

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

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Summary Statement - Part Two

Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action – page 59	(1)
Decisions made by the Secretary of State – Allowed – page 61	(1)
Decisions made by the Secretary of State – Dismissed – page 61	(5)
Misc Item – Craiglunds Hotel, Cowpasture Road, Ilkley – Variation to Section 106 – page 63	(1)

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Portfolio:

Housing, Planning and Transport

Overview & Scrutiny Committee**Area:**

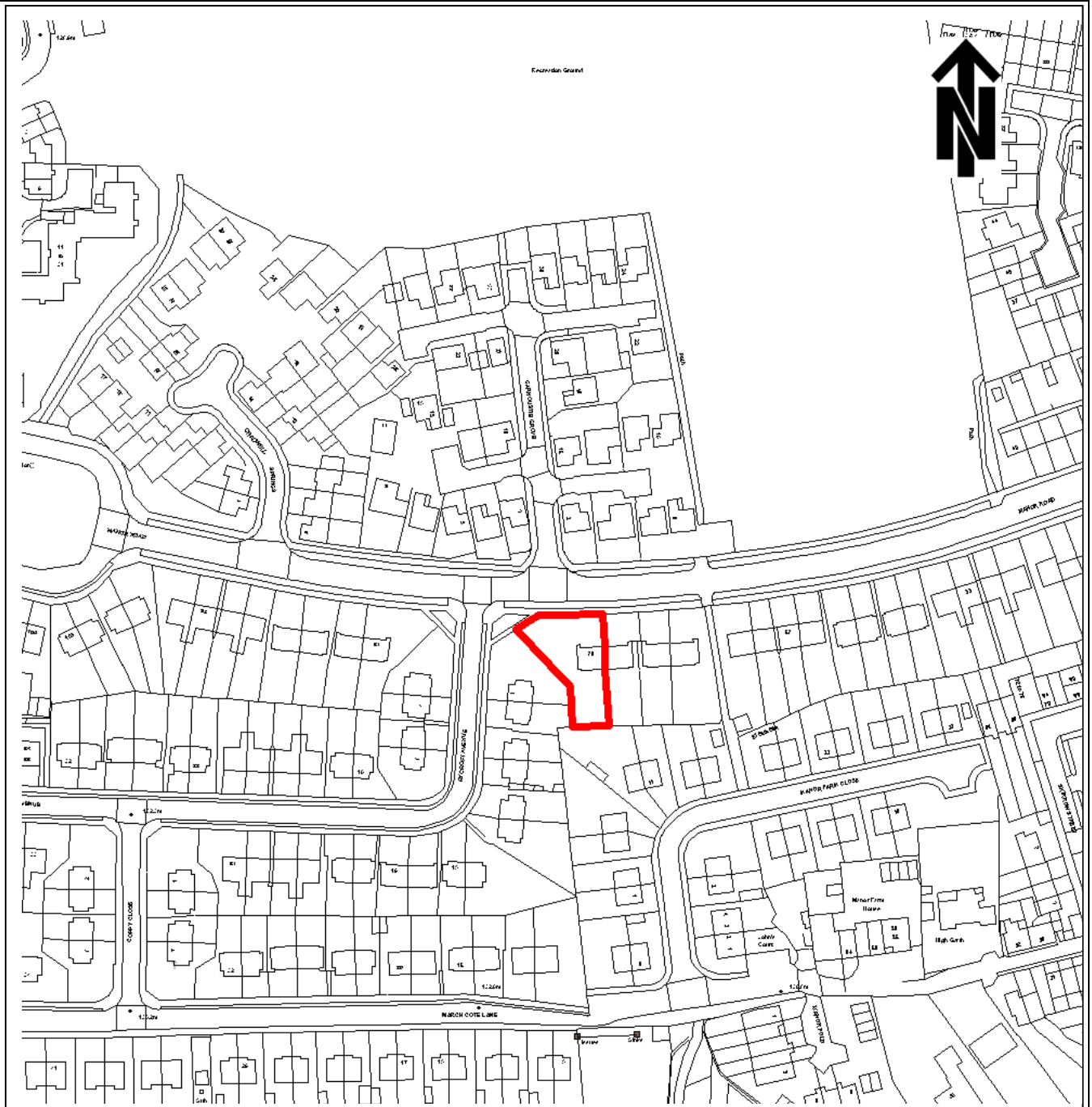
Regeneration and Economy



Area Planning Panel (Keighley and Shipley)

14/00460/ENFUNA

27 November 2014



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ITEM NO. : 7	LOCATION: 79 Manor Road Cottingley Bingley
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27 November 2014

Item Number: 7
Ward: BINGLEY RURAL
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
14/00460/ENFUNA

Site Location:
79 Manor Road, Cottingley, Bingley, West Yorkshire BD16 1PX

Breach of Planning Control:
Construction of dormer windows to both front and rear elevations.

