

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (SHIPLEY) to be held on 20 October 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.	11 Park Way Menston Ilkley West Yorkshire LS29 6LR - 11/02515/HOU [Approve] (page 1)	Wharfedale
2.	16 Eastwood Crescent Cottingley Bingley West Yorkshire BD16 1NW - 11/01955/HOU [Approve] (page 6)	Bingley Rural
3.	Doe Park Reservoir Doe Park Foster Park View Denholme West Yorkshire - 11/02875/FUL [Approve] (page 13)	Bingley Rural
4.	31 Dene Bank Bingley West Yorkshire BD16 4AR - 11/03029/HOU [Refuse] (page 20)	Bingley
5.	Farview Fishing Lakes Lee Lane Wilsden Bingley West Yorkshire - 11/03970/FUL [Refuse] (page 26)	Bingley Rural
6.	Land At Grid Ref 410880 439528 Alexander Fold Bingley West Yorkshire - 11/02650/FUL [Refuse] (page 32)	Bingley

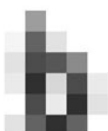
Julian Jackson
Assistant Director (Planning)

Report Contact: Ian Wilson
Phone: 01274 434605

Email: ian.wilson@bradford.gov.uk

Portfolio:
Environment and Culture

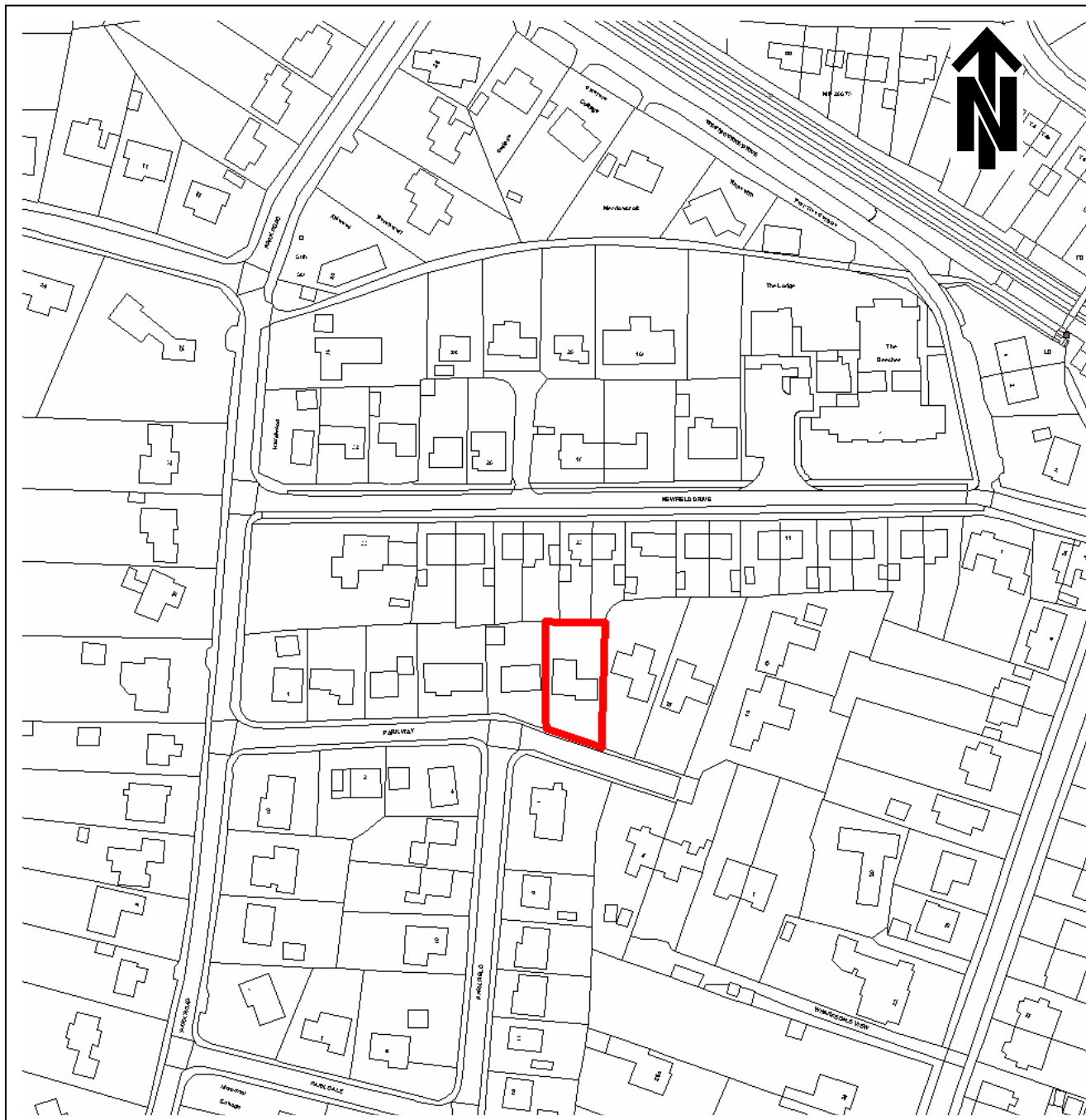
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

11/02515/HOU

20 October 2011



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<p>ITEM NO. : 1</p>	<p>LOCATION: 11 Park Way Menston Ilkley</p>
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20 October 2011

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

Application Number:
11/02515/HOU

Type of Application/Proposal and Address:

Extension and remodelling to the ground floor of an existing bungalow with the addition of a new first floor.

Applicant:

Mr Peter Binns

Agent:

Not applicable

Site Description:

The application dwelling is a detached bungalow constructed of natural stone and render surmounted by a tiled roof. The surrounding area is of a residential character and is predominantly made up of two storey detached dwellings constructed of similar materials to the application property. The application property is not located within a conservation area and is not a listed building. The application site does not contain any protected trees.

Relevant Site History:

10/05702/HOU- First floor development over existing bungalow-Withdrawn-12.01.2011

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated on the RUDP.

Proposals and Policies

Relevant policies are:

UR3 – Local Impact of Development

D1 - General Design Considerations

TM19A – Traffic Management and Road Safety.

Further supplementary planning guidance is contained in the approved, revised House Extensions Policy (2003).

Parish Council:

Menston Parish Council object on the grounds that the proposal overshadows the properties at 13, 21, 22 and 23 Newfield Drive.

Publicity and Number of Representations:

The application was publicised by neighbour notification letters. The expiry date for receipt of comments was 6th July 2011. Four letters of objection were received in connection with the application including a letter from a local ward councillor who refers the application to Panel if recommended for approval.

Summary of Representations Received:

Material planning objections are summarised as follows:

1. The proposal will be out of keeping with the appearance of the street scene being overbearing and over dominant.
2. The proposal will result in the overshadowing and overlooking of neighbouring properties.

Consultations:

None required or undertaken.

Summary of Main Issues:

The main issues for consideration are

- i) impact on visual amenity
- ii) impact on residential amenity
- iii) impact on highway and pedestrian safety

Appraisal:

Visual Amenity

In terms of materials the proposed ground and first floor extensions are considered to be acceptable as they would match the host dwelling and so comply with policy 1 of the Revised House Extensions Policy.

The size and design of the proposed ground and first floor extensions are considered acceptable. The ground floor extension would provide an open plan kitchen/dining area to serve the dwelling. The extension would be located to the rear of the property and would not be prominent in the public domain. This aspect of the proposal is considered to be of an acceptable size in relation to the host property. It would provide an improved level of uniformity to the rear elevation of the dwelling, compliant with policy D1 of the Replacement Unitary Development Plan.

The submitted "street view" drawing indicates that the height of the first floor extension would respect the staggered nature of the roof heights evident at neighbouring dwellings due to the change in land levels within the street scene. The use of a double hipped roof is acceptable given the variety of roof forms already existing in the street. In this context the design and height of the roof would not appear obtrusive.

The extension would include a setback at first floor level to the east side of the frontage which would be of acceptable appearance. The fenestration to this first floor extension is in keeping with that to the ground floor and appropriate in the context of neighbouring properties. As such the size and design of the first floor extension are considered to be appropriate. No unacceptable detriment to visual amenity in the immediate or wider context is foreseen. The development therefore accords with policies 1 and 2 of the Revised House Extensions Policy and policy D1 of the RUDP.

Residential Amenity

In terms of residential amenity the proposed development is considered to be acceptable. The proposed first floor extension would include five bedroom windows in the south-facing elevation. These windows would not have an unrestricted view within 21 metres of the habitable room windows, or within 10.5 metres of the rear boundary of any neighbouring dwelling and no adverse overlooking implications are foreseen.

