

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 11 March 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.	89 Main Street Menston Ilkley LS29 6LQ - 14/05010/FUL [Approve] (page 1)	Wharfedale
2.	Land And Barn Adjacent Cunliffe House Cunliffe Lane Esholt Bradford - 14/04742/FUL [Approve] (page 7)	Baildon
3.	Land And Barn Adjacent Cunliffe House Cunliffe Lane Esholt Bradford - 14/04743/LBC [Approve] (page 17)	Baildon
4.	Land To North Of Back Shaw Lane Hainworth Shaw Keighley - 14/05220/FUL [Approve] (page 24)	Keighley East
5.	Rear Of 81 Bolton Road Silsden - 15/00218/FUL [Approve] (page 34)	Craven
6.	The Paddock North Walk Harden Bingley BD16 1RY - 14/03575/FUL [Approve] (page 42)	Bingley Rural
7.	Land At Grid Ref 415298 446591 Sun Lane Burley In Wharfedale Ilkley - 14/03567/FUL [Refuse] (page 54)	Wharfedale

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Portfolio:
Housing, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Economy



11 March 2015

Item Number: 1
Ward: WHARFEDALE
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
14/05010/FUL

Type of Application/Proposal and Address:
Conversion and extension of coach house annex to form a separate dwelling
89 Main Street Menston Ilkley LS29 6LQ

Applicant:
Mr C J Hepworth

Agent:
Middleton Consulting Ltd

Site Description:
No 89 Main Street is Willow House Farm. It is a C19th detached house built in stone and standing in its own grounds on the north side of Menston Main Street. To the rear of the site are the back gardens of recent suburban development. There is a gap between Willow House Farm and a pair of traditional stone terraced houses to the east. Against the gable wall of the first of these houses is a single storey outbuilding referred to as a "coach house". It has stone walls and a stone slate roof. It is set well back from Main Street in line with the main house and set behind a lawned area and garden trees. The surrounding area is primarily residential in character. Despite the character of the existing houses, none is listed or in a conservation area.

Relevant Site History:
13/04208/FUL : Conversion and extension of coach house to form separate dwelling.
Refused 17.12.2013

98/02850/COU : Change of use of part of outbuilding to business use. Granted 8.1.99 to permit a temporary business use for a period of 2 years. It is presumed that this use has long expired.

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated

Proposals and Policies
D1 General Design Considerations
UR3 The Local Impact of Development
TM12 Parking Standards for Residential Developments
TM19A Traffic Management and Road Safety

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

Menston Parish Council has no objections.

Publicity and Number of Representations:

By neighbour notification letters. One objection received.

Summary of Representations Received:

Proposals should be regarded as contrary to Policy D1 of the RUDP in that the design does not reflect the scale and heritage character of neighbouring Willow House Farm or the adjoining traditional cottages. Also refers to Party Wall Act issues.

Also a Ward Councillor has requested referral to Area Planning Panel should officers be minded to recommend approval of the application on grounds that the proposal does not reflect the character of neighbouring properties in either scale or heritage and will be an incongruous addition to the street.

Consultations:

Drainage - In order to keep the impermeability of the land to a minimum the applicant should investigate the use of porous materials in the construction of the additional vehicle manoeuvring & hard standing areas.

Highways - No objections to the proposals from a highways point of view subject to standard conditions to ensure construction of the means of access, car parking and a dropped footway crossing.

Summary of Main Issues:

Principle of the residential conversion/extension.
Scale, design and impact on local character.
Impact on neighbouring occupiers.
Highway issues.

Appraisal:

The application seeks permission to convert and extend an existing single storey coach house to form a single detached dwelling.

The building is a single storey "L" shaped stone outbuilding to the east of Willow House. The outbuilding abuts a pair of stone cottages to the east of the site. The site is not allocated for any specific purpose on the Replacement Unitary Development Plan for the Bradford District.

This new application has been submitted following refusal of a previous proposal 13/04208/FUL on design grounds.

Principle of development

An additional dwelling within this established residential area would conform to surrounding uses. Such a development would satisfy sustainability objectives, being this established built up area and with good access to existing facilities in Menston centre. The principle of development is considered to be acceptable, subject to the satisfaction of other RUDP Policies and the NPPF.

