

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (SHIPLEY) to be held on 18 January 2012

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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.	Land East Of 24 Valley View Harden Bingley - 11/03543/OUT [Approve] (page 1)	Bingley Rural
2.	Micklethwaite Lane/Sty Lane Micklethwaite Bingley - 11/03769/FUL [Approve] (page 9)	Bingley
3.	Micklethwaite Lane/Sty Lane Micklethwaite Bingley - 11/03775/CAC [Approve] (page 38)	Bingley
4.	Burley Library Grange Road Burley In Wharfedale Ilkley LS29 7HD - 11/04143/FUL [Refuse] (page 53)	Wharfedale

Julian Jackson
Assistant Director (Planning)

Report Contact: Ian Wilson
Phone: 01274 434605

Email: ian.wilson@bradford.gov.uk

Portfolio:
Environment and Culture

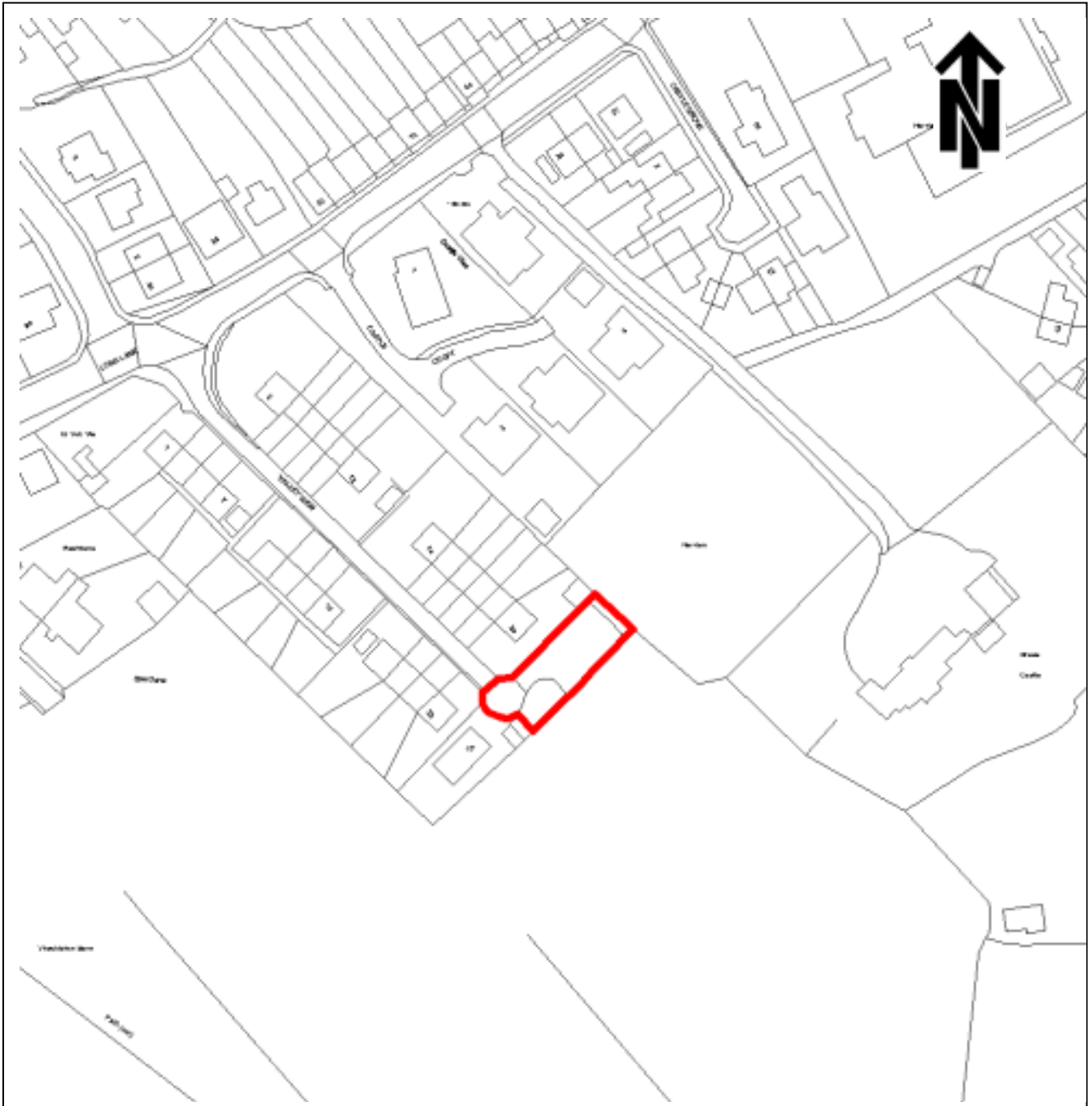
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Shipley)

11/03543/OUT

18 January 2012



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ITEM NO. : 1

LOCATION:

**Land East Of 24 Valley View
Harden Bingley**

18 January 2012

Item Number: 1
Ward: BINGLEY RURAL
Recommendation:
TO GRANT OUTLINE PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
11/03543/OUT

Type of Application/Proposal and Address:

Outline application for the construction of a detached dwelling and parking at land to the east of 24 Valley View, Harden.

The application seeks approval of Access, Appearance and Scale.

Applicant:

BDMC Asset Management

Agent:

Beckwith Design Associates Ltd

Site Description:

The application site comprises an unallocated parcel of land off the head of a narrow cul-de-sac known as Valley View. Houses along the cul de sac are predominantly stone terraced houses arranged in three blocks of four and two blocks of six dwellings. A more recent modern bungalow has been added to the south west of the head of the cul-de-sac. The application site is a rectangular shaped portion of land to the north east of the head of the cul de sac and was previously occupied by garages but is now a cleared hard surfaced plot used for parking by residents of and visitors to properties on Valley View. Many of the properties in Valley View have created parking spaces within the front gardens although a number currently have no off street parking.

To the north western boundary of the site is number 24 Valley View which relies upon a portion of the proposal site to access a garage built in their rear garden. This garage cannot be directly accessed from the side of number 24, due to a conservatory having been constructed between its gable end and the site boundary.

Land to the south eastern boundary is open agricultural pasture designated as green belt. The north eastern and south eastern boundaries are defined with small hawthorn trees and other mature shrubs and vegetation.

Relevant Site History:

10/00851/OUT - Construction of detached dwelling with integral garage - Withdrawn – 15April 2010.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated on the Proposals Map.

Proposals and Policies

UR3 – The Local Impact of Development

D1 – General Design Considerations

TM2 – Impact of Traffic and its Mitigation

TM12 – Parking Standards for Non Residential Developments

TM19A – Traffic Management and Road Safety

The Draft National Planning Policy Framework:

The Draft National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such local planning authorities should approve development proposals that accord with statutory plans without delay.

Harden Parish Council:

Harden Parish Council objects to the proposal stating:” There is a reasonable expectation that residents should continue to be able to park on this area as they have been doing so over such a long number of years. As the area previously housed garages for parking that were rented by the residents from the Council it is not accepted that this parking can be ‘unauthorised’. No measures have been included to cope with emergency vehicles or the refuse lorry. In addition the shared access suggested with number 24 is problematic and the Parish Council feel that shared access in general should be avoided at all costs.”

Publicity and Number of Representations:

Application publicised by way of neighbour notification letters and site notice, with an overall expiry date for comments to be received by 8 September 2011.

Objection letters to the proposal from 9 separate addresses.

Objection has also been made by Ward Councillor who requests the application be determined at planning panel should officers be minded to approve.

Petition has also been received with 57 signatories from Valley View, Cliffe Avenue and Long Lane objecting to the proposal.

Summary of Representations Received:

- The proposal would result in the loss of required parking facilities for the residents of Valley View, many of which have no other off street parking provision. Building on a much used piece of “public land” should not be contemplated.
- Residents have been relying on this land for parking of their vehicles for over 20 years. There are 25 houses along this street and up to 9 of these use and rely on the spaces on this land - especially at weekends and in the evening.
- If developed, existing use of the land for parking will be displaced to Long Lane and Cliffe Avenue causing conflict with residents on these streets, safety problems and nuisance.
- The turning circle is still inadequate and will not allow large vehicles to turn.
- The proposed drive to the dwelling would be shared with number 24 and is single width. The occupants of number 24 would be reliant upon the good will of prospective occupiers of the proposed house not blocking access to the garage on their property.

Consultations:

Highways – The proposal will lead to a loss of six parking spaces which may cause a problem for those using the site for overspill parking, mainly households with more than two cars; as most properties along Valley View can accommodate two vehicles within their curtilage.

In view of the above, the Highways Development Control Officer does not consider that this proposal will cause major highway safety problems at this location, if approved and therefore have no objections to raise on the proposed development.

Suggest standard conditions are attached to ensure the access and parking areas are provided prior to the dwelling being occupied.

Drainage – Separate drainage system required within the site boundary.

In order to keep the impermeability of the site to a minimum the developer should investigate the use of porous materials in the construction of the car parking and hard standing areas.

Summary of Main Issues:

- Principle of Development.
- Impact on neighbouring residential amenity.
- Impact on Highway Safety/Parking.

Appraisal:

The proposal seeks outline permission for a single detached dwelling and parking, considering access, appearance and scale. Landscaping and layout are reserved for future consideration. The submission follows a withdrawn application and pre application enquiry.

Principle of Development

An additional dwelling within this established residential area would conform to surrounding uses. Further, the principle of development satisfies sustainability objectives, representing an appropriate use of a ‘brown field site’ within the built up area of the village and with good access to existing facilities in Harden. As such, the principle of development is considered to be acceptable under policies UDP1 and UR2, of the RUDP. Being previously developed land used for garaging there is no issue regarding loss of garden land.

Impact on neighbouring residential amenity:

The proposal seeks outline permission with layout and landscaping reserved as a reserved matters. However, the position of the proposed dwelling has been shown for indicative purposes on the submitted plans and occupies a position which is in line with the terrace to the North West. As a result of the separation from surrounding properties it is clear that the development could be constructed without raising any issues regarding unacceptable or harmful overlooking or overshadowing of neighbouring properties.

The proposal would introduce an additional residential property to the south east of No 24 Valley View. Whilst there would be traffic generated by the use of the dwelling, the land is currently already used by vehicular traffic and the boundary of the site with No 24 is defined by mature hedge. Accordingly the proposal would not be considered to generate any significant impact in terms of increased noise and disturbance, over and above current levels with respect to the adjacent house.

For these reasons, it is considered that the development of this site could take place with suitable conditions. The Council is satisfied however that there is adequate space on the site to allow a development which would preserve the amenities of the site and neighbouring occupiers and acceptably accord with the provisions of policies D1 and UR3 of the RUDP.

The site is currently relied upon by the occupants of the adjacent end terrace house, No 24 Valley View, to access an existing garage facility within that properties' rear garden. A vehicular drive is not provided within the curtilage of that property which has a conservatory to the gable end and mature hedge which prevents such access. The applicant has responded to this situation by retaining vehicular access for the occupants of No 24 across the application site via a shared drive.

Impact on highway safety:

The proposal would result in the development of a site previously occupied by garages. The site has been cleared of these but remains hard surfaced and is used as an area of 'overspill' parking for properties within Valley View where on street parking is not practicable due to it's restricted width. The site currently is capable of accommodating up to nine vehicles and the proposed dwelling would reduce the ability for residents and visitors to Valley View properties to park on the site. There has been a high level of public comment relating to difficulties which residents fear would be introduced should the application be approved due to loss of this space.

The applicant has responded to the objections to loss of the land for informal parking by retaining three parking spaces for general use and proposing improvements to the existing turning head through its enlargement. The enlargement of the cul de sac turning head would benefit all occupiers of Valley View by improving servicing arrangements and reducing the necessity for reversing along the street. The Councils Highway Officer's consultation response acknowledges that the reduction of current 'overspill' parking availability from nine to three spaces may result in some difficulties but the improved turning head and retention of some spaces for other residents would appropriately mitigate this impact and the Highway Officer advises that the proposal would not result in major highway safety problems. Highways DC do not raise objection to the proposed development.

In line with the Highway advice it is considered that subject to a condition requiring the works to the turning head and provision of parking spaces to be implemented prior to the dwelling being first occupied, the proposal would not be detrimental to highway safety. It therefore accords with policies TM2, TM12 and TM19A of Bradford's RUDP.

Impact on the street scene:

The proposal seeks approval of details of access, appearance and scale. The street scene is primarily made up of stone built terraced properties but there is a detached bungalow at 25 Valley View on the plot directly opposite the application site. The new outline proposal is designed to mirror the detached form of this bungalow at No 25 and follow the building line of the properties at 14 - 24 Valley View. The dwelling is indicated to be two stories in height and detailed to reflect the form and character of the houses to the side. Stone is proposed for the walling materials with a concrete tile proposed for the roof. Sufficient space is shown retained between the dwelling and the boundary with the fields and should permit retention of the small hawthorn tress along this edge.

The form, height, materials and design are all sympathetic to the character of Valley View and accordingly the proposed dwelling would not be harmful in respect to the visual appearance of the street and meets the requirements of Policies UR3 and D1 of the RUDP.

Conclusion:

For the reasons noted above, and despite the receipt of objections, it is considered that the proposal represents appropriate development that – with appropriate conditions – would adequately protect the residential, visual and general amenities of the site and the surrounding area. Accordingly, approval is recommended subject to the conditions set out below.

Community Safety Implications:

None foreseen.

Reason for Granting Planning Permission:

The proposal would represent an appropriate development in this sustainable location within Harden village. It is considered that the proposed development would not have any significant detrimental impact in terms of residential amenity or traffic safety and accords with the provisions of the Replacement Unitary Development Plan Policies UDP1, UR2, UR3, D1, TM2, TM12 and TM19A.

Conditions of Approval:

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

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

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

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

3. Before any development is begun plans showing the:

- i) landscaping
- ii) layout,

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

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

4. Before any part of the development is brought into use, the proposed car parking spaces and enlargement to the turning head in Valley View shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered 189ARU/P-02 Rev C and to a specification to be submitted to and approved in writing by the Local Planning Authority. The enlarged turning head and car parking spaces so approved shall be kept open and available for use while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policy TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

5. 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.

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

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

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

189ARU/P/01A - Location Plan and Existing Site Plan

189ARU/P-02 Revision C - Proposed Site Plan

189ARU/P-03A - Typical Floor Plans and Elevations of detached House

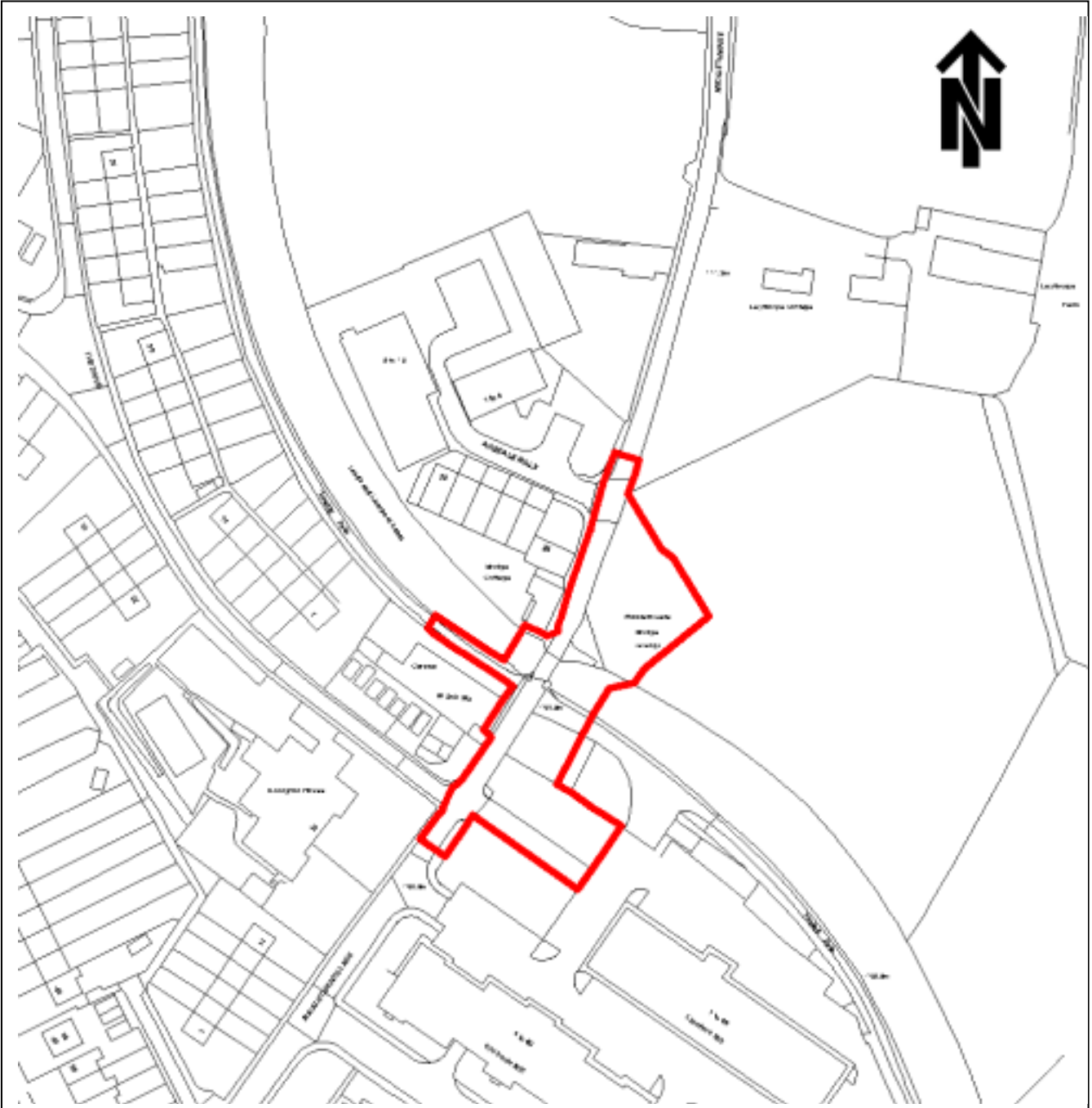
Received by the Council on 2 August 2011.

