

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 27 November 2014

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.	21 Fairy Dell Cottingley Bingley West Yorkshire BD16 1PP - 14/03782/OUT [Approve] – page 2	Bingley Rural
2.	35 Parish Ghyll Drive Ilkley West Yorkshire LS29 9PT- 14/03398/FUL [Approve] – page 11	Ilkley
3.	9 Mansfield Road Burley In Wharfedale Ilkley West Yorkshire LS29 7LQ - 14/03863/FUL [Approve] – page 28	Wharfedale
4.	Beggars Roost 2 Heather View Eldwick Bingley West Yorkshire BD16 3HH - 14/04043/FUL [Approve] – page 37	Bingley
5.	Steeton Football Ground Summerhill Lane Steeton With Eastburn West Yorkshire - 14/03890/ADV [Approve] – page 46	Craven
6.	Old Oxenhope Farm Old Oxenhope Lane Oxenhope Keighley West Yorkshire BD22 9RL - 14/03122/FUL [Refuse] – page 51	Worth Valley

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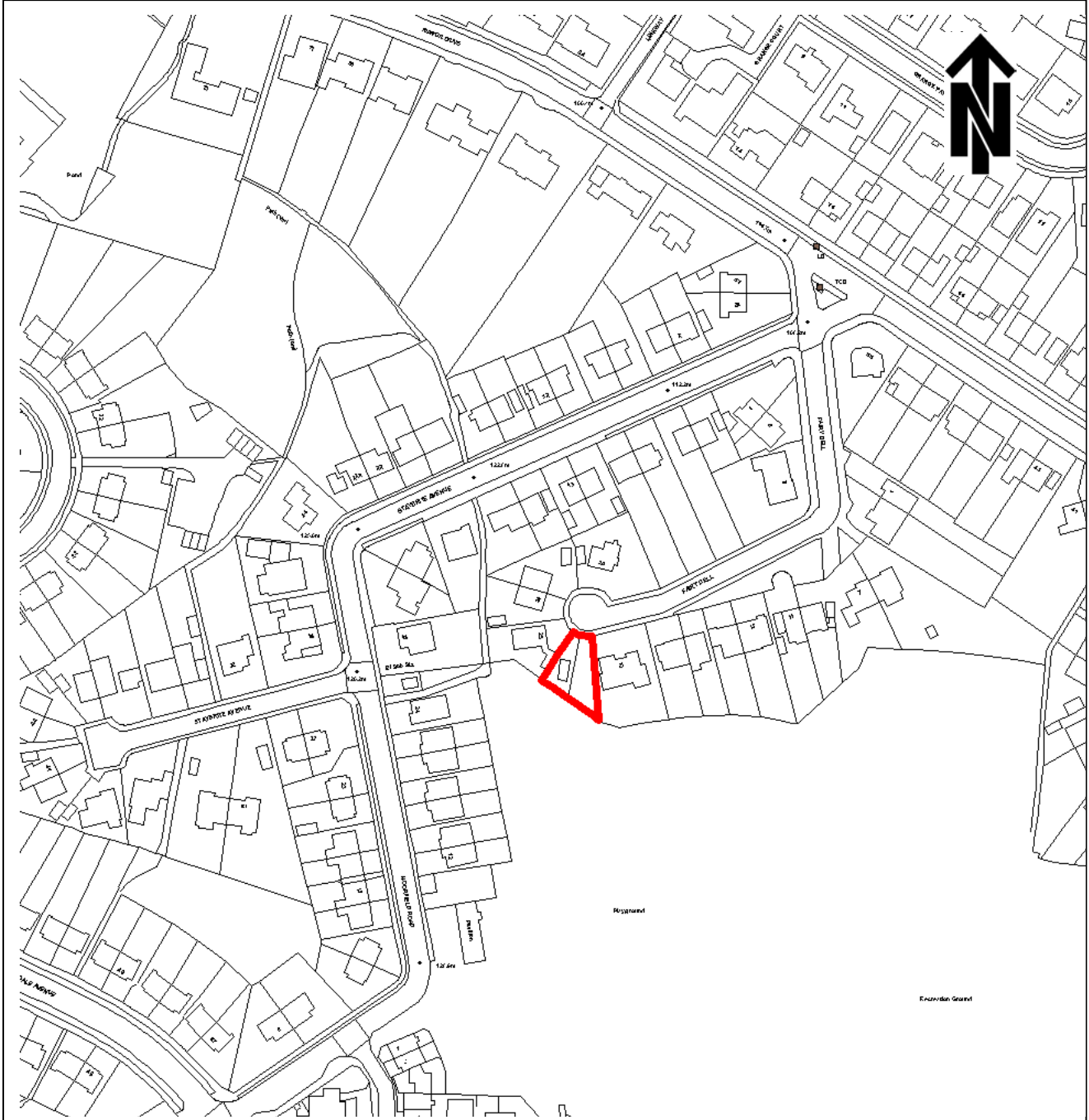
Overview & Scrutiny Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley & Shipley)

14/03782/OUT

27 November 2014



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ITEM NO. : 1

**LOCATION:
21 Fairy Dell
Cottingley
Bingley**

27 November 2014

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

Application Number:
14/03782/OUT

Type of Application/Proposal and Address:

An application for outline planning permission for the construction of one detached dwelling in the garden of an existing dwelling at 21 Fairy Dell, Cottingley, Bingley.

The applicant asks for means of access, layout and scale to be formally considered. (The detailed appearance of the dwelling and landscaping of the site are matters reserved for later consideration.)

Applicant:

Mr Andrew Higgins

Agent:

Mr Chris Sneddon

Site Description:

The site of about 250sq.m. comprises a relatively level, well-maintained side/rear garden with some tree-cover and includes a prefabricated single garage. The host detached, bungalow which stands to one side dates from the mid-20th century and is constructed of natural stone and slate with timber decking to the rear. The surrounding area is wholly residential, dwellings along Fairy Dell being mostly two-storey houses of a similar character to the host property; to the south is an open area of land uses as playing fields. Vehicular access to the site is available from Fairy Dell, a cul-de-sac with a steep gradient levelling out at its turning head, off which the site is located.

Relevant Site History:

79/01793/FUL: Front and rear porches, granted 25 April 1979

81/00823/FUL: Lounge extension, granted 6 March 1981

04/04522/FUL: Single-storey extension to side and detached garage to front, granted 25 November 2004

13/00671/HOU: Construction of detached single garage, granted 15 April 2013

13/04950/FUL: New detached dwelling in the garden of an existing dwelling, withdrawn 10 March 2014

14/01395/OUT: Construction of detached dwelling in garden of an existing dwelling refused 5 June 2014 due to a lack of information on height, scale and siting of the proposed dwelling, orientation of habitable room windows and its relationship to the adjoining properties and the street scene.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is not allocated for any specific land-use in the RUDP. Taking account of policies saved for the purposes of formulating the Local Plan for Bradford, the following RUDP policies are applicable to the proposal.

Proposals and Policies

UR2: Promoting Sustainable Development
UR3: The Local Impact of Development
H7: Housing Density - Expectation
H8: Housing Density - Efficient Use of Land
TM2: Impact of Traffic and its Mitigation
TM12: Parking Standards for Residential Developments
TM19A: Traffic Management and Road Safety
D1: General Design Considerations
D2: Energy Efficiency and Sustainable Design
D4: Community Safety
D5: Landscaping
NE5: Retention of Trees on Development Sites
NE6: Protection of Trees During Development
NE10: Protection of Natural Features and Species
NR16: Surface Water Run Off and Sustainable Drainage Systems
NR17: Groundwater Protection
NR17A: Water Courses and Water Bodies
P7: Noise

Supplementary Planning Documents (SPDs):

Planning for Crime Prevention
Sustainable Design Guide
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:

Not applicable.

Publicity and Number of Representations:

The application was publicised by neighbour notification letters and a site notice. The publicity period expired on 14 October 2014.

Two letters, a 17-signature petition and twelve *pro forma* letters (effectively, treated as a second petition) in objection have been received.

Petitions seeking Panel referral are not required to give reasons for objecting to the development.

Summary of Representations Received:

1. The site is too small and cramped; if a dwelling was feasible, it would have been developed when 21 and 25 Fairy Dell were originally built.
2. The previous application was refused because the site was too small and the development cramped and overbearing; this proposal is more cramped.
3. Over-development and harm to appearance of the street scene.
4. The proposed 'Bedroom 3' and the landing window overlook the frontage and rear windows/garden respectively of 25 Fairy Dell.
5. Loss of privacy from constant use of the proposed driveway.
6. Loss of light and overshadowing of 25 Fairy Dell.
7. A mature oak tree was felled, allegedly to improve light penetration but more in preparation for the proposed development.
8. Lack of parking within cul-de-sac turning head.
9. Exacerbate congestion, blind bend on Fairy Dell and increased risk of accidents, especially in bad weather as the road is not gritted.
10. Long-term disruption due to construction of a dwelling on the opposite side of Fairy Dell.
11. Officers are welcome to visit 25 Fairy Dell to appreciate impact of the development.
12. Unanimous objection from residents of Fairy Dell.

Consultations:

Drainage Services Unit: No objections subject to two conditions to provide separate drainage system and investigate use of porous materials for parking and hard-standings.

Highways Engineer: No objections subject to conditions to ensure provision of off-street parking and to ensure any gates do not open onto the highway.

Natural England (from previous consultation - see 14/01395/OUT): No objections.

Summary of Main Issues:

Background and principle of development
Visual amenity
Residential amenity
Highway safety
Other planning matters
Outstanding Matters Raised by Representations

Appraisal:

Background and Principle of Development

This proposal is a re-submission of a previous outline application, 14/01395/OUT, with all matters reserved. That application was refused as it provided insufficient information on the height, scale and position of the proposed dwelling, the orientation of habitable room windows and its relationship to the adjoining properties and the street scene.

The reason also noted that the site is of limited size and these details are needed to allow the Local Planning Authority (LPA) to assess particularly whether or not the proposal would appear cramped and overbearing, and its relationship to the adjoining dwellings. In the absence of such detail the LPA concluded that the proposal would be an over-development of the site contrary to the prevailing pattern of development in the locality and was likely to cause unacceptable overshadowing and loss of amenity for occupants of adjoining properties. The limitations of the site are such that the proposed dwelling was likely to have inadequate outlook and private amenity space. For these reasons the proposal failed to accord with policies D1 and UR3 of the RUDP and the NPPF.

A previously withdrawn outline application (13/04950/FUL) included indicative plans of a large four-bed house with an integral garage and conservatory to the rear. The dwelling now proposed has been re-designed in light of the issues raised and the shortcomings of the previous proposal have been addressed by this re-submission, which now includes matters relating to means of access, layout and scale to be formally considered, and also includes indicative scale parameters and details of elevations and floor plans. The appearance of the dwelling and landscaping of the site are matters reserved for later consideration. The issues are discussed in greater detail below and other matters can be ensured through conditions.

In relation to housing land supply the NPPF indicates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years-worth of housing against the Council's housing targets. Where there has been a record of persistent under-delivery of housing the local planning authority should identify an additional 20%. The Council's Strategic Housing Land Availability Assessment, 2011 (SHLAA) indicates that there is a substantial shortfall in housing land relative to these requirements. Whilst the Council is updating the SHLAA, it anticipates that the five-year housing land supply position will remain well below the level required by the NPPF. Under these circumstances, the NPPF confirms that relevant policies for the supply of housing should not be considered up-to-date.

In light of the record of persistent under-delivery and the housing land supply shortfall relative to the requirements of the NPPF, there is an urgent need to increase the supply of housing land in the District. Though small, the scheme would make a contribution towards meeting that need.

Notwithstanding the presence of a garage, as a garden the site is classified as 'greenfield' land. However, this must be set against a sequential approach to the location of development, which indicates that suburban Cottingley is one of the prime areas for new housing, the site being very well-located for ready access to shops, employment opportunities, local facilities and services by modes of transport other than the private car.

The proposal represents a density of 40 dwellings/hectare, which readily meets the Council's target for such a site. These factors weigh significantly in favour of the scheme such that the principle of development is acceptable.

Impact on Character and Local Visual Amenity

This garden site currently presents the side elevation of a prefabricated garage to Fairy Dell, which does not make a particularly positive contribution to the street scene. Whilst final appearance of the dwelling is a matter reserved for later consideration, the indicative plans show the proposal would result in a modestly proportioned two-storey house being constructed in a wider street scene that mainly comprises properties of a similar height and character. Other than 21 Fairy Dell, which is the lone bungalow in the immediate locality, all other properties are two storey houses.

As with other houses in Fairy Dell, the proposed dwelling would clearly be taller than the immediately adjacent bungalow but it would be slightly lower than 25 Fairy Dell. Given the existing street scene includes a mix of house types, which is commonplace and more pronounced in many similar suburban housing estates, the introduction of a two-storey property is not considered harmful to the appearance of the area. The traditional proportions, narrow width with easing to its boundaries, detailed design and use of materials (natural stone walling and slate roofing) for the proposed dwelling would match and complement existing properties nearby.

The proposal would make a positive contribution to the appearance of the area; removal of permitted development rights for further extension of the dwelling is reasonable to ensure the LPA retains some control over the appearance of the property. It is noted that the site is not in a conservation area and does not affect the setting of a listed building.

Objectors have referred to the fact that a number of mature trees have been felled in the garden, which is regrettable. However, none was the subject of a tree preservation order so the LPA had no control over this work.

The proposal is therefore acceptable in visual amenity terms compliant with policies UR3 and D1 of the RUDP.

Impact on Residential Amenity

The proposed residential development would be compatible with the existing housing in terms of causing no appreciable noise generation, pollution and general disturbance from future occupants.

