

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (SHIPLEY) to be held on 07 December 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.	15 Landsmoor Grove Eldwick Bingley BD16 3DZ - 11/04257/HOU [Approve] (page 1)	Bingley
2.	1A Cornwall Crescent Baildon BD17 5LT - 11/05020/FUL [Approve] (page 8)	Baildon
3.	6 Sleningford Road Bingley BD16 2SF - 11/01133/FUL [Approve] (page 15)	Bingley
4.	Royston Fold Farm Saltaire Road Eldwick Bingley BD16 3EY - 11/03734/VOC [Approve] (page 23)	Bingley

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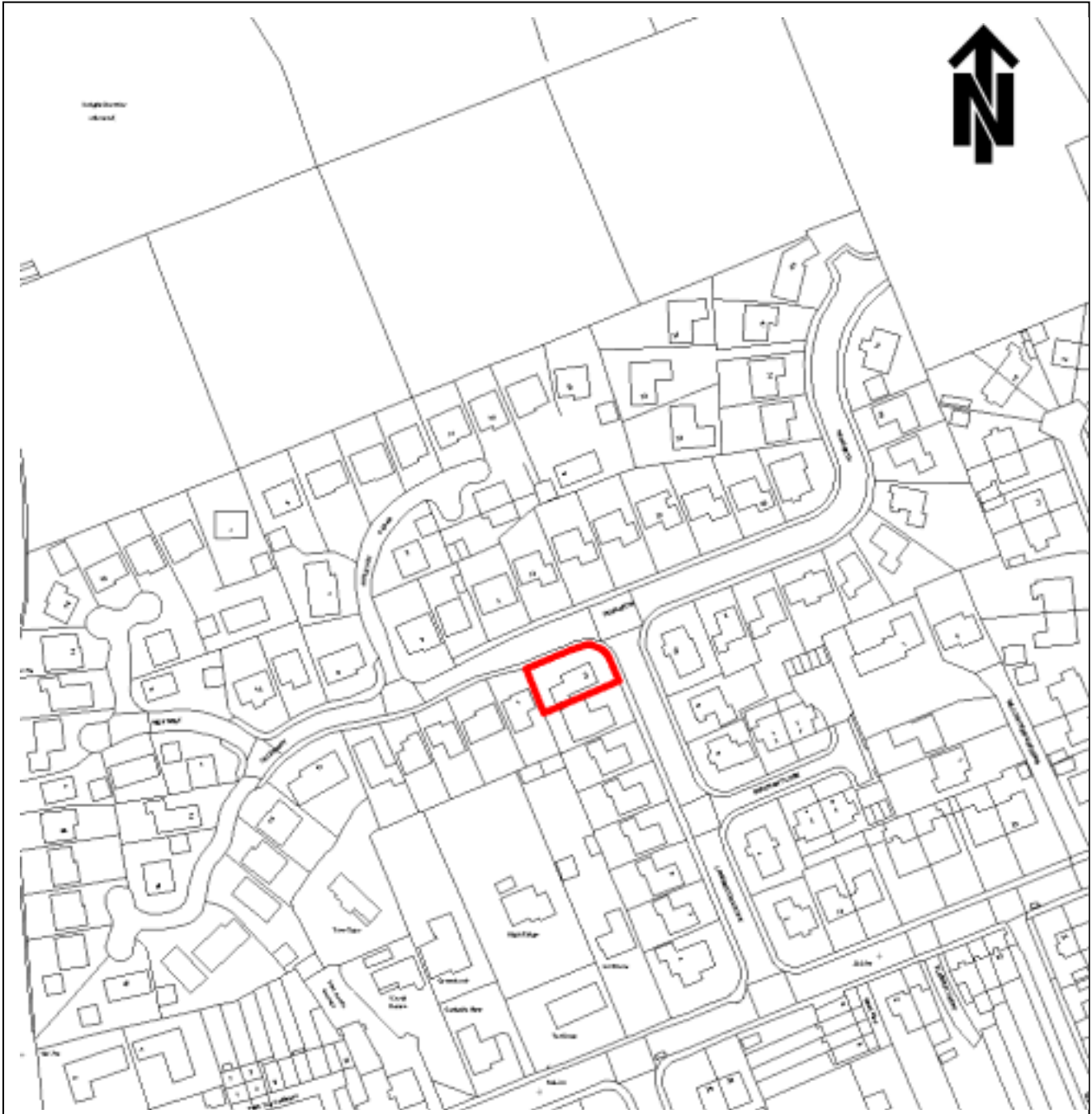
Portfolio:
Environment and Culture

Improvement Committee Area:
Regeneration and Economy

Area Planning Panel (Shipley)

11/04257/HOU

7 December 2011



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<p>ITEM NO. : 1</p>	<p>LOCATION: 15 Landsmoor Grove Eldwick Bingley</p>
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7 December 2011

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

Application Number:
11/04257/HOU

Type of Application/Proposal and Address:
Householder planning application for construction of single storey extension to rear at 15 Landsmoor Grove Eldwick Bingley West Yorkshire BD16 3DZ.

Applicant:
Mr Azoor Ahmed

Agent:
A A Planning Services

Site Description:
This proposal relates to a detached two storey dwelling with attached flat roofed garage situated on the corner of Landsmoor Grove, Dalesway and Pengarth. The dwelling has been extended in the past with a front porch and single storey side extension. Vehicular access is from Dalesway with pedestrian access from Landsmoor Grove. Open space within the curtilage consists of hard surfaced parking area in front of and to the side of the garage, small front garden facing onto Landsmoor Grove and side passage way between 15 and 13 Landsmoor Grove.

Relevant Site History:
83/02523/FUL- Proposal: Ext To Garage And Lounge Granted 27 May 1983.

94/02024/FUL- Proposal: Erection of a conservatory. Granted 18 August 1994.

03/03529/FUL - Two storey extension to side of dwelling. Refused 21 November 2003.

04/00943/FUL- Proposal: Single storey extension to side of property to form disabled bathroom and bedroom. Granted 01 June 2004.

04/05728/FUL- Proposal: Erection of entrance porch. Granted 22 February 2005.

06/03697/FUL - First floor extension above existing side extension. Refused 11 July 2006.

07/05800/FUL; 07/00194/APPFUL - Construction of first floor extension. Refused and dismissed on appeal 18 February 2008.

08/03694/FUL- Construction of first floor extension to side. Granted 02 July 2008.

11/02048/HOU - Construction of first floor side extension. Refused 23 June 2011.

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

TM2 – Impact of Traffic and its Mitigation

TM12 – Parking Standards for Residential Developments

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

Parish Council:

No Parish Council

Publicity and Number of Representations:

The application was publicised by letter to occupiers of adjacent premises. Expiry date for comments was the 11 October 2011.

20 representations of objection have been received from neighbours.