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

Area Planning Panel (Shipley)

11/03769/FUL

18 January 2012



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ITEM NO. : 2	LOCATION: Micklethwaite Lane/Sty Lane Micklethwaite Bingley
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18 January 2012

Item Number: 2
Ward: BINGLEY

Recommendation:

AN APPEAL TO THE PLANNING INSPECTORATE HAS BEEN LODGED BECAUSE OF NON- DETERMINATION OF THIS APPLICATION. IF THE LOCAL PLANNING AUTHORITY HAD BEEN IN A POSITION TO DETERMINE THIS APPLICATION THE RECOMMENDATION WOULD HAVE BEEN TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT

Application Number:

11/03769/FUL

Type of Application/Proposal and Address:

A full application for a replacement vehicular and pedestrian swing bridge and ancillary works following demolition of the existing swing bridge over Leeds-Liverpool Canal at Micklethwaite Lane/Sty Lane, Micklethwaite, Bingley.

Applicant:

Redrow Homes (Yorkshire) Ltd.
Bellway Homes Ltd. (Yorkshire Division)

Agent:

Stephen Sadler – Walker Morris

Key Background Information:

Outline planning application 11/01203/MAO was refused by Members at the Shipley Area Planning Panel 23 September 2011 for the construction of 420 to 440 dwellings, replacement vehicular and pedestrian swing bridge over the Leeds/Liverpool canal, provision of new accesses off Sty Lane and Micklethwaite Lane, emergency and limited access off Oakwood Drive, pedestrian and cycle access to Fairfax Road, off site highway improvements, laying out of public open space and landscaping. The application was refused for the following reasons:-

- The proposed development would involve the use of an emergency access route to and from the site using Oakwood Drive which is considered to comprise an inadequate road layout. It is considered that the use of this route is unsatisfactory and therefore the proposal would be prejudicial to highway safety and contrary to Policies TM2 and TM19A of the Replacement Unitary Development Plan.
- The proposed development would involve the use of a replacement swing bridge over the Leeds and Liverpool Canal as the principle means of vehicular access to the site. It is considered that as such this type of bridge would be inadequate and impractical as a means of vehicular access to the site, leading to conditions prejudicial to highway safety and contrary to Policies TM2 and TM19A of the Replacement Unitary Development Plan.

A Public Inquiry is to be held into this application starting on 21 February 2012 and is scheduled to sit for 10 days.

As part of the Public Inquiry procedures a Statement of Common Ground (SOCG) has been concluded with the appellants. Under the SOCG the appellants intend to substitute the bridge details contained within this application 11/03769/FUL in lieu of those contained within application 11/01203/MAO. It is therefore essential that Members note that the reasons for refusal they considered pertinent for application 11/10203/MAO could equally apply to this application.

Site Description:

This application is for the removal of the existing vehicular mechanical swing bridge and associated parapets which form part of Micklethwaite Lane as it passes over the Leeds-Liverpool Canal and the replacement of a new vehicular swing bridge. The application site is located within the Leeds – Liverpool Conservation Area and within the Site of Ecological/Geological Importance area (SEGI) which is formed by the Canal.

The removal of the existing bridge and replacement with a new bridge are to be provided in conjunction with residential development on the sixteen hectare (39.5 acre) Greenfield site located to the north of the Canal (considered under reference 11/01203/MAO and currently under appeal to the Secretary of State). This development site is located within the Aire Valley to the north of Bingley, the south of Micklethwaite Village and to the north and east of Crossflatts. The site was previously identified as a housing site (S/H2.10) within the Replacement Unitary Development Plan: Proposals for the Shipley Constituency (see policy/allocation section in the report below).

To the south west of the Canal lies the towpath which effectively separates the site from the residential area Crossflatts. To the south east of the existing bridge are boat moorings owned and licensed to Airedale Boat club by British Waterways and Hainsworth Boatyard further along to the southern. On the opposite side of the Canal lies the National and Local Cycle network which follows the towpath along the southern side of the Canal between Keighley and Bingley.

Micklethwaite Lane itself passes over the existing single lane canal bridge. Bridge Cottage and Airedale Mills, which are key unlisted buildings, are located to the north west of this bridge. Laythorpe Farm, which comprises a group of vernacular farm buildings which date back to the early 18th century are Grade 2 listed buildings to the north/north west of the bridge/canal. Micklethwaite Lane leads beyond the site into Micklethwaite Village, a small village that originally developed as an agricultural farming hamlet, which itself lies within a conservation area which covers the historic core of the village.

Recent Site History:

A. Planning application -10/00961/MAO - Construction of 475 dwellings, replacement vehicular and pedestrian swing bridge over the Leeds to Liverpool canal and provision of new accesses off Sty Lane and Micklethwaite Lane, access off Fairfax Road and off site highway works. This application has been WITHDRAWN from determination.

B. Planning application – 11/01203/MAO - Construction of 420 to 440 dwellings, replacement vehicular and pedestrian swing bridge over the Leeds/Liverpool canal, provision of new accesses off Sty Lane and Micklethwaite Lane, emergency and limited access off Oakwood Drive, pedestrian and cycle access to Fairfax Road, off site highway improvements, laying out of public open space and landscaping. This application was REFUSED in September 2011 for the following reasons:-

- The proposed development would involve the use of an emergency access route to and from the site using Oakwood Drive which is considered to comprise an inadequate road layout. It is considered that the use of this route is unsatisfactory and therefore the proposal would be prejudicial to highway safety and contrary to Policies TM2 and TM19A of the Replacement Unitary Development Plan.
- The proposed development would involve the use of a replacement swing bridge over the Leeds and Liverpool Canal as the principle means of vehicular access to the site. It is considered that as such this type of bridge would be inadequate and impractical as a means of vehicular access to the site, leading to conditions prejudicial to highway safety and contrary to Policies TM2 and TM19A of the Replacement Unitary Development Plan.

A Public Inquiry is to be held into this application starting on 21 February 2012 and is scheduled to sit for 10 days.

C. Scoping Application -11/00713/SCO - Construction of some 400 houses, new swing bridge, access points and internal road network (Request for scoping opinion).

D. Planning application 11/03775/CAC – Conservation Area Consent for the demolition of the existing vehicular swing bridge over Leeds-Liverpool Canal and ancillary works – elsewhere on this agenda with a recommendation that if the Local Planning Authority had been in a position to determine this application the recommendation to Members would have been to grant conservation area consent

Replacement Unitary Development Plan (RUDP):

Allocation

The removal of the existing bridge and its replacement with an alternative one (subject to both this application - 11/03769/FUL - and application 11/03775/CAC) have been proposed to facilitate development on a development site to the north of the Canal (11/01203/MAO). The paragraphs below establish the background of allocation status of the larger development site and as such are a material consideration in this application.

(i) Within the Proposals for the Shipley Constituency of the Replacement Unitary Development Plan the site was identified as being part an allocated housing site under policies H2 and H4 (reference S/H2.10).

(ii) The Planning and Compulsory Purchase Act (the Act) reformed the English planning system in September 2004. The Replacement Unitary Development Plan (RUDP) for Bradford was replaced by a range of documents that will form the Bradford District Local Development Framework (LDF). Under the transitional arrangements relating to the Act, unless expressly replaced by a 'new ' policy, 'old' policies (adopted local plan, unitary development plan and structure plan policies) are saved for 3 years from which is the later of:

- (i) the date of commencement of Section 38 of the Planning & Compulsory Purchase Act 2004 on 28 September 2004 or
- (ii) the date the plan was adopted or approved.*

(iii) The Replacement Unitary Development Plan (RUDP) for Bradford was adopted on 18th October 2005. Under the second provision in the above paragraph (ii), the policies of the RUDP were automatically saved until October 2008 without recourse to the Secretary of State. However, the Council was required to submit a formal request to the Secretary of State 6 months before the expiration of the relevant 3 year period to save policies further.

(iv) The Department for Communities and Local Government (DCLG) published a protocol for the saving of policies in August 2006). This set out broad principles to follow in making a request and the criteria against which any request would be assessed by the relevant government office. In January 2007, the DCLG published a template for making submissions to the Secretary of State based on the criteria in the protocol.

(v) The Council needed to demonstrate that the policies they wished to be saved reflected the principles of local development frameworks; also the national policy in place at that time. Officers in consultation with the Government Office Yorkshire and the Humber (GOYH) completed the above template using the DCLG guidance.

(vi) A key element of the DCLG guidance made clear the need for particular regard to be paid to policies that supported housing, including unimplemented site allocations. This was an explicit consideration of an April 2008 report to the Executive committee of the Council. This set out the reason for the non-saving of Policies of H1 and H2 which were seen principally as phasing policies and the conclusion that the unimplemented housing allocations would continue to be protected under Policy H4 as proposed to be saved.

(vii) The Council resolved to submit for saving the policies set out into the report for consideration by the Secretary of State. To this end a formal application was made to the Secretary of State via GOYH on 21 May 2008.

(viii) A direction was issued by the Secretary of State on 30 September 2008 which listed those policies to be saved. Those policies not listed in the Direction would expire on 31 October 2008. In line with the Council submission policy H4 was saved while H1 and H2 were left to expire.

(ix) In relation to an ongoing development proposal on a site allocated as a phase 2 housing site, a submission was received from a local resident which challenged the legal basis for the saving of unimplemented housing allocations in the RUDP. The basis of the submission was that Policies H1 and H2 allocated the sites as well as dealing with their phasing, whereas Policy H4 did not allocate sites but rather protected them. The Council subsequently obtained a Counsels opinion which concurred with this view.

(x) On 21st November 2011 the Council resolved the following (as it affects this development site):-

- That it was the Council's intention that the unimplemented housing sites should be protected to meet the district's housing needs.
- That the extensive and robust statutory process through which the sites allocated under policies H1 and H2 in the RUDP were subjected to and as such all the unimplemented Housing Site previously allocated under policies H1 and H2 should be accorded significant weight when considering their use for residential development.
- That any planning applications which related to an unimplemented Housing site and which have been considered but have not had a decision notice issued be reconsidered by Regulatory and Appeals in the context of the above new legal considerations.

Essentially the Council resolved the above position in order to provide certainty to decision makers, developers and communities.

(xi) Despite the fact that the site is not now an allocated housing site on the current development plan (RUDP) Members are advised that it is appropriate to afford weight to the fact that the site was previously allocated as a housing site (Phase II) and that the allocation was only removed by virtue of a genuine mistake as outlined in detail above.

(xii) The Council have accepted that it is appropriate that sites formally allocated as Phase II Housing Sites should be "accorded significant weight when considering their use for residential development". (21st November Council meeting). These facts should be taken into consideration in relation to this application.

The following policies are relevant:-

Proposals and Policies

- UDP1 – Promoting sustainable patterns of development
- UDP2 – Restraining development
- UDP3 – Quality of built and natural environment
- UDP7 – Reducing the need to travel
- UR2 – Promoting sustainable development
- UR3 – The local impact of development
- UR6 - Planning Obligations and conditions
- H4 – Protecting Allocated Housing Sites
- H7 – Housing Density – Expectation
- H8 – Housing Density – Efficient Use of Land
- H9 – Affordable Housing
- GB1 – Green Belt considerations
- TM1 - Transport Assessment
- TM2 – Impact of traffic and its mitigation
- TM8 - New Pedestrian and cycle Links
- TM10 – The national and Local Cycle Network
- TM12 – Parking standards for residential developments
- TM13 - On Street Parking controls
- TM19A – Traffic management and road safety

D1 – General design considerations
D2 – Energy Efficiency and Sustainable Design
D4 – Community safety
D5 - Landscaping
D6 - Meeting the needs of pedestrians
D7 – Meeting the needs of Cyclists
D7A – Meeting the needs of public transport through design
D14 – external Lighting
BH4A – Setting of Listed Buildings
BH7 - New Developments in Conservation Areas
BH9 – Demolition within a conservation area

BH10 – Open Space within or adjacent to Conservation Areas
BH11 – Space about Buildings in Conservation Areas
BH12 – Conservation Area Environment
BH18 – Archaeological Areas
BH19 – Development Affecting archaeological areas
BH20 – The Leeds and Liverpool Canal
OS5 – Provision of recreation open space and playing fields in new development
NE3 – Landscape Character Areas
NE3A – Landscape Character Areas
NE4- Trees and Woodlands
NE5 - Retention of Trees on Development Sites
NE6 - Protection of Trees during development
NE9 - Other sites of Landscape or wildlife interest
NE10 - Protection of Natural features and Species
NE11 - Ecological Appraisals
NE13 – Wildlife Corridor
NR16 - Surface Water Run Off and sustainable Drainage Systems
NR17A – Water Courses and Water bodies
P7 – Noise

BMDC – Supplementary Planning Guidance

Landscape character
Planning Obligations
Planning for Crime Prevention

Airedale Corridors: A Master plan & Strategy for Airedale
The Leeds and Liverpool Canal – Conservation Area Assessment

***The Yorkshire and Humber Plan - Regional Spatial Strategy (RSS) to 2026:
Policies***

YH1 – Overall Approach and Key Spatial Priorities
YH4 – Regional Cities and Sub-Regional Cities and Towns
YH6 – Local Service Centres and Rural and Coastal Areas
YH7 – Location of Development
YH8 – Green Infrastructure
LCR1 –Leeds City Region

H1 – Provision and Distribution of Housing
H2 – Managing and Stepping up the Supply and Delivery of housing
H4 – The Provision of Affordable housing
H5 – Housing Mix
ENV1 – Development and Flood Risk
ENV5 - Energy
ENV8 – Biodiversity
ENV9 – Historic Environment
ENV10 - Landscape
T1 – Personal Travel Reduction and Modal Shift
T3 – Public Transport

Planning Policy Statements/Guidance:

PPS1 - Delivering sustainable development; the planning system: general principals (supplement to PPS1)
PPS3 – Housing
PPS4 – Planning for Sustainable Economic Growth
PPS5 – Planning for the Historic Environment
PPS9 – Biodiversity and Geological Conservation
PPS12 – Local Spatial Planning
PPG13 – Transport
PPS23 – Planning and Pollution Control
PPG24 – Planning and Noise
PPS25 – Development and Flood Risk

The Draft National Planning Policy Framework (DNPPF):

The Draft National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Not applicable.

Publicity and Number of Representations:

Site notices were displayed at the site, advertisements were placed in the local paper and individual neighbourhood notifications were also carried out with the statutory period of expiry date for comments being 16 September 2011. 31 letters of representations have been received to date.

