

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 24 September 2014

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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.	Craiglands Hotel Cowpasture Road Ilkley LS29 8RG - 13/04578/FUL [Approve] (page 1)	Ilkley
2.	Flat 3 Stubham Court 11 Stubham Rise Ilkley LS29 0AP - 14/01767/FUL [Approve] (page 18)	Ilkley
3.	Former Garages Castle Hill Castle Road Ilkley - 14/02116/FUL [Approve] (page 24)	Ilkley
4.	Land To North Of Back Shaw Lane Hainworth Shaw Keighley - 14/02281/FUL [Approve] (page 38)	Keighley East
5.	Long Meadows Fyfe Lane Baildon BD17 6DP - 13/01663/FUL [Approve] (page 51)	Baildon
6.	4 Fern Hill Road Shipley BD18 4SX- 14/01985/FUL [Refuse] (page 61)	Shipley
7.	8 Ryshworth Bridge Keighley Road Bingley BD16 2DX - 14/01437/FUL [Refuse] (page 70)	Bingley

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Change Programme, Housing and Planning

Improvement Committee Area:

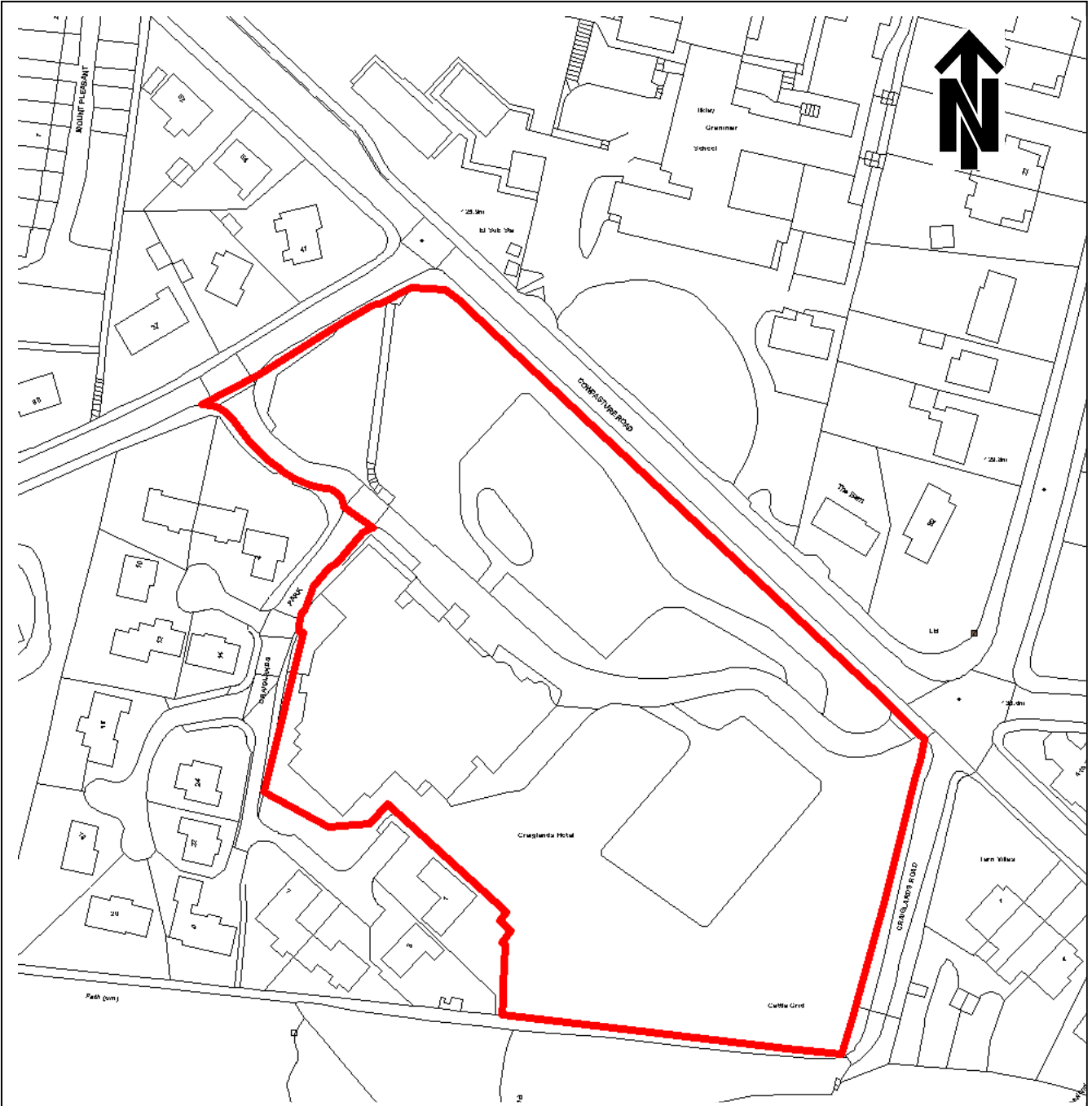
Regeneration and Economy



Area Planning Panel (Keighley/Shipley)

13/04578/FUL

24 September 2014



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<p>ITEM NO. : 1</p>	<p>LOCATION: Craiglunds Hotel Cowpasture Road Ilkley</p>
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24 September 2014

Item Number: 1
Ward: ILKLEY
Recommendation:
TO GRANT PLANNING PERMISSION
SUBJECT TO A S.106 AGREEMENT

Application Number:
13/04578/FUL

Type of Application/Proposal and Address:

Full planning permission for a residential development of nine dwellings on the existing car park and formation of spa facilities in the basement of the existing Craiglands Hotel, Cowpasture Road, Ilkley, LS29 8RG.

Applicant:

Craiglands Ltd.

Agent:

Street Design Partnership

Site Description:

The Craiglands Hotel is located off Cowpasture Road and Crossbeck Road within the Ilkley Conservation Area. The site is located in close proximity to Ilkley Grammar School and Ilkley town centre and Ilkley train station.

The site is adjacent to, but set at a lower level to Ilkley Moor which is designated as Special Protection Area (SPA), Special Area of Conservation (SAC) and Site of Special Scientific Importance (SSSI). The hotel was originally constructed as a hydropathic establishment, in 1859, and is identified as a key unlisted building in the conservation area. There are mature protected trees on the site.

The site for the proposed dwellings is a level cleared area within the hotel grounds, to the east of the hotel. It is currently in use as a car parking area surfaced in crushed stone. To the south lies a very steep, tree covered embankment separating the site from the moorland beyond. Mature trees and bushes also border the eastern boundary of the car park and the northern boundary with the hotel's access from Cowpasture Road. The trees largely screen the development site from public views.

Relevant Site History:

09/05145/FUL - Re-development of existing parking space to provide a new forecourt, along with secure decked car parking, disability spaces and re-development of surplus parking ground to create 13 flats – Withdrawn 11.02.2010.

08/06555/FUL - Redevelopment of existing parking space to form forecourt and coach turning area along with secure decked car parking, plus redevelopment of surplus parking ground to create 14 flats – Withdrawn 23.01.2009.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UR3 The Local Impact of Development

D1 General Design Considerations

NE4 Trees and Woodlands

NE5 Retention of Trees on Development Sites

NE6 Protection of Trees During Development

TM2 Impact of Traffic and its Mitigation

TM12 – Parking standards for residential developments

TM19A Traffic Management and Road Safety

NE9 Other Sites of Landscape or Wildlife interest

BH7 - Development Within or Which Would Affect the Setting of Conservation Areas

The National Planning Policy Framework (NPPF):

The 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 the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Ilkley Parish Council recommends REFUSAL of this application on the following grounds:

- Loss of hotel parking.
- Access would be dangerous at what is already a busy junction.
- Demand for the Spa facilities would most likely result in an increase in demand for parking provision.

Publicity and Number of Representations:

The application has been publicised by way of neighbour notification letters, site notice, and within the local press with an overall expiry date for comments to be received by 12.12.2013.

16 Letters of representation have been received objecting to the proposal including one from local councillor who requests referral to planning panel for determination should officers be minded to recommend approval.

Summary of Representations Received:

1. The development will result in loss of car parking and so cause increased demand for on street parking in an area that already experiences congestion and safety problems.
2. It is imperative that the Hotel provides sufficient parking to allow all the hotel guests and visitors attending functions etc to be able to park in the grounds. Currently when there is a large event there is parking overspilling into Craiglunds Park, Crossbeck Road and Cowpasture Road. During the day Cowpasture Road opposite the Grammar School is fully parked with student and teacher parking.
3. Access to the site will be by way of a small road right on an existing traffic hotspot with a small roundabout near the local school. It will add to the existing significant risk of accidents for pedestrians and drivers.
4. We believe Bradford Highway Officers have underestimated the way users of the proposed Spa would access the Hotel. Cowpasture Road is steep and despite the proximity of the Hotel to the town we feel these visits would all be by car.
5. The number of dwellings proposed is overdevelopment of the site and does not allow for adequate landscaping in and around the properties.
6. The properties are over three stories tall over garages and would clearly add an unattractive skyline right on Ilkley moor in between buildings over 150 years old - completely out of keeping with the character of the Conservation Area.
7. The plans suggest a cramped development very close to existing tree lines without enough space will be created either to build appropriately amenable houses for new residents. The trees on Craiglunds Road need to be protected from damage and future requests from felling as they form an important vista on the outskirts of the town.
8. The houses are too close to Ilkley moor, which is a SSSI, and will adversely affect biodiversity.
9. Drainage concerns including danger of increased run off.
10. In summary, the proposed development is too cramped, with not enough regard for the existing environment, the existing uses of the road, local school or local residents, visitors to the conservation area or indeed potential new owners of the new properties in this restricted space.

Consultations:

Highways Advice – No objections. The proposed development of 9 dwellings within the site is unlikely to generate any significant number of vehicle trips on their own and given that the overall level of parking available for the hotel and other existing uses within the site would not be reduced then there are no highway objections.

This is subject to the applicant extending the new proposed footpath within the site back to the existing footway on Cowpasture Road. (See appraisal).

Yorkshire Water – No objections raised, suggest conditions are attached regarding a requirement to submit detailed drainage details.

Natural England – This application is in close proximity to South Pennine Moors Site of Special Scientific Interest (SSSI) This SSSI is part of the South Pennine Moors Special Area of Conservation (SAC) and Special Protection Area (SPA). The Local Planning Authority as the competent authority may be required to carry out a HRA of the proposal and if necessary secure the appropriate measures to avoid adverse effects.

Design & Conservation - The height, proportions and scale of the proposed dwellings is considered appropriate, with steeply pitched roofs positively reflecting established building character in the conservation area. The contemporary approach to appearance is also welcomed and preferable to attempts to create a false historic pastiche.

The site to the north and east of the hotel including the present informal parking is considered to be key open space as the setting for the hotel and representative of the primary spatial characteristics of the conservation area. Substantial hotel buildings in extensive landscaped grounds were prevalent along the moor edge forming the southern edge of the built area of Ilkley. The trees across the site are recognised as key trees in the conservation area assessment.

It is necessary in accordance with Para.134 of the NPPF to identify if any benefits deriving from the development are sufficient to weigh against the harm. Thus, compelling justification must be provided that residential development will benefit the continued operation of the hotel as an important component of the conservation area, and at the quantum of residential development proposed. This will be fundamental to determine whether the principle of development is necessary. Equally, the formalisation of the main carpark at the front of the hotel with defined spaces will result in a more intrusive presence in this space with consequent negative impact. This adverse impact must be proven necessary as a result of loss of parking spaces elsewhere on the site because of enabling development to sustain the hotel use.

Trees - The trees to the immediate South, SW and SE of the proposed south side block are circa 20+ metres tall and elevated above ground level of the car park. This will inevitably create significant shading across much of the site for large parts of the day – possibly the entire day. The southern block is shoehorned very close to the trees the application fails on NE4, NE5, NE6 and D1.

Biodiversity/Countryside – The site lies in close proximity to the Ilkley Moor SPA. The Council's Countryside Manager has carried out an appropriate assessment of the development under the Habitats regulations. This concludes that the measures advocated will avoid the main threats from the development (cat and dog predation), and any residual effects will be mitigated by other contributions and measures proposed within the S.106 agreement.

The Countryside Manager concludes that the proposed development would not have any likely significant effects, either on its own or in combination with other developments, on the nature conservation interest of the designated sites.

The applicant has engaged with the Council and has offered proposed mitigation measures which are considered acceptable for the development and, subject to the S106 undertaking, would be sufficient to off set any adverse impacts on the adjacent moorland and the nature conservation interest of the designated sites.

Summary of Main Issues:

Principle of Development.

Highway safety and car parking issues.

Impact on Conservation Area/ Heritage issues.

Impact on neighbouring residential amenity.

Impact on Trees.

Impact on nature conservation and the South Pennine Moors SPA/SAC/SSSI.

Drainage.

Appraisal:

The planning application seeks full permission for the construction of nine dwellings within an existing car parking area and the formation of replacement parking spaces within the hotel grounds at the Craiglands Hotel. It also proposes to convert the existing basement below the hotel into a new Spa facility for the hotel.

A previous withdrawn application was for 14 houses which has been reduced following discussions to 9 in total.

The applicant stresses that the housing development would be used to generate funds to provide improvements to the hotel facilities by providing a Spa within the current basement to assist in the attractiveness and continued viable operation of the hotel.

Craiglands Hotel is acknowledged to be an important asset to Ilkley and to tourism in the area. It provides accommodation for visitors, and hosts conferences and community events.

Principle of development

The site for the houses is unallocated by the Replacement Unitary Development Plan. It is a level, hard surfaced area used for car parking in connection with the hotel use. The site is unobtrusive due to the strong tree and vegetation cover encircling the site.

The proposal has been subject to pre application discussions and advice in which the principle of development was accepted subject to the satisfaction of other Policy issues.

Residential development of this unallocated site would conform to surrounding uses and satisfies sustainability objectives, representing an appropriate use of a site within a established residential area and with good access to facilities in Ilkley town centre.

Highway safety and car parking

The proposed development would comprise two blocks of town houses sited on a car parking area to the east of the hotel. The objectors, including Ilkley Parish Council are opposed to development on the grounds of the intensification of vehicle activity and loss of a parking area that presently serves the hotel.

Representations regarding the impact of the proposal on the local highway network describe existing traffic and congestion problems caused by overspill parking onto the surrounding streets, particularly when the hotel is hosting large events or functions such as weddings. Objectors describe high traffic volumes at times when the nearby Ilkley Grammar school opens and closes, and concern is raised that the proposal would result in the intensification in the use of the hotel whilst displacing existing parking. As such the proposal to add 9 houses and displace existing parking would exacerbate existing traffic problems.

To address those concerns, the applicant has commissioned a Transport Statement. The conclusions of this Statement can be summarised as follows:

- The site is highly accessible by a range of alternative travel modes including walking cycling and public transport.
- The new barrier system and new signage will ensure that the Cowpasture Road access is only used as an entrance into the hotel or residential development.
- All traffic will leave the site via the Crossbeck Road access point.
- The potential to extend the traffic regulation orders (double yellow lines) on Cowpasture Road is suggested to address the existing on-street parking.
- The proposed residential development will not have a material impact on the on the local highway network.
- The retention of 102 car parking will be sufficient to meet demand for all uses at the hotel.

The Transport Statement concludes that in transport and highways terms, the proposed scheme should be acceptable and there are no overriding issues that should prevent the granting of planning permission.

There are two areas of car parking serving the hotel at the moment. These presently provide a total of 102 spaces. There are 35 spaces to the front of the hotel on land between the building and Cowpasture Road and a further 67 spaces on land to the east of the hotel. Each of the car parking areas has their own access off the main access road that runs between the two access points off Cowpasture Road and Crossbeck Road.

Objectors have challenged this assessment by pointing out that, on the hotel's website, the operator states that 200 spaces are available. The agent has since said that the hotel's website is incorrect in the amount of parking it states. The submitted drawing, No. PS-12 Existing Parking Plan shows that the site can only accommodate 102 spaces to the normal standard size of 2.4m x 4.8m bays.

The hotel would lose 67 spaces to development on the application site, but the car park land at the front of the hotel is a larger area. Several trees have been lost from this area over the years which allows the creation of a more formalised layout to the parking in this area. By laying out the land in a more regular fashion, it can be used more efficiently and the agent's plan shows it can provide a total of 102 parking spaces thus maintaining existing parking levels for the hotel.

The Council's Highway Officer accepts the conclusions of the Transport Statement that loss of the parking area for the erection of dwellings will not adversely affect the parking needed for the hotel because, through the formalisation and re-design of the primary car park area to the south of the hotel, there will be no net loss in the quantity of parking available. There will be 102 spaces before and after development.

Although the lower car park is to be formalised, this area will remain soft in appearance, and the bays will be demarcated subtly with a simple stud, flat stone or similar. The agent also proposes that the hotel will control the parking of this area when large events are taking place, to ensure it is used as intended.

The Transport Statement points out that Bradford MDC's current parking standard for Hotel developments is 1 parking space per bedroom. As the Hotel has 62 bedrooms this equates to the provision of 62 parking spaces.

102 spaces allows a further 40 spaces being available to cater for the other uses and events at the hotel.

The Council's Highways Engineer has assessed the Transport Statement and accepts that the proposed development of nine dwellings in itself would not generate a significant number of vehicle trips into and out of the site. Given that the proposal includes the provision of a new and formalised parking area to replace that displaced by the proposed development, Highways DC raise no highway objections to this application.

A key feature of the highway proposals are that an operational barrier will be maintained, as at present, to prevent vehicles leaving the site onto Cowpasture Road. Additional signage is to be provided on site to make visitors aware of the parking available.

The Highway Officer has asked that conditions should be attached to require further details of the traffic barrier to prevent vehicular egress to Cowpasture Road and, in addition, for the extension of a new proposed footpath within the site to connect to the existing footway on Cowpasture Road (adjacent to the mini roundabout).

With regard to the barrier system, the hotel already operates a barrier that controls egress to Cowpasture Road and it is expected that this would be renewed and modified. A condition is suggested to clarify this and ensure subsequent provision and retention of the agreed control measures.

With regard to the provision of a footway suggested by Highways DC, Planning Officers are concerned that this footway link cannot be provided without necessitating removal of additional vegetation from alongside the access from Cowpasture Road. Due to these difficulties and given that vehicle speeds will be kept low by vehicles having to negotiate the barrier arrangement, it is not considered necessary to require a separate footway alongside the access.

The submitted Transport Statement confirms that the proposed Spa facilities will be primarily used by guests already staying at the hotel and so are unlikely to result in any additional trips on the highway. The Highway Engineer agrees and comments that the proposed spa facility is acceptable in terms of any potential traffic generation as it will be primarily used by people staying at the hotel. In any case, because it is within an acceptable distance of the town centre, many users would be expected to travel on foot.

However, it is considered important that the use of the Spa facility to be created in the basement remains ancillary to the hotel and principally used by people stopping in the hotel. It should not function as an independent facility that will be an attraction and traffic generator in its own right. It is therefore proposed to impose a condition to limit use of the spa to be ancillary to the use of the hotel.

