

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 25 February 2015

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Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	15 Prod Lane Baildon West Yorkshire BD17 5BN - 14/04634/FUL [Approve] – page 2	Baildon
2.	3 - 4 Elam Wood Road Riddlesden Keighley West Yorkshire BD20 5QH - 14/03141/HOU [Approve] – page 8	Keighley East
3.	56 Victoria Avenue Ilkley West Yorkshire LS29 9PN- 14/04900/HOU [Approve] – page 14	Ilkley
4.	H.C.F Poultry Station Yard Station Road Cullingworth Bingley West Yorkshire BD13 5HP - 14/04449/FUL [Approve] – page 20	Bingley Rural
5.	Hollin Hall Barn Skipton Road Ilkley West Yorkshire LS29 9RN - 14/04181/FUL [Approve] – page 26	Ilkley
6.	Land West of Moorside Farm Wellington Road Wilsden Bingley West Yorkshire - 14/04844/OUT [Approve] – page 35	Bingley Rural
7.	Lingmoor 56 Kings Road Ilkley West Yorkshire LS29 9AT - 14/04367/HOU [Approve] – page 42	Ilkley
8.	River Wharfe Site adjacent to Greenholme Farm Leather Bank Burley In Wharfedale Ilkley West Yorkshire - 14/03664/FUL [Approve] – page 49	Wharfedale

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Portfolio:
Housing, Planning & Transport

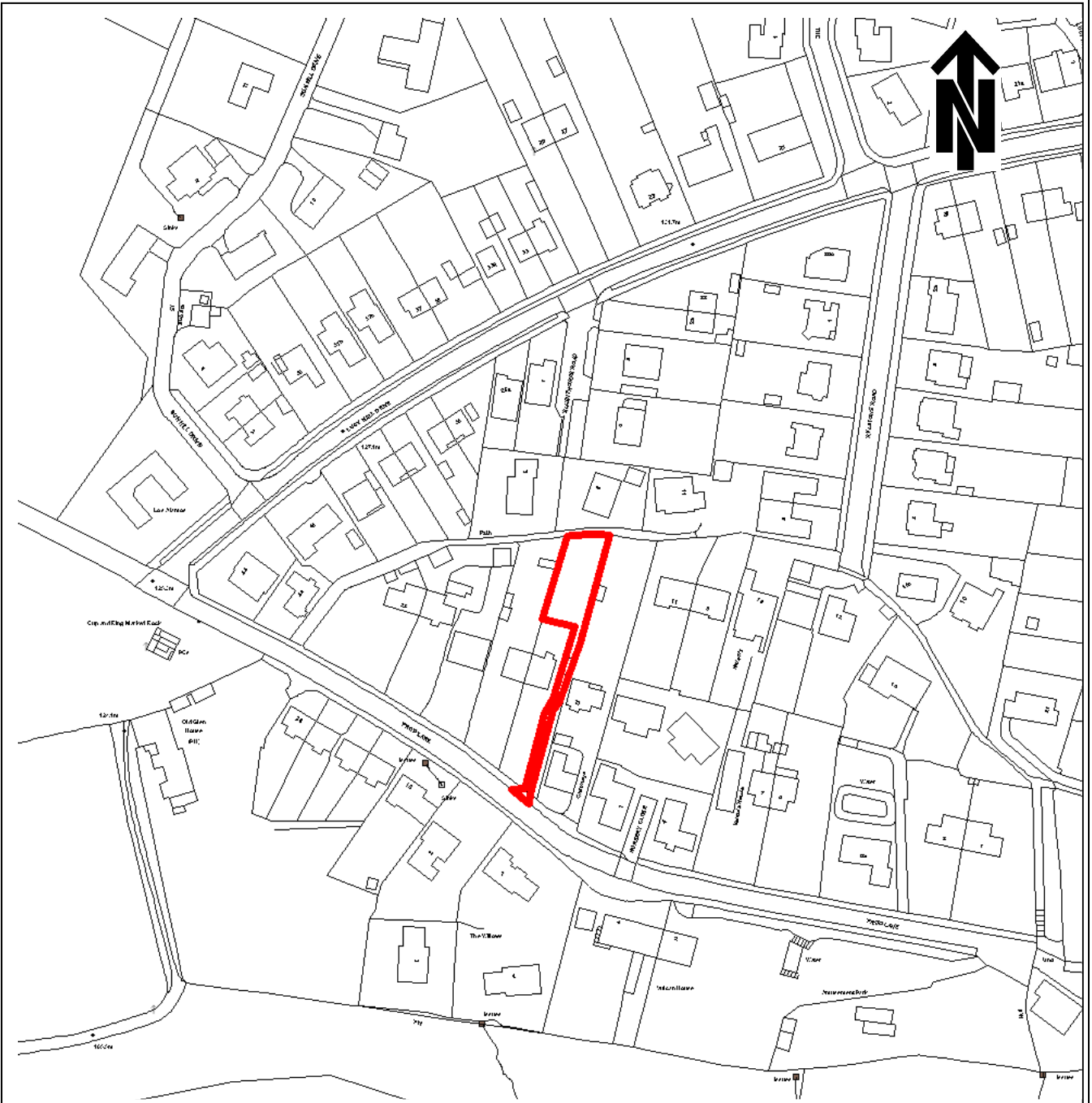
Overview & Scrutiny Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley & Shipley)

14/04634/FUL

25 February 2015



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ITEM NO. : 1

LOCATION:
15 Prod Lane
Baildon
BD17 5BN

25 February 2015

Item Number: 1
Ward: BAILDON
Recommendation:
TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:
14/04634/FUL

Type of Application/Proposal and Address:
Full application for erection of a new dwelling on land to the rear of 15 Prod Lane, Baildon

Applicant:
Mr & Mrs D Murgatroyd

Agent:
Pickles Architects

Site Description:
This site comprises a long residential garden space to the rear of a semi detached stone built dwelling located on Prod Lane, Baildon, It is within an entirely residential area with other dwellings adjoining the garden boundary. Levels rise away from Prod Lane towards the north, such that the application site is higher than that of the existing dwelling. Access to the site is via the driveway of the existing dwelling which leads into the site via a gate opening in the stone wall along the property frontage to Prod Lane.

Relevant Site History:
84/05965/HOU : Kitchen extension. Granted 4.12.1984
83/07540/HOU : Double garage. Granted 2.12.1983

Replacement Unitary Development Plan (RUDP):
Policy UDP3 promotes acceptable forms of development that respect the urban and natural environments.
Policy UR3 local impact of development.
Policy D1 requires all development proposals to make a positive contribution to the environment and quality of life through high quality design, layout and landscaping.

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:

Baildon Parish Council - No response has been received.

Publicity and Number of Representations:

The application was advertised by neighbour letters.

Objections have been received from 9 local residents.

Summary of Representations Received:

1. The development would harm the character of the existing pair of Victorian semi detached houses on the site.
2. Overlooking. Contrary to what the agent has said in his statement, the land is not flat, it is on a slope, so the proposed dwelling would significantly overlook the gardens and homes surrounding it.
3. Loss of views for neighbours
4. Noise from car movements near to neighbouring gardens. The driveway which will access the existing house and the new house is 3ft away from the neighbouring house and the noise and disruption with the residents' cars and also the building vehicle will be a nightmare.
5. Overshadowing of neighbouring gardens.
6. Poor access for emergency services
7. Loss of fruit trees on site
8. Site is a haven for wildlife
9. This is overdevelopment putting pressure on roads and services. The parking and volume of traffic using Prod Lane (a no through road), will soon increase greatly on completion of a number of houses at the Shipley Glen Tramway end of the lane.
10. Visitor parking would cause problems locally.
11. Harm to property values nearby
12. If approved, hours of working must be restricted
13. We recognise that the house adjacent has recently had a house built in their back garden but do not want this previously granted permission to set a precedent.

Consultations:

Highways Development Control Officer :

No objections subject to widening of access drive to 4 metres over the first 5 metres from Prod Lane.

Rights of Way Officer

Public Footpath No. 43 (Baildon) runs adjacent to the northern boundary of the site, but would be unaffected by the development.

Drainage Section :

Suggests sustainable drainage of hardstandings and driveway is required. Separate drainage to site boundary. Site to be investigated for sustainable disposal of surface water run-off.

Summary of Main Issues:

Principle

Local Residential Amenity

Highway issues

Appraisal:

The area surrounding the property is wholly residential in character. To the immediate east of the application site is a neighbouring garden of the same format, which has recently been subject to planning permission for two new dwellings with one sited in the rear garden space and one in the frontage garden space.

All these three dwellings share a single but widened driveway and the arrangement appears generally acceptable.

In view of this very recent neighbouring development, where dimensions and relationships with surrounding land are essentially the same as those here, as a matter of principle it would likely be difficult to demonstrate that the proposal here was any less satisfactory than that recently considered to be acceptable for the neighbouring property.

The proposed dwelling is shown to be a dormer bungalow. This form of dwelling and the orientation facing down the applicants' garden would similarly repeat the approved arrangement on the neighbouring land and in these circumstances it is unlikely that the proposed development here would result in visual harm or incongruity with the prevailing character of the area.

Additional landscaping of boundaries would further assure privacy to a satisfactory degree and, having regard to the neighbouring pattern of development it is considered that the proposal here would be acceptable in principle.

The site is acknowledged to be sloping, falling in level from the north towards the existing dwelling on the plot. This level difference would make the proposed dwelling stand higher than the existing property, but on a comparable level to the new dwelling in the immediately neighbouring curtilage to the east.

The site boundaries would benefit from additional planting to reinforce their screening function in the interests of privacy.

Overall, it is not considered that the proposed development here would lead to significant issues of loss of privacy for existing or incoming residents.

It is acknowledged that the development would be close to neighbouring homes and so it is proposed that the standard condition limiting hours of construction be imposed.

Policies UDP3, UR3 and D1 of the RUDP are satisfied

Highway issues

The Council's Highway Officer considers that this additional single dwelling would be unlikely to increase vehicular traffic on Prod lane or the surrounding highway network to an unacceptable level.

The proposed level of parking provision would be two parking spaces per dwelling, which is acceptable. An adequate turning area is also shown, so that vehicles can enter and leave the site in forward gear. The drive width is now proposed to be 4.0 metres for the first 5.0 metres from Prod Lane as advised by the Highways DC Officer. This is also sufficient for emergency vehicles and complies with guidance set out in the Manual for Streets (*Department for Transport 2007*).

The driveway width should however be widened to 4 metres over its first five metres to make manoeuvring easier and to allow for bins to be positioned on refuse collection day – this will be addressed by way of a planning condition. Subject to that, the proposed development would not give rise to harm to highway or pedestrian safety and Policies TM2, TM12 and TM19A of the RUDP are satisfied.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposal reflects the scale and position of recent development to the rear of the adjoining dwelling and is considered to be in keeping with the prevailing character and pattern of development in the locality. The development would maintain appropriate separation to adjoining dwellings and there are no objections on grounds of highways safety. The proposal is considered to accord with Policies UR3, D1, TM12, TM19A 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 the dwelling is brought into use, the proposed car parking spaces for the existing and proposed dwellings shall be laid out, hard surfaced out and drained within the curtilage of the site in accordance with the approved plan. The car parking facilities so approved shall be kept available for use while ever the development is in use.

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

3. Notwithstanding details shown on the approved plan, before the new dwelling is brought into use, the means of vehicular and pedestrian access shall be laid out through the widening of the existing drive entrance to 4.0 metres over the first 5 metres of its length, and hard surfaced, sealed and drained within the curtilage of the site.

This drive access shall be hard surfaced or surfaced using only gravel that is bound to stop migration of material onto the footway. A suitable raised edge restraint should be put in place between the drive access and the highway to prevent any loose material moving onto the highway through the action of being walked or driven on.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

4. 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.

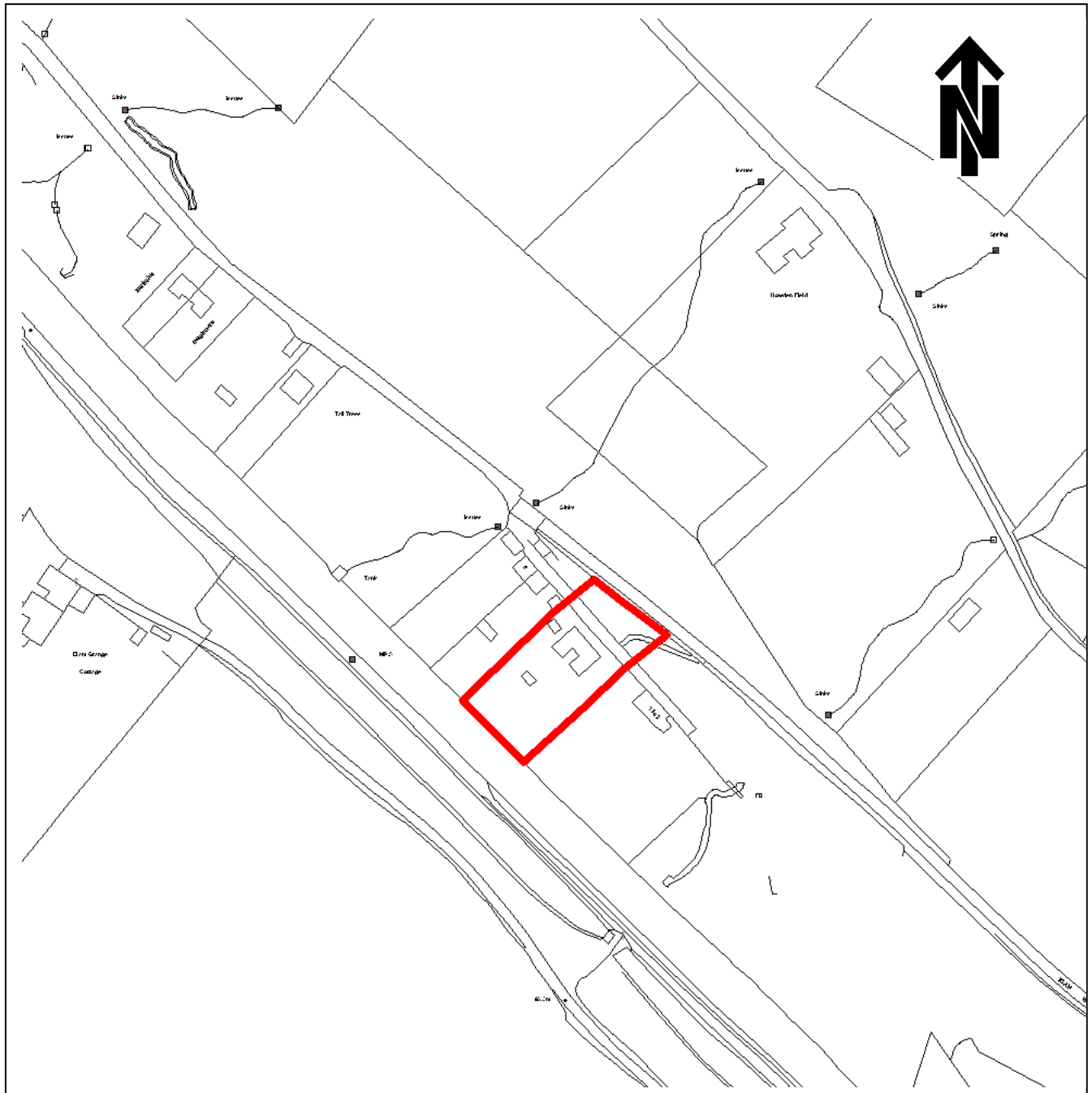
5. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

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)

14/03141/HOU

25 February 2015



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ITEM NO. : 2

**LOCATION:
3 - 4 Elam Wood Road
Riddlesden
Keighley
BD20 5QH**

25 February 2015

Item Number: 2
Ward: KEIGHLEY EAST
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
14/03141/FUL

Type of Application/Proposal and Address:

Full application for retrospective planning permission for the retention of a slope stabilising terrace, pedestrian steps, visitor parking spaces, a boundary wall and construction of a boundary wall at 3 - 4 Elam Wood Road, Riddlesden, Keighley.