Summary of Representations Received:

- There are a very large number of representations by members of the public who have proved to be well informed about the characteristics of the proposed site.
- Roads to the north of the development site (11/01203/MAO for 420-440 houses are impassable in wintry conditions - these are severely substandard in highway terms.
- As a consequence it is a matter of practical common sense that a sole principal access via a swing bridge can never be an effective substitute for a fixed permanent vehicular crossing of the canal whether this be in the form of a bridge or underpass at this location or elsewhere along the Canal.
- In the opinion of the Bingley Civic Trust due weight should be given to the range of local comment and this weight should be balanced and given equal weight against the conventional computer based models.
- From 1991 there has been a public expectation that should the land come forward for development that it would include a fixed permanent crossing of the canal (for the last 20 years).
- Cannot support housing without a fixed bridge being proposed.
- At present the existing bridge is considered reasonably safe for the capacity and frequency of the nature of traffic which uses it.
- The new bridge whilst intended as much as possible to appear like a design replica of the existing will inevitably have a greater locational and visual impact in terms of its light, locational twist, abutment works and effects on the re-alignment of the present Micklethwaite Lane.
- The sensitivity of heritage asset and magnitude of impact are likely to be greater than has been assessed by the Applicant.
- Difficult to accept that the proposed bridge will cater to 2 way vehicular traffic with an over carriageway with of 4.8m – whilst this will be a benefit in terms of slower speeds this width will not allow for commercial vehicle to pass each other will lead to unacceptable delay conditions at the bridge and on the Micklethwaite/Keighley Road network.
- There would be increasing pressure to demand the opening up of vehicular access to the east.
- Bingley Civic Trust fully supports the 2 reasons for refusal in respect of application 11/01203/MAO and this application and 11/03769/FUL should be refused accordingly.
- The maintenance of the bridge has not been thought through and the problems this will cause to all residents in the area is totally unacceptable.
- The development is entirely out of keeping with its environment.
- Planning permission has been refused for 420-440 houses in the adjacent field therefore the replacement bridge if unnecessary and the application should be refused.
- During months of construction local residents will be denied a canal crossing with no justifiable cause.

- If the application is allowed the inconvenience to local residents and the additional journey times due to enforced detours will be intolerable.
- There will be a concomitant increase in carbon dioxide production be drivers forced to make long detours.
- During the construction period harm to the conservation area will be inevitable – this is contrary to the National Planning Policy Guidelines and the Councils own policies on conservation.
- At a Public Enquiry on 21st February 2012 the Council will be required to defend strongly and professionally the decision of the Shipley Planning Panel which refused application 11/10203/MAO to build 420-440 houses by a majority of 6:1.
- The Mickelthwaite swing bridge is a great significant in the location. Prolonged closure of this crossing as required by the application will have serious implications.
- The proposed new bridge will be three times wider than the original bridge and will destroy the Conservation Area.
- The survival and historic fabric of Micklethwaite and the surrounding area is to limit expansion of the village and to protect the green fields surrounding the village.
- People living on The Drive already struggle to park cars outside own homes on the very narrow road - an increase in traffic will cause even more problems with parking.
- If permission granted for this application it is one step closer to them getting full permission to build the opposed housing development.
- How many more times do residents have to say that they do not want the development to go ahead?
- Concerned that the wildlife will suffer yet again.
- The thought of an enormous 2 lane swing bridge feeding into the existing road system is utterly preposterous. In addition there will also have to be a pedestrian bridge.
- All previous objections to the impact on the environment of the increased traffic, the loss of green fields and animal line and the increased pressure on schools and doctors already over subscribed are still relevant.
- The bridge details in application 11/03769/FUL are completely different to application 11/01203/MAO – which one is it?
- Traffic and pedestrian safety problems.
- Out of keeping with the surroundings.
- Loss of trees and visual amenity and visual intrusion.
- Impact on landscape.
- Affect the setting of a listed building.
- The present bridge is in keeping with the historic Leeds and Liverpool Canal building in the 1700s and the new bridge of this size with associated road widening will completely ruin the visual amenity of this beautiful art of the world.
- A swing bridge of this size has not been proven.
- Concerned about the road closure and diversion works – if the bridge if closed the only way out of Micklethwaite will be up two very steep hills and if this is timed during winter these roads are only passable by 4x4 vehicles for long periods as was the case last winter.
- If this goes ahead consideration should be given so the closure should not be during the winter months and residents will therefore not become trapped.
- This development will destroy a unique amenity irreparably.

- In Micklethwaite there is an existing problem with traffic and is regularly backed up all the way down from Micklethwaite Lane to Keighley Road.
- The traffic is already a danger to pedestrian and more traffic would add to this notwithstanding the effects of more pollution.
- There have already been a number of permissions granted – there is unsold, empty accommodation in the area, why do we need more?
- There is a requirement for previously developed land to be used first anyway i.e. during the time of constriction there would be heavy and dangerous traffic – the roads in the area are very narrow. The proposed access via Oakwood Drive is a narrow, residential road and the access onto Lady Lane has a restricted view.
- With such an increase in numbers of homes how would local school, health facilities etc be able to cope.
- This area is teeming with wildlife and the proposal to devastate this rural landscape with a large bridge and housing development would be a critical loss.
- Recently there has been publicity about developing the Five Rise Locks and surrounding conservation area as a tourist attraction – how does this equate to permitted overdevelopment of the nearby existing green rural spaces. The proposal would create a continuous urban sprawl.
- The removal and replacement of the existing bridge with a design not in keeping with the area does not benefit with the local or wider community.
- The development would significantly damage an important leisure and recreational amenity enjoyed by local people.
- For those elderly residents and those without cars in the development access to public facilities, the shops, buses and trains would be virtually impossible without walking up Sty Land along Lady Lane and down Park Road into Bingley – the elderly will be virtually imprisoned in their homes.
- Feel that the council has not considered the needs of those who elect them when even entertaining the possibility of the proposed development.
- Why is the developer so keen to provide a mechanical bridge and not a fixed one.
- Fixed bridges are straightforward with no/little future maintenance, unrestricted access for all road users including emergency vehicles and public transport, would blend in well within the Leeds and Liverpool Conservation Area provided it is faced with local stone.
- A mechanical bridge must not be the preferred option – boating is very popular but the developer has assumed that boat traffic will be consistent over the years.
- Experienced and novice hirers can take different times to pass through the bridge.
- The current bridge configuration is very road friendly and the closing of the manual road barriers can only be achieved when there is no traffic in sight.
- The new bridge equipped with automatic barriers, light and sirens will stop traffic dead at any time.
- Not seen any evidence of an operational safety survey.
- Bridge Cottage suffered significant structural damage resulting in major foundation replacement when the bridge was last replaced in 1985.
- Recently there have been two unplanned closures at Morton Lane swing bridge and further out at Barr Lane causing major inconvenience to road users with diversions via East Morton and Micklethwaite.
- Hundreds of extra vehicles will generate higher noise levels.

- The proposed realignment of Micklethwaite Lane creates a quarter mile detour to reach home.
- Access to the north of the development is too tight.
- The limekilns and the associated group of four arches are of archaeological interest and significance and their protection is under threat if a new and larger bridge is to replace the existing one.
- Policy PPS5 protects the historic and local significant assets.
- The proposal to build over 400 houses on the site will have a hugely devastating environmental impact to the local conservation area which may never be corrected.
- The infrastructure around Crossflatts and Bingley is totally inadequate to deal with the additional 800 cars minimum that will be on the roads from such an estate if it was built.
- The proposals regarding the new swing bridge have not been thoroughly thought out, the dimensions are totally inadequate, when the bridge is closed to allow canal barges to pass will result in a build up of traffic reaching from the bridge to Crossflatts main road causing further problems.
- The maintenance of the bridge has not been thoroughly thought through the problems this will cause to all residents in the area is totally unacceptable.
- The proposals for a one way system has not taken not account the effect this may have on people requiring emergency services – additional time will be incurred by these services which may be ultimately be fatal.
- The design of the part time signals proposed at Oakwood Drive. Lady lane is inherently flawed from s safety aspect.
- Oakwood Drive is designed for a maximum of 200 dwellings and is not suitable for the traffic that will be generated by an additional 400+ dwellings (plus the existing traffic from Airedale Mills and Micklethwaite) even in an emergency situation.
- In appropriate design choice of materials.
- Loss of right and public access.
- Loss of trees.
- Adverse affect on the SSI and on wildlife.
- Affect the character of the Conservation Area and affects the setting of the listed building.
- The bridge would be shut for many months over winter causing residents if Micklethwaite, Greenhill Lane and the businesses nearby to be shut off.
- In the last 2 winters the above roads have been impassable leaving the only access over the bridge – the developer cannot guarantee a time for works.
- This hideous liking bridge will be an eyesore on the adjacent conservation area and grade 2 listed farm building at Laythorpe.
- Trees will have to be felled and the historic arches would be affected.
- There will be a huge paved area.
- Does not improve or enhance the conservation area.
- None of my objections and few of those from friends, relatives and neighbours who line in the Bingley area have been satisfactory addressed by the developers.
- Have the developers satisfactory explained how long it will take to construct the new bridge and reassure the Council that the bridge will be fully functional before the winter weather sets in? The only access to and from Micklethwaite and Greenhill could otherwise by closed off in harsh weather.

- GAG have produced a compelling document which provides a model of how the proposed bridge will affect traffic tail back on either side, especially at peak times. Similar data especially taking into account peak times has not been made available by the developers.
- The proposed one way system for Sty/Greenhill Lane will mean that in winter properties in this area will be cut off should the swing bridge fail or during its consultation at times of heavy or persistent snow.
- Can reassurance be given that there will be safe access for emergency vehicles to this enclave at all times.
- The proposed one way system is linked to an increase the traffic speed.
- The applicant has not provided sufficient evidence to support their claim that the benefits outweigh the harm and consequently the application should not be granted.
- This is a full application and therefore the applicants should be expected to provide a high level of detail about how the transport plan required by PPG13 will work in totality.
- The impact of the proposed swing bridge and ancillary works upon the heritage assets is underestimated.
- The claimed benefits of the application are unsupported by evidence (there are two transport plans relating to this application, it is impossible to know from the information provided how many houses the swing bridge will give access to, basic operating details for the bridge are not provided, there is no provision for a pedestrian bridge as reported in the transport plan, details of how the emergency access provision to the proposed housing in the event of mechanical failure of the wing bridge and maintenance are missing, the bridge is not wide enough to support the applicants claims that it provides two lane workings).

Consultations:

Heritage and Conservation Section –

The present bridge at Mickelthwaite Lane appears to date from around 1985. It is a modern steel structure with apron and retaining structures predominantly in concrete. Although a historic crossing point from the time of construction of this stretch of the can in the 1770s there is virtually nothing visible which has any historic merit. The conditions of the present bridge is somewhat neglected and the environment around the bridge is unsightly, with neglected land in front of the arched chambers built into the embankment to the south-east of the crossing. Poor boundary features are evident to commercial premises to the northwest of the road and to the north east the canal bank is eroded and has been subject to past tipping of rubble and debris.

Removal of the existing bridge structure will not harm the aesthetic qualities of the conservation area and there is not objection to its removal.

The latest layout iteration gives far greater clarity and demonstrates a simple network of rights of way, a less formal approach to the bridge on the northern bank, and simpler periphery to the bridge. The cumulative impact of the bridge itself and the consequent rights of way and infrastructure is simplified. It will not have an unacceptably harmful impact on the setting of the listed Laythorpe Farmhouse. Also, considering the agreed necessity for a new crossing, having regard for the submitted justification for the degree of skew away from the existing or a parallel alignment, I am satisfied that the proposed alignment of the bridge has now been justified as the optimum. Although the bridge will have an impact on the character

of the conservation area, when assessed against PPS5, the wider demand for housing and attention to design is sufficient to balance the level of harm or adverse effect on the canal conservation area.

Conditions will need to include:

- Full sectional and appearance details for stone block canal coping and abutments to all areas of new piling and canal edge.
- Full details of all surfacing and facing materials, coursing, pointing and finish, and any fixed permanent steps to all areas of the bridge pivot apron and its retaining structures.
- Full details of the extent, appearance, surface treatment and boundary to the turning head on the truncated section of Micklethwaite Lane.
- Full details of the bridge parapet/balustrade which shall be utilising a horizontal rail 3-bar pattern.
- Full details of the final surface treatment and containment of the generator hard standing.
- Full details of all boundaries and fencing to all areas around Micklethwaite Lane, the canal edge and the new bridge pivot apron.
- Full details of size, appearance and finish of the BW control cabinet.
- Final details of levels, surfacing and containment of highways and footpaths north of the canal crossing.

On the basis of the greater clarity now presented, I am satisfied that whilst the new crossing will have an impact, which will be greater than the present crossing, design measures have been taken and are available to mitigate the harm which could be perceived, and to achieve an acceptable balance in policy terms between the need to maintain the character of the conservation area and the demand for benefits arising from development of the site.

English Heritage –

Do not consider there is necessity for this application to be notified to them.

Landscape Design –

No objections in principle subject to details of proposed finishes and careful consideration of soft landscaping. Engineered features within the highway should be carefully considered to minimise their landscape and visual impact in line with the design philosophy for the site.

Tree Section –

The proposal impacts on a protected tree and results in the loss of other trees. Further clarification is sought on the extent of impacts and details proposals for replacement planting are requested.

Drainage Section -

Records indicate a watercourse exists adjacent to the existing swing bridge. Any works affecting this watercourse will require the consent of the Council and the Environment Agency. Public sewers cross the site and the sewerage undertaker should be consulted for any constraints for a view of the impact of the development on the sewer system.

Highways (Development Control) Section -

Two planning applications both of which relate to the existing swing bridge over the Leeds and Liverpool Canal on Micklethwaite Lane have been received. One planning application (Ref: 11/03775/CAC) is for the removal of the existing swing bridge and the other (Ref: 11/03769/FUL) is for a replacement vehicular and pedestrian swing bridge.

In receipt of two revised plans Ref: J4999-105-P1, dated 25.11.11, and J4999-101-P1, dated 25.11.11, which relate to planning application 11/03769/FUL.

These plans show the proposed red line boundary and a revised temporary road alignment (Phase 1 work) respectively.

It should be noted that a separate application, Ref: 11/01203/MAO, which was for the construction of a replacement swing bridge and the development of between 420 – 440 dwellings on land to the south of Sty Lane, was refused by the Council and one of the highway safety reasons given was:

2. *The proposed development would involve the use of a replacement swing bridge over the Leeds and Liverpool Canal as the principle means of vehicular access to the site. It is considered that as such this type of bridge would be inadequate and impractical as a means of vehicular access to the site, leading to conditions prejudicial to highway safety and contrary to Policies TM2 and TM19A of the Council's Replacement Unitary Development Plan.*

Notwithstanding the above I would offer the following highway advice on the two current applications.

- PLANNING APPLICATION REF: 11/03775/CAC

The application form states that this proposal is for the 'removal of existing vehicular swing bridge and ancillary work'.

Whilst the application form makes no reference to replacing this bridge once it has been removed a Planning Policy Statement submitted with this application refers to a planning application for a replacement swing bridge, 11/03769/FUL, and also to applications 10/00961/MAO and 11/01203/MAO for residential development on the allocated housing site Ref: S/H2.10.

Therefore I would have no objections to raise regarding the removal of the existing swing bridge providing that details for a suitable and acceptable replacement bridge have been submitted to and approved by the Council.

British Waterways must also have demonstrated a willingness to undertake the future maintenance of this replacement structure.

- PLANNING APPLICATION REF: 11/03769/FUL

The application form states that this proposal is for the 'replacement vehicular and pedestrian swing bridge and ancillary works'.

Proposed Replacement Swing Bridge

The proposal is for the construction of a replacement swing bridge with a carriageway deck of 4.8m wide and a single 1.8m wide footway. This is essentially the same as the swing bridge proposed on planning application 11/01203/MAO, only now on a slightly different alignment to that previously proposed.

When planning application 11/01203/MAO was being considered highway safety concerns were raised regarding the 4.8m wide carriageway deck that was being offered. The Council had suggested a minimum width of 5.5m.

The concerns related to the possibility of two large heavy goods vehicles, travelling in opposite directions, meeting on the bridge especially when pedestrians and/or cyclists may be present.

A Stage 1 Road Safety Audit for the new bridge was also submitted with this planning application and the Council's Highway Engineer(s) vetting this document advised that in the interest of highway safety a bridge with a 5.5m wide carriageway deck should be provided.

Set out below are the advantages and disadvantages of having a bridge with a carriageway deck width of 4.8m and also 5.5m.

New Swing Bridge with a 4.8m Carriageway Deck

Advantages:

- Would have a reduced visual impact.
- Would help to reduce vehicle speeds across the bridge due to driver's perception of the carriageway narrowing.

Disadvantages:

- Could result in problems should two large heavy goods vehicles meet on the bridge.

New Swing Bridge with a 5.5m Carriageway Deck

Advantages:

- Will handle all of the expected daily vehicular movements.

Disadvantages:

- Could encourage higher vehicle speeds across the bridge due to wider running lanes.
- Would have a greater visual impact.

It should be noted that the alignment of the bridge has now changed from that previously shown on planning application 11/01203/MAO and this is likely to result in a shorter 'full' closure period of Micklethwaite Lane to facilitate the provision of the new bridge and temporary access road during which time all public traffic will have to be diverted.