The proposed siting of the house allows an angled separation distance to the side elevation of the bungalow at 21 Fairy Dell from 3 metres, increasing to 7.2 metres. This property has habitable room windows in its facing side wall however these are secondary to main windows in the front and rear elevations. The distance to 25 Fairy Dell, again angled between 7.7 metres at its closest up to 15.3 metres and including a garage, is comparable with if not greater than the relationship between other properties on the street and elsewhere in the surrounding area. For these reasons, any adverse effects on residential amenity through an excessive increase in overshadowing, over-dominance or loss of outlook would be prevented. This situation could be reasonably ensured by removal of general permitted development rights for further extensions, etc., as noted in 'Visual Amenity' above.

The indicative plans show that the dwelling would have windows to its front and rear elevations only (i.e. there would be no side windows facing 21 and 25 Fairy Dell) which would face onto dwellings on the opposite side of the turning head over a distance of over 25 metres and open land respectively. The proposal would not introduce any excessive increase in overlooking and this can be reasonably ensured by the imposition of a condition to remove permitted development rights for additional windows to the side elevations of the proposed dwelling.

Elsewhere the development would not represent a threat to such matters and so the development is acceptable in residential amenity terms.

Highway Safety

The development of a modest-sized house would only generate a relatively low volume of traffic that would not overwhelm the capacity of Fairy Dell or the wider local road network. Off-street parking for two cars is provided compliant with the Council's standards and the geometry of the access points would enable adequate inter-visibility between vehicles slowly manoeuvring to/from the site and all other road users.

The site includes the garage of 21 Fairy Dell however this property is served by two driveways and dropped crossing points, which would be retained as part of the development thus ensuring adequate parking is remains available for the existing bungalow. It may be necessary to re-locate a street light, which stands close to the proposed point of access; the developer can be alerted to this through a footnote. The proposal is therefore acceptable in terms of traffic flow, highway safety and car parking, and accords with policies TM2, TM12 and TM19A of the RUDP.

Other Planning Matters

The proposal raises no other planning-related matters such as bio-diversity, contamination, drainage, etc. that cannot be controlled by conditions as necessary.

Outstanding Matters Raised by Representations

Long-term disruption due to construction of a dwelling on the opposite side of Fairy Dell. Any disruption during development is, by its nature, not permanent and so is beyond the remit of the current planning system. Notwithstanding this limitation, it is reasonable to impose a condition that restricts the hours of construction work on site.

Officers are welcome to visit 25 Fairy Dell to appreciate impact of the development.

The site has been visited as part of the assessment of this application, taking consideration of the proposal's impact on all neighbouring properties, including 25 Fairy Dell.

Community Safety Implications:

The proposal has no 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 considered that the development would raise any significant issues with regard to protected groups.

Conclusion:

For these reasons, the proposal is considered to be acceptable when judged against the relevant policies in the RUDP. The points raised in objection, though mainly valid, are not considered to be of sufficient weight to go against these policies and so the proposal is recommended for approval subject to conditions.

Reason for Granting Planning Permission:

The proposal would relate satisfactorily to the character of the surrounding area and would have no adverse impact on visual or residential amenity, highway safety or any other planning-related matters. As such the proposal is considered to be in accordance with policies UR2, UR3, H7, H8, TM2, TM12, TM19A, D1, D2, D4, D5, NE4, NE5, NE6, NE10, NR16, NR17, NR17A and P7 of the RUDP.

Conditions of Approval:

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

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

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

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

3. Before any development is begun plans showing (i) the appearance and (ii) landscaping must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

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

Reason: In order that the Local Planning Authority retains reasonable control over future development of this restricted site in the interests of visual and residential amenity, and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

5. 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 east- or west-facing side elevations of the development hereby approved without prior written permission of the Local Planning Authority.

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

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

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

7. Before the development is brought into use the off-street car parking facility shall be constructed in accordance with the approved drawings with porous materials or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site and with a gradient no steeper than 1 in 15. The parking spaces so approved shall be kept available for use whilst ever the dwelling subsists unless 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.

8. Any gates to be constructed as part of the development shall not open over the highway.

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

9. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

10. Construction work, including any works of demolition associated with the approved development, shall only be carried out between the hours of 07:30 and 18:00 on Mondays to Fridays, 07:30 and 13:00 on Saturdays and at no time on Sundays and Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

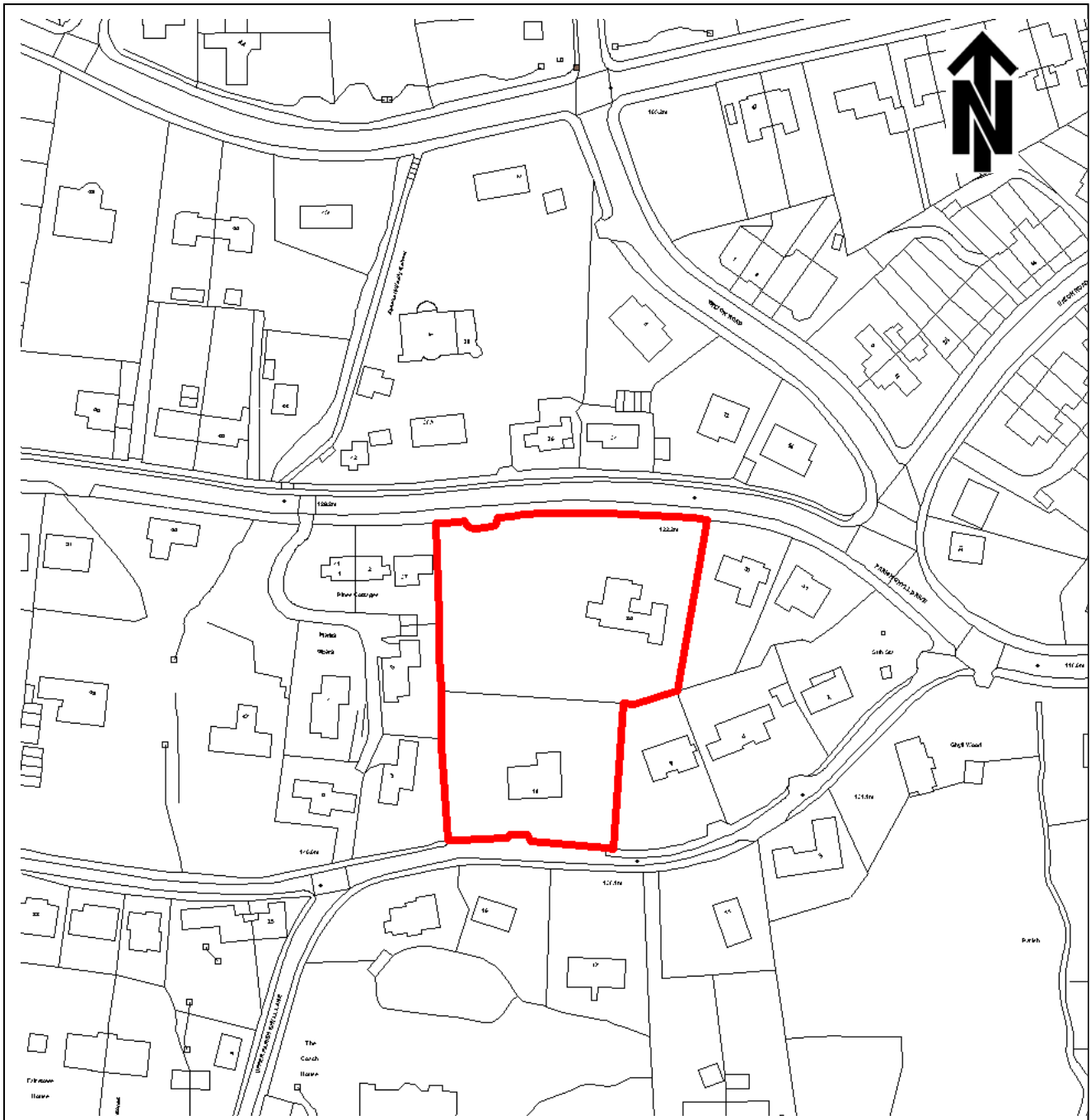
Footnote:

The developer's attention is drawn to the potential for the proposal to affect a street lighting column and, this being the case, the need to contact Mr A Preece on 01274 434019 of the Council's Street Lighting Section before building commences.

Area Planning Panel (Keighley & Shipley)

14/03398/FUL

27 November 2014



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ITEM NO. : 2

**LOCATION:
35 Parish Ghyll Drive
Ilkley**

27 November 2014

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

Application Number:
14/03398/FUL

Type of Application/Proposal and Address:

Full planning application for the demolition of 2 houses (35 Parish Ghyll Drive and 10 Parish Ghyll Lane), and construction of 7 new houses. Land at 35 Parish Ghyll Drive Ilkley LS29 9PT

Applicant:

Steve Horne, Wyden Developments Ltd

Agent:

Halliday Clark Architects

Site Description:

The site comprises the curtilages of three existing houses, two of which it is proposed to demolish. The larger curtilage is to 35 Parish Ghyll Drive which is a modern split level 1960s house set back in the site above the level of Parish Ghyll Drive. A grass embankment runs along the north frontage of the site with a continuous stone wall above this and the existing house is set into the slope above. The access drive is to the west side of the frontage where a tarmac drive sweeps into the site past a third recently constructed dwelling. Beyond the west boundary is the side wall of a two-storey Arts and Crafts influenced house that was built about 10 years ago. The smaller curtilage is that to Daneway - a modern brick built bungalow - with access from the unadopted Parish Ghyll Lane. This part of the site is elevated significantly above the level of 35 Parish Ghyll Drive with the open land sloping steeply down to the north. There are protected trees on the site. Significant trees are mostly confined to the eastern boundary and there is a substantial ash tree alongside Daneway.

Relevant Site History:

13/04636/FUL : Demolition of 3 houses (35 and 35A Parish Ghyll Drive and 10 Parish Ghyll Lane), and construction of 13 new houses. Withdrawn.

13/00483/FUL : Demolition of two houses (35 Parish Ghyll Drive and 10 Parish Ghyll Lane), and construction of 11 new houses. Withdrawn.

09/00166/FUL : Amendment to design of previously approved dwelling. Granted 13.03.09

07/04436/FUL : Construction of 2 detached split level dwellings and new external steps to existing property in curtilage of 35 Parish Ghyll Drive. Granted 04.07.07

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

UR3 - The Local Impact of Development
D1 - General Design Considerations
BH7 - New Development in (and adjoining) Conservation Areas
H7 - Housing Density Expectation
TM2 - Impact of Traffic and its Mitigation
TM12 - Parking Standards for Residential Development
TM19A - Traffic Management and Road Safetyments
NE5 - Retention of Trees on Development Sites
NE6 - Protection of Trees during Development
NR15B - Flood Risk
NR16 - Surface Water Run Off and Sustainable Drainage
NE7/NE8 - Sites of International and National Ecological Importance

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 grounds that this is over development on a steeply sloping site, there are existing drainage problems in this area which a development of this size would worsen and there are too many cars using a single driveway onto a narrow access road on which there is no footpath.

The Parish Council would like this application to be considered by the Planning Panel should the Officer recommendation be for approval.

Publicity and Number of Representations:

Letters sent to neighbours and application advertised by site notices.
11 objections received.

Summary of Representations Received:

1. Five sizeable houses on the site of 35 Parish Ghyll Drive will be over development of the site. This is a spacious residential area and the number of houses proposed here is out of character with Parish Ghyll Drive and its surroundings. It will replace what is currently an open grassed area, and constitute major loss of visual amenity.
2. One of the proposed properties (Unit 3) is pushed nearer to the border with 33 Parish Ghyll Drive than the existing house and will compromise the privacy of the rear garden.
3. Units 1 and 2 are proposed in front of the established building line on Parish Ghyll Drive. The houses are tall and very close to the road on a steep hill and will produce a closed-in feel in what is now an open part of Parish Ghyll Drive. They may at times overshadow the housing on the other side of the street as they are north facing and on a hill.
4. Residential Vehicular Accesses. The documents neglect to illustrate the location of the existing residential vehicular access in relation to nearby property entrances and oncoming traffic to this side of Parish Ghyll Drive is from a blind corner, causing a potential pedestrian and vehicular risk. Traffic conditions are already hazardous at the point of entry of the proposed development from Parish Ghyll Drive and further increase in the number of properties will inevitably lead to extra potential accidents.
5. No sight lines/visibility spays have been indicated from the increased use vehicular access point. The existing banked verges to the site are approx. 2m high and with the existing stone wall being retained will interfere with splays.
6. In addition to the existing residential driveways, Abacus Children's Nursery and pre School is opposite, with drop off and pick up parking on Parish Ghyll Drive. The traffic generated by this over development will only compound a less than satisfactory arrangement. The road at the point of access is narrow thus adding to an already congested section of Parish Ghyll Drive. Parking narrows it to a single lane of traffic at most times of the day.
7. No turning head has been provided on the access road. How are Emergency Services, Refuse and Deliveries Vehicles supposed to manoeuvre safely within the site without having to reverse on to Parish Ghyll Drive?
8. There are no footways on this side of Parish Ghyll Drive. No provision has been made for pedestrians to cross to the footpath on the other side of Parish Ghyll Drive. Pedestrians from Units 1-5 will be required to cross a blind corner to gain access to the public footpath.
9. Insufficient details regarding drainage, either foul, storm or surface to indicate how this development will be supported and how building will affect underground streams/springs, the potential diversion of natural watercourses, and flood risks on existing properties downhill from the site.
10. The site is steep and subject to springs. If the access road is icy in bad weather, residents will tend to park in Parish Ghyll Drive worsening local congestion.

11. Whilst a Bat Survey has been carried out on the existing property this was carried out by parties with a vested interest in the development of site during a period when bats are not active.
12. The replacement of new trees is pleasing however there is a concern that the new development is too close to the required root base of any new or existing trees.
13. Questionable whether there is enough parking provided for the new houses. To increase the traffic directly opposite a children's nursery must surely be a problem.
14. The environment is being suffocated with too much building and wildlife has already suffered greatly.
15. The two existing properties are viable houses/bungalows and demolition is not sustainable development.

