

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 08 September 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.	227 Wrose Road Bradford West Yorkshire BD2 1PT-11/02340/FUL [Approve] (page 1)	Windhill And Wrose
2.	8 Nab Wood Mount Shipley West Yorkshire BD18 4EN - 11/02405/HOU [Approve] (page 6)	Shipley
3.	Are-Jay Bargie Canal Boat Leeds And Liverpool Canal Towpath Shipley West Yorkshire - 11/02017/FUL [Approve] (page 13)	Shipley
4.	Asda Stores Manor Lane Shipley West Yorkshire BD18 3RY - 11/02118/FUL [Approve] (page 21)	Shipley
5.	Associated Waste Management Canal Road Bradford West Yorkshire BD2 1AU - 11/01085/FUL [Approve] (page 26)	Windhill And Wrose
6.	Bradford And Bingley Plc 212 Main Street Bingley West Yorkshire BD16 2AH - 11/00940/MAF [Approve] (page 42)	Bingley
7.	Hawksworth Moor Service Reservoir Hillings Lane Menston Ilkley West Yorkshire - 11/02347/FUL [Approve] (page 58)	Wharfedale
8.	Land North Of 47 - 57 Thompson Lane Baildon West Yorkshire BD17 7LX - 11/03009/RG4 [Approve] (page 67)	Shipley
9.	Land West Of Hardaker Croft Baildon West Yorkshire - 11/01041/FUL [Approve] (page 78)	Baildon

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Environment and Culture

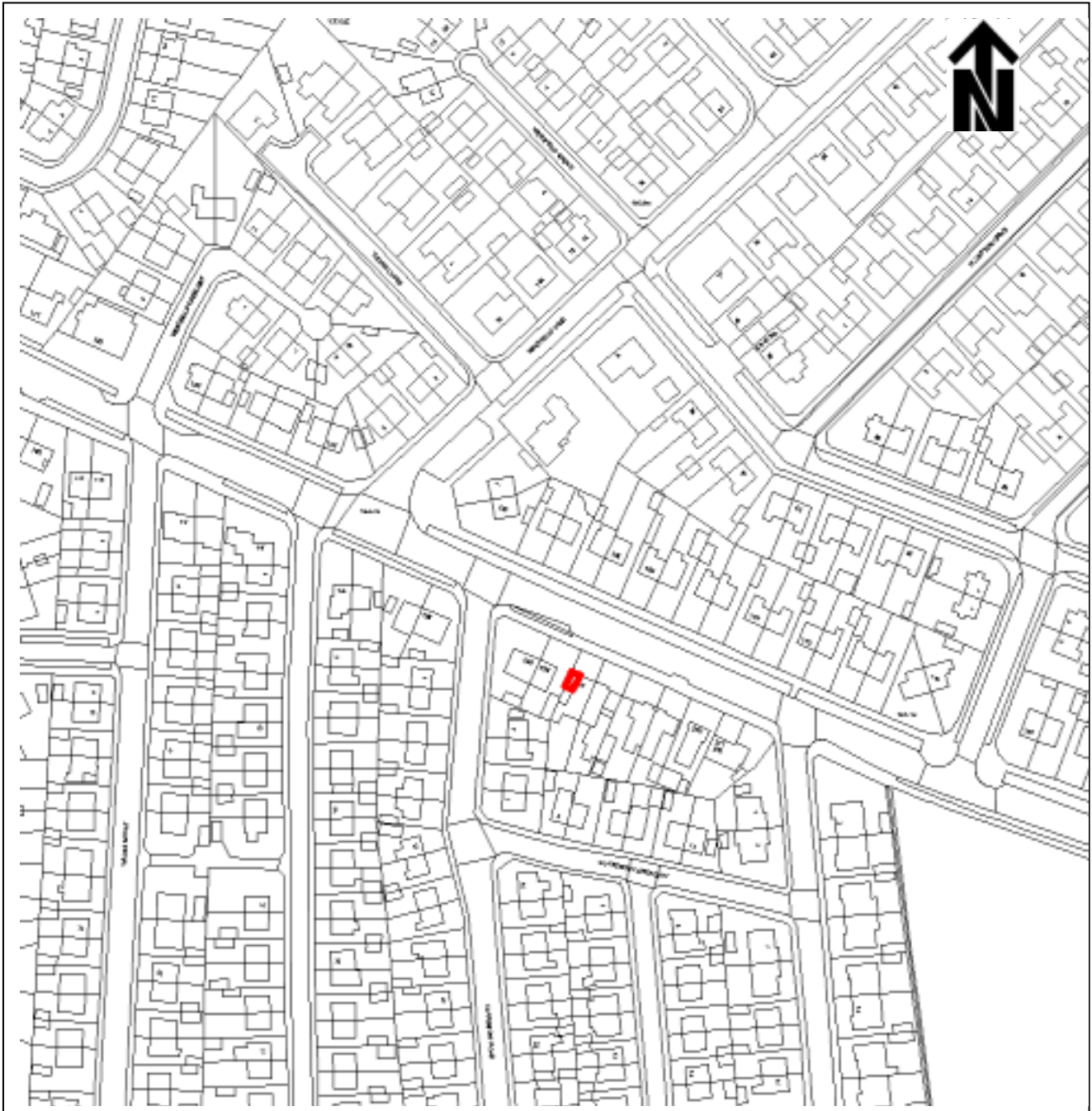
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

11/02340/FUL

8 September 2011



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ITEM NO. : 1	LOCATION: 227 Wrose Road Bradford BD2 1PT
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8 September 2011

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

Application Number:
11/02340/FUL

Type of Application/Proposal and Address:

A full application for the change of use of a store attached to 227 Wrose Road, Bradford to a private hire booking office. The proposed hours of operation are 9am to 9pm seven days per week.

The nature of the proposed booking office would be such that the office would be manned by a sole operative using radio/telephone equipment to carry out the role. No customers or taxi drivers would visit the site.

Applicant:
Mr D Winston

Agent:
Mr Mo Ali

Site Description:

Wrose Road is lined with semi-detached properties comparable in appearance and layout, predominantly in residential use and forms part of a wider established residential area. 227 is one of a number of properties fronting Wrose Road that differ by the fact that they have been converted into other uses at ground floor, in this instance creating a small parade of shops. To the front of the shops the gardens have been replaced with a tarmac forecourt currently used for ad hoc off street parking. Specifically 227 Wrose Road, Bradford is situated at the west end of the parade and subsequently shares a boundary with 130 Wrose Road, Shipley, which remains in a residential use. It is notable that 227 has been extended to the side in the past to provide the small building (9.2 square metres gross internal floor space) subject of this application.

Relevant Site History:

77/00506/COU – Change of use to take away food shop – refused 09.03.1977
98/01055/COU - Change of use from butchers to hot food takeaway – refused 07.08.1998
99/00074/COU - Change of use of retail unit to hot food take away – refused 09.03.1999

Replacement Unitary Development Plan (RUDP):

Allocation
Unallocated

Proposals and Policies

UR3 - The Local Impact of Development
D1 - General Design Considerations
TM2 - Impact of traffic and its mitigation
TM11 - Parking standards for non residential developments
TM19A - Traffic management and road safety

Parish Council:

Wrose Parish Council objects to the proposal on the following grounds:

- Increase in traffic congestion
- Highway safety issues
- Unreliable parking provision
- No need

Publicity and Number of Representations:

The application has been advertised by site notice and individual neighbour notification letters. The publicity period expired on the 12th July 2011.

25 representations have been received including two from local ward councillors in objection to the proposal.

The applicant's local ward councillor has made a representation in support of the proposal.

Summary of Representations Received:

The objections are based on the following grounds:

Highway and pedestrian safety

Noise and disturbance

Exacerbate existing parking issues

The parking proposed is not a viable or reliable option

No need for a further taxi provider

The proposal will lead to an increase in anti social behaviour

The representation in support of the application considers that as no vehicles will visit the site the proposal will not impact neighbouring amenity or highway safety, and cites the council's highway officer response in support of this view.

Consultations:

Highways DC – Support the proposal subject to it operating as a radio controlled booking office where cars and customers have no cause to visit.

Summary of Main Issues:

1. Residential Amenity
2. Highway Safety

Appraisal:

It is not considered that the proposed change of use of the store attached to 227 Wrose Road in the manner described would result in any significant detrimental impact on neighbouring amenity.

The nature of the proposed booking office would be such that the office would be manned by a sole operative using radio/telephone equipment to carry out the role, no customer's or taxis would be visiting the site. To ensure this, and as shown on the floor plan, no provision is made for customers or drivers to wait at the site. The addition of conditions to any approval to further underscore and ensure this is recommended.

Whilst it is acknowledged that the store is in close proximity to a residential property, by reason of the specific nature of the proposed use it is considered unlikely that there would be any significant generation of noise and disturbance such as might usually be associated with a taxi rank. Furthermore, any potential impact would be further controlled by the proposed operating hours of 09:00 to 21:00, such hours being controlled via a condition of approval.

In terms of highway safety, since there is no intention for taxi drivers to use the site as a base or to visit the site for pick ups, the proposal is not deemed to prejudice highway safety in this locality. The main demand for parking would be as a result of the sole employee operating the equipment, and parking in the locality is deemed sufficient to cope with this additional demand should it arise, particularly as the site is also easily accessible via public transport.

The lack of vehicle activity at the site should also allay resident's concerns raised in representations regarding parking and traffic congestion in the locality. Although the proposed use would not require parking spaces to be provided, the applicant has provided details of informal parking provision (five spaces) available through informal private agreement at the Horse and Farrier public house some distance away on Kings Road. It should be noted that this provision is not required by Highways DC and is not part of the application submission.

Community Safety Implications:

No community safety implications foreseen.

Reason for Granting Planning Permission:

The proposed taxi booking office, subject to conditions, is not considered to result in conditions harmful to neighbouring amenity or to prejudice highway safety in the locality. As such the proposed use is in accordance with Policies UR3, D1, TM2 and TM19A of the Replacement Unitary Development Plan.

Conditions of Approval:

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

Drawing Number: BD/158/P01 - Location Plan

Received by the Council on 8th June 2011

Amended Drawing Number: BD/158/P02 Rev A - Site Plan, Proposed Plans and Elevations

Received by the Council on 2nd August 2011

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

- 2) The taxi booking office hereby approved shall only be used for the arrangement of the private hire business by means of telephone, radio or computer, and shall not operate so as to attract visiting customers or the collection of customers from the premises. No facilities shall be created that allow customers to enter the premises or use the premises as a waiting room.

Reason: The attraction of customers and the congregation of customers and vehicles around the premises would give rise to highway safety concerns contrary to Policy TM2 and TM19A of the Replacement Unitary Development Plan.

- 3) The taxi booking office hereby approved shall only be used for the arrangement of the private hire business by means of telephone, radio or computer, and accordingly no operational taxi's associated with the business shall be based at or visit the site.

Reason: Insufficient off street car parking provision exists within the site to accommodate a more intensive use without detriment to highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

- 4) The use of the premises shall be restricted to the hours from 09:00 to 21:00 Mondays to Sunday, including Bank or Public Holidays.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policy UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

11/02405/HOU

8 September 2011



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ITEM NO. : 2	LOCATION: 8 Nab Wood Mount Shipley
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8 September 2011

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

Application Number:
11/02405/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.

The application has been referred to panel by a ward councillor.

BACKGROUND

The current application is identical to an application considered by Shipley Area Planning Panel on 12th May 2011 except the previously proposed new access with dropped kerb onto Nab Wood Mount has been removed and there have been some alterations to internal layout.

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. Granted 1st May 2009.

11/00784/HOU: 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 and new access with dropped kerb onto Nab Wood Mount.

This application was considered by the Area Planning Panel on 12th May 2011. Panel resolved to approve it subject to a Section 106 agreement being entered into to remove the permitted development rights available to the applicant to form an access to the site from Nab Wood Mount. The application was subsequently withdrawn on 25th May 2011, as the applicant was reluctant to enter into this legal agreement due to the cost.

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

NE4, NE5 and NE 6 – Tree retention and protection

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. Expiry date for comments was the 27th June 2011.

7 representations have been received including one from a ward councillor who has requested referral of 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 a new vehicular access from Nab Wood Mount, which is not included in the application but could be completed under permitted development, and the generation of extra traffic;
2. The quality of the street scene and visual amenity in general would be harmed by the development which is 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 and front 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 does not include a plan for protecting the two mature trees located near the property on Nab Wood Drive. This aspect of the application should certainly be addressed as a condition of approval should the Council be minded to do so.
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.
7. The proposed double storey side extension is out of keeping with the surrounding dwellings, affects the visual amenity of nearby neighbours and is therefore a visual intrusion into this close knit residential neighbourhood.

8. The new dormer window will have a detrimental impact on the privacy of the neighbouring property at 37 Nab Wood Drive, though the main impact will be the overshadowing effect created by the new extension.

Consultations:

Highways DC: 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:

Under application 09/01083/HOU, the property already benefits from planning permission for the construction of the two rear dormer windows, the rear conservatory, a smaller hipped roof side extension and the widening of the existing driveway on to Nab Wood Drive.

As with application 11/00784/HOU this latest application seeks to enlarge the previously 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.

Impact on Local Environment:

The side extension, though larger than that approved by 09/01083/HOU, is considered acceptable 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 maintaining a degree of subordination. It is not accepted that it would harm the character of the street scene.

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 set 4.5 metres from the boundary with 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.

Impact on Neighbouring Occupants:

Objections on grounds of harm to the amenity of neighbours have been carefully considered. The side extension would not cause any unacceptable overbearing or overshadowing issues to neighbouring properties since adequate distances would be maintained to boundaries. The side extension projects towards the street corner rather than towards any neighbouring properties. The extension would rise to a ridge height of 5.3 metres, and it is not accepted that this would cause the overshadowing or dominance problems feared by neighbours.

The dormer window in the rear of the extension would face towards Nab Wood Drive across the front garden 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 any habitable room windows or private amenity space from the dormer window.

The rooflights to the front elevation of the extension and window to the side elevation face toward the highway and across it towards the front elevations of neighbouring properties.

Impact on Highway Safety:

There are no concerns with regard to parking provision - with adequate space being retained on site for the off street parking of 2 vehicles. The Panel previously considered the proposed formation of an access onto Nab Wood Mount to be potentially detrimental to highway and pedestrian safety. This feature has been omitted from the resubmitted plans. Instead of a S.106 obligation, a condition removing permitted development rights for the formation of any further hardstandings within the site and to prevent a further drive to Nab Wood Mount being formed is recommended.

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.

There are also two mature trees outside the boundary of the property on the footpath of Nab Wood Drive. These trees are not protected but it is recommended that construction details be conditioned to be tree friendly to ensure their protection during development. A condition is recommended to ensure this.

Future Occupancy: The first floor accommodation has been amended to show two bedrooms and a bathroom, with a previously proposed kitchen omitted. The first floor level accommodation would be accessed solely from within the existing dwelling and so would be ancillary to the host dwelling. Objectors are concerned that the new accommodation would come to form a separate dwelling. However, any subdivision of the property to create two dwelling units would be a material change of use that would require separate planning permission.

A condition to prevent occupation of the newly created accommodation other than as part of the original dwelling would ensure this does not occur.

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, NE4, NE5, NE6 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:

Plan as existing and proposed revised drawing 2, drawing number SR-777-4, dated May 2011.

Received by the Council on 26 May 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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no vehicular access shall be formed from the property onto Nab Wood Mount, and no development falling within Class F of Part 1, and Class B of Part 2 of Schedule 2 of the said Order shall be carried out within the curtilage of the property without the prior written permission of the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policies UR3 and TM2 of the Replacement Unitary Development Plan.

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

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

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

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

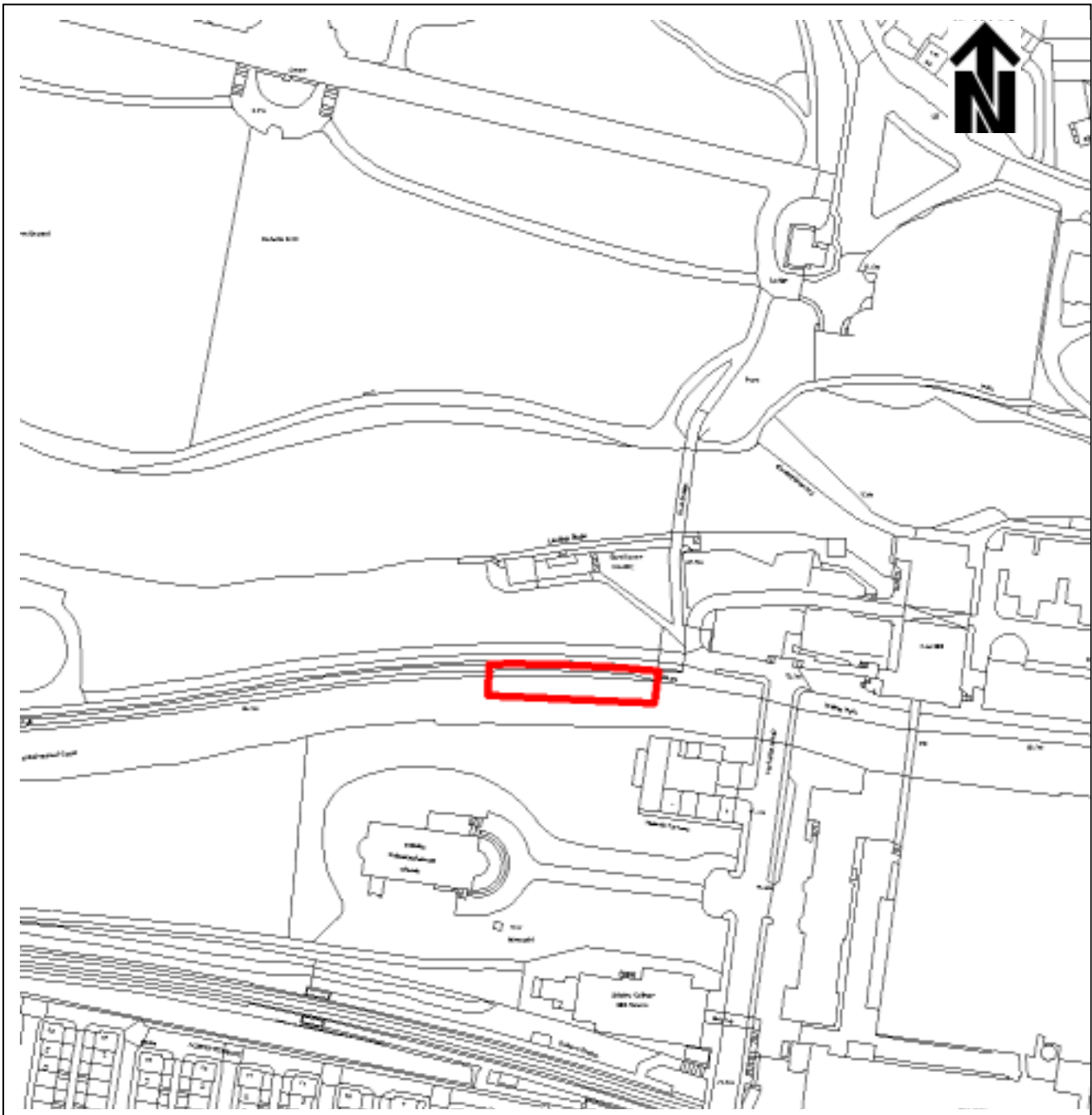
No development, excavations, engineering works and storage of materials or equipment shall take place within the Root Protection Areas for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

11/02017/FUL

8 September 2011



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ITEM NO. : 3	LOCATION: Are-Jay Bargie Canal Boat Leeds And Liverpool Canal Towpath Shipley
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8 September 2011

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

Application Number:
11/02017/FUL

Type of Application/Proposal and Address:

A full planning application for the change of use of part of the canal to facilitate the trade of ice-creams, snacks, drink and sandwiches from an 18-metre long canal barge on a 36-metre long mooring space, including an advertising 'A' frame, litter bin and three benches to be in keeping with existing ones under bridge 207A at 'Are-Jay Bargie', Leeds-Liverpool Canal, off Victoria Road, Saltaire, Shipley.

Applicant:
Miss Pearl Scott

Agent:
Not applicable

Site Description:

The site comprises a length of the canal and its towpath at Saltaire adjacent to the link connecting Victoria Road to Roberts Park, 'The Boathouse' public house, New Mill NHS premises, flats at Riverside Court, etc. The barge subject of this application is already in situ, moored by ropes to the towpath. On the opposite side of the canal to the site is the United Reform Church and the residential properties in the former coach house and stable block at Victoria Terrace. To the east is the Salt's Mill complex. Adjacent to the towpath is a vehicular access to a number of sports clubs and their grounds located to the west.

Relevant Site History:
None

Replacement Unitary Development Plan (RUDP):

Allocation

The site is allocated as Green Belt in the RUDP and is also included within the Saltaire Conservation Area and Saltaire World Heritage Site. The canal is a site of geological or ecological importance and its towpath is part of the National and Local Cycle Network.