To the rear (north) the proposal includes the introduction of three first floor habitable room windows. Objection has been received regarding the overlooking of 21 and 23 Newfield Drive from these windows. However the windows would be set 12.5 metres from the rear boundary of 21 Newfield Drive and approximately 31 metres from the rear habitable rooms of that property. In respect of No.23 Newfield Drive the proposed development would be separated from the rear boundary by 11.2 metres and from the rear elevation of the dwelling by 28.3 metres. It is noted that there is a moderate change in land levels between the application site and properties on Newfield Drive however, and despite this, the separation distances are considered sufficient to ensure that no unacceptable overlooking will occur. The proposal therefore complies with policies 7a and 7b of the Revised House Extensions Policy and policy UR3 of the RUDP.

To the east elevation one ground floor window (utility) and two first floor windows (en-suite bathrooms) are proposed, all of which are to be glazed in obscure glass to avoid overlooking 13 Park Way. A bathroom window in the west elevation of the first floor extension serving the main house bathroom would be similarly obscured.

The proposed first floor extension would increase the height of the application property by 4.1 metres, rising to an overall height of 9.6 metres. It is noted that the application site is located South of both 21 and 23 Newfield Drive. However, given the separating distances noted above, the proposed development would not result in any adverse overshadowing or overbearing impact on the rear amenity space of the adjoining dwellings. The proposal therefore complies with RUDP policy UR3.

Highway and Pedestrian Safety

The proposed development does not alter the existing site access or parking provision. No adverse highway or pedestrian safety implications are therefore foreseen, compliant with policy TM19A of the Replacement Unitary Development Plan.

Community Safety Implications:

No adverse community safety implications are foreseen.

Reason for Granting Planning Permission:

The proposed development is considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the development on neighbouring properties has been assessed and it is considered that it would not have any significant adverse impact upon the residential amenity of their occupants. No adverse highway or pedestrian safety implications are foreseen. As such the proposal is considered to be in accordance with Policies UR3, D1 and TM19A of the Councils Replacement Unitary Development plan and supplementary planning guidance contained within the Revised House Extensions Policy.

Conditions of Approval:

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

Proposed Roof Plan, Location and Site Plan-dated 11.07.2011
Proposed Plans-dated 10.07.2011
Proposed Elevations- dated 10.07.2011
Proposed Street View- dated 10.07.2011
Sections- Dated 10.07.2011

Received by the Council on 27.07.2011

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

2. The development hereby permitted shall be constructed of facing and roofing materials to match the existing building as indicated 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the East or West facing elevations of the extension 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.

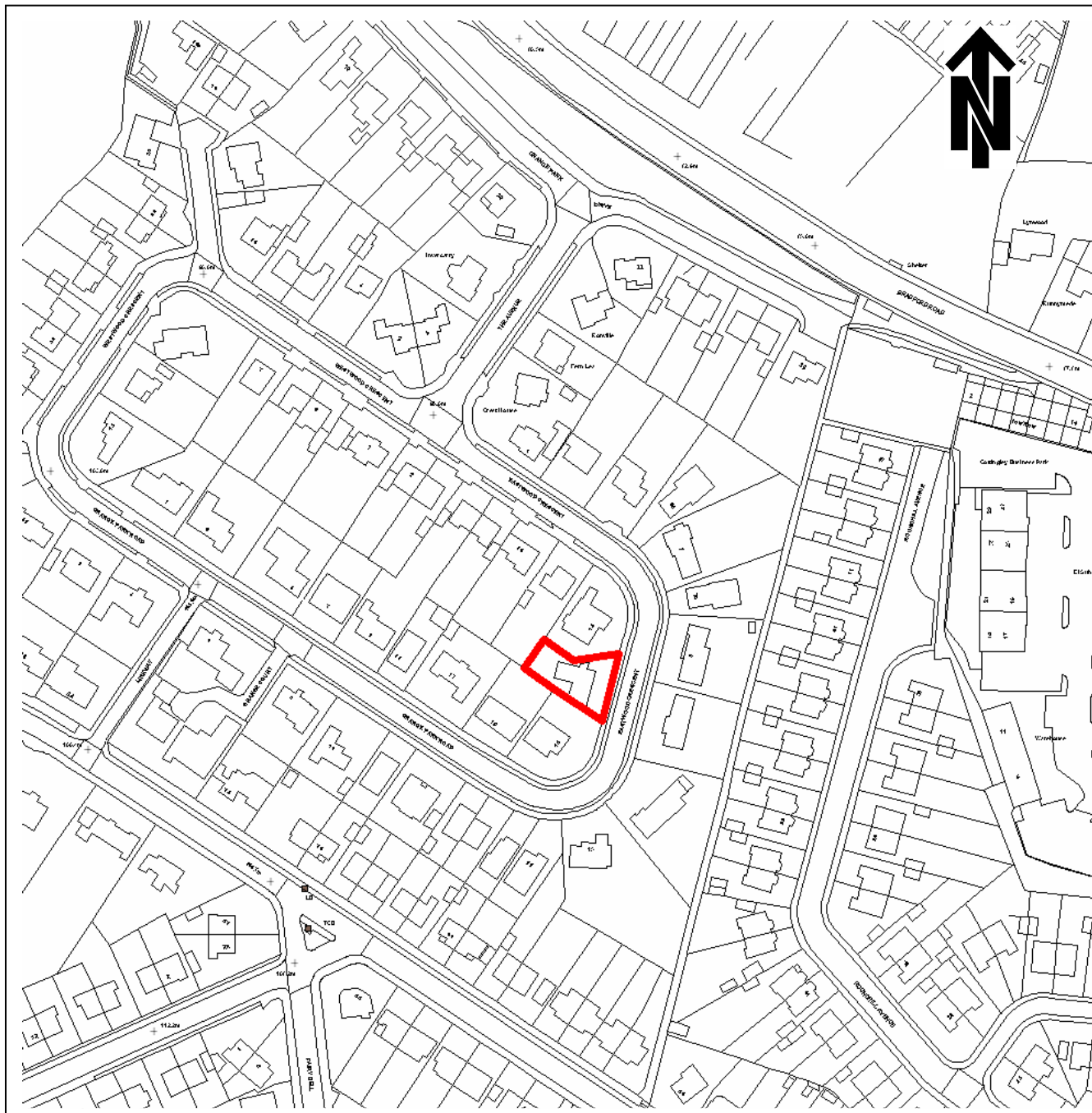
4. The ground floor utility room window and first floor en-suite window in the East elevation of the extension as well as the bathroom window in the West facing elevation of the extension hereby permitted shall be glazed in obscure glass prior to the first occupation of the extension and thereafter retained.

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

Area Planning Panel (Shipley)

11/01955/HOU

20 October 2011



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ITEM NO. : 2

LOCATION:

**16 Eastwood Crescent
Cottingley
Bingley**

20 October 2011

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

Application Number:
11/01955/HOU

Type of Application/Proposal and Address:

Householder application for the construction of; a pitched roof to the two storey flat roof extension on the southern wing of the application property; infilling to the first floor front of the two storey flat roof extension on the southern wing to replace the balcony with a larger bedroom; part single storey part two storey extension to the north side of the existing dwelling; proposed single storey rear ground floor extension (for wc) at 16 Eastwood Crescent, Cottingley, Bingley.

Applicant:

Mr M R Moghul

Agent:

Mr Usman Hafejee

Site Description:

The application property is a two storey dwelling built during the 1960's. The property is finished in a mixture of stone and render and has brown concrete tiles. Part of the dwelling has a flat roof. The property is located in a residential area comprising a mix of single and two storey dwellings of various designs and materials.

The neighbouring property to the north – 14 Eastwood Crescent – has been purchased by the applicant and it is proposed to re-locate the boundary between the two properties to accommodate the extension on the north side of the dwelling.

Relevant Site History:

09/01745/HOU Construction of two storey side and rear extension. Refused 11.06.2009 on the following grounds:

1. The proposed side extension would introduce a first floor window which would overlook the rear amenity space at no. 19 Grange Park Road. As such it would be detrimental to the amenity and privacy of existing and future residents and would be contrary to the Supplementary Planning Guidance contained within the Council's Revised House Extensions Policy, and Policy UR3 of the Replacement Unitary Development Plan.

2. The proposed extensions would constitute an overdevelopment of the site which owing to their height and proximity to the site boundaries would result in loss of light to and loss of outlook from habitable room windows of the adjoining properties at no's 14 and 18 Eastwood Crescent, and 19 Grange Park Road. Furthermore the proposed extensions would be overbearing in relation to the private amenity space of these neighbouring properties. As such the proposals would be detrimental to the residential amenity of the occupants of these neighbouring properties and be contrary to Policy UR3 of the Replacement Unitary Development Plan and the Supplementary Planning Guidance contained within the Revised House Extension Policy.