Applicant:

Mr Chris Harker

Agent:

Daniel Bland (Upland Architects)

Site Description:

This retrospective application relates to garden works carried out in the curtilage of a large house constructed in recent years on sloping land above the Leeds Liverpool canal. The house is located on the south side of Elam Wood Road which is a poorly surfaced, single track road. The new house is set below the level of the road and the garden land falls steeply down to the canal to the south. The valley side is densely wooded in this vicinity with intermittent houses alongside the lane. The site is part of the Leeds Liverpool Canal Conservation Area and is in the Green Belt.

The circumstances are that following completion of the new house, the sloping garden has been substantially terraced and landscaped, partly as a consequence of foundation work and associated engineering to ensure stability of the new dwelling on the steep hillside. The terracing also provides a level amenity and parking area around the dwelling as well as usable level areas down the slope towards the canal.

A substantial part of the upper area is supported by heavy blocks of sandstone that presently form a bare embankment particularly to the eastern boundary, which is contiguous with a neighbour's garden and associated paddock. Views of the site are possible from the canal towpath directly opposite the property but otherwise, due to local topography and dense tree cover, there are no views of the site from the wider area.

Relevant Site History:

11/03669/HOU : Replacement of garden sheds. Refused 29.09.2011
10/01470/HOU : Construction of detached garage with boiler house to rear. Refused 21.5.2010
06/01237/FUL : Siting of a caravan for a temporary period. Granted 02.05.2006.
05/04822/FUL : New replacement detached dwelling. Granted 3.11.2005

Replacement Unitary Development Plan (RUDP):

Policy GB1 : Green Belt

Policy BH7 : Development in Conservation Areas

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

Policy UR3 local impact of development.

Policy D1 requires all development proposals to make a positive contribution to the environment and quality of life through high quality design, layout and landscaping.

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

Keighley Town Council – consulted but has not commented.

Publicity and Number of Representations:

The application was advertised by neighbour letters.

1 objection and a petition of objection signed by 6 people have been received.

12 representations in support have been lodged.

Summary of Representations Received:

OBJECTION

Objectors refer to problems caused for neighbours during the construction of the house on the plot - such as damage to vital water and sewer pipes. Objectors feel these problems have been ignored.

These garden terracing proposals create more “concrete jungle” features. The boundary wall on the top road is not needed as another beech hedge planted to replace the one ripped out would be more in keeping. This is after all a nature trail and woodland and not a place for the heavy industry the applicant has brought into the area during the long construction of his property, which has led to disastrous results.

SUPPORT

Generally comment that the applicant has created a beautiful house and garden. The work is of the highest quality and is an environmental asset.

Consultations:

Council's Drainage Section : Has no comments to add.

Summary of Main Issues:

Impact on amenity of occupants of adjoining properties

Effects on local visual amenity

Impact on character and appearance of the Canal Conservation Area

Appraisal:

Circumstances

The new house was approved in 2005 and has replaced a pair of semi detached houses that once occupied the site. The engineering of the garden to its present arrangement was carried out without planning permission and the application has been submitted following complaints and subsequent enforcement investigation.

This agent explains that during the construction of the house on this steeply sloping land, a landslip occurred at which point the applicant took advice from Mugen Geo Ltd, a firm of consulting structural engineers. Their report (March 2014) has been lodged with the application. This advised the construction of the terrace to remedy the land slip and stabilise the slope.

Neighbours have complained and have expressed significant concerns about the height and extent of the terraced areas created – the level parking area in particular.

Impact on local amenity

The rear garden space here represents the conclusion of engineering works that were necessary to construct foundations and carry out slope stabilisation works associated with the construction of the new dwelling on the land. The foul sewage plant serving the dwelling is also installed within the garden area.

The engineering works are not considered to contravene Green Belt policy because they do not cause any material decrease in openness. The land has for years been part of a domestic curtilage within the Green Belt and this status was not changed by the 2005 permission for the replacement dwelling. Detailed controls were applied to remove a number of Permitted Development rights on the 2005 permission.

At the top of the site, the proposal includes the retention of some parking spaces on a levelled area of land created during the course of constructing the replacement house. During construction, the applicant occupied a caravan which was located on the part of the site now used to provide this visitor parking. This facility has no significant impact on local amenity and enables vehicles to progress back along Elam Wood Lane in a forward gear. As this unmade, narrow lane offers little by way of turning facilities the parking area is a useful facility. The retention of this parking area will not be in contravention of policy TM19A.

With regard to the terracing and steps, when viewed from the canal towpath, the garden space that has been created through the remodelling of the land is visually acceptable.

Indeed, some representations of support seem to be from members of the public passing by, which are summarised in this report. They point to the agreeable appearance of the garden and house.

The impact from the towpath is, in any case, limited because wider views from the towpath are prevented by the dense woodland cover that stretches along the slopes on the north bank of the canal. The implications for the conservation area are minor and it is considered that the quality and character of the conservation area is preserved. The planting set out in the landscaping scheme would benefit the setting.

It is acknowledged that the resulting garden space is higher in level than the land around neighbouring property and the complaints that have been received point to a loss of privacy and to the unattractive appearance of the rock embankment that faces east onto the neighbour's land.

However, the rock embankment creating the level terraces is formed from sandstone and the objections were lodged at a time when the associated landscape planting had not developed. Eventually this planting will soften the impact of the bare rocks.

If the Council was to require a reduction in height of the garden space, there would need to be further very substantial engineering operations, including access to the site by large scale mechanised plant capable of safely lifting and handling the large rocks, and the transportation of all materials off site by HGV through the somewhat tortuous Riddlesden highway network. Further engineering would then be necessary to assure support to the newly built dwelling as well as re-siting all drainage and sewerage infrastructure.

These works would have significant implications for the local environment and amenity of neighbours.

The alternative treatment of the site proposed here is for a comprehensive planting and screening scheme to be carried out to screen from view the rock embankment and to reinforce existing tree and shrub cover to assure privacy at the boundary between the two properties through some additional planting.

The landscaping scheme presented has been prepared in consultation with the Council's Landscape Architect and it includes the planting of extra-heavy standard trees along the boundary. Planting these trees would have more immediate effect at a higher level than the 2 – 2.5m fence along the applicant has erected along the boundary.

The landscaping scheme is considered to be an acceptable way forward in assuring privacy and screening those areas of bare rock that will likely take time to be visually assimilated into the garden.

The neighbouring occupier maintains an objection to the retention of the garden but in the circumstances the implications of the re-excavation of the garden and all necessary disturbance and activity that this would involve are considered to outweigh any benefit.

Subject to the completion of all landscaping and screening to the council's satisfaction it is considered that the acceptance of the garden space would be the more pragmatic option and would satisfy Policies UDP3, UR3, D1 and BH7 of the Replacement Unitary Development Plan.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

Though the works have altered the appearance of the site, the land remains a residential curtilage and, subject to implementation of the additional planting proposals, the impact of the works on the character of the landscape, the openness of the green belt and the character and appearance of the Leeds Liverpool canal Conservation Area are not significant. On balance, and subject to the additional planting, the impact of the work on the amenity of occupants of adjoining land is not considered significant. The proposals are considered to accord with Policies GB1, BH7, D1, D5, UR3 and TM19A of the Replacement Unitary Development Plan.

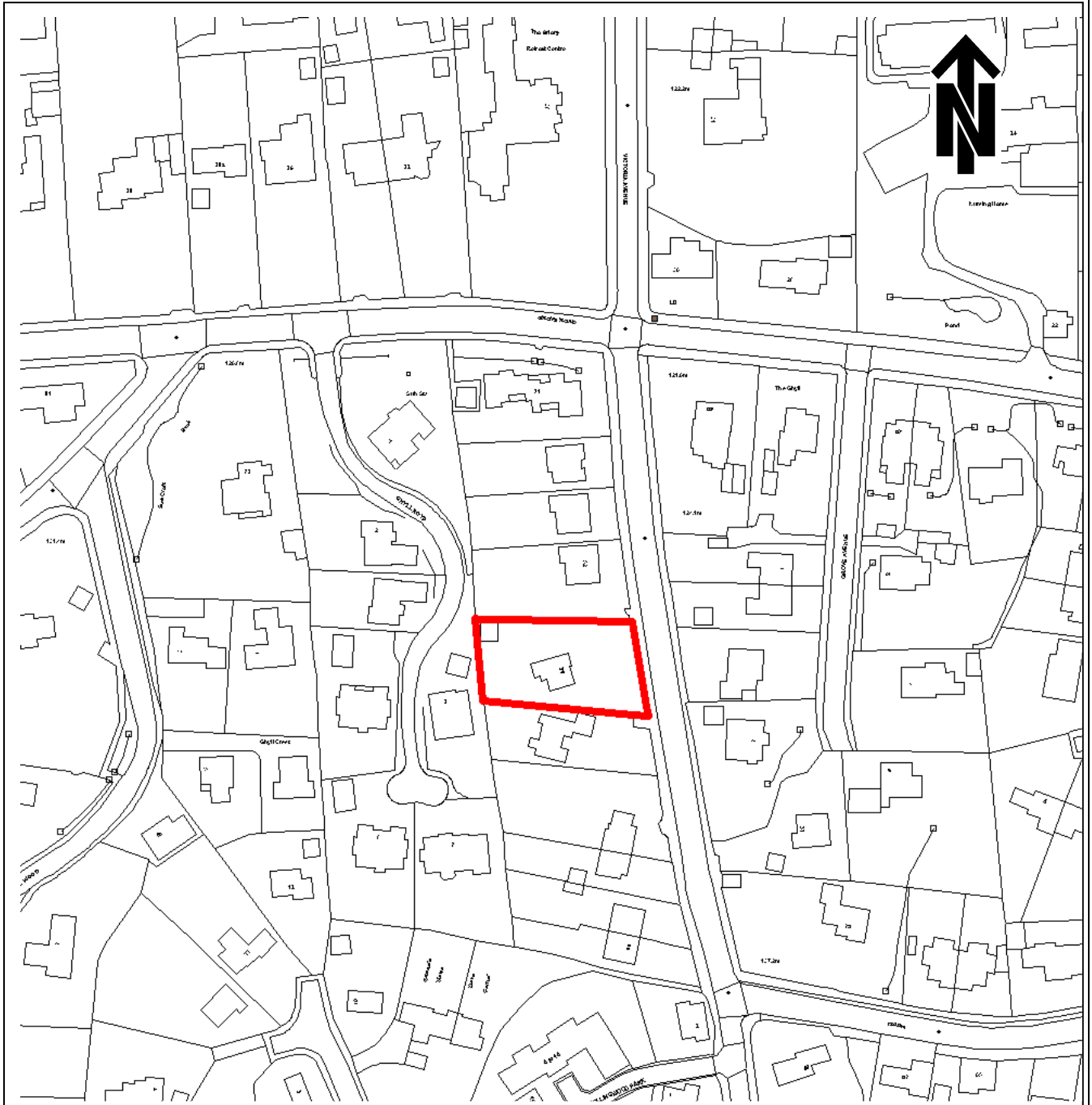
Conditions of Approval:

1. The landscaping scheme and additional planting shall be implemented in its entirety to the satisfaction of the Local Planning Authority during the first available planting season following this approval. Trees and shrubs shall be maintained for 5 years and any plants found to be dead, dying or diseased within that period shall be replaced by similar species and stock.

Area Planning Panel (Keighley & Shipley)

14/04900/HOU

25 February 2015



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ITEM NO. : 3

LOCATION:
56 Victoria Avenue
Ilkley
LS29 9PN

25 February 2015

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

Application Number:
14/04900/HOU

Type of Application/Proposal and Address:
Householder application for the construction of a 2 storey rear extension at 56 Victoria Avenue, Ilkley, LS29 9PN.

Applicant:
Mr & Mrs James Harrison

Agent:
Forward Planning & Design Ltd

Site Description:
The property is a detached rendered dwelling under a red tile roof. It is located on a large plot on a residential street which comprises of a mix of dwelling types. The land to the south of the site is more elevated with neighbouring property number 58 Victoria Avenue located on a slightly higher level.

Although the site is not located in a Conservation Area, it is on the very edge, with land immediately to the east of the site within the Ilkley Conservation Area and there is a group of protected trees along the front boundary of the site.

Relevant Site History:
09/01361/FUL: Construction of two storey extension to side of house. Refused
09/03336/HOU: Construction of 2 storey side extension and garage roof replacement.
Approved 10.09.2009
09/05161/HOU: Construction of timber garden shed. Approved
14/01494/CLP: Single storey rear extension. Approved

Replacement Unitary Development Plan (RUDP):
Allocation
The site is unallocated

Proposals and Policies
UR3 The Local Impact of Development
D1 General Design considerations
BH10 Setting of the conservation area
TM19A Traffic management and road safety

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:-

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- 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: Recommend an approval of this application.

Publicity and Number of Representations:

The application was advertised by neighbour notification letters. The publicity period expired on 17th December 2014.

Two objections have been received which include a Councillor objection and request for determination at planning panel.

Summary of Representations Received:

- The extension will be overbearing, result in loss of outlook and light to the principle kitchen window at number 58 Victoria Avenue.
- The extension will project 1metre beyond the 3 metre ground floor allowance under permitted development.
- Overdevelopment of the site, with the property already extensively extended, damaging the setting of the street scene and the setting of the Conservation Area.
- A leylandii hedge has also been planted which is overshadowing from the north east side, which is now 17-20ft high and given little maintenance, the vista from the kitchen window is becoming obstructed both from hedge and extension.
(Comment : This last objection point about leylandii is not relevant to consideration of this application).

Councillor objection – I have stood in the kitchen to No. 58 and fail to see how this extension will not markedly affect the light and outlook from the window. The property has already been extended and any further extensions will be overbearing.

I request determination of the plans by Panel if officers are mindful to approve.

Consultations:

Drainage: No comments to make.

Summary of Main Issues:

1. Design and impact on local visual amenity.
2. Impact on residential amenity of occupiers of neighbouring properties.

Appraisal:

The site is unallocated on the RUDP and is not protected for any uses other than those that accord with the general policies of the RUDP. The principle of the development is therefore acceptable.

The protected trees on this site are located along the front boundary of the site will not be affected by the development proposal which is on the rear elevation of dwelling at some distance from the trees.

It has been confirmed that the applicant could construct a single storey extension projecting 4 metres from the back wall as permitted development. But this two storey extension needs planning permission.

Impact on the Local Environment

The two storey extension will be located on the rear elevation so would not be seen from within the street, and it is sufficiently subordinate to the dwelling. The extension has a pitched roof similar to the existing house and this roof would be set down from the ridge of the parent dwelling. The extension would extend 4 metres from the rear wall of the house into the back garden. The design is in-keeping with the character of the property and shows a rear gable form to match the existing detail of the house. Being sited unobtrusively on the rear elevation, the development does not negatively impact upon the setting of the Ilkley Conservation Area.

As objectors say, the dwelling has been extended in the past though the addition of a two storey extension on the opposite (north) side of the house. This was approved in 2010. Nevertheless, though the house is now bigger than it was when originally built, it still sits comfortably on this plot, retaining generous gardens and space around the building. The addition of another two storey extension to the rear will also still retain large garden areas and space to boundaries. It would not make the dwelling appear over large, overbearing or cramped on the plot and cannot be described as over-development of the site.

The proposed materials and window designs match the host dwelling. The design is acceptable and satisfies guidance in the Householder Supplementary Planning Document and accords with relevant Policies BH10 and D1 of the RUDP.

Impact upon residential amenity of occupiers of neighbouring properties

The neighbouring property, 58 Victoria Avenue, is sited at a higher level south of the application property. To the rear of No. 58, a small extension has been added and as a result the primary kitchen window of this property now faces towards the applicant's garden and the back corner of the existing house. The kitchen window is, however, offset to the right of the proposed extension and thus faces the existing property rather than directly towards the proposed extension.