The applicant has responded to some of the concerns raised by neighbours about on street parking that occurs at certain events. It is proposed that the hotel will manage the car parking at all large events and ensure that no over spill parking onto surrounding roads takes place. However, management of visitors and hotel users is not a matter that can be easily monitored and enforced by planning controls.

The Transport Statement confirms that the applicant would be willing to support TRO double yellow line restrictions to both sides of Craiglands Park to prevent any parking on this road. However, the Councils Highway Officer has not indicated that any traffic regulation orders or other highway improvements outside the site are necessary to facilitate the development.

Disabled parking is included as part of the new parking layout in front of the hotel entrance. The applicant also confirms that cars dropping people off in front of the hotel would not have to leave the hotel grounds in order to access the lower car park as the one way system is only in place from the site entrance off Cowpasture Road, up to the barrier. At all other points within the site, vehicles can drive in either direction.

All delivery and servicing vehicles will be instructed by the hotel management (as at present) to enter the site from Cowpasture Road and leave via Crossbeck Road. This will prevent the need for such vehicles to turn within the site or on Craiglands Park. A service vehicle/coach parking space is also included in the parking layout shown on the submitted plans.

To service the proposed dwellings, refuse vehicles will stop adjacent to the bin collection point to collect rubbish.

The comments made by objectors regarding the impact of the development in terms of parking and highway safety concerns are noted. However, given the Highway Officers comments, the level of off street parking for the proposed dwellings and the hotel use, the proposal would not result in a significant adverse impact in terms of increased traffic generation or result in increased instances of on street 'overspill' parking and accords with Policies TM2, TM12 and TM19A of the RUDP.

Impact on Conservation Area/ Heritage issues

The Craiglands Hotel was originally constructed as a hydropathic establishment in the later 19th century when Ilkley flourished as a centre for such treatments. The hotel buildings are key unlisted building in the conservation area, and hence an undesignated heritage asset. The site to the north and east of the hotel including the application site is considered to be key open space providing the setting for the hotel and representative of the primary spatial characteristics of the conservation area. Substantial hotel buildings in extensive landscaped grounds were prevalent along the moor edge forming the southern edge of the built area of Ilkley. The trees across the site are recognised as key trees in the conservation area assessment.

The Councils Conservation section has provided comments and advice during pre application enquiries and have stated that any development within the site will have a significant impact, and will potentially cause harm to the conservation area by diluting the contribution the site, as open space, makes to the setting of the key unlisted building. It is necessary in accordance with Para.134 of the NPPF to identify if any benefits deriving from the development are sufficient to weigh against the harm. Justification must be provided that residential development will benefit the continued operation of the hotel as an important component of the conservation area.

In accordance with Para.134 of the NPPF it is necessary to weigh this harm against the public benefits of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It is acknowledged that the intention of the proposal is to secure optimum viable use of the hotel and the Local Planning Authority needs to consider identify if any benefits deriving from the development are sufficient to weigh against the harm.

The applicant has set out a case that the development would assist in providing funding to be put back into the hotel to provide a Spa facility in order to protect the long term future of the Craiglands Hotel. Some financial information and background has been provided although this falls short of a full and detailed financial appraisal. However, it is accepted that the Spa facility would allow diversification of the hotel business, allowing a better offer to guests and thereby making the hotel more attractive to tourists and so contribute to its upkeep and maintenance.

The revenue that could be generated by the proposed development would enable reinvestment to assist in the long term future of the hotel facility and is a positive when balanced against the potential harm to the setting of the hotel. It is accepted that the hotel provides a valuable asset for Ilkley in that it provides a venue and facility for the area which is important for the local economy. On balance, the use of funds from the residential development to diversify the hotel business through developing the Spa facility is considered to be a sufficient public benefit to outweigh the harm and so satisfy the test set out in Paragraph 134 of the NPPF.

With regard to the housing development itself, the Conservation Officer considers that the height, proportions and scale of the proposed dwellings are appropriate, with the steeply pitched roofs positively reflecting established building character in the conservation area. The contemporary approach to appearance is also welcomed as preferable to attempts to create a false historic pastiche.

Some concern is raised regarding potential future tree loss due to possible shading of the proposed units. This will be assessed in separate section regarding impact of the development upon trees.

Conclusion

The proposal will cause a degree of harm to the conservation area resulting from the inevitable reduction in the size of the hotel's grounds, but this is considered to be acceptable when weighed against the positive benefits of generating funds for reinvestment in the hotel business and diversification of the hotel offer. This will provide public benefit in the form of providing for the continued upkeep of Craiglands as a highly distinctive landmark of the conservation area.

If considered necessary, the revenue generated from the residential development could be required to be reinvested into the hotel to fund the spa facility through the Section 106 agreement.

Subject to appropriate detailing for the housing that could be secured by way of planning condition the proposal meets the requirements of Policies UDP3, D1, BH7 and BH10 and satisfies the test in paragraph 134 of the NPPF.

Impact on neighbouring residential amenity

The proposed properties are set well into the hotel grounds within an enclosed area located well inside the site. The land is well screened by virtue of land levels and mature trees and planting.

The site is a significant distance from any other residential property and the separation distances comfortably exceed those usually required to protect the amenities of neighbours. There are no issues regarding overlooking or overshadowing for surrounding neighbours and the proposal would not result in any harm with regard to residential amenity and meets with the requirements of RUDP Policies UR3 and D1.

Impact on Trees

The site of the proposed town houses is within existing hard surfaced car park almost surrounded by mature trees and bushes.

The Council's Trees Section has raised some concerns with the development, primarily in regard to the proximity of the trees to the south which are elevated on the steep bank above the development site.

The proposed site comprises hard compacted surfaced car park so important root activity is unlikely to be affected by the development. Though the development would have no effects on tree roots, the Tree Officer was concerned about subsequent shading of the development and pressure from future occupiers to thin or remove trees to improve daylight and reduce perceived nuisance. The Tree officer also raised some questions with the submitted protection methodology.

The applicant has responded to the Tree Officer's comments and the dwellings have been designed to provide a flexible internal layout, with the main habitable rooms to the ground, second and third floors open for a variety of different uses. The main kitchen / living / dining space has been positioned at first floor level, and has been designed to be dual aspect, running the full length of the property from front to back in order to maximise day lighting.

As such the properties will now have sufficient natural light to habitable rooms. Three of the five properties close to the southern boundary have roof terraces to both front and rear elevations, to provide outdoor amenity space over and above the garden areas and are not reliant on garden space that would be unduly overshadowed. The two properties in this block that had one roof terrace to the rear elevation, have been amended, repositioning the roof terrace to the front elevation away from the overshadowing influence of trees.

The applicant also confirms a willingness to include more robust tree planting to the frontage of the car park which it is suggested be required by condition.

As an additional safeguard it is also noted that the trees surrounding the housing will remain in the ownership of the hotel and are outside of the red line boundary. As such the hotel would retain control of any tree pruning. They would continue to be protected and maintained under the existing maintenance of the hotel grounds.

The site falls within the Conservation Area, and as such are afforded protection by this status. Any proposals by prospective residents or the hotel to undertake any works to the trees will be subject of prior approval of the Council.

The site's setting within a wooded area is likely to be seen as a particular attraction and feature to prospective purchasers; and one that will be obvious when viewed prior to purchase a property.

The Tree officer has provided a second response following the amendments and accepts that the revised internal arrangement of the proposed properties and the amendments to roof terraces would lessen any shading impact from the trees. However the Tree Officer maintains concern about the proximity to the trees and long term compatibility issues.

Notwithstanding this, the proposal is considered acceptable in terms of any impact on trees. Conditions to require further detail on the methodology and additional planting details would overcome these concerns and it is not considered that they would justify refusal of the application.

Impact on nature conservation interest of the South Pennine Moors SPA/SAC/SSSI

The site abuts the edge of Ilkley Moor - part of one of the major moorland tracts comprising the South Pennine Moors Special Protection Area (SPA) /Special Area of Conservation (SCA) and SSSI. The Special Protection Area is a site of international importance for nature conservation, being classified in accordance with EC Directive. The particular interest of this site is its importance for several upland breeding birds and their supporting habitat. The conservation objectives for the SPA are, amongst other things, to avoid the deterioration of the habitats of the qualifying features, avoid significant disturbance of the qualifying features and ensure that the site is maintained and makes a full contribution to achieving the aims of the Birds Directive.

RUDP Policy NE7 relates to European designated sites such as SPAs or SACs and indicates that proposals which may affect a European designated site will be subject to rigorous examination. Where proposals would be likely to give rise to a significant effect and where it cannot be ascertained that the proposal would not adversely affect the integrity of the site they will not be permitted except in certain circumstances. RUDP Policy NE8 relates to SSSIs. Development within or likely to affect SSSIs will be subject to special scrutiny. Where such development may adversely affect the special interest of the site, it will not be permitted unless the reasons for the development clearly outweigh the nature conservation value of the site and the national policy of safeguarding such sites. The RUDP policy is reflective of the nature conservation policies and paragraphs 117 to 119 of the NPPF.

In addition, a draft policy in the emerging LDF Core Strategy (Policy SC8) has attempted to resolve potential conflicts between future developments and the nature conservation interests of the SPA. For sites within 400 metres from the SPA, under Policy SC8, a restrictive approach will be taken to avoid degradation of areas important to the integrity of the European site and foraging resources that support the SPA bird populations. This policy is not yet adopted.

It is important that adverse “urban edge effects” on the SPA site from new housing development are addressed by the planning system. These possible effects range from disturbance to nesting birds caused by the human presence, increased risk of fire, increased likelihood of predation by pet dogs and cats owned by future occupants and increased pressure on the adjoining moor for recreational use.

However, although this proposal would introduce additional residential activity close to the moorland, there is a significant physical separation between the site and the moor in the form of the intervening escarpment, a solid stone wall and woodland vegetation that will be retained in separate ownership by the hotel. These barriers between the open moor and the application site would limit the impact the nature conservation interest of the moorland.

An Ecological Appraisal has been submitted by the applicant to address the urban edge effects and suggest avoidance and mitigation measures. These suggestions include:

- Restrictive covenants will be placed by the applicant on all the properties preventing occupants from owning cats and dogs
- Provision of a shared open green space within the existing hotel grounds with aim of reducing the number of likely visits to the SAC/SPA
- The applicant will fund provision by the Council’s Countryside Manager of public information boards on entry points to the moor to explain the importance of the SAC/SPA
- Information packs will be provided to all residents explaining the importance of the SPA/SAC and best practice to avoid harm to the moors.

The applicant is willing to enter into a section 106 agreement to provide the above mitigation and avoidance measures. The impact on the designated sites has been subject of extensive discussion with the Council’s Countryside Manager who is now in support of the proposal subject to these agreed mitigation measures.

To conclude the assessment of the impact of the application proposal on the SPA/SAC/SSSI, the Council's Countryside Manager has now carried out the necessary Appropriate Assessment of the development under the Habitats Regulations – as advised by Natural England. This concludes that the nature and location of the development, in combination with the mitigation measures advocated will avoid the main threats from the development (cat and dog predation), and any residual effects will be mitigated other contributions and measures proposed within the S.106 agreement.

The Countryside Manager concludes that the proposed development would not have any likely significant effects, either on its own or in combination with other developments, on the nature conservation interest of the designated sites.

On the basis of the above, it is concluded that the development would not have a significant harmful effect on the SPA/SAC/SSSI designated area and its qualifying interests and would not conflict with Policies NE7 or NE8, and the NPPF and by reason of the proposed mitigation measures meets with the requirements of Policy SC8 of the emerging LDF Core Strategy.

Drainage

The submission includes some detail showing a proposed sustainable drainage scheme, demonstrating that use of this technique could be adopted and that run off from the site would not be increased. The applicant states that a detailed design could be submitted for approval by way of planning condition.

The Council's Drainage Officer does not raise any objection suggesting conditions are attached to provide additional details. It is recommended that full details of the drainage scheme should be reserved by condition.

It is known that there is a small and occasional, culverted watercourse running through part of the site. It is suggested that prior to commencement of any residential development this be investigated and details for dealing with any watercourse, culverts or land drains should also be required for approval by way of condition. The developer would also need to apply for consent to the Local Authority for consent to undertake any works to a watercourse.

Community Safety Implications:

None foreseen

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.

Section 106 Agreement: Heads of terms

1. To ensure that the identified harm to conservation area through loss of part of the open space providing setting of the hotel is offset by public benefits, the applicant should give an undertaking that the financial benefits gained by the sale of the residential development will be used to fund the improvements and provision of the spa at the hotel.

2. To avoid and mitigate possible effects on the South Pennine Moors SPA/SAC/SSSI from possible urban edge effects the developer will undertake that:
 - restrictive covenants will be placed on all the properties preventing occupants from owning cats and dogs.
 - provision of shared open green space within the existing hotel grounds to be accessible and available to occupants of the new dwellings.
 - the applicant will fund the provision of 3 public information boards on entry points to the moor to explain the importance of the SAC/SPA/SSSI.
 - information packs will be provided to all residents explaining the importance of the SPA/SAC and best practice for avoiding adverse effects on habitat and species.

Reason for Granting Planning Permission:

This proposal for planning permission has been fully assessed and it is considered to be acceptable in terms of the relevant development plan policies and the NPPF. The submitted plans as amended, and suggested mitigation measures relating to the adjacent South Pennine Moors demonstrate that the form and scale of development proposed can be satisfactorily accommodated within the site without giving rise to significant or material adverse impact on the living conditions of occupiers of adjoining SPA, SAC, SSSI, wildlife, properties, significant trees, or local character. The positive benefits of the scheme in helping to maintain the Craiglands hotel a highly distinctive landmark of the conservation area outweigh any identified harm through loss of open space. Satisfactory arrangements for parking and servicing are provided and the scheme proposes a number of measures which will safely mitigate the impact of the additional vehicle movements generated by the additional dwellings. Subject to conditions, the development is considered to accord with Policies D1, BH7, BH10, UR3, NE5, NE6, NE7, NE8, NE9, TM2, TM12, TM19A and guidance within the NPPF.

Conditions of Approval:

1. The proposed Spa facility to be created in the basement of Craiglands Hotel shall only be operated or/and used in connection with and ancillary to the occupation and operation of the existing hotel use at the site and shall at no time be severed from such hotel use and / or used or operated as a separate [independent] unit independently from such hotel.

Reason: To prevent the establishment of a separate independent unit in the interests of highway safety and to accord with Policies TM12 and TM2 of the Replacement Unitary Development Plan.

2. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced and drained within the site in accordance with the approved plans 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.

3. No part of the development hereby authorised shall be carried out unless and until, the proposed new car parking layout, providing 102 demarcated spaces shall be laid out, surfaced, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the residential development is in use.

Reason: In the interests of highway safety and to accord with Policies TM2, TM19A and TM11 of the Replacement Unitary Development Plan.

4. Prior to the completion of the dwellings, details of a barrier control mechanism to regulate egress of vehicles from the site onto Cowpasture Road shall be submitted to, and approved in writing by the Local Planning Authority. Before any part of the residential development is first occupied [brought into use] the barrier mechanism [so approved] shall be installed and shall remain in place whilst ever the development is in use.

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.

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

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

6. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

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

7. No development shall begin on the site the developer has carried out an investigation to determine the presence of any any watercourses, culverts, land or drains on the site and has submitted the findings of such an investigation together with measures/proposals for dealing with any watercourses, culverts, land drains etc, existing within the site boundary to the Local Planning Authority Council for its approval. The development shall thereafter be carried out in accordance with the details for dealing with any watercourses, culverts or land drains so approved.

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

8. The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, tree removals, or materials or machinery brought on to the site until Temporary Tree Protective Fencing has been erected around the trees on the site and the Tree Protection measures shall be implemented in accordance with drawings M337/CH/TREE03A and 04A. The protective fencing shall be in accordance with specifications for protective fencing contained in BS 5837 (2012) (or its successor). It shall be fixed in position outside the root protection areas (RPAs) of the trees unless alternative protective fencing positions and alternative tree protection measures have been approved in writing by the Local Planning Authority. The Temporary Tree Protective fencing shall remain fixed in location for the duration of the development. No excavations, engineering works, service runs or other installations shall take place between the temporary tree protective fencing and the protected trees, and no fires shall be lit nor shall any construction materials or equipment be stored within the fenced area for the duration of the development.

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

9. In the first planting season following the completion of the development, the landscaping scheme submitted with the application shall be implemented in accordance with Landscaping Layout drawing 832-09 and Planting Layout drawing 832-10 dated October 2013.

Any trees or plants comprising this scheme that become diseased or which die or are removed or damaged within the first 5 years after the completion of the planting shall be removed and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death/removal of the original planting.

Reason: To mitigate the impact of the building on the landscape, in the interests of visual amenity and to accord Policies BH7, D5 and NE3/NE3A of the Replacement Unitary Development Plan.

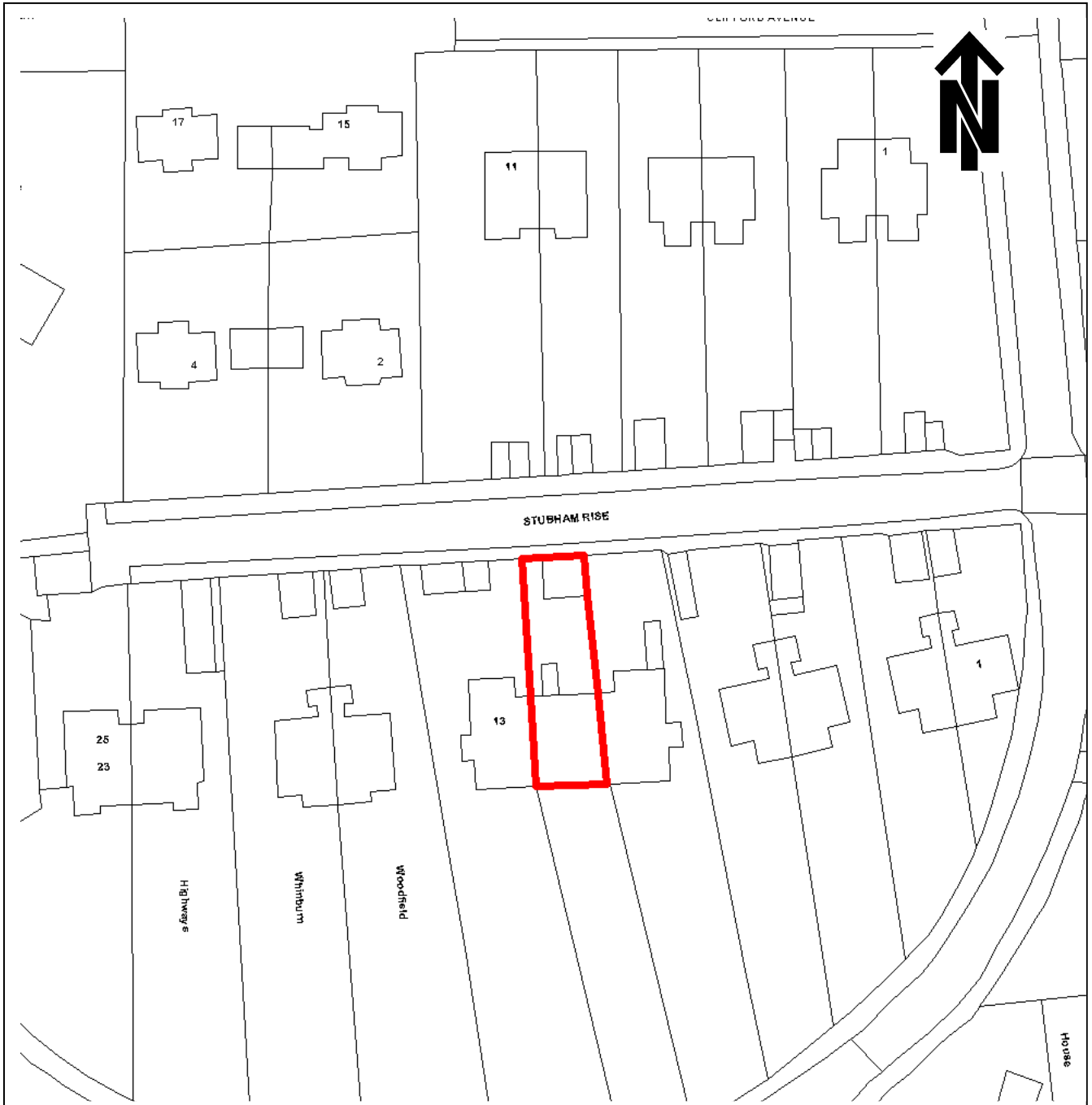
10. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development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

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to safeguard the appearance of the Ilkley Conservation Area in which it is located and to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

14/01767/FUL

24 September 2014



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ITEM NO. : 2	LOCATION: Flat 3 Stubham Court 11 Stubham Rise Ilkley
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24 September 2014

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

Application Number:
14/01767/FUL

Type of Application/Proposal and Address:
Full application for the installation of a balcony to an existing apartment Flat 3, Stubham Court, 11 Stubham Rise, Ilkley.