Proposals and Policies

Taking account of policies saved for the purposes of formulating the Local Development Framework, the following RUDP policies are applicable to the proposal:-

UR2: Promoting Sustainable Development

UR3: Local Impact of Development

CR3A: Small Shops

CR4A: Other Retail Development

TM2: Impact of Traffic and its Mitigation

TM10: National and Local Cycle Network

TM11: Parking Standards for Non-Residential Developments

TM19A: Traffic Management and Road Safety

D1: General Design Considerations
D6: Meeting the Needs of Pedestrians
D7: Meeting the Needs of Cyclists
BH4A: Setting of Listed Buildings
BH7: Conservation Areas
S/BH14: World Heritage Site
BH20: The Leeds-Liverpool Canal
GB1: New Developments in the Green Belt
GB2: Siting of New Buildings in the Green Belt
NR16: Surface Water Run Off and Sustainable Drainage Systems
NE9: Site of Geological or Ecological Importance
P7: Noise

Other Relevant Policies and Guidance:

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Guidance Note 2: Green Belts
Planning Policy Statement 5: Planning and the Historic Environment
Planning Policy Guidance Note 13: Transport

Parish Council:

Not applicable

Publicity and Number of Representations:

Receipt of the application was publicised by press and site notices, and by neighbour notification letters. The publicity period expired on 2 September 2011. At the date of writing this report 16 objections, two from Shipley Ward councillors, and seven supporting comments had been received. One of the councillors' comments included a request that the application is referred to the Shipley Area Planning Panel and that members carry out a site visit at the discretion of the Chair.

The Council has also received a 37-page petition with 1,363 signatures supporting the proposal that the 'Are-Jay Bargie' remains in Saltaire.

Any further representations will be reported verbally to the Planning Panel.

Summary of Representations Received:

In Objection:

1. Affect character of the Saltaire World Heritage Site, Saltaire Conservation Area and setting of listed buildings.
2. Impact on landscape.
3. Harm to of visual amenity.
4. Out of keeping with surroundings.
5. Inappropriate design choice of materials.
6. Loss of public access.
7. Harm to pedestrian, cycle and vehicular safety.
8. Nuisance from noise, disturbance, fumes, dirt, litter and vermin.
9. Precedent for other similar retail uses.
10. Detriment to profitability of other traders who have complied with regulations, such as the Half-Moon Cafe and Vicar's, both community-run ventures.
11. Non-compliance with planning policies.
12. The mooring space should be kept open for other businesses and charities.
13. Loss of limited overnight mooring spaces.
14. Alleged disregard of by-laws, regulations and common decency.

15. Violation of British Waterways license limiting trade to 28 days per year and lack of enforcement.
16. If the development is approved the following conditions should be applied: (1) operating hours limited from 10am to 7pm,; (2) no 'A'-board or other signs allowed; (3) no additional seating provided; (4) the barge operator pays for the Council to install a permanent bin and is barred from putting out temporary bins; (5) the barge operator pays a business rate; and (6) the barge operator secures a license from British Waterways to cover its operations.

In Support:

1. The barge will add to the vibrancy, diversity, charm, character and visitor facilities of Saltaire.2.
3. Individual entrepreneurship and competition with other similar outlets should be encouraged.
4. The barge should have traditional paintwork and provide seating a litter bins for customers.
5. The paintwork matches the colour scheme of the refurbished bandstand in Roberts Park.
6. The canal is the "natural" place for a barge, which is thus not a permanent structure.
7. The business affect access no more than groups of people feeding the ducks or congregating outside shops.
8. The development is less harmful than the oft-mooted bypass, the new school or housing estates in the Saltaire World Heritage Site.
9. The barge fits in better than ice cream vans often parked on Victoria Road bridge and, it is alleged, the refurbished 'Boathouse' public house.

Consultations:

Highways Development Control: No objections subject to the canal towpath remaining free from obstruction.

Rights of Way Team: No objections subject to standard foot note.

Design and Conservation Team: A single barge moored in the proposed location will have no adverse impact on the Saltaire Conservation Area, World Heritage Site or the setting of listed buildings.

English Heritage: Do not wish to offer any comments and so the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's own specialist conservation advice.

Natural England: The nearest site of special scientific interest is "Trench Meadows"; the proposal has no adverse impact on this site.

Environmental Health Department: Trading has taken place for 2½ years with no complaints being received regarding any associated disturbance. No objections.

Summary of Main Issues:

1. Principle of development
2. Visual impact and historic context
3. Impact on occupants of adjacent land
4. Highway safety
5. Other planning matters
6. Outstanding matters raised by representations
7. Conclusion

Appraisal:

Principle of Development

Section 55 of the Town and Country Planning Act 1990, defines 'development' as the carrying out of building, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. Subject to certain exemptions as set out in the Act, all development requires planning permission. Thus this planning application is required as it changes the use of the land beneath the waters of the canal.

The site is located on the edge of the Green Belt that extends over open land to the north and west, the boundary to which runs along the footbridge to Roberts Park and southern bank of the canal opposite the site. The barge does not have the characteristics of a permanent structure, such as a new building, and so does not harm the openness of the Green Belt. Furthermore, it is located in close proximity to other physical, man-made structures such as the bridge carrying Victoria Road across the canal and the dominating presence of Salt's Mill.

The barge has a limited 'floorspace' from which to trade and in this respect is similar to other mobile retail outlets such as ice-cream vans that serve passing trade. Its scale is not so large as to constitute a threat to the vitality or viability of the closest local centre focused on Saltaire Roundabout. The application site is longer than the barge to allow for slight variations to its mooring that may result from other vessels tying up at this point on the canal. It would be appropriate to impose a planning condition that only one barge trades from the site at any one time.

The proposal is therefore considered to comply with Green Belt and retailing policies, GB1, GB2 (though strictly this relates to the siting of buildings), CR3A and CR4A, and so the development is acceptable in principle.

Visual Impact and Historic Context

The barge is of the same traditional scale, design, materials and brightly coloured finish as other vessels moored or sailed on the canal, which add to the vibrancy of the canal and help to ensure it remains in use rather than falling into disuse and neglect. Thus the barge appears as a commonplace feature in this location and as such does not look out of place.

This is particularly the case when the barge is not trading as its associated sales paraphernalia (flags, cones, boards and other advertising devices) are not displayed. During trading various adverts are displayed however the scale of these would need to be controlled through the submission of a separate application for express advertisement consent.

The barge, as noted above is traditionally constructed and is afloat on the canal; it is small in scale when compared to other elements of the locality, for example the listed Salt's Mill (grade II*), United Reformed Church (grade I) and Victoria Terrace (grade II). Whilst it includes a modern-day TV receiver these are also apparent on other canal barges and in Saltaire itself.

For these reasons it is not considered to have any harmful impact on the appearance of the locality or the setting of listed buildings, the wider Saltaire Conservation Area or World Heritage Site and thus complies with RUDP policies UR3, D1, BH4A, BH7, S/BH14 and BH20.

Impact on Occupants of Adjacent Land

The scale of the barge is relatively small and offers trade to passing customers visiting the area so it is considered that it would not attract a significant number of visitors in its own right. It is noted that there are some residential uses in the locality, the closest being Victoria Terrace on the opposite side of the canal, but as the trading hours of the barge are proposed as 9:00am to 8:00pm no harm to residential amenity is foreseen. Otherwise the nearest land use is 'The Boathouse' public house, which operates later into the night. Subject to the operating hours being conditioned the proposal would not harm the amenities of adjacent land users through noise or other general disturbance.

Issues of increased vermin and litter from ill-discarded food and their wrappers are controlled by other legislation. Provision of adequate waste bins can be ensured through a properly worded condition should planning permission be granted.

Highway Safety

Access to the barge is via the canal towpath off Victoria Road, which is a popular visitor spot due to its proximity to other attractions in Saltaire. Whilst Victoria Road also serves a number of other nearby uses, such as 'The Boathouse', Roberts Park, New Mill, Riverside Court and the sports clubs further afield, these have separate access routes and the constrained nature of those carrying vehicular traffic has the effect of reducing vehicle speeds. In any case these routes are unaffected by the mooring of the barge (or any other vessel) on the canal. The public right of way 'Shipley 114' abuts the towpath to the north but is unaffected by the proposal.

It is the case that customers would be able to congregate on the towpath adjacent to the barge however the towpath is customarily used by pedestrians and cyclists, as opposed to any other form of traffic, who can readily negotiate any obstruction. The free flow of pedestrians and cyclists is no more impeded by customers than by other gates and obstacles elsewhere on the towpath, such as the 'A'-framed barriers some 200 metres to the east and at Hirst Lock to the west.

The small-scale nature of the barge would not lead to any issues relating to car parking or servicing that would harm highway safety or the free flow of traffic on the local road network. For these reasons, the proposal complies with policies TM2, TM10, TM11, TM19A, D6 and D7, and is considered to be acceptable in highway safety terms.

Other Planning Matters

The proposal includes provision of three additional benches that would be constructed of treated timber and be of a design to match those currently placed elsewhere on the towpath. Their appearance would complement the character of the location and their position to the back edge of the towpath would not impede movement along it. It is also proposed to site a litter bin close to the barge though the details supplied show a generic plastic bin, which is not considered appropriate. It is therefore suggested that details of a better designed permanent bin be conditioned.

The canal is designated as a site of ecological (or geological) importance; the presence of a barge on the canal, whether used for trading or otherwise, is not considered to present any significant harm to flora or fauna.

Outstanding Matters Raised by Representations

Precedent for other retail uses.

There is no concept of precedent in planning terms as each application is assessed on its own merits.

Detriment to profitability of other traders who have complied with regulations, such as the Half-Moon Cafe and Vicar's, both community-run ventures.

The mooring space should be kept open for other businesses and charities.

Competition and profitability in this context are matters for market forces to determine and are thus beyond the remit of the current planning legislation.

Loss of limited overnight mooring spaces.

It is understood that British Waterways licence the mooring for the 'Are-Jay Bargie' is located at Shipley Wharf and that the Saltaire mooring is not permanent. However it must be stressed that the details of the licence is a matter for British Waterways to control. The Council would not be able to refuse planning permission for a reason based on the lack of a British Waterways licence; such a decision would be beyond the Local Planning Authority's powers and open to appeal and an award of costs against the Council.

Alleged disregard of by-laws, regulations and common decency.

Violation of British Waterways license limiting trade to 28 days per year and lack of enforcement.

Decisions regarding British Waterways licences are beyond the remit of the current planning system. Action by the Council's Planning Services led to the submission of this planning application.

If the development is approved six conditions should be applied.

Conditions 1 to 4 (noted above) may be imposed in some form though issues relating to signage would be covered by separate legislation. Imposition of conditions 5 and 6 would be beyond the powers of the Local Planning Authority and, if imposed, would be open to challenge at appeal with the potential of costs being awarded against the Council.

Conclusion

For these reasons, the proposal is considered to be acceptable when judged against the relevant policies in the RUDP. The points raised in objection, though mainly valid, are not considered to be sufficiently substantive to overturn these policies and so the proposal is recommended for approval subject to conditions.

Community Safety Implications:

The proposal raises no community safety implications.

Reason for Granting Planning Permission:

The proposal would relate satisfactorily to the character of the surrounding area, including its historic context, and would have no adverse impact on residential amenity or highway safety. As such the proposal is considered to be in accordance with policies UR2, UR3, CR3A, CR4A, TM2, TM10, TM11, TM19A, D1, D6, D7, BH4A, BH7, S/BH14, BH20, GB1, GB2, NR16, NE9 and P7 of the adopted 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 location plans, site plan and drawing of a timber bench received by the Council on 5 May 2011 and 1 August 2011.

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

3. The change of use hereby permitted shall only be for a single trading barge operating at any one time from the approved site.

Reason: To prevent the establishment of a separate independent trading units and to accord with policies CR3A and CR4A of the Replacement Unitary Development Plan.

4. The premises the subject of this decision shall only be open for business between the hours of 09:00 and 20:00 and no customer shall be served or otherwise make use of the premises between these hours.

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

5. The three benches hereby approved to match existing towpath benches in terms of their design, dimensions, materials and finishing treatment shall be provided for use within 28 days of the date of this decision notice.

Reason: To ensure provision of adequate seating, to complement the character of the locality and to accord with policies UR3, D1, D6, D7, BH7, S/BH14 and BH20 of the Replacement Unitary Development Plan.

6. Within 28 days of the date on this decision notice a refuse bin shall be provided in accordance with a specification to be approved by the Local Planning Authority and retained for use thereafter whilst the use hereby approved subsists.

Reason: In order to ensure provision of adequate refuse facilities in the interests of visual amenity and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

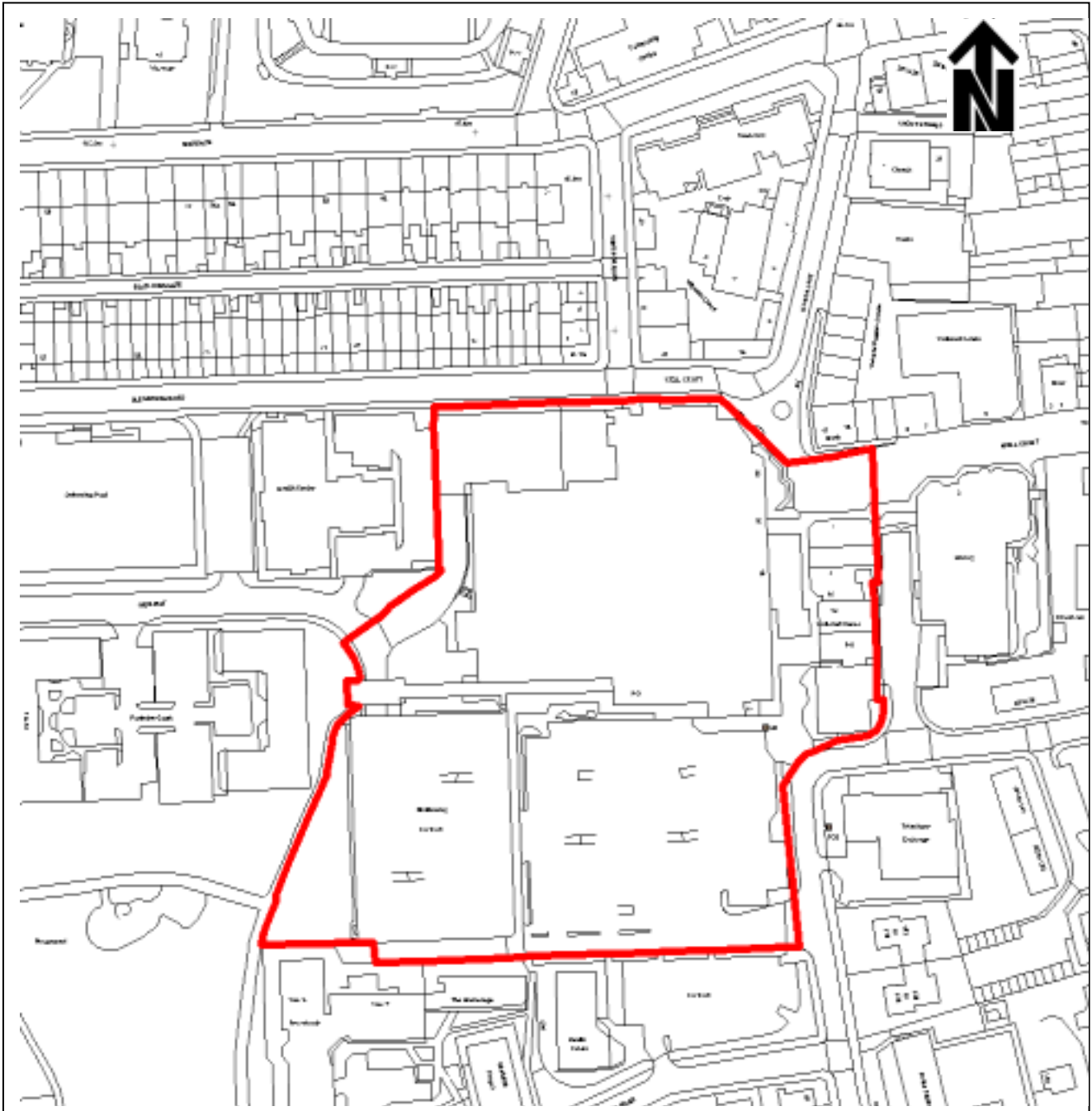
Footnote:

Please note that advertisement consent may be needed for any external signs on the premises. You should contact the Planning, Transportation and Highways Service for further information.

Area Planning Panel (Shipley)

11/02118/FUL

8 September 2011



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<p>ITEM NO. : 4</p>	<p>LOCATION: Asda Stores Manor Lane Shipley</p>
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8 September 2011

Item Number: 4
Ward: SHIPLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
11/02118/FUL

Type of Application/Proposal and Address:

Full application for a proposed pharmacy unit to replace existing storage space at the Asda store, Manor Lane, Shipley.

Applicant:

Asda Stores Ltd

Agent:

Mr Mark Turver

Site Description:

The Asda supermarket, Manor Lane, Shipley is a large retail store located within Shipley Town Centre. The store is served by a large split level car park to the front of the building. The central location means the surrounding land use is predominantly retail, although residential properties are present beyond the car park and to the rear of the store.

Specifically this application deals with a current trolley store to the west of the main entrance. The trolley store is to the front of the pedestrian ramp not linked to the main store other than by the existing roof.

Relevant Site History:

82/7/03287 - Planning permission was granted in May 1983 for the Shipley Town Centre Scheme, which included a retail store, offices, shops, public library, hotel, sheltered housing, day centre, landscaping, and car parking. Condition 4 of this permission states that the net retail floor space of the superstore must not exceed 45,000 square feet (4,180.5sqm).

09/01848/FUL - Provision of (i) a mezzanine floor extension to store; (ii) formation of new access to store; and, (iii) increase in the hours of car parking use from 2 hours to 3 hours – Planning permission granted 21.01.2011 subject to conditions, including one limiting the total gross floor space of the supermarket to 8,438 sq m with a 5064 sq m sales area, no more than 2026 sq m of which should be used for the sale of comparison goods.

09/01850/FUL - Extension of the car parking deck to create 127 additional spaces, granted 21.01.2011.

Since the 1980s there have been several other permissions/advertisement consents granted for various alterations to the premises, none of which have a direct bearing on the current proposal.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

CR1A - Retail Development within Centres

UR3 - The Local Impact of Development

D1 - General Design Considerations

TM2 - Impact of traffic and its mitigation

TM19A - Traffic management and road safety

National Planning Policies:

Planning Policy Statement 4 – Planning for Sustainable Economic Growth (2009)

Parish Council:

Not applicable

Publicity and Number of Representations:

The application has been advertised by site notice. The publicity period expired on 16th June 2011.

Nine representations have been received in objection to the proposal including two from local ward councillors, one of whom refers the application to Panel for determination, and one from the ward councillor of a neighbouring ward.

Summary of Representations Received:

The representations object on the following grounds:

A further pharmacy will undermine the vitality of Shipley town centre, and reference to PPS6 is made to substantiate this view.

There is no need for a further pharmacy and it will have repercussions for the existing pharmacies.

Inadequate parking.

Traffic congestion.

Consultations:

Design and Conservation – No impact on the world heritage site

LDF Team (Planning Policy) – Comments reproduced in full below:

“The proposal is located adjoining the town centre and primary shopping centre boundary. The Planning, Retail and Economic Support Statement states that the proposed unit extension falls partly within these boundaries.

Planning Policy Comments

The gross floor space of the development is less than 200sq m, therefore a sequential assessment is not required.

In accordance with PPS4 Local Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

Due to its size and location partly within the primary and central shopping areas, it is unlikely that the proposal will lead to significant adverse impacts on the vitality and viability of Shipley town centre."

[NB It should be noted that PPS6 – Planning for Town Centres was superseded by PPS4 - Planning for Sustainable Economic Growth in December 2009]

Summary of Main Issues:

1. Impact on the vitality and viability of Shipley town centre
2. Visual considerations
3. Traffic and pedestrian safety

Appraisal:

In the interest of clarity, it should be noted that the application proposes the addition of a new shop frontage to an existing trolley store and the small extension of Class A1 (shops) floor space at this existing superstore as defined by Use of the Town and Country Planning (Use Classes) Order 1987 (as amended) . The fact that the new space would operate as a pharmacy *per se* should have no bearing on the decision making process. Asda could, without the need for further planning approval, sell pharmaceutical products within their existing store.

Impact on the vitality and viability of Shipley town centre:

The trolley store is situated adjacent to but outside the identified boundaries of Shipley town centre and the primary shopping centre. However, as the building is ancillary to the main store it is - to all intents and purposes – considered to be part of and within the town centre boundary and will be considered as such.

The proposal is for a small ancillary retail unit/pharmacy at the Asda site in Shipley with a total gross internal floor space of 67 square metres. The unit would replace and be formed within the volume of the now defunct trolley store subject to this application. This trolley store is no longer required as trolleys are stored either in a purpose-built store to the front of the building or in a covered recess between the main entrance the store subject to this application.