Summary of Representations Received:

1. The resultant large dwelling will be out of character with the surrounding area – in particular the disruption from increased comings and goings and on street parking will have a particular detrimental affect on residential amenity for neighbouring occupants – parking chaos, noise and disturbance.
2. The size, design, position in relation to boundaries and siting on prominent corner plot will unacceptably detract from the appearance of the existing dwelling and surrounding area.
3. Size and position will make maintenance a problem and lead to neighbour disputes.
4. Over development of the plot.
5. Extra parking would interfere with visibility for other road users at the corner and children playing in the area.
6. Extension does not allow for retention of adequate garden or yard area leading to inadequate amenity space, especially for children to play.
7. Fails to comply with policies 1, 5B, 6 or 8 of the Council House Extension Policy Revision 2.
8. Off road parking would be inadequate for the resultant dwelling.
9. Incorrect plans do not give a true and honest representation of the current property.
10. In view of back history the extension should not be granted.
11. Out of scale with surrounding properties in terms of number of bedrooms.
12. Planning rules are being manipulated as 2004 permission for single storey was for disabled relative and now this is shown as being two bedrooms not designated for disabled relative.
13. Overshadowing.
14. Would set a precedent for other properties to reduce their garden areas unacceptably, have no garage area and become houses out of character with the area they are situated within.

15. First step to an additional storey being applied for on top of this extension.
16. Shouldn't be assessed as a rear extension as the corner plot position means it will be visible from Dalesway.

Consultations:

Minerals Section:

The site is situated 165 metres from landfill site ref: 14SW03. Planning permission for the tipping of household refuse at Lower Heights Farm, Eldwick, was granted to the former Baildon Urban District Council in January 1959. An application for the tipping of inert waste (ref 78/02/08623) was granted in 1979, expiring in August 1982. It is understood that foundry sand, demolition and construction wastes were deposited during this period. An application granted in September 1982 (ref 82/07/03328) for the tipping of inert waste and subsequent restoration by soiling and seeding was to be completed by December 1984. The northern part of the site is currently in use for cattle grazing. The southern part of the site (the former Heights Quarry) was given permission in December 2001 for tipping with inert materials and the regrading of land to provide a level grassed surface for use as an equestrian area by Eldwick Riding Club. The subsequent restoration was to be completed by March 2003. Not aware of any landfill gas monitoring which may have been undertaken at this site.

Therefore (as a minimum) it is recommended that condition CL01 - Contaminated Land is attached specifying how any contaminated material encountered during development should be dealt with.

Summary of Main Issues:

1. Impact on local environment
2. Impact on residential amenity
3. Parking and highway safety
4. Community Safety Implications

Appraisal:

Impact on Local Environment:

The materials of the extension will match the existing dwelling house.

The extension will have no visual impact on Landsmoor Grove but will be read visually from Dalesway. Views from Dalesway are obscured by a high hedge to Dalesway frontage therefore only partial views of the extension will be visible. Even if this hedge was removed however it is considered that the design and scale of proposed extension would not visually appear out of keeping with the existing dwelling. Neighbouring dwellings on Dalesway present different designs to those on Landsmoor Grove however it is considered that although materials and design are different the resultant dwelling at 15 Landsmoor Grove would not be unacceptable forming the end of one style of property prior to another style of dwelling commencing.

In conclusion it is considered the extension would have an acceptable impact on the visual amenities of the surrounding area in accordance with policies D1 and UR3 of the Replacement Unitary Development Plan and the general principle of the Council House Extension Policy Revision 2.

Impact on residential amenity:

13 Landsmoor Grove's garage and part of its rear garden lie along the common boundary. The common boundary is also screened by a high close boarded fence.

The existing flat roof garage at No 15, which lies alongside the common boundary with 13 Landsmoor Grove and whose height is slightly above the boundary screening fence has a depth of 4.4m along the common boundary. The extension would in effect extend this depth by 3.4m to 7.8m and the extension would have a shallow pitched roof on it thus increasing its potential impact on the occupants of number 13 Landsmoor Grove.

Given the position of the extension to the north of 13 Landsmoor Grove, it will not overshadow this neighbouring property. Also as the ridge of the roof is parallel to the common boundary and that 13 Landsmoor Grove has no habitable rooms along or near to the common boundary with 15 Landsmoor Grove it is not considered that the proposal would have any overbearing effect on the neighbouring property, 13 Landsmoor Grove.

The extension will lie an extra 3.5m closer to the common boundary with 1 Dalesway. There would be a gap of 700mm between the wall of the extension and the wall of the boundary. 1 Dalesway's windowless gable elevation and side path lie close to the common boundary, which is formed by a wall and in part a high fence. The gable end of the extension will not have an unacceptable overshadowing affect on the occupants of 1 Dalesway.

The extension's fenestration has been amended (forward facing windows looking towards Dalesway, no windows in gable looking towards 1 Dalesway, obscure glazed top opening window facing towards 13 Landsmoor Grove; high level velux) to protect the privacy / residential amenities of neighbouring occupants and also the occupant/s of the proposed extension.

The combined parking / yard area and front garden of the resultant dwelling provide residential amenity and waste bin storage area that amounts to more than 50% of the original garden / parking / yard area for the dwelling and therefore the proposal complies with policy 8 of the Council House Extension Policy Revision 2.

For the reasoning given above it is considered that the proposal would accord with policies D1 and UR3 of the Replacement Unitary Development Plan and the principles of the Council's House Extension Policy in terms of its impact on residential amenity.

Impact on Highway Safety:

Vehicular access would be retained in its current state and position and therefore there will be no change in its impact on matters of highway safety.

The proposal would retain an area of 7m in depth and 6.3m in width for off road parking. This would enable two standard domestic vehicles to park off road and would comply with the requirements of policy TM12 of the Replacement Unitary Development Plan. The amount of off road parking given the increased size of the dwelling and the implications of on street parking on highway safety and residential amenities has been raised by objectors to this proposal. Parking policy does not differentiate between the amount of parking needed for 4 or 9 bed dwellings and if additional on street parking was required it can be achieved safely in compliance with traffic regulations without parking on junctions and would be taking place in an area of residential cul-de-sacs where the expectation is that there will not be high flows of traffic apart from during rush hour and where the speeds of vehicles should be under 30 mph.

For the reasoning given above it is considered that the proposal will accord with policies D1, UR3, TM2 and TM12 of the Replacement Unitary Development Plan in terms of its impact on parking and matters of highway safety.

Comments on Third Party Objections:

Matters of design, scale, parking, highway safety, visual amenity, overshadowing and overlooking have been discussed in the proceeding report. In reaching the above view account has been taken of the sites history but each submission must be determined on its own merits. Matters of maintenance are not material considerations in determination of this application

Other Considerations:

The proposal has been assessed for compliance with and is considered to be in accordance with the Draft National Planning Policy Framework.

Community Safety Implications:

There are no apparent community safety implications. Accords with policy D4 of the Replacement Unitary Development Plan.

Reason for Granting Planning Permission:

The principle, scale, design and external appearance of the extension and its impact on the surrounding area, including residential amenity, parking, matters of highway safety and community safety have been assessed as being acceptable and according with policies D1, D4, TM2, TM12 and UR3 of the Replacement Unitary Development Plan and the Council House Extension Policy Revision 2 and the Draft National Planning Policy Framework.

Conditions of Approval:

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

Approved Plan Details:

Drawing 1 of 2 Proposed Single Storey Extension dated 21.10.11

Drawing 2 of 2 Proposed Elevations dated 21.10.11

Received by the Council on 24 October 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.