Scale, design and impact on local character

The objectors, including Ward Councillor raise inappropriate design and scale as the prime objection to this development.

It is accepted that the parent dwelling, Willow House, is an elegant stone built period property and the existing outbuilding directly abuts a pair of traditional cottages No. 91-93 Main Street which, whilst unlisted and outside any conservation area, are also attractive period properties of heritage interest.

The outbuilding currently has a subordinate relationship to the neighbouring dwellings and it is important that any development of the site maintains the balance of this subordinate association and is executed to a sympathetic design and materials.

The previous proposals for the creation of a dwelling involved increasing the height of the coach house to add a 1st floor and incorporated contemporary detailing to the window openings and an awkward roof form on the front elevation. The previous proposal would have resulted in a building with significantly increased presence and massing than the current coach house. The building would have been increased in height two stories when viewed from the rear and the south west elevation was shown with full height glazing patio style windows. In addition a large expanse of roof slope and rooflights would have faced onto Main Street. The previous application 13/04208/FUL was refused because of the lack of subordination and because that proposal would have had a detrimental impact on local character.

The applicant has paid attention to the reason for refusal and the need to maintain subordination to Willow House and the adjacent cottages. To achieve two storey accommodation whilst limiting the increase in height, the ground level will be dropped by 750mm so that the ridge of the proposed dwelling would only be 300mm higher than the existing ridge height. This will involve a greater degree of rebuilding, but the applicant signals an intention to use natural stone to match the existing building and that all architectural detailing of the existing building, such as corbels, would be re-used. It is proposed to retain stone slates for the roof of the building.

The L- shaped floor plan will be maintained with a rear extension forming the entrance. The window openings will all be detailed to match the existing

Consequently, when viewed from Main Street, the proposed building would look very similar to the existing building. Its ridge would be 300mm higher, but this is insignificant and the subordinate, unobtrusive relationship to the adjoining dwellings would be retained.

Two garden trees would need to be removed to facilitate the work but these make little contribution to local amenity and are not protected by TPO.

It is difficult to identify any material harm arising to the street scene from this proposal for modest and unobtrusive alterations to an existing coach house building. Appropriate natural materials are proposed for all external walls and the roof. The proposal seems entirely compatible with the scale and heritage interest of the adjoining buildings and the proposed dwelling would have very little impact on the street scene. This is a sympathetic proposal to alter and extend an existing outbuilding to form a dwelling and is entirely in accordance with Policy D1 of the RUDP and the NPPF's objectives of encouraging good quality design.

Impact on neighbouring occupiers

The proposed alterations and amendments to the building would not encroach beyond the front or rear elevations of the adjoining cottage property at 91 Main Street and so would not result in any significant adverse impact on the privacy, amenity or outlook of adjoining neighbours. The rear elevation would be set 12 metres off the boundary of the site and window positioning is also such that significant or harmful overlooking would be unlikely to arise.

Highway issues

Satisfactory access, turning and parking facilities and a suitable garden area would be provided for the proposed property. This involves forming a new drive access off Main Street. The land is relatively level. Two spaces would be retained for use of occupants of Willow House. The Council's Highway Officer raises no objection subject to standard conditions to ensure provision of the means of access and parking for the new dwelling.

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 development would make more effective use of this site within the built up area for housing. The proposed scheme overcomes previous reasons for refusal in that the resulting building would remain as an unobtrusive feature of the site that would be subordinate and sympathetic to the character of the adjoining dwellings and its surroundings. Adequate parking and means of access are provided and there will be no significant adverse impact on the amenity of occupiers of any adjoining properties. The proposal is considered to accord with Policies UR3, D1, TM19A and TM12 of the Replacement Unitary Development Plan.

Conditions of Approval:

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

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

2. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan JH06.