Permission for the modest increase in retail floor space is required because the additional 67 square metres proposed would extend the retail floor space beyond what was originally approved (i.e. 4,180.5sqm). It should be noted that permission has already been granted to increase this limit to 5064 sq m net retail floor space via the insertion of a mezzanine level within the main store. The modest expansion proposed here (67 sqm) is not considered to be a significant addition, and it is not considered that there would be any detrimental impact on the vitality or viability of Shipley town centre. On the contrary, officers consider that the proposal would comply with national PPS4, and specifically Policy EC4 within that document, by increasing and promoting consumer choice and by promoting competition. Policy advice supports this view. The proposal is considered to comply with RUDP policy CR1A.

Visual considerations:

The existing covered trolley store is secured by steel roller shutters that would be retained. The pharmacy would be fitted out within the existing volume behind new glazed walling, set back behind the shutters. The proposed external-facing works are considered to be sympathetic to the appearance and character of the main building and as such would have no detrimental impact on visual amenity. The proposal is considered to comply with RUDP policies UR3 and D1.

Traffic and pedestrian safety:

It is not foreseen that the proposal would result in any significant increase in traffic or demand for parking. Customers to the new retail unit are likely to be customers of the main Asda store or wider town centre shops and would likely visit the new unit as part of an existing trip. Furthermore, the parking available at the supermarket can adequately cover any demand arising from this development, and the central location represents a sustainable location well served by public transport. The proposal is considered to comply with RUDP policies TM2 and TM19A.

Community Safety Implications:

No community safety implications foreseen.

Reason for Granting Planning Permission:

The development will have no significant adverse effects on the vitality or viability of Shipley town centre and complies with Policies CR1A, UR3, D1, TM2 and TM19A of the Replacement Bradford Unitary Development Plan (2005) and guidance contained in National Planning Policy Statement 4.

Conditions of Approval:

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

Drawing Number: 10-00 - Site Location Plan

Drawing Number: 10-01 - Site Block Plan

Drawing Number: 10-02 - Floor Plans as Existing and Proposed

Drawing Number: 10-03 - Elevations as Existing and Proposed

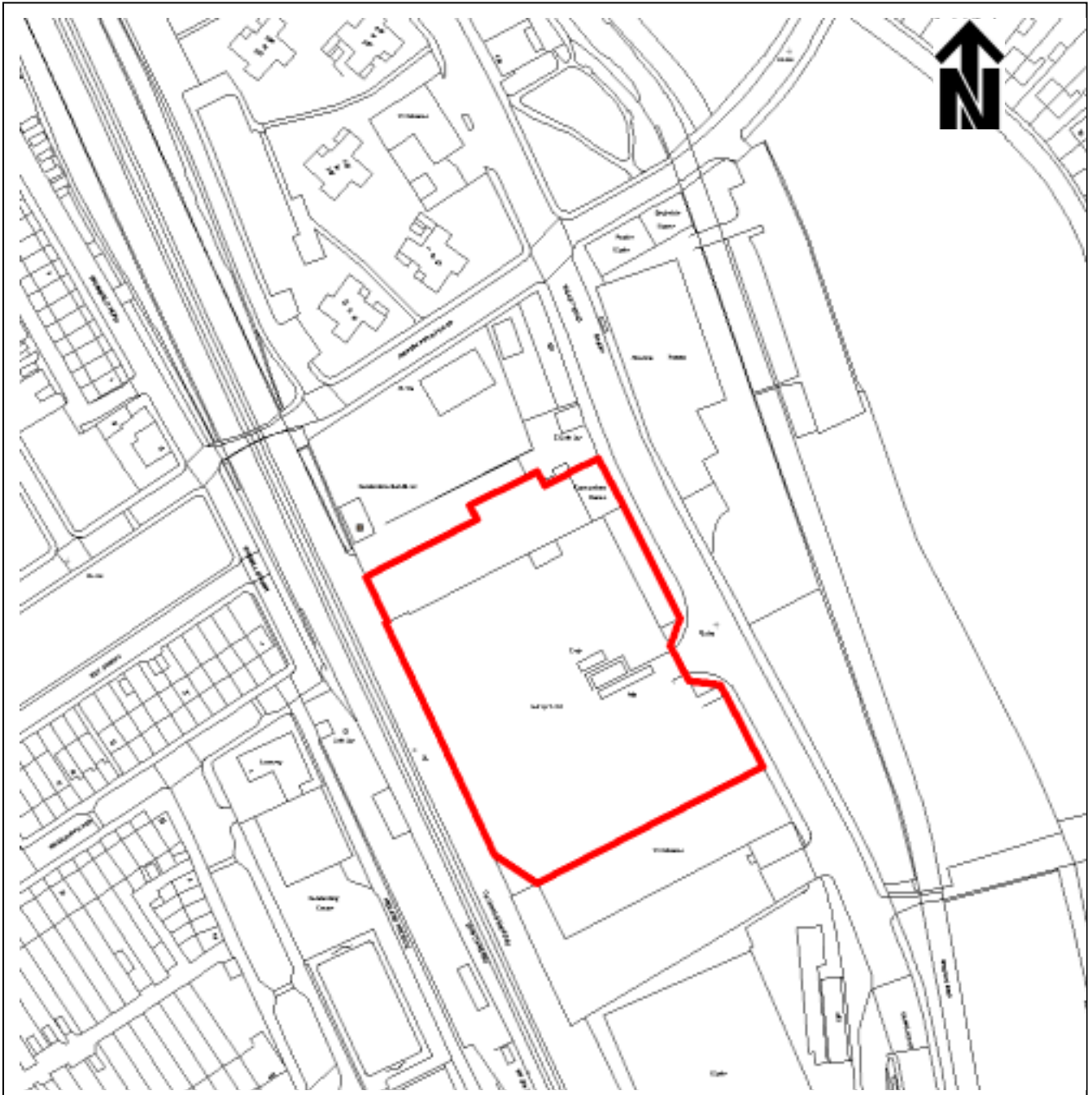
Received by the Council on 10th May 2011

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

Area Planning Panel (Shipley)

11/01085/FUL

8 September 2011



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<p>ITEM NO. : 5</p>	<p>LOCATION: Associated Waste Management Canal Road Bradford</p>
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8 September 2011

Item Number: 5
Ward: WINDHILL AND WROSE
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
11/01085/FUL

Type of Application/Proposal and Address:

This is an application for the extension of the existing Waste Transfer Hall to enclose waste storage and stockpiling areas and for the variation of conditions 8, 14, 16, 17 and 19 of planning permission 09/00676/FUL to allow an extension of the hours permitted for HGV movements and unrestricted night time operations within the extended Waste Transfer Hall at the Associated Waste Management Waste Transfer Station, Canal Road, Bradford, BD2 1AU.

Applicant:

Mr John Brooksbank

Agent:

Mr Matthew Robinson

Site Description:

The site is an existing waste transfer station comprising a 1,500m², 14.2m high waste transfer hall, housing waste sorting equipment, and a 7,200m² yard used for the open storage of waste and separated recyclable materials. The site is accessed off the A6037 Canal Road. The front façade of the site facing Canal Road is a 8.5m high stone wall with blocked up window arches. A 15m wide entrance gate leads to the site weighbridge and small office building. A car park is situated within the north-eastern corner of the site. Within the yard area there are approximately 20 separate bays for the storage of incoming waste and separated recyclable materials such as timber, plastic, aggregates and fines. The central area of the yard is clear to allow the circulation of Heavy Goods Vehicles (HGVs) unloading/loading waste and recovered materials. A number of conveyors and hoppers protrude from the southern elevation of the MRF building and 2 picking stations are situated within the south-western corner of the site. Several items of mobile plant operate within the yard area to handle waste and containers including 2 loading shovels 2 mechanical grabs and a forklift truck.

The proposal site is part of a corridor of industrial buildings situated between Canal Road and the Bradford – Shipley railway line; other industrial premises are situated to the north and south of the site. Residential areas are situated to the east and west; the nearest residential dwellings are situated 35m west of the site, 65m north of the site and 165m east of the site. A children's nursery is located west of the site on the opposite side of the railway line at approximately 40m distance. Frizinghall Primary School is located 140m south of the site. The site is situated at the bottom of the Canal Road Corridor valley with ground levels increasing as the valley sides slope up to the east and west. The western site boundary is marked by a palisade security fence; a row of trees are located between the fence and the railway line. Within the fence the site is additionally screened by a series of steel push walls and acoustic walls to a height varying between 3m-5m.

Relevant Site History:

77/02505/FUL	Re-roofing and cladding of building - Granted 20/05/1977
78/07543/FUL	Steel storage building - Granted 20/12/1978
82/04411/COU	Conversion to non-ferrous metal warehouse - Granted 20/08/1982
00/03347/FUL	Change of use from non ferrous metal store to scrapyards waste transfer station and recycling station and erection of new workshop - Granted 08/03/2001
05/07283/VOC	Variation to the proposed site plan and removal of proposed vehicle workshop, condition 2 of 00/003347/FUL - Granted 01/02/2006
09/00676/FUL	Extension of operating hours, alterations to yard-facing facade of existing recycling hall, Construction of 2 no. acoustic enclosures and new light waste picking station - Granted 11/09/2009

Replacement Unitary Development Plan (RUDP):

Allocation

Both the Bradford-Shipley railway line and the A6037 Canal Road are allocated on the proposals map as transport corridors and therefore policy D10 is relevant.

Proposals and Policies

UDP9 (Management of Pollution, Hazards and Waste), UR3 (Local Impact of Development), D1 (General Design Considerations), D10 (Environmental Improvement of Transport Corridors), P1 (Air Quality), P7 (Noise), P8 (Waste Management Facilities) and P12 (Waste Management Facilities – Operational Matters)

Parish Council:

Not within a Parish

Publicity and Number of Representations:

The application was advertised by press and site notice as a major development; neighbour notification letters were sent to surrounding properties. The notification period expired on 29 July 2011. Thirty six representations were submitted from 26 individual addresses including the head teacher of Frizinghall Primary School. All of the representations contained objections to the proposal/ site; however four representations expressed some support for the building extension. A 512 signature petition objecting to the proposal was also received.

Summary of Representations Received:

Individual Representations

- Extended hours of operation will increase noise disturbance earlier in morning and later in evening when people are sleeping and traffic noise is lower.
- Residents should not be expected to put up with any increased disturbance given what they already have to put up with.
- Concerns that the building extension will not eradicate offensive odours or decrease the levels of dust, litter and flies.
- The need for ventilation within the building will limit its effectiveness at controlling odour – ventilation design needs to be carefully considered.
- Concern that given the lack of baseline data on noise and odour conditions it will be impossible to monitor whether the building has been effective.
- Concerns that the new building extension may focus noise towards Poplar Crescent when the doors are open.
- Operators have failed to deal with the existing problems associated with the site including noise, odour dust, litter, flies, rats and seagulls.
- Noise from site causes sleep disturbance

- Odour prevents sitting out in garden, playing outside and can be smelt inside houses.
- The site emits a foul stench which is both pervasive and widespread
- Dust settles on cars, house windows and cills, and causes breathing difficulties
- Litter blows onto Canal Road (a gateway road) and distracts traffic.
- Noise and odour pollution from the site prevents people opening windows.
- Houses in the surrounding area have been devalued because of the pollution from the site.
- Pollution from the site adversely affects the health of residents particularly children.
- A loophole in the Environmental Permit has allowed the site to change its use from processing skip waste to municipal waste.
- AWM's long-suffering neighbours now have to accept extended working hours or continue living in filth.
- The operator has breached existing planning conditions and Environmental Permit restrictions.
- Granting planning permission would reward the operator for non-compliance.
- The site should be shut down as a large waste site of this type is incompatible with a residential area.
- The problems will only get worse if site allowed to continue to operate.
- Granting planning permission will legitimise their business and make them harder to regulate in the future.
- Strong concern about the conflict of interests which occurs when the council has the power over planning and uses AWM to carry out contracts on its behalf.
- Head teacher of Frizinghall Primary School objected on the grounds that the toxic odour from the site causes nausea and creates unpleasant conditions for pupils.

Petition

- Operator trying to bully the local community into agreement by creating a smelly, dirty, noisy and generally unhealthy and hazardous environment which it is claimed only the building can stop.
- Approving the application would legitimise a large commercial waste site, processing municipal waste in the middle of a residential area, which is unacceptable.
- Community have no confidence in the regulating authorities to measure, manage or control the activities of AWM on the site.
- Demand that the processing of municipal waste ceases immediately and that their current permit be removed and that no planning permission be granted for the building.

Consultations:

Drainage:

- Observed that Yorkshire Water should be consulted for their advice on the impact on an adjacent sewer under Canal Road.
- Requested further information on drainage arrangements for the new building.

Environment Agency:

- A significant number of complaints about this site. The majority of the complaints relate to odour, but we have also received complaints regarding dust, litter, noise and pests.
- As a result of these complaints we have reviewed the current permit for the AWM site has been reviewed. We have decided that the permit needs to be changed to ensure that adequate controls are in place to deal with amenity issues, such as, odour, litter, dust, noise and pests.

- The best option to control these risks is to enclose waste operations so that they are undertaken in a building. This, along with other management controls, will provide the best solution to minimise the impact of operations on the local community.
- If planning permission is granted we will be varying the environmental permit for the site will be varied to make it a condition that waste operations are undertaken within a building. We therefore support the application for the construction of a building.
- Ask that the Local Authority ensure that they are satisfied with the acoustic report and that it provides sufficient control of noise so that it does not have an adverse impact on the community.
- Note that the details for the ventilation of the building have not been finalised. Request consultation on the details of the ventilation system so that it can ensure that they will be appropriate in controlling odour.

Environmental Protection:

- Initially requested further information in relation to the assessment of impact noises generated by waste handling activities, noise impact upon Poplar Crescent to the east and the acoustic performance of certain materials.
- Concerns resolved following receipt of further information and additional insulation proposals.
- Requested the imposition of conditions requiring validation of the acoustic performance of the building, prohibiting loading/ unloading of waste containers between 23:00 and 07:00 and requiring approval for certain elements of the building fabric.

Highways Development Control:

- Initially raised concerns in relation to increasing traffic movements to/ from the site.
- Concerns resolved following clarification that there is no proposal to increase the maximum permitted daily HGV movements.

Network Rail:

- Network Rail has no objection in principle to the development and would welcome the proposal to enclose the storage and stockpiling areas as this measure will reduce the risk of dust and litter created from the operation of the site affecting the railway signal sighting.
- It should be ensured that the construction and subsequent maintenance of the building can be carried out without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land.
- Requested the imposition of conditions covering both new lighting arrangements and construction methods.

Yorkshire Water:

- No comments.

Summary of Main Issues:

1. Visual Amenity/ Transport Corridor Environment
2. Other Environmental Impacts Associated with the Building Extension
3. Impacts of the Variation to Operating Hours

Appraisal:

Site History

The proposal site was originally occupied by one large building which was used as a woollen mill in the late 19th century and later became a machinery works and then a goods shed used in connection with the railway. At some time after 1965 the original building was substantially demolished, except for the front façade and the part of the building adjacent to the northern site boundary. The site then appears to have been used for metal storage until planning permission was granted for the site to be used as a scrap yard, waste transfer station and recycling station in March 2001 (ref. 00/03347/FUL). The occupancy of the site changed and an application was submitted in September 2005, under section 73 of the Act, to amend the approved site plan, removing a proposal to construct a vehicle repair garage and increasing external storage areas (ref. 05/07283/VOC). The current operators (AWM) took back the occupancy of the site in 2008 and installed new automated materials recovery plant (MRF) within the waste transfer hall. Both the loading and discharge hoppers were externally mounted on the southern elevation of the building. Planning permission 05/07283/VOC prohibited waste processing in the open after 18:00 and therefore planning application 09/00676/FUL was submitted to vary this restriction and allow the MRF to be loaded and to discharge overnight. To mitigate overnight noise disturbance caused by the operation of the MRF the application also included the erection of acoustic enclosures over the hoppers at the eastern and western ends of the building. Planning permission 09/00676/FUL was granted in September 2009.

Regulatory Context of Application

The operation of a waste management facility requires both planning permission from the Local Authority and an Environmental Permit from the Environment Agency. Planning Policy Statement 10 advises that the planning and environmental permitting regimes are separate but complementary and that controls over pollution and air quality matters should primarily be covered under an Environmental Permit whereas the planning system should focus on whether development is an acceptable use of land. Both planning permission and an Environmental Permit for the site to store and treat a range of wastes including controlled biodegradable wastes were granted in 2001.

Throughout the life of the site it has received a range of waste types and employed a variety sorting/ treatment processes. Before 2009 the majority of the material processed at the site was mixed skip wastes containing variable proportions of inert and biodegradable wastes. From September 2009 trade waste and bulky householder waste collected by Bradford Council also began to be received at the site. However in 2010 the operator was awarded a contract to treat municipal waste collected by Bradford Council and from October 2010 municipal wastes became the primary waste type processed at the site.

Municipal wastes generally include a higher proportion of biodegradable material than mixed skip wastes and therefore the environmental impacts of the site changed and the Environment Agency began to receive a large number of odour complaints. In response to this the Environment Agency initiated a review of the site's Environmental Permit and concluded that effective odour control could best be achieved by enclosing stockpiles of waste within a building. The current proposal to extend the waste transfer hall over the majority of the yard area was submitted by the operator in response to discussions with the Environment Agency.

Details of Proposed Extension

The proposed waste transfer hall extension would have a 5,100m² floor area which, in addition to the existing waste transfer hall, would result in 6,600m² of the 8,700m² site being enclosed. The building extension would have a pitched roof with a maximum ridge height of 18m above the level of Canal Road; the maximum ridge height of the existing waste transfer hall is 17m. The required height of the building is dictated by the need to allow for the reach of the mechanical grabs used to load waste. The new building would run the full width of the yard along the western railway boundary but would be stepped back within the site for the second half of the eastern Canal Road boundary, south of the access. The building would comprise insulated vertical profiled metal panels to the roof and walls, mounted on a steel framework. The proposed new wall panels would not extend from floor to ceiling but would be joined on to the existing metal silo push walls, acoustic enclosures and the front boundary wall to provide a sealed building. Additional sound insulation has been proposed to be fitted to the western elevation of the building extension. Two 5m wide, 6.5m high, openings would be provided to the southern building elevation to provide plant access to the baling area. Three similar sized openings would be provided to the eastern elevation to provide HGV access and egress. The eastern openings would be fitted with acoustic panelled roller shutter doors and the southern openings would be fitted with 4mm thick PVC strip curtains. The roller shutter doors and strip curtains would remain open during the daytime operating hours of 07:00 to 18:30 but would remain shut overnight. A detailed ventilation design has not yet been finalised however the applicant has indicated that it is likely that a filtered mechanical ventilation system will be installed.

Details of Extension to Operating Hours

The current application also includes proposals to vary several of the conditions attached to planning permission 09/00676/FUL. The requested variation would allow waste handling and treatment operations to be conducted within the extended waste transfer hall 24 hours per day during weekdays. Planning permission 09/00676/FUL currently allows waste processing activities to take place within the existing waste transfer hall 24 hours per day during weekdays but restricts waste handling operations within the stockpiling area after 17:00 and prohibits such operations entirely after 23:00. The proposed changes would also relax the hours during which HGVs are permitted to enter and exit the site with the gate opening time being brought forward by 30 minutes from 07:30 to 07:00 and the closing time being put back by 1 hour from 17:30 to 18:30. Operations within the remaining unenclosed part of the yard (the baling area, car park and weigh bridge) would also be allowed to take place during the extended gate opening hours. A summary of the proposed changes to working hours restrictions is included in the table below:

Operation	Existing	Proposed
Working within the Waste Transfer Hall and Associated Enclosures	24hrs (07:00 Mon to 13:30 Sat)	24hrs (07:00 Mon to 13:30 Sat)
Working in the Open	07:30 to 17:30 (weekdays) 07:30 to 13:30 (Sat)	07:00 to 18:30 (weekdays) 07:00 to 13:30 (Sat)
HGV Deliveries/ Removals	07:30 to 17:30 (weekdays) 07:30 to 13:30 (Sat)	07:00 to 18:30 (weekdays) 07:00 to 13:30 (Sat)
Working within the New Building Extension	N/A – Area currently open and operations must cease after 17:30, other than loading shovel which may operate until 23:00	24hrs (07:00 Mon to 13:30 Sat)

The previous permission also set absolute noise limits for operations at the site (condition 8) and the applicant has requested to vary this, as the levels set in the current condition are below background noise levels and therefore impractical to monitor.

Visual Amenity/ Transport Corridor Environment

Policy P8(5) of the RUDP indicates that development associated with waste management facilities should not give rise to unacceptable impacts on people or the environment in terms of visual amenity. Policy D1 of the RUDP sets out a number of criteria by which the quality of design should be judged including the relationship to the character of the existing buildings within the surrounding area and harm to visual amenity. Policy D10 of the RUDP indicates that development proposals alongside or highly visible from transport corridors should where practical make a positive contribution to the environment of those corridors. National Planning Policy Statement 10 (PPS10) indicates that waste management facilities should be well-designed, so that they contribute positively to the character and quality of the area in which they are located.

Views of the site from the Bradford-Shipley railway line are partially screened by a row of trees located between the railway and the site boundary; however the massing of the new structure would affect views of the site from the railway. The new building would also be visible from a number of dwellings within the residential areas of Frizinghall to the west, although some screening is provided by the trees and other intervening structures. The site is most visually prominent as viewed from Canal Road to the east and the recreational open land and residential area beyond, which overlooks the site at a higher level up the valley side. Given its scale and massing the proposed new building extension would be a significant feature in views from a number of residential properties and from the Canal Road and Bradford-Shipley railway transport corridors.