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. The bathroom window in the rear (southern) elevation of the extension hereby permitted shall be glazed in obscure glass prior to the first occupation of the extension and thereafter retained. Only the top transom of the bathroom window shall be opening and this window shall be retained in this form.

Reason: To prevent overlooking or loss of privacy to adjacent occupiers and to accord with Policies D1 and UR3 of the Replacement Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the southern and western elevations of the extension without prior written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policies D1 and UR3 of the Replacement Unitary Development Plan.

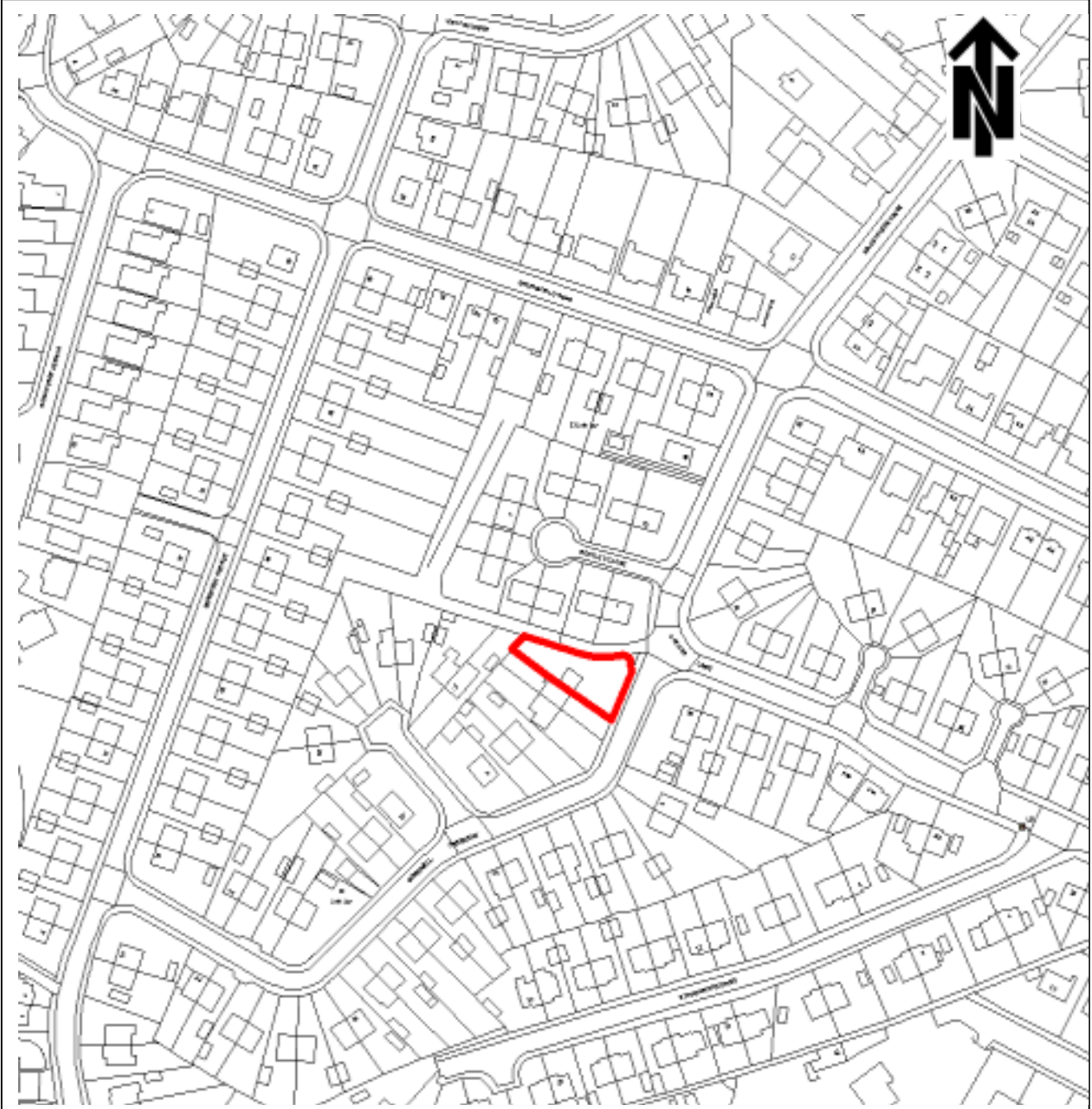
5. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, an investigation and risk assessment must be undertaken, details 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.

Area Planning Panel (Shipley)

11/05020/FUL

7 December 2011



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ITEM NO. : 2

LOCATION:

**1A Cornwall Crescent
Baildon**

7 December 2011

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

Application Number:
11/05020/FUL

Type of Application/Proposal and Address:
Full planning application for the construction of a detached dwelling.

Applicant:
Jason Allatt

Agent:
Belmont Design Ltd

Site Description:
The site consists of a parcel of garden land approximately 0.06ha and the construction of the detached dwelling is almost complete. The site is on a gradient with the existing drive and lawn sloping up from the road. The site is located within a residential area consisting of detached and semi-detached dwellings. There is a mix of house styles in the area and due to the topography of the area heights of the roofs are staggered. The site is accessed from Cornwall Crescent via the existing drive.

Relevant Site History:
10/02920/FUL – Construction of a detached dwelling – Granted 10 August 2010

Replacement Unitary Development Plan (RUDP):
Allocation
The site is unallocated in the Replacement Unitary Development Plan

Proposals and Policies

UDP1	Promoting Sustainable Patterns of Development
UDP3	Restraining Development
UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
H7	Density
H8	Density
TM2	Impact of Traffic and its mitigation
TM12	Parking standards for residential developments
TM19A	Traffic management and road safety
D1	General Design Considerations

Parish Council:
Baildon – No comment

Publicity and Number of Representations:

The proposal was publicised with neighbour notification letters and a site notice. The expiry date for responses was 30th November 2011

2 objections have been received

Summary of Representations Received:

1. The property is larger than agreed under the previous planning application
2. The property is forward of the building line of number 1 and 3 Cornwall Crescent
3. An extension has been added to the rear which was not shown on the previous planning application
4. A 3rd storey and rooflights has been added which was not shown on the previous planning application
5. The roofline is not in keeping with the surrounding area
6. Loss of a garden
7. Adverse impact on surrounding residents
8. Adverse impact on the character of the area
9. The developers have not followed the proper planning procedures

Consultations:

Drainage – Recommended Conditions.

Highways Development Control – No response as of 26th November but on the previous application recommended conditions.

Summary of Main Issues:

1. Whether the changes to the previous planning approval are significant enough to cause harm to the surrounding area and neighbouring properties.
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Loss of trees

Appraisal:

Site History

The application is a retrospective application for the construction of a 3 storey detached dwelling. Planning permission was granted in 2010 for a detached dwelling. During the construction of the property discrepancies between the approved plans and the building have been noted and this application seeks to regularise the situation.