Applicant:
Mr John Mortin

Agent:
Mr James Palframan - Sense of Space

Site Description:
The property is an apartment flat formed in part of a large house which is the central property in a row of three. The buildings were constructed in the early 20th century as one of the earliest stages of development in Middleton, the suburb of Ilkley north of the river. They are of 3 storeys in coursed gritstone, with regular openings and red rosemary tiled roofs. The buildings face south onto a large mature garden that runs down to the road where there is a hedge. The property is part of the Middleton Conservation Area, and the buildings are defined as key unlisted buildings in the conservation area character appraisal. They retain most of their original features including traditional timber windows and distinctive bargeboards to the roof eaves.

Relevant Site History:
07/10484/FUL – Conversion of loft and insertion of two roof lights to rear roof – Granted - 08.02.2008.

14/00539/FUL - Balcony to existing apartment – Refused - 04.04.2014.

Replacement Unitary Development Plan (RUDP):
Allocation
Middleton Conservation Area.

Proposals and Policies
Policies UDP3, UR3, D1, BH7 of the RUDP and adopted Householder SPD.

The National Planning Policy Framework (NPPF):

The 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 the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Ilkley Parish Council recommends refusal. The development would not be in-keeping with the Conservation Area and would be overbearing for the neighbours beneath.

The Parish Council also asks that this application is referred to Panel.

Publicity and Number of Representations:

The application was advertised by site notice, in the local press and neighbour letters with an overall expiry date for comment of 26.06.2014.

Summary of Representations Received:

Objections received from 7 separate addresses.

A Ward Councillor objects to the application and requests that it be referred to the Panel if recommended for approval.

Summary of Objections:

1. The proposal would be unsympathetic and visually harmful to this important historic building in the Middleton conservation area. The original houses have been converted into flats in a sympathetic manner which respects the distinctive architecture and this front elevation reflects on the Conservation area and this integrity needs to be retained.
2. Balconies were placed only at first floor level and add to the harmony of the design. They were not intended at second floor level in the original design so this is a non-essential addition to the building.
3. The proposal would result in overlooking of neighbouring property and their private garden areas.
4. The proposal would result in overshadowing of neighbouring properties windows, specifically the window to Flat 2 below.
5. Inaccurate plans and information – section drawing does not show balcony on projecting section as is evident on the floor plans.

Consultations:

Design & Conservation Officer

The proposed balcony is considered to relate acceptably to the appearance of the building and to maintain the character of the conservation area. Policy BH7 of the RUDP is satisfied.

Summary of Main Issues:

Background.

Impact on Middleton Conservation Area.

Impact on residential amenity.

Appraisal:

Background

The application has been submitted following a recently refused application for a balcony that the applicant wanted to add to the northern (rear) elevation. This application reference 14/00539/FUL was refused :

The proposed balcony to the rear elevation would result in an unrestricted view from close quarters onto the private amenity space of 9 and 15 Stubham Rise. As such it would be detrimental to the amenity and privacy of existing and future residents and would be contrary to the Supplementary Planning Guidance contained within the Council's Householder Supplementary Planning Document and Policies D1 and UR3 of the Replacement Unitary Development Plan for the Bradford District.

Following that refusal, discussion has taken place between the applicant and officers which has resulted in the application now under consideration for a balcony on the other elevation facing south.

This is considered more acceptable because the elevation already includes a balcony below the proposal, so the long gardens on this side of the houses are already overlooked by windows and projecting balcony features.

Impact on the character and appearance of the Conservation Area

The proposal is for a small cantilevered balcony on the front (south elevation) of the building. This is acknowledged to be the principal elevation and is elevated and prominent. However, the objectors' concerns about its impact on the character of the building are not shared by the Conservation Officer.

The Council's Design and Conservation Officer supports the proposal.

The balcony would be positioned centrally at second floor level, below a gable, and set between a number of other gabled dormer features. The building already has an original continuous balcony across the first floor below which has a decorative iron balustrade. The proposed balcony would reflect this existing feature of the building, and is positioned centrally, maintaining the symmetry of the elevation.

The balcony would be accessed by converting a large window to a new double door opening. The door frame will be white painted timber to match the profiles of the existing adjacent windows and the doors to the balcony below. The balustrading to the balcony reflects the guarding to the existing balcony at first floor with black painted metal vertical and curved decorative bars.

The agent says the balcony can cantilever from the existing building and will project the same distance as the balcony on the level below. The fascia and soffit will be painted timber to match the existing property.

It is suggested that more detail will be required on the final construction of the balcony, and to establish whether any means of support to the cantilevered structure will be visible and to control the final appearance of the edge of the balcony deck. This, together with confirmation of the balustrade appearance can be satisfactorily secured by way of planning conditions.

Subject to planning conditions to require detail on the method of fixing to the building, the proposed balcony is considered to maintain the appearance of this building and it will not harm the character or appearance of the Middleton Conservation Area and therefore satisfies Policy BH7 of the RUDP and the National Planning Policy Framework.

Impact on residential amenity

Neighbours have raised concerns about overlooking of neighbouring properties and private gardens from the balcony.

The property has been divided into three flats with flat 1 at ground level, flat 2 at first level and the application property - Flat 3 is at 2nd floor level.

The ground floor flat has a large garden area sloping down towards Clifford Road. Concern has been raised that the proposal would result in unacceptable overlooking of the garden area and gardens alongside.

However the proposed balcony is modest in its scale, extending only 1 metre from the rear wall and as such would not be likely to result in intensive use.

It is also noted that the garden areas in question, not only to the ground floor flat, but also the properties either side, are currently overlooked by existing windows in all the properties and also by the full width balcony extending along the building frontage.

Guidance contained within the Councils Adopted Householder Supplementary Planning Document suggests that where direct views would be created from a balcony, it is necessary to retain a minimum distance of 7 metres to any boundary with a private garden and a distance of 17 metres to any habitable room window.

Neighbours have said the balcony will cause direct overlooking of the habitable room windows in neighbouring properties but this is not accepted. The proposed balcony would be located across a gable feature located centrally on the building. It would be over 3.5 metres from the boundary with the adjoining property and 5 metres from the nearest window along the elevation. The projection of the proposed balcony from the rear wall would only be 1 metre. As such any views into neighbouring windows would be at such an acute angle that it would be impossible to achieve any direct overlooking into the windows serving the neighbouring properties.

It would allow views down from a high level onto the neighbouring garden areas but there is already mutual overlooking that is well established, the modestly scaled proposed balcony would not be likely to result in any significant intensification of overlooking.

The proposed balcony as already described would extend beyond the rear wall by 1 metre and would be located directly above an existing full height glazed opening on flat 2 below. Given the restricted rearward span of the proposed balcony (1 metre), the size and full height nature of the window/French doors below, any overshadowing or loss of light for the occupants of the flat below would not be so significant as to justify refusal.

It is considered that the balcony would not cause any significant loss of amenity for neighbours and meets with the requirements of Policies D1 and UR3 of the RUDP.

Community Safety Implications:

There are no apparent community safety implications.

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. This submission makes no special arguments relevant to the protected characteristics of applicant so it is not considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

The proposed balcony is a modest feature that is considered appropriate to the character and appearance of Middleton Conservation Area. It would not have any significant harmful effects on the amenity of occupiers of adjoining occupiers or on visual amenity and is considered to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.

Conditions of Approval:

1. The works shall not begin until details showing the means of support for the balcony and the appearance of the edge of the balcony deck have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and so retained.

Reason: In the interests of the character and visual amenity of the area and to accord with policies BH7 and D1 of the Replacement Unitary Development Plan.

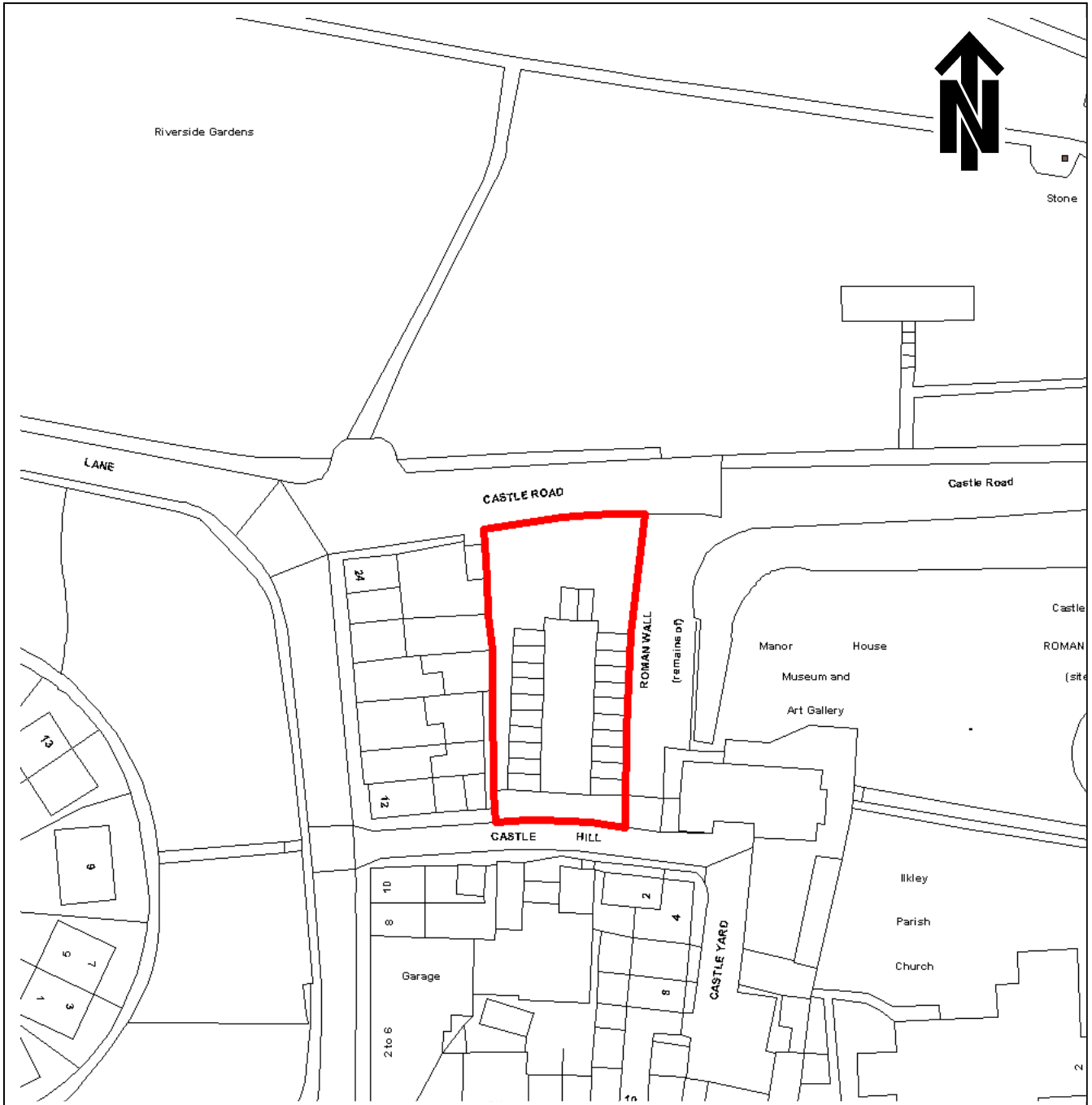
2. The works shall not begin until details showing the materials, appearance and finish of the balustrade have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and so retained.

Reason: In the interests of the character and visual amenity of the area and to accord with policies BH7 and D1 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

14/02116/FUL

24 Keighley 2014



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ITEM NO. : 3	LOCATION: Former Garages Castle Hill Castle Road Ilkley
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24 September 2014

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

Application Number:
14/02116/FUL

Type of Application/Proposal and Address:

Demolition of existing lock up garage buildings and construction of five new dwellings in two and three unit blocks. Garage court at Castle Hill, Castle Road, Ilkley.

Applicant:

Mike Smith Burley Developments Ltd

Agent:

Halliday Clark Ltd

Site Description:

The site is within the heart of the Ilkley Conservation Area and is occupied by two rows of single storey, prefabricated, 'lock up' garages. The site is roughly rectangular in shape and is bounded to the south by the sett paved Castle Road and to the north by Castle Road – an unmade road. To the east is the Manor House Museum and its grounds to the east (contiguous with All Saints Parish church yard). Beyond the west boundary is the rear elevation of a terrace of dwelling houses fronting Bridge Street. These include the Grade II listed Bridge House (now 14 and 16 Bridge Lane).

The site is within the Ilkley (Olicana) Roman Fort Scheduled Ancient Monument.

The Manor House is a Grade 1 listed building and therefore a very important heritage asset. Elsewhere, the variety of rooflines, gable features and the cobbled streetscape of Castle Road provide the site with a distinctive and high quality setting. However, the garage site itself is very incongruous to this historic setting, containing dilapidated concrete and asbestos sheeted garage terraces which provide a negative impact to its surroundings. The northern frontage of the site is an overgrown slope that includes a small number of trees, in addition to overgrown shrub planting. The existing site levels indicate a significant element of filled material has been used to level the site prior to the garages being constructed. This forms an intermediate terrace level stepping down from the Manor House and All Saints Church to the east and the dwellings and gardens facing Bridge Lane to the west.

Relevant Site History:

No previous relevant history.

It is understood the garages were built in the early 1970s. Though objectors have suggested they were built under a "temporary permission" no evidence of this has been found or presented. In any case, even if a planning permission was subject to a condition requiring the garages to be removed by a specified date, this condition would by now be incapable of being enforced because of the time that has elapsed.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated on the RUDP Proposals map.

Within Ilkley Conservation Area.

Within Class 1 Archaeological site (Ilkley (Olicana) Roman Fort Scheduled Ancient Monument).

Adjoins Grade 1 listed Ilkley Manor House.

Proposals and Policies

BH3 – Archaeological sites.

BH4A – Development affecting the setting of listed buildings.

BH7 – Development in conservation areas.

D1 – Design considerations.

UR3 – Local planning considerations.

TM12 – Parking standards for residential development.

TM2 – Mitigation of transport impact.

TM19A – Traffic management and road safety.

NE5/NE6 - Retention and protection of trees on development sites.

The National Planning Policy Framework (NPPF):

The 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 the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Ilkley Parish Council recommends refusal due to the scale of the proposed development which it considers too large in proportion to adjacent buildings of historical importance. Inadequate parking provision. Concerns over potential drainage problems.

This is an extremely sensitive area of historical importance and the development would overshadow the Manor House Museum affecting the setting of a Listed Building.

Should this application be recommended for approval, IPC Plans Committee would like to see it referred to Panel.

Publicity and Number of Representations:

Publicity by by site and press notice plus letters to neighbours.

Objections have been received from 18 local addresses and organisations (including Ilkley Civic Society and Ilkley Design Statement Group)

Summary of Representations Received:

1. The proposal constitutes excessive over development in a conservation area that includes important archaeological and architectural features of significance to the town. Whatever development is constructed here needs to be in sympathy with the surrounding buildings.
2. The proposed development will overshadow and impact greatly upon the existing dwellings on Bridge Lane as Castle Hill slopes upwards away from these houses and would be a matter of metres away.
3. The intensity of the proposed scheme is totally inappropriate for the area and not in keeping with its status as a conservation area and its proximity to the Grade I listed Manor House museum and Grade II listed Castle House. Five dwellings is far too many for the small area and the proposed buildings are too high, completely changing the whole conservation area and blocking the view of the Manor House.
4. There is insufficient parking for the size of the houses. This will put pressure on private and restricted parking in the immediate area. There are already big issues surrounding parking and congestion on Bridge Lane and Castle Hill. Residents are currently campaigning to have residents-only parking at all times. Thriving local businesses would also be affected as they all use Bridge Lane and Castle Hill.
5. Removal of the unsightly garages is welcomed but these garages have never created traffic or issues of access/parking because they have only exceptionally been used for vehicles in recent years and are far too small for most modern vehicles. The removal of the garages will have a minimal effect on traffic. But five family homes will undoubtedly increase the traffic flow and parking difficulties in Castle Hill.
6. Disturbance during construction : All construction should be from Castle Road to preserve the amenity of residents relying on Castle Hill and prevent further damage to it. BMDC already struggle to maintain Castle Hill in a satisfactory condition.
7. What of the archaeological impact - what safeguards will be put in place?
8. Worries about drainage, bats and Japanese Knotweed.

Consultations:

English Heritage: Supports this application subject to points of detail and the need to secure an agreed written scheme of archaeological investigation. Ask that an informative could be placed on any decisions stating the need for the applicants to obtain Scheduled Monument Consent from the Secretary of State for the Department of Culture Media and Sport prior to any works commencing on site.

Summary of Main Issues:

Archaeological Implications.

Impact on the Ilkley conservation area and the setting of the adjoining Grade I and Grade II listed buildings.

Design and scale.

Highway Impact and car parking.