The objector and Councillor are particularly concerned about a perceived overbearing effect on the kitchen window. The extension would be built on ground that is 1.5 metres lower than

the floor level of No. 58 and the side wall of the extension would be around 7 – 7.8 metres from the kitchen window. The agent has provided a section drawing to demonstrate that the two storey extension would not project beyond a line drawn at 25 degrees from the middle of the window. This is a tool advocated by the Council's Householder SPD for assessing the significance of impact on habitable room windows facing or adjacent to an extension. In this case the section shows that the extension would not have a significant effect on light to the kitchen.

Given the degree of separation that would still be retained between No 58 and the development and the changes in level evident, the development will not result in the formation of a dominant feature or result in any significantly increased levels of overshadowing or loss of outlook.

The objector's comments regarding the loss of vistas are noted. However, loss of views is not a planning constraint.

No windows are proposed on the side elevation of the two storey extension facing property number 58 Victoria Avenue. However a new window is proposed at first floor level on the south elevation of the existing dwelling. This window is for the purpose of a bathroom and is shown to be obscure gazed. It is suggested that a condition be imposed to require this to remain obscured.

It is also suggested that permitted development rights to inert new windows in the side wall of the extension facing the neighbouring property should be withdrawn by means of a condition.

There are sufficient distances to the rear and north boundary of the site to prevent any concerns with regard to loss of privacy or overlooking to neighbouring properties in those directions.

The proposal would affect the outlook of the neighbour to some degree, but a balance has to be struck between allowing the applicant to improve their home to meet family requirements, and protecting the amenity of neighbours. Officers conclude that the degree of separation between the properties, the fall in land levels, and the position of the affected window are all such that this rear extension is considered to be acceptable and would not materially harm the amenity of occupants of adjoining properties. It is in accordance with policies D1 and UR3 of the RUDP and guidance set out in the Householder SPD.

Other Issues raised in objections:

There are no precise limits on the degree to which homes can be extended. Therefore objections on grounds that the property has already been enlarged by 45% or 50% are irrelevant. The proposal needs to be considered on its merits having regard to its impact on the surrounding environment, character of the area and whether it significantly harms the amenity of adjoining occupiers.

The complaint regarding a leylandii hedge needs to be pursued under other legislation or as a private legal matter.

Highway safety:

Sited to the rear of the site, the development will have no impact on the existing parking or access arrangements for the house and so there are no highway or pedestrian safety issues from this proposal. The development satisfies policy TM19A of the RUDP.

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 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 existing dwelling without being detrimental to the character and appearance of the neighbouring streetscene or the setting of the Ilkley Conservation Area and the amenities of neighbouring occupiers. As such this proposal is considered to be in accordance with Policies D1 and UR3 of the Council's adopted Replacement Unitary Development Plan (2005).

Conditions of Approval:

1. The development hereby permitted shall be constructed of facing and roofing materials to match the existing building as specified on the submitted application.

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. 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 side, south elevation facing 58 Victoria Avenue 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.

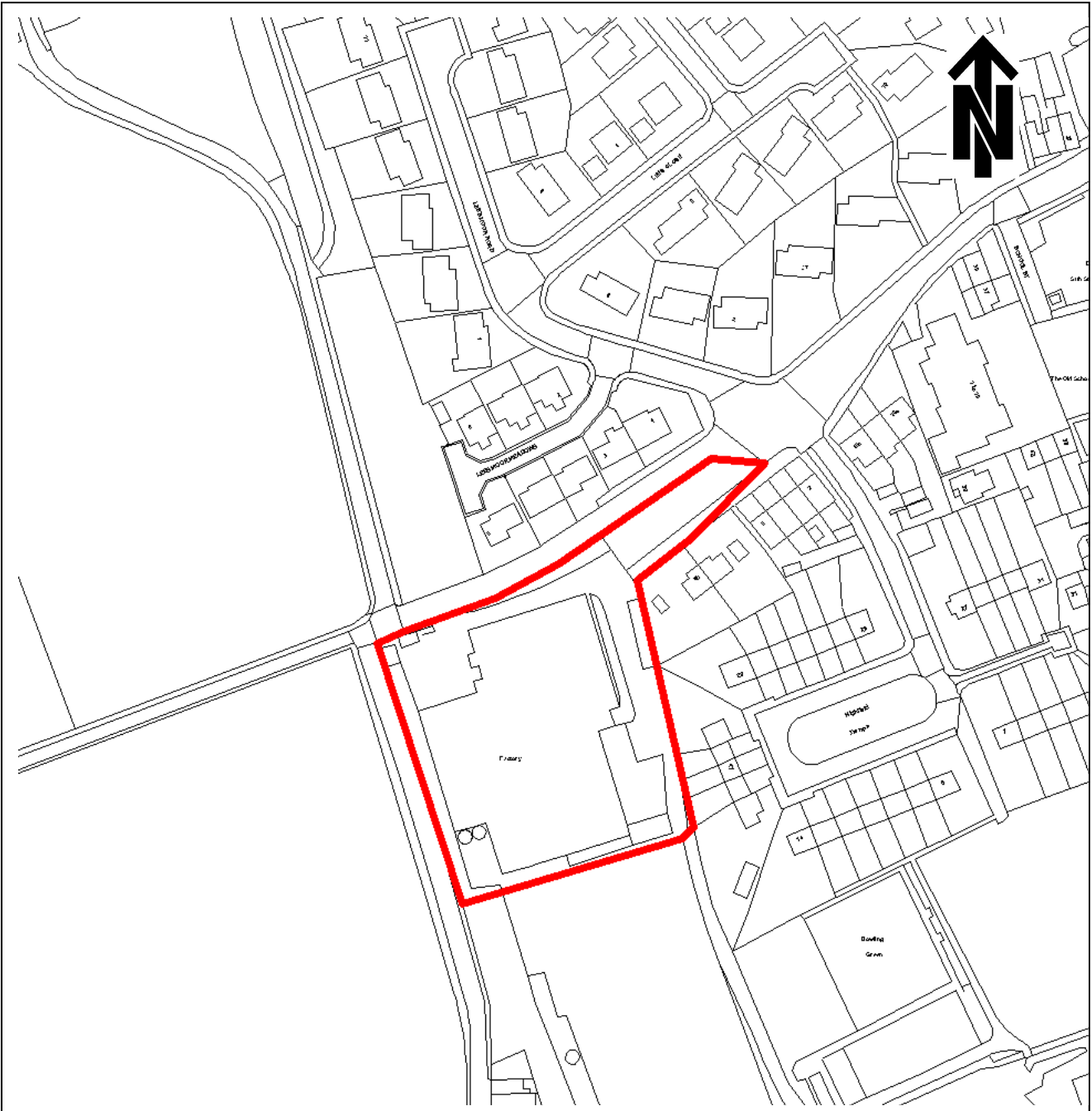
3. The first floor window in the south elevation of the existing dwelling hereby permitted shall be glazed in obscure glass prior to the first occupation of the building and thereafter retained unless otherwise agreed in writing by the Local Authority.

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

Area Planning Panel (Keighley & Shipley)

14/04449/FUL

25 February 2015



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ITEM NO. : 4

**LOCATION:
H.C.F Poultry
Station Yard
Station Road
Cullingworth
BD13 5HP**

25 February 2015

Item Number: 4
Ward: BINGLEY RURAL
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
14/04449/FUL

Type of Application/Proposal and Address:

Full application for proposed extension to an existing factory to form a new chiller and vac-pack room.

HCF Poultry Ltd, Station Yard, Station Road, Cullingworth.

Applicant:
M Tokarczyk

Agent:
Arkitektural Ltd

Site Description:

This application relates to an existing poultry processing business and associated packaging plant occupying a collection of industrial buildings located on the western edge of Cullingworth. The eastern boundary of the site abuts the gardens of a row of houses on Highfield Terrace. These occupy somewhat lower level land to the east. To the north of the site, beyond the wide expanse of Station Road are further dwellings. To the west of the site is a bridleway track with open fields beyond.

The proposed extension would occupy a small area of land abutting the eastern boundary of the site currently occupied in part by a steel container. A high screen fence extends along this eastern boundary with the gardens.

Relevant Site History:

05/06690/FUL : Retrospective application for works to a factory and a boundary fence
Granted 7.11.2005.

01/01081/FUL : Renewal and extension of covered delivery yard. Granted 5.5.2001

92/06007/FUL : Canopy to cover service area. Granted 5.1.1993

78/02007/FUL : Cold Store. Granted 24.4.1978.

Replacement Unitary Development Plan (RUDP):

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

Policy UR3 local impact of development.

Policy D1 - development proposals to make a positive contribution to the environment and quality of life through high quality design, layout and landscaping.

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:

Cullingworth Village Council : No objections. While there are some unresolved issues of noise, odour and traffic for residents in the vicinity of HCF, this application would not appear to have any additional adverse impact for nearby residents. Consideration should not be influenced by historical problems. The extension is located within the existing curtilage, does not cause overlooking. Noise issues can be appropriately addressed through the cladding.

Publicity and Number of Representations:

The application was advertised by neighbour letters. Following the submission of amended plans the application was re-advertised.

A total of 36 objections have been received.

Summary of Representations Received:

1. The location of this factory is not in any way suitable and increasing the size will make matters worse. The factory has outgrown its current site. Rather than extending, it is time for the factory to move to a more industrial site suitable for its needs, in the interests of the factory and local residents.
2. The site is unsuitable for a processing plant as the volume of heavy traffic has increased significantly and at certain times the foul smell permeates the whole area. A few years ago the hours in which the factory operated were limited but now local residents have to suffer the disruption during evenings and weekends which is totally unacceptable.
3. Heavy vehicles cause noise, dust and danger The chicken wagons have to park at Thomsons farm, and in lay-bys coming out of the village in the early hours of the morning, which proves they can't cope or have room at the site. The increase in wagons is causing a nuisance. HGV traffic makes access impossible for local residents. Station Road is used by parents and children going to the Primary School nearby and these vehicles pose a very real threat to their safety and to that of all local residents.

Consultations:

Drainage Section: Has no comments to make.

Great Northern Trail Forum: The proposed development is not within the protected line for the Great Northern Cycle Trail so the Forum does not object.

Summary of Main Issues:

Principle

Impact on local amenity

Consideration of the representations

Appraisal:

Principle of development

The chicken processing factory at Station Road in Cullingworth is a long established business. According to the applicant, it employs 126 employees.

In terms of broader planning objectives, the NPPF recognises the need to protect the amenity of existing and future occupants, but also emphasises the role of Planning in facilitating economic growth. It says Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

It is known that in the past this business at Cullingworth has caused conflict with residential amenity as a consequence of its meat processing activities and because of a reliance on HGV traffic. Consequently, the publicity for this planning application has resulted in many letters of objection being received which refer to environmental and highway problems around the factory and the effects on immediate neighbours. There is particular concern that the proposed extension would make the factory busier, increasing nuisance and increasing traffic to and from the factory – worsening existing problems.

However, these existing problems are matters for other legislation. For example, past complaints regarding odour nuisance have been addressed by Environmental Protection and, more recently, by the Environment Agency. The company has said it has been working with other agencies to improve systems for the monitoring and control of odour emissions in line with Environment Agency guidelines, and that trade effluent emissions are controlled and monitored by Yorkshire Water. Processing of meat and all removal of animal by products is regulated under other licensing regimes.

The Local Planning Authority can only consider this application for what it is – a 125 square metre extension that would replace an existing poor quality structure already housing the refrigeration/chiller equipment. The Local Planning Authority cannot use this application to consider the merits of the site for the chicken processing business and the compatibility of the entire factory with the surrounding area.

The issue is whether the proposed development itself is likely to worsen the conflicts and problems highlighted by residents.

In response to the objections, the applicant company has pointed out that this proposal is not for an entirely new extension. Planning permission is being sought to replace and improve an

existing housing for refrigeration equipment that is in excess of 30 years old (possibly granted in 1978).

This existing 50 square metre structure will be demolished and a new extension of 125 square metres, clad in insulated panels, will then occupy the same position. The additional 75 square metres of floorspace is required to house the modern compressor components, providing a meat chilling facility and vacuum-packaging room. The replacement of the refrigeration equipment is needed to meet Food Safety Regulations and also reduce the energy consumption of the factory.

The additional floorspace would not increase the capacity of the factory to process meat. It is required to improve quality and would not result in any increase in overall throughput, or traffic to and from the site.

The existing factory has an estimated gross floorspace of 4020 square metres. The proposed extension would be 125 sq metres. This planning application therefore seeks consent for the erection of a new building that would be very small compared with the total size of the factory, especially when it is considered that it is to replace an existing structure.

Impact on local amenity

The applicant company explains its intention is to replace an existing refrigeration unit [a steel container]. The additional space [75 sq m] is required to house compressor components. The new refrigeration unit is required to meet Food Safety regulations and to reduce the energy consumption of the factory. The company also says it expects the new plant to enable the external noise emissions to be reduced by up to 75% as well as to improve the exterior appearance of the factory.

Proposed materials for the extension are grey coloured insulated panels to walls and the walls and low pitched roof. Given the materials used in the existing factory and the very functional appearance of the existing buildings, these are acceptable.

The extension would be sited alongside the boundary with gardens of properties at 15-19 Highfield Terrace. However, the extension is a subordinate feature and in views from these houses would be set against the mass of the existing factory buildings. It would be sited in view from the gardens, about 14-15 metres from the houses, but behind the existing screen fence which will be retained in a slightly realigned position along the boundary.

An amendment to the design of the extension has also further reduced its height to a degree where there would be no significant implications for the outlook of nearest neighbours or for the level of light in neighbouring gardens beyond the boundary fence. The proposed building would be effectively screened from significant view, being sited behind a high screen fence and garden planting along the site boundary.

It is not considered that the development itself would have any significant effects on outlook, privacy or daylight for occupiers of the adjoining houses and the improved equipment should be beneficial in terms of improved noise insulation for the plant to be housed inside the extension.

For the above reasons, the nature and size of this extension must be considered to cause no significant harm and could in fact result in benefits to the surrounding area due to the

improved refrigeration equipment that should generate less noise than before. The proposal itself would not materially harm the amenity of occupants of adjoining properties and is in accordance with policy UR3 of the RUDP.

Conclusions

The objections of local residents are acknowledged. But a substantial proportion express dissatisfaction about historical problems or issues controlled under other legislative regimes. A decision on this planning application can only be made on the merits of what is proposed.

The applicant company argues that the development is small, and would not increase the capacity of the factory or the levels of traffic. The purpose is only to improve the quality of its working practices. As well as enabling the company to better meet food hygiene regulations through better refrigeration facilities and better insulation, it would enable improved noise insulation to be installed to the benefit of nearest neighbouring occupiers.