The original planning application showed the elevations of the new dwelling in relation to 1 Cornwall Crescent. This plan showed that the new building would be level with number 1 at the eaves and ridge. The new dwelling has been built at the correct size as shown on the previously approved plans, but number 1 was inaccurately measured and is actually lower than shown on these plans. Number 1 has different proportions and is squatter than shown.

The main issue is whether this discrepancy which results in the new dwelling being higher than next door is harmful now that the correct dimensions of number 1 are available. The applicant has also taken advantage of the loft space and created an additional bedroom and ensuite with rooflights to the rear but there is no overall difference in height.

Principle of development

The site is unallocated and forms the former garden area of 1 Cornwall Crescent. Recent changes to Planning Policy Statement 3 (PPS3) has removed gardens from the definition of 'Brownfield' Land. Gardens are now considered to be 'Greenfield Land' however there has been no change in policy to say that development within gardens is undesirable per se. As a result this application will be appraised against the sustainable elements of PPS3 and local policies contained within the Council's Replacement Unitary Development Plan. In terms of the site itself the garden is located within a residential area close to existing infrastructure and within an area towards the top of the Settlement Hierarchy which aims to steer housing to more sustainable areas within existing urban areas. As such the development is considered to be acceptable in principle subject to other material planning considerations.

Visual Impact

The new dwelling is slightly higher than the neighbouring property and there is only a small gap between the two properties. Due to the topography of the area there are variations in the roofline and it is not considered that this proposal represents an incongruous feature in the street scene. It is higher than numbers 1 and 3 but in the street scene their roofs are also lower than numbers 5 and 7 due to changes in ground levels. It is not considered that the proposal detracts from the appearance of the surrounding area.

Residential Amenity

The proposed development is surrounded by residential properties therefore the impact on the residential amenity of the neighbouring occupants is an important factor as to the suitability of the scheme.

In terms of overlooking the proposed development would not have any habitable room windows in the gable wall of the house facing onto 1 and 2 Bentley Close. The development would also achieve 11.5m to the rear boundary from the rear elevation in line with policy. The development does not break a 45 degree line from the adjacent property as the first floor elevation does not extend as far as the ground floor section.

The main concern with the development is whether it would result in excessive overshadowing or an overbearing impact on the surrounding properties. Current guidance recommends around 12-13 metres between an existing property and the gable wall of a proposed development. In this case the proposed development is located to the South of the neighbouring properties which would be affected the most. As a result of the orientation the plans were amended to show the development being set an additional 1.5m away from the rear boundary of 2 Bentley Close to give a distance of 13.5-14m to the gable wall of the proposal. Whilst the development will result in some loss of light for a period of the day, particularly in winter, the development is considered to be sufficiently far away from the neighbouring property to reduce any impact in terms of loss of light or overbearing impacts to an acceptable level.

Furthermore the garden area of the proposed property would not be overlooked by the existing properties surrounding the site as they are set over 10.5m away from the boundary of the garden.

The main difference between the previously approved scheme and the current proposal is the rooflights and bedroom at 3rd floor level. The sill height of these windows is approximately 1700mm and there are no direct views from these into surrounding habitable room windows.

The development is considered to be acceptable in terms of residential amenity and accords with policies UR3 and D1 of the RUDP.

Highway Safety

Highway comments have not been received however in highway terms the application is exactly the same as the previous application and there have been no policy changes. The proposed garage is below the standard size required to put an average sized car in however it is not essential for the garage to accommodate a vehicle as the site can accommodate two off street parking spaces to the front of the property. Both the existing property and the proposed development would have two parking spaces each creating four off-street parking spaces which is considered to be sufficient. The development is considered to satisfy the requirements of policies TM2, TM12 and TM19A of the RUDP.

Drainage

The car parking area should be created using a porous material in order to keep the impermeability of the site to a minimum. Also a 225 public sewer runs down the side boundary of the site therefore the developer will need to contact Yorkshire Water to obtain the relevant permission to construct close to the sewer or to divert the sewer to allow construction.

Trees

The development would result in the loss of some trees along the boundary of the site however these are not protected and they are not considered provide such public amenity value to warrant refusing the application. Also the trees could be removed at any time without to need to obtain any consent.

Response to objectors' comments.

The development does appear larger than was originally envisaged due to the inaccuracies in the dimensions of number 1 Cornwall Crescent. This new application shows a house of the same size but with a slightly different relationship to surrounding properties and has been considered on its own merits. It is considered that the proposal and the property as built is acceptable in terms of the relevant development plan policies.

Part of the new dwelling's principle elevation does project in front of the front elevation of numbers 1 and 3. The street is built in a crescent and it is not considered that there is a uniform building line. It is not felt that this will have any adverse impact on the street scene.

The extension was shown on the previous approval as amended plans were submitted part way through the course of the application. Notwithstanding this, this is a new application for retrospective planning permission and shall be determined as submitted.

The rooflights and 5th bedroom were not shown on the previous application. However and they are shown on this application which is the one under consideration. Again this application will be determined as submitted.

It is noted that a garden has been lost and the impact of the development on the character of the area and local residents has been fully considered.

It is alleged that the developer has not followed the proper planning procedures. The developer gained planning permission for a detached dwelling. When the discrepancies between the build and the approved plans were brought to light the Council made the developer aware of this and they have the option to submit an application to attempt to regularise the situation which is what has been done.

Conclusion

It is considered that the revised proposal for a detached dwelling on the site is acceptable and will not cause undue harm to the character and appearance of the area or residential amenity. It is acceptable in terms of the relevant policies in the replacement Unitary Development Plan

Community Safety Implications:

There are no community safety implications

Reason for Granting Planning Permission

The proposed development is considered to make efficient use of the land in this residential area with no loss of residential amenity or harm to visual amenity and is not considered to raise any highway safety implications. The differences between this application and the previous planning approval have been fully considered and it is not considered that they are significant enough to warrant refusal. Subject to the attached conditions the development is considered to accord with policies UR3, D1, D4, D5, TM2, TM12, TM19A and NR16 of the Replacement Unitary Development Plan and national guidance contained within Planning Policy Statements 1 and 3.

Conditions of Approval/Reasons for Refusal:

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 plans listed below:
Location Plan Job No. 7031,
Proposed Plans 7031/01A, and
Proposed Elevations 7031/02
Proposed Section and Roof Plan 7031/03
Dated November 2001 and received by the Council on 4th November 2011.

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

3. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced using a porous material 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.

4. 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.

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 development falling within Class A of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To avoid any development on the property result in an overbearing impact on the neighbouring properties and to accord with Policy UR3 of the Replacement Unitary Development Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the North East facing elevations of the development 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.

7. The bathroom window in the side north east elevation and the rooflight to the ensuite bathroom at second floor level of the dwelling hereby permitted shall be glazed in obscure glass prior to the first occupation of the dwelling 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.

