist area that should not have an industrial site

Consultations:

Drainage:

- Proposal acceptable:

Environmental Protection:

- The trailer shed has the potential to provide benefit in terms of reducing fugitive, odorous emissions from trailers containing raw materials parked in the yard. However, still the potential to create offensive odours. It is only when the combination of a satisfactory building structure with suitable extraction rates to effective odour abatement plant is in place that the trailer shed can be said to improve matters.

- There is a potential noise issue because, where trailers need to be removed from the back of the trailer shed other trailers will need to be moved, potentially involving to other trailers being moved prior to the one at the rear exiting the building. This obviously increases the amount of vehicle movements and associated and engine reversing indicator warning noises. The trailer shed should not be used to create extra storage capacity over weekends and bank holidays. If minded to approve the application, the following details should be submitted for approval prior to any development taking place
 - Details of building structure.
 - Adequacy of proposed odour abatement plant.
 - Air extraction rates from the trailer shed.
 - How trailers will access and egress the building in relation to minimising potential odour and noise impacts on sensitive receptors.

Highways

- Requested practicalities of vehicle movements in the site – these have now been provided

Yorkshire Water:

- No comments to make

Landscape

- The proposal will extend the area of the buildings by approx a third to a half of those existing; this inevitably will have some visual impact from neighbouring areas. Although the land has urbanising elements the area is still predominantly rural in character. The land on which the proposal is located has been built up in the past; there is a 4m berm (bund) on the northern, north eastern and western flanks. The proposed building will stand slightly above the berm when viewed from elevated points. Any negative visual impact must be weighed against the benefit of vehicles and other equipment being removed from view, so on this basis does not consider the proposal to be very intrusive. Further planting would help mitigate the impact

Summary of Main Issues:

Principle of development

- Replacement Unitary Development Plan allocation – Green Belt
- Sustainability

Impact of Development

- Design/appearance/use of materials
- Effect on Landscape Character
- Residential amenity – noise and odour

Other Issues

- Compliance with existing planning permissions
- Existing operations

Appraisal:

Proposal

Erlings Works is an existing rendering plant, which processes animal by-product waste, including fallen stock, carcasses and catering waste. The site has a complex history with a number planning applications, high profile appeals and enforcement action related to the site.

Planning permission was granted in 1999 for the current buildings on site; however there were restrictions on the HGV movements to the site. Since 1999, there have been a number of applications, and permissions granted (some by appeal) for a new chimney stack, enlargement of delivery bay, various tanks and additional single storey meal building.

Applications in 2006 and 2007 sought to increase the HGV movements and the hours these HGVs could enter the site. Both applications were very similar in nature and were refused by the Council. After a protracted length of time the appeals were heard by Public Inquiry in November 2010, with the 2007 appeal dismissed, but the 2006 granted subject to conditions. At the appeal reference was made by the Council (Environmental Protection) to HGVs queuing to enter the plant at the site, with the Council expressing concerns that an increase in HGVs could lead to additional queuing and the potential to create additional noise and odour. The applicant stated at the Public Inquiry that a shed to store the trailers of the HGVs was a possibility, to prevent queuing and overcome the Council's concerns. The Council did acknowledge that such a shed may assist in reducing odour.

This application is therefore the result of the discussions at the Public Inquiry and ongoing discussions with Environmental Protection. However, the footprint of the shed is larger than envisaged, with a footprint of 868m² (45.7mx19x6.4m) to hold up to 12 trailers.

The applicant has stated that capacity to store 12 trailers is required due to two reasons: Firstly, because of the restriction on the numbers and hours of movements of HGVs, there need to be a number of filled trailers waiting to tip their load if the plant is to continue running throughout the night. Secondly, to take account of potential problems in operation of the plant which may lead to the build up of material waiting on site which cannot be processed because of a blockage, breakdown or some other abnormality which restricts or prevents processing.

The proposed shed is a single storey building, adjacent to existing buildings on site within the existing yard area. It would be clad in dark green vertical steel profile cladding to match the existing buildings on site. HGVs would access via two roller shutter doors facing onto the yard area, with each entrance providing access to two rows of trailer parking. The trailers would remain sheeted in the building which would be under negative pressure and air abstracted to the existing bio-filters on site. The proposed shed is a lower, longer building than the existing buildings and is screened to the north, north east and west by a 4m bund, with the frontage facing towards Half Acre Road.

Principle

The site is located in the Green Belt and all proposals for development in the Green Belt should be considered against policy GB1, which states that except in very special circumstances planning permission will not be granted in the Green Belt, other than for uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of land in it.

The proposed shed does have the potential to have an adverse effect on the Green Belt and therefore would be deemed a departure from policy GB1 and could only be allowed in very special circumstances.

It is considered that the additional HGV movements recently permitted by the Inspector at the Public Inquiry will have the potential to create additional noise and odour whilst waiting to offload. It is apparent that HGVs currently leave their trailers in the yard area in the open, adding to the problems of odour. The solution proposed by applicant is to contain these trailers in a shed to reduce these adverse impacts; such a solution is supported by Environmental Protection.

Additionally National Government Guidance, Planning Policy Statement 10 on Waste Management (introduced since the RUDP) recognises that green belts need protection, but that particular locational needs of some types of waste management facility should be given weight in determining whether proposals should be given planning permission. The waste facility is an existing facility, which has recently been granted permission to increase the HGV movements, consequently increasing the throughput and the potential for either more queuing of HGVs, or trailers left in the open. The location of the waste facility is established and the need for a shed to contain the trailers to serve the existing waste plant is in accordance with PPS10.

The above circumstances are considered to be very special circumstances which outweigh the adverse impact on the openness of the Green Belt, in accordance with policy GB1 of the RUDP. The proposed shed is located adjacent to the existing buildings, within an existing yard area with bunding; as such the proposed position serves to minimise the harm to the openness of the Green Belt therefore the proposal is considered to accord with policy GB2 of the RUDP.

Sustainability

Planning Policy Statement 7, Sustainable Development in Rural Areas, recognises that in rural areas there is a need for development which will help maintain the rural economy and that therefore planning authorities should support a wide range of economic activities in rural areas. PPS7 sets out the key principles for sustainable development including the principle that new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled.

With regard to this application, the building is effectively an ancillary building to support an existing waste facility in a rural area. The applicant states that the existing facilities support the rural economy through the meat and farming industries, and the proposed building would assist in the effective and efficient running of the site.

One of the key national waste planning policy objectives set out in PPS10 is to help deliver sustainable development through driving waste management up the waste hierarchy, addressing waste as a resource and looking to disposal as the last option. The current rendering operations on this site are in accordance with the principles set out in PPS10, with the by-products of the rendering process being utilised and recovered. The proposed shed in its role as an ancillary building will continue to support the principles set out in PPS10.

Taking into account the above it is considered that the proposal is consistent with PPS7 and PPS10 and is acceptable in terms of sustainability issues.

Impact of Development

Effect on Landscape Character and Design/appearance/use of materials

The area in which the site is located has been identified under policy NE3 as a Landscape Character Area (Thornton and Queensbury) and policy NE3a states that within these areas development likely to affect the appearance of the landscape will be assessed having regard to the extent it would cause unacceptable visual intrusion and introduce incongruous landscape elements.

An issue has been raised about the size of the proposed shed, in that it is larger than what was envisaged. The applicant has explained why a shed for 12 trailers is required and this is acknowledged, nevertheless if the proposed shed was considered too large and would create an unacceptable visual intrusion and introduce incongruous landscape elements, then it would be a material consideration. However, the proposed position of the shed is such that even if the footprint was halved it would make a minimal difference to the visual impact. For operational reasons the shed needs to sit as close to the existing buildings as possible, facing onto the yard area adjacent to the existing meal building. The visible elements of the proposed shed (the frontage and roller shutter doors) would remain visible even if the footprint was halved.