Appraisal:

The garage site is located in a very sensitive historic location within the limits of the site of the Ilkley Roman Fort (Scheduled Ancient Monument) and immediately adjacent to the Grade I listed Manor House. There is also a pair of Grade II listed houses (14 and 16 Bridge Street) to the west of the garages and the site is located at the heart of Ilkley conservation area.

However, the site is a rather unkempt and unsightly group of modern concrete garages that seem to have been built in the 1970s. The principle of sensitive reuse of this site as a means of securing a more sympathetic development is therefore supported. It is, however, imperative that any redevelopment of the site is sensitive and sympathetic so as to enhance the setting of the heritage assets and does not cause harm to the Scheduled Ancient Monument.

Archaeological Impact

The proposal was subject to a number of meetings with the English Heritage Principal Inspector of Ancient Monuments and West Yorkshire Archaeology Service prior to submission. The site is within the boundaries of the Scheduled Ancient Monument of Ilkley Roman fort which is one of approximately 150 known examples in England. The Ilkley fort is known to contain features relating to both its early turf and timber phase and its reconstruction in stone.

The application site is thought to lie beyond the western wall of the Roman fort, but this area, including the area of the proposed development, is known to contain at least three defensive ditches contemporary with different phases of the building and re-modelling of the Fort during the Roman occupation. These are waterlogged and likely to preserve organic remains such as wood, bone, pollen and leather. Remains of an Anglo-Saxon presence at the site are also expected due to the proximity to All Saints Church and churchyard which are built on top of the Roman fort.

Irrespective of the granting of planning permission, the developer is fully aware of the need to obtain separate Scheduled Ancient Monument Consent from the Secretary of State for the Department for Culture, Media and Sport. This is in addition to any planning requirements and will require a robust archaeological mitigation strategy. In anticipation of this, and having regard to the NPPF, an archaeological evaluation on the site was carried out prior to this planning application (funded by the applicant) and the findings have been assessed by the Principal Inspector of Ancient Monuments at English Heritage.

The evaluation has demonstrated that there are no pre-modern archaeological deposits above a depth of 1.2 metres on the site because the modern garages are built on made up ground that is considerably higher than the level at which Roman ground levels may be encountered. However, it was not possible to tie absolute levels to excavation levels previously carried out on the Fort site (Hartley's published section as set out on pages 14 and 15 of the archaeological evaluation report (OSA Evaluation Report OSA14EV3).

English Heritage is satisfied that the foundations of the 2 unit block (Units 1-2) will be above 1.2 metres depth and so will completely avoid archaeological deposits. English Heritage is satisfied that any development here should have a minimal impact on the archaeological value of the site as the development will not affect below ground remains.

But English Heritage recommends control of foundation design in the area of the three unit town houses (Units 3-5) because it is proposed to cut the lower ground floor into the land and back into the modern over burden. The pre-application evaluation at this point (Trench 2) did not go below 1.2 metres and it is uncertain from the application at what level the foundations of the row of 3 houses will be required to go below any modern filled ground.

However, English Heritage has advised that its Inspector is satisfied that a condition on any planning consent requiring further investigation would be acceptable at this stage. This would require approval of a written scheme of archaeological investigation, following confirmation of the foundation design. The need for further archaeological work will also be a condition of any subsequent Scheduled Monument Consent application. The development is therefore an opportunity to find out more about the below ground evidence for the Roman Fort.

English Heritage has confirmed that it supports the application subject to the need to secure via condition an agreed written scheme of archaeological investigation. The wording of this condition (see conditions listed at the end of the report) has been agreed with the English Heritage Inspector. It will require an archaeological watching brief in the area of the 3 unit block and an extension to Trench 1 that was dug before the application was submitted. This trench was specifically located to line-up with previous excavations in 1962 through the defences of the Fort.

In addition, the Senior Archaeological Officer at West Yorkshire Archaeological Advisory Service (WYAAS) (the Council's advisor on such matters) has also confirmed that the proposal is acceptable but that, should permission be granted, the extension of Trench 1 and further observation through a watching brief will be an appropriate way forward and this work can be secured by an archaeological condition.

The objectors' comments that inadequate consideration has been given to the impact on the Scheduled Ancient Monument do not accord with the views of English Heritage or WYAAS.

Impact on the Listed Buildings and Ilkley Conservation Area

The site is close to several listed buildings, the most important being the Grade 1 Manor House Museum. It is within Ilkley Conservation Area. However, the Council's Conservation Officer and English Heritage regard the proposal to be generally well considered, respectful of the historic surroundings and of sufficiently high quality to enhance the setting of the heritage assets to a much greater extent than that of the current garage court.

In fact, English Heritage welcomes and supports the approach to developing this site as a mix 2 and 3 unit blocks. Each makes reference to their particular street frontages. The block of 2 cottages on Castle Hill references the scale and architectural character of existing dwellings and other buildings along this street. The 3 unit block is split level and dug into the slope so that it does not tower over the development on the frontage and so that the rear elevation maintains a similar height of ridge and a similar massing to the houses that front onto Bridge Lane.

English Heritage says it welcomes the height and massing of both blocks in relation to the maintaining the dominance of the Grade 1 Listed Manor House. The scheme therefore address concerns with regard to the setting of the Manor House and successfully integrates with the wider Conservation Area. This is subject only to a suggestion by English heritage that simpler barge boards are used for Units 1 and 2.

The scheme adopts a very traditional design and material palette which is entirely is appropriate and necessary considering the sensitivity of this particular site. The materials will be natural stone and natural slate to all external elevations. The proposed design of the houses reflects the appearance, height and scale and roof form of the established Victorian built form nearby.

Units 1 and 2 at the front of the site adopt the architectural character and scale of the older properties on the opposite side of Castle Hill and this design rationale, combined with the low scale of Units 1 and 2 and their slight set back from the highway behind a low wall enables the prominence of the Manor House to be maintained in views along Castle Hill. It also allows the proposed dwellings to sit comfortably within the setting rather than making a dramatic statement. The Council's Conservation Officer recognises that Units 1 and 2 have been designed and positioned to minimise visual disruption to the views of the Manor House and provide a cohesive appearance to the streetscape.

The manner of accommodating the car parking within the development is a well thought out aspect of the scheme. Parking would be concealed by the form of the buildings with an unobtrusive access entering from the sett paved Castle Hill.

There has been more concern with Units 3, 4 and 5 which are designed as split level 2 and 2 and a half storey dwellings with rooms in the roofspace. These are arranged with views northwards across the parkland to the north and their height reflects the scale of the historic residential properties on Bridge Lane to the west. This row includes the listed Bridge House. There is concern by objectors that in views of the site of the Roman Fort and the Manor House from the park and river side would be disrupted by these dwellings and that they will appear unduly prominent.

However, amended plans have clarified that the ridge of the roof of the new houses (at 90.06m AOD) would be set lower than the roof of the Manor House (at 92.87 m AOD). As the proposed dwellings will also be positioned some distance forward of the alignment of the Manor House they would not directly compete with the Manor House in views from the north and would have a stronger relationship to the houses to the west.

After careful consideration it is not accepted that Units 3-5 would appear disproportionately prominent. Houses that were lower would be less well related to the scale of the Victorian buildings on Bridge Lane. The scale of the dwellings is sympathetic, not in conflict with the cohesiveness of the close knit cluster of traditional buildings in this part of the conservation area. The existing garages and self seeded trees are currently unattractive and incongruous features.

The elevation of Units 3-5 facing onto the park is designed to incorporate gable detailing and has been further amended so the fenestration on the three storey dwellings is better balanced through the omission of balconies and replacement with a more traditional vertically-orientated window. The design of the proposed dwellings is respectful of the surrounding urban grain and now that the ridgeline is shown to be significantly lower than that of the Manor House, the overall mass and scale of the proposed dwellings would not dominate in views of the Manor House from the parkland and riverside and appear more subservient to the Grade I listed building, the setting of the heritage assets will not be harmed and the character and appearance of the conservation area will be preserved.

If planning permission is granted, samples of all facing, roofing and surfacing materials must be submitted for approval and agreement of a sample panel of walling demonstrating the method and type of coursing of the stone and the finish of the pointing will be important. Details of the external joinery including the sections through the windows and doors, detailed drawings of the windows, doors and bargeboards should be submitted for approval and all external joinery should have a painted finish to as is traditional in the conservation area. The Conservation Officer also advises that windows and doors should be recessed into the reveals by 100-125mm to give visual interest and emulate a traditional detail. Rainwater goods should be timber and/or cast aluminium to give a high quality finish.

The plans indicate the intention to provide a natural stone boundary wall along the boundary with the footpath running to the west of the Manor House and along the northern boundary. This will replace a scruffy line of vegetation and poor fencing that also spoil the setting of the site at the moment. Full details of the boundary treatments should be submitted for approval.

Trees

The scheme requires removal of a number of trees from the northern part of the site alongside Castle Road. However, these are cypress, cherry, willow and self seeded sycamores growing closely together. Some have defects and are a potential hazard. The applicant's consultant says there is minimal inherent value to the surveyed trees due to their general condition and their landscape, ecological and historical contribution and recommends that trees be removed and the development re-planted with indigenous species appropriate to the location. The intention would be to re-plant the rear garden boundaries to Units 3 to 5 with six new extra heavy standard nursery trees which are shown on a submitted planting plan.

It is agreed that the existing trees not good quality specimens, though they are a noticeable green feature of the area and make a contribution to the conservation area. However, given the species (sycamore) and problems of retaining them whilst accommodating a development (and possibly carrying out subsequent archaeological work), it is accepted that the removal of the trees and new replacement planting is acceptable in this instance. A condition is suggested to ensure delivery of the proposed replacement tree planting along Castle Road.

Impact on the Amenity of Occupants of Adjoining Dwellings

The houses would be to the east of the back elevations and gardens of houses fronting Bridge Lane. The drawings indicate that a separation of 15.5 metres is maintained to the side wall of Unit 5 and 10.6 metres - 11.8 metres between the rear of properties on Bridge Lane and the side wall of Units 1-2. These separation distances are reflective of the close knit nature of the town centre but are also considered to provide adequate separation taking into account the amenity of existing occupiers. It is not accepted that the new houses would be overbearing or cause loss of amenity.

Whilst the land presently occupied by the garages is at a higher level than houses on Bridge Lane, the difference is not substantial. The higher houses forming Units 3-5 would be set down into existing levels and maintain a significant 15 metre separation to rear windows of houses on Bridge Lane whilst the more modest heights and proportions of Units 1 and 2 is sympathetic to the fact that the blank side wall of these would be closer. It is not accepted that there will be any significant adverse impact in terms of dominance or overshadowing. No windows are proposed in the gable wall facing the properties on Bridge Lane so no issues of overlooking will arise.

The existing boundary treatment and planting between the gardens of houses on Bridge Lane and the site is indicated to remain which would further protect amenity.

The proposals are considered to accord with Policies D1 and UR3 of the RUDP in terms of the impact on the amenity of occupants of adjoining properties.

Traffic Generation and Parking

The site is served by Castle Hill which is a substandard sett paved road leading up to the Manor House Museum. There is no formal turning head, although there is space for turning vehicles in the open yard in front of the Manor House.

The proposal will result in demolition of 22 garages and their replacement with 5 dwellings. In the past some of the 22 garages have been used by a local car repair garage (Glover's Garage). The previous use of the site has therefore resulted in a degree of traffic generation along Castle Hill and the Council's Highway Officer accepts that the proposed development of 5 houses would be likely to result in a comparable number of trips as could be generated by the continued use of the site as a garage court. The Highway Officer consequently has expressed no objections to the principle or density of the housing development.

Notwithstanding this, there were concerns with the original proposals as the parking provision was not adequate and no provision is made for a formal turning area for service vehicles.

The car parking provision within the courtyard serving the dwellings has now been increased to ensure provision for 2 spaces for each dwelling. These would be of adequate width and length and are concealed out of sight inside the development.

The Highway Officer also asked that the layout should incorporate an access that is wide enough to facilitate the turning of vehicles by using the site entrance. It was recognised that construction of a full sized turning head could be very detrimental to the character of the area but the means of access into the parking court has now been widened to 4.0 metres. This should be sufficient to allow vehicles to pass and also enables vehicles using Castle Hill to manoeuvre without going into the yard at the front of the Manor House and avoids the necessity for vehicles to reverse back down Castle Hill.

The very sensitive nature of the area is such that a wider means of access and full sized turning head would be entirely out of keeping with the historic environment. However, the scheme as amended provides adequate facilities to allow the development to be accessed and serviced. It is not accepted that such a relatively small residential scheme would generate significant levels of additional traffic along Castle Hill. The level of car parking is now adequate and the means of access as been widened to allow for turning manoeuvres. The proposals achieve an appropriate balance between accommodating the needs of vehicles whilst maintaining the close knit character of this sensitive historic area. It accords with Policies TM2, TM19A and TM12 of the RUDP.

Other Issues

The applicant is well aware of two small areas of Japanese knotweed on the site and that the species needs to be removed and may cause conflict with construction. Consequently, the applicant is appointing a competent contractor to devise a Management Plan in accordance with the Environment Agency's "Code of Practice for Managing Japanese Knotweed on Development Sites (Version 3 amended in 2013)". It is proposed that a condition be imposed to require verification from the developer that Japanese Knotweed on the site has been removed and contained before the development begins so the Local Planning Authority can be confident that the applicant is dealing with the treatment and removal of the knotweed in a professional and thorough manner in accordance with other legislation and guidelines.

Community Safety Implications:

No apparent implications.

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 quality 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.

Reason for Granting Planning Permission:

English Heritage has confirmed that it supports the application subject to the need to secure via condition an agreed written scheme for further archaeological investigation. The design of the proposed dwellings is respectful of the surrounding urban grain and the amended proposals are for an overall mass and scale of proposed dwellings that would not dominate in views of the Manor House and preserve the setting of this Grade I listed building. The setting of other heritage assets will not be harmed and the character and appearance of the conservation area will be preserved. The density of development is reflective of the close knit nature of the conservation area but is also considered to provide adequate separation taking into account the amenity of existing occupiers.

It is not accepted that this relatively small residential scheme would generate significant levels of additional traffic along Castle Hill given previous use of the site. The level of car parking is now adequate and the means of access as been widened to allow for turning manoeuvres. The proposals achieve an appropriate balance between accommodating the needs of vehicles whilst maintaining the close knit character of this sensitive historic area.

The proposal accords with Policies BH3, BH4A, BH7, D1, UR3, TM2, TM19A and TM12 of the Replacement Unitary Development Plan.

Conditions of Approval:

1. No development shall take place until the developer has secured the implementation of a further programme of archaeological investigation and recording of the site in accordance with details which have first been submitted to, and approved in writing by the Local Planning Authority. The scheme shall include confirmation of the exact depth of the foundations of the approved dwellings and shall assess the implications of foundations for the necessary archaeological work. It shall then comprise a Written Scheme of Investigation for an archaeological watching brief to monitor the excavation of foundations for the three town houses on Castle Road together with the extension of Trench 1 in the Archaeological Evaluation dated April 2013 undertaken by PJO Archaeology to the eastern limits of the development site, including measures whereby the developer shall undertake to notify the Local Planning Authority of the commencement of development and permit and facilitate access to the site by an archaeologist nominated by, or on behalf of, the Local Planning Authority to confirm the archaeological work has taken place in accordance with this condition.

Reason : To facilitate an appropriate archaeological record of possible remains associated with the site of archaeological interest, to accord with the NPPF and Policy BH19 of the Replacement Unitary Development Plan.

2. 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 safeguard the appearance of the Ilkley Conservation Area in which it is located and to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.

3. Concurrently with making available the sample of the natural stone walling materials as required by the above condition, a sample panel showing the intended coursing and type of pointing to be used shall be erected on site for inspection by the Local Planning Authority before development begins. The development shall be carried out in accordance with the coursing and pointing details so approved.

Reason: To assist the selection of appropriate materials in the interests of visual amenity and to accord with Policies UR3, BH7 and D1 of the Replacement Unitary Development Plan.

4. All new windows in the development shall be timber framed with a painted finish. New doors shall be timber with a painted finish. Details of the thickness and profile of the joinery, the pattern and method of opening of windows shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and installed in accordance with the details so approved.

Reason : To ensure that replacement windows are appropriate to the character of the building, in the interests of visual amenity and to accord with Policies D1 and BH7 of the Replacement Unitary Development Plan.

5. Rainwater gutters to the dwellings shall be timber or cast aluminium with a black finish.

Reason : To ensure that replacement windows are appropriate to the character of the building, in the interests of visual amenity and to accord with Policies D1 and BH7 of the Replacement Unitary Development Plan.

6. All new barge boards in the development shall be timber with a painted finish and to details that shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason : To ensure that these features are appropriate to the character of the new buildings, in the interests of visual amenity and to accord with Policies D1 and BH7 of the Replacement Unitary Development Plan.

7. The window frames shall be inset from the face of the walls of the dwellings by at least 100mm - 125mm in the manner traditional to the area.

Reason: In the interests of the character and visual amenity of the area and to accord with Policies D1 and BH7 of the Replacement Unitary Development Plan.

8. In the first planting season following the completion of the building, the landscaping and replacement tree planting scheme submitted with the application shall be implemented in accordance with the submitted specifications and details shown on Landscape Layout drawing SF 2233 LL01.

Any trees or plants comprising this scheme that become diseased or which die or are removed or damaged within the first 5 years after the completion of the planting shall be removed and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death/removal of the original planting.

Reason: To mitigate the impact of the building on the landscape, in the interests of visual amenity and to accord Policies BH7 and D5 of the Replacement Unitary Development Plan.

9. As indicated on the approved drawings, the west and north boundaries of the development shall be defined by means of a natural stone walling, details of which (including its height and method of coursing) shall be submitted to and approved in writing by the Local Planning Authority. The wall shall be erected prior to occupation of the dwellings.

Reason : In the interests of the character and visual amenity of the area and to accord with Policies D1 and BH7 of the Replacement Unitary Development Plan.

10. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced and drained within the site in accordance with the approved plans 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.

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

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

12. No development shall take place until full details and calculations of the proposed means of disposal of foul and surface water drainage, have been submitted to and approved by the local planning authority. The site must be investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Consideration should be given to discharge surface water to soakaway, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. Surface water flows should be restricted to the existing sites flow rates.

Prior to the commencement of the development, the developer shall secure removal of Japanese Knotweed from the site and a Final Verification Remediation Report shall be submitted and approved in writing by the Local Planning Authority containing details of all remediation works in respect of the removal and containment of Japanese Knotweed contamination of the site.

Reason: To ensure that the site is free from contamination before development proceeds, in accordance with Policy P4 of the Replacement Unitary Development Plan.