The company has also said that it has been working with other agencies (e.g. Environment Agency) to improve systems for the monitoring and control of odour emissions in line with EA guidelines, and that trade effluent emissions are controlled and monitored by Yorkshire Water. Processing of meat and all removal of animal by products is regulated under other licensing regimes.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposal is for a relatively modest replacement to house improved refrigeration plant in a better insulated building. It would not result in any demonstrable intensification of the processing activity or traffic at the site. It is not considered, in these circumstances, that refusal of this proposed development would be warranted. It is considered acceptable in light of Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

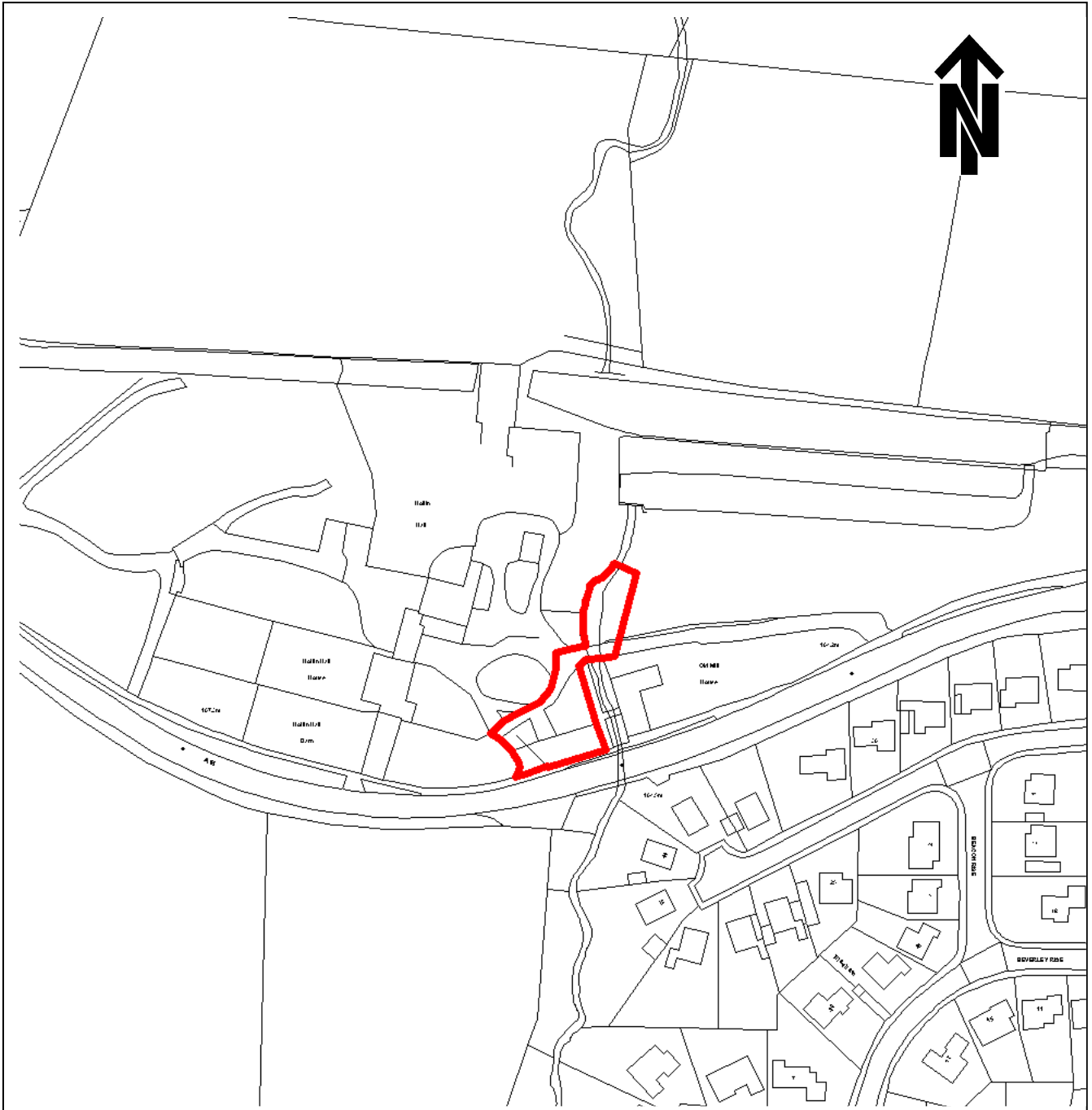
Conditions of Approval:

No conditions other than the standard condition requiring commencement within 3 years.

Area Planning Panel (Keighley & Shipley)

14/04181/FUL

25 February 2015



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ITEM NO. : 5

LOCATION:
Hollin Hall Barn
Skipton Road
Ilkley
LS29 9RN

25 February 2015

Item Number: 5

Ward: ILKLEY

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:

14/04181/FUL

Type of Application/Proposal and Address:

Full application for change of use of an agricultural building to a dwelling. At Hollin Hall Barn, Skipton Road, Ilkley

Applicant:

Hollin Hall Farm Partnership

Agent:

J. O. Steel Consulting

Site Description:

The proposal is for the conversion of a functional, single storey stone building with a shallow mono-pitch roof. It is located within a grouping of residential properties in the Green Belt just beyond the western edge of Ilkley. The mono pitch roof is covered with metal sheets. The building is on the north side of the A65 Skipton Road but is not visible from this highway, being single storey and set at significantly lower level than the road, behind a retaining wall. The highway boundary comprises a retaining wall, with the building constructed against it. The front wall comprises a row of garage-type doors.

Relevant Site History:

There are no previous planning applications relating to this building.

14/02534/PAR : A prior notification proposing its conversion to a dwelling under newly introduced Class MB permitted development rights to convert agricultural buildings was rejected because the scheme did not meet the conditions and limitations for such a conversion.

Replacement Unitary Development Plan (RUDP):

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

Policy UR3 local impact of development.

Policy D1 requires all development proposals to make a positive contribution to the environment and quality of life through high quality design, layout and landscaping.

Policy GB4 relates to conversion of existing buildings within the Green Belt

Policy TM2 – highway safety

Policy TM12 – residential highway standards

Policy TM19A – highway safety

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

Ilkley Parish Council – As this development is in Green Belt, Ilkley Parish Council originally recommended refusal of this application and requested that this application be heard by the Area Planning Panel. It has, however, now withdrawn this request.

Publicity and Number of Representations:

The application was advertised by neighbour letters and site notice
Three objection letters have been received.

The application is opposed by a Ward Councillor who has sought determination by Panel if it is recommended for approval.

Summary of Representations Received:

- 1. The development would impact on neighbouring privacy
- 2. The building is not agricultural. It has only ever been used to store building materials.
- 3. The building has been progressively modified in anticipation of planning consent.
- 4. No special circumstances for the development have been specified.
- 5. The cluster of properties here have been well established for several years and the addition of a new dwelling will have a detrimental impact on the neighbourhood.
- 6. Access and drainage would be compromised
- 7. This is not a conversion of an existing building, but rather the substitution of a new structure. The north, east and west walls have already been recently replaced.

The Ward Councillor expresses concerns regarding

- 1. Increased use of a substandard access from the A65.
- 2. Impact on the highway retaining wall next to the building.
- 3. Effects on outlook of occupiers of Old Mill House.

Consultations:

Highways DC - No objections subject to conditions requiring provision of parking spaces prior to occupation and details of structural works affecting the retaining wall.

Drainage Section - The developer should therefore consider using flood resilient building materials and flood resistant construction techniques in the development where appropriate.

Public Rights of Way - There are no recorded public rights of way within or immediately adjacent to the red outlined site.

Design and Conservation Team - The subject building is a low structure with a shallow mono pitch roof set low in relation to Skipton Road. To the east is a Grade II listed former stone built barn structure, now converted to a dwelling known as Old Mill House. A distance to the north-east is Hollin Hall, also Grade II listed.

The existing structure is not aesthetically appealing but does not have an adverse effect on the setting of the listed building by virtue of its low overall height. The proposed change of use and amendments to structure and appearance will not have any adverse effect on the setting of the heritage assets, beyond the existing presence of the structure. No objections.

Trees Section - No information is provided regarding the trees on and adjoining the site; no tree survey or tree protection plan provided.

Comment: A site inspection has shown that it is unlikely that any significant trees will be affected by the development.

Summary of Main Issues:

Principle of development - Green Belt

Design

Impact on the amenity of occupants of adjoining properties

Highway safety and highway issues.

Appraisal:

Principle of development and green belt issues

This building is located within the Green Belt. It comprises a single storey structure some 18 metres in length, with a shallow, mono-pitched sheet metal roof. The building appears to have been recently repaired, and repointed.

The NPPF says that certain forms of development can be regarded as not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include the re-use of buildings provided that the buildings are of permanent and substantial construction.

Policy GB4 of the RUDP is in full conformity with the NPPF and says that

PLANNING PERMISSION FOR THE CONVERSION OR CHANGE OF USE OF BUILDINGS IN THE GREEN BELT WILL BE GRANTED WHERE THE PROPOSAL SATISFIES ALL OF THE FOLLOWING CRITERIA:

- (1) IT DOES NOT HAVE A MATERIALLY GREATER IMPACT THAN THE PRESENT USE ON THE OPENNESS OF THE GREEN BELT AND THE PURPOSES OF INCLUDING LAND IN IT;
- (2) IT DOES NOT ADVERSELY AFFECT THE CHARACTER OF THE BUILDING AND ITS SURROUNDINGS;
- (3) IT DOES NOT INVOLVE THE COMPLETE OR SUBSTANTIAL REBUILDING OF THE BUILDING;

(4) IT INVOLVES ONLY MINOR CHANGES TO THE ORIGINAL BUILDING AND THE VOLUME, FORM AND MATERIALS OF THE BUILDING REMAIN SUBSTANTIALLY THE SAME;

(5) THE DEVELOPER ENSURES THAT ALL INFRASTRUCTURE CONSTRAINTS ARE ADEQUATELY OVERCOME WITHOUT ADVERSELY AFFECTING THE CHARACTER OF THE GREEN BELT;

The proposals presented here to convert the building to a dwelling involve a reduction in its footprint by way of the demolition of the rear wall of the building and its reconstruction 1 metre away from the highway retaining wall.

Other than this, and the replacement of the unsightly metal roof covering with a dark grey standing seam roof, the building appears to be in sound structural condition and capable of conversion without complete or substantial rebuilding. The rebuilding work that is necessary would retain the mono pitch form and general functional appearance of the building. It would not increase its height or length, or volume or form. Indeed it would result in a reduction in the overall footprint of the structure to the marginal benefit of the openness of the Green Belt.

The building presently appears as little more than a short row of domestic scale garages and therefore has no intrinsic architectural value. The proposed redevelopment would result in a property that would remain low profile and hidden behind the highway boundary wall.

The proposed elevation treatment involves reuse of the existing door openings on the north wall for windows. The garden curtilage and parking for the dwelling would be formed on the surfaced area already serving as a forecourt on the south side of the building. No new access is needed.

Therefore, the conversion can be achieved without materially harming the openness of the green belt or the purposes of including the land in it. In its context, which is within an area of existing, mature grounds associated with an existing group of dwellings, it is not considered that there would be any harm to the character of the landscape or the visual amenity of the Green Belt. The presence of screening shrubs and trees would further reduce the potential for the development to have effects outside the property boundaries. Policies GB1 and GB4 of the RUDP are therefore satisfied.

Design and impact on local character

The proposals would retain and enhance the form and appearance of the existing building. The main changes would be the reconstruction of the back wall, which would be screened behind the existing highway retaining wall; the introduction of areas of glazing and timber cladding in the existing door openings; and the replacement of the metal roof with a dark grey standing seam roof. All these works are considered to maintain the volume and form of the present structure and to improve its appearance, but in a manner that is sympathetic to the rural surroundings of the site.

The building is located within an area of mature landscaped gardens associated with a number of traditional dwellings and converted barns that form a loose residential grouping. Historically these were associated with Grade II listed Hollin Hall which is some distance to the north. The grouping of properties includes a network of well kept gravel driveways and is well screened from view from surrounding land because it is below the level of the A65 and due to the mature tree and shrub cover.

The existing structure is not aesthetically appealing but does not have an adverse effect on the setting of the listed building by virtue of its low overall height. The Council's Conservation Officer has commented that the proposed change of use and amendments to appearance will not have any adverse effect on the setting of nearby listed buildings, at Hollin Hall and the Old Mill House, beyond the impact of the existing structure.

In terms of the character of the street scene the building is hidden from view from Ilkley Road and there are no proposals to increase the height of the structure and exceed that of the highway boundary wall.

Accordingly the proposals do not give rise to conflict with Policies UDP3, UR3 or D1 of the RUDP.

Impact on the amenity of occupiers of adjoining properties

Most of the other dwellings in the group of buildings around Hollin Hall are some distance away to the north, with intervening access drives, lawns and garden vegetation. Given this, it is unlikely that the domestic occupation would affect the amenities or privacy of neighbouring occupiers in the way feared by objectors. The windows are confined to the north elevation which is set a significant distance from the houses to the north and so the proposed dwelling would not cause any harm to the outlook, daylight or privacy of any of these existing dwellings.

The nearest dwelling is known as Old Mill House which stands to the east of the application building, but is separated from it by a watercourse that flows in a deep channel below the site level and beyond a screen of leylandii shrubs.

The Old Mill House is positioned only 7.5 metres from the east wall of the application building. It is acknowledged that the line of leylandii may not provide long term screening between the properties as they appear in poor condition.

However, the east elevation drawing indicates an intention that existing openings in the east wall would be walled up in stone. This would prevent overlooking of any of the windows in Old Mill House. As the structure has such a low profile in relation to Old Mill House, it would not affect daylight or appear oppressive from that property.

It is suggested that to address concerns by the objector, a condition should be imposed to ensure the walling up of the east elevation openings and to remove permitted development rights that might enable these openings to be re-instated.

In addition it is suggested that a scheme of boundary planting along the east edge of the site, to serve as a screen between the properties, should be imposed as a condition of any permission.

Subject to these conditions, the conversion will have no significant impact on the outlook, privacy or amenity of occupiers of the adjoining property and accords with Policies D1 and UR3 of the RUDP.

Highway issues

The new dwelling would be served by an existing unadopted track that leads off the A65. A Ward Councillor is concerned that this is substandard. Nevertheless it is a fairly wide access

and the Council's Highway Officer has raised no objections to the proposed development on grounds of the capacity of this track or road safety.

Adequate car parking for a single dwelling can be provided on the existing forecourt.

The proposal is therefore considered to comply with Policies TM2, TM12 and TM19A of the RUDP.

The Highways structures team has been consulted regarding the retaining wall behind the building. At the moment, the structure uses the retaining wall as its back wall. The proposal is that a new wall would be built set 1 metre off this wall. In order to ensure that the development does not adversely affect the retaining wall, or prevent any necessary future works of repair, a condition would be an appropriate means of ensuring that the scope of the works is acceptable by requiring a methodology for the completion of this part of the development, This methodology may then be considered by the Highway Structures engineer.

The applicants have signalled their agreement to this approach.

Bats

A Bat Habitat Assessment submitted with the application has found that the building does not provide habitat for roosting bats and no suitable external roosting habitat was noted. There are no potential access or egress points to the structure for bats and no evidence of past or present use by bats. The Ecologist advocates that a precautionary approach is adopted during the conversion works should either bats or nesting birds be encountered. Otherwise, there will be no detrimental impact on bats or nesting bird as a result of the proposals.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed conversion can be achieved without complete or substantial reconstruction and in a manner that would not materially alter the size or form of the present structure. It would therefore not harm the openness of the Green Belt or conflict with the purposes of including the land in it compared with the present structure. The design represents an enhancement of the existing structure that is in keeping with its rural setting. Subject to the suggested conditions, it is not considered that the proposal would significantly harm the amenity of occupiers of any adjoining properties and there are no objections from the Council's Highway Officer to the addition of one dwelling to the existing access from the A65. The proposal is in accordance with the National Planning Policy Framework and Policies GB4, D1, UR3, TM19A, TM2 and TM12 of the Replacement Unitary Development Plan.

Conditions of Approval:

1. Before any development commences on site, full details, including all necessary calculations of those temporary and permanent works affecting the stability of the highway boundary walling to Ilkley Road shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be carried out in accordance with a programme of works to be approved in writing by the Local Planning Authority.

Reason: No details have been submitted of necessary retaining structures and such measures are necessary to protect the stability of the highway in the interests of safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

2. Before the development is brought into use, the off street car parking facility shall be laid out using permeable surfacing within the curtilage of the site in accordance with the approved drawings.

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

3. Notwithstanding details shown on the approved layout plan, the existing openings in the east wall of the building shall be walled up in matching stone as shown on the elevation detail. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any subsequent equivalent legislation) no further windows or other openings shall be formed in the east wall 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 D1 or UR3 of the Replacement Unitary Development Plan.

4. 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.

5. 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 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: In the interests of amenity and to safeguard the openness of the Green Belt from further disproportionate additions to the dwelling and to accord with Policies D1, UR3 and GB4 of the Replacement Unitary Development Plan.