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

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

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

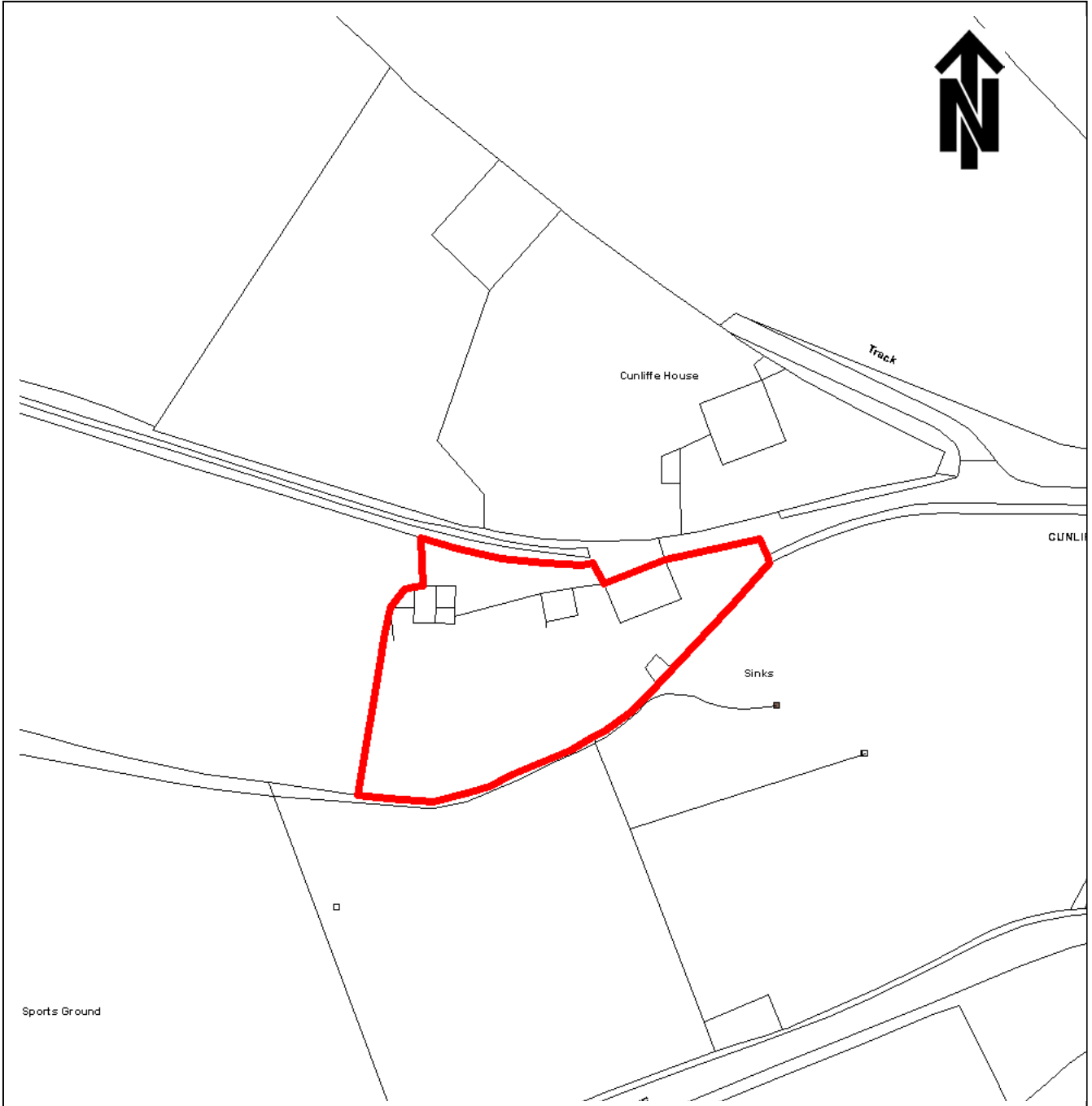
4. Before the development hereby permitted is brought into use, a dropped footway crossing in the highway shall be constructed to the Council's approved specification.

Reason: To ensure the provision of an appropriate standard of pedestrian access to serve the development and to accord Policy TM19A of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

14/04742/FUL

11 March 2015



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ITEM NO. : 2	LOCATION: Land And Barn Adjacent Cunliffe House Cunliffe Lane Esholt
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11 March 2015

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

Application Number:
14/04742/FUL

Type of Application/Proposal and Address:
Change of use from a barn to a 2 bedroom dwelling at Land and Barn Adjacent to Cunliffe House, Cunliffe Lane, Esholt.