The existing 8.5m high stone façade along Canal Road would be retained. The massing of the eastern elevation of the building extension will be significantly moderated due to the southern half of that elevation being stepped back within the site behind the weighbridge and baling area. Only 45m of the western elevation would be built alongside the Canal Road boundary and, of that, the first 27m is already in place, comprising the existing loading hopper acoustic enclosure constructed under planning permission 09/00676/FUL. The design and scale of the additional 18m section along the Canal Road boundary would match the existing approved acoustic enclosure. The whole of the western elevation of the new building would be sited immediately behind the boundary with the railway line. The height to eaves of this new wall would be 13m, which would be lower than the ridge of the western gable of the existing waste transfer hall. The massing of this elevation of the building would overbear on the railway line and would have some impact on the openness of views from the nursery and residential dwellings to the west. The proposal is for all of the panelling to be powder coated with an unobtrusive light brown (mushroom) colour.

Although the new building is not of the highest quality of design it is considered that the choice of cladding type and colour and the stepping back of the eastern elevation does provide for the building to be as unobtrusive as possible given its large scale. Given the diverse range of shapes, heights, massing and materials of buildings along adjacent sections of Canal Road it is not considered that the building would be incongruous in the street scene or detrimental to the general quality of the built environment. Although the building would overbear to some extent on the adjacent section of the Bradford-Shipley railway line and to a lesser extent on the nursery and residential dwellings beyond, it is not considered that this overbearing would significantly detract from visual amenity or the quality of the environment adjacent to the railway line.

Furthermore it is considered that views of the site from the section of Canal Road adjacent to the site entrance and the open land and residential area on higher ground to the east would significantly benefit from the screening of the waste stockpiling area. It is considered that the design of the proposed building is appropriate to the site and the character of the surrounding area and that the slight adverse visual impacts associated with overbearing on the railway line to the west would be more than compensated for by the visual benefit which will result from enclosing the waste stockpiling area and that therefore the proposal accords with policies D1, D10 and P8 of the RUDP and PPS10 in terms of design and visual impact.

Other Environmental Impacts Associated with the Building Extension

The regulation of pollution from the site is primarily controlled by the Environment Agency under the Environmental Permitting Regime. It is clear from the public representations on the application and the comments by the Environment Agency that the environmental controls currently employed at the site have been inadequate to prevent the site from adversely affecting surrounding residents. The waste and recovered materials stockpiling areas at the site are currently unenclosed, limiting the extent to which, odour, pests, litter and dust can be effectively controlled. The proposed building extension would fully enclose the stockpiling areas, other than the area around the baling machine. The stated reason for constructing the building extension is to allow the operator to more effectively control odour, birds and flies. Throughput at the site is controlled under the Environmental Permit and is also indirectly controlled by the 200 HGV movement per day limit placed upon the planning permission. There is no indication that the proposal is intended to increase the throughput capacity at the site and there is no proposal to increase the HGV movement restriction.

In response to consultation the Environment Agency have indicated that they consider that the best option to control odour, litter, dust, noise and pests generated by the site is to enclose waste operations so that they are undertaken in a building and that they therefore support the application for the construction of a building. It is considered that the proposed enclosure of the stockpiling area would facilitate environmental controls which could significantly reduce the environmental effects of the site on local communities in terms of dust, odour, pests and scavengers. Some representations have raised concerns about how effective the building will be at controlling environmental effects, specifically in terms of ventilation arrangements. Detailed ventilation proposals are not included as part of this application; however it is considered appropriate to impose a condition requiring full details of ventilation systems to be submitted for approval.

Monitoring of the effectiveness of building in term of pollution control is principally a matter for the Environment Agency, who may impose additional environmental controls if necessary. However it is the case that the building itself would not introduce any significant additional harm, other than short term disruption associated with construction, and the Environment Agency are of the opinion that the building should reduce the environmental impacts associated with the site. It is therefore considered that the proposed building extension is an appropriate control measure to contribute to the management of pollution, hazards and waste which should reduce the adverse impacts associated with the site in accordance with policies UDP9, UR3 and P8 of the RUDP.

Impacts of the Variation to Operating Hours

The current planning permission is subject to a number of different restrictions on hours of operation (as detailed above). These restrictions were imposed in order to mitigate noise disturbance to local residents. In addition to the construction of the building the applicant is proposing to vary the current working restrictions. The main effect of the changes would be to extend the daytime hours during which HGVs movements are permitted and allow waste to be handled within the extended waste transfer hall overnight. Currently no waste handling operations are permitted within the stockpiling area after 23:00. See above for full details of proposed changes.

The Council's Environmental Health Service have been consulted for their advice on the significance of the changes, in terms of disturbance to local residents. The Environmental Health Officer advised that, given the levels of traffic noise generated at 07:00 in the morning and 18:30 at night, he didn't consider that the extension to daytime operating hours would significantly increase disturbance to local residents. However he initially raised concerns about potential disturbance caused by overnight waste handling operations and the lack of assessment of short duration impact noises in the acoustic report submitted to support the application.

In response to these comments the applicant amended the proposal to incorporate additional sound insulation material in the western elevation of the building extension and provided a revised acoustic report which demonstrated that predicted maximum noise levels associated with handling waste within the enclosed stockpiling area would be significantly below current background noise levels. The applicant also indicated that they would not undertake operations to load or unload waste carrying vehicles between the hours of 23:00 and 07:00 to minimise the risk of the generation of impact noises overnight. The Environmental Health officer indicated that the revised proposals were acceptable and should not significantly increase noise disturbance associated with the site providing conditions were put in place to ensure that the noise levels predicted in the acoustic report are achieved.

It is considered that the proposed extension to daytime operating hours and overnight waste handling operations should not lead to any significant adverse impacts to surrounding communities, provided that appropriate conditions are attached to ensure that the acoustic performance of the building is of a sufficient standard and that loading/ unloading waste containers and vehicles is prohibited after 23:00. The proposal is therefore considered to accord with policies UR3, P7 and P8 of the RUDP in terms of noise impact.

Summary/ Conclusion

The current use of the site is authorised by both a planning permission and an environmental permit and the land use principle is not a matter for consideration in this application. The proposal to enclose the waste stockpiling area within the site should bring about significant environmental benefits and the design of the extended building is appropriate to the site and the character of the surrounding built environment. The proposed extension in daytime operating hours will not significantly increase the level of disturbance associated with activities at the site given the character of the area and the level of traffic noise associated with Canal Road.

The proposed overnight waste handling operations within the extended waste transfer building has the potential to cause night time noise disturbance. However it is considered that this risk of disturbance can be mitigated to an acceptable level through the acoustic insulation of the western elevation of the building and the prohibition of container loading operations during the period between 23:00 and 07:00. Overall it is considered that the proposals will provide for significant benefits for local communities and the environment along the Canal Road transport corridor and that the proposal accords with policies UDP9, UR3, D1, D10, P1, P7, P8 and P12 of the RUDP and the principles of PPS10.

Community Safety Implications:

None

Reason for Granting Planning Permission:

The proposed waste transfer hall extension building is of an appropriate design, given the context of the site and character of the surrounding area. The extension will improve the environment adjacent to the Canal Road transport corridor, will not significantly harm visual amenity and will facilitate more effective pollution controls to the benefit of local residents. The proposal accords with policies UDP9, UR3, D1, D10, P1, P8 and P12 of the replacement Unitary Development Plan and Planning Policy Statement 10.

The proposed extension to daytime operating hours would not result in significant adverse impacts on the residents of surrounding land. Evidence has been submitted which demonstrates that the acoustic properties of the proposed waste transfer hall extension can be designed to mitigate the noise associated with overnight waste handling operations to acceptable levels. The proposal accords with policies UR3, P7 and P8 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 following documents:-
 - a) Document entitled "Acoustic Report", dated 11 August 2011, ref. J1873-Rev B, date stamped as received by the Council on 17 August 2011;
 - b) Drawing entitled "Existing Site Survey", scale 1:250, dated 02/11, numbered BD11/5305/01a, dated as received by the Council 23 June 2011;
 - c) Drawing entitled "Proposed Floor Plan", scale 1:125, dated 02/11, numbered BD11/5305/02G, dated as received by the Council 23 June 2011;
 - d) Drawing entitled "Proposed Site Plan", scale 1:250, dated 02/11, numbered BD11/5305/05A, dated as received by the Council 23 June 2011;
 - e) Drawing entitled "Proposed Elevations", scale 1:100, dated 02/11, numbered BD11/5305/03E, dated as received by the Council 23 June 2011;
 - f) Drawing entitled "Proposed Elevations - 2", scale 1:100, dated 03/11, numbered BD11/5305/06B, dated as received by the Council 28 July 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, in accordance with policies P8 and P12 of the replacement Unitary Development Plan.

3. Until the Local Planning Authority have confirmed in writing that the requirements of condition 4 below have been met, no working or operations shall take place between the hours of 23:00 and 07:00 on any day, other than within the existing Waste Recycling Hall, associated enclosures and picking stations shown on drawing BD11/5305/01a.

Reason: To ensure that the waste transfer hall extension provides a sufficient level of acoustic attenuation before overnight waste handling operations are permitted, in the interests of amenity, in accordance with policies P7, P8 and P12 of the replacement Unitary Development Plan.

4. A verification report demonstrating the effectiveness of the acoustic attenuation performance of the waste transfer hall extension building shall be submitted to the Local Planning Authority for approval in writing. The report shall include details of noise levels at identified noise sensitive receptors both without the site operating at all and with the site operating normally and waste handling operations being carried out in the extended waste transfer hall. The local planning authority shall be notified in writing at least 7 days before such noise monitoring is carried out.

Reason: To ensure that the waste transfer hall extension provides a sufficient level of acoustic attenuation to prevent noise disturbance from overnight waste handling operations, in the interests of amenity, in accordance with policies P7, P8 and P12 of the replacement Unitary Development Plan.

5. Within 3 months of the date of this decision notice details of the noise attenuation performance of the parts of the western elevation of the waste transfer hall extension not proposed to be overclad, as shown on drawing BD11/5305/06B, shall be submitted to the Local Planning Authority for approval in writing. Any agreed additional insulation or cladding necessary to improve the acoustic attenuation of these parts of the western elevation shall be implemented in full.

Reason: To ensure that the acoustic performance of the western elevation of the waste transfer hall extension is sufficient to prevent noise disturbance from overnight waste handling operations, in the interests of amenity, in accordance with policies P7, P8 and P12 of the replacement Unitary Development Plan.

6. Within 3 months of the date of this decision notice details of the type and noise attenuation performance of the roof windows to the waste transfer hall extension, as shown on drawing BD11/5305/05A, shall be submitted to the Local Planning Authority for approval in writing. No roof windows shall be fitted to the waste transfer hall extension other than in accordance with the approved details.

Reason: To ensure that the acoustic performance of the roof windows fitted within the waste transfer hall extension is sufficient to prevent noise disturbance from overnight waste handling operations, in the interests of amenity, in accordance with policies P7, P8 and P12 of the replacement Unitary Development Plan.

7. Within 3 months of the date of this decision notice details of arrangements for the ventilation of the waste transfer hall extension hereby approved shall be submitted to the Local Planning Authority for approval in writing. The waste transfer hall extension shall be ventilated in accordance with the approved details.

Reason: In the interests of sustainable water management, in accordance with policy NR16 of the replacement Unitary Development Plan.

8. Within 3 months of the date of this decision notice a scheme for monitoring noise levels arising from the development shall be submitted to the Local Planning Authority for approval in writing. Unless otherwise agreed in writing by the Local Planning Authority the scheme shall provide for:

- a) attended measurements by a competent person of LAeq noise levels over 1 hour at each of the monitoring locations identified in condition 13 below;
- b) measurements to be taken at three monthly intervals or such other frequency as may be agreed in writing with the Local Planning Authority;
- c) details of equipment proposed to be used for monitoring;
- d) monitoring during typical working hours both at night time and in the daytime with the main items of plant and machinery in operation;
- e) the logging of all weather conditions, approximate wind speed and direction and both on site and off site events occurring during measurements including 'phased out' extraneous noise events;
- f) an annual monitoring review meeting with the Local Planning Authority to discuss the results of the previous years monitoring.

The approved noise monitoring arrangements shall be implemented in accordance with the agreed timescale whilst ever the development subsists and a report detailing the results of each noise monitoring session shall be forwarded to the Local Planning Authority within 14 days of the date on which each monitoring session takes place.

Reason: To enable the noise impacts of the development to be adequately monitored, in the interests of protecting residential amenity, in accordance with policies P7 and P8 of the replacement Unitary Development Plan.

9. Within 6 months of the date of this decision notice details of arrangements for the drainage or recovery of roof water from the waste transfer hall extension hereby approved shall be submitted to the Local Planning Authority for approval in writing. The roof of the waste transfer hall extension shall be drained in accordance with the approved details.

Reason: In the interests of sustainable water management, in accordance with policy NR16 of the replacement Unitary Development Plan.

10. Within 6 months of the date of this decision notice details of any external lighting installed at the site to which this notice relates shall be submitted to the Local Planning Authority for approval in writing. Such details shall include the type, position and angle of glare of any external lighting. Any external lighting at the site shall only be installed in accordance with the approved details whilst ever the development subsists.

Reason: To ensure that any external lighting at the site does not cause nuisance to adjacent residents or distract drivers on the adjacent highway and railway line, in the interests of highways safety and residential amenity, in accordance with policies TM2, TM19A and P8 of the replacement Unitary Development Plan.

11. The waste transfer hall extension shall be fully sealed with no air gaps between existing walls and structures and the proposed additional cladding, as shown on the approved drawings. The fabric of the building shall be maintained whilst ever the development subsists.

Reason: To ensure that the waste transfer hall extension provides a sufficient level of acoustic attenuation to prevent noise disturbance from overnight waste handling operations, in the interests of amenity, in accordance with policies P7, P8 and P12 of the replacement Unitary Development Plan.

12. The openings in the southern and eastern elevations of the waste transfer hall extension, as shown on drawing BD11/5305/03E shall be fitted with PVC strip curtain doors and roller shutter doors respectively in accordance with the details contained in the approved acoustic report, ref J1873-Rev B. The roller shutter doors and PVC strip curtain doors shall remain closed other than between the hours of:

07.00 hours to 18.30 hours Monday to Friday; and
07.00 hours to 13.30 hours on Saturdays.

Reason: To minimise noise and odour emissions outside of daytime working hours, in the interests of amenity, in accordance with policies UR3, P7, P8 and P12 of the replacement Unitary Development Plan.

13. Noise levels arising from the development shall not exceed background noise levels without the plant in operation, between the hours of 18:30 and 07:00, as measured at the following specified noise sensitive receptors:

- a) 40 Poplar Crescent;
- b) 1 Beamsley Road;
- c) 122 Aireville Road.

Unless otherwise specified by the Local Planning Authority background noise levels without the plant in operation shall be taken to be the levels shown in the table on page 15 of the approved Acoustic Report, ref. J1873-Rev B.

Reason: In order to ensure that the level of noise generated by the site when operating during the night time does not harm the amenity of adjacent residents, in accordance with policies P7 and P8 of the replacement Unitary Development Plan.

14. Unless otherwise agreed in writing by the Local Planning Authority any mobile plant or machinery operating within the site to which this notice relates shall only be fitted with reversing alarms employing broadband sound.

Reason: To minimise any noise disturbance to nearby residents caused by the use of reversing alarms, in the interests of residential amenity, in accordance with policies P7 and P8 of the replacement Unitary Development Plan.

15. No working or operations shall be carried out at the site to which this notice relates outside of the buildings shown on drawing BD11/5305/05A, except between the hours of:-

07.00 hours to 18.30 hours Monday to Friday; and
07.00 hours to 13.30 hours on Saturdays.

Reason: To protect the amenities of the local residents, in accordance with policies P7 and P8 of the replacement Unitary Development Plan.

16. With the exception of the operations referred to in condition 17 below, there shall be no working or operations carried out on the site whatsoever, either within buildings or in the open, between the hours of 13:30 hours on Saturdays to 07:00 hours on Mondays or on Bank or Public Holidays.

Reason: To protect the amenities of the local residents, in accordance with policies P7 and P8 of the replacement Unitary Development Plan.

17. Essential plant maintenance operations shall not be undertaken at any time except between the hours of:-

07.00 hours to 18:30 hours Monday to Friday; and
07.00 hours to 18.00 hours on Saturdays.

For the purposes of clarity, essential plant maintenance operations shall not be taken to include any waste processing, treatment or transfer operations.

Reason: To protect the amenities of the local residents, in accordance with policies P7 and P8 of the replacement Unitary Development Plan.

18. No operations to load or unload containers or vehicles shall take place on any day between the hours of 23:00 and 07:00.

Reason: To reduce the risks of loud impact noises associated with container loading/unloading operations taking place during the night time period, in the interests of amenity, in accordance with policies UR3, P7 and P8 of the replacement Unitary Development Plan.

19. No HGVs shall enter or leave the site except between the hours of:-

07.00 hours to 18.30 hours Monday to Friday; and
07.00 hours to 13.30 hours on Saturdays.

No HGVs shall enter or leave the site on Sundays or on Bank or Public Holidays

Reason: To protect the amenities of the local residents, in accordance with policies P7 and P8 of the replacement Unitary Development Plan.

20. Not more than 100 HGV movements in to and 100 HGV movements out from the site to which this notice relates shall take place during any single day.

Reason: In the interests of the protection of the amenities of local residents, highways safety and the protection of the surrounding highway infrastructure, in accordance with policies TM2, TM19A and P8 of the replacement Unitary Development Plan.

21. The wheels and chassis of all HGVs exiting the site shall be cleaned sufficiently to prevent the deposit of mud, dirt or debris on the public highway.

Reason: In the interests of highways safety, in accordance with policies TM2, TM19A and P8 of the replacement Unitary Development Plan.

22. The 21 metre x 21 metre turning area identified on drawing BD11/5305/02G shall be kept clear of waste, materials or debris and shall remain unobstructed during the times permitted for HGV movements, as referred to in condition 19 above, whilst ever the development subsists.

Reason: To ensure that the site maintains adequate HGV queuing and manoeuvring capacity to minimise the risk of vehicles queuing off-site, in the interests of highways safety, in accordance with policies TM2, TM19A and P8 of the replacement Unitary Development Plan.

23. Other than baled materials or clean separated plastics, cardboard or paper awaiting baling, there shall be no storage of waste or materials outside of the buildings shown on drawing BD11/5305/05A.

Reason: In the interests of highways safety and visual amenity, in accordance with policies TM19A, D1 and P8 of the replacement Unitary Development Plan.

24. The eastern site boundary wall, as shown on drawing BD11/5305/03E, shall be maintained whilst ever the development subsists.

Reason: To ensure that the attractive front boundary wall is maintained, in the interests of visual amenity, in accordance with policies D1 and D10 of the replacement Unitary Development Plan.

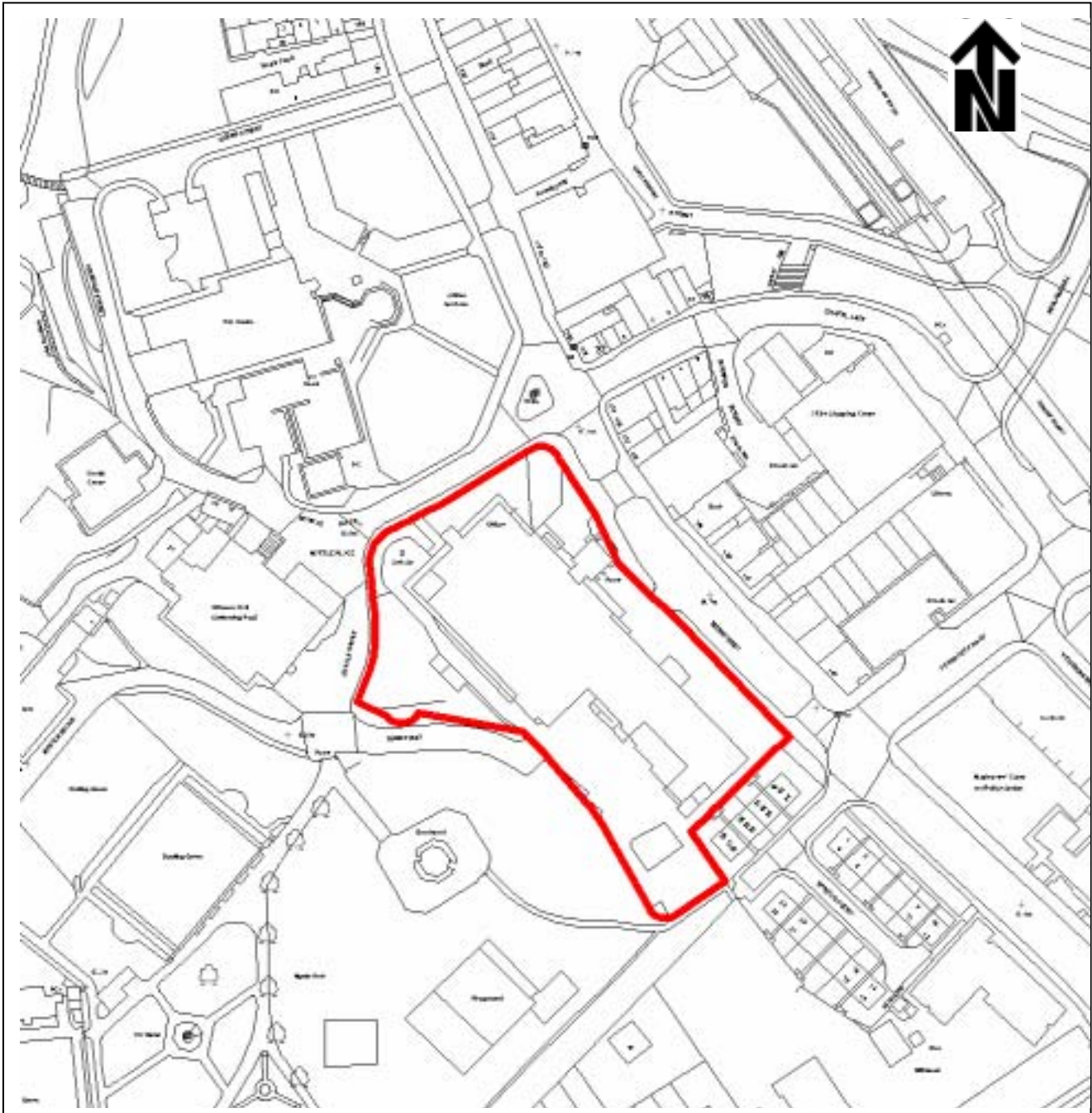
25. Unless otherwise agreed in writing by the Local Planning Authority, a representative of the operator of the site to which this notice relates shall attend at least one neighbourhood forum meeting, for the area within which the site is situated, in every 365 day period commencing with the date of this decision notice.