As previously stated the proposed shed will be clad in green vertical steel cladding to match the existing buildings on site. As the existing buildings and yard area are set in a former quarry, with greened berms to a number of sides the dark green cladding proposed will not only be in keeping with the existing buildings, but will minimise the visual impact of the proposed shed. Additionally, the storage of the trailers in the proposed shed will mitigate the current visual impact of the outside storage of these trailers in the yard area.

However, there are a number of neighbouring areas where the proposed shed can be viewed from and improving the planting/landscaping around the site would minimise the visual impact. The applicant has stated that they are undertaking new planting to replace/reinforce that previously undertaken however, to ensure the visual impact is minimised, it is considered appropriate to attach a condition requiring a scheme to be submitted for further landscaping and/or planting works. Provided such a condition is attached, it is considered that the proposal is in accordance with design policies D1 and D5, and Landscape Character Areas policies NE3 and NE3a of the RUDP.

Residential amenity – noise and odour

Although the proposed shed is cited by the applicant as being for the purposes of reducing the impact of odours and is acknowledged as such by Environmental Protection, there are some concerns that the number of trailers that the shed permits to be stored could give rise to odour and noise problems if not managed correctly. Policy P1 relates to the need for air quality to be addressed and P8 states that proposals should not give rise to unacceptable adverse impacts, in this particular case noise and odour.

The proposal is to house a maximum of four rows of trailers, three trailers deep. Although it is acknowledged that this number of trailers will be infrequent (as it is for contingency/emergency situations) there is concern that additional shunting may take place late at night to access the trailers at the rear of the shed, which contain material which needs processing ahead of trailers at the front of the shed. This could give rise to additional noise and odours (as shunting trailers with malodorous material can allow gases to escape).

Although the applicant has supplied some information on the management of the trailers, it is not clear how it will be ensured that the noise and odours are kept to a minimum. In order to address this concern, it is proposed that a condition is attached which requires that prior to the shed being brought into use, a management plan is submitted to demonstrate how the trailers will be managed to ensure that noise and odour are minimised. Provided that such a condition is attached it is considered that the proposal is consistent with policies P1 and P8 of the RUDP.

There are a number of other issues related to odour that were raised by Environmental Protection, which relate to the building structure, adequacy of the odour abatement plant and extraction rates of malodorous air from the proposed shed. These, however are not considered planning matters. Planning Policy Statement PPS23 advises that the controls under the planning and pollution control regimes should complement rather than duplicate each other. If a matter can be adequately controlled under the pollution control framework and it is best placed for this framework to control such matters, then duplication is inappropriate.

As part of the current permit there is a requirement for the integrity of the buildings on the site to be monitored, a requirement that the odour abatement plant is operating effectively and details submitted of extraction rates of malodorous air. Consequently it is considered more appropriate that these matters are dealt with through the permitting process rather than the planning process.

Other Issues

Compliance with existing planning permission and Existing Operation

Nearly every objection to the planning application states that further planning permission should not be granted due to the failure of the company to comply with conditions set out in the extant planning permission. However, any planning application should be judged on its merits alone. The failure of the applicant to comply with conditions set out on an extant permission is not a material planning consideration and should not be relied upon in the determination of an application.

The objections have raised other issues about the current operations at the site, including the unsightly chimney stack and its emissions, the HGVs passing on the road and the odours as they pass, that the proposal will create an increase in HGV movements and that the shed will ultimately be utilised for some other process.

The existing stack, emissions and the number of HGVs are permitted and controlled through the main extant planning permission and extant permit that relate to this site. These matters are not the subject of this application and as such are not relevant to the determination of the application.

The concerns by residents of additional HGV movements being created by the proposed shed are unfounded. There is no proposal to increase HGV movements and the HGV movements are controlled by the main extant permission related to this site. However, to ensure there is no doubt about the HGV movements, it is recommended that a footnote is attached to the decision notice directing the applicant to the relevant planning permission and HGV movements permitted to the site.

The objections expressing concern about the use of the shed for other purposes are noted. The decision notice would state the permitted use, for a single storey building to form a trailer shed for 12 trailers, however to ensure that the use is maintained for the purpose described, a condition could be attached to restrict the use to that applied for. Such a condition is considered appropriate, as alternate uses could had an adverse impact on amenity and be contrary to policy.

Community Safety Implications:

There are no apparent community safety issues.

Reason for Granting Planning Permission:

The proposal represents sustainable development and is consistent with Planning Policy Statement 7: Sustainable Development in Rural Areas and Planning Policy Statement 10: Planning for Sustainable Waste Management.

The proposed trailer shed would have an impact on the openness of the Green Belt, and therefore constitutes a departure from policy GB1 of the replacement Unitary Development Plan. However, the trailer shed if managed correctly will mitigate the additional noise and odour that could be generated by the additional heavy goods vehicle movements recently permitted and therefore it is considered that very special circumstances exist which justify the development. The proposed trailer shed is located adjacent to the existing buildings, within an existing yard area with bunding; as such the position serves to minimise the harm to the openness of the Green Belt therefore the proposal is considered to accord with policy GB2 of the RUDP.

The setting of the proposed trailer shed in a former quarry, with greened berms to a number of sides the dark green cladding proposed will not only be in keeping with the existing buildings, but will minimise the visual impact of the proposed shed. With additional landscaping measures it is not considered that the proposed trailer shed will have an adverse visual impact and introduce incongruous landscape elements. It is considered that the proposal is in accordance with design policies D1 and D5, and Landscape Character Areas polices NE3 and NE3a of the RUDP

The proposed trailer shed could give rise to odour and noise problems if not managed correctly. Provided a management plan is submitted prior to the trailer shed being brought into use it is considered that the proposal is consistent with polices P1 and P8 of the RUDP.

Conditions of Approval:

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

Drawing Number 8562/10/22/P entitled "Proposed Shed Elevation, Floor Plan & Roof Plan received by the Council on the 18 April 2011.

Drawing Number 8562/10/25 entitled "Proposed Shed Site Plan Showing Turning Circle" received by the Council on the 18 April 2011.

Drawing Number 8562/10/26 entitled "Proposed Shed Site Plan Showing Turning Head" received by the Council on the 18 April 2011.

Planning Statement entitled "Trailer shed at Omega Proteins Ltd, Half Acre Road, Thornton, Bradford" received by the Council on the 25 February 2011

Design Statement entitled "Proposed Trailer shed at Omega Proteins Ltd, Half Acre Road, Thornton, Bradford" received by the Council on the 25 February 2011

Access Statement entitled "Proposed Trailer shed at Omega Proteins Ltd, Half Acre Road, Thornton, Bradford" received by the Council on the 25 February 2011

Save where measures are required by the conditions set out elsewhere on this permission, which shall take precedence over the above documents

Reason: In the interests of amenity and for the avoidance of doubt as to the terms under which this planning permission has been granted.

2. The development hereby permitted shall only be occupied or used in connection with and ancillary to the occupation of the existing premises or use and shall at no time be severed and occupied as a separate independent unit.

Reason: To prevent the undesirable establishment of a separate independent unit and in the interests of amenity and highway safety and to accord with Policies UR3 and TM2 of the Replacement Unitary Development Plan.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any subsequent equivalent legislation, the development hereby granted shall be used for the storage of sheeted trailers containing animal by-products only and for no other purpose.

Reason: In order that the Local Planning Authority retains control over future changes of use with particular regard to amenity and to accord with P1 and P8 of the Replacement Unitary Development Plan.

4. Construction work shall only be carried out between the hours of 0800 and 1900 on Mondays to Fridays, 0800 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.