Consultations:

Council's Trees Team : The layout is superior to the previous ones offered and the scheme relates better to trees. There is some encroachment into the RPAs of the A grade TPO trees. However, the encroachment is relatively minor and acceptable provided the method statement can be complied with.

Tree protection measures can be implemented via condition but this needs to be tightly enforced to reduce the likelihood of unacceptable damage to trees. Protection of trees in accordance with the submitted Method Statement and the replacement planting should also be secured by condition.

Highways DC : Initially not be able to support the proposed development due to concerns about the unadopted nature of Parish Ghyll Lane and its narrow width, and questions about the standard of access from Parish Ghyll Drive. However, amendments have been received clarifying visibility splays and proposing improvements to the width of the main access to Parish Ghyll Drive to a minimum 4.5 metres to allow two way traffic movements at the entrance. Therefore, on balance, a highway reason for refusal could not be upheld and there are no objections given the scale of the additional development that is now proposed. This is subject to standard conditions.

Drainage Officer : The developer must investigate the site in order to determine the extent of any land drainage network and submit, for comment, proposals for dealing with any watercourses, culverts, land drains, springs etc affected by the proposal. To prevent excess surface water discharging onto the public highway, vehicular access from the site to Parish Ghyll Drive be adequately drained.

Conservation Team : Accepts that the proposal is an improvement to previous schemes and retention of the boundary wall is considered to preserve the setting of the conservation area and to accord with Policies BH7 and BH10 of the RUDP subject to conditions that samples of roofing, facing and surfacing materials be submitted for approval. Rainwater goods should be cast metal (aluminium) and/or timber to give a high quality appearance.

Summary of Main Issues:

Principle of residential development and density

Suitability of density and layout to the character of the area.

Design and materials of the proposed dwellings.

Impact on trees.

Impact on the amenity of occupants of adjoining properties.

Highway Issues : Adequacy of means of access and impact on capacity of adjoining streets and road safety.

Impact on land drainage/land stability.

Implications for the South Pennine Moors SPA/SAC/SSSI.

Impact on bats

Appraisal:

The application site consists of two large sloping residential plots presently occupied by three modern two storey dwellings. 35 and 35a Parish Ghyll Drive (which stands in a shared curtilage) stand on the lower part of the site, and the upper part is occupied by a brick built bungalow called Daneway at 10 Parish Ghyll Lane.

Principle of residential development and density

As the site includes the three existing buildings, rather than only their gardens, it would conform to the definition of previously developed land and is therefore suitable for housing development providing requirements of other policies are satisfied. The site is within the built up area and surrounded by other residential development. It is in a reasonably accessible location in terms of access to the services and facilities of Ilkley town centre. The more efficient use of the land to increase housing supply would therefore be desirable.

The site covers an area of 0.64 hectares (1.6 acres). The proposed development of 7 new houses plus the retention of 1 existing house amounts to a density of around 12.5 dwellings per hectare. Although objectors and the Parish Council complain that the scheme is “over development”, this is not accepted. The proposed density is well below the 30-50 dwellings per hectare density expectation of Policies H7/H8 of the RUDP.

However, in this instance, this lower density is justified because the steep slope, the prevailing low density character of the neighbourhood and the presence of trees prevents a higher density of building. Consideration of previous schemes has shown quite clearly that any more houses would be undesirable and unfeasible. Not only would a higher density would be contrary to this prevailing spacious character of this suburb, and harm the setting of the conservation area to the south, it would necessitate substantially greater disruption of land levels than is now proposed in order to engineer a suitable means of access. This would give rise to a greater threat to trees and unknown consequences in terms of land drainage.

Suitability of density and layout to the character of the area

The scheme presented represents a significant decrease in density compared with the last withdrawn application for 13 houses, but the layout and presented density is considered to achieve the right balance between making more efficient use of the land for housing whilst maintaining the prevailing character of the locality. Previous concerns about the over intensive development and its resultant impact upon character of the area have been largely reduced.

This suburban area of Ilkley is characterised by a variety of housing built at varying density and to varying styles. The overall impression is that Parish Ghyll Drive and Parish Ghyll Lane are characterful, landscape-dominated routes characterised by large detached houses in substantial gardens with mature trees. The older detached houses are interspersed with later infill developments, often in smaller garden plots, but overall the area has a strong landscape dominated sense of place.

Though the site is not within Ilkley Conservation Area, the land to the north of Parish Ghyll Drive is part of that Conservation Area, so consideration needs to be given to the impact of the proposal on the setting of the adjoining conservation area in accordance with RUDP Policy BH7.

The 3 dwellings within the site are not of architectural or historic interest so there is not objection to their demolition. But the trees and the strong stone wall to Parish Ghyll Road do make a contribution to the setting of the conservation area, with Tree Preservation Orders on trees on the northern and southern boundaries. Two previous applications (ref. 13/00483/FUL and 13/04636/FUL) have proposed higher density redevelopment of the site but were withdrawn in the face of substantial objections from neighbours and Parish Council. In addition, Officers were unconvinced by the appropriateness of the cramped, urban form of those redevelopment proposals. There were significant concerns regarding means of access, loss of trees and impact on the drainage system from the substantial excavation work that would have been necessary to develop the site in the manner previously proposed.

This is the third amended scheme for the site and the agent has addressed the concerns held by Officers and the Council's Conservation Team through the retention of most of the stone boundary wall to Parish Ghyll Drive. This would be retained almost in its entirety except for the need to widen the entrance by 1 metre, which involves relocating the gate pillar and shortening the wall. The proposal also retains the gate piers on Parish Ghyll Drive.

The scheme also now proposes to retain 35a Parish Ghyll Drive (a stone built house which was built only 5 years ago) and to propose 7 dwellings (to replace the two to be demolished) using the existing means of access.

The reduced density allows the site to maintain a greater ratio of garden to buildings; and the quality of the streetscape is also maintained through retaining the stone boundary wall and giving greater space for the important tree cover around the site. Whilst the seven dwellings are relatively large buildings, a much greater degree of garden space is retained across the site than in previous proposals and there is more space to add new planting to help soften the visual impact of views of the site from within the conservation area.

The new proposal is considered to preserve the setting of the conservation area in accordance with Policies BH7 and BH10 of the RUDP.

There has been some concern by objectors that the houses on Plots 1 and 2 would be over dominant in relation to Parish Ghyll Drive. The alignment of buildings along the road varies considerably. There is no firm "building line". Nevertheless, an amended plan has been tabled showing the siting of the house on Plot 1 set slightly further back into the site to align it with Plot 2 and maintain a constant building line across the frontage. This also gives greater space for establishment of new trees and hedge planting which will further lessen the prominence of these two houses at the front of the plot. The submitted street scene

elevations show that the impact of these two houses is also mitigated by the stone boundary wall and their two storey height, which is significantly less imposing than the tall gables shown presented to the street in previous schemes. The layout and scale are considered to maintain the character of the area and the most visible houses on Plots 1 and 2 would not over dominate the street scene.

Towards Parish Ghyll Lane, the existing boundary wall would also be largely kept (apart from where the access is widened), and the street scene drawings also show that the two houses proposed here would sit unobtrusively on the site between the large mature trees.

The street scene elevation drawings now show that the presented scheme maintains important features of the site, and the layout is appropriate to the local pattern of streets and spaces and is well related to the character of the locality in accordance with Policies D1 and D5 of the Replacement UDP.

Design and materials of the proposed dwellings

The proposed houses are all detached and of individual design but to a consistent style and materials. They have traditional pitched roofs but include some contemporary detailing such as to windows and chimneys. The external walling materials would be natural split faced stone combined with render. A dark coloured slate or tile would be used on traditionally pitched roofs. The form and material palette respects the existing dwellings in this area and the more traditional buildings within the conservation area. This approach would result in a high quality and visually interesting development, with the external appearance of the dwellings appropriate given the wide variety of ages and styles seen along both Parish Ghyll Drive and Parish Ghyll Lane.

Impact on the amenity of occupants of adjoining properties

The disposition of dwellings in the site is such that the only neighbouring property potentially affected is No 33 Parish Ghyll Drive, the garden of which adjoins the site to the east. The house on Plot 3 would be elevated above the level of the long garden behind this neighbouring house. However, it would stand in a similar position to the existing house at 35 Parish Ghyll Drive which already has some windows in the east elevation facing onto that garden.

In response to the objection from the adjoining occupier, the internal layout of the house on Plot 3 has been amended so that no habitable room windows are now needed in the east elevation facing the boundary with the garden to this property. It is proposed that the windows serving en suite, utility room, bathroom and stair windows that are shown in the east facing wall of Unit 3 shall be obscure glazed.

Elsewhere, Units 1 and 2, though elevated above street level, maintain a sufficient separation to the houses set at a lower level on the opposite (north) side of Parish Ghyll Drive. The position of the houses on Plots 1 and 2 in relation to the houses to the north are satisfactory and they and will cause no significant overlooking, dominance or overshadowing effects.

As the existing house towards the west boundary is now being retained, the scheme will have no adverse impact on the amenity of occupants of the existing house beyond the west boundary. An adequate separation is maintained to the houses to east and west of the site on Parish Ghyll Lane and existing mature trees here would provide screening between the new houses and the existing.

The scheme will maintain satisfactory standards of amenity for future and existing residents and will not have any significant adverse effects on the amenity of occupants of adjoining properties in accordance with Policies D1 and UR3 of the RUDP.

Highway Issues:

Adequacy of means of access and impact on capacity of adjoining streets and road safety

The proposal involves the improvement of the existing drive access off Parish Ghyll Drive to serve Plots 1-5 and the retained house. This access between two stone gate pillars presently serves two existing houses. As a result of the development it would serve 6 houses. Although initially expressing reservations about serving in excess of 5 dwellings from a private drive that will not be adopted, the Council's Highway Officer acknowledges that there is no adopted policy limiting the amount of development served by unadopted private drives.

Amended plans have been tabled that propose to widen the gate pillars to achieve a width of 4.5m so that two vehicles can pass on the drive and so avoid conflicts at the entrance. The kerb radii will be improved and 2.4m x 43m visibility splays are now shown which meet the requirements for this kind of road. It has been established on site that the verge embankment does not obstruct visibility at the position of the drive entrance. The existing drive will be widened to improve the turning head to enable cars and vans to exit the site in forward gear.

Objectors point out that Parish Ghyll Drive, which would serve 5 of the new houses, carries a good deal of on street parking associated with the Abacus Day Nursery which is on the opposite side of the road. This parking does have the effect of narrowing the carriageway but the improvements to the kerb radii will ease the manoeuvring of vehicles into and out of the site. Objectors also point out that there is no footway on the south side of Parish Ghyll Drive but this is not seen as a necessity for the development. There is a footway opposite which provides a suitable pedestrian linkage to Ilkley town centre. The Council's Highway Officer has no objections to the position of the access in relation to drive accesses further along Parish Ghyll Drive and now considers that the means of access here provides suitable arrangements for the proposed dwellings and is not likely to lead to conditions prejudicial to pedestrian and highway safety.

Parish Ghyll Lane, which would serve the two houses on Plots 6 and 7, is an unadopted highway which has a poor surface and does not allow for the free flow of two-way traffic. There are no pedestrian facilities and street lighting is poor. Being an unadopted road sections of Parish Ghyll Lane have now fallen into disrepair. The Council's Highway Officer initially expressed concern about intensification in the use of this road. However, vehicle speeds on the lane are, by necessity, extremely low and it is lightly used. The proposal to replace the single house at Daneway with just 2 dwellings will not result in a significant intensification of use of the lane. Despite the shortcomings of the unadopted lane, it is not considered that one additional house would seriously compromise the safety of road users given the low speeds of traffic along it. The site entrance to Plots 6 and 7 is to be widened to facilitate access to the two dwellings and this will double as a passing place which will provide some betterment for other road users. The turning and parking facilities created for both houses are satisfactory.

Each of the 7 houses is shown provided with an integral double garage and standing space in front for 2 cars. This provision of 4 off street car spaces for each house is well in excess of

normal parking requirement for residential development so it is not accepted that the scheme will generate significant overspill car parking on the two adjacent highways.

Despite the objections, and despite the comments about the parking generated by the nearby children's day nursery, it is not accepted that the scheme would have any significant impact on the capacity of the local highway network or adversely affect the safety of road users. The scheme demonstrates a suitable standard for the means of access, with appropriate visibility splays and levels of garaging and parking provision. It accords with Policies TM2, TM19A and TM12 of the RUDP.

Impact on trees

The application is accompanied by a comprehensive methodology for tree protection and proposals for new planting. Though some tree loss is required, this involves minor or damaged trees and the Council's Trees Team confirms that the layout and density are superior to previous proposals and relate better to trees. There are still concerns of tree shading to the two dwellings fronting Parish Ghyll Lane, but future residents would have to accept this as the trees are protected. There is encroachment into the Root Protection Areas of the trees on the Parish Ghyll Lane frontage but this is relatively minor and will be acceptable provided the submitted method statement measures can be complied with.

The Tree Officer would have preferred if more space had been given for tree planting to the Parish Ghyll Drive boundary as the houses are fairly tight to this boundary. The new hedge proposed will be close to the wall and there will be no long term planning protection of it. The dwelling on Plot 1 has been adjusted to allow a little more space for this planting. The Tree Officer recommends that tree protection measures and methodology need to be implemented as a requirement of a planning condition and enforced to reduce the likelihood of unacceptable damage to trees. The replacement tree and hedge planting forming the landscaping scheme also needs to be secured by a condition.

The proposals now achieve an acceptable balance between safeguarding the most valuable trees on the site and securing more efficient use of the site for housing. Overall, the balance of vegetation and building would be maintained and the trees would continue to make a contribution to local amenity and the character of the area in accordance with Policies D1, D5 and NE5/NE6 of the RUDP.

Land Drainage/Site Stability

Previous proposals for the site, which were withdrawn, necessitated substantial engineering operations to excavate into the land to achieve suitable gradients for the more substantial means of access needed to serve the higher number of houses proposed by those schemes. The density has been reduced, and the Council's Highway Officer is satisfied that modifications to the two existing drive accesses will be sufficient to serve them.