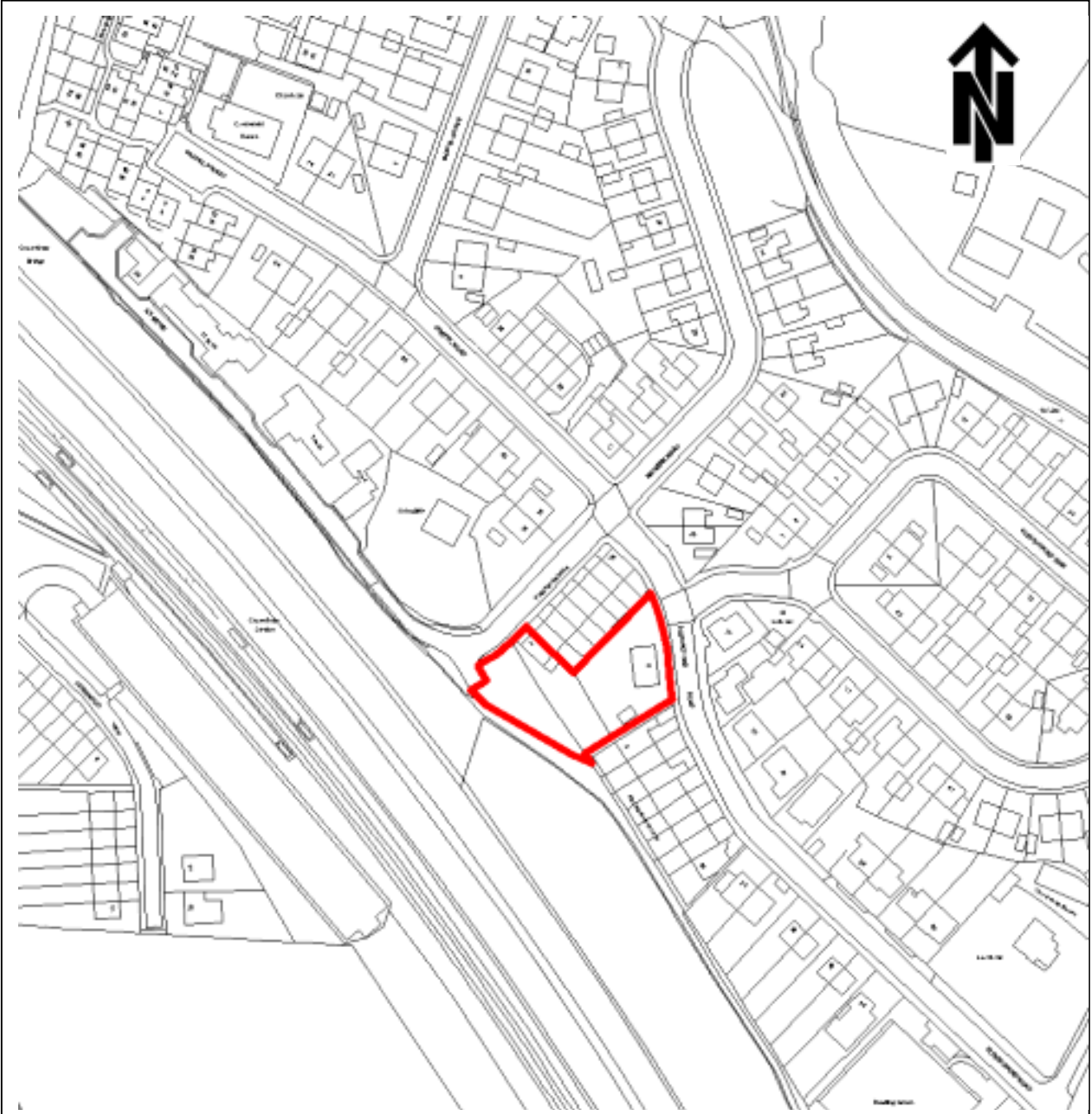
8. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

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

Area Planning Panel (Shipley)

11/01133/FUL

7 December 2011



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ITEM NO. : 3

LOCATION:

**6 Slensingford Road
Bingley**

7 December 2011

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

Application Number:
11/01133/FUL

Type of Application/Proposal and Address:
Full application for erection of six new dwellings (as amended)
6 Sleningford Road, Bingley

Applicant:
Halton Homes

Agent:
JO Steel

Site Description:
This site is located on the north side of the A650 Bingley Bypass and comprises what appears to be cleared ground, partly level, but with a steep escarpment rising up to Sleningford Road. A vacant bungalow stands on this escarpment such that it presents a single storey elevation to Sleningford Road and a two storey elevation looking over the rest of the site. The rear elevations and private gardens of a terrace of dwellings known as Preston Terrace delineate the north/north westerly boundary of the site, this terrace falling in level with the hillside towards the bypass. The site is bounded to the south east at higher level by the gable of an end-terraced dwelling on Sleningford Terrace and site levels rise very sharply towards that boundary. The site is described by the applicants as residential curtilage associated with the empty bungalow and with the end property on Preston Terrace.

Relevant Site History:
10/01928/MAF – Four houses and six flats. Withdrawn

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated

Proposals and Policies
UDP3 – quality of built and natural environment
UR3 – local impact of development
D1 – design
TM2 – highways
TM12 – residential highways standards
TM19A – highway safety

Parish Council:
None for this area.

Publicity and Number of Representations:

Neighbour letters and site notice – expiry 12 April 2011

- a) 31 individual objection letters received
- b) Objection letter received from the Sleningford Area Residents' Association
- c) Petition of objection containing 95 signatures

Summary of Representations Received:

- 1. Development will result in traffic and parking problems locally
- 2. Inadequate parking provision
- 3. Noise disturbance
- 4. Impact on wildlife
- 5. Inadequate public transport locally
- 6. Loss of light to existing dwellings
- 7. Overlooking and loss of privacy
- 8. Inadequate local infrastructure
- 9. Inaccurate plans and statements
- 10. Development represents 'garden grabbing' and conflicts with change in housing land policy
- 11. Area is of local historic interest, which would be harmed by the development

Consultations:

Highways

The proposals shown on drawing 1006 P(1) 01 Revision E are now generally acceptable in highway terms subject to the following points:

(i) The access road serves 5 dwellings which is the maximum threshold for a private drive. Ideally it should be 5.5m wide but if the applicant wants it 4.5m wide it would not be adopted and should be delineated to distinguish it from the adopted highway.

(ii) As a private drive, refuse vehicles are unlikely to access the site and so a bin collection area should be provided - located near the entrance to the site.

Standard conditions requiring formation of the access, turning and parking facilities are also recommended.

Drainage

A public sewer crosses the site. Permeable surfacing should be used where appropriate to improve sustainable drainage.

Summary of Main Issues:

- 1. Principle of development
- 2. Appropriateness of design and impact on local amenity
- 3. Impact on the amenity of occupiers of adjoining properties
- 4. Highway safety/access

Appraisal:

Principle of development

This site is 0.15 hectares in size and consists of cleared ground and the residential curtilage of the existing split level dwelling fronting Sleningford Road.

The question of the use of residential curtilage for housing development has been the subject of a change introduced by the coalition Government to National planning guidance set out in PPS3. Residential curtilages have been deleted from the definition of previously developed land in that guidance.

It appears that this change in approach has in part been driven by a sense that development of garden spaces has led in some parts of the country to cramped or otherwise poorly conceived layouts that in turn harm the appearance of the surrounding area. However, notwithstanding the revisions to PPS3, the site here is large and is capable of development for residential purposes provided that the layout and general arrangement is appropriate and takes full and proper account of the impact upon neighbouring properties and the wider environment.