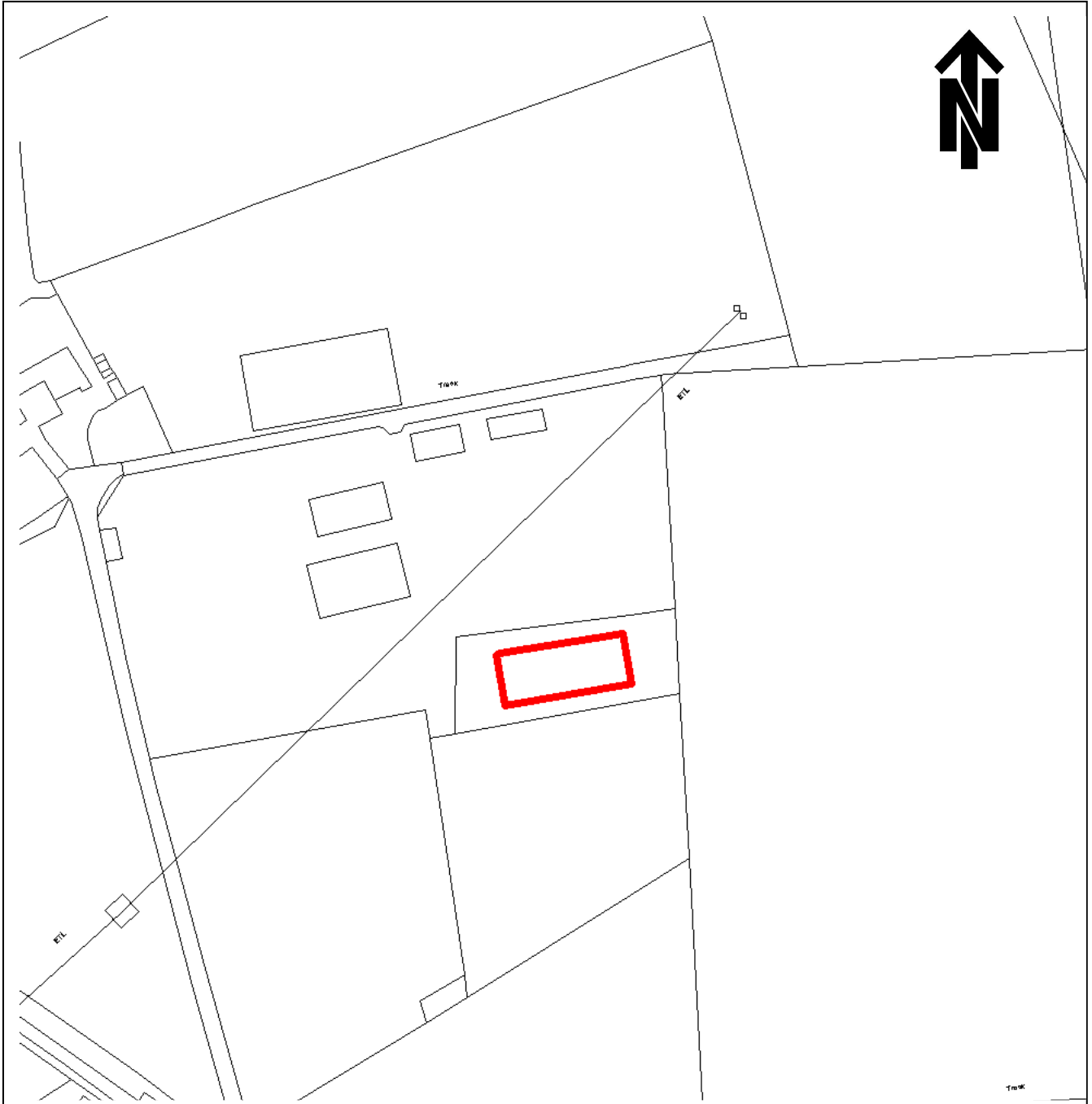
Footnote:

The applicant's attention is drawn to the need to obtain Scheduled Monument Consent from the Secretary of State for the Department of Culture Media and Sport prior to any works commencing on site.

Area Planning Panel (Keighley/Shipley)

14/02281/FUL

24 September 2014



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ITEM NO. : 4	LOCATION: Land To North Of Back Shaw Lane Hainworth Shaw Keighley
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24 September 2014

Item Number: 4
Ward: KEIGHLEY EAST
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS
APPLICATION WITH A PETITION

Application Number:
14/02281/FUL

Type of Application/Proposal and Address:

An application for the construction of an agricultural building for housing of livestock on land at Back Shaw Lane, Hainworth Shaw, Keighley.

Applicant:

J & N Feather

Agent:

JO Steel Consulting

Site Description:

The site is situated in elevated Green Belt countryside south east of Keighley. Access is via an unmade single width track, leading in a roughly northerly direction from Back Shaw Lane, a lightly trafficked highway serving a scattering of farmsteads and dwellings. The unmade access track serves the application site and a separate dwelling known variously as New Laithe Farm or Wildwood Laithes, which faces across the track towards the site access gate.

The site is in use for agricultural purposes including the rearing of livestock and is currently occupied by a collection of agricultural buildings that are in use for livestock accommodation and associated storage. There are two existing agricultural sheds in the applicant's field together with other small sheds and stables and a number of silage bales stored on the open land. There is a larger shed, also walled and roofed in profiled sheeting, on the other side of an unmade field access to the immediate north.

This upland landscape is characterised by scattered traditional stone farmsteads. There are some large pylons and an overhead electricity line crossing the holding from south west to north east. The applicant farms on this and other fields elsewhere in the vicinity but has no permanent farm dwelling here.

Relevant Site History:

13/03051/FUL - agricultural building for the housing of livestock. Refused by Area Planning Panel

The subsequent appeal was dismissed.

03/03984/PN: Prior notification in respect of erection of a general purpose agricultural building. Prior Approval granted 18.11.03.

03/04725/FUL: Menage for all weather horse exercise. Granted 20.1.04.

93/01128/FUL: Erection of agricultural building. Granted 18.10.93.

Replacement Unitary Development Plan (RUDP):

Allocation

Green Belt.

Proposals and Policies

GB1 – presumption against inappropriate development in the Green Belt

GB2 – Siting of buildings that are acceptable in the Green Belt

NE3/NE3A – safeguarding landscape quality

UR3 – Local Planning Considerations

D1 – Design considerations

The National Planning Policy Framework (NPPF):

The 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 the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Keighley Town Council – Recommends approval.

Publicity and Number of Representations:

The application was advertised by site notice and neighbour letters.

A petition of objection containing 9 signatures has been received. It petitions referral to Panel.

A significant number of objection communications have been received from one neighbouring occupier, summarised below:

Summary of Representations Received:

Objection points

This application in its current form is incompatible with RUDP UR3 (Development will be permitted provided that it does not have an adverse effect on the surrounding environment or the occupants of adjoining land).

The building applied for, together with its ancillary storage and activities, will have an adverse effect on both the surrounding environment and the occupants of adjoining land, being generally detrimental to residential amenity, having a negative visual impact on a wide area, and causing nuisances of noise, disturbance and smells from both the nature, volume, location and frequency of the activities on a small 6.5 acre over-developed and over-intensified grazing field where there is no farmhouse or appropriate infrastructure.

It is not a working farm but what was a grazing field which is adjacent to a number of residential properties, all of which pre-date the fields use for cattle rearing activities.

The applicants have chosen to concentrate all the activity and associated storage of 126 acres of farming, of which they own 34 acres, on this field in the Green Belt without the appropriate planning permissions. The applicants have previously evidenced that they already currently house 100 head of cattle on the field (for which they have never had permission) and store 1,600 bales, mainly for the use of overwintering of those cattle. The bales, even if stacked three high to a height of 3.5 metres (12 feet), cover approx. 875 sq.m (9,400 sq.ft), the equivalent of 30 double decker buses. This is in addition to the buildings with all the associated ancillary machinery and activity, the capacity for which will be increased by over 100% by this application, and all of which is presently concentrated on the NW area of the field, immediately in front of our home.

Although the applicants have re-located the barn building to a different part of the field from last years application 13/03051/FUL, they have not followed the advice of the Keighley Planning Panel to use an alternative access and to move their centre of activity away from that area directly in from our home, both of which are presently demonstrably unacceptable. Nor have they demonstrated any duty of care for our Human Rights and residential amenity, nor indicated how they will in any way mitigate the effects of the excessive volume of storage, agricultural and construction vehicles (by which the Planning Officer acknowledges the existing site is marred), nor advanced any proposals to tidy up the site which they had previously promised by storing the bales and machinery behind the existing buildings. In addition, there are various omissions, inconsistencies, inaccuracies and unspecified references to other documents which render the application vague and confusing. Therefore, without the imposition, acceptance and implementation of significant and comprehensive conditions, this application is unacceptable and we respectfully request that planning permission is denied.

We fully accept (as the Planning Officer has advised) that the appropriateness of this development must be considered in terms of its justification, the sensitivity of its siting in the Green Belt, the quality of the landscape and, crucially to ourselves, the effects on its nearest neighbours. We also agree with the Planning Officer that, if further development on the field is deemed appropriate, there is little opportunity for improvement in the proposed siting of the building.

The owners of the application field, whilst publishing the name and grid reference of our residential property, New Laithe Farm, in their application, have no connection with it and furthermore do not live on the field, or adjacent to it, but live elsewhere. There is no farmhouse on the field of application. The applicants farm a total of 126 acres in scattered parcels around the region. However, this field, of only 6.5 acres, adjacent to an independent residential property has no electricity, no drainage, no sanitary facilities and is now the focus of all the activity from those 126 acres.

The applicants have made reference to the fact that they informed us of the agricultural operations before the purchase [of New Laithe Farm] was completed. Since this application involves a significant alteration and a potential doubling of beef cattle capacity and activity on the working farm, we believe that this observation is irrelevant. To sustain the intended purpose and use of an additional physical structure of 660 sq.m utilising a generator obviously necessitates significant increases in noise, storage, husbandry and activity, further encroaching on our house.

We were also entitled to assume that the current buildings and activities of the working farm had been correctly considered and monitored by the appropriate authorities. Unfortunately, our investigations pursuant to formulating our objection to the first planning application indicated that this was not the case. As of 30 July 2013 when the first application was made, there were no buildings on the working farm being used for the purpose for which approval was originally given and some with no permission whatsoever. There are presently four further buildings on the site that were not present when we completed the purchase of our home in July 2012.

The Planning Panel was concerned regarding the appearance and activity and Bradford Council has confirmed that on at least seven occasions Environmental Health have investigated complaints about activity on the site, all of which have been substantiated as valid complaints. The site has not been tidied up and has actually seen an increase in the intensification of activity and the accumulation of waste in front of our home.

We must emphasise that we support and are in no way against responsible farming.

The site presently has a cluttered appearance including an assortment of machinery as well as bales of silage stacked prominently on the land and the Inspector concluded that New Laithe Farm will be detrimentally affected by the proposed barn because of its size, location, proximity and function, and the environmental impact of smells, noise, disturbance and the way that would compound the adverse impact of the associated extensive storage of bales and machinery that already takes place. [6.5] The new building would add to the bulk of functional farm buildings. The character of the existing site is already marred by these buildings and a significant amount of external storage, especially silage bales and machinery already takes place towards the neighbouring dwelling. The appeal was rejected.

Whilst the applicants have followed the advice of the Panel in the re-siting of the barn, they have not moved the access to the field or the centre of activity as they were advised to do, and have not included the hedgerow screening, nor any consideration for our residential and visual amenity by tidying up the site, as they had indicated in their previous application, through the storage of the bales and farm machinery behind the existing buildings to mitigate the effect on our residence, thus accepting that the situation was and would be unsatisfactory.

The present application is for a barn measuring 36.6 m x 18.2 m, i.e 666 sq.m The previous application was for a barn measuring 32 m x 18.2 m., i.e 582 sq.m The previous design statement said that: the scale of this building is in keeping with the amount of livestock the applicant currently holds. The previous planning officer suggested that: it seems commensurate with the scale of existing farming operations. It is therefore not an inappropriate development. This obviously no longer applies and requires further investigation. The additional length of 4.4 m is not referred to in the current application.

No explanation is given for the requirement for an additional 81 sq.m in an application from applicants who claim that they do not intend to increase their herd or intensity of activity on the field. Yet this represents the capacity to house an additional 16 cattle less than one year later.

This planning application is for a cattle barn which will increase farming activity, livestock housing and ancillary storage by over 100% adjacent to a residential property and sharing a private unmade access track. The field where the development is proposed is of approx 6.5 acres in the Green Belt and has long been established predominantly for recreational grazing of horses (approx 80% of the area of the field). The other 20% of the field (that which is closest to the residence) has been systematically developed to currently contain not only large permanent structures but a variety of ancillary buildings and all the supplementary storage including approx 1600 silage and hay bales, waste materials, farm and construction vehicles, farm machinery, slurry wagons, and a commercial skip.

Consultations:

Environmental Protection – This field is located off Back Shaw Lane in Keighley and is accessed and egressed via a shared farm track and a wide gate located on the north side of the field. This entrance is immediately opposite to a dwelling called New Laithe Farm.

A number of complaints have been received by the Pollution and Environmental Enforcement Teams within Environmental Health, from the current residents of New Laithe Farm. These essentially have related to allegations concerning odours, litter and waste and more recently noise from the site from a barking dog and multiple tractor manoeuvres alleged to be taking place in the early hours of the morning which were disturbing sleep. No evidence to date has been found by Environmental Health of odour nuisance, unacceptable waste storage, rubbish blowing from the site or a statutory nuisance occurring as a result of a barking dog.

Following my letter to the land owner, notifying him of an allegation concerning a neighbourhood noise nuisance emanating from the use of the site, I received a telephone call from (the applicant). He confirmed he can be on site any time from early morning and also until late in to the evening with his tractor (to move the silage bales) and other vehicles as his cattle had to be fed twice a day. He also advised me that he needs to access the site day and night particularly during calving and by his own admissions was regularly visiting the field (which is located some distance away from his farm) as early as 05.00 hours and 5.30 hours.

I understand that the general use of land for agricultural purposes is not subject to planning controls, no matter how intensive or problematic the agricultural use becomes. However this is not the case for the installation of an agricultural building on a site. Bearing this in mind and Mr Feather's indicated need to access and use the site frequently, with noisy machinery and equipment in to the noise sensitive hours (i.e early morning / evening / night time) and in close proximity to the existing residential use, this activity is likely to result in an unreasonable disturbance and detriment to the amenity of the near by dwelling.

The introduction of a new agricultural building to house a much larger number of cattle and livestock within this small field site which is remote from the landowner's main farm, will result in an intensification of use with the increased vehicular activities to and from and on this site. In view of this I am unable to support this application.

Drainage – It is the developer's intention to dispose of surface water using soakaways. This is acceptable subject to the developer providing the results of percolation tests (conducted in accordance with Building Research Establishment Digest No 365) and subsequent design details (also in accordance with Building Research Establishment Digest No 365), to this council for comment, prior to drainage works commencing on site.

Minerals Planning - Two former landfill sites are approximately 140m and 160m from the proposal. At the closest landfill site tipping was carried out between 1982 and 1987 and the majority of the waste was inert in nature. The site was completed to the satisfaction of the Planning Authority and is now used as agricultural grazing land.

The other site was two small, former stone quarries which were granted temporary planning permission (ref 88/06/04022) in 1988 for infilling with inert waste materials.

Although there is evidence in both cases that non inert material may have entered the sites, the landfill sites are some distance from the proposal and coupled with the nature of proposal, it is not considered that there will be any adverse impacts from this landfill site on the proposal.

There are no other apparent minerals or waste legacy issues relevant to the proposed development.

Summary of Main Issues:

1. Impact on the amenity of any occupiers of adjoining properties.
2. Whether the proposal is appropriate development in the Green Belt.
3. Impact on openness and the purposes of including the land in the Green Belt.
4. Impact on landscape character.
5. Highway Issues

Appraisal:

Background

This proposed new livestock building for the accommodation of beef cattle would be 6.7 metres high to the ridge. The footprint would measure 18.2 metres x 36.6 metres. The building would be located to the south east of two existing agricultural buildings on the applicant's land, such that those existing buildings would shield the proposed new structure from view from the neighbouring dwelling opposite the farm entrance.

The proposed siting here is a revision to the siting of an earlier application proposal for an agricultural building referenced 13/03051/FUL, which was refused by the Area Planning Panel at the meeting of 23 October 2013.

The reasons for the Panel refusal were:

“The proposed livestock building will have an adverse impact on the amenity of occupants of the adjoining residential property due to its siting in relation to that property and potential for odour nuisance. It would therefore be contrary to Policy UR3 of the Replacement Unitary Development Plan for the Bradford District.”

The Planning Inspector considering the subsequent appeal observed that officers' support for a new agricultural building at the site was in accordance with Green Belt policy and noted that the National Planning Policy Framework (2012) emphasises at Paragraph 28 that there is a need to promote the development of agriculture activity.

The Inspector took account of the fact that there has long been a working farm at the appeal site, and that existing livestock buildings at the farm are already close to New Laithe Farm. He also observed that the occupiers of New Laithe Farm were evidently aware of the presence of a farming enterprise on the neighbouring land when they bought their property.

The Inspector however dismissed the appeal on the basis that the then proposed new livestock building would be closer to New Laithe Farm/Wildwood Laithes than the existing buildings on the holding and thus there would likely be a greater impact upon occupiers, particularly from odour.

The Inspector considered this to be the main issue in the case.

Impact on the amenities of occupiers of adjoining properties

As with the previous proposal, the relationship of the new livestock building to the separately owned and occupied dwelling situated to the north west of the site and which shares the same access, has been very carefully considered. It is acknowledged that this dwelling (New Laithe Farm/Wildwood Laithes) faces towards the field and the existing sheds. The dwelling is set back from the track behind a forecourt and dry stone wall boundary with the access.

The habitable rooms in this dwelling would be approximately 115 metres from the nearest part of the proposed shed in the position now shown. The curtilage of the dwelling would be around 97metres away.

In views from the nearest dwelling, the new building would be set behind the existing farm buildings and therefore would not be unduly imposing or dominant of the outlook of its occupiers. It is not considered that the new livestock building would dominate the adjoining or dwelling or create an oppressive feature.

In seeking an alternative siting for the building in this revised application, the applicant has been constrained by the need to meet the practical and functional requirements for providing livestock accommodation particularly for overwintering whilst trying to ensure that there should be no significant additional odour impact upon the neighbour. In addition, following a site meetings, it is accepted that other options for siting the building elsewhere on the holding are impracticable due to the presence of overhead lines crossing the site.

In terms of reduction of odour, a condition requiring the siting of a manure midden adjacent to the proposed building (again a sufficient distance from the neighbouring dwelling) would assist in reducing so far as possible the potential impact of the development on the neighbouring occupier.

The Environmental Protection Officer lack of support for this application is noted, but the comments contrast markedly with the supportive comments on application 13/03051/FUL. There were no objections to that proposal which was much closer. The Officer expresses concern about complaints regarding the existing use of the access with noisy machinery and equipment during noise sensitive hours and in close proximity to the existing residential use. The EP Officer now says introduction of a new agricultural building to house a much larger number of cattle and livestock within this small field site will result in an intensification of use with the increased vehicular activities to and from and on this site and so is unable to support this application.