The applicant's Planning Policy Document states that the closure period will now be in the order of nine weeks.

Proposed Phase 1 & Phase 2 Works

The plans submitted with this proposal show a temporary through road alignment as part of 'Phase 1' works (Plan Ref: J4999-101-P1, dated 25.11.11) and a post 'Phase 2' alignment following the diversion of Micklethwaite Lane (Plan Ref: J4999-102, dated August 2011).

Having considered the above plans there are no objections to raise regarding the temporary alignment of Micklethwaite Lane, which is to be carried out as part of the Phase 1 work.

With regard to the 'post diversion' works to be carried out as part of the Phase 2 works, whilst there are no objections in principal to the proposal the plan submitted fails to demonstrate how this new access road would rejoin the existing highway to the north of the canal either on Sty Lane or Micklethwaite Lane.

Conclusion

Therefore there are no objections to raise regarding the principle of having a replacement swing bridge, providing that details for a suitable and acceptable replacement bridge have been submitted to and approved by the Council.

Furthermore there are no objections to raise regarding the realignment of Micklethwaite Lane providing that additional details are submitted to and approved by the Council that demonstrate how the realigned access road through the site would tie up with the existing highway network to the north of the canal.

British Waterways –

Currently discussing design, operational and maintenance issues with the applicant in relation to the proposed new bridge. On the removal of the existing bridge, all aspects of the replacement bridge must be finalized before its removal.

Natural England-

The application does not fall within the scope of the consultations that NE would routinely comment on. Need to consider that possible impacts resulting from this proposal on protected species, local wildlife sites and biodiversity enhancements.

West Yorkshire Ecology -

Recommend a targeted otter survey and assessment of the swing bridge to assess its use by this species. The white clawed crayfish only covered one side of the bridge – if there is no justification for this additional trapping work should be undertaken.

Summary of Main Issues:

Principle of development.

Heritage/landscape impacts.

Biodiversity/ecology impacts.

Highway Safety.

Impacts on the amenities of the nearby properties.

Use of planning conditions/S106 & 278 legal agreements.

Comments on representations made.

Community Safety.

Appraisal:

1. Under outline application 11/01203/MAO permission was sought for the construction of between 420 – 440 dwellings on a series of development plateaux throughout the site on land at Micklethwaite/Sty Lane. As explained in the above report, this application was refused and the Council and a public inquiry are to start on 21 February 2012. As part of the appeal process and through the Statement of Common Ground the appellants have substituted the bridge details of application 11/10203/MAO for the bridge details contained within this application (which also forms part of the public inquiry). For clarity however it should be noted that this application/report/assessment is for the provision of a replacement bridge following the removal of the existing bridge and as such can only be considered on that basis only. Indeed, no consideration will be made in terms of the associated housing site as those issues were fully considered under application 11/01203/MAO.

2. The highway details of this application (11/03769/FUL) include:-

- The main vehicular access to the majority of the site is via a swing bridge of 4.8m in width plus a 1.8m attached footway which will replace the existing single lane structure (2.85m in width with no footway).
- Stop line sited back 1.5m from automated barriers.
- The proposed new bridge connecting to a new road which curves into the development site allowing Micklethwaite Lane in proximity to the bridge to become a no-through road for vehicular traffic.
- Part of the existing highway wall at the top of Micklethwaite lane to be taken down to accommodate the highway re-alignment works. Existing wall to be taken back 4m and made good.
- Proposed temporary through road to tie into Micklethwaite Lane – to be removed once diversion route through the development site is completed.
- Provision of temporary footbridge across the canal.

Principle

3. The application proposes a new two-lane swing bridge across the canal at Micklethwaite Lane. This would be the first two-lane swing bridge across the canal in Bradford District, and possibly in the whole country. The general principle of providing a new replacement vehicular and pedestrian bridge in the location is acceptable and whilst will facilitate development of the adjoining appeal site currently at appeal (reference 11/013769/FUL) will also aid the existing development in the locality by the provision of a new up to date swing bridge which has a dedicated pedestrian facility across it.

4. Part of the character and attraction of the canal is that it offers a place where people can go to walk and cycle in pleasant surroundings away from busy traffic. The canal towpath offers a continuous, traffic free route which is punctuated only by narrow bridge crossings. These are easy for pedestrians and cyclists to cross, and they help to naturally calm the traffic. The carriageway which is 5.5m wide either side of the canal will be tapered down to 4.8m as it approaches the bridge. This should encourage motorists to slow down and drive more cautiously as they approach the canal.

Heritage/design/landscaping

5. The character of conservation area is made up of many parts. The relationship of building, walls and structures, open space, materials, views all contribute to the enjoyment and removal of even one element can have a damaging effect on the whole area. Policy BH9 of the Unitary Development Plan states that within conservation areas permission will not be granted for the demolition of buildings (including walls, structures or features) which make a positive contribution to the architectural or historic interest of the area unless the development would result in benefits to the community that would justify the demolition.

6. The present bridge at Micklethwaite Lane appears to date from around 1985. It is a modern steel structure with apron and raining structures predominantly in concrete. Although a historic crossing point from the time of construction of this stretch of the canal in the 1770s there is virtually nothing visible which has any historic merit. The condition of the present bridge is somewhat neglected and the environment around the bridge is unsightly, with neglected land in front of the arched chambers built into the embankment to the south-east of the crossing. Poor boundary features are evident to commercial premises to the northwest of the road and to the north east the canal bank is eroded and has been subject to past tipping of rubble and debris.

7. Elsewhere on this agenda an application for conservation area consent to demolish the existing bridge is recommended for consent as such there is no objection to its removal. One of the primary tests for demolition in a conservation area is the merit of any replacement proposal. The replacement details are duly considered under this planning application and the conclusions in terms of conservation issues are that planning permission could be granted due to the following:

- The amended layout gives far greater clarity and demonstrates a simple network of rights of way, a less formal approach to the bridge on the northern bank, and simpler periphery to the bridge.
- The cumulative impact of the bridge itself and the consequent rights of way and infrastructure is simplified.
- It will not have an unacceptably harmful impact on the setting of the listed Laythorpe Farmhouse.
- Considering the agreed necessity for a new crossing, having regard for the submitted justification for the degree of skew away from the existing or a parallel alignment, conservation specialists are satisfied that the proposed alignment of the bridge has now been justified as the optimum.
- Although the bridge will have an impact on the character of the conservation area, when assessed against Planning Policy Statement 5, the wider demand for housing and attention to design is sufficient to balance the level of harm or adverse effect on the canal conservation area.
- Conditions will need to be attached to any replacement bridge permission to ensure that aspects such as surface treatments, details of all boundaries and fencing, details of the size, appearance and finish of the British Waterways control cabinet.

8. From a landscaping point of view there are no objections in principle subject to details of proposed finishes and careful consideration of soft landscaping.

9. Overall, there is no objection from a heritage/landscaping point of view to the proposed new bridge and the proposal is now considered to have regard to policies D1, UDP3, BH7 and BH20.

Biodiversity/Ecology

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

11. An ecology survey was submitted as part of this application. Further survey work is recommended by the applicant's ecology specialist and this was also advised by Natural England (whom does not object to the development) on application 11/01203/MAO. As such conditions should be attached to any permission granted to ensure further assessment of otters and white clawed crayfish before development commences. An ecology and landscape management strategy can also ensure that the biodiversity of the site is effectively managed and indeed, enhanced.

Highway Safety

12. The proposal is for the construction of a replacement swing bridge with a carriageway deck of 4.8m wide and a single 1.8m wide footway. This is essentially the same as the swing bridge proposed on planning application 11/01203/MAO, only now on a slightly different alignment to that previously proposed.

13. When planning application 11/01203/MAO was being considered highway safety concerns were raised regarding the 4.8m wide carriageway deck that was being offered. The Council had suggested a minimum width of 5.5m. The concerns related to the possibility of two large heavy goods vehicles, traveling in opposite directions, meeting on the bridge especially when pedestrians and/or cyclists may be present.

14. A Stage 1 Road Safety Audit for the new bridge was also submitted with this planning application and the Council's Highway Engineer(s) vetting this document advised that in the interest of highway safety a bridge with a 5.5m wide carriageway deck should be provided.

15. Set out below are the advantages and disadvantages of having a bridge with a carriageway deck width of 4.8m and also 5.5m.

New Swing Bridge with a 4.8m Carriageway Deck

Advantages:

- Would have a reduced visual impact.
- Would help to reduce vehicle speeds across the bridge due to driver's perception of the carriageway narrowing.

Disadvantages:

- Could result in problems should two large heavy goods vehicles meet on the bridge.

New Swing Bridge with a 5.5m Carriageway Deck

Advantages:

- Will handle all of the expected daily vehicular movements.

Disadvantages:

- Could encourage higher vehicle speeds across the bridge due to wider running lanes.
- Would have a greater visual impact.

16. It should be noted that the alignment of the bridge has now changed from that previously shown on planning application 11/01203/MAO and this is likely to result in a shorter 'full' closure period of Micklethwaite Lane to facilitate the provision of the new bridge and temporary access road during which time all public traffic will have to be diverted. The application states that the closure period will now be in the order of nine weeks.

17. The plans submitted with this proposal show a temporary through road alignment as part of 'Phase 1' works (Plan Ref: J4999-101-P1, dated 25.11.11) and a post 'Phase 2' alignment following the diversion of Micklethwaite Lane (Plan Ref: J4999-102, dated August 2011). There are no highway objections to raise regarding the temporary alignment of Micklethwaite Lane, which is to be carried out as part of the Phase 1 work. With regard to the 'post diversion' works to be carried out as part of the Phase 2 works, whilst there are no objections in principal to the proposal the plan submitted fails to demonstrate how this new access road would rejoin the existing highway to the north of the canal either on Sty Lane or Micklethwaite Lane.

18. Overall, there are no objections to raise regarding the realignment of Micklethwaite Lane providing that additional details are submitted to and approved by the Council that demonstrate how the realigned access road through the site would tie up with the existing highway network to the north of the canal.

Impacts on surrounding properties

19. Residential properties are sited to the east, south and south west of the application site with many sited on the other side of the Leeds-Liverpool Canal. It is considered that no undue loss of amenities would be created on any of the surrounding residential properties. As such, it is considered that the proposal, as currently shown complies with policy UR3 of the Replacement Unitary Development Plan.

Heads of Terms of the S106

20. In accordance with policies in the Replacement Unitary Development Plan and the Councils Supplementary Planning Guidance on Planning Obligations the Heads of Terms of any legal agreement should include: -

- Provision of new swing bridge across the Canal to be delivered prior to commencement of any construction work at the site (with the exclusion of up to 22 houses from Oakwood Drive). Provision of commuted sum for the bridge maintenance etc. This figure has been confirmed by British Waterways as being £921,336.07.

Comments on the letters of representation

21. There is substantial opposition to the outline planning application for up to 440 houses – reference 11/01203/MAO (now at appeal) - to this development from the local community. Numerous letters of representation have also been submitted to this application many of which raise the same issues. The majority of the concerns have been within the relevant sections of the above report e.g., heritage and conservation impacts, highway implication and safety.

22. Again, it is clear from the letters of representation received to both this application and the outline planning appeal to which it is now attached, that one of the main concerns of this scheme is how traffic from this development will create highway difficulties due to the provision of a swing bridge over the canal. It is however considered by the Council's highway engineers that the provision of a replacement swing bridge is acceptable, and in connection with other measures to provide a new traffic light junction on Keighley Road, improvements to the junction of Oakwood Drive and Lady Lane, realignment of Micklethwaite Lane, provision of a turning head on Micklethwaite Lane adjacent to Airedale Mills, narrowing and realignment of Sty Lane and the provision of a no entry Traffic Regulation order onto Sty Lane, associated road markings will ensure that highway and pedestrian safety into and out of the site is provided. Furthermore, it is also considered that effective promotion of public transport initiatives will help encourage more sustainable transport choices.

23. The Inspector into the RUDP stated that “the Leeds-Liverpool Canal Conservation Area abuts the site, although the five Rise Locks are too distance to be affected by the allocation of the site” and overall concludes the following:-

“The principal harmful consequence of developing the land would be the expansion of an urban area into the countryside, and the loss of a Greenfield site in the process. Some traffic from the site would use the narrow and steep country lanes north of the land, and the traffic flow through Bingley Town Centre, having been reduced by the relief road, would increase, but not back to the levels experienced before the opening of the relief road. A modern bridge would span the canal and could appear unsympathetic. However, the harm from development would in my view be less than the benefits for an otherwise sustainable allocation which would be a substantial way towards meeting the housing requirements. My opinion is that the need for housing land to be allocated outweighs the objection to allocation”.

Community Safety

24. It is considered that the proposal would not compromise community safety and as such will accord with policy D4 of the Replacement Unitary Development Plan.

Reason for Granting Planning Permission:

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

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

The demolition/removal of the existing bridge is acceptable as it fails to make a positive contribution to the special architectural/historic interest of the area. As such, its removal will not undermine the character and appearance of the Leeds-Liverpool Canal Conservation Area and it is considered that the proposal is in accord with policy BH9 of the Replacement Unitary Development Plan.

The provision of a replacement bridge helps to facilitate development of the adjoining formerly allocated housing site and gives the opportunity to provide a sustainable pattern of development at the edge of the urban fabric of the Airedale. The effect of the proposal on the Site of Local Nature conservation (SEGI), the Leeds – Liverpool Canal Conservation Area, the biodiversity of the site itself, the surrounding locality and the adjacent neighbouring residential properties has been assessed and is considered acceptable. The provision of a principal access to the site via a new swing bridge in the manner and location proposed is appropriate whilst mitigation measures will encourage public transport usage.

Overall, it is considered that the proposed vehicular/pedestrian new swing bridge is in conformity with the development principles outlined within the Replacement Unitary Development Plan under policies UDP1, UDP3, UDP7, UR3, UR6, H7, TM1, TM2, TM8, TM12, TM19A, D1, D4, BH4A, BH7, BH9, BH10, BH11, BH12, BH19, BH20, NE3, NE3A, NE4, NE5, NE9, NE10, NE11, NE12 and NE13.

Approval is recommended accordingly subject to a section S106 legal agreement and the following conditions: -

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. Prior to the commencement of development, a phasing scheme for the carrying out of works shall be approved in writing by the Local Planning Authority. Following approval, the works shall be carried out in accordance with the phasing scheme, unless otherwise agreement in writing by the Local Planning Authority.

Reason: To ensure the satisfactory overall development of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

3. Before any phase or part of the development commences on site, the proposed means of vehicular and pedestrian access, which includes the proposed new swing bridge, hereby approved shall be laid out, hard surfaced, sealed and drained within the site 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. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of delivery of materials;
- iii) location of site management offices and/or sales office;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;
- vi) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- vii) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- viii) temporary warning and direction signing on the approaches to the site.

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

5. Prior to the commencement of any works on site, a scheme showing full details of the contractor's means of access, vehicle parking facilities, loading/unloading areas for materials, location of the site compound, together with internal turning facilities, temporary warning and direction signs on the adjacent highway, levels, gradients, construction, surface treatment and means of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented and be available for use before the commencement of any construction works on the site. Any temporary works, signs and facilities shall be removed and the access reinstated on completion of the development.

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

6. 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 premises and to accord with Policy UR3 of the Replacement Unitary Development Plan.

7. Notwithstanding the plans submitted, prior to the commencement of development details of the repaired and reinstated canal wall shall be submitted to and agreed in writing by the Local Planning Authority and British Waterways and thereafter implemented in accordance with the agreed details.

Reason: The works will have an impact on the structural integrity of the waterway and to accord with policies BH20 and UR3 of the Replacement Unitary Development Plan.

8. No development shall take place until a landscaping and boundary treatments scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed, and the treatment of hard surfaced areas. Any such planting which within a period of 5 years of implementation of the landscaping die, removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to the variation. The approved scheme shall be fully implemented prior to the first occupation of any dwellings or as agreed in writing by the Local Planning Authority.

Reason: To improve the appearance of the site when viewed from the waterside and to enhance the biodiversity of an area. Landscaping also has the potential to impact on the integrity of the waterway and it is necessary to assess this and determine future maintenance responsibilities for the planting. Landscaping affects how the waterway is perceived.

9. Notwithstanding the plans submitted, prior to the commencement of development, details of the proposed excavations/earth removal/foundations to be undertaken shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing.

Reason: Excavation, earth removal and/or construction of foundations have the potential to adversely impact on the integrity of the waterway infrastructure and to accord with policies UR3, BH7 and BH20 of the Replacement unitary Development Plan.