Appropriateness of design and impact on local amenity

The application originally proposed 7 dwellings on the land. In responding to concerns about the practicalities of accommodating 7 dwellings the applicant has agreed to amend the proposal to 6 dwellings. This still represents a density of 40 dwellings per hectare which is within the range of 30-50 dwellings expected by RUDP Policy.

The proposed development comprises two distinct elements,

- a row of three 2-storey dwellings fronting onto Sleningford Road (Plots 1, 2 and 3), and
- three 2-storey dwellings fronting onto a new private driveway formed into the site from Newark Road, sited between the end of Preston Terrace and the A650 (Plots 4, 5 and 6).

The existing dwelling on the site is of no architectural or visual merit. There are no objections to its demolition. The rest of the site is in a generally unsightly condition with no important features being present, so an appropriate residential development would present an opportunity to improve the appearance of the locality.

The three dwellings facing Sleningford Road would present two storeys to that highway frontage, with the dwelling nearest to Preston Terrace (Plot 3) having a proposed ridge and floor level stepping down so as to present a reduced height to existing occupiers of Preston Terrace.

The form of these three houses is compatible with the character of other terraced dwellings on Sleningford Road and Preston terrace. Indeed the houses are lower in height than No 8 Sleningford Road. The design of the houses reflects existing houses in the locality and it is proposed to use an appropriate artificial stone and dark blue concrete tiles for the roof.

Plots 4, 5 and 6 would be set within the site and would have less impact on the locality. Plot 6 would be aligned with the row of houses on Preston Terrace and so reflect the local pattern of development. All these houses would be visible from the Bingley By pass, although the conventional 2 – storey height and presence of the intervening highway boundary fence would ensure that they are not unduly dominant. The same materials (artificial stone and blue concrete tiles) are proposed, and this is appropriate and compatible with similar modern developments in the area.

The development is considered to be well related to the existing character of the locality in terms of its design and layout and the massing height and materials of the proposed houses.

Impact on the amenity of occupiers of adjoining properties

Plots 4, 5 and 6 have been subject to a number of changes since the previous withdrawn application and are now arranged such that there would be no significant impact on the amenity of occupiers of houses on Preston Terrace. Plot 6 faces onto the gable wall of No 2 Preston Terrace whilst Plots 4 and 5 would present principle elevations towards Preston Terrace at an angle that would not introduce loss of privacy within habitable rooms and, with a suitable landscaping scheme, privacy within garden areas would be maintained. The houses are a conventional two storeys in height so no significant dominance or overshadowing is envisaged.

Given the steep drop in levels between the application site and Preston Terrace, there has been concern about the dominance of Plot 3 on the rear elevations and gardens of these dwellings. The gable of Plot 3 would appear high when viewed from nearest houses on Preston Terrace and their associated amenity spaces. However, the height of Plot 3 has been stepped down to reduce the impact on the nearest properties and the new unit would be in a comparable position to that of the existing dwelling on the land. The gable wall to Plot 3 would be 18.25 metres from the rear elevation of the nearest house on Preston Terrace. It is considered that this separation and the position of Plot 3 in relation to the existing terrace would not result in any significant increase in overshadowing compared with what is currently presented by the existing dwelling. The proposed development is considered to safeguard the amenity of occupiers of existing dwellings adjoining the site.

Highway safety/access

The proposals have been amended from the original layout that was originally submitted. Only Plot 1 would take a driveway access from Sleningford Road. The Council's Highway Officer has advised that whilst Plot 1 can satisfactorily take access from Sleningford Road because the existing house is already served from this road.

The rest of the development would be accessed via the formation of a 4.5m wide private driveway to serve five of the six units from Newark Road at the lower end of Preston Terrace. This means of access has been amended to incorporate service margins and would be acceptable in light of current highway design guidance. However, since the driveway would be 4.5 metres in width rather than the preferred 5.5 metres it would remain private and will not be adopted by the Council. The Highway Officer requires that some form of delineation is installed at the entrance to distinguish the private drive from the public highway. It is proposed that this be covered by a planning condition.

The Highway Officer is also requires that, because the private drive lacks a turning facility for refuse vehicles, an area for refuse bins to be stored on collection days should be provided close to the site entrance. It is proposed that the location and detail of this should be addressed by a planning condition along with a requirement for a landscaping scheme.

In terms of car parking, each dwelling is provided with two off street car parking spaces. In the case of Plots 1, 2 and 3 this includes a garage. In addition, the private drive incorporates 2 visitor car parking spaces. Note is made of objectors' concerns about local highway congestion caused by parking on the surrounding streets. However, this proposed development makes provision for satisfactory levels of off street parking in accordance with the council's parking standards and so should not worsen those existing problems.

Conditions recommend by the Highway Officer regarding formation of the means of access, parking and turning facility have been incorporated. Other more detailed conditions regarding control of gates, outdoor storage and external illumination are considered unnecessary.

Overall the scheme is considered acceptable in highway terms and subject to conditions, the development would satisfy Policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan

Community Safety Implications:

None

Reason for Granting Planning Permission:

The development would provide new housing on vacant land at a reasonably accessible location within the built up area. The layout and design reflects the prevailing character of housing in the surrounding area and the proposed residential use will have no significant adverse impact on the amenity of neighbouring occupiers. Appropriate and acceptable arrangements are made for parking, turning and servicing of the development and there will be no adverse impact on highway safety. The development would accord with Policies UR3, D1, TM12, TM19A and TM2 of the Bradford Replacement Unitary Development Plan and guidance in PPS3 : Housing.

Conditions of Approval:

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

Proposed (Amended) Site Layout Plan 1006 P(1) 01 Revision E
Cross Sections Through Site 1006 P (1) 02 Revision D
Plan Showing effect of Plot 3 1006 P (1) 03 Revision A
Elevation Drawing (Amended) 1006 P (1) 04 Revision E
Floor Plans & Longitudinal Section 1006 P (1) 05 Revision D

Received by the Council on October 27th 2011.

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

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

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

3. Before any part of the development is brought into use, the 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 1006 P (1) 01 revision E and completed to a constructional specification approved in writing by the Local Planning Authority.

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

4. Before the development is brought into use, the off street car parking facilities 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 any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan 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.

6. The garages forming part of the development shall be set back not less than 6.0 metres from the highway boundary. The drive gradient leading into the site shall be no steeper than 1 in 15.

Reason: To ensure that a vehicle can stand in front of the garage clear of the highway, in the interests of highway safety and to accord with Policies TM12 and TM19A of the Replacement Unitary Development Plan.

7. Before any of the dwellings are brought into use, a level collection point for the storage of refuse bins for Plots 4, 5 and 6 shall be provided alongside the entrance to the development and made available for use in accordance with details of the location, screening and landscaping of this facility that shall first be submitted to, and approved in writing by the Local Planning Authority. Thereafter the bin collection point shall be retained for this purpose as long as the dwellings are in use.