Circumstances:
It was brought to the attention of the Local Planning Authority that dormer windows had been constructed at the above property. Planning permission for front and rear dormer windows in this location has been granted. However, those constructed are built of inappropriate materials and at a larger scale than that approved. The development was challenged as unauthorised and the owner has been advised to take action to rectify the breach of planning control. To date no application has been submitted and a recent site inspection confirms the dormer windows remain in situ.

The dormer windows are considered to be detrimental to visual amenity. The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 23 October 2014. The notice requires removal of the dormer windows and reinstatement of the roof slopes.

DECISIONS MADE BY THE SECRETARY OF STATE

Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
8	Windhill And Wrose (ward 28)	34 Wrose Road Shipley West Yorkshire BD18 1AA Construction of a two storey side extension - Case No: 14/00114/HOU Appeal Ref: 14/00111/APPHOU

Appeal Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
9	Keighley East (ward 16)	3 Thorneycroft Road East Morton Keighley West Yorkshire BD20 5QW Construction of porch and wc to front and dormer window to front - Case No: 14/01452/HOU Appeal Ref: 14/00069/APPHOU
10	Keighley Central (ward 15)	42 Springfield Road Keighley West Yorkshire BD20 6JR Two storey side and rear extension and single storey porch roof to front elevation - Case No: 14/01617/HOU Appeal Ref: 14/00090/APPHOU
11	Bingley Rural (ward 03)	Elder House Lee Lane Wilsden Bingley West Yorkshire BD16 1UF Single storey side extension including removal of existing sheds - Case No: 14/02233/HOU Appeal Ref: 14/00108/APPHOU

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
12	Windhill And Wrose (ward 28)	Garage Elm Grove Shipley West Yorkshire Conversion of existing garage with additional first floor extension to form two storey dwelling - Case No: 14/01844/FUL Appeal Ref: 14/00091/APPFL2
13	Bingley Rural (ward 03)	Upper Bradshaw Head Farm Long Causeway Denholme West Yorkshire BD13 4ND Installation of one medium scale 250kW turbine on a 30m monopole mast - Case No: 13/03033/FUL Appeal Ref: 14/00017/APPFUL

Appeals Upheld

There are no Appeal Upheld Decisions to report this month

Appeals Upheld (Enforcements Only)

There are no Appeal Upheld Decisions to report this month

Appeals Withdrawn

There are no Appeal Withdrawn Decisions to report this month

Appeal Allowed in Part/Part Dismissed

There are no Appeals Allowed in Part/Part Dismissed to report this month

27 November 2014

Item Number: 14

Ward: ILKLEY

Recommendation:

TO AUTHORISE A VARIATION TO THE SECTION 106 AGREEMENT

Application Number:

13/04578/FUL

Type of Application/Proposal and Address:

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

Applicant:

Craiglands Ltd.

Agent:

Street Design Partnership

Circumstances:

At its meeting of 24 September 2014, the Area Planning panel resolved to approve the above planning application subject to conditions and a Section 106 agreement.

The Heads of Terms of the S.106 agreement aimed to resolve potential harmful effects from additional residential development on the adjoining area of moorland which is part of the South Pennine Moors Special Protection Area (SPA) /Special Area of Conservation (SCA) and SSSI. The Special Protection Area is a site of international importance for nature conservation, being classified in accordance with EC Directive. The particular interest of this site is its importance for several upland breeding birds and their supporting habitat.

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

The recommendation, endorsed by Panel, included a requirement that to avoid and mitigate possible effects on the South Pennine Moors SPA/SAC/SSSI from possible urban edge effects, the developer will undertake through a S.106 agreement that:

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

Since the report, Officers have undertaken a review of planning practice and appeals elsewhere in the country involving use of legal undertakings preventing ownership of dogs and cats by prospective occupiers. Such undertakings and planning conditions have not been supported on appeal and have been deemed to be unenforceable. The Council's Enforcement manager has also expressed concerns about the monitoring and enforcement of such restrictions. For example, there may be conflicts with the Equalities Act if the suggested covenant prevents ownership of Guide or Hearing Dogs.

The Countryside Officer has confirmed that in the light of this, this clause within the S.106 agreement can be deleted.

The revised Heads of terms covering this issue should therefore be amended to read

- provision of shared open green space within the existing hotel grounds to be accessible and available to occupants of the new dwellings.
- the applicant will fund the provision of 3 public information boards on entry points to the moor to explain the importance of the SAC/SPA/SSSI.
- information packs will be provided to all residents explaining the importance of the SPA/SAC and best practice for avoiding adverse effects on habitat and species, including the need to control pets.

Panel is requested to endorse this amendment to the Section106 Heads of Terms.