Applicant:
Bradford Council - Department Of Asset Management

Agent:
West and Machell Architects

Site Description:
The site is a disused stone barn in the Green Belt beyond the edge of the village of Esholt. Situated in the Aire valley, Esholt is between Shipley and Guiseley. The site is located towards the end of Cunliffe Lane. This access is a roughly surfaced track also serving Cunliffe House which is on the other side of the track.

It is a Grade II listed building and in poor condition, with much of the roof missing. Adjacent to the site, on the opposite side of Cunliffe Lane, is Cunliffe House, which is also Grade II listed.

The site falls within Green Belt and the Esholt Conservation Area.

Relevant Site History:
14/04743/LBC - Change of use from a barn to a 2 bedroom dwelling - Pending Consideration.

Replacement Unitary Development Plan (RUDP):
Allocation
Green Belt and Conservation Area

Proposals and Policies
GB1 – presumption against inappropriate development in the green belt
GB2 – location of development in the green belt
UR3 – local planning considerations
D1 – design considerations
NE3/NE3A – landscape character areas
BH4 – listed buildings
BH7 – development in or adjoining conservation areas

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

No objections.

Publicity and Number of Representations:

The application has been publicised by way of neighbour notification letters, site notice and advertisement in the local press, with an overall expiry date for comments to be received of 09.01.2015.

Ten letters of representation have been received in connection with the application.

Nine objecting to the proposal and one making a general comment.

Summary of Representations Received:

- The site is within the Conservation Area
- The ownership of the land is questioned. It is believed to be under lease to a third party.
- There are far more effective ways to utilise the land and building for the benefit of the community - such as for a community sustainable energy or organic food projects.
- The proposal is an exercise of asset stripping of public resources.

Consultations:

Rights of Way Officer – Bradford North Public Bridleway 78 abuts the site and is accessed off the adopted highway known as Cunliffe Lane.

Vehicle turning facilities should be included within the site to ensure that vehicles do not need to reverse out over the bridleway. Visibility splays should be maximised by ensuring the height of the existing boundary wall remains at its current height. Any plans to gate the access to the parking area should not be placed across or open out over the bridleway.

Please ensure the applicant is made aware of our standard requirements if planning permission is granted during the period of any works on site.

Highways Development Control Section – Have some reservations regarding the off street parking spaces and the ability to reverse and turn in Cunliffe Road.

Building Control (Structures) – Agree with the applicant's structural engineer's comments. The rear elevation of the barn is the retaining wall to the track way of Cunliffe Lane. When this rear elevation is rebuilt, a retaining structure will be needed for the track way. This structure will need a full structural design and calculation to justify its adequacy for the track way use.

Agree with the recommendations and comments within the structural report by West and Machell, dated March 2014, for the works related to the barn conversion.

Drainage Officer – No objections are raised. Records show no public sewers exist in this area. The development would need an independent drainage system such as a septic tank or private treatment plant. Development should therefore not begin until details of a scheme for foul and surface water drainage, including details of any treatment plant & drainage field have been submitted to and approved in writing by the Local Planning Authority.

Any proposed foul water treatment plant and associated drainage field must not be located within the flood plain of the River Aire which is to the south of the site.

Design & Conservation - This generally seems a sympathetic and essential scheme to ensure the future of this building, in accordance with policy BH1. However, the method and specification for structural works and upgrading of the structure must be secured before any development commences, and specifications of other aspects confirmed by appropriate conditions to ensure compliance with Policies BH4 and BH7 of the RUDP.

Summary of Main Issues:

Principle.
Heritage asset and conservation issues.
Local amenity, landscape and Green Belt.
Highways.
Biodiversity.

Appraisal:

The application seeks permission the conversion of this derelict grade II listed barn to provide a modest two bedroom property. A corresponding application for Listed Building Consent has been submitted and is also under consideration.

Principle of development

The preservation of buildings of heritage value through conversion to new uses is acceptable subject to satisfactory protection of the asset, prevention of wider visual harm to the wider landscape and, in this case, preservation of the openness of the Green Belt within which it is located.