09/03441/HOU Construction of two storey side and single storey rear extension. Withdrawn 17.09.2009

09/04531/CLP Construction of single storey extension to side and rear. Approved 19.11.2009

10/03617/HOU Construction of side extension, single storey rear extension, new roof and external works. Refused 10.09.2010 on the following grounds;

1. The proposal is an overdevelopment of an already constrained site because there is insufficient area within the curtilage to provide adequate space or open amenity. The proposal would also, owing to its height and proximity to the site boundaries, result in the formation of an overly dominant form within the street scene. The proposal is therefore contrary to the Supplementary Planning Guidance contained in the Revised House Extensions Policy and to Policies D1 and UR3 of the Replacement Unitary Development Plan.
2. The proposed two storey extension would introduce a first floor window on the rear elevation which would have an unrestricted view to the rear amenity space at no. 12 Eastwood Crescent. As such it would be detrimental to the amenity and privacy of existing and future residents and would be contrary to the Supplementary Planning Guidance contained within the Council's Revised House Extensions Policy, and Policy UR3 of the Replacement Unitary Development Plan.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

D1 - General Design Considerations

UR3 - The Local Impact of Development

Supplementary Planning Guidance – Revised House Extensions Policy.

Parish Council:

Not Applicable

Publicity and Number of Representations:

Advertised by neighbour notification letters. Expiry date for representations 06 June 2011.

Three representations made by neighbouring residents and one representation received by the District local ward Councillor.

Summary of Representations Received:

The Ward Councillor has requested that the application be determined by the Planning Panel if it is recommended for approval as the proposal represents overdevelopment of the site and will have a significant, detrimental impact on neighbouring property.

Neighbour representations:

Adverse effect on wildlife.

Impact on landscape.

Loss of privacy – overlooking of neighbours sunroom, garden, bedroom and kitchen (19 Grange Park Avenue).

Loss of trees.

Loss of visual amenity- impact on outlook from much used conservatory (19 Grange Park Avenue).

Out of keeping with surroundings.

|Overshadowing/Loss of daylight (19 Grange Park Avenue).

Overshadowing of garden (18 Eastwood Crescent).

Inadequate parking provision – for future residents, construction vehicles and construction site workers.

Poor unsuitable vehicular access.

Traffic and pedestrian safety.

Traffic congestion – construction vehicles could cause obstruction and hazards.

Visual intrusion.

Overdevelopment of constrained site.

Overbearing towards the surrounding occupants.

Potential damage to party wall and property during excavations.

Consultations:

None.

Summary of Main Issues:

1. Impact on local environment
2. Impact on neighbouring occupants
3. Impact on highway safety
4. Impact on community safety

Appraisal:

Impact on local environment

The incorporation of the pitched roof and front first floor extension to the south wing will improve the appearance of the property.

The part single storey part two storey extension on the northern side of the dwelling will reflect the style of the existing dwelling. This extension will add to the width of the dwelling which will fill almost the whole width of the site. A gap of 2m will be maintained from the northern boundary which has been re-positioned. However, there are a number of dwellings in the area which are as wide as the proposed application property and which fill the width of the plot so the development will not be out of character with the area.

The small rear extension is of an appropriate design and will not be visible outside the site.

The proposed extensions are to be finished in stone to the front elevation and render to the sides and rear to match the existing dwelling and have matching roof tiles.

There are no trees on the site which would be affected by the development.

It is not considered that the extensions will harm the local environment and in this respect the development accords with policies UR3 and D1 of the Replacement Unitary Development Plan.

Impact on neighbouring occupants

The main addition – the part two storey and single storey side extension - is located on the northern side of the dwelling adjacent to a bungalow which is in the applicants ownership. The plan has been altered so that the two storey part of the extension does not impinge on the outlook from the front window of this bungalow. The first floor rear window, which was a reason for refusal of the previous application, has been omitted. Views from the ground floor rear window are limited by existing boundary screening to the rear.

The front extension over the existing balcony will not affect the neighbouring property to the south which has had an extension almost up to the boundary with the application property and which is set forward of the front wall of No.16.

The proposed pitched roof will increase the height of the southern wing of the dwelling by 1.3m at the highest point. No. 18 Eastwood Crescent has ground and first floor rear windows facing towards the section of No.16 which is to be re-roofed at a distance of 10m. In view of the modest increase in height, the distance between the roof and neighbours windows and the fact that the highest part of the proposed roof is offset from the neighbours windows it is not considered that the impact on the outlook from No.18 will be significantly harmed. There will be no overshadowing from this addition as the building is located to the north of No. 18's garden.

The roof extension will also be visible from the rear windows of No. 19 Grange Park Road. However, it is offset from this property and the rear facing windows at No. 19 will be in the region of 13m from the roof extension. It is not considered that the roof addition will harm the outlook from this neighbouring dwelling.

The small single storey rear extension is of modest size and set far enough away from the garden and windows of neighbouring properties not to cause any harm to outlook or cause any loss of light or overshadowing.

Impact on highway safety

There is currently only one car parking space on the site and the plans indicate that it is proposed to increase this to two which is adequate for a single residential dwelling. Concern has been expressed about the potential for construction traffic to create a hazard for other road users. The developer is responsible for ensuring that he and his employees do not obstruct the highway and refusal of consent for a house extension could not be justified on this basis.

Community Safety Implications:

There are no apparent community safety implications.

Reason for Granting Planning Permission:

The proposed extensions are considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the extensions upon the occupants of neighbouring properties has been assessed and it is considered that they will not have a significant adverse effect upon their residential amenity. There are no highway safety implications. As such this proposal is considered to be in accordance with Policy UR3 and D1 of the Replacement Unitary Development Plan and the Revised House Extensions Policy.

Conditions of Approval:

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

Approved Plans

0091/Dwg 01 dated 16th July 2010 Existing plans and revised red line boundary received by the Council on 28th April 2011

0091/Dwg 02G dated 22nd July 2011 Proposed plans and elevations received by the Council on 25th July 2011

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

2. The development hereby permitted shall be constructed of facing and roofing materials as specified on the submitted application.

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the extensions 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 and D1 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.

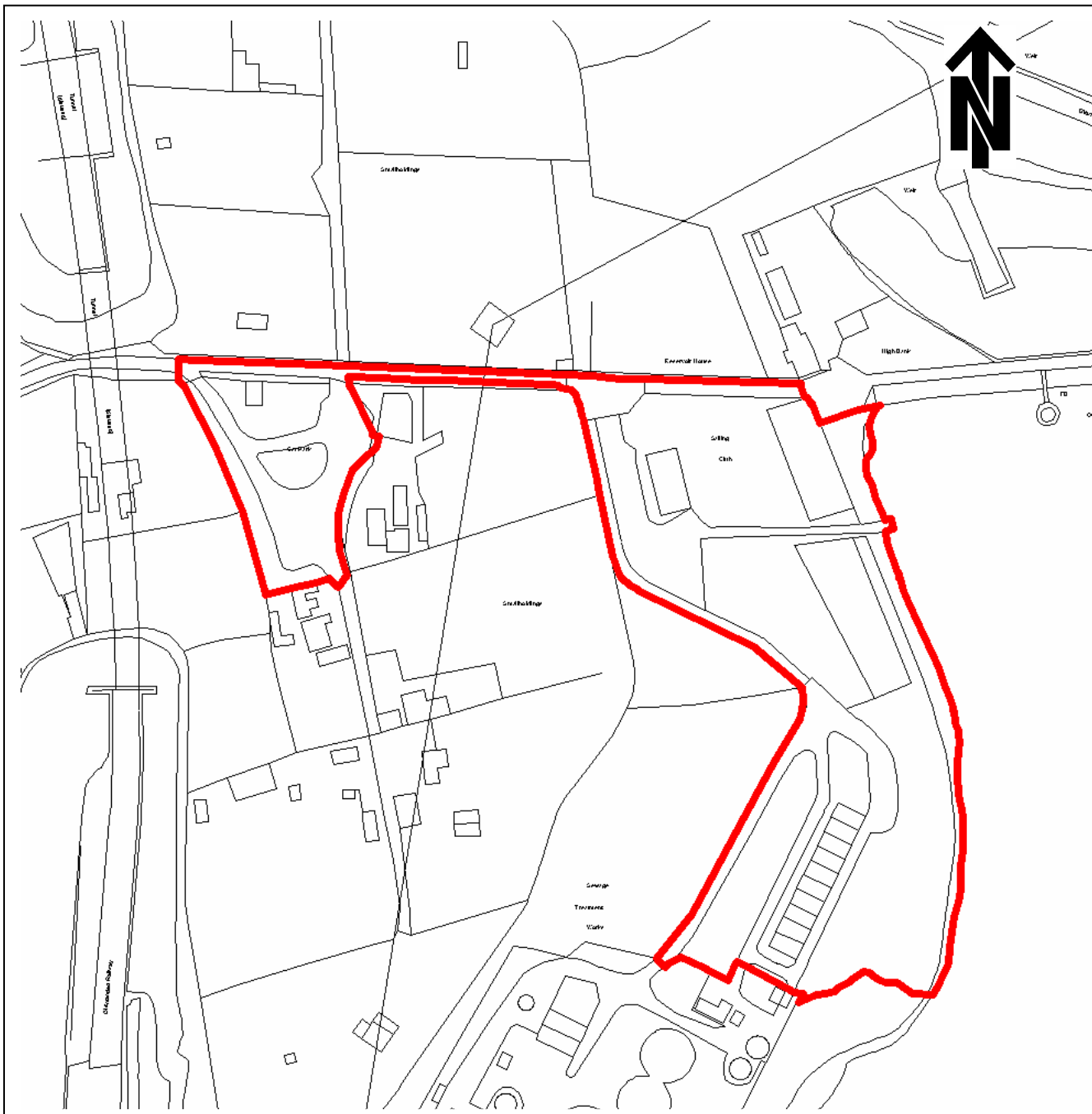
5. Prior to commencement of development the boundary separating No.s14 and 16 Eastwood Crescent shall be re-located in the position shown on the approved plan and maintained in this position thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the visual amenities of the area by retention of a gap between the development and the boundary and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

11/02875/FUL

20 October 2011



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ITEM NO. : 3

LOCATION:

**Doe Park Reservoir
Doe Park
Foster Park View
Denholme**

20 October 2011

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

Application Number:
11/02875/FUL

Type of Application/Proposal and Address:

Extension to existing changing facilities, new boat maintenance area and classroom/stores, overflow car park and access road improvements, and use of land for mountain bike training area and high ropes course at Doe Park Reservoir, Denholme.