10. No phase or part of the development shall commence on site until details of the type and position of all proposed external lighting fixtures to the buildings and external areas, including details of foundations for that phase or part of the development have been submitted to and approved in writing by the Local Planning Authority. The lights so approved shall be installed in accordance with the approved details and maintained thereafter to prevent the light sources adversely affecting biodiversity of the site.

Reason: The lighting at waterside developments should be designed to minimise the problems of glare, show consideration for bats and unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location, is sustainable and efficient, and protect the integrity of the waterway infrastructure. To ensure that the amenities of the adjacent locality are not unduly compromised, to protect biodiversity on the site and to accord with policy NE13 of the Replacement Unitary Development Plan.

11. A management plan/maintenance agreement for the long term management/maintenance of communal/public open space areas, including long term design objectives, management responsibilities and maintenance schedules for all landscape and open areas including the areas adjoining the Canal, shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of any unit. The management plan/maintenance agreement shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped communal areas in the interests of amenity and to accord with Policies UR3, BH7, BH20 and D5 of the Replacement Unitary Development Plan.

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

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

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

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

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

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

13. Development shall not commence until a Construction Environmental Management Document is submitted to and approved in writing by the Local Planning Authority in consultation with other Council Services. Construction of the development shall thereafter proceed in accordance with the approved Document, unless otherwise agreed in writing by the Local Planning Authority. The Document will be expected to address in full: -

- The updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and relevant planning conditions.
- Processes to control / action changes from the agreed Schedule of Mitigation.
- Specific mitigation plans and associated documents as relevant, e.g. species, surface water, waste, watercourse crossings, private water supplies, access arrangements, pollution prevention, borrow pits, noise, dust, etc (to include good/best practice construction method statements)
- Frameworks for the production of detailed plans for on-site components of the construction work – Construction and Environmental Management Plans.
- Special Study Area Plans as relevant for larger works.
- Appointment of an appropriately qualified Environmental Clerk of Works / Site Environment Manager with roles and responsibilities.
- Methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, planning authority and other relevant parties.
- Statement of responsibility to 'stop the job / activity' if in potential breach of a mitigation or legislation occurs.

Reason: To protect the environment, to accord with policy UR3 of the Replacement Unitary Development plan.

14. All sheet piling operations shall only be carried out between the hours of 0900 and 1630 on Mondays to Fridays, 0900 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 premises and to accord with Policy UR3 of the Replacement Unitary Development Plan.

15. Prior to commencement of development on the site the following details shall be submitted to and approved in writing by the Local Planning Authority.

- Full sectional and appearance details for stone block canal coping and abutments to all areas of new piling and canal edge.
- Full details of all surfacing and facing materials, coursing, pointing and finish, and any fixed permanent steps to all areas of the bridge pivot apron and its retaining structures.
- Full details of the extent, appearance, surface treatment and boundary to the turning head on the truncated section of Micklethwaite Lane.
- Full details of the bridge parapet/balustrade which shall be utilising a horizontal rail 3-bar pattern.

- Full details of the final surface treatment and containment of the generator hard standing.
- Full details of all boundaries and fencing to all areas around Micklethwaite Lane, the canal edge and the new bridge pivot apron.
- Full details of size, appearance and finish of the BW control cabinet.
- Final details of levels, surfacing and containment of highways and footpaths north of the canal crossing.

All agreed details shall be implemented prior to the occupation of any dwelling on the site.

Reason: To ensure the heritage aspects of the scheme are fully recorded, to protect and enhance the appearance of the conservation area and to accord with polices UR3, D1, BH7 and BH20 of the Replacement Unitary Development Plan.

16. No demolition or development to take place until the applicant, or their agents or successors in title, has secured the implementation of a programmed of archaeological and building recording. This recording must be carried out by an appropriately qualified and experienced archaeological/buildings recording consultant or organisation in accordance with a written scheme of investigation which has been submitted by the applicant and approving in writing by the Local Planning Authority.

Reason: To ensure that the archaeological significance of the site is fully explored and recorded.

17. A checking survey for the present of otters shall be undertaken prior to the commencement of construction works to the canal. The survey and any mitigation strategy that may be required following the checking survey shall be submitted and approved in writing by the Local Planning Authority prior to development commencing on construction works to the Leeds-Liverpool Canal.

Reason: To ensure the protection of wildlife habitats accommodating protected species are protected and to accord with policy D10 of the Replacement Unitary Development Plan.

18. A supplementary precautionary survey for white clawed crayfish and submission of an appropriate mitigation strategy survey (if this species is identified) shall be undertaken prior to the commencement of construction works to the canal and works on the development site within 10m of the Canal edge. The survey and any mitigation strategy that may be required shall be submitted and approved in writing by the Local Planning Authority prior to development commencing on construction works to the Leeds-Liverpool Canal and/or works on the development site within 10m of the Canal edge.

Reason: To ensure the protection of wildlife habitats accommodating protected species are protected and to accord with policy D10 of the Replacement Unitary Development Plan.

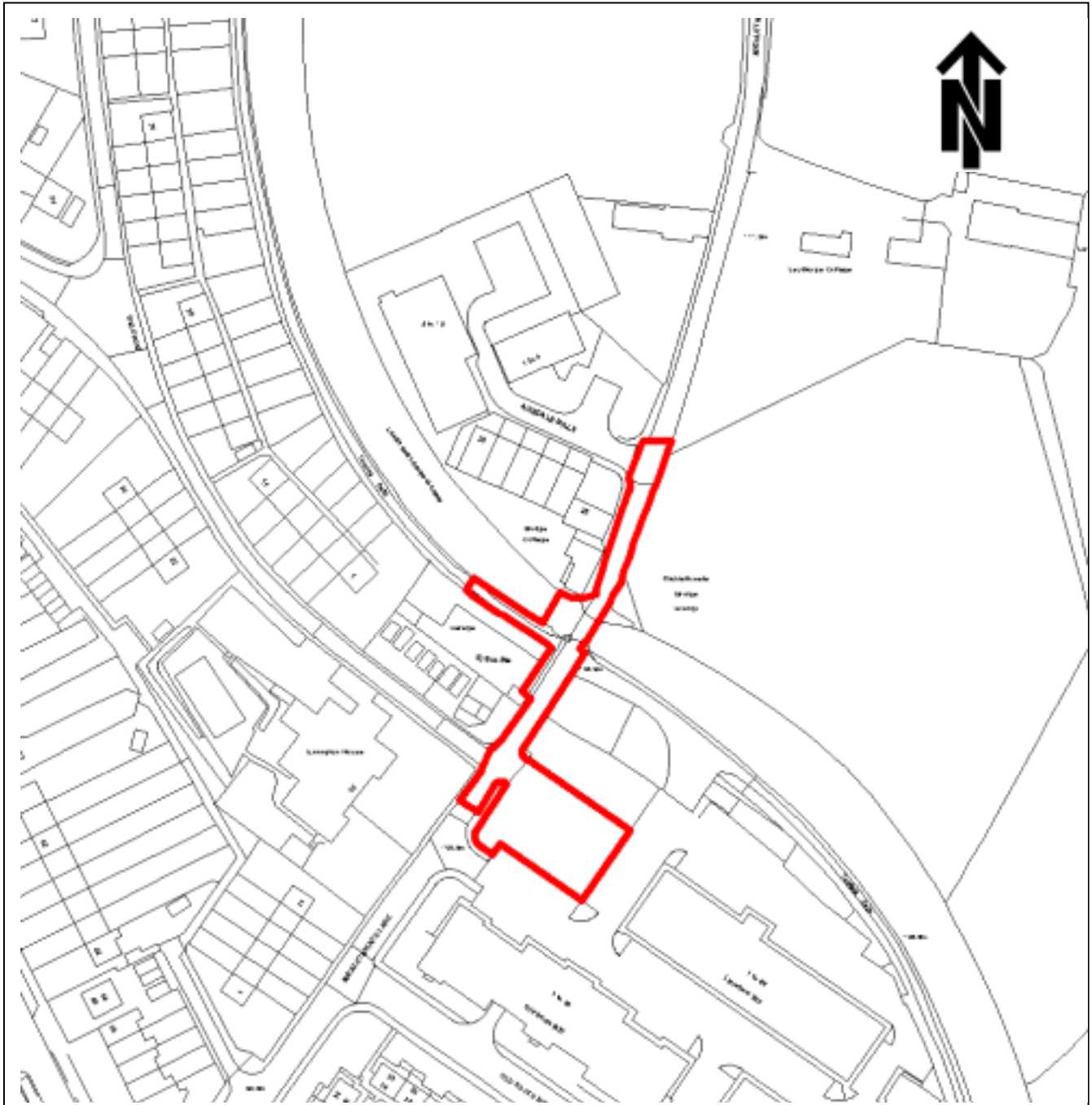
Head of Terms of the S106 legal agreement

The provision of new swing bridge across the Canal to be delivered prior to commencement of any construction work at the site (with the exclusion of up to 22 houses from Oakwood Drive). Provision of commuted sum for the bridge maintenance etc. This figure has been confirmed by British Waterways as being £921,336.07.

Area Planning Panel (Shipley)

11/03775/CAC

18 January 2012



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ITEM NO. : 3	LOCATION: Micklethwaite Lane/Sty Lane Micklethwaite Bingley
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18 January 2012

Item Number: 3
Ward: BINGLEY

Recommendation:

AN APPEAL TO THE PLANNING INSPECTORATE HAS BEEN LODGED BECAUSE OF NON- DETERMINATION OF THIS APPLICATION. IF THE LOCAL PLANNING AUTHORITY HAD BEEN IN A POSITION TO DETERMINE THIS APPLICATION THE RECOMMENDATION WOULD HAVE BEEN TO GRANT CONSERVATION AREA CONSENT.

Application Number:

11/03775/CAC

Type of Application/Proposal and Address:

A conservation area consent application for the demolition of the existing swing bridge over Leeds-Liverpool Canal and ancillary works at Micklethwaite Lane/Sty Lane, Micklethwaite, Bingley.

Applicant:

Redrow Homes (Yorkshire) Ltd.
Bellway Homes Ltd (Yorkshire Division).

Agent:

Stephen Sadler – Walker Morris

Site Description:

This application seeks conservation area consent to remove the existing vehicular mechanical swing bridge and associated parapets which form part of Micklethwaite Lane as it passes over the Leeds-Liverpool Canal. The application site is located within the Leeds – Liverpool Conservation Area and within the Site of Ecological/Geological Importance area (SEGI) which is formed by the Canal.

The removal of this bridge (and alternative proposals for a new bridge – to be considered under 11/03769/FUL) are to be provided in conjunction with residential development on the sixteen hectare (39.5 acre) Greenfield site located to the north of the Canal (considered under reference 11/01203/MAO and currently under appeal to the Secretary of State). This development site is located within the Aire Valley to the north of Bingley, the south of Micklethwaite Village and to the north and east of Crossflatts. The site was previously identified as a housing site (S/H2.10) within the Replacement Unitary Development Plan: Proposals for the Shipley Constituency (see policy/allocation section in the report below).

To the south west of the Canal lies the towpath which effectively separates the site from the residential area Crossflatts. To the south east of the existing bridge are boat moorings owned and licensed to Airedale Boat club by British Waterways and Hainsworth Boatyard further along to the southern. On the opposite side of the Canal lies the National and Local Cycle network which follows the towpath along the southern side of the Canal between Keighley and Bingley.

Micklethwaite Lane itself passes over the existing single lane canal bridge. Bridge Cottage and Airedale Mills, which are key unlisted buildings, are located to the north west of this bridge. Laythorpe Farm, which comprises a group of vernacular farm buildings which date back to the early 18th century are Grade 2 listed buildings to the north/north west of the bridge/canal. Micklethwaite Lane leads beyond the site into Micklethwaite Village, a small village that originally developed as an agricultural farming hamlet, which itself lies within a conservation area which covers the historic core of the village.

Recent Site History:

A. Planning application -10/00961/MAO - Construction of 475 dwellings, replacement vehicular and pedestrian swing bridge over the Leeds to Liverpool canal and provision of new accesses off Sty Lane and Micklethwaite Lane, access off Fairfax Road and off site highway works. This application has been WITHDRAWN from determination.

B. Planning application – 11/01203/MAO - Construction of 420 to 440 dwellings. replacement vehicular and pedestrian swing bridge over the Leeds/Liverpool canal, provision of new accesses off Sty Lane and Micklethwaite Lane, emergency and limited access off Oakwood Drive, pedestrian and cycle access to Fairfax Road, off site highway improvements, laying out of public open space and landscaping. This application was REFUSED in September 2011 for the following reasons:-

- The proposed development would involve the use of an emergency access route to and from the site using Oakwood Drive which is considered to comprise an inadequate road layout. It is considered that the use of this route is unsatisfactory and therefore the proposal would be prejudicial to highway safety and contrary to Policies TM2 and TM19A of the Replacement Unitary Development Plan.
- The proposed development would involve the use of a replacement swing bridge over the Leeds and Liverpool Canal as the principle means of vehicular access to the site. It is considered that as such this type of bridge would be inadequate and impractical as a means of vehicular access to the site, leading to conditions prejudicial to highway safety and contrary to Policies TM2 and TM19A of the Replacement Unitary Development Plan.

A Public Inquiry is to be held into this application starting on 21 February 2012 and is scheduled to sit for 10 days.

C. Scoping Application -11/00713/SCO - Construction of some 400 houses, new swing bridge, access points and internal road network (Request for scoping opinion).

D. Planning application 11/03769/FUL - Replacement vehicular and pedestrian swing bridge over Leeds-Liverpool Canal and ancillary works – elsewhere on this agenda with a recommendation that if the Local Planning Authority had been in a position to determine this application the recommendation to Members would have been to grant planning permission,

Replacement Unitary Development Plan (RUDP):

Allocation

The removal of the existing bridge and its replacement with an alternative one (subject to application 11/03769/FUL) have been proposed to facilitate development on a development site to the north of the Canal (11/01203/MAO). The paragraphs below establish the background of allocation status of the larger development site and as such are a material consideration in this application.

(i) Within the Proposals for the Shipley Constituency of the Replacement Unitary Development Plan the site was identified as being part an allocated housing site under policies H2 and H4 (reference S/H2.10).

(ii) The Planning and Compulsory Purchase Act (the Act) reformed the English planning system in September 2004. The Replacement Unitary Development Plan (RUDP) for Bradford was replaced by a range of documents that will form the Bradford District Local Development Framework (LDF). Under the transitional arrangements relating to the Act, unless expressly replaced by a 'new ' policy, 'old' policies (adopted local plan, unitary development plan and structure plan policies) are saved for 3 years from which is the later of:

- (i) the date of commencement of Section 38 of the Planning & Compulsory Purchase Act 2004 on 28 September 2004 or
- (ii) the date the plan was adopted or approved.*

(iii) The Replacement Unitary Development Plan (RUDP) for Bradford was adopted on 18th October 2005. Under the second provision in the above paragraph (ii), the policies of the RUDP were automatically saved until October 2008 without recourse to the Secretary of State. However, the Council was required to submit a formal request to the Secretary of State 6 months before the expiration of the relevant 3 year period to save policies further.

(iv) The Department for Communities and Local Government (DCLG) published a protocol for the saving of policies in August 2006). This set out broad principles to follow in making a request and the criteria against which any request would be assessed by the relevant government office. In January 2007, the DCLG published a template for making submissions to the Secretary of State based on the criteria in the protocol.

(v) The Council needed to demonstrate that the policies they wished to be saved reflected the principles of local development frameworks; also the national policy in place at that time. Officers in consultation with the Government Office Yorkshire and the Humber (GOYH) completed the above template using the DCLG guidance.

(vi) A key element of the DCLG guidance made clear the need for particular regard to be paid to policies that supported housing, including unimplemented site allocations. This was an explicit consideration of an April 2008 report to the Executive committee of the Council. This set out the reason for the non-saving of Policies of H1 and H2 which were seen principally as phasing policies and the conclusion that the unimplemented housing allocations would continue to be protected under Policy H4 as proposed to be saved.

(vii) The Council resolved to submit for saving the policies set out into the report for consideration by the Secretary of State. To this end a formal application was made to the Secretary of State via GOYH on 21 May 2008.

(viii) A direction was issued by the Secretary of State on 30 September 2008 which listed those policies to be saved. Those policies not listed in the Direction would expire on 31 October 2008. In line with the Council submission policy H4 was saved while H1 and H2 were left to expire.

(ix) In relation to an ongoing development proposal on a site allocated as a phase 2 housing site, a submission was received from a local resident which challenged the legal basis for the saving of unimplemented housing allocations in the RUDP. The basis of the submission was that Policies H1 and H2 allocated the sites as well as dealing with their phasing, whereas Policy H4 did not allocate sites but rather protected them. The Council subsequently obtained a Counsels opinion which concurred with this view.