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

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

6. The development shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:
- (i) Position of trees to be felled, trees to be retained, proposed trees and defined limits of shrubs and grass areas.
 - (ii) Numbers of trees and shrubs in each position with size of stock, species and variety.
 - (iii) Proposed topsoil depths for grass and shrub areas.
 - (iv) Types of enclosure (fences, railings, walls).
 - (v) Regraded contours and details of changes in level

Reason: In the interests of visual amenity and to accord with Policy NE3 and NE3a of the Replacement Unitary Development Plan.

7. Prior to the development being brought into use a trailer management scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the provisions to be made for the control of odour and noise from the site in connection with the movement of the trailers. The scheme, as approved, shall be implemented before the development is brought into use.

Reason: To minimise the impact of odour and noise emitted from the site on neighbouring sensitive locations and to accord with Policies UR3, P1 and P8 of the Replacement Unitary Development Plan.

8. There shall be no outdoor storage of trailers, plant, goods or materials within the yard area, turning circle or turning head as defined on drawing numbers 8562/10/25 and 8562/10/26.

Reason: In the interests of amenity and to ensure sufficient space is available for the manoeuvring of vehicles in those outside areas and to accord with Policies P1, P8, NE3, NE3a and TM2 of the Replacement Unitary Development Plan.

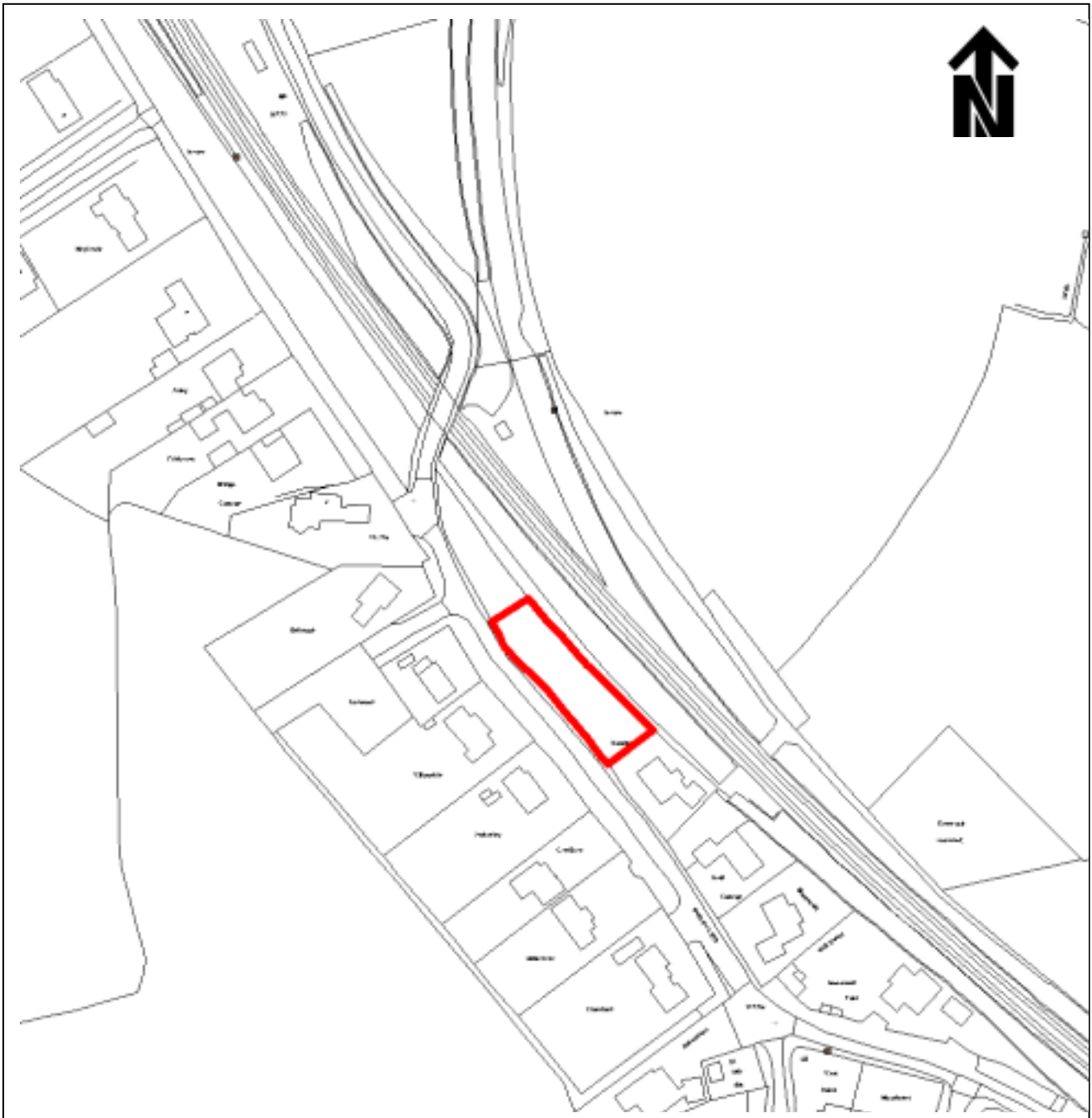
Footnote:

For the avoidance of doubt this decision notice does not permit any increase in heavy goods vehicle movements, or the hours heavy goods vehicles can enter/leave the site over and above those set out in the appeal decision of the 9 December 2010 Ref: APP/W4705/A/07/2042004, or any other permission, or any subsequent permissions.

Area Planning Panel (Shipley)

10/05982/FUL

12 May 2011



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ITEM NO. : 4	LOCATION: Hazelmere 50 Burley Lane Menston
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12 May 2011

Item Number: 4
Ward: WHARFEDALE
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
10/05982/FUL

Type of Application/Proposal and Address:
This is a full planning application for the construction of two detached dwellings on land to the north of Hazelmere, Burley Lane, Menston, Bradford.

Applicant:
Mr Bruce Throup

Agent:
Mr Nicholas Greenhalgh

Site Description:
This is a rectangular Greenfield site of around 0.08ha. The site is on the edge of Menston in a residential area consisting of large detached dwellings. The properties on the western side of Burley Lane are set in large plots however the presence of the railway line to the east results in the properties on the eastern side of the site having more constrained plots. Burley Lane is a narrow road and the site currently has access directly on to it. The site is relatively flat and has mature vegetation along the front and rear boundary of the site.

Relevant Site History:
98/02814/FUL - Construction of dwelling with garage and swimming pool (renewal of previous permission) - Granted 05.08.1999 (An appeal was subsequently allowed against a number a conditions imposed by the Local Planning Authority)

95/00866/FUL - Erection of one new house - Granted 31.05.1995

93/01928/FUL - Construction of dwelling with garage and swimming pool – Granted 04.11.1993

89/04622/OUT - Construction of two detached houses and garages - Granted 09.03.1990

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated in the Replacement Unitary Development Plan.

Proposals and Policies

Policy UDP1	<i>Promoting Sustainable Patterns of Development</i>
Policy UR2	<i>Promoting Sustainable Development</i>
Policy UR3	<i>The Local Impact of Development</i>
Policy H5	<i>Protecting the Housing Supply</i>
Policy H7	<i>Density</i>
Policy H8	<i>Density</i>
Policy D1	<i>General Design Considerations</i>

Policy TM2	<i>Impact of Traffic and its Mitigation</i>
Policy TM12	<i>Parking Standards for Residential Developments</i>
Policy TM19A	<i>Traffic Management and Road Safety</i>
Policy NE4	<i>Trees & Woodland</i>
Policy NE5 & NE6	<i>The Protection & Retention of Trees on Development Sites</i>

Planning Policy Statement 3: Housing

Parish Council:

Menston Parish Council – Recommend refusal. The three storey house overlooks properties opposite the development. The development is out of keeping with the rest of Burley Lane. Request the application to be heard by the Area Planning Panel if Officer's are minded to approve.

