

Planning Officer's Report

Ward: Bingley (ward 02)

Recommendation: TO REFUSE PLANNING PERMISSION

Application Number:

16/06681/FUL

Proposal:

Construction of detached dwelling and garage

Address:

18 The Orchards Bingley West Yorkshire BD16 4AZ

Applicant:

Mr Paul Proctor

Agent:

Peter Brooksbank

Site Description:

This 785sq.m. site comprises a large, sloping and well-maintained garden area to 18 The Orchards, a relatively modern house in an estate of similar properties dating from the late 1980s constructed in the former grounds of the grade II listed Oakwood Hall. The site includes a single mature tree and is bordered by well-established woodland to the north and west that overhangs the site, which are subject of Tree Preservation Order (TPO) ref 0121. Vehicular access is available from The Orchards though a grass verge and a close-boarded fence separates the site from the carriageway.

Relevant Site History:

12/02560/FUL: Construction of detached dwelling with integral double garage, granted 15 August 2012.

12/03919/TPO: T1 Hornbeam, thin by 5%, crown lift to 5.2 metres over the highway - safety measures, refused 5 November 2012.

13/04862/TPO: T1 Holly, reduce height to 5 metres; T2 Sycamore, fell; T3 and T4 Poplars, fell; T5 Holly, reduce height to 5 metres, refused 4 February 2014.

15/00755/TPO: T1 Lime, remove lowest diseased limb and crown lift over road to 5.2 metres; T2 Sycamore, fell; T3 Poplar, remove, granted 13 March 2015.

15/03209/FUL: Construction of detached dwelling with integral garage, refused 18 September 2015, due to loss of/ harm to trees and harm to residential amenity.

16/02405/PMI: Construction of detached house and garage, additional tree-based information and design amendments required 22 April 2016.

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any development proposal. The NPPF 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 the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Replacement Unitary Development Plan (RUDP) Allocation:

The site is not allocated for any specific land-use in the RUDP but is within the 2km buffer of Bingley South Bog and South Pennine Moors (sites of special scientific interest) and the Airedale Landscape Character Area. Taking account of policies saved for the purposes of formulating the Local Plan for Bradford, the following RUDP policies are applicable to the proposal.

Proposals and Policies:

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development

H7 Housing Density Expectation

H8 Housing Density Efficient Use of Land

TM2 Impact of Traffic and its Mitigation

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

D1 General Design Considerations

D2 Energy Efficiency and Sustainable Design

D4 Community Safety

D5 Landscaping

BH4A Within the Settings of Listed Buildings

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

NE10 Protection of Natural Features and Species

NE11 Ecological Appraisals

NE12 Landscape and Wildlife Enhancement

NE13 Wildlife Corridor Network

NR16 Surface Water Run Off and Sustainable Drainage Systems

NR17 Groundwater Protection

NR17A Water Courses and Water Bodies

P7 Noise

SPD05 Planning for Crime Prevention SPD

SDP08 Sustainable Design Guide SPD

SPD08 Householder SPD

Parish Council:

Bingley Town Council

Publicity and Number of Representations:

The application was advertised by individual neighbour notification. Expiry Date 02.09.2016

The application was publicised by the display of site notice type(s):

Notice to Neighbours - Publicity Expiry Date - . No representations have been received.

Summary of Representation Received:

Not applicable

Consultations:

Building Control - Drainage: No objections subject to condition to provide soakaway percolation tests and design details, and a footnote relating to topographical issues.

Biodiversity Team (from 15/03209/FUL): Objections raised due to impact on mature trees and consequences for protected wildlife species.

Design and Conservation Team: No objections or suggested conditions.

Natural England (from 15/03209/FUL): Consideration to be given to Habitat Regulation Assessment in relation to proximity to South Pennine Moors, Priority Habitat, locally important wildlife sites and potential biodiversity and landscape enhancements. Apply standing advice for protected species.