Consequently, the amount of excavation necessary has been substantially reduced. Submitted sections, External Works drawings and "Cut and Fill" drawings by the engineers advising the applicant clearly demonstrate that the houses will be accommodated largely on existing ground levels with only a need for very localised excavation, mostly to deal with changes in levels where the existing dwelling is to be demolished.

The scheme is therefore much less disruptive to landform than previous schemes and this may be a significant reason why it has attracted far fewer objections from local people. This

scheme for only localised adjustments to land profiles would not raise any concerns regarding slope stability.

Local residents were also alarmed about the land drainage implications of significant excavation on a hillside known for springs. A comprehensive Drainage Impact Assessment by professional drainage engineering consultants was submitted with this application to address issues previously raised by objectors. This also deals with land drainage and the Council's Drainage Officer has no objection in principle to the drainage strategy indicated in this Drainage Impact Assessment, Ref 13048/1/01B.

The Drainage Impact Assessment notes that the existing site is already occupied by buildings and expanses of tarmac and is considered brownfield development land. Following development the overall impermeable area at the site will increase from 0.116 of a hectare to 0.248 of a hectare or from 18% to 39% of the total site area. In accordance with the National Planning Policy Framework, surface water discharges should be managed so as not to increase the runoff rates and volumes from the site; through provision of sustainable urban drainage systems to attenuate flows, which are appropriate for the site.

However, an appraisal of discharge points for surface water runoff from the site has shown that ground conditions are unsuitable for dispersal of surface water via infiltration methods (i.e. soakaways); and constructing a route via Parish Ghyll Drive to discharge surface water to the closest watercourse is unfeasible due to the location of numerous services within the highway and footpath, coupled with the steep ravine like nature of the watercourse itself. Surface water from the site will therefore, in all probability, have to be discharged to the public combined sewer.

Consultation response from Yorkshire Water indicates that the public combined sewer system does not have the capacity to accept any unattenuated additional discharge of surface water from the development. Surface water may discharge to the public sewer network only on a like for like basis, taking into account climate change i.e. have a reduction of 30% of present flows. The developer will have to demonstrate positive drainage proposals to the public sewer to the satisfaction of Yorkshire Water.

A preliminary scheme for provision and implementation of a surface water regulation system has been provided which maintains and builds on the existing two outfalls from the existing development and incorporates sufficient volume for storage/attenuation of surface water flows to achieve Yorkshire Water's requirements. The final surface water drainage scheme is likely to require a degree of rationalisation during the detailed design stages, in order to incorporate any additional requirements indicated by Yorkshire Water.

Yorkshire Water therefore recommends that the development should not begin until a finalised scheme for foul and surface water drainage, including any balancing and off site works has been submitted to and approved in writing by the Local Planning Authority. This would be a requirement of standard conditions attached to a planning permission.

There are no signs of any watercourses on this site but residents have reported seepage of water down the hillside towards Parish Ghyll Drive and describe how this freezes on the road in winter. Previous proposals for the site included substantial excavation to set the larger number of houses proposed under those schemes into the hillside. People living down hill from the site were seriously concerned about the impact of such excavation on springs and

watercourses that might be encountered below ground. However, this new scheme proposes less development and is significantly less invasive. It works much more closely with the existing slopes.

The agent has submitted a drawing showing the extent of cut and fill work which demonstrates that excavation would be very localised and mostly associated with adjusting levels on those parts of the site that are already disturbed by the existing houses that are being demolished. The risk to any springs and land drains below ground is therefore considered to be much reduced.

It is not considered that this reduced proposal raises any significant concerns regarding land drainage and surface water run off – subject to imposition of the conditions recommended by Drainage Officers and Yorkshire Water.

However, to reduce potential for surface water run-off from unexpected sources on the land, the Council's Drainage Officer recommends a condition to require that prior to the commencement of work to construct any of the dwellings, the developer shall carry out a further ground investigation to establish the presence of any unknown springs, culverts or watercourses on the land, together with details of measures to deal with such land drainage features and ground water run off. These details shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the details so approved.

Implications for the South Pennine Moors SPA/SAC/SSSI

The southern portion of this site is around 400 metres from Ilkley Moor - one of the major moorland tracts comprising the South Pennine Moors Special Protection Area (SPA) /Special Area of Conservation (SCA) and SSSI. The SPA 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. Due to this proximity, it has been necessary for the Council to make an assessment of the impact of the residential development on the SPA by carrying out an Appropriate Assessment under of the Habitats Regulations.

To assist this, the applicant had previously presented an assessment by a qualified ecological consultancy to assess the significance of a number of potential impacts on the nature conservation site. As the portion of the development falling within 400 metres of the SPA/SAC is essentially the same as proposed under the previous application proposals, the Ecological Appraisal presented for that application is valid and proportionate to the current, reduced scheme.

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. The RUDP policy is reflective of the nature conservation policies and paragraphs 117- 119 of the NPPF. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development at this site, clearly outweigh both the impacts that it is likely to have on the

features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest.

In addition, a draft policy in the emerging LDF Core Strategy (Policy SC8) has attempted to resolve potential conflicts between future developments close to the SPA/SAC/SSSI and the nature conservation interests of the site. The Habitats Regulations Assessment of the Draft Core Strategy identifies the potential for adverse effects with respect to new housing allocations close to the SPA. This draft policy attempts to address these and presently states that no net increase in residential development should take place within 400 metres of the edge of the SPA.

The conservation objectives for this 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.

The application site straddles this 400 metre cordon with parts of the curtilages of two dwellings within, depending on where a measurement is taken. However, the bulk of the site falls outside. The draft policy has been challenged as part of the plan process with criticism about the approach of preventing or excluding any development within 400 metres as the aim should be to ensure that development within this zone of influence avoids adverse effects or mitigates them.

It is very important that adverse effects on the SPA site from urban edge effects is addressed by the planning system, but the ecological report presented by the applicant's consultant points to the relative remoteness of the application site from the edge of the SPA, with a number of intervening roads and existing developments between the site and the moor. The proposals will not result in the loss of any supporting moorland SPA habitat and the consultant's report has considered a number of possible urban edge effects that might arise from the additional housing - from increased risk of fire to predation by cats to increased pressure for recreational use.

The consultant's report shows to the satisfaction of officers that, in this instance, the nature, amount and location of the additional development proposed on what is already a previously developed site will have no significant adverse effects on the SPA/SAC designated area or its qualifying interests. In this case, the development will have no significant adverse effect on the nature conservation interest of the SPA/SAC/SSSI and is not in conflict with Policies NE7 or NE8 or the NPPF.

Furthermore, the site is mostly outside the 400 metre zone suggested by Policy SC8, and refusal of the application development solely on such grounds would not be reasonable. Assessed against nature conservation policies of the RUDP and the NPPF, the proposed development is not likely to have any adverse effect on a Site of Special Scientific Interest, either individually or in combination with other developments.

Impact on Bats

The applicant's bat survey has previously established that the well sealed roof of 10 Parish Ghyll Lane gives very limited potential for bats to make ingress to that property, but that at some point long-eared bats have used the roofspace of 35 Parish Ghyll Drive. However, there is no maternity roost and the applicant's consultant considers that only a

limited number of bats had used the roof and the use is historic because later work to the roofspace, including re-felting, has sealed off points of ingress. There is no evidence of use of other parts of the building by bats. The applicant's ecology consultant considers there to be low potential for bats to still be present in 35 Parish Ghyll Drive but that further precautionary survey work should be undertaken prior to demolition of this property which is considered to be proportionate to the likely risk to the protected species.

Community Safety Implications:

None.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposal will make more efficient use of this land within the built up area of Ilkley for housing and the scale, form and design of the dwellings would be appropriate to the character of the surrounding area and the layout would maintain an appropriate balance between built form and open space. With retention of the majority of the existing stone wall and trees cover, the scheme would ensure that the development would be compatible with character and appearance of the nearby conservation area. The proposed dwellings will have no significant adverse effects on the amenity of adjoining occupants and the means of access and arrangements for car parking are acceptable. The impact of the development on the highway network is appropriately mitigated by proposed improvements to the entrance and turning facility. The necessity for any significant alteration of land levels and disruption of land drainage is significantly reduced compared with previous proposals. The development is considered to accord with Policies UR3, D1, BH7, NE5, NE6, TM2, TM19A, TM12, NE7, NE10 and NR16 of the Replacement Unitary Development Plan.

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 accord with Policies UR3 and D1 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 plan numbered 622/01/507 Revision C 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. Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced and drained within the site, in accordance with details shown on the approved plan numbered 622/01/507 Revision C and retained whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

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

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

5. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered 622/01/507 Revision C shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

6. The windows in the east facing elevation of the dwelling on Plot 3 hereby permitted shall be glazed in obscure glass prior to the first occupation of that dwelling as is shown on drawing 622/01/500 revision A and thereafter these windows shall be retained with 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.

7. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

8. Prior to the commencement of work to construct any of the dwellings hereby approved, the developer shall carry out a further ground investigation to establish the presence of any unknown springs, culverts or watercourses on the land, together with details of measures to deal with such land drainage features and ground water run off. These details shall be submitted to, and approved in writing by the Local Planning

Authority and the development shall be carried out in accordance with the details so approved.

Reason: To reduce potential for surface water run-off from the development and to protect adjoining properties from flooding and to accord with Policies NR16 and UR3 of the Unitary Development Plan.

9. Surface water disposal from the site shall be in accordance with the submitted Drainage Impact Assessment Report No. 13048/I/01 Revision dated August 2014. The development shall not begin until details of a scheme for foul and surface water drainage, including details of any necessary balancing, attenuation and off site works 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.

10. No works of demolition, site preparation, groundworks, or development shall be begun on the site until temporary Tree Protective Fencing has been erected around the root protection areas of the trees to be retained on the site. This protective fencing shall be to the standard as indicated in BS 5837 (2012) "Trees In Relation To Construction". The position of the temporary Tree Protective Fencing will be outside Root Protection Areas of the trees or as shown on the Arboricultural Implications Plan forming Figure 3 to the approved Arboricultural Method Statement Reference SF 2092 Revision B dated January 2014. The fencing 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.

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 the written consent of 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.

11. The development hereby approved shall be carried out in accordance with the submitted Arboricultural Method Statement Reference SF2092 Revision B dated January 2014 and only those trees indicated in the Schedule at Para 2.2.3 of that Statement shall be felled or removed from the site unless with the prior written consent of the Local Planning Authority.

Reason: For the maintenance and improvement of tree cover and hedges in the interests of visual amenity, the character of the area and the amenity of existing and

future adjacent occupiers, and to accord with Policies D1, D5 and NE12 of the Replacement Unitary Development Plan.

12. In the first planting season following the completion of the building, the landscaping scheme submitted with the application and shown on drawing SF 2092 LL01 Rev D shall be implemented in accordance with the submitted specifications and details.

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.

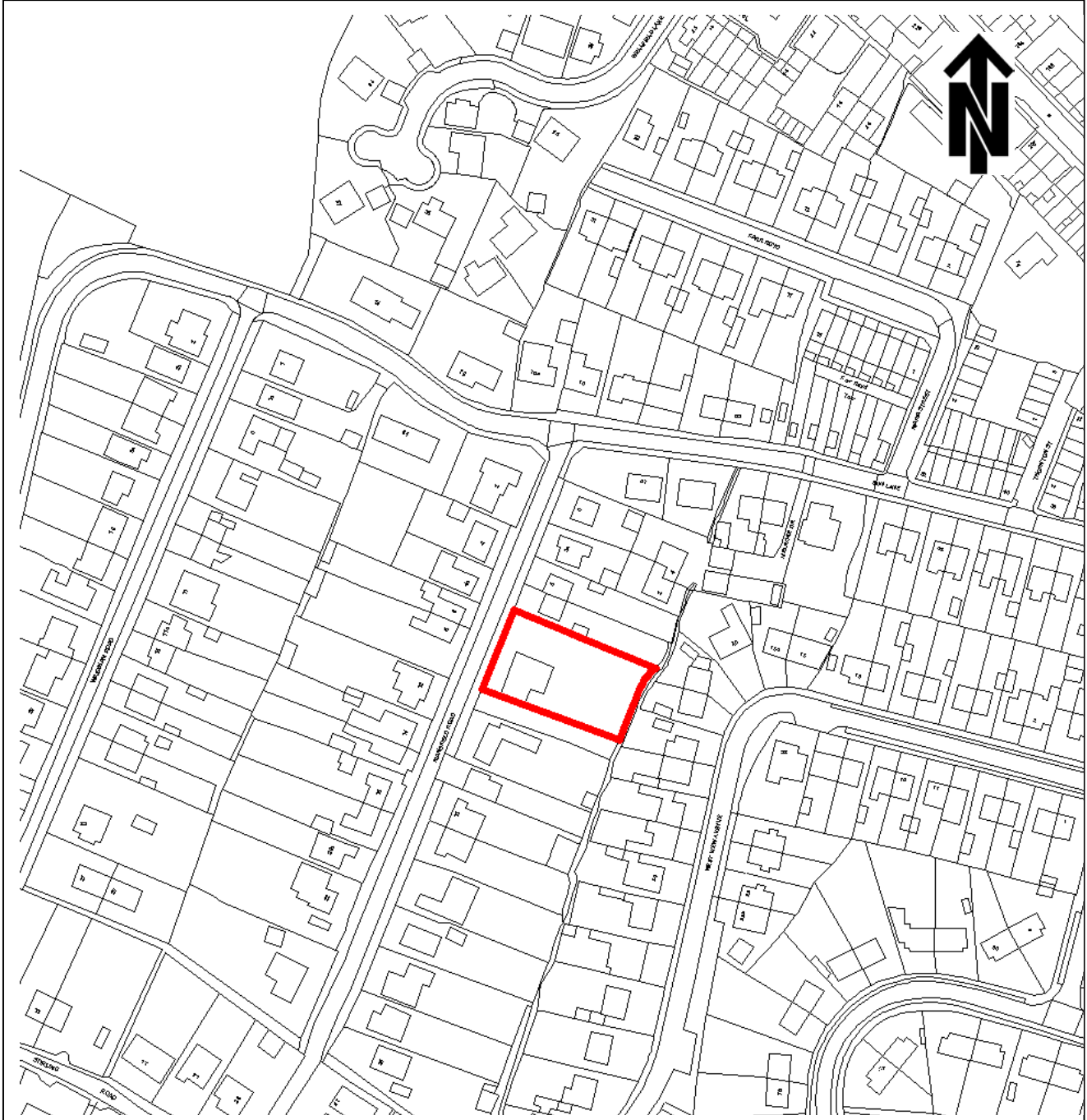
13. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

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

Area Planning Panel (Keighley & Shipley)

14/03863/FUL

27 November 2014



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ITEM NO. : 3

**LOCATION:
9 Mansfield Road
Burley In Wharfedale
Ilkley**

27 November 2014

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

Application Number:
14/03863/FUL

Type of Application/Proposal and Address:
Full application for the construction of a detached dwelling on land at 9 Mansfield Road, Burley in Wharfedale.