Reason: In the interests of engaging the community, in accordance with the Council's statement of community involvement.

Area Planning Panel (Shipley)

11/00940/MAF

8 September 2011



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<p>ITEM NO. : 6</p>	<p>LOCATION: Bradford And Bingley Plc 212 Main Street Bingley</p>
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8 September 2011

Item Number: 6
Ward: BINGLEY

Recommendation:
TO GRANT PLANNING PERMISSION: DEFER AND DELEGATE APPROVAL TO THE ASSISTANT DIRECTOR PLANNING TRANSPORTATION & HIGHWAYS SUBJECT TO THE COMPLETION OF A SECTION 106 AGREEMENT AND THE CONDITIONS INCLUDED IN THE REPORT

Application Number:
11/00940/MAF

Type of Application/Proposal and Address:

Full planning application for the demolition of offices and erection of two-storey supermarket with parking & associated servicing and landscaping.

Applicant:

Sainsbury's Supermarkets Ltd

Agent:

Turley Associates

Site Description:

The application site is located on the western side of Main Street, on the edge of Bingley Town Centre, adjacent to Myrtle Park. The site is occupied by the former Bradford & Bingley Building Society headquarters building. Vehicular access is taken off Thrift Way at the rear of the application site. There is also a service yard at the rear of the building. The pedestrian entrance to the building is off Main Street.

The application site rises from Main Street towards Myrtle Park. There are residential properties, immediately south of the application site at Myrtle Court. There are a number of mature trees to the northern and western parts of the site. A sub-station is located within the site.

Relevant Site History:

None

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated on the Bingley Town Centre Inset map of the RUDP.

Proposals and Policies

Policy UR2 promotes sustainable development.

Policy UR3 to consider the local impact of development.

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

Policy CR1A retail development within town centres.

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

Policy TM2 impact of traffic and its mitigation.

Policy TM10A impact on other road users.

Policy TM11 parking standards.

Policy TM19A impact on traffic management and road safety.

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

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

Policy D5 development proposals designed so that important existing and new landscape features are incorporated in the proposal.

Policy D8 public art.

Policy D9 urban design in town centres.

Policy NE4 Trees & Woodlands

Policy NE5 Protection of Trees on development sites.

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

Sustainable Design Guide Supplementary Planning Document

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

Planning Obligations Supplementary Planning Document

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

Parish Council:

Not applicable

Publicity and Number of Representations:

The application was advertised through site notices and in newspaper.

There have been 62 letters of support, 23 letters objecting to the application and 3 further representations. A number of petitions have been submitted, with 583 signatures.

A local ward councillor has requested that a Tree Preservation Order is served on a number of trees within the application site.

Summary of Representations Received:

Those supporting the application comment that - Bingley needs another grocery store; the store would help other shops; it would be an improvement on the current building; bring more jobs to Bingley; bring people in to Bingley and keep trade in Bingley; traffic and access problems would be mitigated by the by-pass; reduce the need to travel to stores outside of Bingley.

The objections to the application are based on the following – loss of trees on-site. A request has been made for a tree preservation order to be served; affect on neighbouring residents; traffic and access problems; demise of smaller shops; impact on the Park entrance/bats/the Market/swimming pool/setting of the bandstand and the loss of a landmark building.

Representations have also been made on improving the appearance, siting of the building and greening elements of the building; improving access to the swimming pool and the sustainable use of energy.

There have been a number of petitions, with 583 signatories, objecting to the loss of trees.

Consultations:

Yorkshire Water has no objection, subject to -

- i) public sewer closure and a formal build-over agreement;
- ii) proposed separate systems of drainage on and off-site.
- iii) proposed curtilage surface water to be discharged to the public combined sewer;
- iv) proposed point of discharge of foul and surface water to the public sewer, submitted in the Drainage Statement prepared by Hadfield Cawkwell Davidson.

Metro

No objections in principle.

The site is located in an accessible location in the town centre. Bingley rail station is within 800m of the site, as well as a number of bus services, which are within 400m of the site. Public transport should be considered as a realistic alternative to the private car to access the supermarket for both shoppers and staff. In addition, the central location would encourage linked trips to other facilities within the town centre.

In order to ensure that public transport is used by shoppers and staff, it is essential that the site is designed in a way to allow easy pedestrian access to public transport access points. In order to encourage bus use, the Council should consider conditioning the developer to provide Real Time Information screens within the supermarket. This multi-stop type display would be able to show real time bus information for a number of local stops and potentially rail service information.

The car parking management strategy will be essential to ensure that the car parking is not abused. The availability of car parking can encourage car use. The management strategy outlined in the planning statement suggests that 1 ½ hours parking will be offered to shoppers at Sainsbury's with additional charges thereafter. The charging schedule needs to be consistent with other parking schedules in the town. Consideration should also be given to allowing some of the car parking spaces to be used by rail users using a permit system. Further detailed discussions would be required to establish how this could be managed at this site.

As part of the National Station Improvement Programme (NSIP), Metro has identified a number of station improvements which could be implemented at Bingley such as improvements to the waiting environment at the station and access on the platforms. Whilst no funding was secured through this programme, funding has been secured through the Department for Transport National Access for All initiative to install lifts at the station. In the interests of the promotion of sustainable forms of travel, the Council should consider seeking a financial contribution towards further improvements to the station identified in the NSIP bid.

Internal Consultations

Drainage

A full surface water drainage scheme to be submitted for approval.

Landscape Design.

Following amendments to the landscape scheme and additional tree planting to Myrtle Park and Main Street, there are no objections from the Landscape team.

Trees

The Trees Officer is unable to support the application because of the loss of trees which he considers to be of amenity value.

Design & Conservation

Members to be updated orally concerning any comments made. The Acting Team Leader for the Conservation & Design Team has been involved at all stages of the design appraisal for this scheme both at pre-application stage and since the application was submitted and has had considerable input into the changes made on matters of design to ensure the proposals are acceptable.

LDF group

The proposal is on unallocated land and located within the town centre boundary and outside the Primary Shopping Area and Central Shopping Area, as defined on the RDUP Proposals map. The location of the site is defined as 'edge of centre' in terms of PPS4.

The following policies will apply - PPS4; RUDP Policies CR1A, CR4A.

The applicants have undertaken a sequential assessment. The expansion areas are all either equal or less sequentially preferable than the proposed site. This includes the Chapel Walk car park site. The appraisal of the Chapel Walk site identifies that the site is safeguarded under Policy TM14, as a public car park. The site is also physically constrained due to the presence of the railway tunnel beneath it and is also constrained due to its size (0.37hectares) and lack of frontage onto Main Street. These factors make this site unsuitable and unviable for the proposed development.

The proposed site is within the town centre boundary, fronts onto Main Street and is also adjacent to the Primary Shopping Area. It is therefore equal to or better than every other site, apart from the Chapel Walk car park, which has been appraised and discounted.

In terms of the impact assessment, the issue is not whether the proposal will have adverse impact on the town centre; rather, whether would it have a "significant" adverse impact. Significant is a very subjective word and is not defined in quantitative or qualitative terms, though an attempt has been made to try to broadly analyse the impacts in paragraph 8.83 of the Planning Statement.

The development is acceptable in principle, subject to an acceptable solution in terms of design, layout, access and other details. The applicant has demonstrated compliance with the requirements of the sequential approach and the impact assessment. This development should be treated favourably as it will deliver sustainable economic growth in accordance with PPS4 Policy EC.10 and the retail policies in the RUDP.

Transportation & Highways

General Layout Arrangement:

Dwg no. N01802-11A dated July 2011 – Proposed Highway Layout As discussed, a new 2.6m wide footway has been shown on the western side of Myrtle Place (adjacent to Jubilee Gardens). However, the following remained outstanding at the time of completion of this technical report:

- a. The issue regarding stacking lanes on Main Street for right turns into Myrtle Place has not been covered.
- b. In the original HDC comments, it was recommended that a dropped crossing facility should be provided at Airedale Street/Myrtle Place junction. This has not been shown on plan.
- c. The footway shown on Thrift Way (adjoining the service yard) terminates into parking bays. This was discussed at the meeting with the agent agreeing to address it. Nothing has been done.

(These matters have been raised with the developer's consultants and are to be addressed prior to the Planning Panel meeting. Members will be updated orally concerning these matters).

Sensitivity Analysis:

The sensitivity analyses confirm the Council's concerns that based on both GFA 6393sqm and 8875sqm; trips generated are far in excess of the applicant's TA predicted. At Sub-Appendix 4, TRANSYT output in Table 1.7 shows that the 'with development' traffic in 2017 at Park Road junction would be 86% DoS (for 6393sqm) and 95% (for 8875sqm) in Table 1.8. Notwithstanding this, the report concludes that the entire network would have adequate operational performance. However, Council's officers' assessment of the agent's data show that Park Road junction will be operating at minus thirteen percent (-13%) in 2017 [i.e. 13% over capacity].

It is advised that if the Council were minded to approve this application despite the fact that the junction of Park Road/Main Street is likely to exceed full capacity, then the applicant should finance the implementation of SCOOT through Bingley. This shall be in addition to advance warnings of the increased congestion levels through VMS signage already discussed. The cost of design, procurement and installation is c. £30,000. (It should be pointed out that implementation of SCOOT would increase the cycle time through Bingley to 104 seconds which would mean increased waiting times for pedestrians).

Parking:

Appendix 2 seeks to explain what GFA is and what should be considered as GFA. My understanding is that, GFA as provided in Appendix C of the Council's RUDP was without qualification. In arriving at the standards, my belief is that other considerations would have been made including usable, retail and ancillary space. From Appendix C of the RUDP, parking should be provided at 1 space per 14sqm of GFA. The applicant's Planning Statement states that the GFA is 8875sqm. However, based on the net retail area 3716sqm, the applicant considers that a GFA of 6393sqm should be used for the assessment of this site for parking purposes.

- a. For GFA of 8875sqm, this equates to 634 spaces
- b. For GFA of 6393sqm, this equates to 457 spaces

The proposal offers 291 parking spaces which has remained unchanged. Therefore the requirements above equate to the following:

- (a), shortfall = 343 spaces
- (b), shortfall = 166 spaces

However, the Council accepts that there is little scope to provide additional parking at the site. Coupled with the town centre location of the site and considerations that parking standards set out in Appendix C of the RUDP are 'maximum' standards, reduced level of parking provision could be accepted subject to appropriate mitigation measures. This is covered in the following paragraphs.

Car Park Management Plan – (section 3.2.1)

The Car Park management plan submitted is generally acceptable in terms of free parking up to 30 minutes for everyone and 3 hours contingent to minimum spend at Sainsburys.

Framework Travel Plan (FTP) – section 3.2.10

Members to be updated orally concerning any particular further comments made on the Travel Plan as amendments are being sought at the time of completion of this report.

VMS System – section 3.2.17

Four (4 no.) Variable Message Signs (VMS) have been shown on plan numbered N01802/14. The proposed locations of these interactive car park advisory signs are for indicative purposes only. Exact locations would be agreed on site. I have discussed the cost of these with Tony McNiff of the UTC unit. Advised that £1,500 is the purchase cost of 1 no. VMS. Other related costs include, cost of cables, installation, design and supervision, etc. Thus the cost of procurement and installation is about £20,000 per VMS. Total financial contribution by the developer would therefore be £80,000.

Swept Path Analyses:

Vehicle swept paths shown on drawing no. N01802-12 dated July 2013 – Proposed Highway Layout are generally acceptable.

Footway Adjacent to Bingley Pool

I have consulted with the Council's Shipley Area team which has indicated its willingness to accept the developer's £20000 contribution towards the delivery of a new footway adjacent to Bingley Pool shown on drawing no. N01802-13 dated July 2013–Potential Footway (s.106 contribution).

Section 278 Agreement Highway Improvements:

The off-site highway improvements required to be made by the applicant, prior to any works starting on site, shall be (but not limited to):

Signalisation of the Junction of Main Street with Myrtle Place - This has been agreed in principle and indicative plans Ref: N01802-11 Rev.A and Ref: N01802-13 have been submitted but contain insufficient details. No signal information has been provided and therefore a full scheme plan showing the locations of the existing and proposed layout needs to be submitted.

Realignment of Main Street – Main Street is to be widened to provide a left turning lane and footways adjoining site frontage on Main Street, Myrtle Place, Myrtle Grove, Thrift Way narrowed.

Improvement to the Junction of Airedale Street with Myrtle Place – Details of a pedestrian dropped crossing facility linking the footway adjacent to Jubilee Building to the proposed footway adjacent Bingley Pool should be indicated on plan.

Others include:

Provision of pedestrian refuge island on Myrtle Grove adjacent to Bingley Pool.

Type and nature of TROs to be implemented

Nature and extent of white lining on all carriageways

Directional signs for use of A650

New signs and sign plates at Airedale Street (not VMS) warning motorist of 'dead end' at Queen Street

A full plan detailing all works associated with the Section 278 should be submitted and agreed at this stage.

a) To ensure that signs are not turned into advertisements for Sainsbury's, details of sign plates should be submitted to and approved in writing by the LHA

b) Car Park Management Plan – this is generally acceptable

c) An implementation scheme for TROs would be required; details should be submitted to the LHA for approval.

Section 106 contributions

- a) Contribution for £20,000 towards a new footway construction adjoining Bingley Pool (Dwg. no. N01802-13) is generally acceptable.
- b) Costs for procurement, cabling, design, supervision and installation of VMS system is circa £20,000 per sign, giving a total cost of £80,000 for four (4 no.) signs.
- c) SCOOT – This would be £30,000; please refer to the section under TRANSYT Analysis above.

Minerals & Waste

Appropriate conditions should be attached to mitigate the impact from dust, noise, mud and HGV movements. As you are aware there are various standard conditions for the control of dust and noise on which can advise, but Environmental Health may wish to attach something more than standard.

Summary of Main Issues:

1. Principle of development
2. Design, layout and appearance
3. Affect on residential amenity
4. Transportation & highway implications
5. Loss of trees
6. Ecological Impact

Appraisal:

Principle of Development

The application site is located within the Town Centre and is adjacent to the Primary Shopping Area. The applicant has demonstrated compliance with the requirements of the sequential approach and the impact assessment. This development is supported as it would deliver sustainable economic growth in accordance with PPS4 Policy EC.10 and the retail policies in the Replacement Unitary Development Plan. It is considered that this is a most sequentially preferable site for the provision of a new supermarket proposal in Bingley Town Centre. The scale of the proposal in terms of the size of the shopping centre of Bingley is considered appropriate and acceptable. The scheme will particularly benefit the concept of “linked” shopping trips with and to other uses in the town centre, including shops, and the adjacent public swimming baths.

Design

As part of the proposed development, the applicant would incorporate a number of measures to both reduce energy consumption and CO2 emissions. These include fluorescent high frequency lighting; accent display lighting; presence detector operated lighting; LED frozen case lighting; LED cold room lighting; cold air removal from the chiller aisle to cool certain areas of the store; use of night blinds on all sales area refrigerated cabinets; a full store Building Management System (BMS) that authorises all use of energy in the building; web-based sub-metering on all major energy loads to manage usage and future maintenance.

Additionally the store would operate using air source heat pumps and sun pipes to further reduce energy consumption and CO2 emissions. These elements are considered to meet the requirements of Policy D2 of the RUDP.

The applicant is not proposing to include any public art as part of the proposed development, Policy D8. Given the other contributions included for this scheme (see below), including the provision of monies for significant numbers of replacement trees in the vicinity of the site, it is not considered that the exclusion of public art warrants refusal of the application.

Policy D9 requires development that affects the appearance of town centres to, respond to the urban character, reinforce local distinctiveness and create innovative design; not to detract from the setting of important buildings or landmarks; respond to contextual features and provide high quality landscaping.

The key design principles referred to by the applicant are – an innovative high-quality scheme which respects its environment, considers the public realm and landscaping; respects and enhances its surroundings, in terms of scale, design, materials, boundary treatment and landscaping; provides pedestrian access between the store, town centre and Myrtle Park; a legible development and high quality public realm.

The proposed store is located on the edge of the town centre, at a site currently occupied by a monolithic building that dominates the skyline of Bingley. The proposed store would be of a lower height than the existing building, but of a greater massing.

The building would be constructed in natural stone, to reflect the local context; cladding; and the use of timber to “soften” the appearance of the building.

The proposed building has three principal elevations - Main Street, Thrift Way and Myrtle Place.

To the Main Street elevation, the massing of the building is uncomplicated, with two ‘book-end’ elements providing balance to what is a relatively long elevation. The store entrance would be on Main Street, with a feature canopy for emphasis and activity on this frontage. This elevation would be built using a glazing system, which would allow views of the internal travelators from outside the store to give visual interest and relevance of the scheme as a retail activity, thus to be benefit of the vibrancy of the town centre.

The Thrift Way elevation is broken up with stone columns between areas of cladding and brickwork. This would create a number of bays along the building frontage, providing relief to what would be a large building fronting the Park. This architectural approach, along with proposed complementary tree planting beyond the site boundary, within the Park, are considered to provide an appropriate relationship between the proposed building and Myrtle Park.

The Myrtle Place elevation would face the town centre, with the service yard and sub-station being located on this part of the application site. (The access to the service yard would be taken from Myrtle Walk). The corner element has been revised to include more stone and the stair tower would now be stone, not timber.

In conclusion, it is considered that the proposals, as amended, include a suitable design of building that will accord with policies D1, D2 and D9 of the Replacement Unitary Development Plan.

Currently, an electricity sub-station is located within the B&B building. This is believed to serve the Bradford & Bingley offices but also other users. It has been confirmed by the electricity distributor that the sub-station would need to be relocated following the demolition of the building. The proposed development involves the construction of a free-standing sub-station on the Myrtle Place frontage, opposite Jubilee Gardens. The proposed sub-station has been designed accounting for its position in the street scene.

Affect on Residential Amenity.

There are a number of residential properties at Myrtle Court, to the southern boundary of the application site. A number of these properties have windows and garden space facing the proposed store.

That part of the proposed store facing the flats at Myrtle Court has been designed without any window openings. Consequently, there would be no overlooking of those residential properties.

The distance between the existing properties and the vacant office building is currently c.10m. The proposed building would be no closer to the properties at Myrtle Place, than the existing B&B building and would be of a lower height than the existing building.

The distance between the existing dwellings and the proposed store would have less reduced impact on the residential amenity of the residents of Myrtle Court, compared to the existing building. It is considered that there would be no adverse affect on the residential amenity of the existing residents.

In the event of construction work and associated activities taking place, this could result in disturbance to nearby residents. However, measures would be put in place to ensure that any impact on local residents was minimised. This could for example include control over hours of working and directional signage for development traffic.

Transportation & Highways

The car parking standard in the RUDP, Appendix C is 1 space per 14 sq.m. gross retail floorspace. This being based on a maximum figure. This calculates at 714 parking spaces, 291 spaces are proposed. The applicant argues that it examined the specific local issues related to parking in the town centre and the likely demands for parking which might result from the development and concluded that as a facility in the town centre, the proposed parking provision was appropriate both for the store needs and the parking needs of the wider town centre. This was based on surveys of the parking areas and an assessment of the stores parking needs.

Highway Development Control has responded that whilst the Parking Guidelines are based on a maximum figure, a balance has to be struck between the requirements of the Parking Guidelines and operating requirements.