Trees Section: Objections raised due to the threat to trees, lack of justification and inadequate light to the habitable rooms and garden areas of the dwelling affecting the enjoyment/amenity of its future residents.

Highways Development Control: No objections subject to conditions to provide suitable means of access and parking.

Bingley Parish Council: Recommends refusal as there is insufficient information about the trees on site and in the surrounding area.

Summary of Main Issues:

Background and principle of development

Visual amenity

Impact on trees

Amenities of occupiers of adjacent land

Other planning matters

Appraisal:

Background and Principle of Development

The site benefited from a now lapsed planning permission (see 12/02560/FUL dated August 2012) since when a revised scheme was submitted and refused (see 15/03209/FUL) - the reasons were two-fold:

(1) the removal of a number of newly planted replacement trees and further damage to other established protected trees harming visual amenity, and

(2) the proximity of mature trees will overshadow/restrict natural light harming living conditions and increase pressure to fell/lop trees to the detriment of visual amenity.

It is noted that the refusal was based on detail rather than principle, particularly given the earlier permission. In the meantime there have been no significant changes to the character of the site or its surroundings, notwithstanding the trees issues identified below, or the policy background. The principle of residential development of the site therefore remains acceptable.

Visual Amenity

Compared with the lapsed 2012 permission, the proposed dwelling, garage and its associated external hard surfacing would have a noticeably larger footprint and be repositioned closer to the public highway being more akin to that refused last year. Given that the site forms part of a line of large-scale detached dwellings, these changes would not introduce any significant issues in terms of the general built form, particularly as the proposed house is similar to the design and scale of that previously approved, i.e. a two/three-storey, split-level house of traditional proportions, materials, pitched roofing and detailing. That said the proposal would present the double garage as the main 'public' frontage to The Orchards estate road, behind which the dwelling has a relatively blank elevation its limited features further obscured by being set down into the slope of the site. In effect the dwelling, dominated by a wide garage door, would provide a relatively featureless contribution to the street scene that is otherwise made up of modern houses having a fairly traditional design approach with their two-storey front elevations enclosing the street. Whilst the above differences are apparent, the proposal dwelling is not of high quality contemporary design as an alternative to the established built form. For this reason the development would be out of keeping with the existing street scene, detrimental to visual amenity and conflicting with policies UR3 and D1 of the RUDP.

Impact on Trees

As noted above the site is substantially enclosed by and includes mature woodland and new trees, and the proposed building would be sited in close proximity to them. Notably, the double garage and its access driveway would be constructed beneath the crown spread/root protection areas (RPAs) of mature protected trees and the rear elevation is about four metres from the woodland edge and close to other trees. The application had been submitted with insubstantial evidence justifying the size, position and design of the specific dwelling proposed in relation to the woodland and trees, especially given that building/engineering is proposed under and within RPAs to the front trees. Whilst a group of (nine?) new trees is indicated on the plans, this would not outweigh the threat to mature trees around the site, particularly as the proposal itself would require the removal of existing trees recently planted as part of an agreed scheme.

For these reasons and despite the details submitted the proposal would have a detrimental effect on existing trees and their long-term survival, thus fails to address the previous reasons for refusal and so again conflicts with RUDP policies UR3, NE4, NE5, NE6, D1 and D5.

Amenities of Occupiers of Adjacent Land

In terms of the physical built form of the proposal, it would introduce no adverse effects in terms of overshadowing, over-dominance, loss of outlook or overlooking of neighbouring properties.

The proposal asserts that adequate light is available to habitable rooms but no evidence is submitted supporting this; indeed the shade cast plans would appear to show that trees will significantly shade the property over extended periods of the day/year. There is also a lack of information regarding whether future growth of trees has been taken into account. The shading across the vast majority of the garden by the trees and the proposed dwelling is a concern and there appears to be inadequate sunlight to garden.