Applicant:

Doe Park Water Activities Centre

Agent:

COG Architecture

Site Description:

Doe Park Reservoir is an established water sports centre located on the edge of Denholme village. The site lies within the green belt and the reservoir is designated a Bradford Wildlife Area. The centre currently has a visitor and staff centre, boat store and car parking area. Footpaths pass to the eastern edge of the reservoir and cross the dam wall to the north.

Relevant Site History:

09/00626/FUL – Siting of two containers adjacent to existing club house, granted 9th April 2009.

Replacement Unitary Development Plan (RUDP):

Allocation

Greenbelt

Proposals and Policies

GB1 – New Building in the Green Belt
GB2 – Siting of New Building in the Green Belt
UR3 – The Local Impact of Development
D1 – General Design Considerations
NE9 – Other Sites of Landscape or Wildlife Interest
TM2 – Impact of Traffic and its Mitigation
TM19A – Traffic Management and Road Safety

Parish Council:

Denholme Town Council (DTC) appreciate the need for development and upgrading of facilities at this site but are concerned at the excessive scale of the proposed development which they consider disproportionate given the size of the site. They refer the application to Panel in the event of a positive officer recommendation.

The Town Council consider that vehicular access improvements would be required as a matter of urgency if the development went ahead. Parking provision would not likely be sufficient given the number of visitors that could be attracted, and who would have a detrimental impact on the amenity of nearby residents.

There is concern about security at the site and a fear that it would become a haven for anti social activity. Concerns are also raised about any potential café/shop facility and that any such facility should be subject to controlled hours of operation to reduce disturbance around the site.

Concern is also raised about overlooking and noise implications for adjacent properties.

The Town Council consider that the proposal should be referred to the Environment Agency for comment and query whether sufficient funding to complete the development is available.

Publicity and Number of Representations:

The application has been publicised by way of neighbour notification letters, site notice and advertisement in the local press, with an overall expiry date for comments to be received of 5th August 2011. One letter of representation has been received relating to the application, not in objection but listing points for consideration.

Summary of Representations Received:

Points to be considered include car park and road surfacing, hours of operation of the centre, and site security.

Consultations:

Highways – No objection subject to detailing of overflow car park arrangements; resurfacing and proper drainage of the access road; appropriate signing; and cycle connections to the Great Northern Trail being shown on a plan.

Drainage – No objection. Details required regarding sustainable drainage.

West Yorkshire Ecology – Raise concern regarding increased use of the reservoir and the new developments to the west of the site. Request conditions to require a management plan and wildlife enhancing landscaping scheme.

Yorkshire Water – No objections. No impact on sewers crossing the site from the adjacent treatment works.

Great Northern Railway Trail – Support the proposal

Summary of Main Issues:

1. Principle - Green Belt
2. Visual Impact in the Green Belt
3. Highway Safety and Parking
4. Impact on neighbouring amenity
5. Impact on Wildlife

Appraisal:

The proposal is for expansion of the facilities on offer at this established water sports and activity centre which has been on site since 1988. The proposal includes extending the existing clubhouse, an improved boat store and maintenance area, two separate classrooms, a mountain bike and bmx style 'pump track', high ropes course, and improvements to the access road and overspill parking provision. (At this stage a detailed design has not been submitted for the high ropes course or the BMX bike track).

Principle of use

The site lies within the designated green belt and is an existing outdoor sports/leisure and recreation facility. The proposal to expand the facilities on offer can be supported in terms of RUDP policy GB1 and national guidance contained within PPG2 since they are considered as additional essential facilities for outdoor sport and recreation.

Visual Impact within the Green Belt

Where development is considered appropriate in principle, RUDP policy GB2 requires that it be appropriately sited to minimise any harmful impact to the visual amenity of the green belt.

The proposed extension to the existing clubhouse would provide improved changing and training facilities. The siting of the existing clubhouse predetermines the location of the new extension in the landscape which, in this context, is appropriate. A proposed paved area and retractable canopy would allow for additional sheltered outdoor group space, presentations and events. The sensitive design would improve the appearance of the current building and have minimal visual impact from any wider views.

The site is steeply sloping from the clubhouse and car park down to the reservoir and existing boat storage area. The proposal includes a new workshop, classroom and storage facility adjacent to the existing compound. The building would be set largely within the bank and utilise a green roof to minimise its appearance within the site.

Two further classroom facilities are proposed towards the south of the site close to the treatment works. The classrooms are sensitively sited and would not be unduly prominent given their modest scale and single storey design. One is proposed to be used in connection with and sited adjacent to an area for mountain bike and bmx training and a dedicated 'pump track' (i.e. a short bmx style race track formed with rollers and beams. Also a small mountain bike skills loop facility). Detailed design has not been provided at this stage and the exact design and extent of earthworks should be reserved by condition to ensure satisfactory integration into the landscape.

A further classroom would be used in connection with and sited adjacent to a 'High Ropes Course'. This would consist of a climbing/abseiling tower including internal and external routes, team development area, and a two-level continuous-rail obstacle course. Again a detailed design has not yet been devised but the proposal would be some 30 metres in length, 10 metres wide and 13 metres high. The structures would typically be timber poles rigged with rope. Whilst being fairly prominent in the immediate landscape, this structure would be sited adjacent to a water treatment works and close to overhead power lines. Any harm in terms of visual amenity is considered to be mitigated by the benefit of an additional facility for outdoor sport and recreation. Final detailed design should be subject to condition.

Other proposals include improvements to an unmade overspill parking area higher up the valley side which currently serves a number of small holdings and garages. Improvements would be made to the existing unmade ground parking area, further; the existing access road to the reservoir is to be resurfaced. These proposals would have no additional impact in terms of harm to the appearance or openness of the green belt.

Highway Safety and Parking

The proposal would increase the capacity of the centre and accordingly, provision has been put forward to accommodate additional traffic with an overspill car park and access road improvements.

Concern has been raised regarding existing difficulties relating to the access road and that the proposals would intensify traffic generation at the centre. The Council's Highways Development Control Section has commented on the application.

No objections are raised but conditions are recommended regarding surfacing and draining the access road, the provision of appropriate signage to ensure that visitors park only within the designated car parking areas, and that cycle connectivity to the adjacent great north trail is secured.

With suitable conditions attached the proposal would meet the requirements of policies TM2 and TM19A of the RUDP.

Impact on Neighbouring Amenity

One house, situated adjacent to the reservoir dam wall, is relatively closely related to the centre (40 metres). The proposed clubhouse extension would be located some distance from this property however, and it is not considered that the extended facilities would lead to any unacceptable detriment to residential amenity for occupiers of that dwelling.

The other proposed facilities would not be located any nearer to residential dwellings than the reservoir sailing area and as such the proposal would not introduce any significant concerns with respect to increased noise and disturbance.

Hours of operation for the site could potentially be controlled by condition if considered appropriate and necessary to maintain residential amenity. However the proposals are unlikely to introduce any significant change over and above the well established sport and activity facility. Accordingly the proposal would not be harmful to the residential amenity of neighbouring properties and accords with the objectives of RUDP policies UR3 and D1.

Impact on Wildlife

The reservoir itself is designated as an area of local nature conservation value. RUDP policy NE9 states that where development is permitted which would damage the nature conservation value of the site such damage should be kept to a minimum. Further, conditions regarding suitable mitigation and or compensation measures should be considered.

Comment has been received from West Yorkshire Ecology (WYE) which states that the extension to the clubhouse to provide improved changing facilities would be located suitably far enough away from the shore to have any impact. Concern is raised regarding the intensification in use of the reservoir and that it might cause disturbance for wetland birds at the site. WYE note that the proposed bike and rope tracks are much closer to the reservoir shore than the clubhouse. Accordingly, they recommend conditions requiring a nature conservation enhancement landscaping scheme and habitat management plan. Subject to these conditions, the proposal would acceptably accord with the requirements of national Planning Policy PPS9 and local RUDP Policy NE9.