Officers are satisfied that the original form, character and detailing of the building is appropriately preserved. Additionally the garden area now proposed is considered modest and sufficient to protect the openness of the green belt.

Heritage and Conservation Issues

The age of this building is uncertain, possibly being late 18th or early 19th century, However, it is likely it was used in association with Cunliffe House which stands nearby.

The building is a small and very simple 2 storey field barn with large quoin stones and few openings. The main opening on the south elevation has a large lintel, whilst other smaller doors and openings are of regular size. The building is in very poor condition, having sustained no maintenance and following theft of roof slates over a number of years. The building is Grade II listed and lies within the Esholt conservation area.

In the recent Barnwell Manor case the Court of Appeal has held that in enacting section 66(1) of the Listed Buildings Act 1990 Parliament intended that the desirability of preserving or enhancing the settings of Listed Buildings should be given “considerable importance and weight”.

The building is redundant and the Council’s Design and Conservation Officer supports this scheme because a new use is urgently required to ensure its future. If adaptation to a new use is not achieved, this building will be lost in the near future.

The accompanying structural report and design statement suggest the need for the front and rear elevations to be rebuilt, together with the lowering of ground floor level to provide adequate headroom under the first floor. The plans do not show the extent of rebuilding of the elevations. The Design and Conservation Officer advises that a planning condition will be required requiring a method statement and full specifications for all excavations, structural works and new constructional enhancements to ensure the integrity of the building is retained, that the maximum of historic fabric and character is retained and that the works are sympathetic. A further condition will be required for the specification and details of the new roof timbers.

The conversion notably does not result in any new openings to the building and its simple character is maintained. The proposed adjoining modern conservatory structure is considered acceptable in terms of appearance and finishes. Samples of proposed roofing slates for the main building, and any areas of new elevational or retaining structures with pointing will be required.

The setting and exterior of this building and its relationship with the landscape is important to its character and that of the conservation area. Full details of the parking area, all boundary and retaining structures and the landscape treatment will be required, and removal of permitted development rights to prevent intrusive domestic paraphernalia is advised as being appropriate by the Conservation officer.

Subject to appropriate conditions, the proposal is both sympathetic and essential to ensure the future of this building, in accordance with policy BH1. However, the method and specification for structural works and upgrading of the structure must be secured before any development commences, and specifications of other aspects confirmed by appropriate conditions to ensure compliance with policy BH4 and BH7 of the RUDP.

Impact on the Green belt

The RUDP is generally supportive of proposals to reuse existing buildings in the Green Belt were they are of substantial construction and where conversion could be achieved without the need for major or complete re construction. Criteria for conversion are out in Policy GB4 which is in full compliance with National Planning Policy Framework (NPPF).

The NPPF is supportive of the re-use of buildings provided that the buildings are of permanent and substantial construction.

This conversion meets criteria in GB4 in that it involves only minor changes to the original building. The scheme re-uses the existing openings and maintains the height and shape of the existing roof. The only change to the form, volume and materials of the building is the addition of a small contemporary extension to the side. However, this is a modest and unobtrusive addition that it is accepted is necessary to provide the necessary space for future occupation of the dwelling. It would have very little impact on openness or conflict with the purposes of the Green Belt. The alterations required to facilitate conversion are modest and proportionate.

The stability of the building is an issue and the supporting structural report indicates that there are some areas of rebuilding likely to be required. Policy GB4 requires that conversion should be achieved without complete or substantial reconstruction of the building. In this case it is accepted that the amount of rebuilding will be more than is normally permitted.

However, if not converted to a dwelling there is a risk of losing this historic building. In this instance the urgent need for retention of the Grade II listed building is considered to constitute very special circumstances such that the amount of rebuilding necessary is considered acceptable in this case.

It is, however, recommended that a condition must be imposed to require further details of measures to ensure the structural stability of the barn and for a method statement to be submitted that sets out the methodology for conversion and the phasing of works to ensure that the building is stabilised to permit conversion rather than complete rebuilding. A condition will also need to be attached to require details of a methodology and details of the retaining structure for the adjacent Cunliffe Lane.