Publicity and Number of Representations:

The application was publicised with neighbour notification letters, a press advertisement and the display of a site notice. The publicity period expired on 17th February 2011. Three representations have been received.

Summary of Representations Received:

- Burley Lane is an extremely busy and narrow lane and is therefore quite dangerous. Additional dwellings will add to this danger
- The road bends sharply to the north resulting in a blind bend for oncoming traffic. The proposed access points are therefore not safe
- Outline permission was originally granted for a small development of bungalows with prescribed building line of at least 6m from the field boundary to Burley Lane. This was subsequently revised to two storeys and the current proposal again increases the height of the properties
- A recent application at 'Little Oaks' was refused permission on grounds which included "...cramped and poorly related to the existing dwelling (01/02102/FUL). Permission was eventually granted for a property set further back from the road side.
- The application is contrary to the Menston Village Design Statement as it does not protect the rural setting, does not blend gently into the adjacent countryside and does not respect the densities of nearby housing
- The plans do not show the location of the proposed buildings. There are detailed landscaping plans which are perceived to be a smokescreen against the affect the development will have
- These buildings are much closer to the road than any other buildings in this stretch of road
- A three storey building is out of character for this stretch of road and the perspective in height terms will be overpowering
- The parking and turning areas are inadequate
- There is no footpath on Burley Lane and pedestrians have to take refuge on the grass verges on the opposite side of the road to this plot
- The tree planting plan proposes new trees in the roadside verge – this is totally inappropriate as these will further obstruct the road, both physically and visually as they grow to maturity.
- The design of the properties is not in keeping with the immediate locality
- There are no details of the boundary facing the road

Consultations:

Natural England – No objections

Highways DC – No objections subject to conditions

Drainage – No objections subject to separate drainage systems within the boundary

Summary of Main Issues:

1. Principle of the Development
2. Visual amenity
3. Residential Amenity
4. Highway Safety
5. Other Issues

Appraisal:

There is an extensive history on this site dating back to the late 1980s which include the approval of similar developments to that proposed here. The last application to be approved on the site was in 1998 to which a number of conditions were attached requiring the protection of the hedge to the front boundary and the provision of visibility splays of 4.5m x 4.5m. The applicant's subsequently won an appeal against the Council in which the Inspector found that the removal of the hedge to the front boundary did not conflict with local or national policy and that the visibility splays required by the condition were excessive. There have been significant changes in policy since the original permissions and so while they are material considerations it is necessary to reconsider the proposals in light of current policy.

Principle of the Development

The site is unallocated on the RUDP and is not therefore protected for any uses other than those which accord with its general policies. The site has not been previously developed and so it is a Greenfield site.

Policy UR2 allows for development which makes an efficient use of existing physical and social infrastructure. Large development in unsustainable locations has the potential to generate significant extra car journeys and can prevent development in or direct development away from the urban areas. While the site is Greenfield it is relatively small and in a relatively sustainable location within the urban area of Menston and has good access to the public transport network and to local services. As a result the development of such sites is unlikely to cause demonstrable and significant harm to the policy aims and objectives of the plan.

The development achieves density of around 25 dwellings per hectare. Policy H7 of the RUDP requires developments in sustainable locations to achieve a density of between 30 and 50 dwellings per hectare and Policy H8 requires developments to make the most efficient use of land. The site is very narrow and vehicular access is constrained by the geometry of Burley Lane and as a result the site is unlikely to be capable of accommodating a higher density of development. As a result of the above the principle of the development is considered to be acceptable subject to its local impact.

Visual Amenity

The application proposes to construct two large detached dwellings constructed in artificial stone and rendered walls under artificial stone slate roofs. One of the dwellings is to be two storeys and the other is proposed to be three storeys in height. The ridge of the three storey dwelling is to be around 0.4m above the ridge of the existing house known as Hazelmere and there is sufficient space between the existing and proposed dwellings and also between the proposed dwellings and the front boundary to avoid any significant harm to visual amenity.

Although some of the hedge to the Burley Lane frontage is to be lost in order to create a new access point for plot 1 a large portion of this is to be retained. The Inspector found as part of the previous appeal that while this hedge is particularly valuable due to the dominance of stone wall boundaries in the area it does not have any protection in legislation. He considered the need for visibility splays and to ensure that prospective occupants would have a reasonable degree of privacy to over-ride the partial or complete loss of the hedge. Conditions to secured details of the proposed boundary treatments and approval of the proposed materials are required in order to ensure the development is completed in a way which is compatible with the existing streetscene.

Residential Amenity

The proposed dwellings are to continue the existing building line along this side of Burley Lane and are situated at a minimum distance of 26m from the properties on the opposite side of Burley Lane. The proposed dwellings include some garden area and while the garden to Plot 1 is relatively small it is considered that the proposal provides sufficient amenity for prospective occupants of the dwellings. The proposal is therefore considered to be acceptable in terms of its impact on neighbour's amenities.

Highway Safety

The application provides separate access points for each of these dwellings and provides at least two car parking spaces and turning areas within the site. The proposal also includes the provision of 2m x 25m visibility splays which are considered to be adequate due to the relatively low traffic speeds on Burley Lane. There is also no record of injury accidents within 100m of this site. Consequently subject to conditions the proposal is considered to be acceptable in terms of its impact on highway safety.

Other Issues

The majority of the issues raised by objectors have been considered in the preceding appraisal however the following issues remain unaddressed:

With regard to the permission at 'Little Oaks', it should be noted that each development is judged on its own merits. The nature of the proposal is also not identical to the current application.

With regard to boundary treatments, a condition requiring the submission of these details is to be attached to any approval of planning permission.

Community Safety Implications:

The proposal does not present any community safety implications.

Reason for Granting Planning Permission:

The proposed development is considered to relate satisfactorily with the existing streetscene and is not considered to result in any significant loss of residential amenity or significant harm to highway safety or the health of protected trees within the site. As a result the proposal is considered to comply with Policies UDP1, UR2, UR3, H7, H8, D1, TM2, TM12, TM19A, NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

Conditions of Approval:

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

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

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

Approved Plan Details:

Drawing referenced 08/T05/03J showing the site location plan received by the Council on 16th March 2011

Drawing referenced 08/T05/04 showing the site location

Drawing referenced 08/T05/04 showing the proposed elevations for plot 2

Drawing referenced 08/T05/05 showing the proposed plans and sections for plot 2

Drawing referenced 08/T05/06 showing the proposed elevations for plot 1

Drawing referenced 08/T05/07 showing the proposed plans and sections for plot 1

Drawing referenced BA2795/TP showing the proposed tree planting

Drawing referenced BA2795/TS showing the proposed tree survey

Drawing referenced BA2795A/A showing the proposed arboricultural implications plan

Unless otherwise stated the drawings are as received by the Council on 7th December 2011

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

3. 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.

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

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

5. Prior to the commencement of development full details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The details so agreed shall then be implemented in full as part of the development.

Reason: In the interest of visual amenity and to comply with Policies UR3 and D1 of the Replacement Unitary Development Plan.

6. 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 08/T05/03/J 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.

7. 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 08/T05/03/J.

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

8. 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 08/T05/03/J 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.

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

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

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

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

11. 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 as detailed on plan numbered BA2795/TPP 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. Before the first occupation of the dwellings hereby permitted the tree planting scheme as detailed on plan numbered BA2795/TP shall be fully implemented. 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.