(x) On 21st November 2011 the Council resolved the following (as it affects this development site):-

- That it was the Council's intention that the unimplemented housing sites should be protected to meet the district's housing needs.
- That the extensive and robust statutory process through which the sites allocated under policies H1 and H2 in the RUDP were subjected to and as such all the unimplemented Housing Site previously allocated under policies H1 and H2 should be accorded significant weight when considering their use for residential development .
- That any planning applications which related to an unimplemented Housing site and which have been considered but have not had a decision notice issued be reconsidered by Regulatory and Appeals in the context of the above new legal considerations.

Essentially the Council resolved the above position in order to provide certainty to decision makers, developers and communities.

(xi) Despite the fact that the site is not now an allocated housing site on the current development plan (RUDP) Members are advised that it is appropriate to afford weight to the fact that the site was previously allocated as a housing site (Phase II) and that the allocation was only removed by virtue of a genuine mistake as outlined in detail above.

(xii) The Council have accepted that it is appropriate that sites formally allocated as Phase II Housing Sites should be "accorded significant weight when considering their use for residential development" (21st November - Council meeting). These facts should be taken into consideration in relation to this application.

The following policies are relevant:-

Proposals and Policies

- BH7 - New Developments in Conservation Areas
- BH9 – Demolition within a Conservation Area
- BH10 – Open Space within or adjacent to Conservation Areas
- BH11 – Space about Buildings in Conservation Areas
- BH12 – Conservation Area Environment
- BH20 – The Leeds and Liverpool Canal
- UR3 – Local Impact of Development
- D1 – General Design Considerations

BMDC – Supplementary Planning Guidance

The Leeds and Liverpool Canal – Conservation Area Assessment
Airedale Corridors: A Master plan & Strategy for Airedale

***The Yorkshire and Humber Plan - Regional Spatial Strategy (RSS) to 2026:
Policies***

ENV9 – Historic Environment

Planning Policy Statements/Guidance:

PPS1 - Delivering sustainable development; the planning system: general principals
(supplement to PPS1)

PPS5 – Planning for the Historic Environment

The Draft National Planning Policy Framework:

The Draft National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Not applicable.

Publicity and Number of Representations:

Site notices were displayed at the site, advertisements were placed in the local paper and individual neighbourhood notifications were also carried out with the original statutory period of expiry date for comments being 16 September 2011. 26 letters of representations have been received to date.

Summary of Representations Received:

- There are a very large number of representations by members of the public who have proved to be well informed about the characteristics of the proposed site.
- Roads to the north of the development site (11/01203/MAO for 420-440 houses) are impassable in wintry conditions - these are severely substandard in highway terms.
- As a consequence it is a matter of practical common sense that a sole principal access via a swing bridge can never be an effective substitute for a fixed permanent vehicular crossing of the canal whether this be in the form of a bridge or underpass at this location or elsewhere along the Canal.

- In the opinion of the Bingley Civic trust due weight should be given to the range of local comment and this weight should be balanced and given equal weight against the conventional computer based models.
- From 1991 there has been a public expectation that should the land come forward for development that it would include a fixed permanent crossing of the canal (for the last 20 years) therefore cannot support housing without a fixed bridge being proposed.
- At present the existing bridge is considered reasonably safe for the capacity and frequency of the nature of traffic which uses it.
- The new bridge whilst intended as much as possible to appear like a design replica of the existing will inevitably have a greater locational and visual impact in terms of its light, locational twist, abutment works and effects on the re-alignment of the present Micklethwaite Lane.
- The sensitivity of heritage asset and magnitude of impact are likely to be greater than has been assessed by the Applicant.
- Difficult to accept that the proposed bridge will cater to 2 way vehicular traffic with an over carriageway with of 4.8m – whilst this will be a benefit in terms of slower speeds this width will not allow for commercial vehicle to pass each other will lead to unacceptable delay conditions at the bridge and on the Micklethwaite/Keighley Road network.
- There would be increasing pressure to demand the opening up of vehicular access to the east.
- Bingley Civic Trust fully supports the 2 reasons for refusal in respect of application 11/01203/MAO and this application should be refused accordingly.
- The maintenance of the bridge has not been thought through and the problems this will cause to all residents in the area are totally unacceptable.
- The development is entirely out of keeping with its environment.
- Planning permission has been refused for 420-440 houses in the adjacent field therefore the replacement bridge is unnecessary and the application should be refused.
- During months of construction local residents will be denied a canal crossing with no justifiable cause.
- If the application is allowed the inconvenience to local residents and the additional journey times due to enforced detours will be intolerable.
- There will be a concomitant increase in carbon dioxide production by drivers forced to make long detours.
- During the construction period harm to the conservation area will be inevitable – this is contrary to the National Planning Policy Guidelines and the Councils own policies on conservation.
- At a Public Enquiry on 21st February 2012 the Council will be required to defend strongly and professionally the decision of the Shipley Planning Panel which refused application 11/10203/MAO to build 420-440 houses by a majority of 6:1.
- The Micklethwaite swing bridge is a great significant in the location. Prolonged closure of this crossing as required by the application will have serious implications.
- The proposed new bridge will be three times wider than the original bridge and will destroy the Conservation Area.
- The survival and historic fabric of Micklethwaite and the surrounding area is to limit expansion of the village and to protect the green fields surrounding the village.
- People living on The Drive already struggle to park cars outside own homes on the very narrow road. An increase in traffic will cause even more problems with parking.
- If permission is granted for this application it is one step closer to them getting full permission to build the opposed housing development.

- How many more times do residents have to say that they do not want the development to go ahead?
- Concerned that the wildlife will suffer yet again.
- The thought of an enormous 2 lane swing bridge feeding into the existing road system is utterly preposterous. In addition there will also have to be a pedestrian bridge.
- All previous objections to the impact on the environment of the increased traffic, the loss of green fields and animal line and the increased pressure on schools and doctors already over subscribed are still relevant.
- The bridge details in application 11/03769/FUL are completely different to application 11/01203/MAO – which one is it?
- Traffic and pedestrian safety problems Out of keeping with the surroundings.
- Loss of trees and visual amenity and visual intrusion.
- Impact on landscape.
- Affect the setting of a listed building.
- The present bridge is in keeping with the historic Leeds and Liverpool Canal building in the 1700s and the new bridge of this size with associated road widening will completely ruin the visual amenity of this beautiful art of the world.
- A swing bridge of this size has not been proven.
- Concerned about the road closure and diversion works – if the bridge is closed the only way out of Micklethwaite will be up two very steep hills and if this is timed during winter these roads are only passable by 4x4 vehicles for long periods as was the case last winter.
- If this goes ahead consideration should be given so the closure should not be during the winter months and residents will therefore not become trapped.
- This development will destroy a unique amenity irreparably.
- In Micklethwaite there is an existing problem with traffic and is regularly backed up all the way down from Micklethwaite Lane to Keighley Road.
- The traffic is already a danger to pedestrian and more traffic would add to this notwithstanding the effects of more pollution.
- There have already been a number of permissions granted – there is unsold, empty accommodation in the area, why do we need more?
- There is a requirement for previously developed land to be used first anyway i.e. during the time of constriction there would be heavy and dangerous traffic – the roads in the area are very narrow. The proposed access via Oakwood Drive is a narrow, residential road and the access onto Lady Lane has a restricted view.
- With such an increase in numbers of homes how would local school, health facilities etc be able to cope.
- This area is teeming with wildlife and the proposal to devastate this rural landscape with a large bridge and housing development would be a critical loss.
- Recently there has been publicity about developing the Five Rise Locks and surrounding conservation area as a tourist attraction – how does this equate to permitted overdevelopment of the nearby existing green rural spaces. The proposal would create a continuous urban sprawl.
- The removal and replacement of the existing bridge with a design not in keeping with the area does not benefit with the local or wider community
- The development would significantly damage an important leisure and recreational amenity enjoyed by local people.
- For those elderly residents and those without cars in the development access to public facilities, the shops, buses and trains would be virtually impossible without walking up Sty Land along Lady Lane and down Park Road into Bingley – the elderly will be virtually imprisoned in their homes.

- Feel that the council has not considered the needs of those who elect them when even entertaining the possibility of the proposed development.
- Why is the developer so keen to provide a mechanical bridge and not a fixed one.
- Fixed bridges are straightforward with no/little future maintenance, unrestricted access for all road users including emergency vehicles and public transport, would blend in well within the Leeds and Liverpool Conservation Area provided it is faced with local stone.
- A mechanical bridge must not be the preferred option – boating is very popular but the developer has assumed that boat traffic will be consistent over the years.
- Experienced and novice hirers can take different times to pass through the bridge.
- The current bridge configuration is very road friendly and the closing of the manual road barriers can only be achieved when there is no traffic in sight.
- The new bridge equipped with automatic barriers, light and sirens will stop traffic dead at any time.
- Not seen any evidence of an operational safety survey.
- Bridge Cottage suffered significant structural damage resulting in major foundation replacement when the bridge was last replaced in 1985.
- Recently there have been two unplanned closures at Morton Lane swing bridge and further out at Barr Lane causing major inconvenience to road users with diversions via East Morton and Micklethwaite.
- Hundreds of extra vehicles will generate higher noise levels.
- The proposed realignment of Micklethwaite Lane creates a quarter mile detour to reach home.
- Access to the north of the development is too tight.
- The limekilns and the associated group of four arches are of archaeological interest and significance and their protection is under threat if a new and larger bridge is to replace the existing one.
- Policy PPS5 protects the historic and local significant.

Consultations:

Heritage and Conservation Section –

The present bridge at Micklethwaite Lane appears to date from around 1985. It is a modern steel structure with apron and retaining structures predominantly in concrete. Although a historic crossing point from the time of construction of this stretch of the canal in the 1770s there is virtually nothing visible which has any historic merit. The conditions of the present bridge is somewhat neglected and the environment around the bridge is unsightly, with neglected land in front of the arched chambers built into the embankment to the south-east of the crossing. Poor boundary features are evident to commercial premises to the northwest of the road and to the north east the canal bank is eroded and has been subject to past tipping of rubble and debris.

Removal of the existing bridge structure will not harm the aesthetic qualities of the conservation area and there is not objection to its removal.

The latest layout iteration gives far greater clarity and demonstrates a simple network of rights of way, a less formal approach to the bridge on the northern bank, and simpler periphery to the bridge. The cumulative impact of the bridge itself and the consequent rights of way and infrastructure is simplified. It will not have an unacceptably harmful impact on the setting of the listed Laythorpe Farmhouse. Also, considering the agreed necessity for a new crossing, having regard for the submitted justification for the degree of skew away from the existing or a parallel alignment, I am satisfied that the proposed alignment of the bridge has now been justified as the optimum. Although the bridge will have an impact on the character of the conservation area, when assessed against PPS5, the wider demand for housing and attention to design is sufficient to balance the level of harm or adverse effect on the canal conservation area.

Conditions will need to include:

- Full sectional and appearance details for stone block canal coping and abutments to all areas of new piling and canal edge.
- Full details of all surfacing and facing materials, coursing, pointing and finish, and any fixed permanent steps to all areas of the bridge pivot apron and its retaining structures.
- Full details of the extent, appearance, surface treatment and boundary to the turning head on the truncated section of Micklethwaite Lane.
- Full details of the bridge parapet/balustrade which shall be utilising a horizontal rail 3-bar pattern.
- Full details of the final surface treatment and containment of the generator hard standing.
- Full details of all boundaries and fencing to all areas around Micklethwaite Lane, the canal edge and the new bridge pivot apron.
- Full details of size, appearance and finish of the BW control cabinet.
- Final details of levels, surfacing and containment of highways and footpaths north of the canal crossing.

On the basis of the greater clarity now presented, I am satisfied that whilst the new crossing will have an impact, which will be greater than the present crossing, design measures have been taken and are available to mitigate the harm which could be perceived, and to achieve an acceptable balance in policy terms between the need to maintain the character of the conservation area and the demand for benefits arising from development of the site.

English Heritage –

Do not consider there is necessity for this application to be notified to them.

Highways (Development Control) Section -

Two planning applications both of which relate to the existing swing bridge over the Leeds and Liverpool Canal on Micklethwaite Lane have been received. One planning application (Ref: 11/03775/CAC) is for the removal of the existing swing bridge and the other (Ref: 11/03769/FUL) is for a replacement vehicular and pedestrian swing bridge.

In receipt of two revised plans Ref: J4999-105-P1, dated 25.11.11, and J4999-101-P1, dated 25.11.11, which relate to planning application 11/03769/FUL.

These plans show the proposed red line boundary and a revised temporary road alignment (Phase 1 work) respectively.

It should be noted that a separate application, Ref: 11/01203/MAO, which was for the construction of a replacement swing bridge and the development of between 420 – 440 dwellings on land to the south of Sty Lane, was refused by the Council and one of the highway safety reasons given was:

- The proposed development would involve the use of a replacement swing bridge over the Leeds and Liverpool Canal as the principle means of vehicular access to the site. It is considered that as such this type of bridge would be inadequate and impractical as a means of vehicular access to the site, leading to conditions prejudicial to highway safety and contrary to Policies TM2 and TM19A of the Council's Replacement Unitary Development Plan.*

Notwithstanding the above I would offer the following highway advice on the two current applications.

- PLANNING APPLICATION REF: 11/03775/CAC

The application form states that this proposal is for the 'removal of existing vehicular swing bridge and ancillary work'.

Whilst the application form makes no reference to replacing this bridge once it has been removed a Planning Policy Statement submitted with this application refers to a planning application for a replacement swing bridge, 11/03769/FUL, and also to applications 10/00961/MAO and 11/01203/MAO for residential development on the allocated housing site Ref: S/H2.10.

Therefore I would have no objections to raise regarding the removal of the existing swing bridge providing that details for a suitable and acceptable replacement bridge have been submitted to and approved by the Council. British Waterways must also have demonstrated a willingness to undertake the future maintenance of this replacement structure.

- PLANNING APPLICATION REF: 11/03769/FUL

The application form states that this proposal is for the 'replacement vehicular and pedestrian swing bridge and ancillary works'.

Proposed Replacement Swing Bridge

The proposal is for the construction of a replacement swing bridge with a carriageway deck of 4.8m wide and a single 1.8m wide footway. This is essentially the same as the swing bridge proposed on planning application 11/01203/MAO, only now on a slightly different alignment to that previously proposed.

When planning application 11/01203/MAO was being considered highway safety concerns were raised regarding the 4.8m wide carriageway deck that was being offered. The Council had suggested a minimum width of 5.5m.

The concerns related to the possibility of two large heavy goods vehicles, travelling in opposite directions, meeting on the bridge especially when pedestrians and/or cyclists may be present.

A Stage 1 Road Safety Audit for the new bridge was also submitted with this planning application and the Council's Highway Engineer(s) vetting this document advised that in the interest of highway safety a bridge with a 5.5m wide carriageway deck should be provided.

Set out below are the advantages and disadvantages of having a bridge with a carriageway deck width of 4.8m and also 5.5m.

New Swing Bridge with a 4.8m Carriageway Deck

Advantages:

- Would have a reduced visual impact.
- Would help to reduce vehicle speeds across the bridge due to driver's perception of the carriageway narrowing.

Disadvantages:

- Could result in problems should two large heavy goods vehicles meet on the bridge.

New Swing Bridge with a 5.5m Carriageway Deck

Advantages:

- Will handle all of the expected daily vehicular movements.

Disadvantages:

- Could encourage higher vehicle speeds across the bridge due to wider running lanes.
- Would have a greater visual impact.

It should be noted that the alignment of the bridge has now changed from that previously shown on planning application 11/01203/MAO and this is likely to result in a shorter 'full' closure period of Micklethwaite Lane to facilitate the provision of the new bridge and temporary access road during which time all public traffic will have to be diverted.

The applicant's Planning Policy Document states that the closure period will now be in the order of nine weeks.

Proposed Phase 1 & Phase 2 Works

The plans submitted with this proposal show a temporary through road alignment as part of 'Phase 1' works (Plan Ref: J4999-101-P1, dated 25.11.11) and a post 'Phase 2' alignment following the diversion of Micklethwaite Lane (Plan Ref: J4999-102, dated August 2011).

Having considered the above plans there are no objections to raise regarding the temporary alignment of Micklethwaite Lane, which is to be carried out as part of the Phase 1 work.

With regard to the 'post diversion' works to be carried out as part of the Phase 2 works, whilst there are no objections in principle to the proposal the plan submitted fails to demonstrate how this new access road would rejoin the existing highway to the north of the canal either on Sty Lane or Micklethwaite Lane.

Highway conclusion

Therefore there are no objections to raise regarding the principle of having a replacement swing bridge, providing that details for a suitable and acceptable replacement bridge have been submitted to and approved by the Council.