Applicant:
Mrs Bridget Day

Agent:
N/A

Site Description:
No 9 Mansfield Road is a detached dwelling dating from the mid C20 and constructed from red brick and located on the east side of the highway. Mansfield Road is narrow in width with limited opportunities for vehicles to park clear of the highway. There is a mix of housing styles, types and ages along Mansfield Road as a consequence of various infill developments over the years. To the south of No 9, between it and No 11, is a detached property under construction.

The site the subject of this application comprises a level, grassed, rectangular parcel of land situated on the north side of No 9 Mansfield Road which currently forms its side garden.

The surrounding area is residential in nature.

Relevant Site History:
12/03340/HOU Side ground floor extension and first floor side/rear extension and reduction in size of garage Approved 9.10.2012 (No 9 Mansfield Road)

12/03338/FUL Construction of a 4 bedroomed detached dwelling Approved 9.10.2012 (land to the south of No 9)

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated.

Proposals and Policies

D1 *General Design Considerations*

UR3 *The Local Impact of Development*

TM19A : *Traffic Management and Road safety*

TM12 *Parking Standards for Residential Development*

are of particular relevance together with the Council's Householder Supplementary Planning Document.

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:

Burley Parish Council recommends approval.

Publicity and Number of Representations:

Advertised by NN letter and site notice. Expiry dates 7 and 20 October 2014 respectively.

Letters of objection have been received from 8 neighbouring households; 5 neighbours commented a second time on the revised scheme.

Summary of Representations Received:

Original Scheme

- The area has been subject to infill development for the last 28 years and there is currently an on going building project on land at No 9 Mansfield Road
- The dwelling represents an overdevelopment of the plot and is not well related to the character of the surrounding area with particular reference to its design, scale, massing and height.
- The dwelling is taller than neighbouring properties
- All other dwellings along Mansfield Road are a maximum of two storeys in height and not three storeys as proposed
- Lack of space between the proposed dwelling and neighbouring property at No 7 Mansfield Road especially when taking into account a proposed two storey side extension at No 7 (14/03754/HOU).
- Dwelling will appear 'crammed in'.

- Inconsistencies in the design and access statement for example the detached garage referred to is not shown on the submitted drawings
- Inaccuracies in the boundary detailing between Nos 7 and 9 Mansfield Road; there is a mature privet hedge here and not a fence.
- The dwelling under construction has caused overshadowing and overlooking of a neighbouring property. The existing boundary hedge along the boundary with No 11 has been removed and replaced with a fence.
- The dwelling under construction is too big for the site
- Alterations to the existing property are required to accommodate the new dwelling.
- The dwelling will overshadow and have an overbearing impact upon neighbouring occupiers having regard to its scale, mass and height
- The dwelling will result in a loss of privacy to neighbouring occupiers and overlook private gardens
- New dwelling will extend beyond the general rear line of the existing properties along Mansfield Road.
- Loss of trees and damage to wildlife habitats.
- Sets a precedent for other developers to undertake mass tree clearance prior to submission of a planning application
- Lack of parking for construction traffic
- Lack of adequate parking which could have implications for highway safety along Mansfield Road.

Revised Scheme

A number of residents acknowledged that the dwelling has been reduced in height and scope – from a 5 bed to a 4 bed family dwelling, however the following additional points of concern have been noted:

- The accuracy of the 45 degree line to the neighbours' property at No 7 is questioned.
- The proposed extension at No 7 has now been approved and should be taken into consideration with the assessment of this application (14/03754/HOU Demolition of detached garage, construction of two storey side and single storey rear and front extension Approved 21.10.2014).
- Street views do not take into account the extension at No 7 which would result in a terracing effect once both structures are built.
- The validity of the statement on the application form that no trees are present on site is questioned given that the form is dated 25 July 2014 and the trees were not cleared until 16 August 2014.
- Applicants did not follow 'due process' and did not give neighbours the opportunity to express their strong objection to the loss of trees which formed a well –liked feature of the local landscape and a valuable habitat for species covered under Schedule 1 and 5 of the Wildlife and Countryside Act 1981.
- There may not be a legal right for new occupiers to park on the shared gravel drive
- Design and access statement needs to refer to the revised drawings and not the initial scheme
- Properties to the front on the opposite side of Mansfield Road will be overlooked

Consultations:

Highways – No objection to the revised scheme. It has been reduced in scale to a 4 bedroomed dwelling and adequate provision for car parking is made within the site in the form of 2 parking spaces each for the proposed and original property together with a gravel drive which could accommodate more parking if required.

Drainage – No objection in principle subject to the site being investigated for its potential for the use of sustainable

Summary of Main Issues:

Principle of development
Impact on the character of the streetscene
Impact on neighbouring residents
Highway Safety and Parking
Consideration of the representations

Appraisal:

The proposal seeks approval for the construction of a detached dwelling on land to the north of No 9 Mansfield Road. The Local Planning Authority considered that the initial scheme was unacceptable in that the dwelling was taller than neighbouring dwellings and would have therefore had an overbearing impact not only on the amenities of neighbouring residents but also on the character and appearance of the streetscene.

The scheme, has been revised to reduce the scale of the proposal, and the plans now show a two storey, 4 bedroomed property constructed in a modern style with a rendered and timber boarding exterior finish. The dwelling is now similar in style to that property which is presently under construction further along the street at the side of No 9 (12/03338/FUL refers). 2 parking spaces for both the parent dwelling and proposed property are shown.

In order to accommodate the dwelling the existing property will be modified through the removal of a double height, projecting bay window on the north side elevation. This will be walled up to prevent any overshadowing. The affected rooms are served by other windows.

Principle of Development

Whilst the NPPF has removed private residential gardens from the definition of previously developed land, this would not necessarily preclude the redevelopment of such sites provided, inter alia, that they do not harm the character of the established residential area. This is in recognition of the fact that such sites would often satisfy the sustainability objectives as set out in the NPPF through representing an appropriate use of an unallocated site within the limits of the built up settlement and with good access to existing local facilities.

Mansfield Road has no uniform streetscene which in part derives from the fact that the street has evolved through infill developments over the years. Over many years there has been infill on a number of side gardens down the length of the road. This proposal continues that tradition. The construction of a new dwelling here is therefore considered to be acceptable in principle, subject to conforming to other relevant policies set out in the Council's adopted Replacement Unitary Development Plan (RUDP).

Impact on the Character of the Streetscene

Policy D1 of the RUDP requires that the scale, siting, design and materials of the dwelling should not have a detrimental impact on the character and appearance of the locality.

Whilst the frontage is narrow, it is not unusually so having regard to the neighbouring property at No 11A and the recently approved dwelling currently under construction on the opposite side of No 9. The proposed dwelling is set back in relation to neighbouring dwellings and set in 1.6m of the boundary with the adjacent neighbour, No 7 Mansfield Road. The roof has now been redesigned with a front facing gable to ensure a greater sense of space is retained between the application site and neighbouring properties. The roof line has also been reduced in height to ensure that it is no taller than the parent dwelling. The modern design and materials are also considered to be acceptable given the variety of building styles and finishes along Mansfield Road. The proposed dwelling is considered to be in accordance with Policies UR3 and D1 of the adopted RUDP with regard to its design, massing, height and materials.

The proposed modifications to the parent dwelling are also considered to be acceptable and will not involve the loss of any architectural features of particular interest. The proposed new windows in the side and rear are in keeping with the character and style of the original house and would not be noticeable from public vantage points. Although the proposal would result in the loss of the side garden, there is ample amenity space to the rear to ensure an adequate level of amenity space for this family sized home. The proposal is considered to accord with Policy UR3 in this respect.

Impact upon Neighbouring Residents

The two storey dwelling should not materially overshadow or have an overbearing impact on neighbouring residents. The revised site plans demonstrate that although the dwelling projects beyond the rear of both the neighbour at No 7 and the parent dwelling at No 9, it would not cross a 45 degree line from the nearest habitable room windows of either property.

No habitable room windows are shown to either side elevation of the new dwelling and consequently overlooking should not occur. In addition, the siting of the dwelling and the length of the plot ensures that the dwelling should not overlook properties to the front, on the opposite side of Mansfield Road, or to the rear on West View Avenue. The minimum separation distance of 21 metres between the windows in the front of the new house and the habitable room windows in the properties opposite can be achieved. A greater distance is achieved to the rear, (around 37m) as a consequence of the long rear garden.

The scheme is therefore considered to have an acceptable relationship to neighbouring properties and to accord with RUDP Policy UR3.

Highway Safety and Parking

Whilst it is acknowledged that Mansfield Road is a narrow street with no formal footways and with little opportunity for on street parking, both the application site and parent dwelling provide for 2 parking spaces within the curtilage of each property. A driveway is shown between the proposed dwelling and the parent property which could provide additional parking, if required. The Council's Highway Officers are satisfied that this level of provision is acceptable and in accordance with RUDP Policy TM12.

It is not considered that the addition of one house would significantly intensify traffic movements along Mansfield Road and, despite the deficiencies of the road referred to by the objectors, this proposal does not raise any significant highways safety objections and so is considered to satisfy Policy TM19A of the RUDP.

Representations

Letters of objection have been received from 8 No local residents with concerns relating to the following points.

Character of the Streetscene

It is acknowledged that Mansfield Road has been subject to various forms of infill development over the years and that it is not uniform in nature.

The LPA shares the concerns of the objectors that the initial proposal for a three storey 5 bedroomed unit was unsuitable for the plot with regards to its scale, massing and height having an unsatisfactory relationship with the prevailing nature of the streetscene; the scheme has been amended to reflect this. The fact that the existing dwelling is to be modified to accommodate the dwelling would not necessarily render the scheme unacceptable in principle. The loss of the bay window would not have an adverse impact on the character and appearance of the parent dwelling or the wider environment.

It is noted that planning permission has recently been granted for a two storey side extension to the neighbouring property, No 7 Mansfield Road (14/03754/HOU) however this has not been constructed and does not therefore form part of the 'existing' streetscene. In any event it is not considered that 'terracing' would occur should both structures be built. The extension at No 7 has been designed to be subordinate to the parent dwelling and the new property has been designed so as to ensure a sense of space about the property is retained through its revised roof height and profile, sloping away from the joint boundary with No 7.

Submission

The design and access statement has been revised to more accurately reflect the nature of the site (see comments regarding boundary hedging) and the proposed development (garage reference deleted). However it is considered that it would be necessary to remove permitted development rights for future extensions/outbuildings to ensure that the LPA retains control over future developments on the site.

Trees.

A number of residents have stated that there were a number of trees on the site prior to the submission of the application. The trees, however, were not protected and so the applicants were entitled to remove them without the prior consent of the Local Planning Authority at any time regardless of whether or not they intended to submit a planning application.

Impact upon Neighbouring Properties

It is not considered that the dwelling would materially overlook neighbouring properties having regard to the position of the proposed window openings and distances from property boundaries. The dwelling may extend beyond a 'general rear line' of the existing properties on Mansfield Road but this in itself would not render the scheme unacceptable.

The impact of the development on the neighbouring dwelling at No 7, although acceptable for the reasons stated above, is likely to be lessened should the construction of the two storey

side and single storey rear extension, approved under 14/03754/HOU, go ahead. The approved plans show the ground floor of No 7 is to be extended to the rear by circa 3.5 m thereby foreshortening the degree to which the habitable ground floor room windows would be affected by the scheme.

To address concerns by neighbours it is proposed to impose a standard planning condition limiting hours of construction and a condition to remove permitted development rights for subsequent enlargements to this dwelling.

The comments made about problems with the dwelling currently under construction are noted but cannot be taken into account with this application. Any concerns regarding that development should be submitted to the Council's Enforcement Team, in the first instance, if it is considered that a breach of planning control has occurred.

Parking

The level of parking is considered to be acceptable for the nature of the development.

Community Safety Implications:

None anticipated.

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 proposed development is considered to relate satisfactorily to the character and appearance of the neighbouring streetscene without having a detrimental impact on the amenities of neighbouring properties or highway safety. As such this proposal is considered to be in accordance with Policies UR3, D1, TM12 and TM19A of the Council's adopted Replacement Unitary Development Plan (2005).

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 accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

2. Before the development is brought into use, the means of access and the off street car parking facility 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 of the parking spaces 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.

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

Reason: To safeguard the amenity of adjoining occupiers and accord with Policies D1 and UR3 of the Replacement Unitary Development Plan.