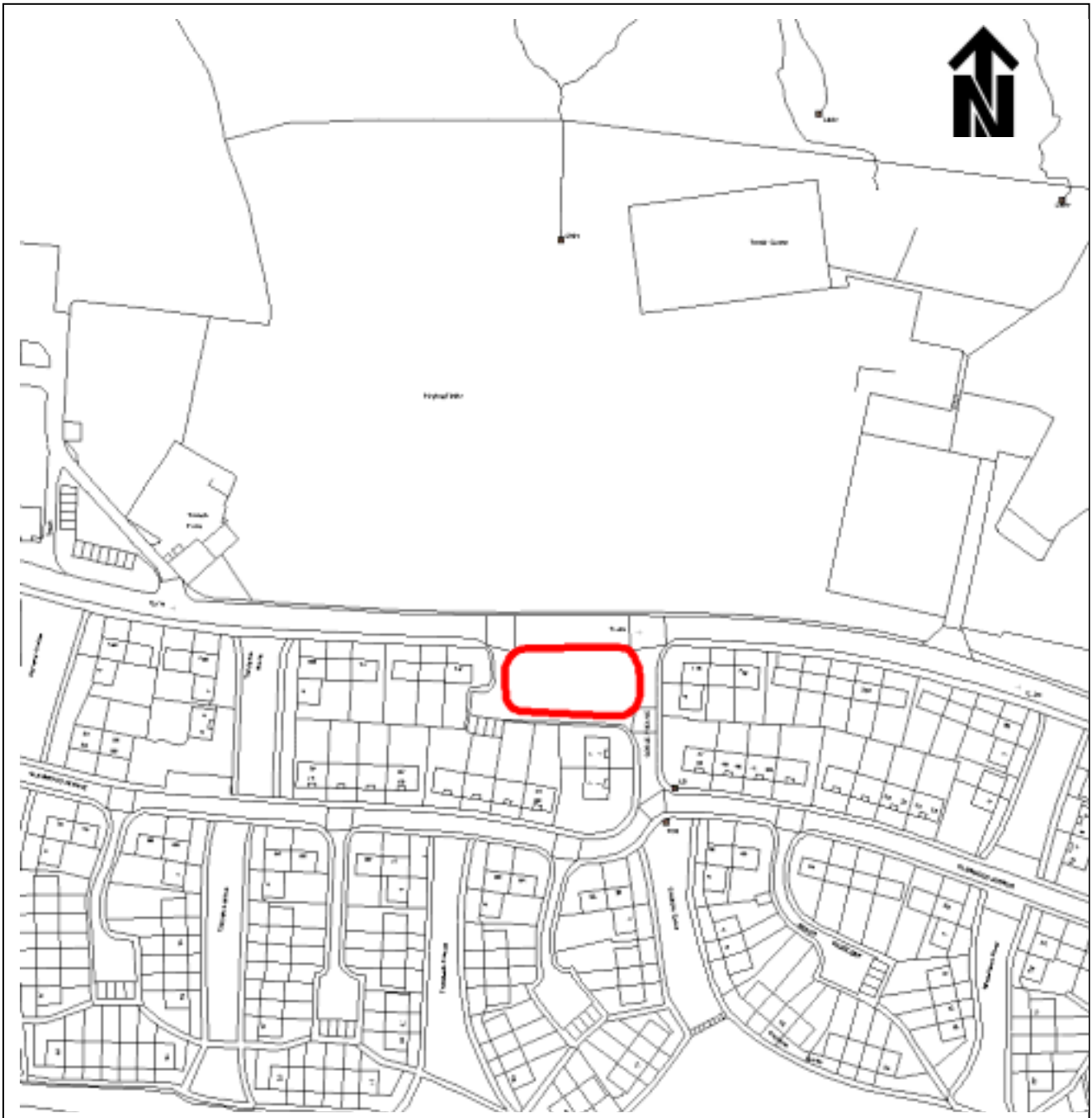
No other tree shall be removed from the site except with the written consent of the Local Planning Authority. Any replacement tree or trees specified in such written consent shall be planted as soon as reasonably practicable and in any event during the first available planting season following such removal.

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

Area Planning Panel (Shipley)

11/00692/FUL

12 May 2011



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ITEM NO. : 5

LOCATION:

**Land East Of 128
Higher Coach Road
Baildon**

12 May 2011

Item Number: 5
Ward: SHIPLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
11/00692/FUL

Type of Application/Proposal and Address:
A full application for a residential development consisting of a pair of semi-detached dwellings and a detached dwelling at land east of 128 Higher Coach Road, Baildon

Applicant:
Mr Kundi

Agent:
Khawaja Planning Services

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

Relevant Site History:
06/03365/FUL: Erection of site compound Granted 22.06.2006

10/01527/OUT: Residential development Granted 30.07.2010

Replacement Unitary Development Plan (RUDP):

Allocation

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

Proposals and Policies

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

D5: Landscaping
NR16: Drainage

National Guidance

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

Parish Council:

Baldon Parish Council: No comment

Publicity and Number of Representations:

The application was publicised through site notice and neighbour notification letters with the statutory publicity date expiring on the 23rd of March 2011. One letter of objection has been received.

Summary of Representations Received:

The representation objects to the proposal on grounds of overshadowing due to the height and proximity of the detached dwelling to their garden.

Consultations:

Highways: The principle of the development is supported, and with the exception of the 1000mm Higher Coach Road boundary, which should be no higher than 900mm, highway concerns have been satisfactorily addressed. Conditions are recommended.

Drainage: Recommended conditions.

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

Summary of Main Issues:

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

Appraisal:

The application, although seeking full planning permission, follows a previous outline planning approval, reference: 10/01527/OUT. At the determination of the outline planning application, it was resolved that the reserved matters application be referred back to the planning panel, therefore as this application would negate the need for a reserved matters application it is seen as prudent to refer this current application for the Panel's consideration.

Principle

The site consists of a grassed area of land measuring 0.08ha located within a predominantly residential area which is unallocated on the RUDP. Whilst the land is classed as 'Greenfield' the site would form an infill type development in the Shipley/ Baldon area which is towards the top of the settlement hierarchy for housing provision.

The principle of a residential development was therefore duly accepted with the approval of the outline planning permission in July 2010.

It is worthy of note that the outline planning proposal outlined four dwellings which would result in a density of 50 dwellings per hectare which would meet with density requirements. As a condition of the subsequent planning approval any development was restricted to a maximum of three dwellings. Three dwellings results in a density of 37 dwellings per hectare which also meets with density requirements.

Visual amenity

The layout proposed is considered to be acceptable and relates to the character of the street scene, maintaining the existing building line and continuing the built line of properties along Higher Coach Road. The properties fronting onto Higher Coach Road are predominantly two storey terraced buildings with a render finish and concrete tile roofs. The mix of brick and render proposed are also prevalent in the locality and samples of facing and roofing material would be conditioned to ensure a suitable match.

In terms of the scale, a two storey property with a hipped roof relates satisfactorily to the neighbouring dwellings and the simple fenestration and window details are also comparable to those on surrounding properties. Although parking is provided to the rear, the principle elevation of the dwellings remains facing Higher Coach Road in line with the majority of the terrace rows in the vicinity. The garden layouts are also in keeping with the locality with small front lawns and larger rear gardens. The proposal is deemed acceptable in visual amenity terms.

Residential amenity

In terms of the impact on the surrounding occupant's the housing is sited a sufficient distance away to overcome issues of overlooking, overshadowing and overbearing effects.

The site layout plan shows a distance of 16 metres from the side elevation of the eastern property to the side and front elevation of 118 Higher Coach Road and 2 Gorse Avenue. In terms of the side elevation of the proposed dwelling on the western boundary of the site a similar distance would also be achieved to the gable of 128 Higher Coach Road. A distance of 14 metres is achieved to the gable of 1 Gorse Avenue. In view of the above detail it is considered a residential development would fit on the site without being overbearing or resulting in undue overshadowing. In terms of overlooking, facing distances of roughly 10.5 metres would be achieved to the rear garden area of the properties to the South which is on the level of acceptability and complies with guidance within the House Extensions Policy Document. Distances of well over 21 metres would be achieved between first floor habitable room windows. It is considered the site can therefore accommodate a residential development without adversely affecting the residential amenity of the surrounding neighbouring occupants.