Other issues

Comment and concern has been raised regarding the potential for the proposals to introduce the potential for the site becoming a 'haven' for anti social behaviour.

The potential abuse of the facilities and any anti social behaviour is not considered to be justifiable reason upon which to refuse the planning application. Separate legislation is in place to control and deal with issues relating to anti - social behaviour at the site.

Denholme Town Council comments that the proposal should be referred to the Environment Agency for their comments. The proposed development falls outside of any flood risk areas so as such there is no requirement for Flood Risk Assessment. Details of a drainage scheme for the proposals have been recommended by the Councils Drainage section to be reserved by condition.

For the above reasons it is recommended that planning permission be approved subject to the following conditions.

Community Safety Implications:

None.

Reason for Granting Planning Permission:

The development is considered to provide essential facilities to support outdoor sporting and recreation use of the site. It is considered that the proposed development is acceptable in terms of its appropriateness and impact on the green belt and local visual and residential amenity. The development with appropriate conditions attached will not have a detrimental impact upon the nature conservation value of the site and that Highway Safety concerns will not arise. Accordingly the proposal meets the requirements of Policies GB1, GB2, TM2, TM19A, NE9, UR3 and D1 of Bradford's Replacement Unitary Development Plan (2005).

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:

Drawing Number: 021/PL 01 - Location Plan

Drawing Number: 021/PL 02 - Existing Clubhouse Plans and Elevations

Drawing Number: 021/PL 10 A - Proposed Site Plan

Drawing Number: 021/PL 11 A - Proposed Clubhouse Extension Ground Floor and First Floor Plan

Drawing Number: 021/PL 12 A - Proposed Clubhouse Extension Elevations

Drawing Number: 021/PL 13 - Proposed Classrooms Plans and Elevations

Drawing Number: 021/PL 14- Proposed Boat Store Plans and Elevations

Drawing Number: 021/PL 15- Proposed Boat Store Elevations

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

3. Prior to the development being brought into use, a plan detailing the overflow car park arrangements; resurfacing and proper drainage of the access road; appropriate signing; and cycle connections to the Great Northern Trail being shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To accommodate any intensification in the use of the facility and to comply with Policies TM2, and TM19A of the replacement Unitary Development Plan.

4. Prior to work commencing on the mountain bike training loop, BMX course and high rope course, full detailed design showing the exact designs, structures and extent of earthworks should be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory integration into the landscape and to comply with the Policy GB2 of the replacement Unitary Development Plan.

5. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The submission will provide for sustainable drainage techniques, or will provide evidence, based on site investigations, to show that such techniques cannot be used on the site. The drainage scheme so approved shall thereafter be implemented prior to the occupation of the development.

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

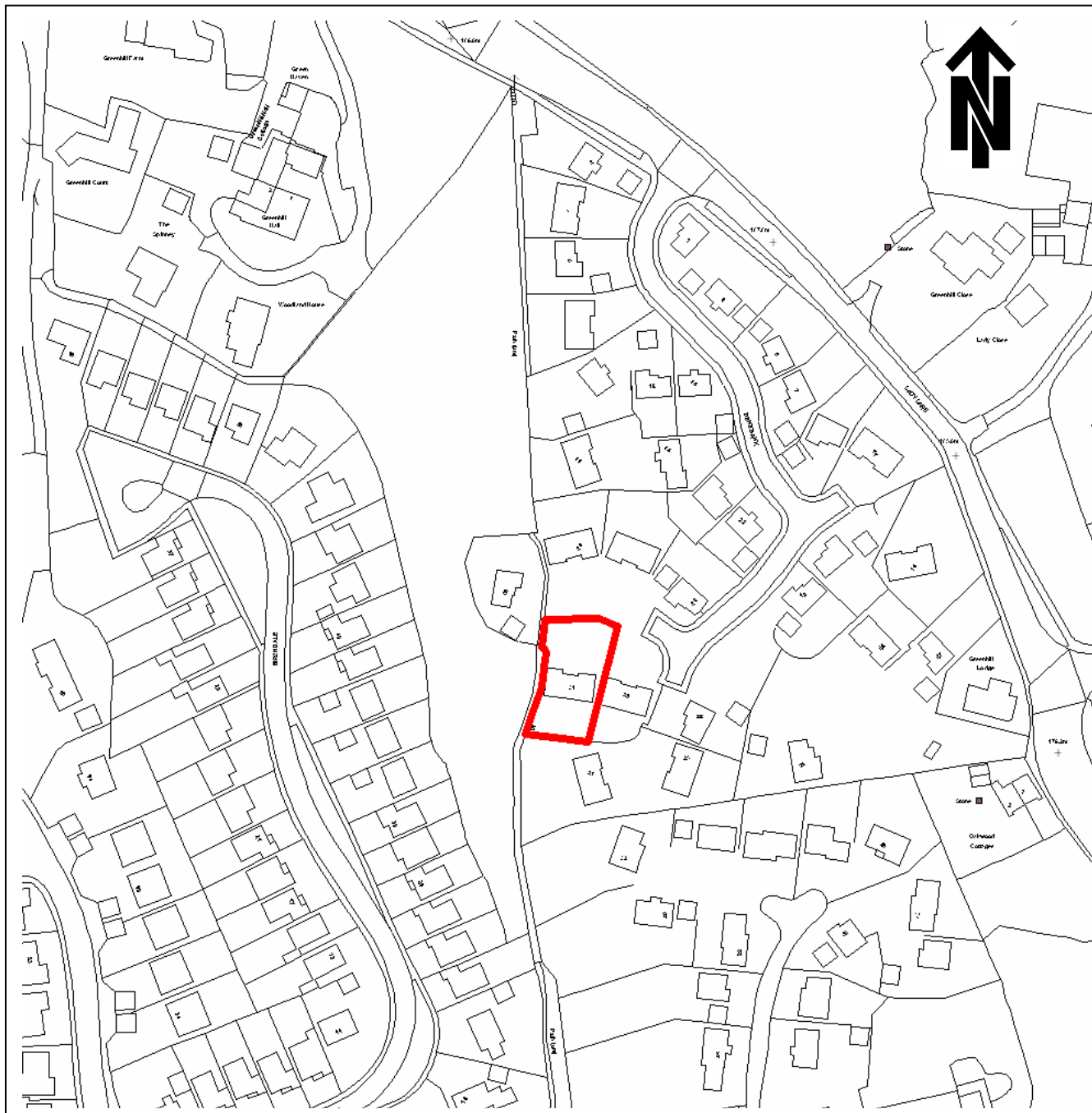
6. Prior to the development being brought into use, a nature conservation enhancement landscaping scheme and habitat management plan shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposal would acceptably accord with the requirements of national Planning Policy PPS9 and to comply with Policy NE9 of the replacement Unitary Development Plan.

Area Planning Panel (Shipley)

11/03029/HOU

20 October 2011



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ITEM NO. : 4

LOCATION:

**31 Dene Bank
Bingley**

20 October 2011

Item Number: 4
Ward: BINGLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
11/03029/HOU

Type of Application/Proposal and Address:
Householder planning application for a rear conservatory at 31 Dene Bank, Bingley

Applicant:
Mr M Baines

Agent:
Mr N Lajszczuk

Site Description:
The application property is a modern detached dwelling constructed of stone and grey roof tiles located on a recently built residential estate. There is a public footpath running along the west boundary of the site beyond which is a small woodland.

Relevant Site History:
93/02182/FUL Construction of 32 detached houses and garages - Approved 05.10.1994
03/03613/FUL First floor extension over existing garage - Approved 28.10.2003
10/02145/HOU Conservatory to rear - Refused 01/07/2010 on the following grounds;

The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular, the application fails to provide an accurate site plan showing the position and orientational crown spread of all trees on or adjoining the site. As such the application fails to demonstrate how the proposal can be implemented without adverse impact on all surrounding trees and is therefore contrary to Policies NE5 and NE6 of the Replacement Unitary Development Plan 2005 and BS5837:2005 Section 6.3 Proximity of trees to structures. Notwithstanding the lack of accurate tree information the conservatory would be sited under the crown spread of a protected tree and would, therefore, increase pressure to prune and/or remove trees due to lack of light, nuisance and perceived threat. As such the proposed development would result in harm to the long term future of the trees which would be detrimental to visual amenity and contrary to Policies NE5 (Retention of Trees on Development Sites) and NE6(Protection of Trees During Development) of the Replacement Unitary Development Plan 2005.

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated

Proposals and Policies

NE5 Retention of Trees on Development Sites
NE6 Protection of Trees During Development
UR3 The Local Impact of Development
D1 General Design Considerations

Supplementary Planning Guidance - House Extensions Policy

Parish Council:

Not Applicable

Publicity and Number of Representations:

Advertised by Neighbour notification letter. Expiry date for representations 02/08/11.
One representation received from the local District Ward Councillor.