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

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

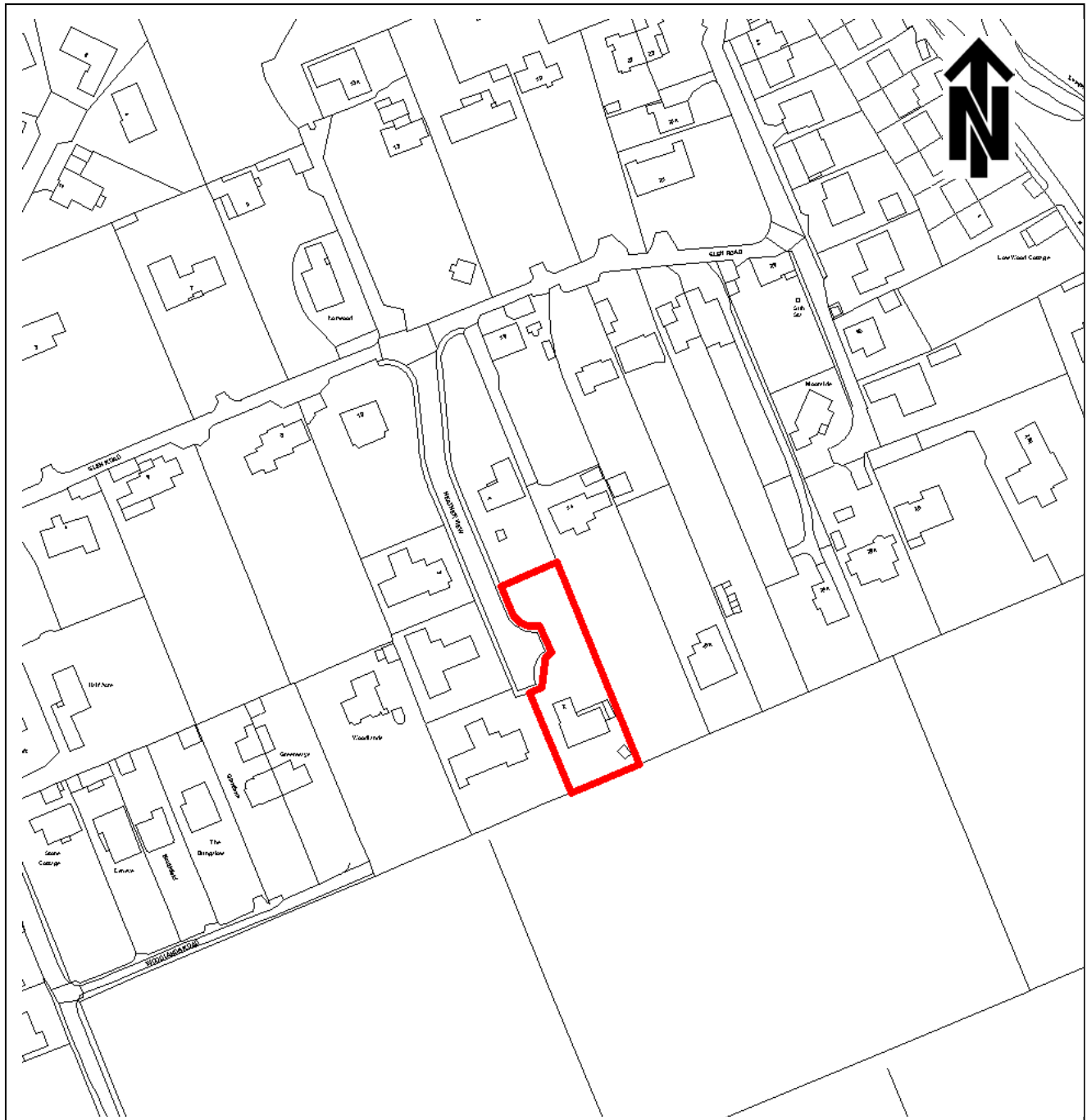
5. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The submission will provide for sustainable drainage techniques, or will provide evidence, based on site investigations, to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

Area Planning Panel (Keighley & Shipley)

14/04043/FUL

27 November 2014



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ITEM NO. : 4

LOCATION:
Beggars Roost
2 Heather View
Eldwick
Bingley

27 November 2014

Item Number: 4
Ward: BINGLEY
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
14/04043/FUL

Type of Application/Proposal and Address:

Full Planning Application for the construction of a detached bungalow and access at Beggars Roost 2 Heather View Eldwick Bingley West Yorkshire BD16 3HH.

Applicant:

Mr Ian Firth

Agent:

Mr JO Steel

Site Description:

The site is located at the southern end of Heather View, a short cul-de-sac serving a mixture of two storey and single storey 1960/70's dwellings. It is a reasonably level and wide cul de sac with footways and a turning head but it leads off Glen Road, a narrower and more historic single track lane that lacks footways. The application site comprises garden land to the front of 2 Heather View, a large detached two storey 1970's dwelling located at the head of the cul-de-sac. Across the street is the adjacent bungalow at 4 Heather View. The site is currently a grass lawn and fruit trees and is bounded by tall hedges. The land drops away to the east with the adjoining property at 14 Glen Road set approximately 1m below the level of the application site.

Relevant Site History:

11/00870/FUL Construction of bungalow and access APPROVED 25.07.2011

10/01516/FUL Construction of two storey dwelling REFUSED 12.07.2010

09/03291/OUT Construction of three bedroom two storey house with double garage REFUSED 17.09.2009

07/09497/OUT Construction of dwelling REFUSED 03.01.2008

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

UR3 – Local impact of development

D1 – Design

TM2 – Impact of Traffic and its Mitigation

TM12 – Parking Standards for Non-Residential Developments

TM19A: Highway safety

NE4 – Trees and Woodlands

NE5 – Retention of Trees on Development Sites

NR16 – Surface water run off and sustainable drainage systems

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:

Publicised with neighbour notification letters and a site notice.

9 objections from 7 individual addresses received.

One objection from a ward councillor, who has referred the application to the Area Planning Panel if recommended for approval due to concerns regarding the intensification of a substandard access.

Summary of Representations Received:

- Intensification of traffic movements, particularly on Glen Road which is a substandard road with no pavements and a poor junction with Sheriff Lane.
- It will be too high and cause overlooking and overshadowing of neighbouring properties
- It will be an incongruous and intrusive development out of keeping with the surrounding area the character of which is dwellings set in spacious plots
The design is out of keeping.
- Harmful impact on trees and hedges
- Loss of garden land

- Drainage concerns
- Proposal does not overcome previous reasons for refusal on this site and references to refusals in the area.

Consultations:

Highways DC – The proposal is a resubmission of approval 11/00870/FUL which has now lapsed. There are no material changes to the previous approval and therefore there are no highway objections to raise subject to a condition requiring the parking and turning to be provided.

Drainage Officer – Details of drainage to be submitted, porous surfaces should be used to parking area.

Summary of Main Issues:

- Site history
- Impact on highway safety
- Impact on the amenity of occupiers of adjoining properties
- Impact on the character of the area
- Trees and hedges

Appraisal:

The application seeks consent for the construction of a dwelling in the garden of 2 Heather View. Planning permission 11/00870/FUL was granted in 2011 having been considered by the Shipley Area Planning Panel. This permission expired in July 2014.

The scheme submitted now is identical to that approved in 2011.

Impact on highway safety and the capacity of Glen Road

Heather View is a wide and reasonably level cul de sac street serving only a few (6) dwellings, but it leads off Glen Road which is a shared surface through road with two points of access from junctions with Sheriff Lane to the west and Saltaire Road to the East. It is accepted that both junctions are fairly sub-standard with poor geometrical layout and sight lines and that, over most of its length, Glen Road is single track width with no footways. There are no formal passing places and drive entrances to properties are used where it is difficult to pass. Because of this vehicle speeds are generally slow. Heather View joins Glen Road about mid point from its junctions at either end.

The objections, including from the Ward Councillor, once more raise concerns about intensification of use of Glen Road and the impact of increasing traffic levels on the safety of other users - including pedestrians. Glen Road is of restricted width, has no footways, has limited passing facilities and lacks satisfactory standards of visibility at its junctions with both Sheriff Lane and Saltaire Road.

Objectors also point out that previous applications on this site included the intensification of use of Glen Road as a reason for refusal. However, Heather Rise itself is a perfectly adequate section of highway and in considering the application for a single dwelling in 2011, Officers were mindful of an appeal decision for a development elsewhere along Glen Road where the Planning Inspector did not agree with the Council's assessment of the capacity of Glen Road to accommodate additional dwellings.

The view held by the Council prior to that appeal decision was that Glen Road, as a shared surface road, should serve no more than 50 dwellings. However, an Inspector allowed the appeal at 27 Glen Road on the basis that guideline figures should be treated flexibly. In view of this, Highway Development Control decided that imposing a precise and fixed limit on the number of dwellings served from Glen Road was unrealistic and could not be substantiated. As a result, the single dwelling at Beggar's Roost was not opposed by Highway Officers in 2011 and this recommendation was accepted by Shipley Area Planning Panel.

Heather View itself is a conventional cul-de-sac currently serving only 6 detached properties. The proposed additional bungalow would take its access off Heather View with a single width driveway 7.5 metres in length leading to an integral single garage. Accordingly the proposal meets the required off road parking standards by providing two spaces, one to the garage and one on the driveway. The street provides ample width to safely accommodate a degree of casual or visitor parking.

Whilst the restrictions of Glen Road are not denied, the previous reasons for refusal regarding highway safety were no longer considered to be sustainable for the above reasons, and therefore the application was granted in 2011. There have been no material changes in circumstances since the 2011 approval to warrant the Council altering this view.

Indeed, in April 2014 another planning inspector considering an appeal against refusal of outline planning permission for a bungalow on the front garden of 17 Glen Road (13/040045/OUT) has again been dismissive of the Council using the deficiencies and capacity of Glen Road as a reason to refuse applications for further dwellings. The inspector pointed out that this stance relied on guidance in Design Bulletin 32 (DB32) that shared surface roads should serve no more than around 50 dwellings. However, this guidance has been withdrawn and the Council could not point to any other specific policy to substantiate it setting a limit to the amount of development served from Glen Road.

Although he dismissed the appeal on the other planning issue – the harm to local character - the Inspector concluded that, in view of the low speed of traffic on Glen Road and the limited amount of additional traffic that would be generated, the additional dwelling at 17 Glen Road would not have a materially harmful effect on highway safety.

Returning to the renewal of the previously approved development in the garden at 2 Heather View, for similar reasons, the single bungalow would not generate significant additional traffic and would not have a harmful effect on highway safety. This is confirmed by the consultation advice from the Council's Highway Officer which is that the application does not raise any highway safety concerns and is acceptable and in accordance with Policies TM2, TM19A and TM12 of the RUDP subject to imposition of standard conditions.

Impact on the amenity of occupiers of neighbouring properties

The application is for a bungalow in the same position and to the same dimensions and design as was approved by Panel in 2011. There have been no material changes in circumstances since this.

Being single storey, the bungalow will sit lower than the properties to north and south. The proposal would be close to the boundary with the rear garden of number 14 Glen Road to the north east (1.5 metres) but would not cause significant loss of amenity for the occupiers of that property.

The boundary of the plot is defined by a mature privet hedge which is stated to be retained. The lower height of the proposed dwelling and the retention of the boundary hedge are such that the impact upon number 14 would not be so significant as to justify a refusal. The intervening boundary screening would prevent unacceptable overlooking; the proposed windows to the eastern elevation are to serve utility, kitchen and hallway.

The proposed dwelling would also be located in close proximity to the boundary with number 1 Heather View set 1.5 metres to the south of it. The boundary is defined with a high mature Beech hedge over 2 metres in height. Number 1 Heather View itself is set in excess of 20 metres north of the shared boundary and as such would not suffer from any potential overlooking or overshadowing.

Impact on the character of the locality

It is acknowledged that the proposal involves development on an existing garden. Whilst gardens were removed from the definition of previously developed land in the National Planning Policy Framework (2012), with the aim of enabling Local Planning Authorities to more strongly protect the character of established residential areas from "garden grabbing", such revisions to the definition of "previously developed land" have not gone so far as to prevent residential infill on all gardens. The NPPF says only that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area, and has not made development on garden land unacceptable as a matter of principle. There remains a need to make more effective use of land for housing - where this is appropriate having regard to other planning policies. Each case must be considered on its merits.

Also, National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The relevant policies of the RUDP in this case are D1 which seeks to ensure that development makes a positive contribution to the environment and is well related to the existing character of the locality, and UR3 which seeks to safeguard the surrounding environment.

The proposed footprint of the bungalow takes up a large portion of the site, but the height, design and retention of boundary hedges are such that the property will sit discretely in its surroundings and not be over dominant. The proposed bungalow would also be in keeping with the three bungalow properties to the west and south west at 3, 4 and 5 Heather View. The proposed dwelling would be kept low and set behind mature hedges to minimise the massing of building. As such the proposal would maintain some of the spaciousness and open character of the area.

The proposed dwelling also reflects some of the design characteristics of numbers 3, 4 and 5 Heather View, in particular the external chimney feature. Materials proposed include a mixture of stone and render for the walls with concrete tiles to the roof. The surrounding properties are in natural stone with reclaimed stone roof slates. It is considered that natural materials would be more appropriate and a condition should be attached regarding approval of samples of materials.

Subject to agreement of appropriate walling and roofing materials, the proposed dwelling would sit appropriately onto the site and respect the local character in accordance with Policies UR3 and D1 of the RUDP.

Trees/Hedges

Mature hedges form the boundaries of the site; these are stated on the plans to be retained. Whilst the proposed dwelling would be located in relatively close proximity to the hedges (1.5 metres from the northern and eastern boundaries), the hedges could survive construction and be retained. The existing hedge along the frontage to Heather View would also be retained, with the exception of a section to be removed to form the driveway. The retention of this hedge is important in ensuring the development maintains the character of the cul-de-sac.

The southern boundary would be defined by a new stone wall 1.5 metres in height, to separate it from the parent dwelling, number 2 Heather View.

There are fruit trees towards the northern end of the site which would be removed, though these are minor unprotected trees. The large willow to the southern end is to be retained and would help to screen views from the site to 2 Heather View and provide a mature setting for the development.

Outside the site in the garden of 1 Heather View, close to the site boundary, are 3 mature silver birch trees which have some amenity value within the street. It is recommended that to ensure the retention of these trees and also the boundary hedges that a condition be attached requiring protective fencing during the construction phase.