In response to this it should be pointed out that the applicant has consistently argued that the amount of vehicular activity along the lane will be less if all cattle can be overwintered on the site rather than housed elsewhere at a remote location. This is because it will no longer be necessary for the applicant to have to transport the bales of silage, bedding, equipment and feed from the application site to the other farm site, as has happened in previous winters. It was argued in the previous application that having all the cattle housed on one site will reduce traffic movements by approximately 5 a day and reduce the applicants' labour costs and fuel overheads. The intention is to provide accommodation to enable all the cattle to be over-wintered on one site so, overall, the applicant argues that traffic movements to and from the site will be reduced if this proposal is permitted.

The Environmental Protection comments do not seem to acknowledge this and also seem influenced by complaints about existing activity. It should also be noted that agricultural operations are not subject to planning control and a number of issues raised by objectors in terms of noise, smell or general activity and movement of farm vehicles, are not a matter in which the council can intervene. Indeed it should be regarded as inevitable that the uptake of residential occupation close to working farms will carry with it the likelihood of such disturbance. Thus the doctrine of *caveat emptor* will quite reasonably apply in cases where dwellings stand adjacent to operational farms.

Accordingly, complaints regarding general farming activity on agricultural land must be disregarded in the course of consideration of the planning application here, which seeks approval for a building that seems justifiably required for the welfare of livestock lawfully kept and managed on the land.

Green Belt Policy

Both the Replacement Unitary Development Plan for the Bradford District and the National Planning Policy Framework (2012) regard agricultural development as an exception to the normal presumption against inappropriate development in Green Belt areas.

The NPPF gives further support to the rural economy by stating that planning policies should support economic growth in rural areas in order to create jobs and prosperity, by taking a positive approach to sustainable new development...and support the sustainable growth and expansion of all types of business and enterprise in rural areas through conversion of existing buildings and well designed new buildings and by promoting the development and diversification of agricultural and other land-based rural businesses.

The applicants explain the reason why this additional building is needed and argue that the scale is in keeping with the numbers of livestock the applicant currently holds.

It is accepted that the building is clearly designed as a functional agricultural building commensurate with the scale of existing farming operations at the site. Since it is not inappropriate development in the Green Belt, it is in accordance with Policy GB1 of the Replacement Unitary Development Plan (RUDP). The proposed new building would also be positioned adjacent to existing buildings on this holding. At the same time, the proposed siting of the new building would ensure that it remains a part of an existing grouping of agricultural buildings and thus it would satisfy Green Belt policy by avoiding the unnecessary spread of built form that would otherwise harm the openness and character of the Green Belt. Its siting within an established farm group in this manner would accord with Policy GB2 of the RUDP and so reduce any impact it may have on the openness and character of the surrounding area.

It is also accepted that the existing buildings are already fully utilised for livestock or storage and that the necessity for an additional building to over-winter cattle previously accommodated away from the site is genuine.

Design

The design of the proposed building is functional and would be similar to the nearby buildings on the site. The proposed building is to be 36.6 metres long x 18.2 metres wide x 6.7 metres high and that the materials are to be green coloured cement fibre sheets for the roof, with the upper sides clad with green steel sheeting to the top sections, whilst the lower walls are to be concrete panels to 2.0 metres high. GRP roof lights are proposed to ensure adequate natural light within the building. It would appear to be larger generally than any of the existing buildings/structures on the site and that it would be some distance away from the existing grouping of structures though constructed with the same materials.

The 6.7 metre ridge height of the building enables machinery to enter and exit the building safely. The height of the building would be comparable to the larger existing sheds on the holding. In terms of visual amenity, particularly taking account of outlook from the neighbouring dwelling, the new building would be screened by the existing buildings closer to the centre of the site.

The design of the building is one that is common in the rural area and is thus acceptable in light of Policies UDP3, UR3 and D1 of the RUDP.

Impact on the landscape and requirement for a hedge

The character of the existing site is marred by a significant amount of external storage, especially silage bales and machinery. As with the previous application (13/03051/FUL), this new investment may represent an opportunity to tidy up the site by bringing scattered external storage inside the new building or behind it. The new building would relate well to the existing smaller sheds and form a group in the landscape.

The Council's Landscape Officer notes that the application site is in an open, elevated and prominent position within the green belt "upland pasture" landscape which is sensitive to development (as noted in the Landscape Character SPD) and the proposed building would be highly visible within the local area, including from nearby public footpaths which lie to the east and south of the site. The Landscape Officer notes that no landscaping proposals have been submitted as part of this application and expresses concern that the continued expansion of the agricultural operations on this site would lead to erosion of the landscape character within the "upland pasture" landscape in this area and would cause unacceptable visual intrusion within the Landscape Character Area. The Landscape Officer did not comment on previous application proposals.

It is agreed that the building will add to the amount of agricultural development at this site. However, Officers have previously accepted the need for a functional building and that options for the siting of such a building are constrained by factors such as the presence of a number of overhead electricity lines.

As part of the previous application proposals, the applicant proposed to screen the proposed building and other buildings on the site from back Shaw Lane and the nearest adjoining property by means of a native hedgerow along the north and west field boundaries. Details of species for the planting scheme have not been provided as part of this new application. It is, however, considered essential that such landscaping is carried out so as to screen the site and safeguard the character of the landscape. This will also help mitigate the impact when viewed from the objector's property. It is therefore proposed that the hedge planting previously proposed should be made a requirement of any planning permission.

The proposed hedge planting would help mitigate the impact of the building on landscape character and overcome concerns of the Landscape officer. It is considered that the building is acceptable having regard to Policies NE3/NE3A, D1 and D5 of the RUDP.

The objector has said that it should be a requirement that the applicant be made to store silage bales and machinery round the back of the existing buildings which will tidy the application site up and have a positive effect on the surrounding landscape.

However, such control over agricultural storage and operations could not be subject to such detailed control given that agricultural operations are not controlled under the planning system.

Highway Issues

Access to the site would be unaffected by the development, the premises continuing to utilise the existing and long standing gated access point where there is adequate room for the turning and manoeuvring of vehicles on site. There would be no implications for highway safety arising from the continued use of this access point.

Indeed it is acknowledged that overwintering of cattle on the land that they already occupy would reduce the potential number of traffic numbers to and from the site that would be necessary if the livestock needed to be moved to alternative locations during winter months.

Summary

It has been suggested by objectors that the use of this site for farming purposes is unacceptable and that farming on the land has intensified over the recent past. However, agricultural activity is not a matter that can be controlled by way of planning legislation and, for the most part, agricultural uses and operations do not constitute development that can be made subject to control.

There is a clear need, both in operational terms and in terms of animal welfare, for the provision of adequate and suitable livestock accommodation to serve this existing farm. Whilst the objections to continued farming and livestock husbandry on the land are acknowledged there are no grounds, nor any legal basis, for restrictions or controls to be applied to the business.

The proposed siting for the building makes best use of existing structures to shield the development from view from nearest neighbouring property, whilst still satisfying the need to prevent the spread of built form in the Green Belt.

Community Safety Implications:

There are no apparent community safety implications.

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.

Reason for Granting Planning Permission:

The building is designed for purposes connected with agriculture and so is an exception to the normal presumption against inappropriate development in the Green Belt. It would form part of a group of functional farm buildings already in place on this land and on an adjoining site. Design and materials are appropriate to its function and reflect the character of the adjoining buildings. The building is sited sufficiently away from the nearest dwelling and the siting and scale of the building is such that it is not envisaged that it will cause any significant adverse impact on the amenity of occupants of any adjoining properties. The proposal is considered to accord with Policies GB1, GB2, D1, UR3, NE3 and NE3A of the Replacement Unitary Development Plan for the Bradford District and is compatible with the National Planning Policy Framework.

Conditions of Approval:

1. In the first planting season following the completion of the building, a landscaping scheme comprising the planting of native deciduous hedgerow plants shall be implemented around the north and west perimeters of the site in accordance with plant specifications and details of measures to protect the landscaping from damage by grazing animals or other activity that shall be submitted to, and approved in writing by the Local Planning Authority.

Any trees or plants comprising this scheme that become diseased or which die or are removed or damaged within the first 5 years after the completion of the planting shall be removed and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death/removal of the original planting.

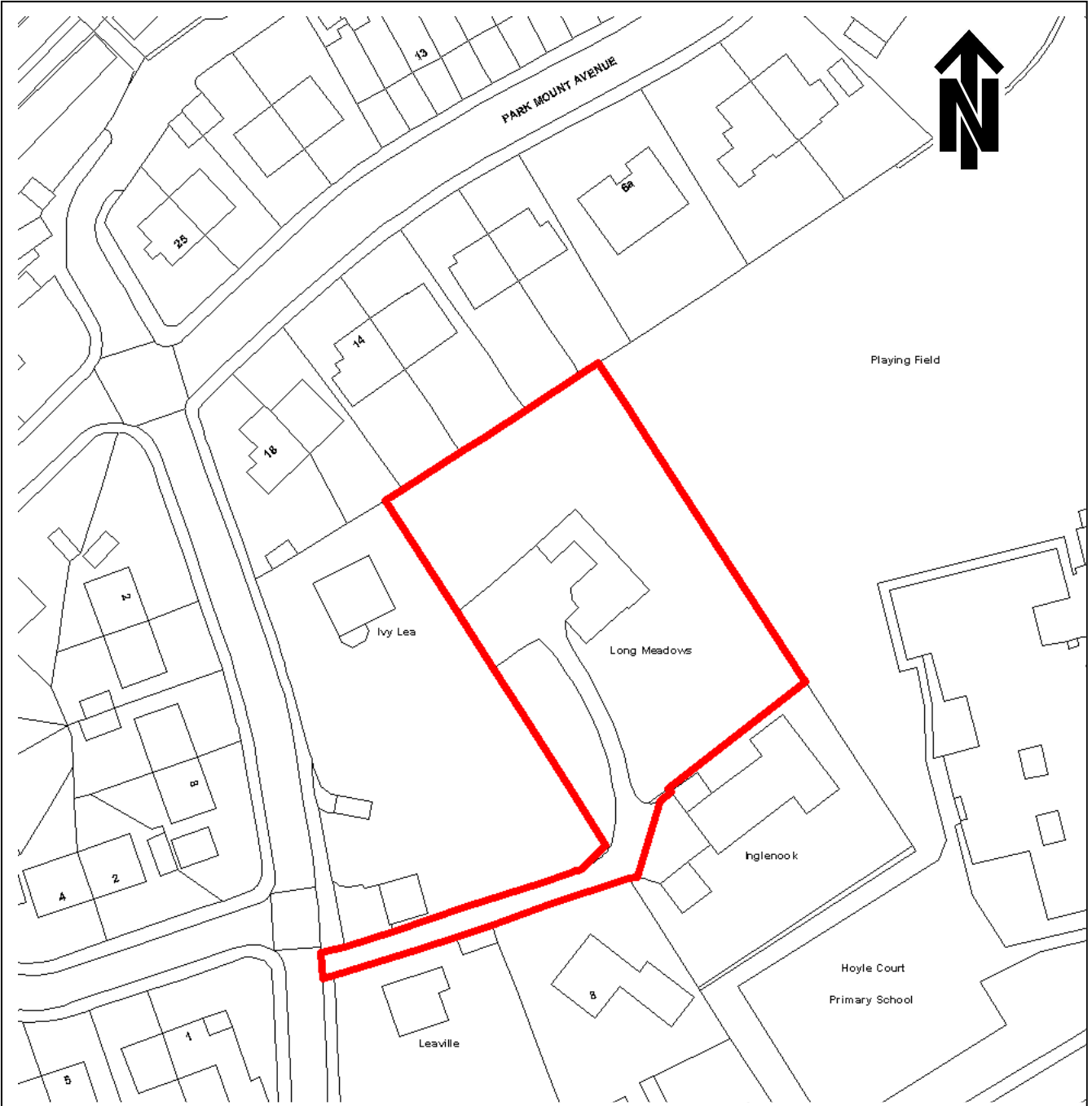
Reason: To mitigate the impact of the building on the landscape, in the interests of visual amenity and to accord Policies D5 and NE3/NE3A of the Replacement Unitary Development Plan.

2. Prior to building being brought into use, the developer shall provide the results of percolation tests for the proposed soakaways (conducted in accordance with Building Research Establishment Digest No 365) and subsequent design details (also in accordance with Building Research Establishment Digest No 365), to this council for comment. The site shall be drained in accordance with the details so approved.
 3. The storage of animal faecal wastes and slurry shall take place within a midden or similar arrangement, located adjacent to the building hereby approved in accordance with details to be submitted to the local planning authority for its written approval.
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Area Planning Panel (Keighley/Shipley)

13/01663/FUL

24 September 2014



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<p>ITEM NO. : 5</p>	<p>LOCATION: Long Meadows Fyfe Lane Baildon</p>
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24 September 2014

Item Number: 5
Ward: BILDON
Recommendation:
TO GRANT PLANNING PERMISSION

DEFERRED ITEM

This item was deferred from the Panel meeting of 2 July 2014. Following the Officer presentation, an objector addressed the Panel and said that neighbours had not had an opportunity to see up to date consultation advice from the Council's Planning Trees Team regarding the impact of development on the trees along the boundary with neighbouring gardens. It was explained that Trees Team advice had been given verbally and by email (rather than in the form of a formal memo) and was based on a joint site visit undertaken by Planning Officers and the Tree Officer. Nevertheless, the advice from the Council's Legal Officer was that, in the interests of natural justice, objectors should have an opportunity to see that advice in written form and so it was requested that a formal consultation from Trees Team be prepared and should be posted with the application details. This was done on 30 July 2014.

Trees Team advice

The Council's Tree Officer explains that she has revisited the site and has taken her own measurements of the stem diameters of the trees (in light of comments by neighbours, including comment from Arboriculturalist Consultants JCA) and is satisfied that the majority of the required distances from the trees have been met. The only exceptions are T3 and T8. The amount the foundations would encroach on the roots of these 2 trees is not likely to be of significant detriment to their long term condition or stability. The Tree Officer is satisfied that the ground protection methods outlined in the applicant's proposals, if carried out correctly for the type of traffic expected in this area, would sufficiently protect the trees from damage during the construction process. If there are major concerns it could be conditioned for special foundations to be used at this side of the building (eg. mini piles) but this is not strictly necessary in her view.

With regards to the details submitted in the foundation proposals, the purpose of the calculations shown with respect to the trees is to ensure that the foundations are adequately designed so that they are not at risk of damage from the trees rather than the other way round as suggested (by neighbours). This is something which, according to Building Control would be picked up by them rather than by Development Control.

Concern was expressed (by neighbours) that T14 would be damaged through soil compaction. As there is already a tarmaced driveway to the side of the tree which is regularly used by vehicles, it is not likely that further compaction will occur and the tree appears to have already adapted to the site conditions.

The neighbours are concerned about proposed pruning works. These are to allow 2 metres clearance of the built property but are not likely to negatively impact on the long term health of the trees, although details giving the final dimensions of the trees after they have been pruned would give us adequate information to form a more definitive opinion on this. The trees have grown as a group and have formed high, narrow crowns. Pruning the three trees identified would give adequate clearance for building works to be carried out without danger of damage to branches during the work.

It is not clear whether the JCA comments are based on the submitted report rather than first hand observations. The JCA Arboriculturalist seems to be making an assumption about how close the trees are to the proposed development and the need for the pruning works. The Councils tree officers' interpretation of the need to give 2m clearance from the property was to provide adequate working space for the construction. The crowns of the trees are already pretty high so the Tree Officer doesn't anticipate that there will be too many problems with them interfering once the building work is done.

It is not anticipated, due to the form of these trees, that excessive pruning would need to be carried out in the long term to give adequate clearance to the property. However, in view of neighbour concerns, I would suggest that, should the application be approved, an additional condition might be included requesting details of the exact pruning specification proposed and that work should be carried out in accordance with BS: 3998 (2010) or its successor.

PREVIOUS REPORT

Application Number:

13/01663/FUL

Type of Application/Proposal and Address:

Construction of detached dwelling and car port in grounds of existing residence at Long Meadows, Fyfe Lane, Baildon, BD17 6DP.

Applicant:

Mr Dean Wood

Agent:

Mr David Williams

Site Description:

The site comprises garden land associated with a detached property known as Long Meadows. This is a modern, rendered property with slate pitched roof. It is situated in a large plot set well back from Fyfe Lane and served by a level private drive that runs at a reasonably level gradient off Fyfe Lane. Levels slope from North West to South West.

The site of the application is the strip of garden to the north side of Long Meadows and is presently a lawned area. A row of mature, protected trees and high beech Hedge are located along the northern site boundary, beyond which lie the back elevation of residential properties on Park Mount Avenue. School playing fields are located beyond the eastern boundary and a detached property, Ivy Lea is away to the west.

Relevant Site History:

98/01281/OUT : Construction of detached dwelling. Granted.

01/00971/OUT - Renewal of permission for the construction of a detached dwelling – GRANT - 15.05.2001

02/02403/FUL - Single storey extension to rear of property and extension over garage – GRANT - 23.08.2002

05/00469/OUT - Construction of a detached dwelling – GRANT - 22.03.2005

08/01999/FUL - Construction of detached dwelling and garage on land to rear – REFUSE - 15.05.2008

08/07114/FUL - Construction of detached dwelling and garage – REFUSED - 22.01.2009

12/04208/FUL - Construction of detached dwelling and car port in grounds of existing residence – WITHDRAWN - 11.12.2012

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UR3 The Local Impact of Development

D1 General Design Considerations

NE4 Trees and Woodlands

NE5 Retention of Trees on Development Sites

NE6 Protection of Trees During Development

TM2 Impact of Traffic and its Mitigation

TM19A Traffic Management and Road Safety

The National Planning Policy Framework (NPPF):

The 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 the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Baldon Parish Council objects to the application on the grounds that the new building would not be in keeping with the surrounding area as it would appear to be too large for its plot. A previous planning application was rejected on these grounds and the Council does not believe these plans substantially change.

Publicity and Number of Representations:

Application publicised by neighbour notification letters and site notice. Letters of representation have been received from 13 separate addresses.

A local Councillor also requests referral to panel should the application be supported by officers.

A petition has also been received objecting to the application with 33 signatures.

The petition states that the proposal is a significant overdevelopment of the plot and the proposed property is out of keeping with surrounding property. That the proposed development is too close to the row of protected and mature sycamore trees and wildlife they might support. The proposed development if permitted could set a precedent.

Summary of Representations Received:

The proposal does not overcome previous reasons for refusal

It is overdevelopment of the site

Out of character

Harmful to residential amenity of neighbouring properties, overlooking, noise and disturbance.

There is insufficient parking provision

Highway and traffic safety concerns relating to the site access

Impact on protected trees

Disturbance of wildlife – Impact on Bats

Drainage concerns

Consultations:

Drainage Section - No objections raised. Suggested that drainage design details to be reserved by planning condition.

Council's Tree Officer – Initially unable to support this application because development was unacceptably close to protected trees and if approved would increase pressure to prune/remove trees due to lack of light, nuisance and perceived threat. Development was also within the Root Protection Area (R.P.A's) of trees and tight to crown spread.

The scheme has been amended and a site meeting has established the position of the proposed excavations in relation to trees. The Tree officer now accepts that the development would be placed outside of root protection areas and construction methods would avoid any necessity for the excavations and storage of materials to affect the RPA's and the scheme would allow suitable relationship with the protected trees.