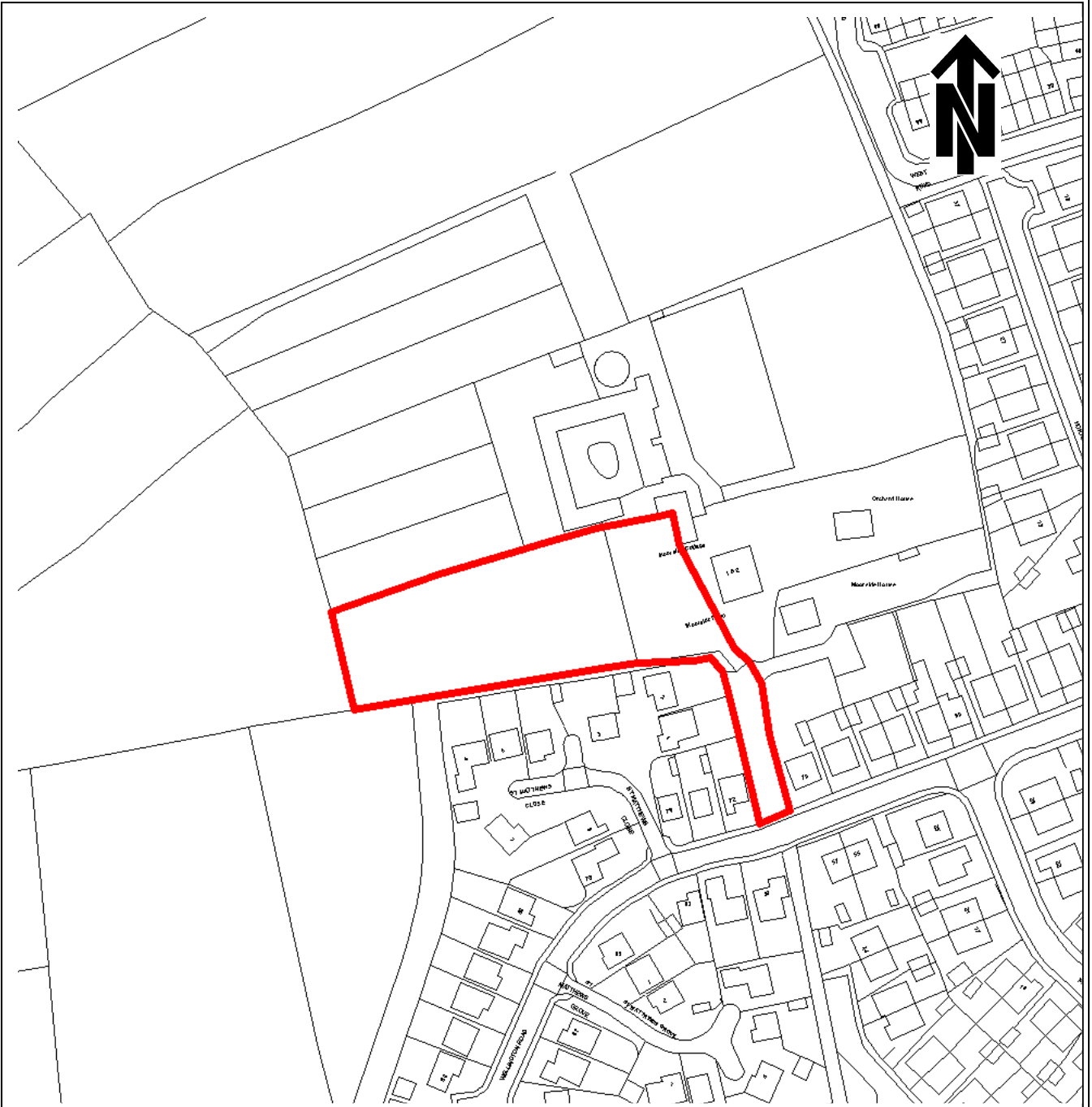
6. The dwelling shall not be occupied until a screen fence or replacement hedge has been installed along the east boundary to provide screening of views towards habitable room windows in the adjoining dwelling at Old Mill House. The boundary treatment/screening shall be installed in accordance with details of the position, design and materials that have first been submitted to and approved in writing by the Local Planning Authority. The boundary treatment so approved shall be provided in full prior to the first occupation of the dwelling and shall thereafter be retained as long as the building is occupied as a dwelling.

Reason: In the interests of amenity and privacy and to accord with Policies D1 and UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley & Shipley)

14/04844/OUT

25 February 2015



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ITEM NO. : 6

LOCATION:
Land West Of Moorside Farm
Wellington Road
Wilsden
Bingley

25 February 2015

Item Number: 6

Ward: BINGLEY RURAL

Recommendation:

TO GRANT OUTLINE PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:

14/04844/OUT

Type of Application/Proposal and Address:

Outline application for residential development on land to the west of Moorside Farm, Wellington Road, Wilsden.

Applicant:

Mrs J Barton

Agent:

Max Design Consultancy

Site Description:

This site area is 0.49 hectares. It comprises an area of open grazing land that lies on the south western edge of the Wilsden village envelope.

An area of housing on St Matthews Close extends along the southern site boundary whilst open grazing land extends to the north and west. A sizable equestrian centre extends to the east of the site.

This equestrian centre shares the vehicular access from Wellington Road with the application site and three other dwellings. The access from Wellington Road comprises a very wide but un-surfaced roadway leading to gates serving the equestrian centre

The vehicular approach to the site is via a residential estate road leading from Wellington Road, and also serving a large stabling and equestrian use that occupies land and buildings at the termination of the access track. A new estate road from this access would require construction to adoptable standards, as would the access leading from Wellington Road and leading to the equestrian premises.

Relevant Site History:

00/00775/OUT - Residential development. Application was withdrawn.

14/00843/OUT – Residential development. Refused on highway grounds 20.5.2014

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated.

Proposals and Policies

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

Policy UR3 local impact of development.

Policy D1 requires all development proposals to make a positive contribution to the environment and quality of life through high quality design, layout and landscaping.

Policy TM2 requires highway improvements to meet current standards

Policy TM12 requires developments to meet residential access and parking standards

Policy TM19A ensures that highway safety is not compromised

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.

Publicity and Number of Representations:

The application was advertised by neighbour letters and by site notice
30 letters of objection and three letters of support received.

Summary of Representations Received:

Summary of Objections Received:

1. Inadequate access from Wellington Road
2. It is not clear how the equestrian centre will suddenly reduce its activity levels to meet the projected traffic numbers
3. Public Rights of Way will be lost
4. This development will lead to more housing proposals in the locality
5. This should be a Full application, not Outline
6. Wilsden cannot support further new development
7. Expansion of Wilsden is not sustainable
8. Narrowing Wellington Road for this development is unacceptable, it is too narrow already when cars are parked along it

Summary of Support Letters

1. This is modest development that will have minimal impact
2. The design is a great improvement on previous developments in the village
3. The development would replace a boggy field and car park.

4. The access road leading to Moorside Farm is currently in very poor state and becoming worse each year, should the proposed development be granted approval the access road would be substantially improved and brought up to date with current highways standards.

Summary of Main Issues:

Principle

Local Amenity Implications

Highways Issues

Local Infrastructure

Appraisal:

Principle

Despite being open grazing land on the outside of the present boundary of the built up area of the village of Wilsden, this area of land is not included within the approved Green Belt and remains unallocated on the RUDP Proposals Map.

Accordingly no conflict with established land use planning policy would arise as a consequence of its sensitive development for residential purposes.

The planning application here is in outline, which seeks approval of the principle of new development on the land, and the means of access thereto. Other matters are reserved for future consideration in the event that outline planning permission is granted.

An indicative scheme shown on the application indicates 7 residential units.

As noted above, a previous outline application was refused on grounds that that the proposed development would result in the intensified use of the substandard junction of the site access with Wellington Road. The alignment and visibility splays at this junction are substandard. No significant improvements to the geometry of this junction or to the visibility splays had been presented and, as a consequence, the proposed development would result in unacceptable harm to highway and pedestrian safety.

Local Amenity

This proposal seeks approval for the construction of dwellings on a rectangular area of open land that rises in level from east to west. The site is some 85 metres in length, whilst levels rise some 7 metres over the length of the site, giving an overall gradient of approximately 1 in 12.

To the immediate south of the site boundary are the garden spaces of dwellings that front onto St Matthews Close. Further residential areas extend generally to the south and east.

The proposed outline layout indicates the siting of new built form that would be a satisfactory distance from nearest existing dwellings to the south, such that the distance between habitable room windows would have no implications for privacy of occupiers of the existing dwellings. The question of safeguarding privacy within garden spaces could be addressed by way of requiring appropriate site boundary treatment to the new houses, together with suitable planting.

The proposed residential use is compatible with the adjoining dwellings and the form of development will be consistent in terms of both density and building scale with existing residential properties on either side of the site. The proposed use of the land does not pose any amenity issues.

On this basis it is considered that there would be no insurmountable issues in respect of the preservation of the privacy and amenity of existing and future occupiers. Policy UR3 of the Replacement Unitary Development Plan is therefore satisfied.

Since the application here is in outline, detailed design of dwellings and their infrastructure is reserved for future consideration.

However, the indicated footprints of the proposed new dwellings show a layout of varied appearance including detached, terraced and linked dwellings that result in greater visual interest. The materials palette for the development would require careful choices in order that the overall quality of the development might be assured. On that basis it is considered that the resulting development would be acceptable in light of Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

Highway issues

A previous outline planning application for development of this site was refused on the grounds that the proposed means of access had not been demonstrated as being safe and suitable for the development.

The reason for this was that there was insufficient visibility for drivers emerging into Wellington Road, due to the presence of garden boundary features on either side of the junction. This is the major concern of the objectors.

This issue has been addressed here by way of revised details. The proposals indicate an extension in the width of the pavement either side of the entrance so as to require vehicles to emerge further before joining Wellington Road. This arrangement would improve visibility equally for existing and proposed users of the junction to a satisfactory degree and would also improve pedestrian safety at the junction by enabling all emerging drivers to better see approaching pedestrians either side of the junction.

The layout within the site indicates that the access road would be shared by the proposed new development and existing equestrian centre. Other existing occupiers served by the access would also benefit from the improved junction geometry.

Layout within the site may be addressed at the details stage and would address how the public rights of way are incorporated and improved both in their attractiveness for users and surfacing.

Subject to full details of the internal layout the proposals here achieve a satisfactory access arrangement with the public road network and the capacity of that network to accommodate the additional traffic generated by the new housing is considered also to be satisfactory.

Accordingly the proposals satisfy Policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

Local Infrastructure

Drainage

The Council's Drainage engineer confirms that the development is acceptable subject to conditions. These would require foul and surface water drainage works, including any balancing & off site works, to be subject to submission of details for approval prior to development commencing have been submitted to & approved in writing by the Local Planning Authority.

Subject to percolation tests, sustainable surface water drainage techniques will be used in order to reduce surface water run-off rates.

Public Rights of Way

There are three rights of way across the site or its access. As noted above, these will be retained and the attractiveness of their routes and their surfacing will be addressed at the reserved matters stage

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.

Recommendation:

That Outline planning permission be granted subject to the following conditions:

1. Standard outline condition requiring submission of full details of design, scale, layout, rights of way and landscaping. These to be submitted within three years of the outline planning permission.
2. The development shall be constructed of local natural stone, a sample of which shall first be submitted to and approved in writing by the local planning authority. The stonework shall be laid as regular courses and shall be pointed flush with the face of the stone or slightly recessed. Ribbon or strap pointing shall not be used.
3. A sample roofing tile shall be submitted to and approved in writing by the local planning authority before development commences, and the development shall be constructed in the approved materials.
4. Before the development is brought into use, the off street car parking facility shall be laid out using permeable surfacing 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.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any subsequent equivalent legislation) no

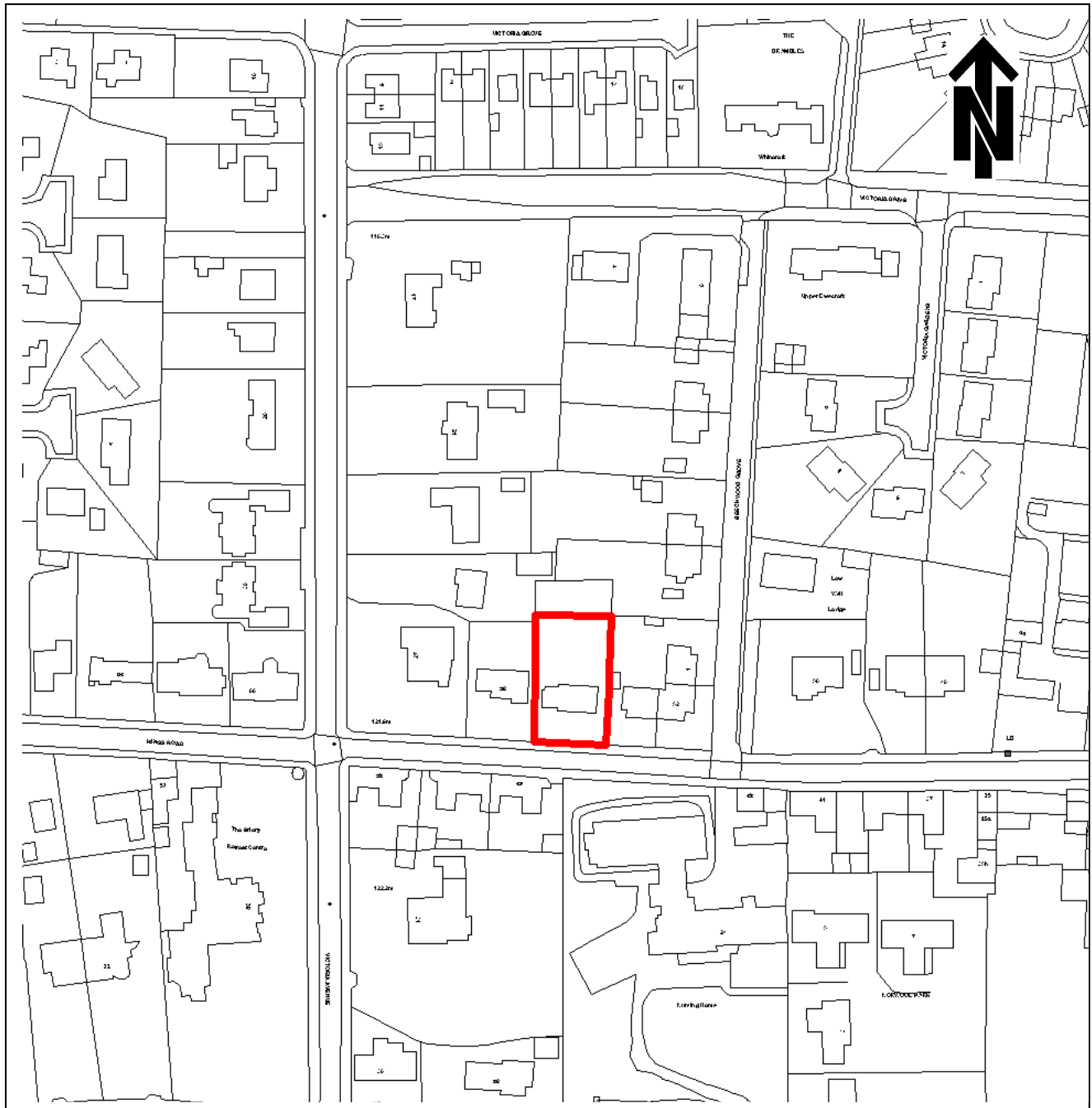
development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

6. The development should not begin until details of a scheme for foul and surface water drainage, including any balancing and off site works have been submitted to and approved in writing by the local planning authority.

Area Planning Panel (Keighley & Shipley)

14/04367/HOU

25 February 2015



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ITEM NO. : 7	LOCATION: Lingmoor 56 Kings Road Ilkley LS29 9AT
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25 February 2015

Item Number: 7
Ward: ILKLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
14/04367/HOU

Type of Application/Proposal and Address:

Full application for replacement roof and a rear extension to form rooms within the roofspace at Lingmoor, 56 Kings Road, Ilkley.