CONCLUSION

Whilst the strong objections of the neighbours are acknowledged, this is a resubmission of a scheme which was granted permission by Area Planning Panel in 2011. It has been explained why there are no highway safety objections, despite the shortcomings of Glen Road, and that there have been no material changes in circumstances or policy since 2011 that would justify refusal of this application. The impact of the low rise bungalow on neighbours and the street scene will not be harmful.

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 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 proposal has been designed to preserve the amenities of neighbouring residents and the respect the local character. It is not considered to raise any highway safety implications. Accordingly the proposal meets the requirements of Policies UR3, D1, TM2, TM12 and TM19A of Bradford's Replacement Unitary Development Plan (2005).

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 accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

2. Before the development is brought into use, the off street car parking facility shall be laid out, surfaced with porous materials to drain 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.

3. The development shall not be begun, nor shall any demolition, site preparation, groundworks, construction materials or machinery be brought on to the site until temporary Tree Protective Fencing has been erected around the Root Protection Areas of the trees and hedges along the boundaries of the site. The Tree Protective Fencing shall be to a minimum standard as indicated in BS 5837 (2005) Trees In Relation To Construction. The position of the temporary Tree Protective Fencing will be outside Root Protection Areas (unless otherwise agreed with the Local Planning Authority). It shall be fixed in position and mounted on poles driven at least 0.6m into the ground and shall not move or be moved for the duration of the development.

The Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing and have confirmed in writing that it is erected in a satisfactory position and to a satisfactory specification.

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 NE4 and NE5 of the Replacement Unitary Development Plan.

4. The development shall be drained using separate foul sewer and surface drainage systems, details of which shall be submitted to and approved by the local planning authority.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any subsequent equivalent legislation) no

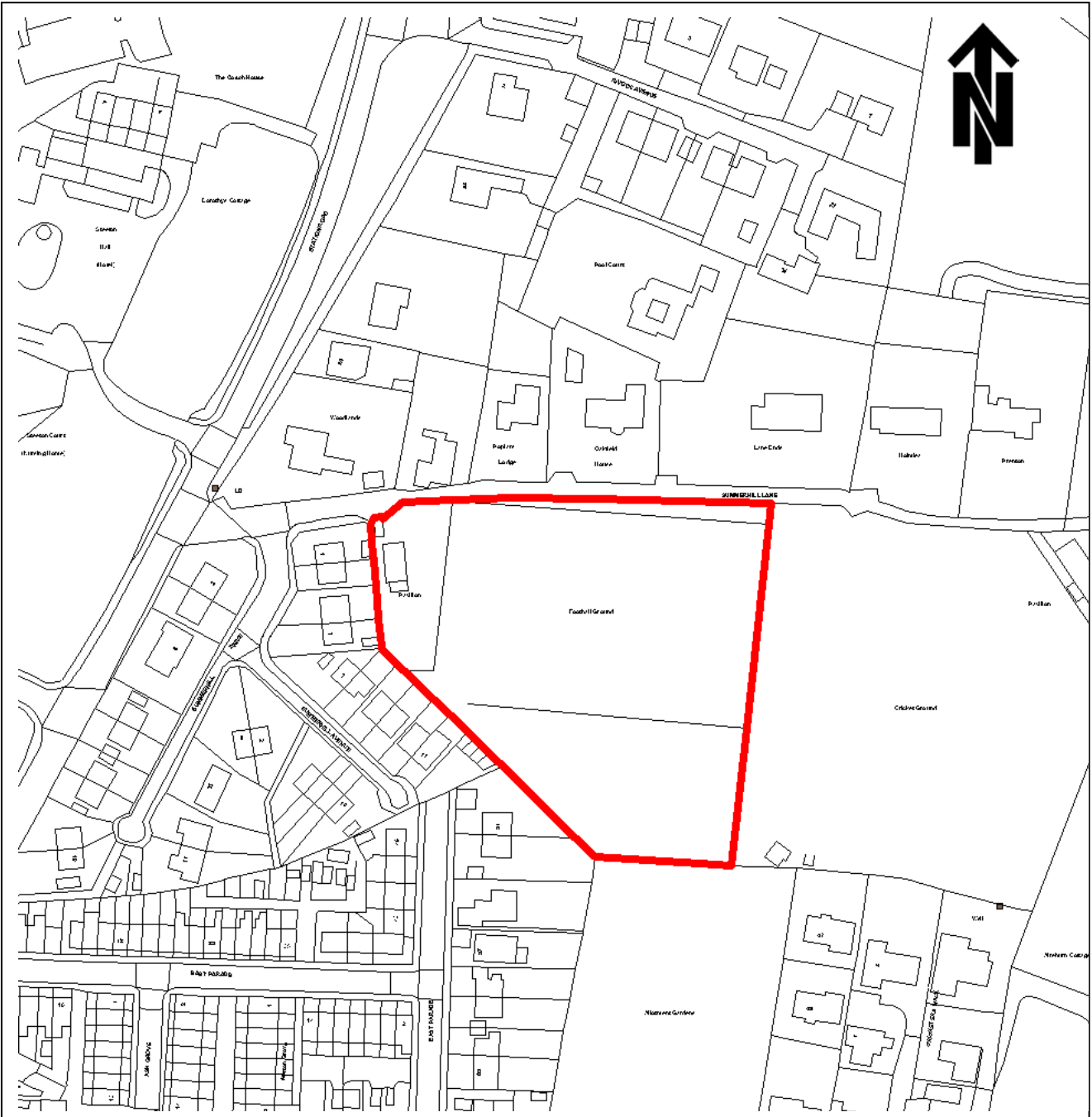
further windows, including dormer windows, or other openings shall be formed in the rear elevation; without prior written permission of the Local Planning Authority.

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

Area Planning Panel (Keighley & Shipley)

14/03890/ADV

27 November 2014



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<p>ITEM NO. : 5</p>	<p>LOCATION: Steeton Football Ground Summerhill Lane Steeton With Eastburn</p>
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27 November 2014

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

Application Number:
14/03890/ADV

Type of Application/Proposal and Address:

Retrospective application for advertisement consent for advertising boards fixed to pitchside perimeter fencing at Steeton Football Ground, Doris Wells Memorial Field, Summerhill Lane, Steeton with Eastburn, West Yorkshire, BD20 6RX

Applicant:
Steeton AFC

Agent:
John Mortimer – Club Chairman.

Site Description:

The adverts are already in place - located around the perimeter of the football pitch at Steeton Football Ground. The sports club consists of a football pitch, and a clubhouse facing it to the west where there is a small car park. It is within a larger area of playing fields known as the Doris Wells memorial fields. A beech hedge divides the football pitch from the cricket pitch to the east. The site adjoins residential areas to west and north and is accessed via Summerhill Lane which is an unmade road and a dead end.

Relevant Site History:

78/04385/FUL Floodlights For Training
Land Off Summerhill Lane Steeton Keighley PPGR 06.09.1978
82/07962/FUL Two Floodlighting Poles
Summerhill Lane Steeton Keighley PPGR 16.02.1983
91/00621/FUL Erection of two shelters
The Doris Wells Summerhill Lane Steeton Keighley PPGR 18.06.1991
97/00318/FUL Erection of fixed practice cage system for cricket training GRANT 18.03.1997
99/03162/FUL Refurbishment and extension to clubhouse and training pitch WDN
13.01.2000
00/01242/FUL Extension to football club GRANT 06.07.2000
01/03918/FUL Extension to form referee changing room GRANT 29.01.2002

Replacement Unitary Development Plan (RUDP):

Allocation

The site is allocated as playing fields (Policy OS3) in the RUDP

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:

Steeton with Eastburn Parish Council – records no comments.

Publicity and Number of Representations:

No publicity is required for advertisement consent applications.

Summary of Representations Received:

None received

Consultations:

None deemed necessary.

Summary of Main Issues:

Impact on Amenity and Safety

Appraisal:

The application is for the retention of non illuminated advertising boards fixed to plywood boards and mounted on the perimeter fence surrounding the football field. In total there are 48 signs fixed to fencing along 3 sides of the pitch. The east side is enclosed by a beech hedge and there are no signs along this side of the pitch. Each sign measures 2.46 metres x 0.62 metres and the fencing stands 1.025 metres above ground level.

The signs advertise a number of national and local business sponsors. The adverts are a uniform size and are located facing onto the pitch being fixed to the low barriers which form the pitch perimeter. They are well maintained and tidy.

The Football Club's covering letter explains the importance of the various business sponsors to its funding.

Signs are controlled under the Town and Country Planning (Control of Advertisements) Regulations. The Regulations give certain types of advertisements or signage exemption from control and further categories of advertisement or signage, such as certain signs on shop fronts, enjoy what is termed "deemed consent". Signs not enjoying exemption or deemed consent need "express consent".

It is not unusual to find advertisements on the barriers surrounding sports pitches. In situations where such signage is on “enclosed land”, not readily visible from outside the enclosed land or from any place to which the public have a right of access, such as inside a football or rugby stadium, or inside a shopping centre, such signs are exempt from control. At Steeton AFC, however, the land is open and so there is a need to obtain express consent for their display.

In its guidance, the NPPF at paragraph 67 states that
“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.”

These advertisements at Steeton AFC are facing inwards onto the pitch and are not causing an obstruction to any right of way or highway, nor will they be a distraction to motorists. As such they do not raise any safety issues.

The signs are visible from some vantage points outside the site, such as along Summerhill Lane, and they obviously introduce an element of commercialism to an otherwise residential area. However, they are not dominant or detracting from the appearance of the area due to their low height. They are not illuminated.

The beech hedge provides some screening to views from the east and the club house itself provides a screen to views from the west. The stone wall along Summerhill Lane provides screening to the nearest signs along the north edge of the pitch in views from the houses overlooking the site on the north of the lane. The pitch is seen from Keighley Road to the south but this is at a significant distance across the intervening allotments. Whilst visible from the back gardens to semi detached houses along Summerhill Avenue, the signs do not seem unduly dominant or oppressive.

Although there are 48 signs, it is not considered that the advertisements are having an appreciable negative impact on the surrounding environment. They are not unduly large, they are displayed at a low level, are contained within the site and placed to face towards the playing pitch. They do not appreciably harm local amenity or have safety implications and are therefore considered acceptable.

Approval of consent is therefore recommended.

Community Safety Implications:

None apparent

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.

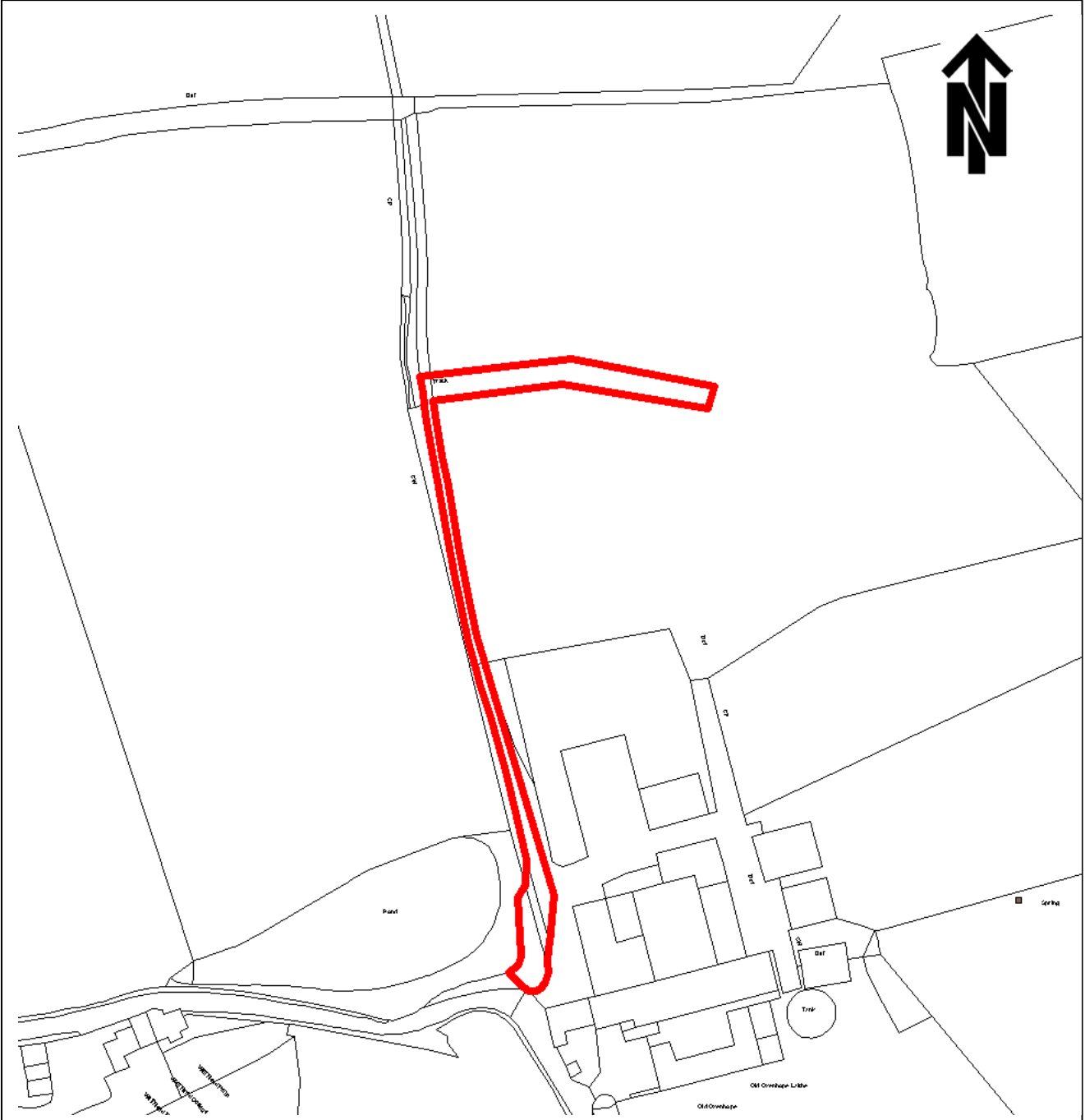
Conditions of Approval:

Standard conditions are automatically imposed on all advertisement consents requiring the display of signage to be kept in a clean and tidy condition and maintained in a safe condition.