Summary of Representations Received:

The Ward Councillor has requested that if the application is recommended for refusal that the application is determined by Shipley Planning Panel. The Councillor states that he believes the applicant's tree report supports the alterations required to allow the development to occur. On site it is quite apparent that this building would sit well within its environment and thus should not be refused as this would adversely affect the rights of the applicant to fully enjoy his home and garden.

Consultations:

Trees Team: The proposed conservatory is unacceptably close to the group of trees G4 and underneath the crown spread of trees T1 and T3. If approved this would result in requests to fell/prune the trees due to lack of light, nuisance and perceived threat. This development would bring habitable space underneath the crown spread of trees. The proposal fails on policies NE5 and NE6 and BS5837:2005 section 6.3 Proximity of trees to structures.

Summary of Main Issues:

1. Impact on Local Environment
2. Impact on Residential Amenity
3. Community Safety Implications

Appraisal:

Impact on the Local Environment

This application is a re-submission of the previous application (10/02145/HOU) for a conservatory but includes an Arboricultural report and associated supporting information to address the previous reasons for refusal.

It is proposed to locate the Conservatory to the rear of the dwelling on an existing raised patio. The conservatory would project 5m beyond the rear wall of the application property.

The design and appearance of the conservatory are considered to be appropriate for this location and will not harm the character of the dwelling.

There are two trees immediately to the south west of the proposed conservatory – T1 (Ash) and T3 (Hawthorn) which would overhang the conservatory and there is a group of trees G4 (mixed species) to the west of the proposed conservatory which abut the site boundary. The trees are in an area covered by an Area Tree Preservation Order which came into force in 1963. The trees are all growing from a ground level which is lower than the patio on which the conservatory is to be located. The trees are of amenity value and form the edge of a woodland. It is considered that the location of a conservatory in the position proposed would threaten the long term future of the trees as their proximity to the conservatory would result in requests for felling or significant pruning due to lack of light, nuisance and perceived threat. (A conservatory could be located on the eastern side of the rear elevation and achieve a distance of over 3m from the canopy of the nearest tree).

The applicant's tree survey provides the following information:

Visual Amenity Value: The trees actually situated on the site T1 and T3 collectively provide a limited visual amenity to the surrounding area. However, when they are collectively viewed with the adjacent G2 and G4 woodland they could be classed as having high amenity value.

The trees are in good to fair condition.

The trees are protected by an Area Tree Preservation Order, however, it is debatable if T1 and T3 would have been standing at the time the TPO was made.

No trees have been recommended for removal for arboricultural reasons.

Tree T3 is recommended for removal to facilitate the proposed development. The tree would be leaning on the side of the conservatory and the pruning required to keep it free of the conservatory would reduce any amenity value that the tree currently offers. However, the tree is retention category 'C' (low quality and value) and can be removed without affecting the overall visual amenity of the area.

Tree T1, which is retention category 'B' (retention desirable,) will require some sympathetic pruning in order to allow sufficient clearance from the apex of the roof of the proposed conservatory – crown lifting by approximately 1m – although this will mean the crown will still be overhanging the proposed conservatory. In theory the retention of this tree would be contrary to BS5837 which states trees should not be retained on the basis that their ultimate branch spread can be significantly controlled by periodic pruning. This tree has been subject to some significant crown lifting in the past and as the tree grows it is likely to require further works to maintain adequate clearance. It is understood from the client that they wish to retain the tree and they are happy to live with the overhanging crown should planning permission for the conservatory be granted. However, due to the fact that there will be a need for future pruning in order to maintain adequate clearance from the property and patio area consideration should be given to removing this tree now and replanting a more suitable species. The recommended works are 'deadwood and maintain 2m clearance from the property.

Group G4 are young to mature mixed species, which are retention category 'A' (retention most desirable). The trees are located on adjacent land to the west of the adjacent footpath. The trees have had some occasional pruning wounds from cutting back from the footpath and the exterior wall of number 31 but there are no major visible defects. The group provides excellent amenity and habitat.

The applicant's agent has provided the following supporting information;

The conservatory takes advantage of the overshadowing of 'the house in particular' but is also sheltered by the adjacent trees - direct sunlight makes interior comfort levels very poor in extreme heat conditions.

The applicant has no intention of removing trees, only branches which have already in recent times caused damage to the roof of the property.

If the Council is mindful to allow the removal of tree T3 which is being overcrowded by the tree adjacent to it the applicant is willing to provide additional tree planting on site. However, it is not considered that the area would benefit from additional tree planting as it is already well provided for by the existing established trees in the area.

It is apparent from the information submitted that works are required to T1 and the trees in the Group G4 to maintain their distance from the existing dwelling (consent has been granted within the last 10 years to prune Ash trees at the side and rear of the house). The erection of the proposed conservatory would mean that additional pruning would be required to extend the distance from the trees around the site to the conservatory. Whilst the tree report indicates the applicant would be willing to have tree T1 overhanging the conservatory, experience suggests that such a relationship between a tree and extension causes anxiety for residents as well as concerns about overshadowing and leads to requests for pruning and felling. Such requests are difficult to resist, particularly as falling branches are a genuine safety issue. The Agent has indicated that there are already issues of debris from trees falling on the house. It is not good sense to locate a conservatory even nearer to the trees.

It is considered that the views of the Council's Trees Officer, that the proposal would result in requests to fell/prune the trees around the proposed conservatory are valid and that such works would harm the visual amenity of the trees. As there is an alternative location for a conservatory on the site which would have a much better relationship with the trees it is not considered that approval can be justified for a scheme which has the potential to cause harm to the local environment.

Impact on Residential Amenity

There are no adverse implications for neighbouring occupants. The only neighbouring property is located to the east and the conservatory would be 10m from this boundary.

Community Safety Implications:

There are no apparent community safety implications

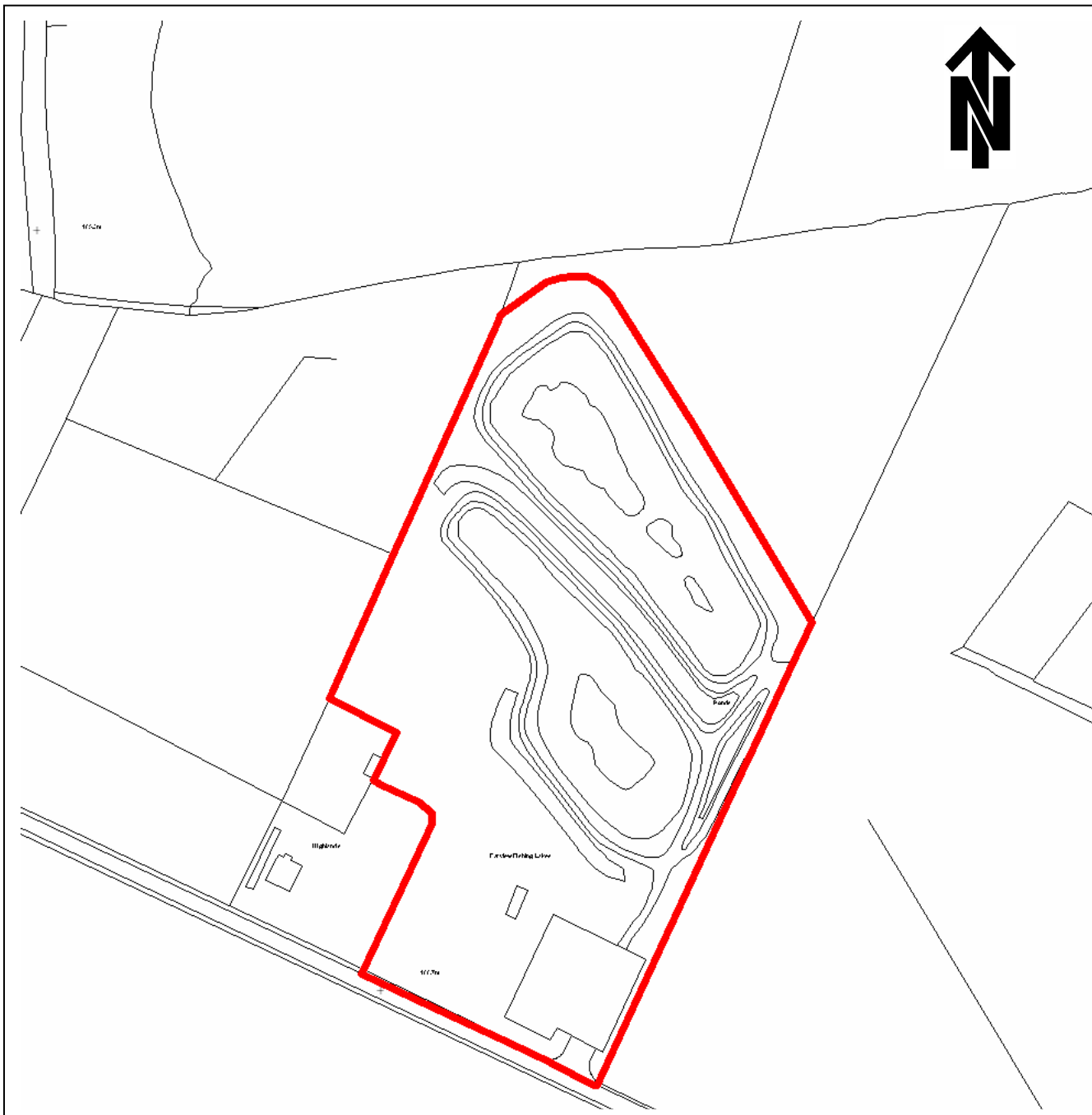
Reasons for Refusal:

The proposed conservatory would be unacceptably close to the group of trees G4 and to tree T3 and would be underneath the crown spread of tree T1. The proposal fails to comply with the recommendations in BS5837:2005 section 6.3 Proximity of trees to structures. As such the proposed development would result in harm to the long term future of the trees which would be detrimental to their visual amenity and the development would be contrary to Policies NE5 (Retention of Trees on Development Sites) and NE6(Protection of Trees During Development) of the Replacement Unitary Development Plan 2005.