Reason: To ensure that a suitable bin collection facility is made available to serve the development and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

8. Notwithstanding details shown on the approved plans, the entrance to the private drive serving Plots 4, 5 and 6 shall incorporate surfacing materials that delineate and distinguish the private drive from the adjoining public highway.

Reason : In the interest of highway safety and to accord with Policies D1 and TM2 of the Replacement Unitary Development Plan.

9. The development shall not begin until a scheme of hard and soft landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Numbers of trees and shrubs in each position with size of stock, species and variety.
- ii) Types of enclosure (fences, railings, walls).
- iii) Types of hard surfacing (pavings, tarmac, etc).
- iv) Details of any regraded contours and details of changes in level

Reason: In the interests of visual amenity and to accord with Policy D5 of the Replacement Unitary Development Plan.

10. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

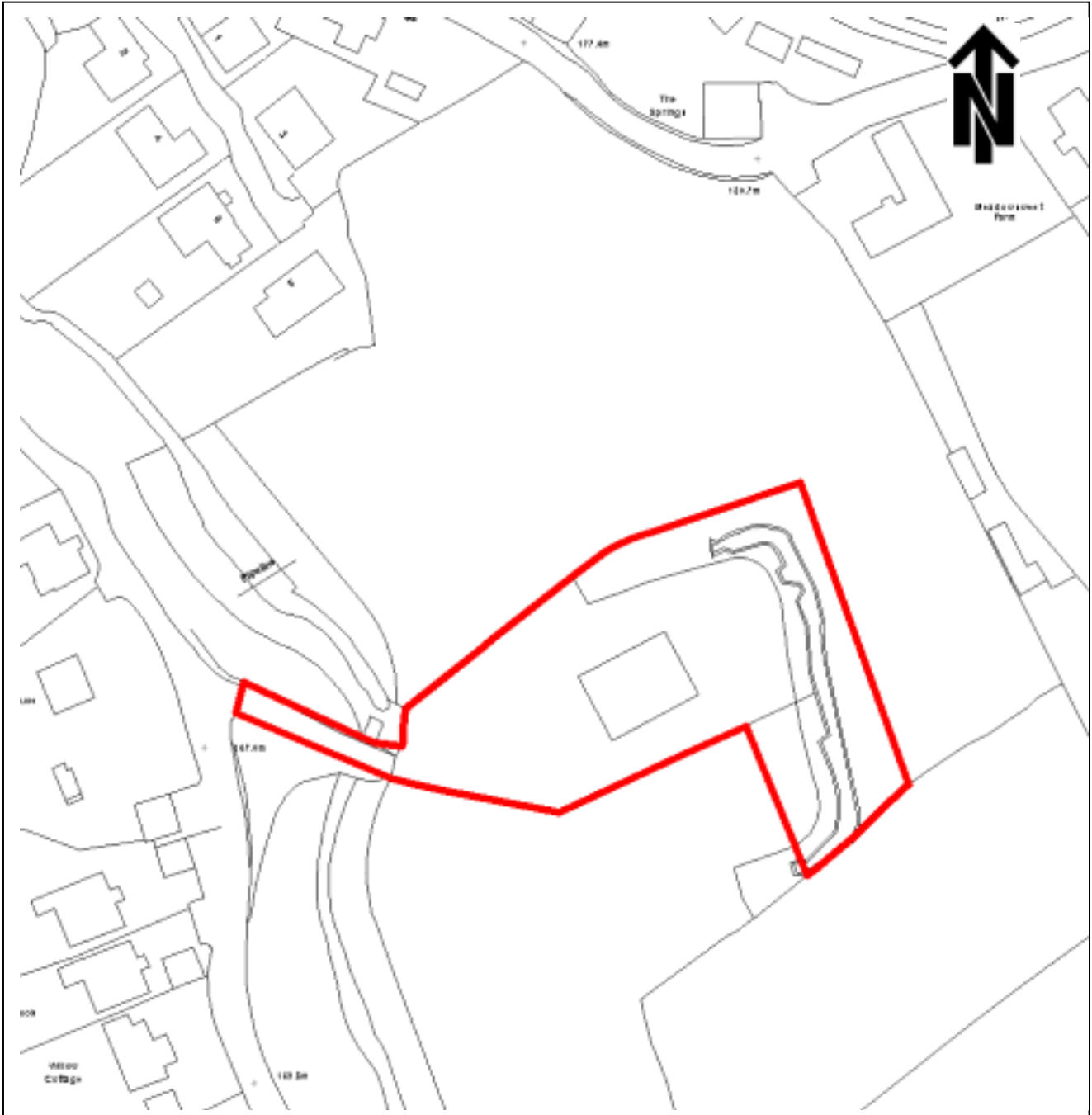
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To protect the visual amenity of the street scene and the residential amenity of neighbouring occupants and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley)

11/03734/VOC

7 December 2011



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<p>ITEM NO. : 4</p>	<p>LOCATION: Royston Fold Farm Saltaire Road Eldwick Bingley</p>
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7 December 2011

Item Number: 4
Ward: BINGLEY
Recommendation:
TO GRANT PLANNING PERMISSION TO VARY THE CONDITION

Application Number:
11/03734/VOC

Type of Application/Proposal and Address:
Application to vary Condition 9 of planning approval 01/03721/COU to allow parking of six motor homes to rear of existing offices at Royston Fold Farm, Saltaire Road, Eldwick, Bingley BD16 3EY

Applicant:
Mr Damion Todd

Agent:
Mr Andrew Hill

Site Description:
The site is in the Green Belt and is occupied by a building originally constructed for agricultural purposes in the 1970s or 1980s to serve a farm holding on land between Springs Lane and Saltaire Road. In 2003, farming had ceased and planning permission was granted for the buildings to be converted to B1 Business and B8 storage use subject to a series of conditions including one precluding outdoor storage. The buildings are set in a reclaimed quarry with the quarry face rising to the rear and north side of the building so that it is well screened in views from these directions. A strong line of trees follows the line of the beck to the west of the buildings. An access leads off Saltaire Road across the stream and into the site. Residential properties are located on the west side of Saltaire Road facing the site.

Relevant Site History:
01/03721/COU - Change of use of agricultural buildings for B1 (offices) and B8 (storage).
Granted 2.10.03

08/07365/FUL - Retention of extended gravel turning area, two lighting columns and length of dry stone wall. Refused 9.2.09

Replacement Unitary Development Plan (RUDP):
Allocation
Site is in the Green Belt

Proposals and Policies
GB1 – presumption against inappropriate development in the Green Belt.
UR3 – local planning considerations
D1 – design considerations
BH7 – development within or which would affect the setting of conservation areas
NE3/NE3A - landscape character

TM2 – transport impact and mitigation
TM19A – traffic management and road safety

Parish Council:

There is none for this area.

Publicity and Number of Representations:

Advertised as a Departure. Expiry of publicity 16.09.11
14 representations received objecting to the variation of condition.

Summary of Representations Received:

The condition that the applicant seeks to have varied was put there for very good reasons. Since then the area has become a conservation area which makes the visual impact more sensitive. This semi rural part of Eldwick is totally unsuited to this sort of commercial activity in the Green Belt.