Applicant:

Mrs Linda Mc Namara

Agent:

Mr Neil Grimes

Site Description:

Lingmoor is a two-storey detached property dating from the mid C20th located on the north side of Kings Road on the western edge of Ilkley. Though in Ilkley Conservation Area, it is of modern design constructed from natural stone and white painted render with concrete roof tiles. It has previously been extended to the side and rear. The roof of the dwelling has a noticeably shallower pitch than the majority of more traditional properties in the area. The house is set behind a stone wall so it is not a prominent feature in the local area. There are a number of mature trees in the front garden area, either side of the entrance drive, protected by a Tree Preservation Order.

The surrounding area is residential in nature although not uniform in appearance. Opposite, to the south, is Glen Rosa Residential Home.

Relevant Site History:

14/00101/HOU Roof alterations and a rear extension to form rooms within the roofspace
Withdrawn 7.3.2014

11/01077/HOU Orangery-style conservatory. Approved 9.5.2011

10/01636/CAC Removal of chimney. Conservation Area Consent Not Required 17.6.2010

09/05971/HOU Kitchen extension to rear, single storey garage/ sun lounge extension to side and single storey extension to front. Approved 2.3.2010

00/01919/FUL Utility, lounge extension and porch. Approved 28.7.2000

Replacement Unitary Development Plan (RUDP):

Allocation

Ilkley Conservation Area

Proposals and Policies

Policies BH7 *New Development in Conservation Areas*,

D1 *General Design Considerations* and UR3 *The Local Impact of 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:

Ilkley Parish Council recommends approval.

Publicity and Number of Representations:

Advertised by individual NN letter, site notice and also published in the Ilkley Gazette. Overall expiry date 13 November 2014.

Objections have been received from the adjacent neighbour at No 58 and 2 other households within the Ilkley area.

A Ward Councillor has objected to the application and made a request that it be considered by Members of the Area Planning Panel if recommended for approval.

Summary of Representations Received:

Concerns raised by Neighbours

- The proposal will result in a loss of light to windows in the side of No 58 by an estimated 50% at ground floor and 25 % to the upstairs bedroom.
- Increase in fuel and lighting costs to the side and rear of the property due to lower natural light levels.
- The rear garden of No 58 would be overlooked by windows from the enlarged master bedroom, resulting in a loss of privacy in contravention of the Human Rights Act.
- The resulting building would not be in keeping with the aesthetic appearance of Kings Road and nearby historical buildings to the detriment of the character of the Conservation Area.
- The dimensions of the extension are not stated
- This is the fourth application to extend the property since 2000
- The site plan does not make reference to the home office cabin within the rear garden.

- The original design of No 58 included a bedroom window in the side wall and the extension would result in a loss of an open aspect to this window.
- The Council has not followed correct guidelines in publicising the application to those neighbours immediately affected by the proposal by way of letters or notices.
- The proposal represents an overdevelopment of the site by reason of its size, depth, width, height and massing.
- Loss of quality of life to the occupants of no 58 as a consequence of the development

Ilkley Civic Society has commented – Considers that the proposal represents an over intensive form of development and should be reduced in scale.

Concerns raised by the Ward Councillor:

- The relationship between the site and the neighbour at No 58 is not fully shown
- Insufficient parking for the extended dwelling
- Repeated applications can cause concern to neighbours and the conservation area
- Notification of residents was not correctly followed
- Potential for damage to the protected trees on the property

Consultations:

Design and Conservation Team – Subject to the careful control of materials, the proposal will preserve the character and appearance of the conservation area and accords with Policy BH7 of the Replacement Unitary Development Plan.

Trees Team - No objection.

Summary of Main Issues:

Impact on the character of the streetscene and wider Conservation Area
Impact on neighbouring residents
Consideration of other points of representation.

Appraisal:

The proposal seeks approval for alterations to increase the height of the roof of the dwelling by 1.2 metres so as to accommodate an additional study, bedroom and bathroom within the resulting loft space.

The resulting raised roof will have a steeper pitch than the existing house, though the 38 degree pitch would not be dissimilar to those found on neighbouring dwellings. The new roof would incorporate a forward facing gable facing the street. The overall eaves height remains unaltered.

In addition, a first floor rear extension over the existing utility room is also proposed to enlarge the floor area of the master bedroom. This rear extension will have a depth of 1.9 metres but it will not project beyond the original rear wall of the dwellinghouse.

The application is a resubmission of an earlier withdrawn scheme (14/00101/HOU). The new scheme differs in that the rear gabled section of the roof has been replaced with a hipped roof form, and there will be a reduction in the overall ridge height as the roof pitch has been reduced to 38 degrees, Also the new scheme omits a Juliet balcony at first floor level on the rear elevation and a reduction in the number of rooflights.

Impact on the character of the street scene and Conservation Area

Although it is in Ilkley Conservation Area, Lingmoor is of modern design, and does not contribute any special architectural or historic interest to the conservation area. However, at the moment the house sits relatively unobtrusively in the street behind the mature trees and wall on the frontage.

If the ridge is lifted by 1.2 metres, the resulting building would be more noticeable in the street scene. However, the overall increase in height is not substantial and the eaves would remain the same. The house would still be set behind the wall and the trees. It is proposed that a higher quality of roof material would be used to cover the new roof. The proposals also include covering the new roof with artificial stone slates and the insertion of roof lights.

The Council's Conservation Officer is of the opinion that whilst the proposed alterations will make the building more prominent, the increased roof height and pitch improves the proportions of the building and the front gable feature breaks up the existing rather bland linear form of the building and would add visual interest. Overall the alterations will, in the opinion of Officers, allow a better proportioned building of improved appearance. It would not have a negative impact on the character and appearance of the conservation area.

Subject to careful control of materials, particularly the slates for the new roof, the proposal satisfies Policies BH7, D1 and UR3 of the Replacement Unitary Development Plan (RUDP) and follows the design guidance and principles in the Council's adopted Householder Supplementary Planning Document.

Impact on Neighbouring Residents

The impact of the development on the adjacent neighbour at No 58 Kings Road has been carefully considered in response to the objections. The adjacent property is a detached two-storey property of comparable height to the application dwelling. The side elevation of this house contains window openings.

The ground floor window would appear to serve a non-habitable room, but the narrow window in the side wall at first floor level is known to serve a bedroom.

The outlook from this bedroom is already partly restricted as it faces onto a blank section of wall belonging to the applicant's house. This bedroom originally had 2 windows but the original forward facing window was lost when a front extension to the property was added in 2000. The side window would have originally been intended as a secondary window with limited outlook, but the alterations undertaken now mean it is now the only window serving this bedroom. The approved drawings for the extension to the objector's house depict the room as bedroom 5.

It is acknowledged that the levels of natural light to this window would be reduced to a small extent as a consequence of the proposal to extend the house at the rear and to lift the ridge. However, the window is positioned facing the back corner of the applicant's house so some oblique views across the neighbouring open gardens would still be achievable. The outlook would be affected but would not be unduly oppressive.

The hipped roof form shown on this amended proposal would also improve the amount of light to the bedroom window compared with the original scheme. Essentially the view directly out from the affected bedroom would still be that of a blank wall at a distance of around 4.7

metres, but the present outlook from the window cannot truly be described as being 'open' at the moment.

Given the position of the bedroom window in relation to the proposed extensions, it is considered that loss of amenity would not be so substantial as to warrant refusing the scheme having regard to the existing outlook from the window and the nature of the room it serves.

No overlooking issues are anticipated as a result of the application proposal. The new bedroom window in the first floor extension will have an outlook over the extensive rear garden to the applicant's property. By definition it would allow oblique views across the neighbour's garden as well but views across the rear garden to No 58 are already achievable from existing 1st floor windows and the rearward extension is unlikely to materially change the existing situation given the existing windows across the back wall and the limited projection of the proposed rearward extension.

It is unlikely that the scheme will result in any significant additional loss of privacy for users of the back garden of No. 58.

To safeguard the privacy of the neighbour from further windows being formed giving direct views from the enlarged side wall, a condition can be imposed to remove permitted development rights for such works.

The proposal will not significantly harm the living conditions of occupants of adjoining properties and does not conflict with Policies D1 and UR3 of the Council's adopted RUDP.

Further Comments on the Representations

Plans:

The submitted plans are to an acknowledged scale and additional drawings have been submitted in order to better demonstrate the impact of the development on both the street scene and the neighbour at No 58, including an overlay drawing to show the projected differences in heights. 3D street scene drawings have also been submitted to show the building in context.

Number of previous applications:

The number of planning applications submitted on this property over the last 14 years, can have no bearing on the consideration of this particular application which must be assessed on its merits. The purpose of the planning system is to regulate development in the public interest. The fact that a home office cabin in the garden has not been referred to on the site plan is of no particular consequence.

Publicity:

The application was publicised by way of individual neighbour letters, a site notice and the statutory notice in the Ilkley Gazette. It was alleged that letters were not received but responses have been received from the neighbours so clearly publicity has been effective. The site notice was displayed on site on 21 October 2014 and comments made by interested parties have been taken into consideration.

Parking:

The existing level of parking in the site is considered to be appropriate for a family dwelling of this size. Any visitor parking can be readily accommodated along Kings Road, if necessary. The extra accommodation would not require any increase in the number of off street car spaces.

Trees:

The Council's Tree Officer is satisfied that the scheme will not adversely affect the protected trees within the front garden area.

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 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 proposed development is considered to relate satisfactorily to the character and appearance of the neighbouring streetscene and the wider conservation area in which it is situated without having a materially detrimental impact on the amenities of neighbouring properties. As such this proposal is considered to be in accordance with Policies UR3, BH7 and D1 of the Council's adopted Replacement Unitary Development Plan (2005) and the adopted Householder Supplementary Planning Document (2012).

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 BH7, UR3 and D1 of the Replacement Unitary Development Plan.

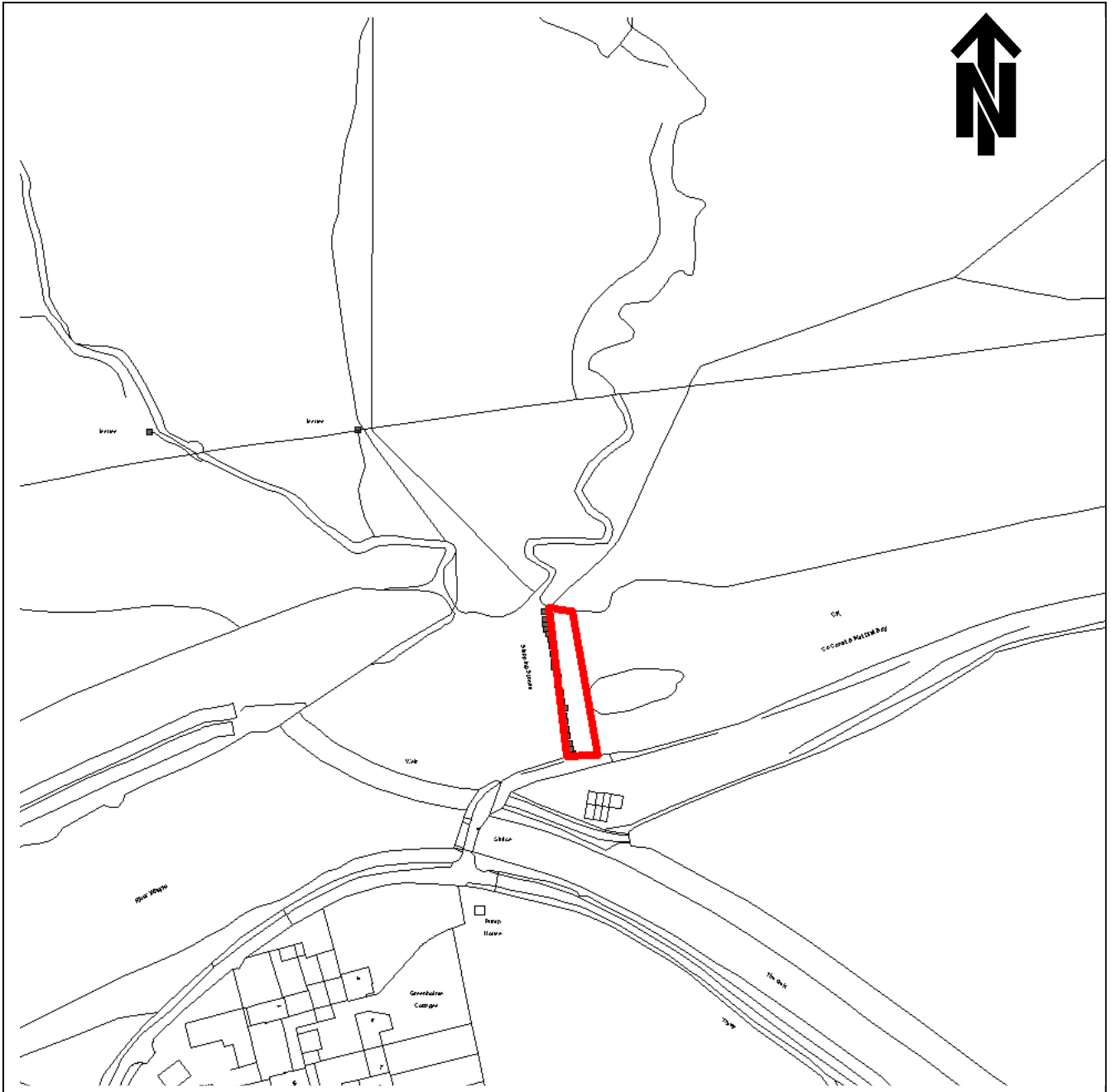
2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in either side or rear elevation of the extended dwelling 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)

14/03664/FUL

25 February 2015



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ITEM NO. : 8	LOCATION: River Wharfe Site Adjacent To Greenholme Farm Leather Bank Burley In Wharfedale Ilkley
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25 February 2015

Item Number: 8
Ward: WHARFEDALE
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
14/03664/FUL

Type of Application/Proposal and Address:

Full application for a new pedestrian footbridge across the River Wharfe at the end of Leatherbank, following the existing public right of way over 'The Stones'.

Site : River Wharfe adjacent to Greenholme Farm, Leather Bank, Burley in Wharfedale Ilkley

Applicant:

Mr David Asher (Burley Bridge Association)

Agent:

Mr Stephen James (Ramboll)

Site Description:

Leatherbank is a bridleway and country lane that links Burley-in-Wharfedale to the river Wharfe and serves a number of residential properties. The river is the boundary between Bradford and Harrogate District. On the opposite bank are open fields which are in Harrogate District. Public footpaths lead north from the river bank to the village of Askwith. On the Bradford side of the river are some existing stone abutments associated with a nearby mill goit and the weir to the west. A ramp leads down to the river from the abutments and a line of stepping stones and an adjoining ford lead across the river. The bridge is proposed to link Leatherbank with the rights of way network on the north side of the river. The route of the bridge would follow the line of the existing stepping stones which are submerged for much of the year. Alongside these, the ford would continue to be used by horse riders. The site is in the green belt.

Relevant Site History:

03/02533/FUL : Renewal of permission for new footbridge and approach works including ramps and footpath. Granted 24.11.04

98/00252/FUL : Footbridge and approach works including ramps and footpath. Granted 10.07.98

Replacement Unitary Development Plan (RUDP):

Allocation

Green Belt

Proposals and Policies

GB1 – Presumption against inappropriate development in the Green Belt.

UR3 – Local Planning Considerations

D1 – General Design Considerations

NE3/NE3A – Landscape Character

NE10 - Protection of Natural Features and designated sites.

NR15B – Development in areas of flood risk

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 the application for approval, subject to Bradford Planning Dept considering the following as part of the Technical Consent process:

1. Land ownership issues relating to both the foundations of the bridge and for gaining access during construction.
2. Does this bridge design fit into the natural charm and beauty of the area?
3. No specification is supplied of the south side access ramp. How will this affect use by the disabled?
4. The project should include a fish by pass and ensure that the project will deliver a net gain to the bio-diversity of the river.
5. Is the proposed reduction in width of the access track acceptable?
6. Does the flood risk assessment for the north bank consider increased flooding implications as a result of the construction
7. The Environment Agency should consider 1 in 100 years flood risk assessment.
8. No method statement of construction traffic to the site.
9. No details of signage are provided for both during construction and relating to use of the bridge.
10. No method statement on the ecological survey.
11. How will the project be funded? How will the ongoing costs be met?
12. What will the impact be on the existing public bridleway?
13. Have all possible sites for a bridge over the River Wharf at Burley-in-Wharfedale been fully investigated?