Area Planning Panel (Shipley)

11/03970/FUL

20 October 2011



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<p>ITEM NO. : 5</p>	<p>LOCATION: Farview Fishing Lakes Lee Lane Wilsden Bingley</p>
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20 October 2011

Item Number: 5
Ward: BINGLEY RURAL
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
11/03970/FUL

Type of Application/Proposal and Address:

Full application for detached bungalow at Farview Fishing Lakes, Lee Lane, Cottingley, Bingley BD16 1LF.

This proposal is a resubmission of application ref: 11/02638/FUL (see 'Relevant Site History' below). There have been no changes to the proposed development other than to the types of window frames to be installed in the proposed dwelling.

Applicant:

M Bradbury

Agent:

PM Coote

Site Description:

This site, containing two ponds, walkways, car park and toilet block, is located within the approved Green Belt in an area of generally open grazing land that falls in level towards the Aire Valley to the north. The area is only sparsely developed and for the most part is mixed open pasture land interspersed with woodlands.

Relevant Site History:

06/01462/FUL – Enlargement of two fishing ponds, new access and car park, erection of toilet/storage building. Granted 02.06.06

11/02638/FUL - Construction of a detached bungalow. Refused 25.07.2011 for the following reasons:

The proposed dwelling would represent inappropriate development in the approved Green Belt, for which no very special circumstances have been demonstrated. As such the proposed development would result in an erosion of openness, which is an essential characteristic of the Green Belt and accordingly fails to satisfy Policy GB1 of the Replacement Unitary Development Plan for the Bradford District and Governmental planning guidance in the form of Planning Policy Guidance Note 2 (Green Belts).

The proposed bungalow would, in design terms, bear no relevance to locally distinctive vernacular architecture and as such would represent an unacceptable form of development that would fail to satisfy Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

The proposed development would adversely affect the visual quality and character of the surrounding, sparsely developed landscape as a direct consequence of increasing the sense of urbanisation of the overall site. As such the proposals would harm landscape character

and are contrary to Policies UR3, NE3 and NE3A of the Replacement Unitary Development Plan.

Replacement Unitary Development Plan (RUDP):

Allocation

Green Belt

Proposals and Policies

UDP3 – quality of built and natural environment

UR3 – local impact of development

D1 – design

GB1 – development within Green Belt

GB2 – siting of development in Green Belt

NE3 – landscape impact

NE3A – landscape impact

TM2 – highways

TM19A – highways

National Planning Policy Guidance 2: Green Belts (PPG2) and Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) are also relevant.

Parish Council:

Not applicable.

Publicity and Number of Representations:

Advertised as a departure by site and press notices and a letter to a near neighbour. The published date for receipt of comments was 7th October 2011. No representations have been received as a result of this notification process.

A local ward councillor has referred the application to Shipley Area Planning Panel in the event that refusal is recommended.

Summary of Representations Received:

None received.

Consultations:

Highways - No objections

Drainage - Percolation tests required for soakaways.

Biodiversity - No response

WY Archaeology - No objections

Natural England - No objections, although the proposal is not within the scope of developments that NE would normally comment upon.

Summary of Main Issues:

1. Principle and Green Belt Issues
2. Local Amenity
3. Highways

Appraisal:

Principle

This resubmission again seeks permission for the construction of a new bungalow on land adjacent to two recently excavated fishing ponds on the north side of Lee Lane, Cottingley.

A new dwelling within the approved Green Belt represents, by definition, inappropriate development that will be unacceptable as a matter of principle unless very special circumstances can be demonstrated for the setting aside of Green Belt policy.

The applicant asserts that the use of the land (for recreational fishing) is 'akin to agriculture or horticulture'. Rather, officers consider that the fishing ponds land-use is *outdoor sport and recreation* which, of itself, is acknowledged by PPG2 as appropriate in the Green Belt. However, a dwelling is not an 'essential facility' for outdoor sport and recreation and thus the development must remain inappropriate by definition.

In terms of 'very special circumstances' through which the applicant seeks to overcome the Green Belt objection, he states that he needs permanently to be on site, occupying a dwelling, in order to feed the fish in the lakes, break ice during the winter and clean the lakes.

However, whilst feeding of fish in impounded waters may be necessary at certain times of year, this and other activities such as checking water quality and ensuring that the pond banks are safe are not considered sufficient to make a new dwelling 'essential'. Further, and in terms of security, it is noted that the overall site is not significantly secure and persons can gain access from open land to the north, a considerable distance from the proposed dwelling and thus not readily open to view from the proposed dwelling.

The applicant apportions a significant degree of weight to security and to the prevention of thefts of fish from the site. However, paragraph 6 of Annex A of PPS7 makes clear that the protection of livestock from theft or injury by intruders will not be sufficient to justify a new dwelling

In any event, there appears to be little difference between the applicant's rationale that his fish require full time monitoring and care and an equal argument that could be tabled nationally by, for instance, gamekeepers whose presence by river, lake or moor is equally necessary to prevent poaching. On extensive estates containing valuable animals that are bred and released into the environment for hunting, and well stocked rivers, the rationale applied by applicant would seek to justify pressure for numerous new dwellings to ensure that complete security coverage over an estate was achieved. Clearly this type and level of development is neither contemplated nor permitted by PPG2. It is also considered that there are existing dwellings for sale within a reasonable distance of the site which could accommodate the applicant whilst enabling the site to be reached within a few minutes.

Clearly the applicant's fishing lakes were developed in the knowledge that relatively isolated locations may carry with them certain issues of security but nevertheless the applicant confirms that the fishing pond business has operated successfully for 3 years and this success clearly was without there being a permanent dwelling on the land.

Adequate security around the site periphery may indeed be quite properly, unobtrusively and effectively assured by a combination of defensive treatment of site boundaries and by appropriate measures at the site entrance.

On the basis of the above it is not considered that Green Belt policy should be set aside and the proposals thus remain contrary to Policy GB1 of the RUDP and contrary to Governmental guidance in the form of PPG2 (Green Belts).

Local Amenity

The presence of the proposed dwelling would adversely affect the openness and integrity not only of the Green Belt but also the general character of the landscape to the detriment of the visual amenities of the area.

The house would increase the visual impact of the overall site and add to the sense of urbanisation that is created by the car park, toilet/store block, access tracks and footpaths serving the fishing ponds.

There is no significant mention in the application of the normal accoutrements of domesticity such as gardens, sitting out areas, curtilage buildings, washing lines etc. but clearly any full time residential occupancy carries with it a variety of outdoor activity and form.

Further, the planning application 'red edge' boundary identifies the whole of the site, including the ponds, as being subject of the proposal for a new dwelling. In the event of a grant of planning permission for the development, this red edge boundary would in turn result in the whole of the site becoming residential curtilage, which officers would consider unacceptable.

The applicant makes no reference to night-time illumination of the site, which it is assumed may also be sought given the applicant's statements regarding thefts from the ponds or surrounding land. Such illumination would have adverse effects upon the surrounding night-time rural environment from both near and more distant viewpoints, and would be unacceptable.

There are no neighbouring dwellings close enough to the site to suffer any direct loss of privacy or other adverse impacts as a consequence of the proposed new dwelling.

The development remains unacceptable in light of Policies UDP3, UR3, D1, NE3 and NE3A of the RUDP.

Highways

The site is served by a large car park that was approved as part of the planning permission granted in 2006. In view of the standard of access formed, the proposed residential development here would have no significant additional implications for highway safety or the free flow of traffic. In highway safety terms, there is no conflict with RUDP policies TM2, TM12 and TM19A.

Community Safety Implications:

None.

Reasons for Refusal:

The proposed dwelling would represent inappropriate development within the approved Green Belt, for which no special circumstances have been demonstrated. As such the proposed development would result in an erosion of openness, which is an essential characteristic of the Green Belt and accordingly fails to satisfy Policy GB1 of the Replacement Unitary Development Plan and Governmental planning guidance in the form of Planning Policy Guidance Note 2 (Green Belts).