Highway Safety

A bus stop is located to the front of the development site and consequently vehicular access is proposed to the rear. The access to the garage court and the rear access road to Gorse Avenue are adopted highways. However, they are only capable of accommodating one-way vehicular movement.

As part of the proposal the access road to the garage court will be widened to allow two-way vehicular movement at the access onto Higher Coach Road. The front boundary wall of the properties will also be conditioned to a maximum height of 900mm in order to maintain acceptable visibility at the junction. Vehicular access to the rear via Gorse Avenue is shown blocked up by concrete bollards, this was done based on the highway officer's initial comments, however, these had not been incorporated in the red line boundary and as such these cannot be conditioned. Further, discussions with the council's highway officer have also confirmed that these are not deemed an essential requirement for their support of this application. The development is therefore deemed acceptable in highway safety terms.

Community Safety Implications:

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

Reason for Granting Planning Permission:

The proposed residential development has been assessed and is deemed to satisfactorily relate to the character and appearance of the area. Furthermore, the development is considered to maintain an acceptable relationship with neighbouring properties and no highway safety concerns are foreseen. As a result the proposal would comply with the requirements of Policies UDP1, UR2, UR3, H7, H8, D1, BH14, NR16, TM2, TM12 and TM19A of the Replacement Unitary Development Plan and Planning Policy Statement 3.

Conditions of Approval:

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

Drawing Number: 11/1347/JS1 - Proposed Front and Rear Elevations and Floor Plans for the semi-detached dwellings

Drawing Number: 11/1347/JS2 - Proposed Side Elevations for the semi-detached dwellings and Location Plan

Drawing Number: 11/1347/JS3 - Proposed Elevations and Floor Plans for the detached dwelling

Drawing Number: 11/1347/JS4 - Proposed Front Elevation/Street Scene and Section A

Drawing Number: 11/1347/JS5 - Proposed Roof Plan and Section B

Drawing Number: 11/1347/JS6 - Site Plan

Received by the Council on 15th February 2011

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

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

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

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

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

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

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

5. Before the development is brought into use, the off street car parking facility, which shall be constructed of porous materials or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, shall be laid out with a gradient no steeper than 1 in 15 unless otherwise approved in writing by the Local Planning Authority.

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

6. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered 11/1347/JS6 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.

7. 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 11/1347/JS6 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.

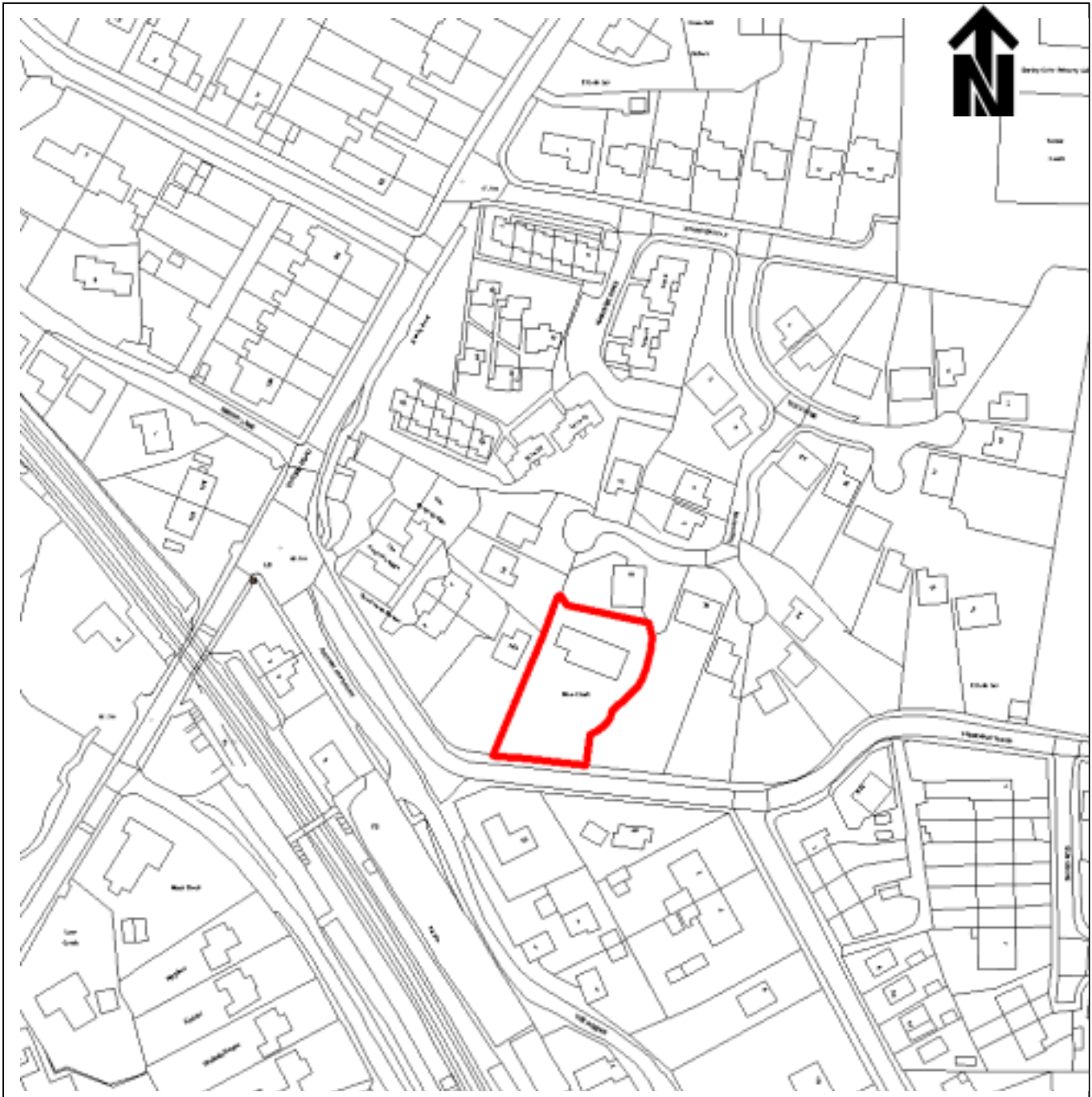
8. Notwithstanding the details shown on plan number 11/1347/JS6 the boundary wall adjacent to Higher Coach Road shall be no higher than 900mm and retained as such thereafter.

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

Area Planning Panel (Shipley)

11/00475/FUL

12 May 2011



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<p>ITEM NO. : 6</p>	<p>LOCATION: Pine Croft Prospect Road Burley In Wharfedale</p>
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12 May 2011

Item Number: 6
Ward: WHARFEDALE
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
11/00475/FUL

Type of Application/Proposal and Address:

This is a full planning application for the demolition of an existing dwelling and the construction of two detached dwellings and a new vehicular access on the site of Pine Croft, Prospect Road, Burley-in-Wharfedale, Bradford.

Applicant:

Mr Paul and Mrs Nicola Hammond

Agent:

Mrs Sue Clegg

Site Description:

The site is currently occupied by a detached single storey dwelling situated to the north end of the site. There are a number of significant mature trees along the site frontage to Prospect Road. The site slopes to the north and there is a particular large drop in levels on the site boundary with 16 The Copse to the northern boundary of the site. The surrounding area is mainly residential and the site is close to the train station. Currently vehicular access is gained from Prospect Road adjacent to the western boundary of the site. Parking on Prospect Road immediately outside the site is restricted by double yellow lines other than in designated bays that are capable of accommodating up to three vehicles each.

Relevant Site History:

10/00430/OUT – Construction of three new 3-4 storey dwellings on cleared residential plot – Withdrawn 31.03.2010

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated on the Replacement Unitary Development Plan.