It is accepted that there is little scope to provide additional parking at the site. Coupled with the sites town centre location and consideration that parking standards in Appendix C of the RUDP are 'maximum' standards, a reduced level of parking provision would be accepted subject to the following mitigation measures -

Car Park Management Plan

The Car Park Management plan submitted is acceptable in terms of free parking up to 30 minutes for everyone and 3 hours contingent on a minimum spend at Sainsburys.

Framework Travel Plan (FTP)

Therefore in principle, whilst progress has been made on this matter, the FTP has not yet been agreed with the Council.

Variable Message Signs (VMS)

Four (4 no.) VMS are shown on plan N01802/14. The proposed locations of these interactive car park advisory signs are for indicative purposes only. Exact locations would need to be agreed on site. The UTC unit has advised that the cost of procurement and installation is c. £20,000 per VMS. The financial contribution would therefore be £80,000.

Ecological Impact

As a result of the construction of the proposed supermarket, all trees would be removed from the application site. A number of these trees are classed as Grade A.

A request has been made by a local Ward Councillor and members of the public, to serve Tree Preservation Orders on trees within the application site. The request for a TPO has been considered and is not supported by officers for the reasons below.

The proposed development has been designed to maximise the floor plate of the sales area within the application site. Consequently, the buildings footprint leaves little scope for the retention of trees. It would therefore fall to the Area Planning Panel to make a decision based on the proposed loss of the trees and consequently, the expediency of placing a TPO on those trees.

In order to mitigate for the loss of trees, the applicant would be required to plant a number of trees within the site - to the corner of the site on Main Street and to the south west boundary; 4 street trees along Main Street in the footway between the store and carriageway; and 14 trees within Myrtle Park, between Thrift Way and the bandstand.

Whilst the loss of the Grade A trees would be regrettable, the replacement tree planting within the application site and within the public realm is considered to be appropriate in terms of replacement. The provision of the off-site trees would be covered by the Section 106 Agreement and as part of the highway works under the Section 278 Agreement.

A number of bat surveys have been carried out by the applicant and these establish that activity levels are low. It was inconclusive as to whether the building is actually being used as a roost. The applicant has agreed to provide off-site roosting boxes as part of the development.

Planning Obligations

In the event of the planning application being agreed, there would be a requirement for contributions for off-site highway improvements, public transport infrastructure improvements and off-site tree planting.

The applicant has agreed to make a financial contribution towards off-site highway improvements including the provision of a footway along Myrtle Grove, outside the swimming pool, costed at £20,000. The provision of 4 VMS and the SCOOT system, would be covered by a Section 278 Agreement with the applicant required to complete the Section 278 prior to the commencement of development.

A contribution of £5600 for tree planting in Myrtle Park would also be provided by the applicant.

Options

The Panel can either defer and delegate approval to the Assistant Director, Planning, Highways & Transportation, subject to the completion of a Section 106 Agreement and conditions, as recommended, or refuse the application. If the application is refused, reasons for refusal would have to be given.

Community Safety Implications:

The application has been considered against the relevant RUDP policies on crime prevention and there are not considered to be any adverse implications on community safety.

Human Rights Act

Article 6 – right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

Trade Union

No implications.

Not for publication documents

None

Reason for Granting Planning Permission:

The proposed development would constitute an acceptable use on a proven sequentially preferable site for retail development which would serve to enhance the viability and vitality of Bingley Town Centre. The proposed development would include a suitable design of buildings including the scale and massing and the aesthetic value of the elevations. The proposals would not adversely affect visual and residential amenity nor the character of the area and adjacent important Public Park. The scheme includes suitable replacement tree planting and the loss of trees on this site can be justified when balanced against the significant benefits derived by the scheme including the quality of the layout of the store and car park and enhancement to pedestrian movement around the site. The proposed development would not create conditions prejudicial to highway safety and would enhance an appropriate public parking facility in Bingley, encouraging “linked” shopping trips. Consequently the proposals would meet the requirements of Policies UR2, UR3, UR6 CR1A, TM1, TM2, TM19A, D1, D2, D5, D9 and NE10 of the Replacement Unitary Development Plan.

Section 106 Agreement

Heads of terms to cover -

Contribution of £20,000 for a footway on the western side of Myrtle Grove.
Off-site tree planting, £5,600 for planting within Myrtle Park and Main Street.
Requirement to complete Section 278 Agreement (to include 4 no. trees to Main Street; 4 no. variable message signs, location to be agreed; and SCOOT software for traffic signals on local network).

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:

(Members will be given a full list of the plans on the day of the meeting dependant on any later plans submitted to clarify highways matters).

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

3. Before any part of the development is brought into use, the vehicle service area for loading/unloading, including the turning and manoeuvring space, hereby approved shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan(s) numbered IN. It shall be retained for that purpose whilst ever the development is in use.

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

4. Before any part of the development is brought into use, the footway hereby approved shall be laid out in accordance with details shown on the approved drawings and street lighting installed to a specification to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

7. 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.

8. There shall be no external plant to the south east elevation, facing Myrtle Court.

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

9. Noise generated by any fixed plant shall be controlled to a BS4142 rating level of no higher than 35 dB(A) when measured from any surrounding dwellings.

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

10. Development shall not commence until a Phase 1 Desk Study and Preliminary Risk Assessment Report has been submitted to and approved in writing by the LPA. The report shall include consideration of - previous land uses; potential contaminants associated with those uses; conceptual model of the site indicating sources, pathways and receptors; assessment of potentially unacceptable risks arising from site contamination; where potential contamination is identified, the methodology for a Phase 2 intrusive site investigation must be included and agreed in writing by the LPA prior to the commencement of development.

Reason: To ensure the risk to future users and neighbouring land, controlled waters and ecological systems is minimised; and to ensure the development can be carried out safely without risk to workers and neighbours. To ensure the site is remediated appropriately for its intended use and to comply with Replacement Unitary Development Plan Policies UR3, NR17 and NR17A.

11. Where the potential for contamination is identified, a Phase 2 site investigation and risk assessment scheme along with any necessary remedial measures must be submitted and approved in writing by the LPA.

Reason: To ensure the risk to future users and neighbouring land, controlled waters and ecological systems is minimised; and to ensure the development can be carried out safely without risk to workers and neighbours. To ensure the site is remediated appropriately for its intended use and to comply with Replacement Unitary Development Plan Policies UR3, NR17 and NR17A.

12. Where potential for contamination is identified by the Phase 1 Desk Top Study and prior to development commencing, a Phase 2 site investigation and risk assessment must be completed in accordance with the approved remediation scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The written report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is remediated appropriately for its intended use and to comply with Replacement Unitary Development Plan Policies UR3, NR17 and NR17A.

13. In the event of contamination being identified a remediation strategy which removes unacceptable risks to all identified receptors from contamination shall be submitted to and approved in writing by the LPA. The remediation strategy shall include proposals for verification of remediation works and phasing of works. The strategy shall be implemented as approved unless agreed otherwise in writing by the LPA.

Reason: To ensure the site is remediated appropriately for its intended use and to comply with Replacement Unitary Development Plan Policies UR3, NR17 and NR17A.

14. If during the course of development contamination not previously identified is found no further works shall be undertaken in the affected area and the contamination shall be reported to the LPA as soon as reasonably practicable but within 5 days of the find. Prior to further works being carried out a further assessment shall be made and appropriate remediation implemented in accordance with the scheme agreed by the LPA.

Reason: To ensure the site is remediated appropriately for its intended use and to comply with Replacement Unitary Development Plan Policies UR3, NR17 and NR17A.

15. A methodology scheme for quality control of any material brought to the site for filling, level raising or landscaping shall be submitted to and approved in writing by the LPA prior to materials being brought to site. Relevant evidence and a verification report shall be submitted to and is subject to the approval in writing by the LPA.

Reason: To ensure that all materials brought to site are acceptable and contaminants are not brought in to the site and the requirements of RUDP Policy UR3 are met.

16. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the public water mains, which enter the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times and to comply with Replacement Unitary Development Plan Policy UR3.

17. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage and to comply with Replacement Unitary Development Plan Policy UR3 and NR16.

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

Reason: To ensure that the development can be properly drained and to comply with Replacement Unitary Development Plan Policies UR3 and NR16.

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

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal and to comply with Replacement Unitary Development Plan Policy UR3.

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

Reason: In the interest of satisfactory drainage and to comply with Replacement Unitary Development Plan Policy UR3.

21. All roof top plant shall be located within the area identified on dwg. no. P57 Rev.A.

Reason: In the interests of amenity and to comply with Replacement Unitary Development Plan Policy UR3.

22. Details of sustainable drainage systems (SUDS), for example the use of soakaways and/or permeable hardstanding, shall be investigated by the applicant/developer and submitted to the LPA for approval in writing before development commences.

Reason: In the interests of appropriate surface water disposal in accordance with PPS25 and to comply with Replacement Unitary Development Plan Policy NR16.

23. The development shall be carried out in accordance with the approved car park management plan.

Reason: To ensure that the car park is operated efficiently within the context of the town centre and to comply with Replacement Unitary Development Plan Policies TM2 and TM11.

Background Documents

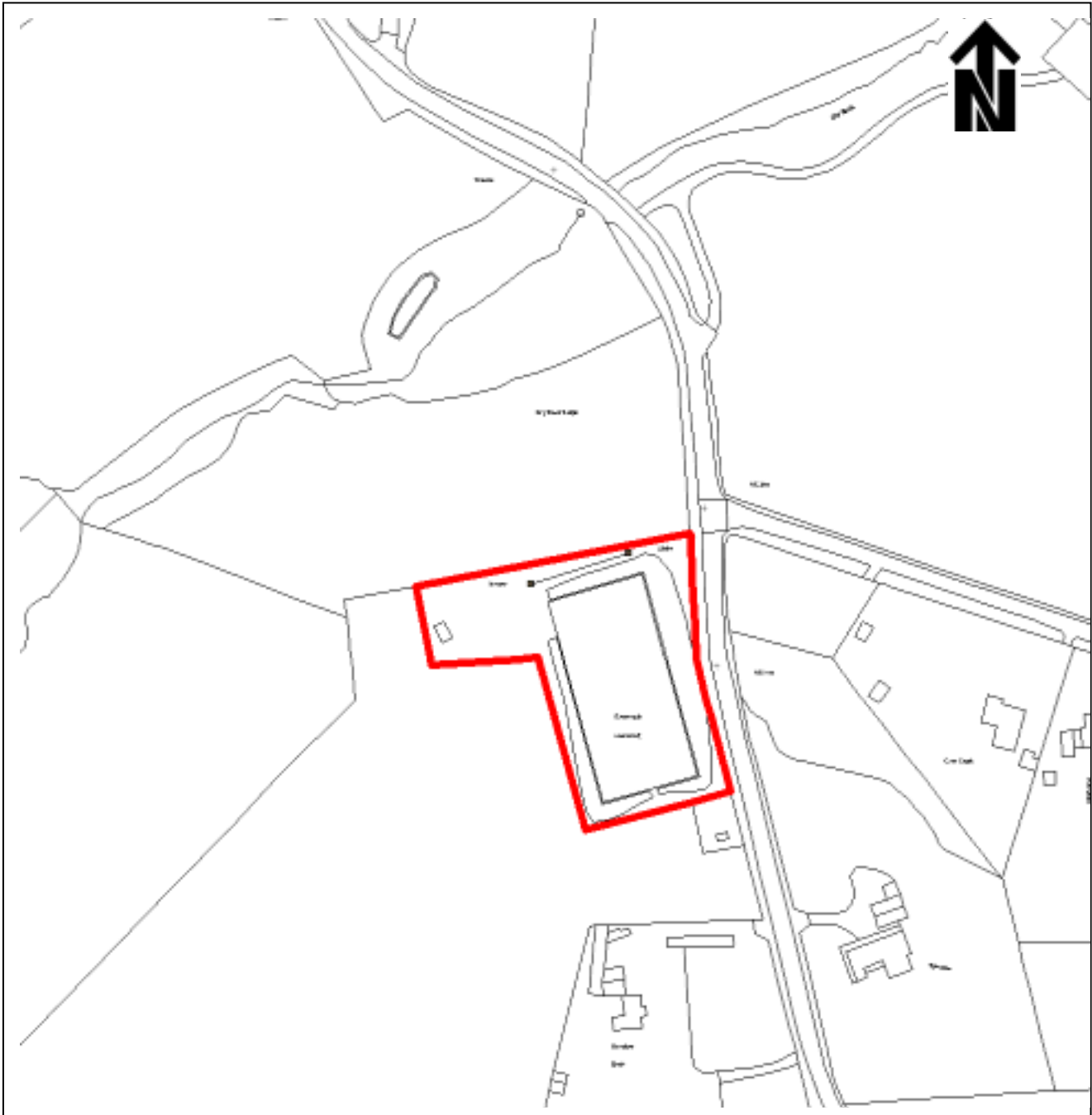
RUDP

1. Sustainable Design Guide Supplementary Planning Document
 2. Planning Obligations Supplementary Planning Document
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Area Planning Panel (Shipley)

11/02347/FUL

8 September 2011



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ITEM NO. : 7	LOCATION: Hawksworth Moor Service Reservoir Hillings Lane Menston
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8 September 2011

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

Application Number:
11/02347/FUL

Type of Application/Proposal and Address:

This is an application for full planning permission for the change of use of a former reservoir to form a single detached dwelling at the Hawksworth Moor Reservoir, Hillings Lane, Menston.

Applicant:

Keyland Developments Ltd

Agent:

Mr A Flatman

Site Description:

The site is located within green belt land and is situated alongside Hillings Lane close to its junction with Moor Lane. The site currently accommodates a redundant reservoir. There is a significant rise in levels from Hillings Lane to the position of the reservoir and the surrounding land slopes steeply to the east. The site is bound by mature vegetation and there are trees of particular visual importance on the northern and southern boundaries of the site. The site does not currently have any vehicular access.

Relevant Site History:

There is no planning history on this site. There have been approvals of similar schemes for the conversion of redundant reservoirs within the district which provide some degree of precedent for the development.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is in Green belt on the Replacement Unitary Development Plan.

Proposals and Policies

Policy UR3	<i>The Local Impact of Development</i>
Policy GB1	<i>New Buildings in the Green Belt</i>
Policy GB3	<i>Conversion and Change of Use in the Green Belt</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 NR16	<i>Surface Water Runoff and Sustainable Drainage Systems</i>
Policy NE4	<i>Trees & Woodland</i>
Policies NE5 & NE6	<i>The Protection & Retention of Trees on Development Sites</i>

Planning Policy Statement 3: Housing
Planning Policy Guidance 2: Green Belts

Parish Council:

Menston Parish Council – Recommend for refusal as the site is in green belt and on a dangerous and narrow road. The Parish Council refer the item to Panel in the event of a positive officer recommendation.

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 18th July 2011. Two representations have been received.

Summary of Representations Received:

1. No objections provided the trees are protected and the new access is safe
2. If the building will be visible from the road the choice of materials will out of keeping with the area

Consultations:

Highways DC – No objections subject to conditions relating to the provision of the vehicular access, turning area, domestic parking and visibility splays.

Drainage – No objections subject to conditions requiring the submission of foul and surface water drainage details and the use of porous materials for hard surfaces. Initially raised concerns relating to the presence of a watercourse adjacent to the site however following further investigation it has been agreed that this does not present any flood risk issues.

Yorkshire Water – No objections subject to conditions relating to the drainage of the site.

Trees – The tree belts to the north and south have a strong visual presence and due to their height they may result in more shade being cast than indicated. Main concerns relate to the guest lounge/kitchen to the south side of the building and the kitchen which is only served by the constantly shaded 'winter garden'. The application has been amended to address these concerns.

Minerals & Waste Team – No comments to make.

Environmental Health – No comments received.

Summary of Main Issues:

1. Principle of the Development
2. Visual amenity
3. Trees & Protected Species
4. Residential Amenity
5. Highway Safety
6. Community Safety Implications

Appraisal:

Principle of the Development

The site is in Greenbelt in which there is a presumption against inappropriate development. Policy GB4 of the RUDP allows for the conversion of existing structures in the Greenbelt provided they do not add significant additions to the existing buildings and do not impact on the openness of the Greenbelt.

The proposal is to convert the existing reservoir storage facility into a dwelling house. The conversion will take place within the structure of the original void and will not intrude beyond the volume of the existing reservoir or its cover. The main part of the proposed dwelling would be constructed along the eastern side of the site with the western section remaining open to allow light into the dwelling through glazed walling and also to provide amenity space. Parking is provided within the footprint of the existing reservoir and a vehicular access and turning area is to be formed by cutting into the embankment between the reservoir and Hillings Road. It is considered that in principle the conversion of the structure complies with the requirements of policy GB4 and guidance contained within Planning Policy Guidance Note 2 'Green Belts' as the conversion will be wholly and sensitively carried out without significant additions to the volume of the original structure and to maintain its character and without impacting on the openness of the green belt.

With regard to housing density the development is well below the density target of 30 dwellings hectare. However a higher density of development is prevented by the access to the site, the change in levels between the road and the site and the mature trees which surround the site. The proposal is therefore considered to be acceptable in principle subject to its local impact.

Visual Amenity

The application proposes to construct a single storey flat roofed structure along the eastern wall of the existing reservoir. Site sections show that the proposed structure will not project beyond the volume of the original building and combined with the rise in levels to the west and the inclusion of a green roof the visual impact of the proposal in this direction would be limited.

The proposed dwelling would be largely hidden from views on Hillings Lane due to the large levels differences with the most evident alteration being the creation of the new access point and the construction of the retaining walls to either side. The remainder of the building will be shielded from view by the existing embankment and tall vegetation.

Trees and Protected Species

There are mature trees to the north and south boundaries which have a strong presence from views either side of Hillings Lane. The trees are elevated above the ground floor level of the proposed dwelling. A tree shade plan has been provided which shows the south-side trees casting shade over the southern part of the site. This part of the site provides some outdoor storage, garaging and an area of amenity space but also includes the provision of guest accommodation on the first floor above the garage.

The drawings have been amended to create additional openings to the eastern elevation above the garage to create additional outlook.

The other main concern was the kitchen which was originally completely reliant on the constantly shaded winter garden for light. The plans have been amended to show a 'light tunnel' through the roof to provide natural light to the kitchen. The reflection pool has also been moved further away from the trees on the southern boundary such that the revised proposal is now considered to have an acceptable relationship with the existing trees on the site.

An ecological assessment has been carried out and it does not identify any habitats of protected species. It recommends the retention of the tree belts as they present the most valuable ecological feature on the site.

Residential Amenity

The nearest residential property is located around 50m to the south of the site. The proposed development is not of a type or scale which would impact negatively on the amenities of this property.

Highway Safety

The application proposes to create a new access point to Hillings Lane and provides a three car garage with sufficient space to turn a vehicle within the site. Visibility splays of 2m x 25m are provided and so subject to conditions requiring the provision of the new access, parking, turning and visibility splays the proposal is considered to be acceptable in terms of its impact on highway safety.

Community Safety Implications:

The proposal does not present any community safety implications.

Reason for Granting Planning Permission:

The proposal, as amended, is considered to result in a sympathetic and sensitive conversion of the existing structure without adversely affecting the openness of the green belt. No significant adverse implications are foreseen in terms of highway safety, impact upon protected species and trees, residential amenity or effect on the openness of the green belt. The revised proposal is therefore in compliance with policies UR2, UR3, D1, TM2, TM12, TM19A, GB1, GB4, NR16, NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

Summary of Conditions:

- Three year time limit
- Approved plans
- PD rights removed
- Turning area to be provided
- Visibility splays to be provided
- Access to be provided
- Parking to be provided
- Garage to be kept available for parking
- Materials to be approved
- Tree protection during works
- Arboricultural Method Statement to be approved
- Contaminated land – precautionary condition
- Drainage details to be agreed
- Hard surfaces to have porous surfaces
- Separate drainage systems within the site boundary

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 2636-100-A showing the proposed site layout
Drawing numbered 2636-200-A showing the proposed ground floor plan
Drawing numbered 2636-201-A showing the proposed first floor plan
Drawing numbered 2636-202-A showing the proposed roof plan
Drawing numbered 2636-300-A showing the proposed site sections
Drawing numbered 2636-400-A showing the proposed elevations and sections
Drawing numbered 1004801 showing the proposed visibility splays as received by the Council on 26 May 2011

Unless otherwise stated the drawings are as received by the Council on 16 August 2011.

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

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

3. 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 H of Part 1 of Schedule 2 and classes A - C 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 Policies GB1, GB2 and GB4 of the Replacement Unitary Development Plan.

4. Before any part of the development is brought into use, the vehicle turning area shall be laid out and drained within the site, in accordance with details shown on the approved plan numbered 2636-100-A and retained whilst ever the development is in use.

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

5. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered 1004801 shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

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

6. Before any part of the development is brought into use, the 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 2636-100-A and completed to a constructional specification approved in writing by the Local Planning Authority.

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

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

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

8. The integral garages hereby approved shall be retained whilst ever the use subsist, and not be converted to any habitable accommodation or storage facilities that would prevent adequate parking being provided within the curtilage of the site.

Reason: To ensure adequate off street parking facilities are maintained in the interests of highway safety, so as to avoid undue congestion on surrounding streets and to accord with Policies of the Replacement Unitary Development Plan.