The proposed development would adversely affect the visual quality and character of the surrounding, sparsely developed landscape as a direct consequence of increasing the sense of urbanisation of the overall site. As such the proposals are contrary to Policies UR3, NE3 and NE3A of the Replacement Unitary Development Plan

Area Planning Panel (Shipley)

11/02650/FUL

20 October 2011



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LOCATION:

**Land At Grid Ref 410880 439528
Alexander Fold
Bingley**

ITEM NO. : 6

20 October 2011

Item Number: 6
Ward: BINGLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
11/02650/FUL

Type of Application/Proposal and Address:

A full planning application for the demolition of an existing garage and timber workshop and the construction of a new detached dwelling and double garage building (comprising two separate garages) in the rear garden of number 57 Park Road, Bingley, BD16 4BP.

Applicant:
Mrs C Routledge

Agent:
Nidd Design

Site Description:

The site comprises the rear garden area of 57 Park Road, Bingley which is part of an attractive Victorian terrace close to Bingley town centre. The site is situated within the Leeds and Liverpool Canal Conservation Area and is accessed via an unmade road leading from Hill Side Road which also serves a number of garages and provides access to the rear of numbers 45-59 Park Road. The area is residential in character with a relatively recent residential development to the west (The Anchorage). Alexander Fold lies at a lower level to the northern site boundary. To the south west is a large garage, to the east 57 Park Road (the applicant's property) and 59 Park Road.

A variety of trees and shrubs are located to the site boundaries.

Relevant Site History:

10/02476/FUL – Demolition of existing garage and timber workshop and construction of new detached dwelling and detached garage – Withdrawn - 19.08.2010

Replacement Unitary Development Plan (RUDP):

Allocation

Leeds Liverpool Canal Conservation Area.

Proposals and Policies

UDP1 – Promoting Sustainable patterns of Development

UR2 – Promoting Sustainable Development

UR3 – The Local Impact of Development

D1 – General Design Considerations

BH7 – New Development in Conservation Area

TM2 – Impact of Traffic and its Mitigation

TM12 – Parking Standards for Residential Developments

TM19A – Traffic Management and Road Safety

Parish Council:

Not applicable.

Publicity and Number of Representations:

The application has been publicised by way of neighbour notification letters, site notice and advertisement in the local press, with an overall expiry date for comments to be received of 22.07.2011.

Twelve letters of objection have been received.

A Councillor has referred the application to Panel in the event of a negative officer recommendation.

Summary of Representations Received:

Proposed dwelling would overlook neighbouring properties

The proposal would overshadow neighbouring properties

The access to the proposed dwelling is poor and sub standard and intensification of its use would result in issues regarding highway safety

The proposed dwelling would be out of character with surrounding properties and the Conservation Area

The proposal would amount to overdevelopment and the loss of an open green space with garden trees

Proposal is against policy relating to building within existing gardens

The proposal would introduce noise and disturbance for surrounding residential properties

The submission has contradictory information and is unclear as to how many bedrooms are proposed.

Consultations:

Highways – The highway safety implications of the proposed development are such that the application should be refused unless there are some exceptional and significant clearly defined benefits to outweigh the predicted highway problems.

Design & Conservation – The proposal would have a neutral impact upon the character of the Leeds Liverpool Conservation Area.

Drainage – No objections raised, attach sewer record for information.

Local Development Framework – There are no policy issues in principle with this application.

Summary of Main Issues:

1. Impact on neighbouring residential amenity
2. Impact on Highway Safety/Parking
3. Impact on Conservation Area

Appraisal:

The application is a resubmission and follows a recent application (10/02476/FUL) that was withdrawn by the applicants on 19th August 2010.

The proposal is for the construction of a two-storey, four bedroom detached property in the rear garden area of 57 Park Road, Bingley to replace an existing garage and timber workshop. A single storey building containing two separate garages is also proposed - one garage would be allocated to the proposed dwelling and one for the use of 57 Park Road.

Impact on neighbouring residential amenity

The site is set at a higher level to properties to the north and the west and would be two storeys in height. The applicant has submitted cross section details to demonstrate what impact the proposed dwelling might have upon properties to the north at Alexander Fold and to properties to the west at The Anchorage. The dwelling would be sited toward the north-eastern corner of the site.

The proposed dwelling would retain 25.55 metres between the main rear wall and the main wall of the properties in Alexander Fold, comfortably exceeding the usual guideline separation distances. There would be three first floor windows to the proposed northern elevation, two serving bedrooms and one an en-suite bathroom. As a result of the separation distances involved there would be no significant direct overlooking of properties within Alexander Fold. Whilst close to the northern boundary of the site (1.275 metres at the closest point), the first floor windows would overlook a parking access and turning area. Overlooking from garden areas and ground floor rooms could be controlled with suitable boundary screening.

The distance between the proposed dwelling and the three storey townhouses to the west (The Anchorage) would be in excess of 23 metres. There are no windows proposed at first floor level to the elevation facing 'The Anchorage' and as such no unacceptable overlooking would arise.

There are similarly no windows proposed to the eastern side elevation and accordingly no overlooking would occur between the proposal and 57 or 59 Park Road.

The insertion of any future windows to the dwelling could be controlled as a condition through the removal of the permitted development rights relating to windows.

The siting of the proposed dwelling and separation distances to surrounding properties is such that the proposed development would not be considered likely to lead to significant overshadowing or loss of daylight which would be harmful to the residential amenity of neighbouring properties. In this respect therefore the proposal accords with the objectives of RUDP policies UR3 and D1.

Impact on Highway Safety/Parking

The site takes its access from Hill Side Road and would provide two garages as noted above. A statement has been provided by the applicants who argue that the existing site has a garage and workshop and that their removal and replacement with a new dwelling would not generate additional traffic. It is also stated that the site lies in close proximity to transport links such as the rail station and bus services in the nearby Bingley town centre.

There does not appear to be any planning history relating to a workshop premises on the site and there is no information relating to existing traffic which might already be generated through its use. As such, the construction of a new detached property would be considered to generate additional traffic on the access road over and above the current levels.

The Councils Highways Development Control Officer, in their consultation response, has suggested that the proposal would result in highway safety concerns. The access road is approximately 3.2 metres in width with a narrow footway (1.2 metres) to its western side and a 1.5 metre wide footway to the eastern side. Cars are commonly parked over the footways to avoid blocking the road. Further, the junction between the access road and Hill Side Road is poor and is often obstructed too with parked vehicles associated with a nearby dental surgery and other residential properties.

The proposal would result in intensification in the use of the unadopted access road. This access road is unsuitable due to its substandard access, poor junction with Hill Side Road and the lack of suitable pedestrian facilities. It is concluded that the proposal would result in conditions prejudicial to pedestrian and highway safety, contrary to RUDP policies TM2 and TM19A.

Impact on the Conservation Area

The site lies within the Leeds Liverpool Canal Conservation Area. The proposed dwelling would be set behind an attractive Victorian terrace on Park Road and behind a recent large residential development comprising a mixture of two and three storey properties. Whilst visible from the private residences which face onto the site the site itself is not within a sensitive street scene or prominent in views from public areas.

The proposed design would incorporate coursed stone to all elevations with stone heads and sills and a natural blue slate roof. The site is surrounded by a mixture of property type and design and the proposal is considered appropriate given the mixture of designs in the vicinity.

Consultation response from the Councils Design and Conservation Section states that the site is not highly visible from the street and as such would have a neutral impact on the Conservation Area. It is recommended that materials should match surrounding properties and that the windows should be set back into the reveals. These details could be secured by a suitable condition.

Other Issues

Comment has been received which raises the recent changes to the way in which garden land is considered within the planning process. National planning guidance has changed with respect to the classification of garden land which is no longer considered to be 'previously developed land' on which appropriate development was generally expected to be acceptable in principle. This does not mean that garden land is exempted from development although there is scope to place greater weight on ensuring that development is 'in keeping' with the character of the surrounding area. Council Policy advice is that small sites such as this should be utilised in order that they can contribute to the District housing supply target. In this context, and subject to appropriate scale, design, and amenity considerations, the principle of residential development on this site which is within an established residential area is considered to be acceptable in principle and acceptable under the terms of RUDP policies UDP1 and UR2.

Comment has also been received relating to confusion over the submitted information and in particular the number of bedrooms the proposed dwelling might have. The submitted drawings show a four bed property and no plans for additional rooms within the roof. Control over extension into the roof could be controlled via a condition removing p.d rights for further windows including dormer windows if considered a particular problem.

Community Safety Implications:

None foreseen.

Reasons for Refusal:

The proposal would result in intensification in the use of the unadopted access road. The access road is not suitable to serve additional development due to its substandard access, poor junction with Hill Side Road and the lack of suitable pedestrian facilities or ability to implement any and would result in highway safety implications contrary to Policies TM2 and TM19A of the RUDP.