As with a previous reason for refusal, these issues would be detrimental to future residents in conflict with policies UR3 and D1 of the RUDP and are likely to place greater pressure on the trees from works to lop, top or fell them.

Other Planning Matters

Highway Safety: The proposal raises no additional issues to those associated with the extant planning permission and all matters associated with access and parking can be controlled by conditions as necessary.

Drainage: Dispose of surface water using rainwater harvesting and a soakaway is acceptable and conditions can be attached to confirm percolation tests and subsequent design details to accord with Building Research Establishment Digest No. 365.

Biodiversity: As noted above, the development raises issues for the future viability of the mature trees. No ecological assessment of the trees, specifically with regards bat roosting opportunities, has been submitted but bat activity is recorded in the vicinity.

The site is included in the Woodland Wildlife Habitat Network, the integrity of which will be eroded by introducing a built element and it is acknowledged that such networks are important for wildlife and the fragmentation of these corridors should be avoided (see RUDP Policy NE13). Nevertheless, the development remains acceptable in principle and the extant permission could be implemented such that conflict with biodiversity policies could not sustain a reason for refusal.

The proposal raises no other planning-related matters that could not be addressed by conditions, all other matters being acceptable.

Community Safety Implications:

None

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Conclusion:

Though the site has benefited from planning permission previously, this has now lapsed. In comparison, the repositioning and enlargement of the house raises significant additional implications for protected trees and residential amenity in conflict with RUDP policies and so it is recommended that planning permission be refused.

Conditions or Reasons for Rejection:

1) The proposed dwelling would present its double garage as the main 'public' frontage, behind which the main house would have a relatively blank elevation, its limited features further obscured by being set down into the slope of the site. In effect the dwelling, dominated by a wide garage door, would provide a relatively featureless contribution to the street scene that is otherwise made up of modern houses, their two-storey front elevations enclosing the street. The proposal therefore represents an unwelcome and strident feature, visually incongruous with the existing buildings, and harmful to the visual amenity and character of the street scene. For this reason the proposal is unacceptable

when measured against policies UR3 and D1 of the Council's adopted Replacement Unitary Development Plan.

2) The proposed development is undesirable as it would result in damage to established protected trees, and it involves the removal of a number of newly planted trees required to replace felled specimens under Local Planning Authority reference 15/00755/TPO, to the detriment of the visual amenity of the area as a whole. This would be contrary to policies UR3, D1, D5, NE4, NE5 and NE6 of the Council's adopted Replacement Unitary Development Plan.

3) The site forms part of a larger area that is affected by Tree Preservation Order 0121 and the proposed dwelling would be immediately adjacent to mature woodland, which would result in significant areas of outdoor private amenity space and habitable room windows that will be square-on, and at very close quarters, to trees and beneath their canopies. The proximity of mature trees and their future growth will overshadow or restrict adequate natural light penetration and lead to unsatisfactory living conditions for future residents; the proposal is therefore likely to increase pressure to fell or lop trees to the detriment of visual amenity. The proposal is therefore contrary to policies UR3, D1, D5, NE4, NE5 and NE6 of the Council's adopted Replacement Unitary Development Plan.

Footnotes:

STATEMENT OF COMPLIANCE WITH ARTICLE 31 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2012

In dealing with this planning application the Local Planning Authority adopted a positive and proactive manner. The Council offers a pre-application service for minor and major applications and applicants are encouraged to undertake this. Proposals are assessed against the National Planning Policy Framework, Replacement Unitary Development Plan policies and Supplementary Planning Documents, which have been subject to proactive publicity and consultation prior to their adoption and are referred to in the reason for approval or reason(s) for refusal. The Local Planning Authority has sought solutions to problems arising by liaising with consultees, considering other representations received and liaising with the applicant/agent as necessary. Where appropriate, changes to the proposal were sought when the statutory determination timescale allowed.

Planning Officer: Mark Hutchinson

Date: 7 October 2016