Publicity and Number of Representations:

Advertised by press and site notice

292 representations have been received.

241 support the proposal.

51 object to it.

Summary of Representations Received:

OBJECTIONS

1. The location is an attractive stretch of the river Wharfe and the proposed suspension bridge will detract from the charm of the existing crossing. The design is not in keeping with a typical Dales valley and does not fit with the industrial heritage of the Weir and nearby Greenholme Mills.
2. It is worrying that many supporters of this bridge assume that the applicant has designed a feasible scheme. Support is based on the idea of a safer crossing point rather than the suitability of the site. If there is a need for a bridge, this solution is the wrong bridge in the wrong location.
3. Stepping stones already exist and are adequate. By all means improve the ford so horses can cross, but a bridge would destroy the location.
4. Building a bridge will condone trespassing on the adjacent farmland. The stepping stones already attract visitors to the river who trespass on private land and use the site for swimming, camping and barbeques during the summer. A bridge will lead to increased littering and anti social behaviour and erosion of the river banks. There have been fatalities by drowning due to people swimming on this stretch of river.
5. The Burley Bridge Association does not own the land on either side of the river, the land owners do not want it on their land yet the Bridge Association still persist with their campaign. The Bridge Association do not mention the antagonism created amongst the residents near to the site and the refusal of the landowners to give their consent for the bridge.
6. The stepping stones should be left as a crossing and the money could be used better in the village for sports facilities and changing rooms.
7. No study has been made of the number of walkers likely to want to use this bridge at various seasons of the year. If constructed, at considerable cost, it might be for the benefit only of a limited number of people, most of whom are capable of crossing into North Yorkshire at other locations.
8. The money would be more wisely spent on repairing the river banks rather than this bridge. The only people pushing for this monstrosity are walkers from surrounding towns and villages who are quite prepared to ruin an area of beauty.
9. The Bridge will mean loss of amenity for members of the fishing club (West Riding Anglers) who own the river bed and weir. Construction would cause pollution and disturb grayling beds downstream.
10. The problems caused at the river in Ilkley at holiday time will be repeated at the Burley riverside - with people leaving litter, anti social behaviour, people jumping into the water, lighting fires and leaving barbecues, empty bottles, and litter which will be a hazard to wildlife and farm animals. The Weston Estate on the north side of the river has been subject to much pilferage and robbery. It is not necessary to make it any easier to cross the Wharfe.

11. Increased visitors will encourage illegal parking on Leatherbank bridleway causing obstruction for emergency vehicles to local residents. Ramblers already dump their cars on Great Pasture, which is a private road, and this will only increase. The access roads are private roads and bridleways without parking facilities but this is an issue the Burley Bridge Association does not want to address.
12. The footpaths on the north side of the river are totally unsuitable for the elderly, the very young and the less able bodied people. They are very steep and slippery after bad weather which coincides with a high flowing river.
13. The river can swell and in flood events will pose a danger to any person crossing it. Due to the unpredictable nature of the river at this point a bridge is not viable as it will be swept away. The north bank approaches to the bridge would be below even moderate flood levels creating a potential hazard.
14. There is no clear indication as to how the bridge will be funded and maintained. It also seems there has been no thought to disabled access something I believe is discrimination.
15. The wildlife and fish will be affected with the supporting structures in the river. The natural habitat will be destroyed and there will be potential damage to original features of the walls from Greenholme Mills estate.

SUPPORT

1. Emails of support include Keighley Ramblers Association (130 members) and Otley Walkers' Association which express full support for this proposed foot bridge over the River Wharfe. Ramblers have been waiting a very long time for a bridge here.
2. There is a need for a safe crossing of the river at Burley in the form of the proposed footbridge. It will provide a secure crossing of the river as it rises very quickly and for much of the year the stepping stones are submerged in its currents making them unusable. It will enable older residents and young children to cross the river in safety. Ramblers describe how they have often found that the water level is too high, or the speed of the current too fast to use the stepping stones and, for a walker, once walkers have committed themselves to the crossing at Burley, other safe bridges are too far away for a change of plan.
3. The nature and the design of the bridge has been the subject of much local consultation and the simple design and modest structure will blend in well with the attractive riverside scenery.
4. This bridge connection will open up access for the benefit of people from West Yorkshire and provide better connection to the public footpath and bridleway system on the north side of the Wharfe. The excellent bus/rail connections in Burley will enable walkers to come from a wide area of West Yorkshire to enjoy Wharfedale and give better access to the beautiful Washburn valley and the surrounding moors with many public rights of way to enjoy.
5. It would contribute to improving the local economy as it should bring an increase in customers for the shops and eateries in Burley-in-Wharfedale with walkers using the proposed footbridge for the start of walks.

6. The cross boundary nature of the proposal has in the past created some added difficulty and ask that all councillors and officials do all they can to turn this long awaited bridge proposal into reality.

Consultations:

Environment Agency : Confirms it has no objections to the application as submitted, providing conditions are included in the grant of any planning permission.

1. The soffit of the bridge is to be a minimum of 600mm above the 1 in 100 modelled level, or 300mm above the 1 in 100 plus climate change level, whichever is the greater. Reason : To ensure the bridge has sufficient clearance during flood conditions.

2. Level for level compensatory storage must be provided for any loss of storage within Flood Zone 3. Reason : To ensure that there is no displacement of possible future flood flows, and that the development does not increase or exacerbate flood risk to others.

In addition to planning permission the formal consent of the Agency will be required , under the Water Resources Act 1991, for any works in, over, under the River Wharfe (which is classified as a main river) or within 8m of the top of bank/toe of a defence, under the Yorkshire Byelaws.

Council's Landscape Officer

Construction of the bridge would introduce a prominent man made element into what is generally considered a particularly picturesque location. Some people may consider the visual impact of this bridge to be negative. Such judgement may be influenced by a high degree of subjectivity.

However, the riverside topography at this location has already been heavily influenced by man - by the construction of the weir, and by other features, such that it cannot be considered natural.

In my opinion the proposed footbridge, should it be constructed, would contribute to the landscape character in much the same way as the weir. Its presence would change the existing character of the riverside and this change has both negative and positive aspects to it that are equally valid. Visually, the scale of the bridge and its lightweight design are appropriate for the setting. While it will be prominent at close range, it cannot be regarded as overpowering. So although the landscape character will change locally if the bridge is constructed, I would not regard the change as negative, and the visual impact it will have will not detract from the picturesque nature of the setting.

Council's Drainage Team : The river Wharfe is classed as "Main River" monitored and maintained by the Environment Agency. Its comments should be sought.

Council's Countryside/Biodiversity Officer : The River Wharfe in the Bradford District (and Leeds) is designated as a SEGI (Site of Ecological/Geological Interest) and will be formally designated as a Local Wildlife Site (LWS) in due course.

The ecological information supplied in support of this application is now over five years old and should have been updated. Section 10 of the ecology report by Thomson Ecology recommends further surveys of the river, for crayfish, and the river bed for spawning habitat and invertebrates for example.

A Protected Species development licence may be required in respect of the native white clawed crayfish, which have been previously recorded in the river. Ideally, further up to date surveys should be carried out before the planning permission is granted but, on this occasion, as an exceptional circumstance, then the various surveys could be conditioned on the basis that no development takes place until such surveys are completed, licences obtained and mitigation agreed.

Other opportunities for biodiversity enhancement would also be welcomed, such as planting, artificial otter holt installation, and protection of the river bank from poaching by cattle should be considered. These should be conditioned as part of any planning permission granted.

Council's Highways Structures (Bridges) Unit

Supports the principle (as expressed in the Rights of Way improvement plan) to achieve a crossing of the Wharfe between Otley and Ilkley.

There are no monies within the existing funding arrangements for financial support for either construction or maintenance by this Council and the Council has not given political support to the project.

The Highway Structures Unit would probably not propose the location, alignment or design of the proposed bridge if it had funding available. However capital costs, Land Ownership and Rights of Way creation would probably prevent anything beyond initial feasibility studies.

The BBA/Rambolls proposed bridge does closely follow an established right of way but the bridge proposers are not the landowners. The design also does not comply with some minimum standards in terms of access or width and the specification of the steps. The bridge could not be given Technical Approval in its current form and will need amendment.

Summary of Main Issues:

Background and Principle.

Further consents required.

Visual impact on the Green Belt and Landscape Character.

Flood risk.

Nature Conservation Implications

Impact on the amenity of occupiers of nearby properties and adjoining land

Appraisal:

BACKGROUND/PRINCIPLE

The bridge would span the river Wharfe which is the boundary between Bradford and Harrogate Districts. A planning application has also been submitted to Harrogate District Council for the section in that District. Harrogate has now granted planning permission.

It must be emphasised that this proposal is submitted by the Burley Bridge Association, not the Councils on either side of the river. The footbridge is not a project that is being led by either Bradford Council or North Yorkshire County Council. Indeed, there is no funding

available from Bradford Council for either construction or maintenance. If money was available, Bradford Council has other priorities for improvement of the District's Rights of Way network.

Nevertheless, it is recognised that there has been a long campaign by ramblers to erect a footbridge across the River Wharfe to connect Burley in Wharfedale to Askwith and allow access from West Yorkshire to the footpath network in the Nidderdale AONB. In recognition of this, the Council's Rights of Way Section is supportive and the request from the Bridge Association for a bridge to replace the stepping stones is identified in Bradford's Rights of Way Improvement Plan (ROWIP) but with low priority for action. This bridge is noted as a possible future large scale project beyond the scope of the current LTP allocation. Other such proposals include a requested safer means of crossing the A629 to link Silsden with the Silsden and Steeton railway station.

PREVIOUS APPLICATIONS

A previous planning application (98/00252/FUL) submitted by the Bridge Association was granted and this permission was renewed in 2003.

This proposal was for a wider bridge in a different position - across the top of the nearby weir. The new proposal is for a smaller and simpler suspension bridge that follows the existing right of way over the line of stepping stones. This would require less extensive remodelling of existing ground and would not require any footpath creation orders to link the bridge to the existing rights of way on the Harrogate side of the river.

The arguments in favour of the bridge are all well known and fully understood. The applicants have, once again, submitted a good deal of evidence relating to the need for this bridge to enhance access to open countryside. For ramblers it would provide a safe crossing to replace the stepping stones which are frequently inundated by the river and so are dangerous to use for much of the year. It would allow people arriving in Burley by bus or train to proceed northwards into the Nidderdale AONB and enjoy its rights of way network without having to drive there by car. It may have some benefits to the local economy by making Burley a more popular destination for ramblers and walking groups to begin their walks. Support from Badcot – the local trade association - is noted.

Officer reports in respect of the previous applications highlighted the considerable number of practical difficulties for the Bridge Association in bringing the project to fruition. All of these remain - including securing the agreement of the landowners and identifying funds to build the bridge and associated structures and fund their subsequent maintenance.

NEED FOR OTHER CONSENTS

Planning permission would only be the beginning of a series of legal requirements that the Bridge Association will have to put in place before construction of the bridge could begin. The obtaining of planning permission, if it is granted, will therefore be the first stage in a long process before the further technical, regulative, land ownership and financial hurdles have been overcome.

It is considered that several of the objections to the planning application are more relevant to the other statutory consents that will have to be secured from other agencies.

As well as planning permission from Bradford Council, the Bridge Association will have to secure the following statutory consents.

1. Consent from the Environment Agency under the Water Resources Act, 1991 for work in the river including bank remodelling on the Harrogate side.
2. Renewal of planning permission from Harrogate District Council in respect of the construction of the section of bridge and ramps on the north bank of the river falling within Harrogate.
3. Technical approval from the highway authorities to ensure that the bridge is safe and of an appropriate structural specification to fulfil its purpose as a public highway. This may involve both North Yorkshire County Council and Bradford Council as highway authorities.

The impact on river flows, fish spawning grounds, phasing of construction in relation to fish breeding seasons etc. would be dealt with by the Environment Agency under their consenting process. Details of the stability of supporting structures for the bridge will have to be examined in detail at the Technical Consent stage when the applicant would also have to secure the consent of land owners to undertake detailed survey work so as to ensure the design of foundations and supporting structures is safe and robust.

In respect of the planning application, the key issues in addition to considering the benefits to the rights of way network are the visual impact of the bridge, its impact on the surrounding area, the impact on nature conservation interests and flood risk implications.

GREEN BELT

The proposal is in the Bradford Green Belt where there is a presumption against inappropriate development. The NPPF (paragraph 90) sets out certain forms of development which are exceptions to this - provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include engineering operations and local transport infrastructure which can demonstrate a requirement for a Green Belt location. The bridge is a piece of local transport infrastructure that clearly needs to be in this part of the Green Belt to meet its objectives. The objectors point out that there is a long-established public right of way here which does not work for the majority of people due to the stepping stones being submerged. The applicant maintains that all other possible bridge sites have been examined in the area but at Leather Bank there is an existing right of way on the north bank to which the bridge can connect.

The impact on openness is also not significant. From within Bradford District, the proposed bridge, being below the weir, would not be prominent and would be seen in the context of the existing man made retaining structures associated with the nearby weir and goit. The design of the structure is simple and unfussy. The bridge would not appear as an imposing or overtly "urban" structure. It is similar in form to many other such suspension bridge structures seen in rural areas. Therefore there are very special circumstances based on the benefits of safer rights of way, and these are sufficient to outweigh any harm to openness given that the bridge would not appear as encroachment, and would preserve openness and would not conflict materially with the purposes of including the land in the Green Belt.

Also it is recognised that the NPPF urges that, once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, including looking for opportunities to provide access and to provide opportunities for outdoor sport and recreation. As a matter of principle, therefore, the bridge does not harm openness

or conflict with the purposes of including the land in the green belt and meets at least some of the objectives of promoting beneficial use of the Green Belt.

IMPACT ON THE LANDSCAPE AND SETTING OF THE RIVER

The new pedestrian bridge across the River Wharfe is of much simpler construction than the bridge across the weir approved in 1998/2003. The site is part of the Wharfedale Landscape Character Area defined by the adopted Landscape Character supplementary planning document, and Policy NE3/NE3A of the RUDP seeks to safeguard the quality and character of this landscape.

Construction of the bridge would introduce a prominent man made element into what is generally considered a particularly picturesque location. The proposed footbridge will form a new point of focus in views up and down the river. Objectors consider the visual impact of this bridge to be negative but supporters consider that the bridge compliments the river scene. Such judgement may be influenced by a high degree of subjectivity.

The Council's Landscape Officer considers that it is impossible to conclusively define one way or the other with any analytical methodology whether the impact on the landscape is positive or negative. He points out, however, that the riverside topography at this location has been heavily influenced by man – through the construction of the weir, and by other man made features such as the retaining wall features, such that it cannot be considered completely "natural". Human intervention over a considerable period of time has shaped the site into a combination of man made and natural forms. Many people may consider that the weir contributes in a positive way to making this location unique, interesting and picturesque. In addition, the main views of the bridge would be from close up, mainly from the river banks. The bridge would not be prominent in wider long or medium distance views due to screening by the natural landform and riverside trees.

In the Landscape Officer's opinion the proposed footbridge, should it be constructed, would contribute to the landscape character in much the same way as the weir. Its presence would change the existing character of the riverside and this change has both negative and positive aspects to it that are equally valid. The Landscape Officer says that, visually, the scale of the bridge and its lightweight design are appropriate for the setting. While it will be prominent at close range, it cannot be regarded as overpowering and the river will remain as the most potent and enduring element in the landscape.