The proposed scheme would not result in any impact upon the local landscape. The original proposal showed a domestic cartilage extending across the whole field attached to the barn. This would have resulted in a significant sprawl of domestic influences into the countryside contrary to Policy GB4. However, an amendment has significantly reduced the extent of the proposed residential curtilage which is to be defined by a dry stone wall. Also there is a confirmation by the agent that no trees are to be removed. Subject to a condition to specify the reduced extent of the cartilage, there would be no harmful encroachment or other impact on the green belt as a result of residential use.

Accordingly the proposed development, as amended, is considered to meet the criteria in Policy GB4.

Impact on adjoining occupiers

The building is detached and well separated from any other dwellings and as such the conversion of it would not harm the amenities of neighbours. Sufficient off street parking is proposed on a forecourt to Cunliffe Lane and will ensure neighbours are not adversely impacted by the scheme.

Impact on Landscape Character

There are some mature trees around the site which, following amendment of the proposed cartilage, now fall outside the development site would be unaffected by conversion works. There are a small number of small and unremarkable trees to be cleared from the area adjacent to Cunliffe Lane but there would be no significant impact in terms of loss to amenity.

The submission indicates an intention to carry out additional tree planting within the site, and it is proposed that a planning condition be imposed requiring agreement of the details of this and its implementation.

The proposals would sympathetically restore a listed building in a manner that would have significant impact upon the amenity of the Green Belt or the character of the surrounding landscape. It meets criteria in Policies D1, D5, NE3 and NE3a of the RUDP.

Highway Issues

The proposal includes off street parking area off Cunliffe Lane to provide necessary off street parking to serve the dwelling.

The Councils Highways Engineer has suggested that given the angle of the access and the narrowness of Cunliffe Lane that there may be difficulties regarding turning of vehicles within the site. However, a revised drawing has been received which demonstrates that there is sufficient space for the turning of vehicles. Cunliffe Lane serves only 1 additional property beyond the site of the proposal and is very lightly used.

Accordingly, the development would not be considered to result in conditions prejudicial to highway safety. Accordingly Policies TM2, TM12 and TM19A are considered satisfied subject to the suggested conditions.

Bats

The application is accompanied by a bat survey. The condition of the building is such that it has little left of its roof and is considered very unlikely to support any bat populations. The report and survey found no evidence of the building being used by bats advising that the condition of the building is unsuitable for most species of bat. There is a lack of enclosed voids and the roof does not provide suitable crevices for bats to roost within. It is considered that the proposal would not impact upon bats but a precautionary footnote should be attached to any decision to advise on the developer's responsibilities under the Wildlife Act should any signs of bat activity be found.

Other Issues

Representation has been received questioning the ownership of the site. The applicant has advised that there is no lease held by third party and there is no evidence to suggest this is not the case. Notwithstanding this, the issue of land ownership is ultimately a private legal matter and not one upon which permission could reasonably be withheld in this instance.

Community Safety Implications:

None foreseen.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance 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 barn is a Grade II listed building currently neglected and in a state of disrepair. As such, the heritage asset is in danger of being lost. This scheme for conversion and minor extension of the building offers opportunities for the heritage asset to be retained and brought back into productive use. This constitutes very special circumstances to justify the fact that its conversion is likely to involve a substantial degree of reconstruction in order to stabilise the structure and renew the roof. However, a condition to require more detailed methodology for conversion will ensure that the stability of the barn can be secured and subject to this it is considered that the proposal will be acceptable development in the Green Belt and will accord with Policy GB1 of the Replacement Unitary Development Plan.

The proposals retain the character and special architectural interest of the listed building, will enhance its setting within Esholt Conservation Area, and will have no significant adverse impact on landscape character, highway safety, nature conservation interests or the amenity of adjoining occupiers. The proposal is acceptable in light of Policies UR3, D1, GB4, NE10, BH7, BH16 and BH4A of the RUDP.