9. 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13. The development shall not begin until details of a scheme for separate foul and surface water drainage, including any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme would also be required to demonstrate that there is no resultant unacceptable risk to controlled waters. The scheme so approved shall thereafter be implemented in full before the first occupation of the development hereby permitted

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

14. 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.

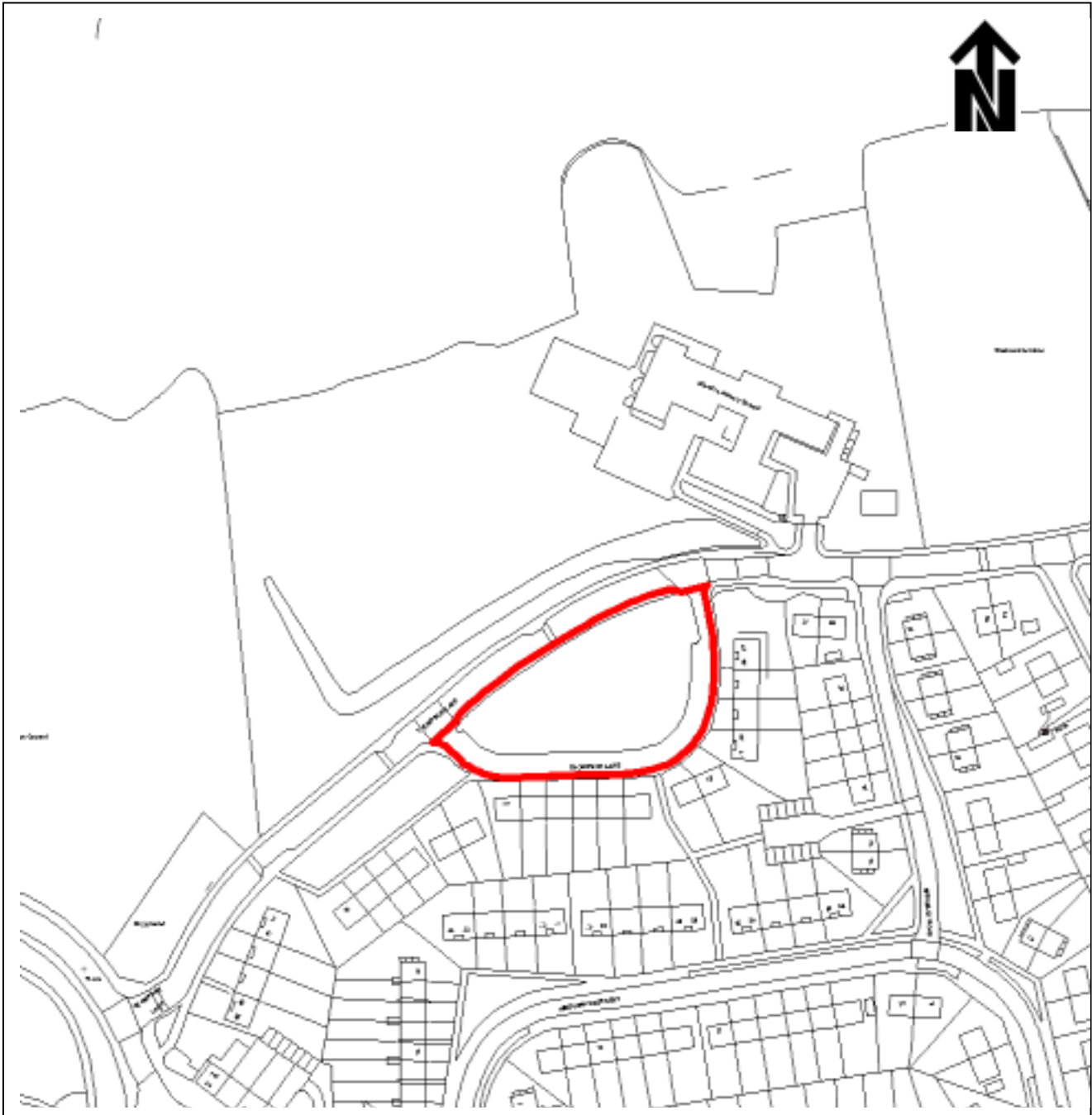
15. Unless otherwise approved in writing by the Local Planning Authority all hard-surfaced areas shall be surfaced in a porous material.

Reason: In order to keep the impermeability of the site to a minimum and to comply with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

11/03009/RG4

8 September 2011



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<p>ITEM NO. : 8</p>	<p>LOCATION: Land North Of 47 - 57 Thompson Lane Baildon</p>
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8 September 2011

Item Number: 8
Ward: SHIPLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
11/03009/REG4

Type of Application/Proposal and Address:
Outline planning application for the construction of nine dwellings at land north of 47 – 57 Thompson Lane, Baildon, Bradford, BD17 7LX. All matters are reserved.

Applicant:
City of Bradford Metropolitan District Council

Agent:
West & Machell Architects

Site Description:
The application site is a half circle of open land that is located off 47 – 57 Thompson Lane. To the south of Thompson Lane are two residential properties and to the north are playing fields.

Relevant Site History:
None.

Replacement Unitary Development Plan (RUDP):
Allocation
The application site is not allocated for a specific land-use in the Replacement Unitary Development Plan but it is located within the Saltaire World Heritage Buffer Zone.

Proposals and Policies
UR2 Promoting Sustainable Development;
UR3 The Local Impact of Development;
H7 Housing Density- Expectations;
H8 Housing Density – Efficient Use of Land;
TM2 Impact of Traffic and its Mitigation;
TM11 Parking Standards for Non-Residential Developments;
TM19A Traffic Management and Road Safety;
D1 General Design Considerations;
D2 Energy Efficiency and Sustainable Design;
D4 Community Safety;
D5 Landscaping;
BH14 Saltaire World Heritage Site;
OS2 Protection of Recreation Open Space;
NE5 Retention of Trees on Development Sites;
NE6 Protection of Trees During Development;
NR16 Surface Water Run Off and Sustainable Drainage Systems; and
NR17A Water Courses and Water Bodies

Other relevant policies and guidance:

Planning Policy Statement 1: Delivering Sustainable Development.

Planning Policy Statement 3: Housing

Planning Policy Statement 5: Heritage

The Council's supplementary planning guidance 'House Extensions Policy', adopted in a revised form in February 2003, offers advice on facing distances normally accepted in residential situations.

Parish Council:

Baildon Parish Council: Consideration should be given to reducing the proposed number of dwellings.

Publicity and Number of Representations:

The application was publicised by press, site notice and neighbour notification letters. Expiry date of the publicity was 5th August 2011. To date, 45 individual letters of objection have been received by the Local Planning Authority, three of these are from Shipley Ward Councillors and one is from an MP. A Shipley Ward Councillor has requested that the site is visited by Panel Members before being determined.

Summary of Representations Received:

In Objection

1. The development will result in the loss of an informal recreational space which children living along Thompson Lane use to play.
2. The additional traffic generated by the development will further exacerbate subsidence along Thompson Lane.
3. Additional parked cars on the road will obscure visibility to the detriment of the safety of pedestrians.
4. The development will restrict access for refuse collection and emergency services.
5. The local transport network can not safely support any additional traffic and until major improvements to dangerous junctions such as Baildon Bridge have been carried out proposals that would increase traffic should be refused.
6. The proposed dwellings will result in the reduction of light reaching the habitable room windows of existing dwellings.
7. Parents dropping off and collecting children from nearby schools, commuters leaving their vehicles for the day and visitors parking vehicles along Thompson Lane while visiting Roberts Park and Shipley Glen Tramway already restrict the free flow of traffic and it is considered that the proposed development will further exacerbates existing on street parking congestion in the area.
8. The development will result in the loss of a view.
9. The development will result in overlooking, overshadowing and loss of outlook.
10. The housing that is proposed is not sustainable at a time when Bradford Council is committed to reducing the district's carbon emissions. The proposal does not incorporate any highly energy efficient buildings (Code 6 minimum) nor propose any on site renewable.
11. Should the application be recommended for approval the developer should be required to ensure that the buildings incorporate substantial solar PV and hot water panelling and ground sourced heat pump technology.
12. Implementation of the development will require diverting a public sewer and could overload the local drainage system.
13. Developing the site will increase the risk of flooding.
14. The development will affect the enjoyment of nearby properties to the detriment of human rights.

15. Inappropriate design, choice of materials and out of keeping with surroundings.
16. The housing scheme will result in overdevelopment.
17. The development will alter the character of a close knit community.
18. Gas pressure in the area is low and the existing infrastructure in the area may not be able to cope with an additional 9 dwellings.
19. Electricity supply in the area is inadequate and 9 additional dwellings may increase the amount of power cuts that residents presently have to endure.
20. Thompson Lane is too narrow to allow cars to pass simultaneously.
21. The development will result in vehicles having to reverse onto Thompson Lane to the detriment of highway safety.
22. The development will result in the loss of mature trees.
23. The development will undermine recently installed traffic calming measures.
24. There is only one street light which will be insufficient should these houses be built.
25. The construction of new dwellings is unsustainable and money should be invested into refurbishing empty homes.
26. Information submitted with the application is vague.
27. The proposed three storey dwellings with flat roofs will be out of keeping with the built form of the surrounding area.
28. The development may set a precedent for developing other informal recreation spaces in the area.
29. The development will exacerbate noise and disturbance to the detriment of existing residents.
30. The development will restrict visibility.
31. No further dwellings should be supported in the area.
32. If the properties are rented they will not be maintained and will devalue other properties in the area to the detriment of existing residents.
33. The Council is generating revenue at the expense of others.
34. The development will result in major disruption during the construction phase.

Consultations:

Drainage Services: A public sewer crosses the site, separate drainage systems required, the existing drainage system must be proved to be hydraulically and structurally adequate, car parking areas to be drained using road type gullies, no development shall take place until details of the proposed means of disposal of foul and surface water drainage has been approved by the Local Planning Authority and the development must be undertaken in a manner so as not to change the overland surface water flow patterns.

Highways Development Control: No objections subject to recommended conditions.

Design & Conservation: The application site is located within the setting of the Saltaire World Heritage Site and no consideration has been given to the impact of the proposal upon its setting. The application should not be supported until a Heritage Statement has been submitted in accordance with PPS5.

Parks & Landscapes: To date no comments received.

Yorkshire Water: To date no comments received.

Summary of Main Issues:

1. Principle of development
2. Impact upon the local environment
3. Impact upon neighbouring occupants
4. Impact upon highway and pedestrian safety
5. Biodiversity
6. Drainage
7. Community safety

Appraisal:

The application is made in outline with all matters being reserved for a later stage and therefore the plans submitted with the application are indicative only showing how the site could potentially be developed in the future but the details at this stage are not legally binding. Full details of the finalised scheme would be submitted following the grant of outline permission with the reserved matters application. Planning policy for the development is outlined in the aforementioned policies of the RUDP.

Principle of Development:

The application site is an undeveloped piece of land, covered with tended grass which is primarily used by residents of properties overlooking the site as informal recreation open space. Policy OS2 of the Replacement Unitary Development Plan protects informal recreation open spaces from development unless: the loss of recreation open space does not lead to or exacerbate a local deficiency in the availability of open space in the area; the development proposal provides for equivalent alternative provision; the development does not result in a significant loss of amenity; or the development proposal is ancillary to and supports the sites recreational function. The last criteria of policy OS2 of the Replacement Unitary Development Plan is not applicable in this case as the development is not ancillary and does not support an existing recreational use.

There is an open piece of land directly to the south west of the site it is smaller than the application site but is similarly overlooked by properties, there are school playing fields 13 metres away on the opposite side of Thompson Lane; a formal play area with play equipment within 90 meters of the site, also on the opposite side of Thompson Lane and Roberts Park within 150 meters of the development site. Given that there is ample access to recreation open space within close proximity to the application site which caters for various needs it is not considered that the loss of a 0.2 hectare area of sloping informal open space would lead to a local deficiency or result in a significant loss of amenity and this being the case it is not considered that the developer would be required to provide an alternative provision. For the above reason it is considered that the development is in accordance with the objectives of policy OS2 of the Replacement Unitary Development Plan and the loss of the informal open space can be supported.

The site is within the urban fringe of Bradford, substantially enclosed by residential development and is very well located in relation to high-frequency public transport links, employment opportunities, local facilities and other services. Accordingly, it is considered to be a sustainable location for residential development when taking a sequential approach. Whilst the site is classified as 'greenfield' in PPS3, this is not considered to outweigh the sustainable nature of its location. The density achieved (45dph) is considered acceptable being higher than 30dph a minimum set out in PPS3. Due to the small scale of development no social contributions are sought (policy UR2, UR3, H7, H8 and OS2 of the RUDP).

Impact upon the Local Environment:

Appearance, scale and layout is a reserved matter but the indicative drawing demonstrates that two short terraces of five and four dwellings could be located parallel to each other but horizontal to Thompson Lane. The supporting information also indicates that the dwellings could have an overall height of 7 metres to ridge which would be consistent with the height of a true two storey dwelling and consistent with the scale and form of the buildings within the immediate vicinity of the application site. Consequently it is considered that the scale of such development would harmonise with the built form of the locality.

For the development to add a strong visual interest to the street scene it is considered that the dwellings should ideally be set facing out onto Thompson Lane but unfortunately due to the size, shape and location of the site this layout would not be possible as it would result in remote parking and hard landscaping along the crescent of Thompson Lane to the detriment of the appearance of the environment.

Thus to ensure that the development as proposed has a positive impact upon the appearance of the street scene it is vital that the gable ends of plots 1 and 9 are not blank and that the boundary treatments adjacent to the frontages of Thompson Lane are of the highest of quality (policy UR3, D1 and D5 of the RUDP).

The Design and Conservation team have raised concerns that the development may impact upon key views of the World Heritage Site from Baildon Green and Victoria Road. The land between Thompson Lane, Green Lane and Coach Road is completely in-filled with residential estates enclosed by these three roads. Once the application site is developed the dwellings will form part of the existing estates and is therefore unlikely to have any significant influence on the setting of the World Heritage Site. The development is therefore considered to have a minimum impact and to comply with the objectives of policy BH14 of the RUDP.

Impact upon Neighbouring Occupants:

The development and residential use once complete would not likely give rise to unreasonable levels of noise, general disturbance or light pollution over levels to be expected in a residential area (policy UR3, D1 and P7 of the RUDP).

The proposed buildings would be of a suitable height, orientation and distance to prevent over dominance or overshadowing. The indicative drawings show that a development could achieve a separation distance of at least 15 metres from the proposed dwellings and the nearest existing dwellings (plot 4 and 51 & 53 Thompson Lane). It should also be noted that 23 metres is achievable between plot 5 and 43 & 45 Thompson Lane and 17 metres from plot 5 and 33 Thompson Lane.

Overlooking is an issue for consideration as part of a submission for the design of the dwellings as a 'reserved matters'. However no insurmountable problems are foreseen: 20 metres from proposed dwelling to proposed dwelling, 21 metres from the principle elevations of the proposed dwellings and existing dwellings and at least 10 metres from principle elevations and curtilage has been achieved (policy UR3 and D1 of the RUDP and supplementary planning guidance contained within the RUDP).

Impact upon Highway and Pedestrian Safety:

The occupiers of 21 – 57 Thompson Lane (16 dwellings) do not enjoy the benefit of off street parking and parking has therefore been provided in the form of lay-by parking around the green island that forms the proposed development site. The proposed layout would by its nature displace 16/17 parking bays around the green which are well used. To compensate for this loss 18 parking bays could be provided on the opposite side of the road which would represent an improvement as they would be located directly outside the properties they serve. Therefore existing residents should not be disadvantaged by the scheme. Furthermore, each proposed dwelling could provide two off street car parking spaces which is above the Councils maximum standards. For this reason it is not considered that the development would exacerbate on street parking in the immediate locality of the site. The spaces backing onto top Thompson Lane would not result in dangerous manoeuvres as vehicle speeds along this section of road are likely to be low. A reversing manoeuvre would not be illegal as Thompson Lane is not classified.

Other highway improvements could include realigning the kerb at the Thompson Lane/Thompson Lane junction to improve visibility and providing a footway around the development site. The development could facilitate two-way vehicle movement along Thompson Lane, provide adequate visibility when exiting Thompson Lane and would not result in any unsatisfactory highway safety implications (policy TM2, TM12 and TM19A of the RUDP).

Biodiversity:

The site is an open area of tended grassland. Open areas tend not to be used for wildlife habitats and therefore no adverse impacts upon protected species or habitats are foreseen (policy UR3 and D1 of the RUDP).

To improve visibility at the junction of Thompson Lane and the crescent of Thompson Lane one tree from a group of Silver Birch at the north-eastern point of the site would need to be felled. The trees are not individually good specimens but they do offer some visual value as a group. However, it is not considered that the loss of one tree would compromise the visual appearance of the group. Furthermore adequate distance has been achieved between the nearest dwelling and the group of trees to prevent damage to the trees during the build or in the future (policy NE5 and NE6 of the RUDP).

Drainage:

A stand off distance of 3 metres is required to each side of the public sewer which crosses the site. To achieve this, the public sewer would need to be diverted. The Council's Drainage team have raised no concerns regarding potential surface water flooding (policy UR3 and NR16 of the RUDP). Thus, it is considered that any drainage implications could be adequately mitigated through conditions.

Outstanding issues raised by objections

The majority of the concerns expressed in the letters and petitions received have been addressed above. The remaining comments have been considered below:

The additional traffic generated by the development will further exacerbate subsidence along Thompson Lane.

- Before the highway works are completed full details of the works will be required to be agreed by the local planning authority. No works will be agreed that would result in or exacerbate subsidence.

Additional parked cars on the road will obscure visibility to the detriment of the safety of pedestrians.

- The application should not be refused for this reason this is an existing problem that will not be exacerbated by the development.

The development will restrict access for refuse collection and emergency services.

- The development will not reduce the width of Thompson Lane and therefore access for refuse collection and emergency services will not be restricted.

The local transport network can not safely support any additional traffic and until major improvements to dangerous junctions such as Baildon Bridge have been carried out proposals that would increase traffic should be refused.

- Vehicular trips generated by nine additional dwellings will be insignificant and will not increase congestion at nearby junctions. The application would not merit refusal for this reason.

The proposed dwellings will result in the reduction of light reaching the habitable room windows of existing dwellings.

- This issue will be resolved at reserved matter stage.

Parents dropping off and collecting children from nearby schools, commuters leaving their vehicles for the day and visitors parking vehicles along Thompson Lane while visiting Roberts Park and Shipley Glen Tramway already restrict the free flow of traffic and it is considered that the proposed development will further exacerbate existing on street parking congestion in the area.

- The development provides sufficient off street parking and therefore it is not considered that it will significantly increase on street parking in the locality. It is also not considered that the development should be prejudiced because people park in the area unlawfully or without undue care.

The development will result in the loss of a view.

- This is not a matter for planning consideration and therefore the application would not merit refusal for this reason.

The housing that is proposed is not sustainable at a time when Bradford Council is committed to reducing the district's carbon emissions. The proposal does not incorporate any highly energy efficient buildings (Code 6 minimum) nor propose any on site renewable.

- The application seeks to establish the principle of development only and therefore the above matter is not for consideration at this stage.

Should the application be recommended for approval the developer should be required to ensure that the buildings incorporate substantial solar PV and hot water panelling and ground sourced heat pump technology.

- The application seeks to establish the principle of development only and therefore the above matter is not for consideration at this stage.

The development will affect the enjoyment of nearby properties to the detriment of human rights.

- The full implications of the development has been assessed and is considered to comply with all relevant local and national planning policy and this being the case it is not considered that the development will result in any impacts that would be detrimental to human rights.

Inappropriate design, choice of materials and out of keeping with surroundings.

- No details of building design or materials have been submitted with the outline planning application. These details will be submitted for consideration as part of the reserved matters application.

The development will alter the character of a close knit community.

- There is no reason to suggest why nine additional dwellings will be harmful to the character of a community and therefore the application should not be refused for this reason.

Gas pressure in the area is low and the existing infrastructure in the area may not be able to cope with an additional 9 dwellings.

- This is not a planning issue for planning consideration.

Electricity supply in the area is inadequate and 9 additional dwellings may increase the amount of power cuts that residents presently have to endure.

- This is not a planning issue for planning consideration.

Thompson Lane is too narrow to allow cars to pass simultaneously.

- Thompson Lane has a width of 4.6 metres allowing cars to pass simultaneously.

The development will undermine recently installed traffic calming measures.

- Vehicle trips generated by nine additional dwellings will not undermine traffic calming measures.

There is only one street light which will be insufficient should these houses be built.

- This issue will be resolved at reserved matters stage.

The construction of new dwellings is unsustainable and money should be invested into refurbishing empty homes.

- The Local Planning Authority is obliged to determine planning applications as submitted and has no influence regarding how money should be spent or invested.

Information submitted with the application is vague.

- The information submitted with the application is vague because it is merely establishing the principle of development. Full details will be submitted with the reserved matters application which will be publicised separately allowing for the public to make further representations.

The development may set a precedent for developing other informal recreation spaces in the area.