Proposals and Policies

Policy UDP1	<i>Promoting Sustainable Patterns of Development</i>
Policy UR2	<i>Promoting Sustainable Development</i>
Policy UR3	<i>The Local Impact of Development</i>
Policy H5	<i>Protecting the Housing Supply</i>
Policy H7	<i>Density</i>
Policy H8	<i>Density</i>
Policy D1	<i>General Design Considerations</i>
Policy TM2	<i>Impact of Traffic and its Mitigation</i>
Policy TM12	<i>Parking Standards for Residential Developments</i>
Policy TM19A	<i>Traffic Management and Road Safety</i>
Policy NE4	<i>Trees & Woodland</i>
Policy NE5 & NE6	<i>The Protection & Retention of Trees on Development Sites</i>

Planning Policy Statement 3: Housing

Parish Council:

Burley Parish Council – Recommend refusal due to the development being contrary to Policy D1 of the RUDP and in particular is not well related to the existing character of the locality in terms of scale, massing and height and would be over-dominant to neighbouring properties. Raise concerns relating to inaccuracies in the plans and impact on protected trees and drainage of the site. The Parish Council would like the application to be heard by the Area Planning Panel if officers are minded to approve it.

Publicity and Number of Representations:

The application was publicised with neighbour notification letters and the display of a site notice. The publicity period expired on 18th March 2011. 16 representations have been received.

Summary of Representations Received:

- The addition of another dwelling will create additional traffic and will result in an increase in harm to highway and pedestrian safety on this stretch of Prospect Road
- There have been several near misses as cars meet head on at the blind bend adjacent to the footpath leading to the station.
- The proposal does not make an effective use of land
- A number of trees are still to be removed. These make a key part of the living environment of Burley in Wharfedale.
- The planned houses have only been moved back by around 5 yards but the proposed dwellings are very similar to those previously rejected.
- The planned houses would overshadow, overlook and overbear properties to the rear of the site and also those adjacent to the site
- The planned houses do not sit well in the landscape and are out of character in terms of their design, scale, massing and height.
- Previous applications for a vehicular access to the 'The Copse' housing estate in 1994 were refused due to fears of road safety. Since this time there has been considerable development in Burley and so the concerns previously voiced still remain and have been strengthened.
- The developer still has not provided visibility splays.
- An application for a dwelling in the adjacent garden of 14A The Copse exiting on to Prospect Road has been recently refused (09/05373/FUL). This was partially refused on grounds of its visual impact, its impact on neighbours, its impact on traffic on Prospect Road and the loss of trees. The proposal at Pine Croft presents the same problems.
- There are double yellow lines on Prospect Road
- No drainage details have been submitted
- The site is sloping and prospective occupants of the site are likely to construct balconies or patios to the rear which would overlook neighbouring properties
- There is likely to be bright security lighting around the development causing harm to neighbours.
- There is a lamppost on Prospect Road which may obstruct visibility from the revised access and egress point.
- The applicants have ignored the brief half hour from about 7.45am when there are a lot of school children walking up Prospect Road to the station or the school buses.
- Suggest a condition restricting working hours would be appropriate and requiring employees to park within the site would be appropriate.

- The new access point to the proposed development is directly opposite a parking bay which is in constant daily use. This restricts movement into and out of the site. There is a blind bend to the west and vehicles turning right out of the site would have to travel further along the wrong side of the road directly into the inward curve of a blind bend without being able to see if the way ahead is clear.
- The Highways Section has previously noted that 'whilst speeds are low this section of highway is pretty congested with on street parking due to the nearby train station. It is also a bus route and one of the main routes to local schools. Therefore (they) would not consider this to be a lightly trafficked street'.
- New parking bays have been installed since the traffic survey was carried out
- The proposal will affect protected trees on the adjacent site (T20 and T21)
- The grant of this application will set a precedent for future developments along this stretch of road

Consultations:

Highways DC – No significant objections raised subject to the revisions to garage dimensions and the imposition of a number of conditions.

Trees Team – No objections subject to conditions requiring tree protection and road engineering and other works in line with the submitted arboricultural method statement

Drainage – No objections subject to a condition requiring the submission of drainage details including an investigation of the use of sustainable drainage techniques.

Summary of Main Issues:

1. Principle of the Development
2. Visual amenity
3. Trees
4. Residential Amenity
5. Highway Safety
6. Other Issues
7. Community Safety Implications

Appraisal:

Previous Reasons for Refusal

The last application on this site was refused for the following reasons:

1. Density - The proposed development represents a density of approximately 14.3 dwellings per hectare which is below the minimum standard of 30 dwellings per hectare expected by policy H7 of the replacement UDP and national planning policy contained in PPS3 (Housing). The site is in a sustainable location, close to local transport links and services, and its redevelopment presents an opportunity to make more efficient use of the available land. The Local Planning Authority is not satisfied that, subject to compliance with other relevant policies, the site could not successfully accommodate a greater density of development than that proposed and so make more effective use of previously developed land. The proposal is therefore contrary to policies H7 and H8 of the Bradford Replacement Unitary Development Plan and the national guidance contained within PPS 3 (Housing).

2. Impact on neighbour's amenities - The site is in an elevated position in relation to the existing residential dwellings to the north. Whilst the proposed dwellings would be set further away from the northern boundary than the existing bungalow their bulk and mass and the inclusion of habitable room windows at the rear first floor level would result in overshadowing of and loss of outlook from the adjacent residential dwellings and a significant increase in the level of overlooking that their rear gardens currently experience. As such the development would be detrimental to the amenity and privacy of existing and future residents contrary to policies UR3 and D1 of the Replacement Unitary Development Plan.

3. Sustainability - The development fails to maximise opportunities to conserve energy and water resources and to maximise the efficient use of natural daylight through the layout and design. The scheme is therefore contrary to Policy D2 of the Bradford Replacement Unitary Development Plan, the national guidance contained within PPS3 "Housing" and the supplementary planning guidance contained within the Council's adopted Sustainable Design Guide.

4. Impact on trees - The proposed development includes a detached double garage which is unacceptably located within the root protection area of a protected tree. In addition the Local Planning Authority is not satisfied on the basis of the information submitted that the proposed access point, driveway and hard surfacing could be constructed without harm to protected trees. The scheme as submitted is therefore contrary to Policies NE4, NE5 and NE6 of the Council's Replacement Unitary Development Plan.

5. Insufficient information relating to visibility splays - The application as submitted provides insufficiently clear or accurate information regarding the visibility splays that can be achieved at the site entrance; the width of the entrance and proposed kerb radii (a detailed engineering plan with full dimensions showing road and footway widths, access driveway widths and kerb radii is required). In the absence of suitably clear and accurate information, the proposed development is not considered to appropriately mitigate its impact on the local highway or provide a safe site access arrangement and would be contrary to Policies TM2 and TM19A of the Replacement Unitary Development Plan.

6. Inaccurate and insufficient information - The planning application provides inaccurate or inconsistent information. The submitted drawings include no information regarding the design, scale and massing of the proposed detached double garage block; the scale of the sections shown on drawing No. 1211/35/10 is not provided; and the number and identity of trees to be removed as a consequence of development are inconsistent across the documents submitted. This lack of information does not enable the planning impact of the development to be properly assessed.

Principle of the Development

The site is unallocated on the RUDP and is not therefore protected for any uses other than those which accord with its general policies. The site is Greenfield as defined in Planning Policy Statement 3, being the residential curtilage of the existing dwelling known as Pine Croft.

Policy UR2 allows for development which makes an efficient use of existing physical and social infrastructure. Large development in unsustainable locations has the potential to generate significant extra car journeys and can prevent development in or direct development away from the urban areas. While the site is Greenfield it is relatively small and in a sustainable location within the urban area of Burley and has good access to the public transport network and to local services. As a result the development of such sites is unlikely to cause demonstrable and significant harm to the policy aims and objectives of the plan.