Area Planning Panel (Keighley & Shipley)

14/03122/FUL

27 November 2014



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ITEM NO. : 6

LOCATION:
**Old Oxenhope Farm
Old Oxenhope Lane
Oxenhope**

27 November 2014

Item Number: 6
Ward: WORTH VALLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
14/03122/FUL

This application has been the subject of a request for a Panel referral by a ward councillor

Type of Application/Proposal and Address:

Full application for the installation of two x 11kW wind turbines on 18 metre high masts. Old Oxenhope Farm, Old Oxenhope Lane, Oxenhope, Keighley

Applicant:

Mr T Goulding

Agent:

Universal Green Energy

Site Description:

Old Oxenhope Farm is a large, fairly compact complex of agricultural buildings of varying age and appearance located on the east side of Old Oxenhope Lane, on rising land on the west side of the Worth Valley. The farm grouping, is fairly prominent in the landscape despite areas of tree cover in the vicinity, and is located immediately adjacent to a public footpath which is part of the Bronte Way and The Railway Children Walk. The site is within an attractive part of the Mixed Upland Pasture Landscape Character Area.

The proposed turbines would be sited on an open grazing field to the north of, and at higher level than, the farm grouping.

Relevant Site History:

10/01590/FUL – 1 turbine with 18m mast. Refused
10/04909/FUL - 1 turbine with 18m mast. Refused and appeal dismissed
13/00348/FUL - 3 turbines with 15m masts. Refused

Replacement Unitary Development Plan (RUDP):

Allocation

UDP3 promotes acceptable forms of development that respect the urban and natural environments.

UR3 - local impact of development.

GB1 – presumption against inappropriate development in the Green Belt

NE3 - landscape character areas

NE3A - landscape character 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:

Objection on the grounds that [the development] is visually intrusive and is too high for the power produced.

Publicity and Number of Representations:

Application advertised by site and press notice expiring 2 October 2014.

Summary of Representations Received:

10 objection letters
7 support letters

Objections

- 1. Application is a result of pressure on the farmer and local residents.
- 2. Previous reasons for refusal of previous applications remain valid.
- 3. Turbines infringe the natural beauty of the area and will be an eyesore. They will do nothing to improve Oxenhope but most likely will blight the countryside.
- 4. The development will be able to be seen from numerous angles and spoil the historic views of the valley
- 5. The turbines would not benefit Oxenhope but would ruin an old timeless landscape held dear to all who come from all over the world to see the Bronte's countryside. The Worth Valley is a culturally and historically unique landscape and more turbines will have an adverse effect on tourism and local economy.
- 6. Turbines at this location would not provide benefits to outweigh the damage caused.
- 7. If this application was granted it would set a precedent for other (previously refused) applications to be resubmitted along with any number of new applications
- 8. Wildlife such as birds and bats are affected by wind turbines

Supporters

- 1. Development is vital to the farm business.
- 2. Government policy is to reduce carbon emissions from the dairy industry
- 3. This application will help the farm so it should be supported
- 4. Turbines will be great for the farm as it will save a lot of energy and will be more beneficial to the environment by creating electricity from the wind

5. This agribusiness is a responsible, forward thinking enterprise which is extremely well managed
6. Without allowing farms to develop they inevitably decline and ultimately environmental stewardship declines with them
7. Windmills being unsightly is a purely personal opinion
8. It has been made clear that the turbines would be part of the agricultural business and are required in order to reduce costs.
9. References to the impact on tourism are unproved by any hard statistics

Consultations:

Oxenhope Parish Council

Objection : The Parish Council has previously objected against planning application 10/04909/FUL for a turbine on this farm on the grounds of the size of the wind turbine and its location because it would there be a prominent feature from most upland parts in Oxenhope and from Penistone Hill in Haworth. Members of the Parish Council were agreed that, although the height of the proposed wind turbines in planning application 14/03122/FUL were reduced from the previous planning application and it is said that the colour of the masts would be grey rather than white, they would still be a prominent feature on the landscape as per the Planning Inspectorates report dated 10th March 2011.

The Parish Council confirmed that if the planners were minded to approve then determination should take place at an Area Planning Panel meeting.

Haworth Parish Council

Objection on the grounds that [the development] is visually intrusive and is too high for the power produced.

Council Rights of Way Officer

Keighley Public Footpaths 153 and 168 cross the site. General guidance on the positioning of wind turbines adjacent to public footpaths advises that turbine blades should not over sail the footpath and desired separation is taken as fall over distance. On this occasion it appears the turbines will be a sufficient distance away from the footpaths. Providing this is the case Rights of Way section does not have any objections.

Natural England

No objections

Summary of Main Issues:

Background

Green Belt

Landscape Impact

Whether there are Very Special Circumstances

Appraisal:

This application seeks planning permission for the erection of two wind turbines on land to the north of Old Oxenhope Farm.

This new application now proposes two turbines at the farm involving two 18.4 metre tall masts, with rotor diameters of 13 metres, resulting in an overall height of the order of 24.9 metres.

It is the fourth such proposal on the land since 2010. The following applications have been refused under Officer delegated powers:

10/01590/FUL – 1 turbine with 18m mast. Refused

10/04909/FUL - 1 turbine with 18m mast. Refused and appeal dismissed

13/00348/FUL - 3 turbines with 15m masts. Refused

These refusals were on the grounds of adverse impact upon the Green Belt and harm to the quality of the landscape, which is of significant national and international literary heritage and tourism value, attracting many visitors. Refusal of application 10/04909/FUL was subject to an appeal but this was dismissed, the Inspector accepting the Council's reasons for refusal.

The main issues with this form of development remain as follow:

1. Whether the proposal would represent inappropriate development in the Green Belt.
2. The effect of the proposal on the openness of the Green Belt and the character and appearance of the area; and
3. Whether any harm to the Green Belt by reason of inappropriateness, and other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
4. In addition consideration must be given to the impact of the two large turbine structures on the character of this upland landscape.

Green Belt Issues

The proposed development does not fall within any of the categories of development allowed in the Green Belt by virtue of either Policy GB1 of the RUDP or the National Planning Policy Framework (NPPF) which, at paragraphs 87 to 89, seeks to prevent development that is inappropriate.

The NPPF, at paragraph 91, also confirms that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and there is a presumption against it except in very special circumstances. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. These benefits will be weighed against harm arising from the development.

As was acknowledged by the Inspector considering the previous appeal at this site, application reference 10/04909/FUL, wind turbines produce amounts of renewable energy and, in this case, they would provide energy that would help power the dairy farm, with any excess being fed into the National Grid. This green energy would benefit carbon reduction and would contribute to green energy targets set for the farm. It would also result in financial benefits for the farm by reducing fuel costs, and it would improve the farm's environmental rating, thereby rendering the dairy business more viable.

However, in considering the previous proposal, the Inspector concluded that a wind turbine would also harm the openness of the Green Belt, as there would be a new structure where there is currently open space. Openness is the most important attribute of Green Belts and the turbines would add to encroachment of inappropriate development into the countryside, and this is contrary to the purposes of including land within the Green Belt.

The site lies on rising ground within open countryside in a sparsely developed area consisting mainly of agricultural fields, close to undulating moorland. Although in some views the proposals would be seen within the context of agricultural buildings and silos, their height, is such that they would tower above these structures and would be conspicuous intrusions into the open countryside. They would harm openness and appear as encroachment into the countryside when seen from various near, middle and distant views from nearby highways and the scattering of dwellings in the vicinity.

As was the conclusion by Officers in the determination of the previous applications, and as was concluded by the Planning Inspector conducting the appeal, the harm to the Green Belt arising from the development here by reason of inappropriateness outweighs the benefits identified by the applicant. It is also considered that those parts of the Green Belt where there is a general lack of development and no other significant vertical forms are more susceptible to harm. To permit turbines here would result in increased pressure for similar developments to the extent that protection of the most important attributes of the Green Belt in such sensitive areas may become more difficult.

Whilst the benefits to the farm are acknowledged, the proposals do not overcome the fundamental objection to inappropriate new development in the approved Green Belt and remain contrary to Policy GB1 of the RUDP and contrary to the NPPF.

Implications for Landscape Character

The two turbines would be clearly seen from numerous roads and footpaths from near, middle and more distant viewpoints. There is a public footpath very close to the site of the turbines. The positions would be some 45m and 85m away from this path - which is part of the Bronte Way/Railway Children Walk. They would be a dominating vertical intrusion in views from this path and harm the enjoyment of users of the footpath.

In the assessment of the three previous applications for wind turbines at Old Oxenhope Farm, reference has been made to the Landscape Character Supplementary Planning Document, adopted by City of Bradford Metropolitan District Council in 2008 and forming part of the Local Development Framework. Old Oxenhope Farm lies within the Worth and North Beck Character Area (Mixed Upland Pasture Landscape Character Type) as described in the Landscape Character Supplementary Planning Document. This SPD supplements policies NE3 and NE3A of the Replacement Unitary Development Plan which seek to prevent development that has an adverse impact on landscape character.

The Worth and North Beck Valley Character Area is identified as having a strong character and high historic continuity. The development pressures on this well balanced landscape are high and its character is described as being very vulnerable to major changes and very sensitive to any further development. The Landscape Character Supplementary Planning Document also estimates that over one million visitors a year come into the Haworth/Bronte country area, with one of the major attractions being the quality of scenery and the open moors. The countryside is a major attraction - centring on Haworth and the local landscape with its many literary connections and general ambience.

Due to their scale, height and design, the turbines would appear over dominant and utilitarian in this remote location and their prominence would be exacerbated by the moving blades, which would attract the eye. Such vertical structures would seem incongruous and would fail to integrate with their surroundings. As was the conclusion of the Planning Inspector in 2010

in respect of a single turbine, these two turbines would have a detrimental visual impact and would cause significant harm to landscape character.

Furthermore, the two wind turbines now proposed at Old Oxenhope Farm will be seen in combination with the long established Naylor Hill turbine, and the Ovenden Moor wind farm is seen on the skyline to the south. This cumulative effect, whereby multiple man-made turbine installations of varying scales are apparent in views from many places of public access, will add to and amplify the detractive nature of the existing turbine installations. The cumulative effect of multiple turbines is considerably more detracting than the impact of each turbine installation considered in isolation. The Landscape Character Supplementary Planning Document lists the existing wind turbine at Naylor Hill as a detractor from the landscape. The presence of either the existing turbine at Naylor Hill, or the Ovenden Moor wind farm, does not provide reason for the acceptability of additional turbines in the area.

Finally, it is noted that the updated profile for the South Pennines National Character Area, published by Natural England (2012), also contains much that is relevant to considering potential wind turbine construction within this area. One of the objectives of this is:

“SEO 4: Increase the enjoyment and understanding of the countryside and improve access for people to enjoy the natural environment with its sense of escapism and inspiration, whilst also conserving the valuable wildlife, geological and historic features.”

It is considered that large vertical wind turbines would disrupt the sense of remoteness and wildness experienced in the moorlands and moorland fringes identified of the South Pennines National Character Area and that these areas should be protected from inappropriate development.

The proposal would have a significantly harmful effect on the character and appearance of the area in conflict with the key characteristics of the Landscape Character Area. It would therefore conflict with the relevant objectives in the UDP Policies NE3, NE3A and NR13. It would also fail to accord with one of the core planning principles in the Framework that recognises the intrinsic character and beauty of the countryside (paragraph 17) and its policy objective of protecting and enhancing valued landscapes (paragraph 109).

As such the proposals fail to satisfy Policies UDP3, UR3, NE3 and NE3A of the RUDP and guidance set out in the NPPF, which at para 114 requires local planning authorities to protect and enhance distinctive landscapes.

Consideration of Very Special Circumstances

In accordance with paragraph 88 of the Framework, substantial weight needs to be given to the harm to the Green Belt by reason of inappropriate development and significant weight to the impact on the character and appearance of the area. It is appreciated that there are significant factors that favour the development, including the provision of renewable energy and consequent reduction in CO2 emissions which are consistent with the Government's commitment to tackling climate change and may contribute to the very special circumstances necessary to justify development in the Green Belt. In addition, the application is accompanied by statements that indicate the benefits to the farmer of reducing costs of production.

In support of the planning application, a statement has been received that points out that the wind turbines would be a crucial element in the business plan of Old Oxenhope Farm to remain viable in the future. This is the main reason for the resubmission. Without the income from the turbines and the production of green energy, the applicants state that the future of this and other similar farms would be in question.

However, the benefits that would flow from the proposal are not considered to clearly outweigh the totality of the harm. Accordingly, the very special circumstances necessary to justify the development are not considered to exist.

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 introduce incongruous and widely visible vertical elements into this sensitive rural landscape, whose historical and literary associations are also central to its wider economic value in tourism terms. The proposed turbines would be seen from vantage points and public rights of way over a wide area and would result in significant harm to the character of the landscape that would outweigh the limited contribution towards overall renewable energy targets. As such the proposed development is contrary to Policies UDP3, UR3, NE3, NE3A and NR13 of the Bradford Replacement Unitary Development Plan and contrary to guidance set out in the National Planning Policy Framework (2012) in respect of the protection and enhancement of distinctive landscapes (para 114).
 2. The proposed wind turbines would represent an encroachment of inappropriate development into the Green Belt that would have a harmful effect on the openness of the Green Belt and the purposes of including the land in it. Although mindful of the benefits of the proposal as a source of renewable energy, in this case, the negative impact of the development on the openness and visual amenity of the Green Belt is not considered to be outweighed by any very special circumstances. Accordingly the proposal is considered to be contrary to Policy GB1 of the Bradford Replacement Unitary Development Plan and the National Planning Policy Framework in respect of the impact upon Green Belt land.
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