- All planning applications are determined on their own planning merits and therefore the application would not warrant refusal for this reason.

The development will restrict visibility.

- The development will improve visibility as explained in the appraisal above.

No further dwellings should be supported in the area.

- The application would not merit refusal for this reason as the Replacement Unitary Development Plan earmarks Baildon/Shipley as being a first priority to locating development in the settlement hierarchy.

If the properties are rented they will not be maintained and will devalue other properties in the area to the detriment of existing residents.

- *This is not a planning issue for planning consideration.*

The Council is generating revenue at the expense of others.

- *This is not a planning issue for planning consideration.*

The development will result in major disruption during the construction phase.

- *Any disruption during the construction phase would be for a limited period and therefore it is not considered that the application would warrant refusal for this reason.*

Community Safety Implications:

The proposal raises no community safety implications of sufficient weight to warrant refusal (policy D4 of the RUDP).

Reason for Granting Planning Permission

The development is considered to be an efficient use of land, with an appropriate use and would have no significant adverse implications for community facilities, housing mix, neighbouring occupier's amenities, highway safety or visual amenity. Furthermore, no adverse biodiversity, community safety or drainage implications are foreseen. Consequently the development is considered to comply with policies UR2, UR3, H7, H8, TM2, TM11, TM19A, D1, D2, D4, D5, BH14, OS2, NE5, NE6, NR16, NR17A and P7 of the Replacement Unitary Development, national guidance in PPS1 and PPS3 and supplementary planning guidance contained within the revised House Extensions Policy Document.

Conditions of Approval:

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

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

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

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

3. The development hereby approved shall only be carried out in accordance with the amended plan received by the Local Planning Authority on 19th August unless subsequent reserved matter approvals indicate otherwise.

Reason: For the avoidance of doubt as to the terms under which this outline planning permission has been granted since amended plans have been received and to accord with Policy UR3 of the Replacement Unitary Development Plan.

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

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

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

6. The development shall not begin until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented in accordance with the approved details.

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

7. Surface water from the vehicle parking and/or manoeuvring areas shall be drained using trapped road type gullies which shall be installed before the development is brought into use.

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

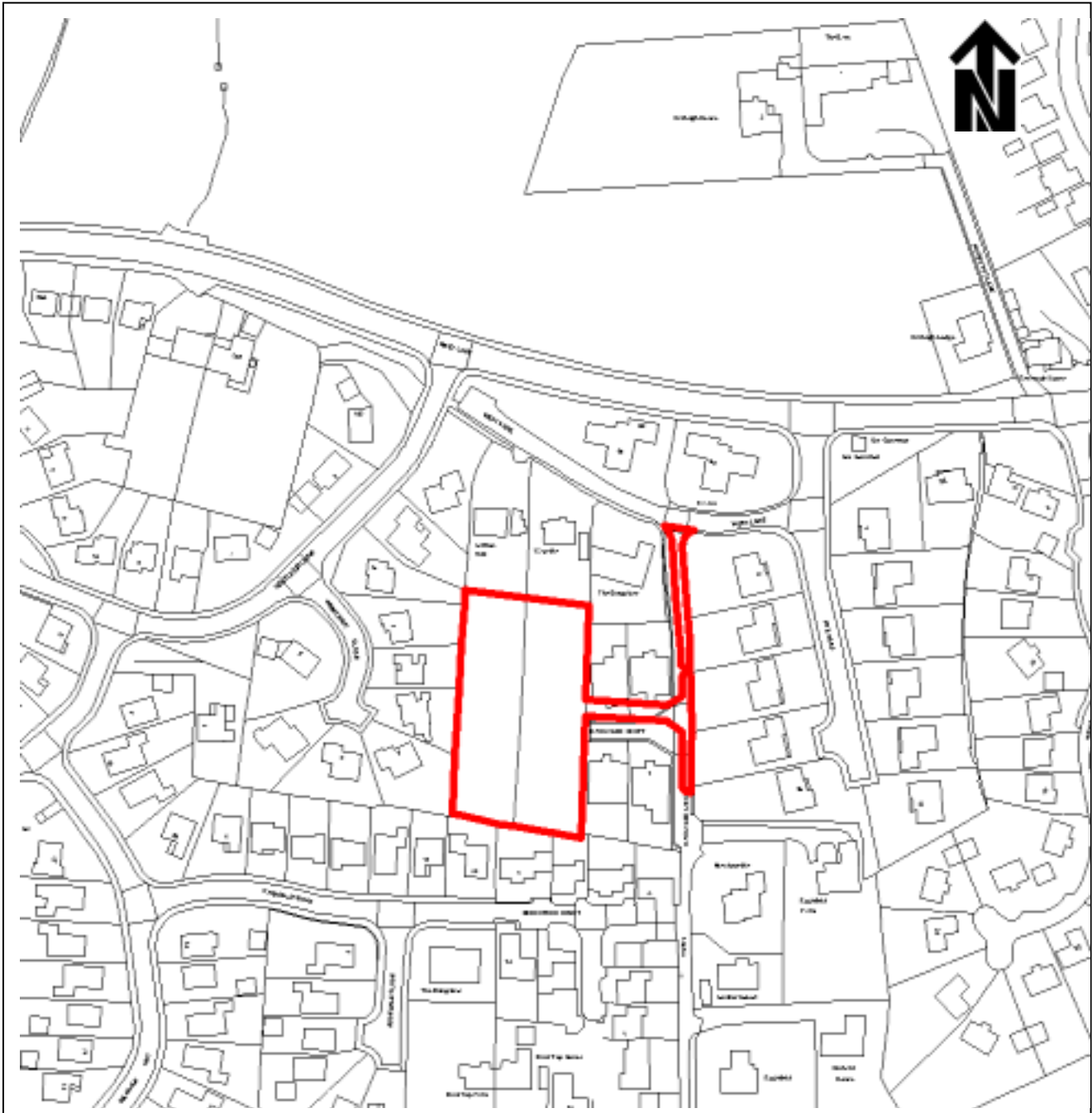
8. Prior to commencement of development on the site, full details of the proposed public sewer diversion shall be submitted to and approved in writing by the Local Planning Authority and the diversion scheme shall be implemented in accordance with the approved details prior to first occupation of the dwellings.

Reason: In the interests of pollution control and to accord with policies NR16 and UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

11/01041/FUL

8 September 2011



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<p>ITEM NO. : 9</p>	<p>LOCATION: Land West Of Hardaker Croft Baildon</p>
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8 September 2011

Item Number: 9

Ward: BAILDON

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:

11/01041/FUL

Type of Application/Proposal and Address:

A full application for the construction of four dwellings at land to the rear of Saffron Tuft and Wayside, West Lane and west of Hardaker Croft, Baildon.

Applicant:

Mr R Smallwood

Agent:

Mr J Steel

Site Description:

The site comprises of domestic gardens, rectangular in shape and measuring 0.25 ha. The site slopes gradually from north to south. The site has been cleared apart from a group of trees running along the western boundary of the site including a protected Ash tree.

Established housing is located to the west, north and south of the site along with a new development of four dwellings recently built to the east. Access to the site is proposed off Hardaker Lane.

Relevant Site History:

None

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated on the RUDP.

Proposals and Policies

UDP1 Promoting Sustainable Patterns of Development

UDP2 Restraining Development

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development

H7 Housing Density

H8 Housing Density Efficient Use of Land

TM2 Impact of Traffic and its Mitigation

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

D1 General Design Considerations

D4 Community Safety

D5 Landscaping

NR16 Surface Water Run Off and Sustainable Drainage Systems

National Guidance

Planning Policy Statement 1: Sustainable Development

Planning Policy Statement 3 (as amended): Housing
Planning Policy Statement 25: Flood Risk

Parish Council:

Baildon Parish Council: Record no comment for this application.

Publicity and Number of Representations:

The application was advertised through the posting of a site notice and individual neighbour notification letters. The statutory publicity period expired on the 5th of July 2011. The application received 11 individual letters of objection from local residents in addition to two objections from Baildon Ward Councillors and an objection from the constituency MP.

Summary of Representations Received:

The objections are summarised as follows:

Principle of development in gardens
Overdevelopment
Harm to residential amenity due to overshadowing and overlooking
Impact on protected tree, and loss of trees along boundary
Out of keeping/Visual intrusion/Impact on landscape
Poor access from highway threatens pedestrian safety
Inadequate parking provision leading to congestion locally
Drainage issues from development to properties to the south

The above concerns have been addressed in the appraisal below.

Concern was also expressed about noise during development: Some noise is to be expected during development and it does not form an adequate or material reason to refuse planning permission.

Consultations:

Drainage: Percolation test results and soakaway details required prior to development commencing. Also the development must be undertaken in a manner not to change the surface water flow patterns to adjacent landowners.

Highways: Conditions recommended.

Rights of Way: The applicant should be made aware of the standard right of way requirements during works on site. Any re-surfacing to Hardaker Lane should be finished with a topping of tar spray and stone chippings to give a good grip to horses.

Design and Conservation: The development will not impact on key views in and out of the Saltaire World Heritage Site.

Trees: It appears the majority of trees will be lost along the western boundary which although individually they are not significant they have a strong group value. Plots 6 and 7 are too close to the protected Ash tree.

Summary of Main Issues:

1. Principle
2. Density
3. Visual Amenity
4. Residential Amenity
5. Highway Safety
6. Trees
7. Drainage

Appraisal:

The application relates to the construction of four detached dwellings to the west of Hardaker Croft, Baildon. This development follows the recent construction of four dwellings to the east of the site which provides the access to this site.

Principle

The site is classed as greenfield land under the recent amendments to Planning Policy Statement 3: Housing (PPS3). Policy advice is that such sites should be utilised to meet demand for housing where development can be appropriately accommodated without detriment to local character and amenity. The site is located within the existing urban area of Baildon which is towards the top of the Council's Settlement Hierarchy and where new development can be sustainably accommodated with good access to existing infrastructure. With this in mind it is considered that the development of this greenfield site is acceptable in principle and that development complies with revised PPS3.

Density

The density of the proposed development would equate to around 16 dwellings per hectare. This falls short of the minimum density requirement of 30 contained within policy H7 of the RUDP. However the site is accessed via a bridleway which - although it has now been brought up to an adoptable standard – would likely mitigate against high density development. This lower density is also more in keeping with the character of the surrounding area and would therefore satisfy PPS3 more appropriately. There are also restrictions on the site which include the protected Ash tree and required facing distances to surrounding properties. In view of these factors, the proposed density is considered to be appropriate.

Visual amenity

The application relates to the construction of four large dwellings set opposite each other in the same formation as the recent development to the east. The dwellings proposed are significantly larger in footprint than the surrounding dwellings measuring between 15 and 17 metres in width. The height of the eaves proposed measure between 5 and 6 metres in height due to the slope of the land. The proposed dwellings seek to make use of the roof space by providing habitable rooms. Originally two housing types were proposed but due to facing distances and distance to the protected Ash tree the housing types were amended slightly. The main issue with the proposed dwellings in visual amenity terms relates to the mass which is significantly greater than surrounding properties. However whilst the proposed dwellings are large they are not located within a street of other housing types. The development is set within its own cul de sac which is located off Hardaker Croft which consists of other large bespoke dwellings measuring 11 and 12 metres in width. The adjacent developed site and this application site are located off Hardaker Lane which is off West Lane and subsequently whilst the individual dwellings are large they do not harm the character of a street scene.

The materials proposed include natural stone, blue slate and timber windows which match the materials approved on the adjacent site and are considered to be acceptable (subject to samples being provided). Appropriate boundary treatments include stone walls to the front of the dwellings and a 1.8 metre timber fence running along the western boundary of the development.

The proposal is considered acceptable in terms of visual amenity and in accordance with policies UR3 and D1 of the RUDP.

Residential amenity

In order to assess the impact on the amenity of neighbouring dwellings each plot will be assessed in turn.

Plot 5 is the largest dwelling proposed, however the impact on the surrounding dwellings is considered to be acceptable. A facing distance of 22 metres is achieved between first floor windows and a distance of 13 metres is achieved from the first floor rear window to the rear boundary of the plot. Furthermore given the difference in land levels a further measure was taken from the ground floor annex to the first floor windows of 2 Beechtree Court and this distance is 18.8 metres therefore it is considered the proposed development would not result in excessive overlooking to the existing dwellings to the south of the site. The position of the dwelling has also been amended to ensure that it does not break a 45 degree line from the front habitable window of the adjacent property to the east, this has been demonstrated on the plans.

Plot 6 is located to the rear garden of both 5 and 7 Westleigh Close and 15 Rosedale Close. A distance of 12.9 metres is achieved from the corner of 7 Westleigh Close to the gable end of plot 6 which is in line with guidance. The main concern is the overshadowing impact on the rear private amenity space of 5 Westleigh Close which also has a large protect Ash tree located in the garden. The proposed plot would cover 5 metres across the rear garden of 5 Westleigh Close and result in some overshadowing however it would only be for a short period of time and as such the development is not considered to result in an excessive amount of overshadowing to either 5 or 7 Westleigh Close. Furthermore plot 6 would not result in overbearing impacts to either 5 or 7 Westleigh Close as neither face directly onto this plot. In terms of facing distances between windows a distance of 21 metres is achieved to the original rear elevation of 15 Rosedale Close. However this property has been extended with a two storey extension to the rear with a habitable room at first floor. In order to avoid overlooking to this room the submitted plans were amended to include a bathroom window which would be opposite this neighbouring window. A condition is recommended that this window be obscurely glazed to avoid overlooking as there would be only 18 metres between the windows falling just short of the required distance. A distance of 13 metres is achieved from first floor rear windows to the rear boundary of the site. Distances of 19 and 20 metres are achieved between the front first floor windows of plot 6 and plot 7. Furthermore the development would not impact on the adjacent plot 5 as it would not break a 45 degree line from ground floor habitable room windows. Plot 6 would result in some overshadowing to 5 Westleigh Close but it is not significant enough to warrant refusal, as such plot 6 is considered to be acceptable in terms of residential amenity.

Plot 7 is located to the north of site to the south of Saffron Tuft and to the east of 3 Westleigh Close. A distance of 14 metres is achieved from the rear elevation of 3 Westleigh Close to the gable of plot 7 which is an acceptable distance to avoid any significant overbearing affects. There are no habitable room windows in the gable elevation therefore there is no overlooking concerns to 3 or 5 Westleigh Close. Plot 7 will result in some overshadowing in the morning, however again this is not significant enough to warrant refusal of the application. Plot 7 achieves a distance of 12.8 metres to the rear boundary and 29.5 metres between the first floor rear windows and the first floor rear windows of Saffron Tuft to the north of the site. Plot 7 will therefore not result in overlooking or significant overbearing or overshadowing to the rear amenity space of 1 and 3 Westleigh Close.

Plot 8 is situated between two properties and achieves a distance of 31 metres to the property to the north and 19 metres to the property to the south. Furthermore plot 8 does not result in any significant overshadowing or overbearing affects as it does not break a 45 degree line to the adjacent property shown as plot 2 on the plan. A distance of 16 metres is achieved from the rear windows of plot 8 to the rear boundary of the site again complying with policy.

Having assessed each plot in turn it is considered the proposed housing scheme satisfies the requirements of policies UR3 and D1 of the RUDP.

Trees

There is one protected Ash tree which is located in the rear garden of 5 Westleigh Close with the canopy hanging over the development site by 8 metres. This tree has now been accurately plotted on the amended site location plan and the trees which are not to be retained are also shown on the plan. There are a number of other smaller trees located along the western boundary of the site. Whilst these trees have an attractive group value they are not individually significant and, as they are not protected, could legitimately be removed at any time. Although the retention of this group of trees would benefit the development this cannot be insisted on due to the trees not being protected. The plans show protective tree fencing located outside the crown spread of the protected Ash tree and also that plots 6 and 7 would be located a minimum of 3 metres from the crown spread. A distance of 1.7 metres can also be achieved beyond the fencing which is considered to be sufficient to enough to physically construct the property. A condition is recommended that protective fencing is provided prior to works commencing. In terms of the light and perceived threat it is considered a sufficient distance is achieved from the proposed dwellings to the Ash tree and furthermore a sufficient outlook can be achieved from the closest windows onto the front drive area, particularly given the canopy starts at approximately 5 metres above ground level. Furthermore the plans show that there will be no significant change in land levels around the tree. In view of the information provided and the distance of the development to the protected Ash tree it is considered that the development satisfies the requirements of policies D1, D5, NE4, NE5, NE6 of the RUDP.

Highways

The development is proposed to be accessed via Hardaker Croft which is off Hardaker Lane. Hardaker Lane has been widened to an adoptable standard but is still a bridleway. Concerns have been raised regarding a potential impact on other users of the bridleway, in particular horse riders. It is not foreseen that the proposal will result in a significantly detrimental impact on other road users. Traffic calming measures have been put in place to control the speed of vehicles and visibility at the junction is adequate and it is not considered the increase in vehicles using the access will raise any highway safety issues.

The development proposes to provide access to the dwellings from a shared surface which is considered acceptable as it is only serving four dwellings. Each dwelling proposed can accommodate at least two vehicles within their curtilage and as such adequate parking is provided within the site in line with appendix C of the Council's RUDP. Furthermore it is not considered the increase in dwellings will have a significant impact on the surrounding road network. The development raises no highway safety concerns and as such complies with policies TM2, TM12 and TM19A of the RUDP.

Drainage

There will be no significant change in land levels around the boundary of the site which is demonstrated in the cross section plan P (1).09. Surface water drainage is proposed via a soakaway the details of which shall be provided prior to commencement of the development. If this is not feasible an alternative method shall be agreed prior to construction. There are no drainage concerns with the principle of development which, subject to conditions, satisfies RUDP policy NR16 and national PPS25.

Community Safety Implications:

There are no foreseen community safety implications and the development complies with RUDP policy D4.

Reason for Granting Planning Permission:

The proposed development of four detached dwellings on this land is considered to make an appropriate and efficient use of the site without harming the general character of the area. The development is considered to be acceptable in terms of visual and residential amenity and raises no drainage or highway safety concerns and demonstrates that the site can be developed without harming the protected tree within the site. In view of the above the development satisfies the requirements of policies UDP1, UDP2, UR2, UR3, H7, H8, TM2, TM12, TM19A, D1, D4, D5 and NR16 of the Replacement Unitary Development Plan and national guidance contained within Planning Policy Statement 1, Planning Policy Statement 3 and Planning Policy Statement 25.

Conditions of Approval:

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

Technical Layout 2202/1 received on the 7th of March 2011.

Location Plan Rev C

Amended existing site layout (1).11 REV D

Amended Existing and proposed sections 1007.P(1).09 REV D

Amended plot 5 elevations and floor plans L(5)01A_-_PLOT_5_PLANNING[1]

Amended plot 6 elevations and floor plans P(1).12 REV A

Received on the 5th of August 2011.

Amended Proposed site plan 1007.P(1).07 REV J

Received on the 22nd of August 2011.

Amended elevations and floor plans 1007.P(1).13 Plot 7

Elevations and floor plans 1007.P(1).08 rev A Plot 8

Received on the 23rd of August 2011

2. Notwithstanding the details shown on the submitted site location plan the development shall not begin, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until a Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2005) approved by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees 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, NE5 and NE6 of the Replacement Unitary Development Plan.

3. 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 1007.P(1).07 REV 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.

4. 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.

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

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

6. Prior to the development hereby permitted commencing on site, details of the position of the proposed soakaway, which cannot be within 5 metres of a building or public highway, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the approved soakaway being installed details of the results of the percolation tests (conducted in accordance with Building research Establishment Digest No. 365) and subsequent design details (in accordance with the same document) of the soakaway shall also be submitted to and approved in writing with the Local Planning Authority. The development shall then be carried out in full accordance with the approved details.

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

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

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

8. 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.

9. 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,B,C and E of Parts 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.

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

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

11. The side elevation windows in plots 5, 7 and 8 and the side elevation windows and rear bathroom window in plot 6 hereby permitted shall be glazed in obscure glass prior to the first occupation of the building/extension and thereafter retained as shown on the approved plans.

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

12. Any gates to be constructed as part of the development shall not open over the highway.

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

Footnote:

If essential works mean that the public right of way cannot be kept open because of safety hazards, a temporary diversion or closure order must be obtained. Please contact Mr David Greenwood on (01274) 432046 for details.

If work alongside the public footpath presents a danger to path users, the affected section should be fenced off with safety netting.

Even if planning permission is granted, no new stiles, gates, barriers or other structures can be erected on or across a public right of way without prior approval from the Council's Rights of Way Section. The requirements of the Disability Discrimination Act must be considered.

The surface of the footpath should not be disturbed, however, if damage to the public footpath is caused by development works it must be promptly repaired by the applicant at their expense. If any changes are proposed that would affect the surface in any way these must be approved, in advance, by the Rights of Way Section.

The affected public footpaths/bridleways must not be obstructed by any plant, materials or equipment. Even the temporary storage of materials on the footpath is not permitted. Any obstruction of the route constitutes an offence under the highways act 1980 and will be pursued accordingly.

Throughout the period of development, the line of the footpaths must be indicated on site. If building works remove features that would enable users to find footpath the line of the footpath must be clearly indicated by some other means, as this will help minimise conflict and difficulties on site.