The development achieves density of around 14 dwellings per hectare. Policy H7 of the RUDP requires developments in sustainable locations to achieve a density of between 30 and 50 dwellings per hectare and Policy H8 requires developments to make the most efficient use of land. The developable area within the site is significantly constrained by the presence of protected trees and large level changes on the rear boundary of the site. Also given the character of the immediate locality is generally large dwellings set in large plots a more dense form of development is unlikely to have a positive impact on the character of the locality. Previous applications for more dense developments for flats have not been supported on this site.

As a result of the above the principle of the development is considered to be acceptable subject to its local impact.

Visual Amenity

The application proposes to construct two detached dwellings on this plot in place of the existing bungalow. Given that there is extensive screening to the front boundary and that the buildings are set at the smallest distance 24m from the front boundary the buildings are not going to be especially prominent in the streetscene. There are properties of similar scale in the immediate locality and the proposed dwellings are of good design and are to be constructed in stone under artificial slate tiles which would be in keeping around the site.

The previous application carried a reason for refusal relating to the failure of the proposal to maximise opportunities to conserve energy as windows to the southern elevation were not effectively used by rooms that would be occupied most often. The current application has modified the house designs and now nearly all of the windows on the southern elevations open to habitable rooms.

The application also proposes to relocate the existing access from its existing location to the centre of the site. Overall subject to conditions the proposal is considered to be acceptable subject to conditions to secure the approved materials and boundary treatment.

Trees

The previous application included a detached garage to plot 1 which intruded on the root protection area of protected trees on the eastern boundary of the site. The layout has now been revised so that the garage is moved to the western boundary of the site in a position which does not impact on the most important protected trees. The proposed new access point is situated entirely within the root protection areas of trees on the front boundary. A method statement has been submitted with the application which details a 'no dig' construction method which sets out how the new access is to be created and also how the existing access is to be broken up without causing any significant harm to the long term health of these trees. A condition requiring the development to proceed in accordance with this method statement is required to ensure significant damage is caused to the long term health of these trees.

Residential Amenity

The previous application carried a reason for refusal relating to loss of outlook and overshadowing of neighbouring properties to the rear of the site. This was exacerbated by the change in levels within the site and in particular on the rear boundary of the site. From the rear wall of the plot 2 to the boundary there is a change in levels of around 1m (from 92.93 to 91.88) and from the boundary to the garden level of the property to the rear (16 The Copse) there is a further drop of 0.82m.

The Council would normally request 10.5m to the boundary of the site in order to avoid any significant overlooking however given the change in levels it is necessary to set the dwelling further away. There is no set distance in these circumstances however, a reasonable approach needs to be taken. The current application places the proposed dwellings around 16.5m to the rear boundary of the site which given the normal requirement for a 10.5m separation is considered to be sufficiently distant to avoid any overlooking or loss of outlook.

The proposed dwellings are now placed alongside the adjacent property at 14A The Copse and so do not impact on their amenities.

Overall therefore subject to conditions which remove permitted development rights for future extensions, window openings and alterations the proposal is considered to be acceptable in terms of its impact on neighbours amenities.

Highway Safety

The application proposes to relocate the access to the site from the western side of the southern boundary to a more central location. This moves the access further away from a bend in the road to the west which restricts visibility. The application shows that visibility splays of 2m x 25m which is an improvement on the current situation. Prospect Road is an adopted road and there is an existing access from the site onto it. It is considered that the introduction of one additional unit taking access onto the road is unlikely to generate a significant increase in the number of vehicles to the detriment of highway safety. Within the site, a turning area is provided and the level of parking is sufficient for the scale of dwellings proposed. Consequently subject to conditions which require the provision of the details shown the proposal is considered to be acceptable

Other Issues

The majority of the issues raised in representations to the proposals have been addressed in the appraisal however the following issues remain:

Previous application for The Copse development - The 1994 application for The Copse development was for 27 dwellings and it was considered that the creation of an access for such a large number of dwellings to this road could not be achieved without causing harm to highway safety. The current proposal is of a much smaller scale and the site benefits from an existing access to Prospect Road. The impact of the current proposal is considered in the appraisal that follows.

Previous application at 14 The Copse – An application has been refused recently on this site however each site is judged on its own merits. The proposal at 14A The Copse was for a detached dwelling situated close to the Prospect Road frontage and set in front of the front walls of 14A The Copse and 2 Prospect Road. Furthermore the site is situated directly on the blind bend and proposed to create a brand new access. This is not considered to be a similar type of development to that proposed here.

Raised patios and decking - The current application does not propose any balconies or raised patios. Planning permission is required for any raised platform which is 30cm above ground level.

Approval will set a precedent for future developments – All applications are judged on their own merits.

Community Safety Implications:

The proposal does not present any community safety implications.

Reason for Granting Planning Permission:

The proposed development is considered to relate satisfactorily with the existing streetscene and is not considered to result in any significant loss of residential amenity or significant harm to highway safety or the health of protected trees within the site. As a result the proposal is considered to comply with Policies UDP1, UR2, UR3, H7, H8, D1, TM2, TM12, TM19A, NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

Summary of Conditions:

1. Three year time limit
2. Approved plans
3. Materials to be approved
4. Tree protection and construction to be in accordance with Arboricultural method statement
5. Landscaping to be provided
6. Boundary treatment details to be agreed
7. New access to be provided
8. Existing access to be closed
9. Car parking to be provided
10. Turning area to be provided
11. TRO to be provided
12. Garage to House Type C not to be converted to a habitable room
13. Permitted development rights A-H removed

Conditions of Approval:

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

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

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

Approved Plan Details:

Drawing numbered 1211/35/01 showing the site location plan received by the Council on 01/02/2011

Drawing numbered 1211-35-021G showing the proposed site layout and street scene received by the council on 05/04/2011

Drawing numbered 1211-35-10G showing cross-sections through the site received by the council on 05/04/2011

Drawings numbered 1211-35-022C showing the plans and elevations of house type C received by the council on 30/03/2011

Drawings numbered 1211/035/023 showing the plans and elevations of house type D received by the Council on 01/02/2011

Drawing numbered 1211-35-32A showing the proposed garage plans received by the council on 30/03/2011

Drawing numbered 1211/035/030 showing the site constraints received by the council on 01/02/2011

Drawing numbered R/973/1D showing the proposed landscaping received by the council on 01/02/2011 received by the council on 05/04/2011

Drawing numbered 5434-001-REVC showing the proposed access and visibility splays received by the council on 05/04/2011

Drawing numbered 5434-002-REVC showing a swept path analysis for vehicles entering and exiting the site received by the council on 05/04/2011

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

3. 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.

4. Unless otherwise agreed in writing by the Local Planning Authority, the development shall be carried to accord with the recommendations of the Arboricultural Method Statement carried out by James Royston Arboricultural Consultant referenced 80921MS received by the Council on 01 February 2011.

Reason: To ensure the development is carried out in a manner which does not cause any significant harm to protected trees within the site and to accord with the requirements of Policies UR3, NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

5. All hard and soft landscape works shall be carried out in accordance with drawing numbered R/973/1D. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with Policies UR3 and D5 of the Replacement Unitary Development Plan.

6. Prior to the commencement of development full details of the proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The details so agreed shall then be implemented in full as part of the development.

Reason: In the interest of visual amenity and to comply with Policies UR3 and D1 of the Replacement Unitary Development Plan.

7. 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 1211-35-021G 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.

8. 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 1211-35-021G.

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

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

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

10. 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 1211-35-021G 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.

11. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered 1211-35-021G 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.

12. The integral garage of House Type C shall be used for ancillary domestic storage and the storage of private motor vehicles only, and shall not be converted to form habitable accommodation.

Reason: To ensure off-street car parking provision in the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

13. 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 to H 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: To accord with Policy UR3 of the Replacement Unitary Development Plan.