There is concern about the size of the motor homes being stored and their impact on the conservation area and green belt. The site will be transformed into a commercial business park if outdoor storage like this is permitted.

Objectors report how the occupiers of these buildings have previously breached the conditions imposed on the original grant of planning permission for the B1 and B8 uses due to storage of building materials and contractor's plant outside. The current occupier has assured residents that the current breach of the condition due to storage of motor homes was to be temporary but it is not. This shows a disregard for the basis on which the planning permission was granted.

Impact on pedestrian and traffic safety - Saltaire Road and Glen Road are narrow unsuitable roads. They are used by walkers and cyclists and do not have footways. They are unsuitable for large motor homes to be taken along.

Local residents are concerned at the size of the vehicles being taken onto the site and the fact that they arrive at irregular intervals and often at weekends when residents have an expectation of peace and quiet

There is concern about whether it is intended to clean and valet the motor homes on site which will have implications for drainage.

There will be an increase in noise levels in what is primarily a quiet residential area.
Adverse impact on wildlife.

Consultations:

Highways DC – Saltaire Road is substandard in alignment and layout. Notwithstanding this, traffic generation from the proposed development is unlikely to be any worse than the previous agricultural use of the premises and there are no objections from a highways point of view.

Conservation Officer – Notes that the site is located to the south of Eldwick Beck Conservation Area and that the proposal is potentially incompatible with the semi rural nature of the site. Whilst in summer (and at the time of the consultation) views from the Conservation Area into and out of the site are very limited due to screening provided by the line of TPO trees along the beck, there is concern about reliance on this screening in winter when the use may be a detractor to the setting of the conservation area.

Drainage – Use of porous materials for any additional parking or manoeuvring areas should be investigated.

Summary of Main Issues:

1. Impact on visual amenity of the area and the Green Belt
2. Impact on Eldwick Beck conservation area
3. Highway issues
4. Impact on local residents

Appraisal:

This application is submitted following complaints and an enforcement investigation regarding use of an area at the back of the existing building to store motor homes. The storage is behind the large shed that was originally in agricultural use and is now used as business offices and storage. In 2001 planning permission was granted for its conversion to business use subject to Condition 9 which simply stated :

“There shall be no outdoor storage or display of goods or materials within the site”

The reason for the condition was in the interests of visual amenity - with policies from the original UDP concerned with protection of the green belt and landscape being quoted.

The building is occupied principally by a local property development company, with the applicant's company Northern Leisure occupying part of the first floor. This business is involved in the hire of motor homes. Around 6 of these are being stored behind the building.

Impact on visual amenity of the Green Belt.

The area of outdoor storage is between the back wall of the existing building and the quarry face. It is clearly defined on submitted drawing NL02. The storage is not seen from land to the east of the site due to the quarry face, above which are some other farm buildings and trees. The vehicles are also largely screened to north and south by the topography of the old quarry. From vantage points to the west - along Saltaire Road, the stored motor homes are largely hidden by the bulk of the existing building. Some glimpses of the vehicles to one side of the building can be obtained through the trees but these are fleeting and the effects on visual amenity and the character of the landscape are not pronounced in comparison to the existing building and the effects on the character of the landscape are not significant.

The storage is clearly ancillary to the existing use of the site and the items stored do not constitute permanent features or development in themselves. The storage use of the limited area proposed would not cause any significant loss of openness and would not materially conflict with the purposes of including the land in the Green Belt.

Impact on the character and appearance of Eldwick Beck Conservation Area

The site itself is not within Eldwick Beck Conservation Area but the conservation area lies to the north and west. The Conservation Officer was satisfied that the trees along the beck provide effective screening of the site in summer but (commenting in September) had some concerns about whether the tree belt would be sufficient to screen the site in winter. However, recent assessment confirms that in views from the Saltaire Road, the tree belt is dense enough to provide good screening even in winter. The belt of trees is protected by Tree Preservation Order which would secure their long term presence. The impact of storage in the area indicated on the submitted plan on views from the Eldwick Beck Conservation Area and on the setting of the conservation area is therefore minimal.

It is accepted that whilst storage in the defined area behind the building will have no significant impact on visual amenity, outdoor storage on other parts of the curtilage outside the area shown could have a greater impact on landscape character. Therefore the condition should only be varied as requested by the applicant rather than removed completely as it still serves a useful planning purpose in respect of controlling outdoor storage on the more exposed parts of the site.

Highway Issues

Local residents have objected on highway safety grounds referring to the poor condition of Saltaire Road, lack of footways and its awkward junction geometry with Otley Road. The Council's Highway officer recognises that Saltaire Road is substandard in alignment and layout, but considers that the traffic generation from the proposed development is unlikely to be significant and certainly no worse than the previous agricultural use of the premises. There are no objections from a highways point of view.

Other Issues

The scale of storage involved and the separation from the residential properties on Saltaire Road is such that it is difficult to accept arguments that the outdoor storage would have a significant impact on the living conditions of neighbouring residents. Note is made of concerns that motor homes are sometimes taken onto the site at weekends but the numbers of vehicles involved would not be substantial enough to justify refusal on grounds of harm to living conditions of neighbours from the storage activity.

No habitats are affected and storage of vehicles on the scale involved would not seem to have any direct or identifiable adverse impact on wildlife on the site or in the wider area.

Although concerns have been expressed regarding washing and valeting of the vehicles, it is not envisaged that if such activity did occur that it would be undertaken regularly or that the site is not capable of accommodating occasional washing of vehicles. The land behind the building has a permeable surface so there is unlikely to be any issues of surface water run-off from such ancillary and occasional activities.

It is acknowledged that the storage is ancillary to a business use and that the Draft National Planning Framework and existing PPS4 would require weight to be attached to the needs of the business. However, in this instance it is considered that the storage would not have any harmful effects in terms of other planning policies.

Conclusion

In view of the lack of prominence of the storage to the back of the building, it is not considered that it will have any significant impact on the visual amenity of the green belt or the nearby conservation area. It is considered that the condition should be amended to

“There shall be no outdoor storage or display of goods or materials within the site except for on that part of the site at the rear of the building and shown as storage for motor homes on drawing NL02.”

Community Safety Implications:

None apparent.

Reason for Granting Planning Permission:

The part of the site proposed for outdoor storage is well hidden by the quarry walls and the existing building, and by trees along the adjacent stream. In view of the screening by these features it is not considered that outdoor storage in the area defined on the submitted drawing would adversely affect the openness or visual amenity of the Green Belt, landscape character or the adjacent conservation area. Nor is it considered that outdoor storage of the scale proposed would significantly intensify traffic movements on Saltaire Road or harm local road safety. The proposal therefore complies with Policies GB1, UR3, D1, NE3/NE3A, TM2 and TM19A of the Replacement Unitary Development Plan for the Bradford District.

Conditions of Approval:

1. To vary condition 9 as follows:

There shall be no outdoor storage or display of goods or materials within the site except for on that part of the site shown as storage for motor homes on drawing NL02.

Reason: In the interests of visual amenity and to accord with Policies UR3, GB1, NE3 and NE3A of the Replacement Unitary Development Plan.

2. Other conditions will be re-applied.
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