So although the landscape character will change locally if the bridge is constructed, Officers would not regard the change as negative. The change will be in the perceived balance of man-made versus natural elements at the location, yet in actual fact the site has already been quite radically altered from its 'natural' state. There is much subjectivity involved in making a judgement about the aesthetic qualities of the proposed bridge, and the visual impact it will have but, in the opinion of Officers, it will not detract from the picturesque nature of the setting or harm landscape character. It is acceptable with regard to Policies NE3/NE3A of the RUDP.

FLOOD RISK

Despite objections that the bridge will be unsafe in relation to flood levels in the river, the applicant has submitted a Flood Risk Assessment and the Environment Agency has confirmed it has no objections to the bridge subject to imposition of two technical conditions dealing with the height of the bridge deck above flood level and the requirement for some

minor remodelling of land to provide compensatory flood storage. This would be on the north bank in Harrogate District.

The agent is an experienced bridge design company and provides assurances that the bridge design minimises any necessary compensatory measures by reducing the abutments/supports to the minimum. The engineers have held positive discussions with the EA and stabilising works have been proposed to the north bank. Where these measures are required, they will be designed to alleviate any potential loss of flood storage. In consultation with the EA, the engineers have also proposed further flood storage measures in remodeling the northern riverbank downstream, as included in the submitted Flood Risk Assessment.

Regarding robustness of the bridge against river waters, the engineers say that whilst the deck and upper parts of the bridge are very light, the supports and piers provide a very sturdy and durable base and discussions with the EA have confirmed the structural configuration to be appropriate. There are opportunities in the detail design stage to increase rigidity of the deck structure to offer greater lateral stiffness and rely less on stabilising cables, or remove them altogether. This would increase the robustness of the deck but increase its visual presence.

The agents feel the current design provides the most appropriate balance between the functional requirements and minimising the impact on the landscape.

BRIDGE SPECIFICATION

The detailed structural design of the bridge would be a matter for the Technical Consent process. In response to objections and consultation input, the applicant's engineers have said that the bridge is designed with due regard to the design criteria set out in BD 29/04 - Design Criteria for Footbridges. This is the Manual which, at the outset, stresses: 'The designer should balance the full range of considerations such as modes of users, safety, aesthetics, environmental impact, cost, robustness, sustainability, "buildability", operation and maintenance.'

Previous plans for a footbridge in this location have not been implemented largely because they have been wider, more substantial but over-imposing structures that have proved expensive and impossible to deliver. Therefore this proposed bridge is smaller and designed specifically for ramblers and walkers, to enable the public to follow a designated public right of way, in a safe manner, avoiding the dangers imposed in navigating the existing stepping stones. The engineers say the bridge will be designed to minimise the physical and visual impact on its sensitive rural surroundings but the structure is robust, and designed for a 120 year life. The usage would be comparatively low compared with bridge crossings in an urban area or providing and the design is commensurate with the predicted use. All materials, details and interfaces will be developed to be robust and low-maintenance.

The bridge provides a constant 1.2m clear width between the handrails. The agents justify this by saying it is not designed to be a 'high-volume' route but has been designed in accordance with expected levels of usage. The agents feel it is an acceptable width that would allow two walkers to pass each other, or one person to walk with a dog or child.

The steps have a 250mm tread and a 195mm riser which the agents say is not excessively steep and are in line with a normal domestic staircase. A degree of mobility is assumed for

users of the bridge given the physical nature of the footpaths and terrain that the bridge provides access to.

The agents accept there is much to discuss during the Technical Approval Stage, but believe any detailed amendments required to cable heights, the deck width, or the stair geometry can be accommodated without significant change to the appearance of the bridge. The agents say they would seek to agree suitable departures from the code's standard guidance, as is normal practice, but that addressing the areas highlighted would fall well short of a 'radical redesign'.

NATURE CONSERVATION

The River Wharfe is designated as a local Site of Ecological/Geological Interest.

The Council's Countryside Officer has some concern that the ecological information supplied in support of this application is now over five years old and should have been updated. Further surveys of the river for crayfish, and the river bed for spawning habitat and invertebrates would be needed to inform the construction methods and phasing.

Also, a Protected Species development licence is likely to be required by any contractor in respect of the native white clawed crayfish, which have been previously recorded in the river. The agent has also had discussions with the Environment Agency (EA) regarding the validity of the Ecology Report but the EA's view was that the local ecology would not have changed significantly since September 2009, the time of the last survey.

The EA and the Council's Countryside Officer are therefore satisfied that the recommended measures for mitigation and enhancement outlined in the 2009 report are likely to remain valid and that a planning condition can be imposed to require updates to the survey data and a review of the mitigation measures prior to commencement. The condition would require these updated details to be submitted for the approval of the local planning authorities, prior to commencement of the works. They should cover mitigation on the approach routes and restoration of areas disturbed by construction; pier construction; deck construction and habitat enhancement.

In addition, the bridge should provide opportunities to enhance roosting habitat for bats on the river. Harrogate District has imposed a condition to require such measures.

FISH

The Environment Agency is seeking to remove obstacles to the migration of salmon up the river Wharfe. A new fish pass is to be built at Otley which will allow upstream passage to the next weir at Burley. An aim of the EA is that the weir at Burley have should have a fish pass installed to allow further upstream migration to the headwaters of the River Wharfe.

However, the Bridge Association does not have any ownership of the weir or the river banks so any planning conditions relating to this would be unreasonable. It is expected that the provision of the Fish Pass would be undertaken with funding through implementation of Water Framework Directive objectives. This bridge would not seem to prejudice such a project in the future.

IMPLICATIONS FOR THE PUBLIC RIGHTS OF WAY NETWORK

Access to the proposed bridge from Bradford District is along Public Bridleway No. 39 (Ilkley), which continues across the river via a ford, with the proposed bridge being over the stepping stones on Public Footpath No. 39 (Ilkley). The Council's Rights of Way Section is supportive of the principle of an improved crossing of the River Wharfe.

The agents say they have sited the bridge so as to avoid obstructing the existing Bridleway on either bank. To the south bank, the width between walls varies along the approach footpath. Currently there is generally a space of 3.8 metres between walls and the scheme shows a 3 metre minimum bridleway maintained throughout in the current design, as shown on drawing 7803-0007.

The bridge ramp will require partial removal and some re-modelling of the very end of the existing stone wall, at its lowest point. This may potentially create additional width to the public right of way. Advice may be required from Legal as to whether this will require a legal order to create this additional width. However, this is matter more appropriately dealt with at the Technical Approval stage.

As part of the works, it is proposed to make good and improve the access track with a suitable surface materials, to be agreed, which at the moment is seriously eroded making both pedestrian and equine access to the river hazardous.

It is not considered that the bridge would adversely affect use of the existing right of way by walkers or horse riders.

IMPACT ON THE AMENITY OF OCCUPIERS OF ADJOINING LAND

(a) Construction Access

Neighbours have raised concern about how the applicant would gain access to build the bridge. In response, the agent has said that one great benefit of this kind of suspension structure is its greater reliance on smaller, easily transportable, constituent elements. No temporary works are expected within the river and there will be a much greater dependence on off-site construction than alternative designs. Construction is expected to be carried out in two main phases, the first associated with the concrete foundations for which some short term disruption is expected, largely to pour the northern support structure. The second phase, perhaps some time after the first, would be to assemble and install pre fabricated steel and timber superstructure. This would be low impact, having been largely pre-assembled and tested in factory conditions.

Whilst the agent cannot pre-determine the contractor's exact mode of installation they expect all works to be carried out from the south (Bradford) bank. No access to land on the north is envisaged to be required. The agents point out that it is in the contractor's interest to minimise construction traffic and any works on or near the site to avoid disruption and added cost.

Inevitably installation would cause some disruption to local residents but this could not be used to effuse a planning application. However, it is proposed to impose the standard condition to ensure construction does not extend to unsocial hours.

Concerns about the need to use private land for contractors cabins etc raises non material private legal issues and is a matter for the Bridge Association and its contractor and engineers to resolve.

(b) Anti-Social Behaviour

Local objectors refer to existing problems of trespass and people misusing the river banks and leaving litter. The question is whether a bridge would worsen such problems and whether this is a matter for the planning system.

The applicants say there is no intention that the bridge would provide a destination in its own right. Its purpose is to promote a safe route through the surrounding countryside along existing public rights of way and its narrow design width would not promote lingering. The agents say that call outs by the Police regarding anti-social behavior have been very infrequent, the last occurring in May 2010.

The bridge approved under the 1998 and 2003 permissions involved routes that required new rights of way to be created on the north bank. The bridge now proposed connect directly to the established right of way on the north bank that leads to the stepping stones. The bridge now proposed is therefore far less likely to lead to trespassing on the farmland to the north than previous schemes.

The Bridge Trustees are aware that neighbouring residents are concerned about the risk of the bridge becoming an attraction in its own right. It was thought that following any initial interest following construction, such interest would fade and that the risk would be mitigated by careful use of language in any material produced by BWCT and other village organisations which promoted walking routes on the north bank should not encourage people to start walks at the river.

The agents also suggest that some appropriate and agreed signage regarding litter and trespass should be funded as part of the project, and also landscaping improvements to help direct people crossing the bank along the right of way and signage at the start of Leather Bank to deter parking could be made. It is suggested that an additional planning condition be imposed to require such a scheme of signage although it will be important that such signage is subdued and appropriate to the environmental setting.

MAINTENANCE

The agents, Ramboll, are experienced bridge designers and say they have taken great care with the detailing and use of materials of the bridge to minimise such costs.

The main structural supports are fabricated from weathering steel, a high-strength structural steel that develops an oxidized coating over time, sealing the structure and protecting it against further corrosion. The agents say it should require no maintenance over its lifetime of 120 years.

The deck surface will be an untreated renewable hardwood chosen for its density, strength and durability. A unique hidden clamp system fixes the strips to bearers which are then bolted invisibly to the steel structure. Inset fibreglass strips ensure slip-resistance in all weathers.

Stainless steel cables, connectors and a lightweight stainless steel mesh support and enclose the deck, protecting the user whilst allowing full visibility along the river. There are no applied finishes anywhere on the bridge, reducing maintenance requirements, and lifetime costs, to a minimum.

The applicant – the Burley Bridge Association – says it is aware that neither Bradford nor Harrogate Councils are able to contribute monies for either construction or maintenance, and fully accepts the challenge of raising sufficient funds to address both aspects before construction can start. The intention is that a local Trust called the Burley in Wharfedale Community Trust (BWCT) will assume full responsibility for the life-time maintenance of the bridge. This will protect Bradford MDC from any future financial liability.

The applicant has confirmed that BWCT has now resolved to take on responsibility for maintaining the bridge following construction and managing the maintenance fund. They have already sought approval from their insurers that insurance cover for the bridge could be incorporated into their existing insurance cover.

Since being formed in 2003, the BWCT has gradually accumulated a portfolio of village assets which are either owned outright, or where the Trust has responsibility for funding and maintenance. These include the sports pavilion and sports field at Scalebor Park, the Roundhouse meeting room, Burley House Field, the village green, and a number of other gardens and open spaces. BWCT also works closely with other village bodies such as the Parish Council, the Burley and District Chamber of Trade and the Burley Summer Festival Committee, to organise community fund raising events through the year. The Trust has significant experience in managing and maintaining other physical assets in the village and say they see it as a natural extension of this role to take on the maintenance of the bridge.

The Burley Bridge Appeal will only be deemed to have reached its target to enable the bridge construction to proceed when the projected amounts for both construction and maintenance costs have been met. The other advantage of the Trust Fund would be that there would be the potential to raise further funding if there is any unanticipated shortfall, which would help protect the local authority from any liability.

To ensure the bridge structure is adequately maintained in the interests of visual amenity and public safety, the previous planning permissions have included a condition that:

No development shall begin until a detailed scheme for the maintenance of the bridge has been submitted to, and approved in writing by the Local Planning Authority. The footbridge, access ramp, walkway and associated features shall be maintained thereafter in accordance with the agreed scheme.

It is acknowledged that proposals for maintenance have progressed since 2003 in that an organisation has now been identified for future maintenance and funds are now known to be held by the applicant for both construction and maintenance. So it is proposed to impose the same planning condition to ensure that no work can commence until a robust and workable maintenance regime is put in place. This is confirmed as an acceptable way forward by Legal Services.

The Council's Bridges Unit has suggested a Draft Maintenance Regime which the agents say is broadly similar to that already proposed by the Bridge Association and is agreed to be

generally realistic. Based on their experience of similar bridges, the agents believe that the whole life costs will not be as onerous as feared, particularly if the maintenance regime is linked to other similar contracts within the region leading to economies of scale.

The agents say the maintenance strategy required by the suggested condition would be further developed with the contractor through detail design and installation, and discussed with the Trust.

Community Safety Implications:

No apparent implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups.

It is recognised that the bridge provides improved opportunities for ramblers to access the rights of way on the north bank compared with the existing stepping stones. In this respect it advances equality of opportunity. Further consideration of the technical specifications for the bridge would be part of the Technical Consent process.

Reason for Granting Planning Permission:

There are very special circumstances to justify the development based on the benefits of safer rights of way. These are sufficient to outweigh what will be a modest degree of harm to openness and conflict with the purposes of including the land in the Green Belt given that the bridge scheme will provide a desirable safer route across the river for walkers and presents an alternative route for a bridge that has previously been supported by the Local Planning Authority. The NPPF urges that, once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, including looking for opportunities to provide access and to provide opportunities for outdoor sport and recreation. The bridge does not harm openness or conflict with the purposes of including the land in the green belt and meets objectives of promoting beneficial use of the Green Belt. The appearance of the bridge is considered appropriate to its setting and flood risk concerns have been addressed. Detailed design matters will be resolved through the separate Technical Approval process. Planning conditions are suggested to deal with other material planning concerns expressed in the objections regarding maintenance, ecology, flood risk and the impact on the amenity of neighbouring occupants.

Conditions of Approval:

1. The soffit of the bridge shall be a minimum of 600mm above the 1 in 100 modelled level, or 300mm above the 1 in 100 plus climate change level, whichever is the greater.

Reason: To ensure the bridge has sufficient clearance during flood conditions.

2. Level for level compensatory storage must be provided for any loss of storage within Flood Zone 3.

Reason: To ensure that there is no displacement of possible future flood flows, and that the development does not increase or exacerbate flood risk to others.

3. Prior to commencement of development, the submitted ecological assessment shall be updated with new surveys and appropriate revisions to the recommended measures for mitigation and enhancement outlined in the 2009 report. The up to date ecological assessment shall include reference to otter, white-clawed and signal crayfish, nesting birds (e.g. sand martin) fish species and invasive plants together with consequent recommendations for mitigation and enhancement.

The development shall be carried out in accordance with these approved details.

Reason: To ensure appropriate protection of any nature conservation interest likely to be affected by the development and to provide any necessary mitigation to such impact, to accord with Policies NE10 of the Replacement Unitary Development Plan.

4. A scheme for the integration of bat roosting opportunities into the new bridge shall be submitted for the written approval of the local planning authority prior to the commencement of works.

Reason: To ensure appropriate protection of any nature conservation interest likely to be affected by the development and to provide any necessary mitigation to such impact, to accord with Policies NE10 of the Replacement Unitary Development Plan.

5. No development shall begin until a detailed scheme for the maintenance of the bridge has been submitted to, and approved in writing by the Local Planning Authority. The footbridge, access ramp, walkway and associated features shall be maintained thereafter in accordance with the agreed scheme.

Reason: To ensure the bridge structure is adequately maintained in the interests of visual amenity and public safety and to comply with Policies NE3/NE3A and D1 of the Replacement Unitary Development Plan.

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

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

7. The bridge shall not be brought into use until a detailed scheme for signage of the bridge has been submitted to, and approved in writing by the Local Planning Authority. This shall include suitable signage directing users along the rights of way and signage to discourage access to the bridge by vehicle. The signage shall be maintained thereafter in accordance with the agreed scheme.

Reason: To safeguard the amenity of occupants of adjoining land and to comply with Policies UR3 and D1 of the Replacement Unitary Development Plan.