Council Highway Officer - One more dwelling would not have any significant or serious highway implications and therefore no objections to the proposals from a highways point of view.

Summary of Main Issues:

Principle of Development.

Impact on character and neighbouring residential amenity.

Highways and Parking issues.

Impact on Trees.

Appraisal:

The application seeks full planning permission for the construction of a single detached dwelling within a garden area at, Long Meadows, Baildon, BD17 6DP.

The site history records that this part of the garden has had previous outline permissions for development of a dwelling on the land. This was for the previous owner(s) and no details were shown. A more recent, detailed application was refused on the ground that the detailed proposals presented under those applications were poorly related in terms of height to surrounding properties, particularly the parent dwelling 'Long Meadows' which is set at a lower level, and because the proposed development would press close to protected trees along the boundary with the rear of properties on Park Mount Avenue. These trees were not accurately portrayed on the submitted drawings and there was a lack of information regarding their protection and retention as part of the proposed development.

The application has been submitted following a withdrawn application with amendments having been made to the siting of the proposal in relation to trees.

Principle of development

The site is unallocated on the Replacement Unitary Development Plan. It is currently used as garden. In the NPPF the government has not included gardens in the definition of "previously developed land". The effect of this is that, while there is no outright "ban" on building on gardens, there is no longer an automatic presumption in favour of doing so. The government's objectives are to maintain the quality of existing residential neighbourhoods whilst at the same time making more effective use of land for housing.

However, the site is hidden from public view so makes only a limited contribution to local character. An additional dwelling within this established residential area would conform to surrounding uses.

Outline planning permissions have existed on the site since 1986, having been renewed by the previous owners of the property from then up until 2005.

More recent refusals of detailed applications for a dwelling on the garden in 2008 have been refused on grounds of lack of information and the scale of the proposed dwelling in relation to the existing house rather than because an additional dwelling is unacceptable in principle.

The development would be in a reasonably sustainable location being within an established residential area and with access to existing facilities in Baildon and Shipley. As such, the principle of development is considered to be acceptable in principle, subject to the satisfaction of other RUDP Policies.

Impact on local character

The key considerations in assessing a proposal for a house on this land are firstly, whether the garden makes an appreciable contribution to the character of the surrounding residential neighbourhood. Secondly, if development for a house on the plot is acceptable, any new house must respect its surroundings, the scale and amenity of neighbouring properties and thirdly any existing features of merit such as trees and boundary hedges must be safeguarded.

The site is an unobtrusive plot accessed via a private drive, enclosed and set below neighbouring residential properties and cannot be easily seen from outside the site. As the site slopes gently downwards, a two storey detached house could be accommodated on the land without appearing unduly intrusive and without any significant impact on the character of the area. The sections also show that adequate space is retained to boundaries.

It is proposed that materials would be a mix of natural stone and render for walls and dark blue tiles. The applicant intends that these would match the existing house but a condition can be imposed requiring agreement of roofing and walling materials.

Impact on neighbouring residential amenity

The proposed siting meets the normally required distances from any adjoining properties. The house is designed with principal windows facing north west and south east and only secondary windows such as those to bathrooms are shown at 1st floor level in the wall facing towards Park Mount Avenue.

Adequate separation is maintained between the windows in the front and rear walls so as not to affect occupiers of any other neighbouring properties by virtue of loss of privacy, overlooking or overshadowing. There is screening to the plot boundaries which further safeguards the amenity of neighbouring occupiers.

Section detail drawings have been submitted which also demonstrate that the proposed dwelling would be set down within the site and below the level of the properties to the north. Whilst closely sited to the existing dwelling Long Meadows (2.5 metres), the corresponding gable of Long Meadows is blank with the exception of a solid door. The sections show that the new house would not be higher than the existing house. In this respect the revised proposal overcomes the first of the reasons for refusal of the 2008 application that it would have been poorly related in terms of height to surrounding properties, particularly the parent dwelling 'Long Meadows' which is set at a lower level.

It is proposed that a condition be imposed to ensure that no further windows can be inserted into the north west wall of the house facing properties on Park Mount Avenue, and to ensure that all first floor windows be installed and retained with obscure glass.

For the reasons noted above the proposed dwelling would not be considered to result in any significant harm with respect to local character or the residential amenity of adjoining occupiers and in this respect meets with the requirements of Policies UR3 and D1 of the RUDP.

Highways and Parking

The Council's Highways Officer has no objections to the proposed development. The new property would be served from the existing private drive off Fyfe Lane which currently serves 3 dwellings including the parent dwelling, Long Meadows. The Highway Officer advises that whilst the existing private drive is quite narrow, the provision of 1 additional dwelling would not have any serious highway implications.

The proposal includes the provision of a car port and so would provide at least two off street spaces. An existing tarmac turning area would be retained and shared with Long Meadows. This would meet the normal requirement and it is not anticipated that the proposal would lead to significant additional parking in Fyfe Lane.

Impact on Trees

The site has a number of protected trees situated to the northern site boundary with the properties on Park Mount Avenue.

Outline permission has previously been granted on the site for residential development, but included no details of the siting of a dwelling. The more recent applications dating from 2008 were withdrawn or refused for reasons which including potential impact on protected trees. Discussions with Officers have taken place regarding impact on trees and the current application includes detailed arboricultural information required in order to make a proper assessment of the impact of the proposed dwelling on tree cover. The current application has been submitted with an Arboricultural Impact Assessment and a Development Report. In addition a number of foundation drawings have been submitted in attempt to demonstrate that the proposed dwelling can be constructed without significant impact on adjacent protected trees.

A further site meeting with the Councils Tree Officer has allowed a full assessment of the likely impact of the development on the protected trees to the northern site boundary. The Councils Tree Officer is satisfied that the position of development has now been located outside of the tree root protection areas (RPA's). The construction of the new dwelling and the associated excavations would all take place from the south and so development would not need to encroach into the RPAs. With suitable protective fencing being installed, the development would not have a harmful impact upon the protected trees and meets with the requirements of Policies NE5 and NE6 of the RUDP.

Other issues

Though objections have been lodged on grounds of drainage, the Council's Drainage Officer has no objections. It is recommended that as a standard condition, the drainage details for the site should be submitted to be agreed prior to commencement of development. Areas of hardstanding and driveway should be constructed using a permeable hard surface rather than tarmac given the large section of hard surfacing required and the development will also need to be constructed in a way to avoid changing the surface water run-off pattern in the area.

Reference to the presence of bats has been made within representation received. There are no records of bat roosts on the site and the proposal does not involve the demolition of any buildings. Whilst there is no evidence to suggest that the proposal would affect bats or other protected species at the site, the developer's attention could be brought to their responsibilities under the Wildlife Act in any decision.

Community Safety Implications:

None raised.

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 quality 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.

Reason for Granting Planning Permission:

The development would provide new housing within this established residential area. Suitable layout and design is accommodated to reflect the prevailing character of housing in the surrounding area and the proposed residential use will have no significant adverse impact on the amenity of neighbouring occupiers and would not adversely impact upon mature protected trees to the site boundary. Appropriate and acceptable arrangements are made for parking, turning and servicing of the development and there will be no adverse impact on highway safety. The development would accord with Policies UR3, D1, NE5, NE6, TM12, TM19A and TM2 of the Bradford Replacement Unitary Development Plan and guidance in the NPPF.

Conditions of Approval:

1. 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 safeguard the appearance of the area in which it is located and to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.

2. No works of demolition, site preparation, groundworks, or development shall be begun on the site until temporary Tree Protective Fencing has been erected in accordance with the approved layout drawing. The temporary Tree Protective Fencing shall be to a minimum standard as indicated in BS 5837 (2005) "Trees In Relation To Construction", being at least 2.3m in height of scaffold type construction and secured by chipboard panels or similar and driven at least 0.6m into the ground. The position of the temporary Tree Protective Fencing will be outside Root Protection Areas or as shown on the approved layout plan. It shall remain in the location as shown on the approved plan and shall not move or be moved for the duration of the development.

Before the development or any demolition commences on site, 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 plan.

The development shall be undertaken in accordance with the submitted methodology. No development, excavations, engineering works and storage of materials or equipment shall take place within the protected 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 NE5 and NE6 of the Replacement Unitary Development Plan.

4. Before the dwelling is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the specifications shown on the approved plan.

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.

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

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

6. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the 1st floor of the property without prior written permission of the Local Planning Authority.

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

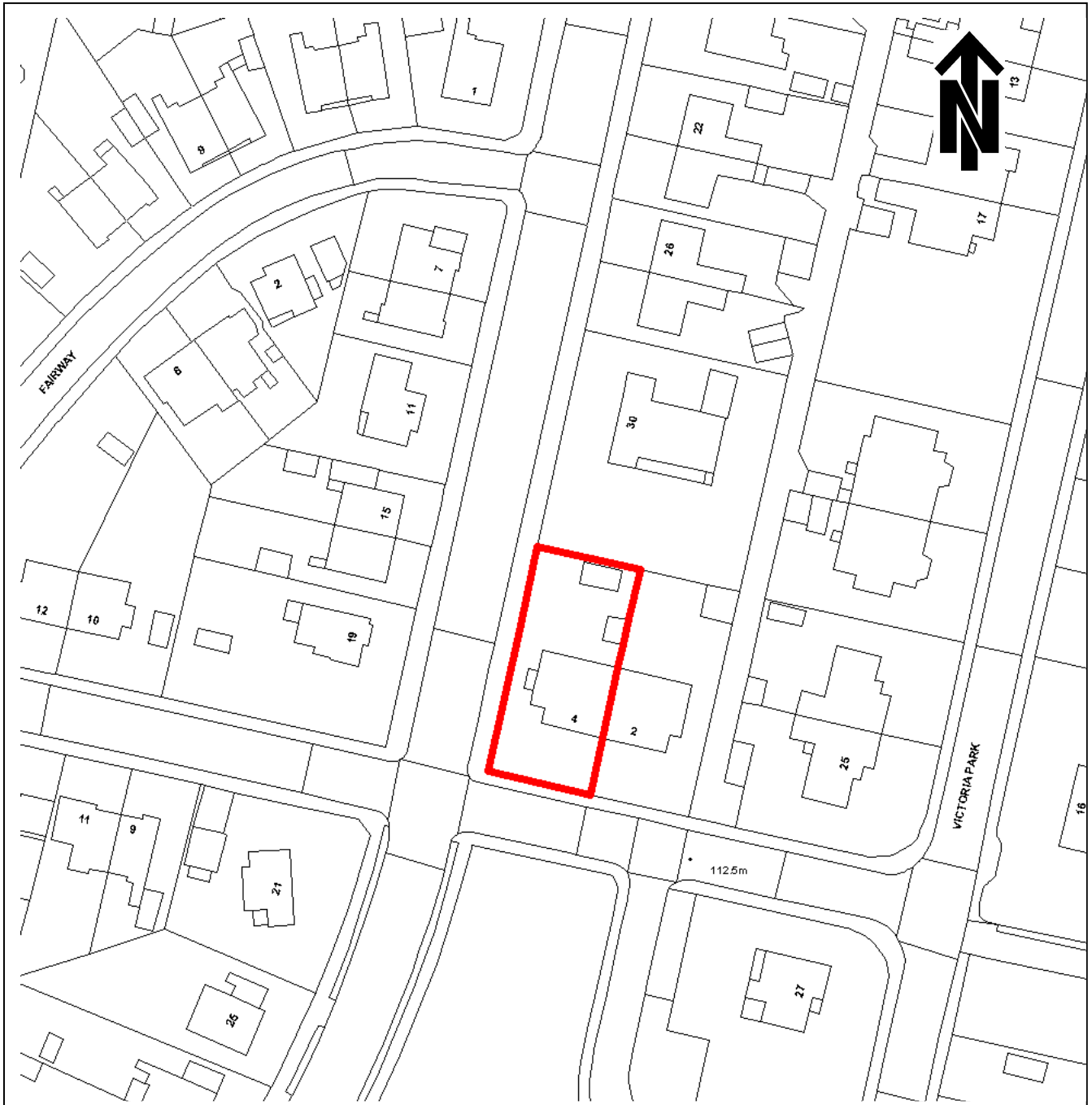
8. The windows in the north west elevation of the dwelling hereby permitted shall be glazed in obscure glass prior to the first occupation of the building and thereafter retained in this obscure glazing.

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

Area Planning Panel (Keighley/Shipley)

14/01985/FUL

24 September 2014



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<p>ITEM NO. : 6</p>	<p>LOCATION: 4 Fern Hill Road Shipley</p>
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24 September 2014

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

Application Number:
14/01985/FUL

Type of Application/Proposal and Address:

Change of use to mixed use for the purpose of running a childminding business known as Westfield House from a residential property at 4 Fern Hill Road, Shipley, BD18 4SX.

Applicant:

Mrs Marie Haynes.

Agent:

Not applicable.

Site Description:

The application relates to the use of a large semi detached house built in stone with slate roof tiles. It stands on the corner of Fernhill Road and Grosvenor Road within a residential area of varying house types. There are detached and semi detached houses across Grosvenor Road to the west. Across Fernhill Road to the south are the grounds of St Walburga's school. The house has a front garden towards the street and a rear yard area enclosed by a wall and into which there is a vehicular access from Grosvenor Road.

Relevant Site History:

No previous site history.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UR3 – Local Impact of Development
D1 – General Design Considerations
TM19A – Traffic Management and Road Safety
TM2 – Impact of Traffic and its Mitigation
TM11 – Parking Standards for Non-Residential Developments

The National Planning Policy Framework (NPPF):

The 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 the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

None for this area.

Publicity and Number of Representations:

The proposal was publicised with a site notice and neighbour notification letters with a 21 day deadline of 5.7.14.

At the date of writing this report 1 September 2014 the representations received were as follows.

One objection.

Eleven representations have been received in support, including from the Head Teacher of Saltaire Primary School and the Deputy Head of St Walburga's Catholic Primary School.

One Ward Councillor support comment and request for a panel decision if numbers are to be capped.

Summary of Representations Received:

Summary of Objection:

Increased traffic and parking on already busy 'rat run'.

Increased congestion at school drop off and collection times.

Lack of off road parking for employees.

Support can be summarised as follows:

Supporters praise the quality of the facility and say they have been extremely fortunate that their children attend the childminding service at this residence and continue to be impressed by the extremely professional approach and concern for both local neighbours and supporting the local community that has been demonstrated by this small business. It is an asset to the community.

Many of the parents using it work locally so they say they rarely use vehicles to collect children, and so there is limited impact of that nature.

Pick up and drop off does not coincide with the local primary school meaning there are rarely cars parked outside of the residence at the same time. In addition due to the differing nature of work that many of the parents do, there are rarely two people collecting children at the same time.

Part of the Childcare Sufficiency Report says businesses should recruit and develop childminders, while providing age appropriate out-of-school Childcare - the development of this business would allow both needs to be met.

In addition by not putting a cap on the numbers, and allowing an increase in local employment the Council would be also meeting some of the aims of the Employment and Skills Strategy 2010-2015.

It is of note that the local primary school does not provide afterschool care. The after school care provided with the applicant would offer a long term solution supporting our children through their primary school education

A neighbour 2 houses down from Westfield House, fully supports this application. Westfield House is an excellent childcare option and I do not believe the change will cause any disruption to nearby residents.

Other nurseries in the area provide for far in excess of the numbers sought by the applicant. Residents have never experienced any issues with pick up/drop off/school start or end times. This application to modestly increase capacity should be supported by BMDC.

The setting is unique in offering care for children across this age range, and the mix of ages really enhances the experience that all the children are offered.

The applicant will provide after school care, which will strengthen the choices for parents in the local area and in particular for existing and prospective parents of St Walburga's and Saltaire Primary School that will bring benefits to many of our working parents by strengthening and increasing the offer of high quality child care in the local area.

The location will suffer no detriment from having greater capacity and this is further helped by the premises being so spacious and well enclosed.

Ward Councillor Comment:

The applicant and her team offer a long term alternative for parents, to provide both after school care and during the day care for young children.

The knowledge that children are being looked after to an extremely high standard is the reassurance needed by parents.

The expansion has been made with a great deal of thought, and consultation with local residents, parents, play workers and the children themselves.

The applicant is keen to employ and retain high quality staff and therefore to expand it would mean that the business would be both socially and economically sustainable for both the business and those who work for it.

To cap the numbers as suggested by the planning officer would mean that the business would not be socially or economically sustainable. If officers are minded to cap the number of places then the application should be referred to the planning panel for determination, as it would impact on the sustainability of the business.

Consultations:

Highways Development Control - Have no objection to the principle of the development. The Councils parking standards, as set out in Appendix C of the RUDP, are for 3 spaces per 4 staff, giving a requirement for 4 - 5 parking spaces (based on 5 ft and 3 pt staff as stated on the application form). Additionally 2 parking spaces should be provided for the residential use.

Given the location of the development some parking can be accommodated on street. However, a reasonable amount of parking should also be accommodated within the site and indicated on the site layout plan.

It would be worth limiting the number attendees at the childminding business in order to control the traffic likely to be generated by the development and corresponding parking demand.

Drainage – No comments to make.

Summary of Main Issues:

Principle.

Suitability of the childminding use for the area given its scale and impact on neighbours and the residential character of the area.

Implications for highway safety – parking and traffic generation.

Appraisal:

The application seeks to expand the existing use of the dwelling house to a mixed use for a dwelling and for the purposes of running a childminding business. The applicant is the occupier of the house and the child minding business first began in 2012 but now seeks to expand. Planning legislation gives flexibility to allow for small businesses to operate from a domestic property provided the character and intensity of such uses does not amount to a material change of use. Whether a material change of use has taken place is a matter of fact and degree depending on the particular circumstances and factors such as the location and character of the property.

It is understood that until now, the applicant's child minding has operated at such a level and does not appear to have been subject to complaints. It is currently registered by OFSTED to care for 14 children under 8 years at any one time. Currently, during the quietest parts of the day there are 6 children on site with another 6 joining after school finishes. During the busiest part of the day there are 16 children on site plus another 8 joining after school.

The business operates between the hours of 0730 and 1800 Monday to Friday. There is no care at weekends.

The applicant now wants to expand so that 5 full time and 3 part time child minders would be registered in relation to the premises. The applicant is applying to OFSTED for registration of up to 30 places. The applicant explains that this is to ensure flexibility. Occupancy levels will vary throughout the day but it is not anticipated that 30 children will be on site for the full day.

Principle

The main issues in deciding whether planning permission should be granted concern the effect that the childminding business will have on the amenity and living conditions of neighbours; whether highway safety will be affected; and the contribution such a business will make to the child care needs of the community.

Arguments from the applicant

The applicant does not agree that the scale of the business is unsuitable for the area and argues that it provides a valuable service to the community (see the representations in support).

A total of eight staff members are proposed to be involved in the business. OFSTED registration allows only 6 children under 8 years to be cared for by one child minder. For example, the applicant can care for 6 children including 3 children under the age of five, of which not more than 1 should be under the age of twelve months, and 3 children under the age of eight. It is not clear whether children over the age of 8 are allowed, however guidelines suggest that an unlimited number of children over 8 can be cared for as long as it is not to the detriment of the younger children.