Conditions of Approval:

1. No development shall commence until a more detailed structural report and method statement establishing the extent of demolition and rebuilding required to the external walls and roof areas of the barn has been submitted to and approved in writing by the Local Planning Authority. The method statement shall establish a phasing programme for the works of rebuilding and propose a methodology for the stabilisation of the walls in a manner which ensures that the structural integrity of the building is maintained throughout the process of conversion and that all elements of the historic fabric are retained and re-instated. Thereafter the development shall proceed only in accordance with the proposals for dismantling, stabilisation and rebuilding that have been agreed in the structural report and method statement.

Reason: To control the amount of demolition and rebuilding of the buildings, in the interests of visual amenity and historical accuracy and to safeguard the special interest of the listed building in accordance with Policy BH4 of the Replacement Unitary Development Plan.

2. The demolition and rebuilding required to the external walls of the barn shall ensure stabilisation of the retaining structure to Cunlffe Lane and the bridleway that adjoin the back wall of the barn. No development shall commence until a structural report and method statement establishing the measures necessary to ensure stabilisation of this retaining structure has been submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall proceed only in accordance with the proposals for stabilisation and/or rebuilding of the retaining wall that have been agreed in the structural report and method statement.

Reason: To mitigate the impact of the development on highway infrastructure and ensure retention of the right of way, in the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

3. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of the proposed replacement roofing materials and for any new walling stone 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: In the interests of the character and appearance of the listed building and to accord with Policies UR3, D1 and BH4 of the Replacement Unitary Development Plan.

4. The curtilage to the dwelling hereby approved shall accord with that depicted as garden by the revised Proposed Site Layout Plan 3236(1) 002 Rev. B. Prior to occupation of the dwelling, this curtilage shall be defined by the proposed dry stone walling to be built along the alignment as shown on the approved plan.

Reason: or the avoidance of doubt as to the terms of this permission and to safeguard the surrounding/adjoining Green Belt from encroachment in accordance with Policy GB1 of the Replacement Unitary Development Plan.

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

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

6. 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 H of Part(s) 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To safeguard the development and the Green Belt from unsympathetic enlargements or alterations and to accord with Policies GB4, D1 and UR3 of the Replacement Unitary Development Plan.

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

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

8. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority.

Any proposed foul water treatment plant and associated drainage field must not be located within the flood plain of the River Aire which is to the south of the site.

The scheme so approved shall thereafter be implemented prior to the commencement of the development.

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

9. In the first planting season following the completion of the building, a scheme of replacement tree and shrub planting shall be carried out within the edged red site in accordance with specifications and details of proposed sizes and species of trees and shrubs that shall first be submitted to, and approved in writing by the Local Planning Authority.