Furthermore there are no objections to raise regarding the realignment of Micklethwaite Lane providing that additional details are submitted to and approved by the Council that demonstrate how the realigned access road through the site would tie up with the existing highway network to the north of the canal.

British Waterways –

Currently discussing design, operational and maintenance issues with the applicant in relation to the proposed new bridge. On the removal of the existing bridge, all aspects of the replacement bridge must be finalized before its removal.

Summary of Main Issues:

Principle of the demolition/removal of the existing bridge within the conservation area.

Effects on the appearance of the conservation area.

Effects on the amenities of the neighbouring properties/premises.

Highway impacts.

Comments on the representations made to this application.

Appraisal:

1. Consent is sought for the demolition/removal of the existing swing bridge across the Leeds Liverpool Canal which currently forms part of Micklethwaite Lane. Planning application 11/03769/FUL which is elsewhere on this agenda seeks permission to construct a new swing bridge if Conservation Area Consent were granted to removal the exiting single lane swing bridge.
2. The character of conservation area is made up of many parts. The relationship of building, walls and structures, open space, materials, views all contribute to the enjoyment and removal of even one element can have a damaging effect on the whole area. Policy BH9 of the Unitary Development Plan states that within conservation areas permission will not be granted for the demolition of buildings (including walls, structures or features) which make a positive contribution to the architectural or historic interest of the area unless the development would result in benefits to the community that would justify the demolition.
3. The present bridge at Micklethwaite Lane appears to date from around 1985. It is a modern steel structure with apron and raining structures predominantly in concrete. Although a historic crossing point from the time of construction of this stretch of the can in the 1770s there is virtually nothing visible which has any historic merit. The condition of the present bridge is somewhat neglected and the environment around the bridge is unsightly, with neglected land in front of the arched chambers built into the embankment to the south-east of the crossing. Poor boundary features are evident to commercial premises to the northwest of the road and to the north east the canal bank is eroded and has been subject to past tipping of rubble and debris.
4. It is considered that to grant conservation area consent for the demolition/removal of the existing bridge will not harm the aesthetic qualities of the conservation area and as such there is no objection to its removal.

5. One of the primary tests for demolition in a conservation area is the merit of any replacement proposal. The replacement details are duly considered under planning application 11/03769/FUL and the conclusions within that application in terms of conservation issues are that planning permission could be granted due to the following:

- The amended layout gives far greater clarity and demonstrates a simple network of rights of way, a less formal approach to the bridge on the northern bank, and simpler periphery to the bridge.
- The cumulative impact of the bridge itself and the consequent rights of way and infrastructure is simplified.
- It will not have an unacceptably harmful impact on the setting of the listed Laythorpe Farmhouse.
- Considering the agreed necessity for a new crossing, having regard for the submitted justification for the degree of skew away from the existing or a parallel alignment, conservation specialists are satisfied that the proposed alignment of the bridge has now been justified as the optimum.
- Although the bridge will have an impact on the character of the conservation area, when assessed against Planning Policy Statement 5, the wider demand for housing and attention to design is sufficient to balance the level of harm or adverse effect on the canal conservation area.
- Conditions will need to be attached to any replacement bridge permission to ensure that aspects such as surface treatments, details of all boundaries and fencing, details of the size, appearance and finish of the British Waterways control cabinet.

6. It is considered that there will be no undue impact on the amenities of the surrounding properties/premises nor will this proposal compromise highway safety if conservation area consent for the demolition/removal of the existing bridge was given.

7. The majority of issues raised in the letters of representation received (and which are relevant to the issues to be considered within a conservation area consent application) have been addressed in the comments with regard to the merits of the existing bridge. Overall, it is considered that there is no historic merit in retaining the existing bridge. Whilst it is considered that whilst the new crossing will have an impact, which will be greater than the present crossing, design measures have shown and are available to mitigate the harm which could be perceived and to achieve an acceptable balance in policy terms between the need to maintain the character of the conservation area and the demand for benefits arising from development of the site to the north of the Canal.

Reason for Granting Conservation Area Consent:

The demolition/removal of the existing bridge is acceptable as it fails to make a positive contribution to the special architectural/historic interest of the area. As such, its removal will not undermine the character and appearance of the Leeds-Liverpool Canal Conservation Area and it is considered that the proposal is in accord with policy BH9 of the Replacement Unitary Development Plan.

Conditions of Approval:

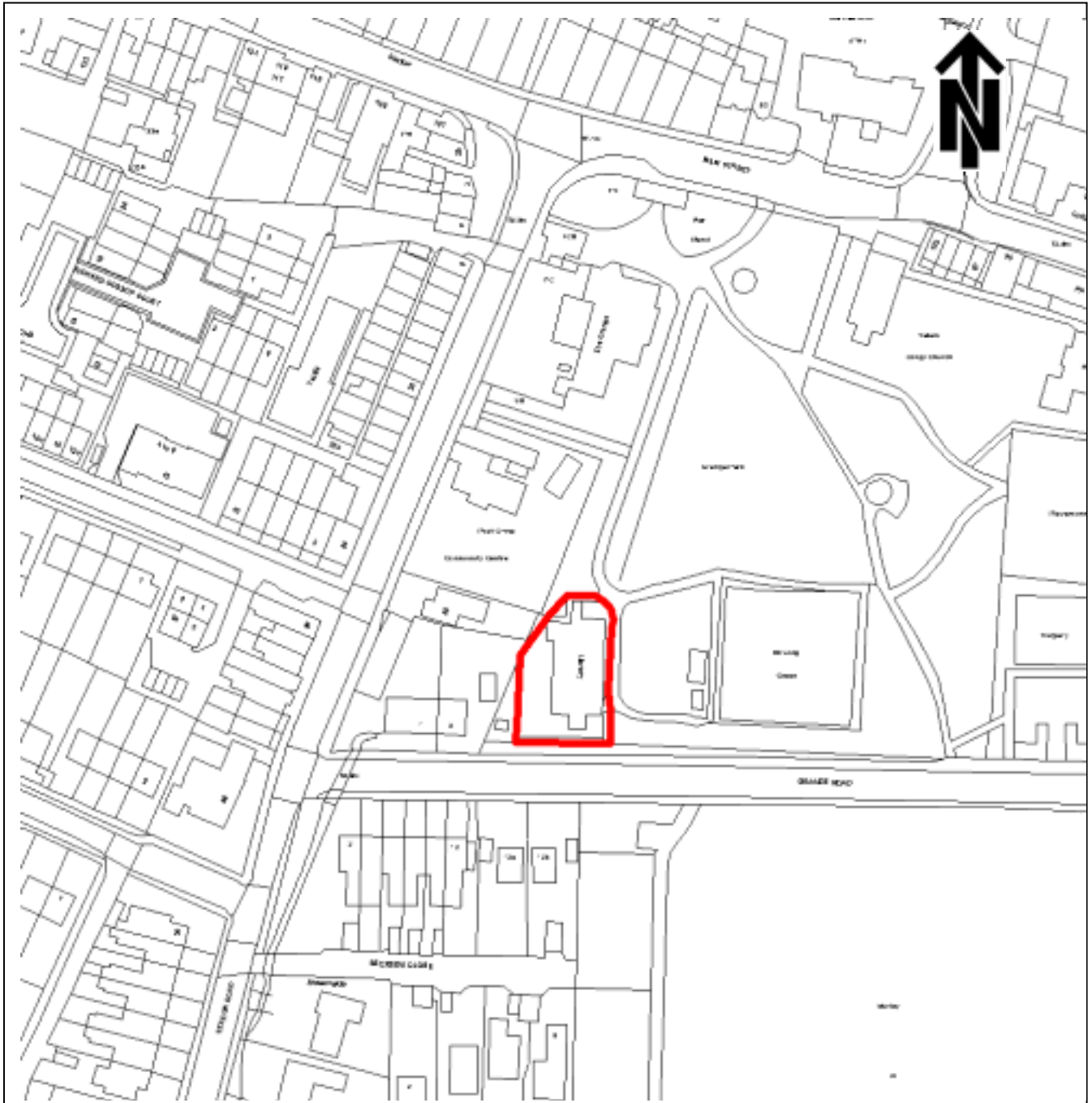
1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 18 of the Planning (Listed Buildings Conservation Areas) Act 1990 (as amended).

Area Planning Panel (Shipley)

11/04143/FUL

18 January 2012



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<p>ITEM NO. : 4</p>	<p>LOCATION: Burley Library Grange Road Burley In Wharfedale Ilkley</p>
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18 January 2012

Item Number: 4
Ward: WHARFEDALE
Recommendation:
TO REFUSE PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
11/04143/FUL

Type of Application/Proposal and Address:

Full planning application to refurbish and extend the Burley-In-Wharfedale library to provide a new Co-operative convenience store on the ground floor with storage, staff rooms and car parking and a first floor extension to house the library.

Burley Library Grange Road, Burley-in-Wharfedale LS29 7HD.

Applicant:

Fairbrook Developments Ltd

Agent:

Dodd Associates Ltd

Site Description:

The site is the existing public library which is on a small plot of land that fronts Grange Road and adjoins Grange Park. The existing building is single storey with a flat roof. It was built in the 1970s and its design reflects this era. It is constructed in a mix of stone and brick. To the east, the building abuts the park and to the west of the building is a small car park and delivery area beyond which is a sub station and then the garden to a semi detached dwelling at 3, Grange Road. Immediately across Grange Road are some modern detached houses with drive accesses onto the street. A cricket ground extends to the east. Grange Road is a reasonably wide and level street with footways either side. A surgery is situated beyond the bowling green to the east of the library. The site is inside Burley Conservation Area.

The existing Co-operative store is housed in premises which front Station Road. This street functions as part of the village's local centre. It is lined by a mix of retail shops, a nursery and residential properties and is congested by on street parking.

Relevant Site History:

No previous planning applications relevant to this site.

Replacement Unitary Development Plan (RUDP):

Allocation

Site is unallocated land in Burley Conservation Area.

Proposals and Policies

UR3 – local planning considerations.

D1 – design considerations.

BH7 – new development in conservation areas.

TM2 – transport impact and mitigation.

TM19A – traffic management and road safety.

TM11 – car parking standards for non residential developments.

CR4A – other retail development (retail impact out of town and local centres).

The Draft National Planning Policy Framework:

The Draft National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Burley Parish Council recommends refusal. There are reservations about design with the flat roof being not in keeping with the surrounding buildings and street scene. Concerns about the impact of air conditioning units on the western exterior on local residents and impact of delivery traffic on 3 Grange Road. Glass at 1st floor level will allow overlooking of adjoining properties. The Parish Council would not want to see additional parking restrictions on Grange Road in order to accommodate the proposed development and has reservations about the conclusions of the traffic survey which does not accurately reflect traffic and pedestrian flows on this road. It shares concerns of many residents about introduction of commercial activity into a public building and within a recreational area (i.e. the park).

Publicity and Number of Representations:

Publicised by neighbour notification letters and site notice expiring 27 October 2011.

Petition signed by 270 people has been received headed "Save Our Shops".

42 individual objection letters received.

10 representations in support received.

Two Ward Councillors have requested determination of the application at Area Planning Panel in view of the impact on the conservation area and its significance to the local community.

Summary of Representations Received:

Petition says we the undersigned object to the relocation and expansion of the Co-op. This poses a serious threat to the survival of our local shops.

Representations Against

1. Grange Road is already a busy, congested street. The problem of finding a parking space on it at various times of day has been underestimated by the agent. A larger Co-op store offering a larger range of products than the existing store is bound to attract more customers in cars and this will cause more parking problems.
2. Local residents do not recognise the low traffic volumes shown in the submitted documentation (Transport Statement) which does not take into account the traffic/parking associated with the various recreation activities (bowling club, park and cricket club) and use of Grange Road by children walking to school. Delivery lorries and customer cars will create a hazard to road users and pedestrians.
3. The new store will have an adverse impact on this residential area causing nuisance, fumes and disturbance to neighbouring residential properties due to extra traffic activity and delivery vehicles.
4. The amenity of neighbouring residents will be harmed due to overlooking from the elevated glazed areas at 1st floor, by noise from refrigeration units and by noise from reversing delivery vehicles in the area alongside 3 Grange Road.
5. This is an unsuitable location for retail premises as it is away from the local centre along Station Road. There are no other shops on Grange Road. The introduction of a retail store would detract from the character of the environment and infringe on the village park – a designated recreation area in the conservation area.
6. In Burley most shops are small family run businesses. If the Co-op is allowed a bigger store it will possibly drive them out of business especially as another large trader could then occupy their existing premises.
7. Building design is inappropriate to the conservation area. Especially the flat roof and use of cladding and aluminium framed glass. More suitable to a retail park than a conservation area.
8. The placing of the library at first floor level will make it less attractive to use in terms of access. If the lift fails people with physical disabilities or pushchairs would be unable to use it.

Supporters

1. Point to the shortcomings of the existing Co-op store on Station Road and restrictions which prevent improvements to these premises to create a readily attractive and attractive convenience store. The new store will encourage more villagers to shop locally and still support the other retailers in Burley.
2. The transfer of delivery traffic from Station Road to Grange Road will ease the overall traffic congestion experienced in the area.
3. Whilst recognising that it is not ideal for neighbouring residents, this proposal seems an imaginative way to achieve the twin goals of improving both the library service and the co-op at the same time to the longer term benefit of the village (Burley & District Chamber of Trade).

Consultations:

Council LDF Team

The site is not within the boundary of the Local centre defined for Burley and should be considered as edge-of-centre when assessed against criteria as set by PPS4. It is above the size threshold (150 sq metres) which would permit small shops under Policy CR3A of the RUDP and so its impact should be assessed against retail Policy CR4A of the RUDP. To accord with Policy EC14.5 of PPS4, the application should be accompanied by an assessment of its impact on the local centre of Burley. However, the submitted retail assessment is not in line with requirements of PPS4 that would require a thorough sequential assessment of all sites within the local centre that might be available as alternatives to the siting of a new retail store.

Highways Development Control

Unable to support the proposed development due to the highway safety concerns it would raise. The proposed development would lead to the creation of an additional food retail unit of significant size in the village centre. Parking requirement for a retail store of the size proposed would normally be 29 parking spaces. Although some off street parking space is available at the side of the building, this is insufficient to meet the need and it has not been fully explained how it would be managed to provide both parking space and loading/unloading and servicing for the store. The proposal is likely to lead to an increase in on street parking in an area where demand for parking is already in high demand. In the absence of suitable waiting restrictions, obstructive vehicle parking would be likely to occur and service vehicles would have insufficient turning space at the site access and there is further limited turning space for service vehicles at the junction of Grange Road/Station Road. The proposal is likely to lead to conditions prejudicial to pedestrian and highway safety.

Environmental Protection Officer

Says the EP Department has been dealing with complaints arising from operations at the current CO-OP store based at 38-40 Station Road, Burley-In-Wharfedale regarding noise from deliveries, in particular those relating to early morning newspapers. The situation on Station Road when wagons arrive at the store during working hours can be chaotic.

The premises itself, due to the confines of its physical dimensions, is no longer capable of accommodating the demands of the CO-OP's commercial success and in its current location, Health & Safety concerns have been raised for customers and staff. There is no scope for expansion to address these pressing issues, some of which remain unresolvable as things stand. The opportunity to move to the detached building currently occupied by Burley Library provides a means to remedy these current problems.

The careful routing and scheduling of deliveries and the diligent siting of air cooling and condenser units will reduce to a minimum any impact on amenity to immediate residents: a major improvement on the current state of affairs. The EP Officer has noted the concerns raised by residents at nearest noise sensitive premises, in particular, Number 33 Station Road. From a visual assessment considers there is sufficient distance between source and receiver to address any concerns which may relate to intrusive noise from air cooling systems. The walled area at the bottom of the garden serving Number 33 will also provide screening from noise generated at the proposed store. In conclusion, the EP Officer concurs with the positive points put forward by the applicant in support of the application.

Council Drainage Section

Records show a culverted watercourse along the front of the site and the works must not impose additional loading on it or restrict its flow. Surface water sewer is also on site.

Summary of Main Issues:

Principle of retail development on the site

Design Issues - Impact on character and appearance of Burley Conservation Area

Appropriateness of the use to the character of the area

Impact on occupiers of adjoining residential properties

Highway issues

Other issues – Community facilities/Drainage

Appraisal:

This application proposes to use the existing 1970s library building to create a new Co-op retail store. The library would be re-housed in a 1st floor extension on top of the existing flat roofed building. The existing footprint of the building would be mostly unchanged apart from a small extension to create a glass-clad lift and stair enclosure on the frontage of the library in space presently occupied by an access ramp. An existing surfaced area to the west side would form a dual purpose area for delivery/unloading and limited parking.