Although the intention is that 5 full time and 3 part time child minders would be registered in relation to the premises, the applicant argues that the business will not ever run to its full capacity. The applicant is applying to OFSTED for registration for 30 places to give the flexibility the business requires to provide a quality service. It is not anticipated that 30 children will be on site for the full day. Occupancy levels will vary each day and over the course of the day.

The applicant says that for the majority of the day there would be no more than 18 children, but there could be up to 26 children on the premises before and after school - between the hours of 7.30 – 8.40am and 3.45 – 6.00pm when the business operates an after school club. Some of the after school/before school club children will be only cared for during term time, therefore the holiday periods would be quieter.

The business is also closed for 3 weeks a year and on bank holidays.

Impact on highway safety

The house benefits from its corner position by having two road frontages to Fernhill Road and Grosvenor Road. Both of these are reasonably wide, adopted roads with footways. It has been observed that cars dropping off children at the property are usually able to park on the streets around the property without incident. There is plentiful on-street parking available and cars can be left without affecting the flow of traffic or obstructing driveways.

The plans show that 2 cars can be accommodated within the site. This is enough to accommodate the applicant's own vehicles though it is unlikely that customers will park off street to drop their children off and pick them up.

The number of cars attending the property on a daily basis is a concern for a local resident and the Council's highway Officer has questioned the shortage of off street car parking which does not meet the required standard.

However, an important point is that the cars dropping off and picking up the children do not all arrive at the same time of day and some children are walked to the site or are picked up and returned home by the applicant. Drop off is staggered between 7.30 and 9.00 so there is rarely a significant peak in the number of cars attending the site.

The applicant says that though between 18 and 26 children will attend the premises but will arrive and leave at different times throughout the day. In addition, it is accepted that many parents will walk children to the site from the local area. The width and alignment of the roads around the site and the amount of traffic likely to be generated are such that objections on the grounds of traffic, parking and congestion are unfounded.

Although the Highway Officer would prefer to see a larger number of car parking spaces, the nature of the use and the width of the streets are such that it is not considered that the use would give rise to significant congestion or safety problems.

Impact on the amenity of occupants of adjoining and neighbouring residential properties

The dwelling is a substantially built semi detached property on a corner plot within a residential area. St Walburga's Primary School is situated directly across Fern Hill Road so the area already sees a good deal of activity at the start and finish of the school day during term time. It has been observed that most parents drop children off at the side of the premises and not outside any other residents' properties. The houses across Grosvenor Road are some distance across the width of the street.

Given these two points, it is not accepted that the amenity of occupants of the properties across Grosvenor Road or further afield will be significantly affected by the increased levels of comings and goings involving cars bringing and collecting children. However, there is concern about the impact on the immediate neighbours.

The neighbouring house to the rear and north of the application property (30 Grosvenor Road) is only 15m from the shared boundary and there is a separation distance of 30m between the two buildings. The neighbouring house to the east (2 Fern Hill Road) is directly attached to the application property. The rear gardens adjoin each other and are separated by a 2.2m high stone wall.

In relation to concerns about the transfer of noise between the applicant's house and the adjoining semi, the applicant has referred to the substantial nature of the walls of properties of this age but has provided no technical assessment of the possible noise impact on the adjoining house. There is no evidence to allay concerns that noise from a child minding use of the scale envisaged would have a harmful effect on the living conditions of that neighbour.

The applicant's rear garden is approximately 15m x 15m, so is larger than the average garden. The applicant is prepared to construct boundaries within the garden to prevent children playing close to the rear windows of the neighbouring dwelling but no details of how this would work have been provided.

Noise exposure can cause annoyance and disturbance both of which impact on quality of life and in turn can give rise to adverse health effects. The National Planning Policy Framework recognises the adverse impacts noise can have on people and paragraph 123 advises that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

On residential streets (such as Fern Hill Road) it is expected that ambient daytime noise levels would be low. Therefore any sounds that are noticeably above the ambient noise level that occur for a prolonged period of time can cause nuisance that adversely impacts upon the well being of neighbouring occupiers.

Although no concerns regarding noise have been submitted by neighbours, if unrestricted planning permission is granted for a home based childminding use at No.4 Fern Hill Road, the property would be able to be used to care for as many children as could be legally accommodated within the building under Ofsted registration. The stated proposal is for 30 children under the age of 8 years to be cared for at the property at any one time between 0730 and 1800hrs, five days a week.

If the business was operating at that capacity, the disturbance generated by the use would be expected to be detrimental to the residential amenity of neighbouring occupiers.

Noise generated from the property from children being cared for/playing within the building, playing in the garden for a prolonged period of time five days a week has the potential to harm neighbouring occupiers. For this reason it is not considered that the property is suitable to be used for childminding the use being contrary to Policy UR3 and D1 of the Replacement Unitary Development Plan.

The community and economic benefits

The applicant and supporters make comments regarding the shortage of high quality childcare and provide testimony to the excellent service that is provided by the business. The NPPF stresses the need to support opportunities for small business and enterprise. The testimonials from parents emphasises the quality of the care provided and the dedication of the applicant. It is also evident that the premises are very well placed to offer after school care, particularly to St Walburga's and are conveniently located to offer a valuable service to the local community.

However, it is inevitable that the introduction into a domestic dwelling of what would be a sizeable enterprise employing up to 8 people, would cause disturbance to the nearest neighbours. There is a lack of space to provide adequate measures to shield adjoining properties from noise within the garden/play space, and a lack of information to show that the occupants of the adjoining semi would be shielded and protected from noise generated within the house from the significant number of children intended.

Conclusion

A balance needs to be struck between the social and economic benefits of the childminding business and the environmental drawbacks associated with it being carried out in this location.

There is no doubting the community support and the testimonials regarding the quality of the child minding being offered by the applicant, but none of this outweighs the harm to amenity as a result of the disturbance the use would cause in a residential area.

Whilst not accepting points made about the use giving rise to highway safety issues, the use of the property for child minding on the scale envisaged, employing 5 Full Time and 3 Part Time staff and registered for up to 30 children would be expected to generate general noise and disturbance that would give rise to amenity problems for adjoining occupiers due to a significant numbers of children being present.

The impact on the amenity of occupants of adjoining properties is likely to be such that the level of business being proposed is contrary to UDP Policies UR3 and D1.

Community Safety Implications:

The proposal poses no apparent community safety implications and is considered to accord with Policy D4 of the Replacement Unitary Development Plan.

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 quality of opportunity between different groups and foster good relations between different groups. It is noted that this proposal would provide care for young children and that age is one of the protected characteristics defined in S.149 of the Act. Whilst due regard has been given to the demand from the community for such care, it is not, however, considered that this outweighs the potential harm that would arise to amenity.

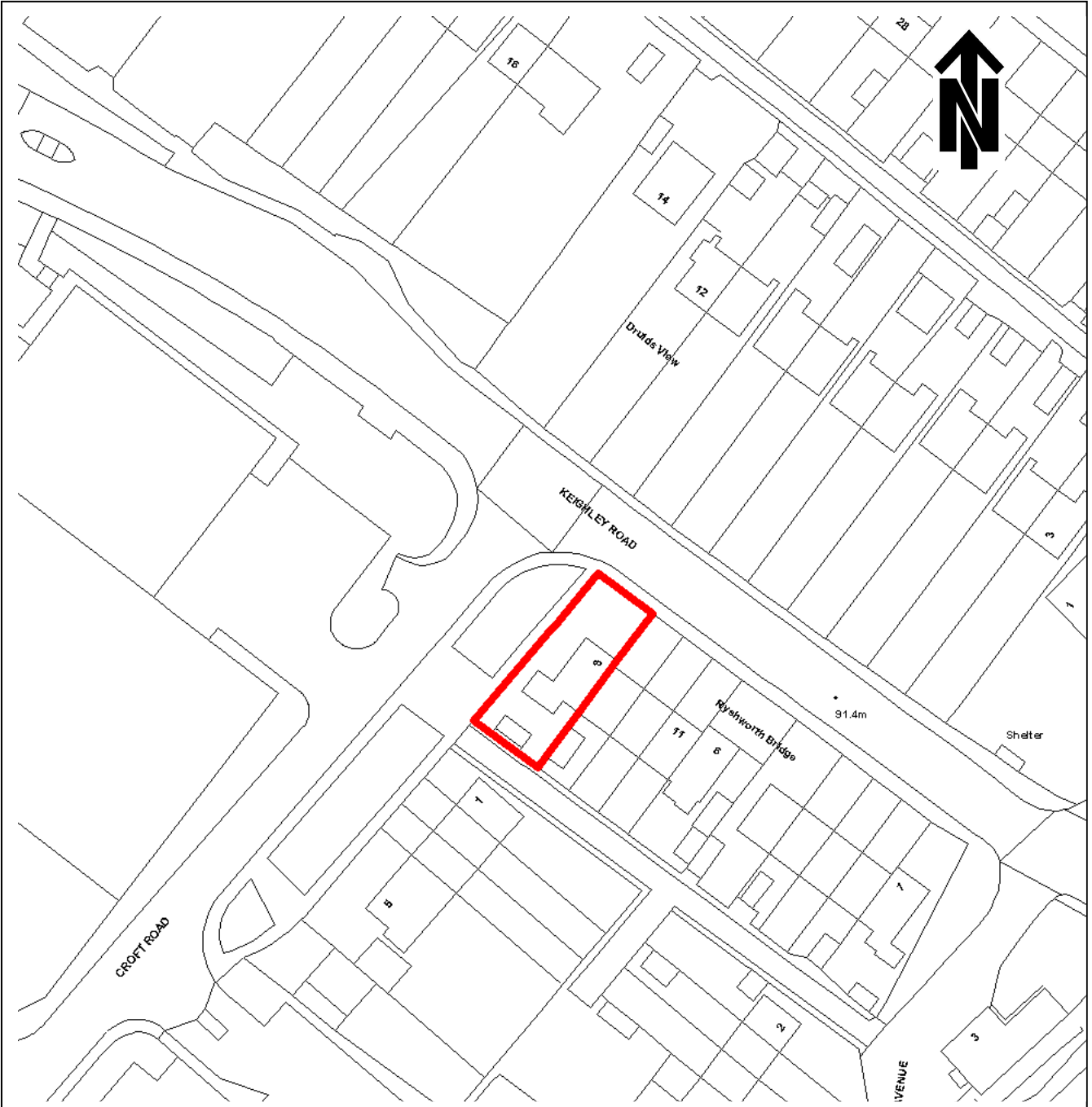
Reasons for Refusal:

The use of the premises as a childminding business with the proposed 5 full time and 3 part time registered childminders operating from the premises would be contrary to the residential character of the property and detrimental to the amenity of the occupants of nearby residential property by reason of the noise and general disturbance it would create. It would be contrary to Policies D1 and UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

14/01437/FUL

24 September 2014



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ITEM NO. : 7	LOCATION: 8 Ryshworth Bridge Keighley Road Bingley
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24 September 2014

Item Number: 7
Ward: BINGLEY
Recommendation:
TO REFUSE PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
14/01437/FUL

Type of Application/Proposal and Address:
Full application for construction of retail unit with residential unit above. 8 Ryshworth Bridge, Keighley Road, Bingley.

Applicant:
Mr R Ramsden

Agent:
Mr P Drew

Site Description:
This proposed extension would be built onto space at the rear of an end-of terrace unit located at Ryshworth Bridge. The premises are part of a row of residential properties within which the two end units have corner shop units at ground floor level. The application property is a hair salon that has a forecourt and shop front facing towards the B6265 Keighley Road. There is living accommodation above and behind the shop. The properties to the east on the row, including the property immediately adjoining, are houses. Croft Road leads down the side of the property from which there is a rear access/service road running along the rear gardens to the properties.

A row of housing extends along Croft Road to the south of the site. To the west of the property, beyond Croft Road, is the back of a large retail and trade depot - comprising a Magnet and Homebase store. There are some surfaced parking bays at right angles to Croft Road adjacent to the site.

Relevant Site History:
07/02466/FUL : Construction of two storey extension to rear of property to form 2 flats and single storey extension to retail unit. Refused 12.06.2007

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated.

Proposals and Policies
Policy UDP3 – Impact on built or natural environment
Policy UR3 – local impact of development.
Policy D1 – design considerations

The National Planning Policy Framework (NPPF):

The 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 the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

None for this area.

Publicity and Number of Representations:

Neighbour letters and Site Notice.

A petition in support has been received seeking referral to Panel.

Four objection letters and five supporting letters have also been received.

Summary of Representations Received:

- 1. Loss of local parking availability and increasing pressure for parking.
- 2. Proposal will extend full length of neighbouring gardens. It will block a significant level of sunlight, create shadow and have a towering effect on other properties on Ryshworth Bridge.
- 3. Rear access stair to upstairs flat overlooks neighbouring properties.
- 4. Loss of visibility at egress from back street.
- 5. Proposed staff parking is only accessible across council owned grass verge.
- 6. Proposed parking for flat would be difficult to use.
- 7. Proposed building will be out of character. It will not blend in with Croft Road or Ryshworth Bridge. The design of extension is completely different, the windows and height of the property do not match either street.

Summary of support comments received:

- 1. It does appear that the building will not be as high as imagined nor as obtrusive as feared and could bring benefits to this quiet area.
- 2. The applicant is willing to have the building designed so that it is 'in keeping with the surrounding area. The design and materials have been chosen to enhance the land it will sit on. The buildings opposite are of an industrial nature which shows the diverse types of properties and buildings in this small area of Crossflatts.

3. The only potential issue could be parking (though this is more a problem due to poor parking by those who work in nearby offices) but parking is ample at the front with a car park and the flat has a designated parking space.
4. Support should be given to small business ventures like this which will bring employment.
5. The light is not a problem as where and how the sun rises means that the sun will be in the gardens until later in the day.

Consultations:

Highways Development Control

No objections to the proposals from a highways point of view subject to the following condition:

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

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

Yorkshire Water

Objection. The proposed development would be constructed over the public sewerage system, seriously jeopardising Yorkshire Water's ability to maintain the system. The present design of development is thus unacceptable.

There is insufficient detail to enable assessment of the effects upon the water supply network.

Drainage Section

A public sewer exists within the site boundary. The Sewerage Undertaker (Yorkshire Water) must therefore be consulted for a view of the impact of the development on the public sewerage system. In any case no building either over or within three metres of the public sewer will be permitted (copy of sewer record attached).

Minerals Planning

No objections.

Summary of Main Issues:

Principle of retail/residential use.
Impact on amenity of adjoining occupants.
Design, scale and impact on street scene.
Highway issues.

Appraisal:

This proposal seeks consent for the erection of a new two storey building at right angles to the rear of this end terraced shop unit/dwelling located on the south side of the B6265 Keighley Road, on the north western edge of Bingley. The proposed development would comprise a retail unit on the ground floor with living accommodation above.

Principle of retail and residential use

The proposed development involves new retail floorspace of only 41 sq metres, well below the 150 sq metre limit for shops outside the town centres which is prescribed by Policy CR3A of the RUDP. The principle of this small scale new shop here would not therefore give rise to conflict with retail planning policy.

The proposed living accommodation above would be equally appropriate in principle provided that there are no adverse implications for the amenity of neighbouring occupiers or the wider street scene, or difficulties for access and parking.

Impact on the amenity of occupants of adjoining properties

The proposed development would be built onto an existing single storey projection at the rear of 8 Ryshworth Bridge, the end shop unit/dwelling on the row. It would project out by 8 metres at right angles to the terrace.

The rear amenity space of this terrace of dwellings extends down to a single track rear service roadway and the proposed development would bring built form down to this rear service road. The proposed two storey extension would extend out from an existing rear extension by 8 metres. The height and bulk would unavoidably result in a sense of enclosure of the nearest garden spaces - as well as reducing the level of natural light, direct sunlight and overall outlook especially for the nearest neighbouring dwelling and the space behind it.

In 2007, a previous application for a similar proposal was refused. It was considered that the proposed development - due to its height and length in proximity to residential properties - would overshadow habitable room windows and be overbearing on the small private amenity areas of the adjacent dwellings to the detriment of residential amenity.

It is acknowledged that the applicant has reduced the ridge height and scale of the proposal compared with the 2007 refused scheme. However, he still presents a two storey extension projecting a significant distance out from the back wall of the property. The height of the development, in close proximity to neighbouring gardens would be oppressive and overbearing.

In order to prevent overlooking of the rear garden spaces of neighbouring properties, the rear south east facing elevation of the proposed unit would be blank, with the exception of the external stairway serving the first floor flat, and a ground floor door into the rear of the retail unit. The blank appearance of the rear wall would exacerbate the oppressive impact when viewed from neighbouring property. The proposed development would adversely affect the amenities and outlook of neighbours to an unacceptable degree.

The external stairway serving the upper floor would appear as an incongruous and poorly conceived arrangement, whose constant use as a residential access would give rise to loss of privacy for nearest neighbouring occupiers due to overlooking from occupiers coming and going to the flat. It is equally possible that in the absence of outdoor space serving the proposed flat, the landing at the top of this stairway may be used by the occupier for sitting out, thus leading to overlooking of neighbouring properties to the detriment of privacy of affected occupiers.

In view of these effects on the amenity of occupants of neighbouring residential properties, the proposals are contrary to Policies D1 and UR3 of the Replacement Unitary Development Plan.

Design, scale and impact on street scene

The proposed design incorporates rendered blockwork at ground floor level with cedar boarding as first floor cladding. These materials are at variance with the predominant materials palette of the surrounding street scene. An external rear stairway provides access to the flat in the upper floor.

As noted above, the development would be arranged at variance with the established traditional residential layout and would unavoidably appear incongruous and out of place in the street scene, contrary to Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

Accordingly and in view of the effects on local visual amenity, on the street scene the proposal does not merit support as it would be out of keeping with the character of the other buildings in the locality.

Highway Implications

Some objectors have referred to parking problems in the locality which seem to be caused by parking pressure arising from nearby offices. However, there are surfaced parking spaces formed on land at the front of the proposed shop and provision is made for parking within the site for use by occupants of the flat. Also the development is of a scale that is unlikely to give rise to adverse highway safety implications. The Council's Highway Officer raises no objections on grounds of road safety or lack of car parking so it is not proposed to recommend refusal on these grounds.

Community Safety Implications:

There are no apparent community safety implications.

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.

Reasons for Refusal:

1. The proposed development would result in an incongruous new building that would appear out of place in the street scene to the detriment of local visual amenity contrary to Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.
 2. The height of the development in close proximity to neighbouring gardens, its massing and the blank appearance of the proposed building when viewed from neighbouring property would adversely affect the amenities and outlook of neighbours to an unacceptable degree contrary to Policies UR3 and D1 of the Replacement Unitary Development Plan.
 3. The use of the proposed external stairway as access to the upper floor would give rise to significant loss of privacy for neighbouring occupiers contrary to Policies UR3 of the Replacement Unitary Development Plan.
-