The site is within Burley Conservation Area but is unallocated. The land may once have been part of Grange Park, but on the RUDP, the site is excluded from the recreation open space designation covering the park which is protected by Policy OS2 of the RUDP.

The applicant is keen to restate the motivation for the application which is that the existing Co-op store on Station Road is not fit for purpose due to its cramped conditions, differing floor levels, very narrow aisle widths and intrusive party walls that affect customer movement. The existing store lacks suitable access for the disabled and has awkward storage space. Display space and access for customers is cramped and substandard in terms of the Coop's normal offer. Staff welfare facilities are poor. It is confirmed that neighbours of the existing store have made complaints regarding noise from deliveries (confirmed by the consultation with the Council's Environmental Protection Officer). Physical constraints and lack of freehold ownership prevent improvements of the existing store so the Co-op has been actively seeking an alternative site to enable them to continue trading in a sustainable location in the village in premises that meet customer expectations and enable health and safety concerns to be addressed. These practical and leasehold problems prevent the Coop from improving the existing premises and hence the need for a move to a modern, shared facility at the library which is in an accessible location for walking.

The agent is also keen to highlight that the existing store is located at a congested part of the highway network, with no facilities for deliveries and that a key benefit of improving the quality of its offer would be to reduce the number of Burley people who travel (by car) to stores in other settlements for convenience shopping.

Objectors have highlighted inconsistencies regarding the size of the retail store in the submitted reports. The applicant has resubmitted data on existing and proposed floorspace as follows, and the scheme is being assessed on the basis of the following figures.

	Existing Store Floorspace	Proposed Store Floorspace	INCREASE
Shopfloor	155.6 sq m	233.3 sq m	+ 77.7 sq m
Ancillary e.g. staff facilities	18 sq m	66.8 sq m	
Storage	101.1 sq m	57.4 sq m	
TOTAL	274.7 sq m	357.3 sq m	+ 82.6 sq m

The proposed retail store would comprise 233.3 sq metres of retail space plus 124 sq metres of storage and ancillary accommodation. Total GFA = 357.3 sq metres.

The existing library has a floorspace of 242 sq metres. The proposed library floorspace is 205 sq metres. A reduction of 37 sq metres.

Principle of retail development on the site

The site is some 50-70 metres outside the boundary of the Burley Local Centre defined in the RUDP. The size of the store exceeds 200 sq metres and the proposal should be assessed against criteria governing edge of centre retail development under PPS4. The Council’s LDF Team advises that Policy EC14.3 of PPS4 requires the applicant to undertake a sequential assessment to test the availability of alternative sites within the Local Centre and that Policy EC14.5 would require an assessment of the impact of the retail development on the existing Local Centre.

The petition and a number of individual objections raise the feared impact of the proposed store on the vitality and viability of the rest of the local centre, although Burley and District Chamber of Trade is supportive of the proposal due to the shortcomings of the existing Coop store and the opportunity to develop a more attractive store for the village and improve the facilities for young families, the elderly and disabled users.

The size of the store is larger than what might be regarded as a small shop under Policy CR3A of the RUDP. Assessment of impact should therefore be against Policy CR4A which states that retail development will only be permitted outside a local centre if the developer is able to demonstrate a need for the additional retail floorspace; if there are no alternative sites which are suitable and viable for the proposed use within the defined centre and likely to become available within a reasonable period of time; where the development would be unlikely to have an adverse effect on the vitality and viability of the Local Centre; where there is convenient access for customers reliant on forms of transport other than the private car and where the development will not encourage travel or reliance on the private car and would help to facilitate multi-purpose trips compared with the development of other sites.

The applicant’s retail assessment has highlighted favourable aspects of the proposal such as the convenience of access to the site by walking and public transport, the claim that it will reduce the need to travel outside Burley for convenience shopping trips, it would increase consumer choice and the quality of the store compared with the existing co-op premises and by sharing the site with the library gives opportunities for multi-purpose trips.

However, the applicant has not demonstrated compliance with the sequential approach to edge of centre retail development advocated in PPS4. The applicant argues that such an assessment is not needed but the Council's LDF Officer does not agree. The applicant also argues that the impact on the Local Centre would be negligible because the proposal is for relocation of the existing Co-op store from within the Local Centre. The Retail Assessment says turnover of the new store will be almost entirely absorbed by the transfer of expenditure from the present store and claw back of trade that goes to alternative centres.

However, this argument relies on an assumption that use of the existing premises for convenience retailing would cease and that it would not be re-occupied by another convenience retailer. This cannot be ruled out because the premises are rented and their future use is not within the control of the Co-op. Therefore the Local Planning Authority would have no legal mechanism (for example through negotiation of a S.106 agreement) to prevent resumption of retail activity at the existing site.

Consequently, the submitted information does not convincingly demonstrate that the new Co-op store would not harm the vitality and viability of the Burley Local Centre. Nor has it been demonstrated that the likely benefits would outweigh that possible harm. The proposal must be regarded as failing to comply with Policies EC14.3 and EC14.5 of PPS4 and Policy CR4A of the RUDP.

Highway Issues

The impact of customer and delivery traffic on road safety and the amenity of residents and other users of Grange Road is clearly a major concern for objectors who have gone as far as commissioning a detailed critique of the applicant's Transport Statement by another Highway Consultancy. This includes independent trip generation calculations and track runs. The objections highlight a number of claimed deficiencies in the submitted traffic surveys such as discrepancies in the stated size of the retail floorspace and therefore the basis on which the levels of trip generation for the retail store and library have been calculated.

The applicant's Transport Statement describes surveyed traffic flows on Grange Road as "relatively low". This is disputed by the objectors who (amongst other things) criticise the absence of a survey methodology and an absence of surveys of traffic on a Saturday when movements to the new store, the library and the various local recreational facilities could be expected to be at its highest. Grange Road is well used for parking in the vicinity of the site. Although quiet on occasions, there are numerous sport and recreational activities along the road, plus the surgery and residential properties. Local residents have provided photographic evidence of significant congestion when events are held at the cricket ground and in the park. It is also reported that Grange Road is important as a walking route to local schools.

The applicant's Transport Statement suggests that the majority of parking associated with the proposed new store and the library would be accommodated on street and that this is justified because of the good accessibility of the site for walking and because the existing Co-op store has no provision for off street parking.

However, the Council's Highway Officer advises that the new store should be provided with 29 parking spaces to meet RUDP parking standards. (On the basis of the revised floorspace figures provided by the agent this falls to 25.5 spaces). In addition, the library would also require an amount of parking to serve its needs. The proposed plan confirms the provision of only 2 off street spaces earmarked for disabled drivers. Some more limited parking for perhaps 6 vehicles could be available at the side of the building but this would also serve as space for loading and unloading by delivery vehicles and it has not been explained how the space would be managed to avoid conflicts between customer parking and delivery vehicles.

The Transport Statement explains that the intention is to transfer the Co-op's existing store from its congested position on Station Road to the Grange Road site and that there would be little difference between the sizes of the existing and proposed stores. The applicant says the new location for the store will have better parking and servicing arrangements than the existing store and will not be significantly larger.

It is accepted that traffic conditions on Station Road are sometimes chaotic and that this is partly caused by deliveries to the existing Co-op store and customers in cars parking on street. However, the applicant's claim that this should not create or exacerbate any traffic management issues is not accepted. This argument relies on an assumption that the building housing the existing Co-op store would cease to be used for food-retail or other retail uses that would generate significant traffic and parking demand. However, the freehold of the existing premises is not owned by the Co-op or the applicant so it would not be possible to prevent it being used as food retail store by another operator through any legal mechanism such as a S.106 obligation. Whilst the configuration and cramped conditions at the existing store may make it unlikely that another food retail operator would take it over, this eventuality cannot be ruled out. In which case, the existing congestion problems on Station Road would continue and further problems of congestion and safety would be occurring on Grange Road - caused by lack of adequate parking at the new site.

There is also a concern by the Council's Highway Officer that service vehicles associated with the new store would have to drive over the footway to turn at the Station Road/Grange Road junction which would be unacceptable. The applicant has submitted a revised highway drawing proposing to address restrictions of the highway by imposing a Traffic Regulation Order (TRO). However, the Parish Council has signalled that it would oppose imposition of such an order and it seems likely such a measure would also be strongly opposed by local residents. It is by no means certain that a TRO could be supported through the necessary legal process. In the absence of a TRO, the Council's Highway Officer considers that obstructive and potentially dangerous parking associated with the new store could occur across residential driveways and close to the site access. As vehicular swept path drawings show, parking close to the site access would hinder movement of service vehicles reversing into or out of the service yard and affecting both the flow of traffic and safety.

It is also likely that in order to accommodate manoeuvring of service/delivery vehicles into the new site, measures to restrict parking on the south side of Grange Road would be needed. Such restrictions on local residents' parking are also likely to be strongly resisted. In the absence of a TRO, on street parking close to the junction would severely restrict turning manoeuvres for larger vehicles leading to service vehicles possibly having to reverse at the junction and preventing the free flow of traffic. The Council's Highway Officer considers such dangerous manoeuvring to be unacceptable.

It is considered that the safety implications of the new store have been understated in the submitted Transport Assessment. Due to the lack of adequate parking and delivery facilities the proposal is considered detrimental to road safety and is contrary to policies D1, TM19A and TM11 and TM2. In addition, there are concerns that the amenity of local residents would also be adversely affected by the indiscriminate parking and exacerbated on street congestion which the new store would encourage.

Design Issues - Impact on the character and appearance of the conservation area

A large number of objectors oppose the style and materials of the proposed building and fear that its extra height would be inappropriate to the conservation area. They highlight that development in conservation areas is expected to be of the highest design standards and to preserve or enhance the character or appearance of the conservation area. There is opposition to use of the contemporary glass and metal frame design.

The existing library is a 1970s building of little architectural merit, but because it is a low level building it does not interfere with views into and out of Grange Park and is an unassuming feature on the edge of the park. The present building therefore does not contribute much to the quality of the conservation area. It has a somewhat neutral impact.

However, there are some positive aspects of the application proposals such as the rebuilding of the back wall of the library in stone rather than brick, and the visual interest that would be added to the box like front elevation through the addition glass stair/lift tower. The amendments have, however, not fully taken the opportunity to improve the poor appearance of the forecourt of the building. The intended hard surfacing of this area is not well detailed, the Heritage Statement simply says it will be 'landscaped'.

The applicant's Heritage Statement argues that the flat roof replicates the present form of the library building and allows the enlargement to reflect the height of properties to the west. The Council's Conservation Officer was concerned that the original submission included little contextual material to judge the height and scale of the proposal in relation to nearby buildings or the street scene and show whether an extra storey would make it more noticeable and overbearing to the existing leafy and spacious aspect of the park. Amended illustrations have now been received to show the proposal in context and the agent has also partly addressed Conservation Officer's concerns about the design by proposing a 'crisper' eaves detail to the roof and substituting stone for areas of proposed brickwork on the side wall of the stair/lift tower. This improves the appearance of the building.

The existing building is about 6 metres high and the addition of the flat roofed, contemporary styled 1st floor extension to house the relocated library would add about 3 metres creating a building 9 metres high in total. This is not considered unduly tall in relation to surrounding houses including the semi detached houses to the west. The contextual illustrations confirm this and show that when viewed from within Grange Road the enlarged building would not appear unduly out of proportion or over dominant. From within Grange Park, existing tree and bushes would be retained to screen the enlarged building and offset the impact of the additional height.

A number of objectors oppose the use of contemporary materials for the first floor. However, this seems, in principle, a justifiable approach. A more traditional pitched roof extension would have to be considerably higher and more imposing. The contemporary approach builds on the existing appearance of the library building and keeps the height low.

Generally, the enlarged building would not enhance the Conservation Area but its height in relation to nearby housing and the screening provided by parkland trees would ensure that it would continue to have a neutral impact. Given the design amendments now received it is not proposed to refuse the application on grounds of design or any negative impact on the conservation area.

Appropriateness of the use to the character of the area

However, there is concern about the implications of the increased activity associated with the retail use on the character of the locality. Objectors point out that in the Burley Conservation Area Appraisal the library is described as being in a “civic zone” away from the commercial core of the village and relates to the recreation uses in the park and the cricket ground opposite. Adding a retail store would change that character and affect the ambience of Grange Road as an area characterised by a mix of residential, recreational and community uses (such as the library and surgery) but presently free of commercial development and the activity associated with such uses.

The retail store would thus be in contrast to these existing uses, particularly given the shortcomings of arrangements for parking and servicing. Due to the extra traffic, increased comings and goings and the character of a retail use, it is considered that the store would have a negative impact on the present character and amenity of the Grange Road area. It would not maintain or enhance the character of the surrounding environment or the character or quality of the area and would be contrary to Policies UR3, D1 and UDP 3 of the Replacement Unitary Development Plan for the Bradford District.

Impact on occupiers of adjoining residential properties.

Immediate neighbours have expressed concerns about the implications for their amenity of delivery traffic and condenser units and cooling equipment. With regards to the latter, the Council’s Environmental Protection Officer advises that there appears sufficient distance between source and receiver to address any concerns which may relate to intrusive noise from air cooling systems etc. under Environmental Health powers should this ever be necessary. In the opinion of the EP Officer, the walled area at the bottom of the garden to No 33 Station Road will also provide screening from noise generated.

Objections have also been received regarding overlooking of properties to the west and to the south across Grange Road from the new glazed areas at 1st floor level. The proposed layout of the library and its access and the degree of separation to the affected properties across Grange Road is such that it would be unreasonable to refuse the application on grounds of loss of privacy to these properties. With regard to overlooking of properties to the west, the drawings show outlook from within the library being eastwards towards the park and that all glazed areas on the west facing elevation would be obscure glazed to prevent overlooking of gardens to the west. If the Council was minded to approve the development it would be necessary to enforce use of obscure glazing along the west elevation by a condition.

Protection of Community Facilities

The library is acknowledged to be an important facility for Burley-in-Wharfedale. Financial constraints on the library service are also acknowledged. However, at no point has it been suggested that the proposal by the Co-op to share the site and relocate the library to new premises at 1st floor level are essential to the viability and continued presence of the library service in the village. It is not considered that these arguments should carry much weight in terms of this planning decision.

It is noted that a number of objectors have referred to the library being less accessible because it will no longer be at street level. However, facilities for access including the lift would be designed to appropriate standards. Some objections also refer to the reduction in facilities at the new library which is smaller in size. It is presumed that the slight reduction to its floorspace of 37 sq metres, and the configuration of the library accommodation has been the subject of separate discussion with the Council's library service and it has to be assumed that it meets its operational requirements. It is not considered that this is a matter for the Local Planning Authority.

Drainage Culvert

The Council's Drainage Officer has pointed to the location of a culvert in proximity to the extension to front of the library. The existing building is approximately 7.5m away from the culvert, the proposed forwards extension will bring the front line of the building to approximately 6.5m from the culvert. The use of the land in front of the building will remain the same as existing. The applicant's engineer considers it very unlikely that construction of the new extension or its foundations will impact on the existing culvert and its operation. The new foundations will be at approximately 0.75m-1m below finished ground level of a traditional nature, mass concrete strip footings and pad foundations. As the culvert is 6.5m away this load will not be imposed onto the culvert unless it is over 7m deep.

Community Safety Implications:

None raised.

Reasons for Refusal:

1. The development would create an additional new retail store of significant size that would have inadequate facilities for off street car parking for customers and restricted manoeuvring space for servicing and delivery vehicles. The intensification of car parking on Grange Road and vehicle movements on Grange Road and at the junction of Grange Road and Station Road would lead to conditions prejudicial to the safety of road users. Measures proposed to mitigate the traffic impact of the development are not adequate or are impractical. The proposal is contrary to Policies D1, TM2, TM19A and TM11 of the Replacement Unitary Development Plan for the Bradford District.
2. The proposed retail store is not within the defined Local Centre for Burley in Wharfedale and the submitted information does not convincingly demonstrate that the new Co-op store would not harm the vitality and viability of the Burley Local Centre. Nor has it been demonstrated that the likely benefits would outweigh that possible harm. The proposal must be regarded as failing to comply with Policies EC14.3 and EC14.5 of PPS4 and Policy CR4A of the Replacement Unitary Development Plan for the Bradford District.
3. Grange Road is presently characterised by residential and community or recreational uses. The character of the proposed new retail development, the increased activity associated with it and the lack of adequate arrangements for servicing and parking would not maintain or enhance the character of the surrounding environment or the character or quality of the area. It would be contrary to Policies UR3, D1 and UDP 3 of the Replacement Unitary Development Plan for the Bradford District.