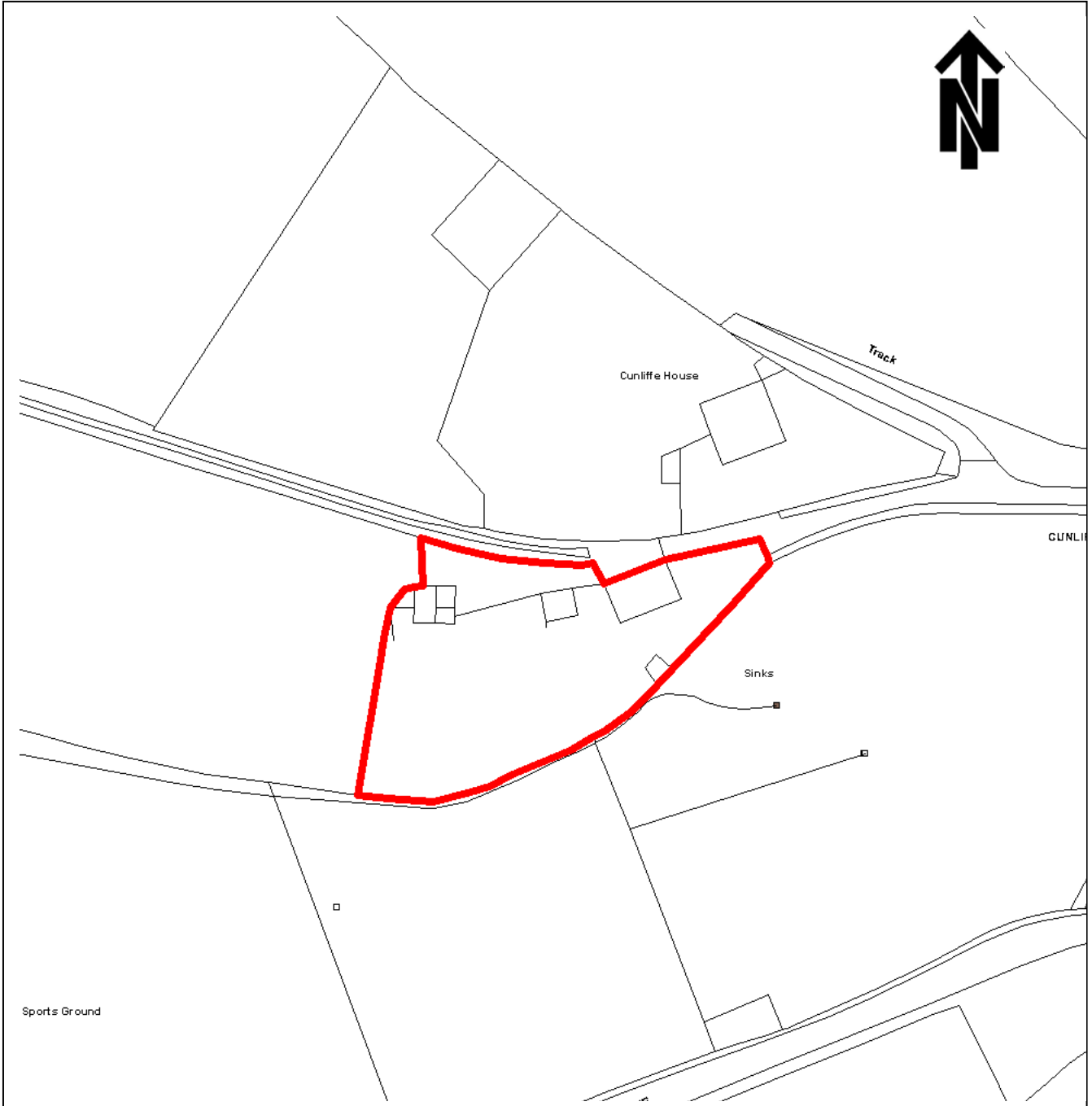
Any trees or plants comprising this replacement planting scheme that become diseased or which die or are removed or damaged within the first 5 years after the completion of the planting shall be removed and a replacement tree of the same species/specification shall be planted in the same position no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

Reason: To mitigate the impact of the building on the landscape, and provide appropriate replacement for existing trees that will need to be removed to accommodate the development, in the interests of visual amenity and to accord Policies D5 and NE3/NE3A of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

14/04743/LBC

11 March 2015



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ITEM NO. : 3	LOCATION: Land And Barn Adjacent Cunliffe House Cunliffe Lane Esholt
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11 March 2015

Item Number: 3
Ward: BAILDON
Recommendation:
TO GRANT LISTED BUILDING CONSENT

Application Number:
14/04743/LBC

Type of Application/Proposal and Address:
Listed Building Consent application for change of use from a barn to a 2 bedroom dwelling at land and Barn adjacent to Cunliffe Lane, Esholt.

Applicant:
Bradford Council - Department Of Asset Management

Agent:
West and Machell Architects

Site Description:
The application relates to a semi derelict stone barn that stands at the side of an unmade track on the outskirts of Esholt village. The age of this building is uncertain, possibly being late 18th or early 19th century, however, it is likely it was used in association with Cunliffe House which stands nearby, across the track. The barn is no longer in the same ownership as the house. It is a small and very simple 2 storey field barn with large quoin stones and few openings. The main opening on the south elevation has a large monolithic lintel, whilst other smaller doors and openings are of regular size. The building is in very poor condition, having sustained no maintenance and theft of roof slates over a number of years. The building is Grade II listed and in the Esholt conservation area.

Relevant Site History:
None but see companion planning application 14/04742/FUL

Replacement Unitary Development Plan (RUDP):
Allocation
Green Belt

Proposals and Policies
BH4 - Alteration Extension or Substantial Demolition of Listed Buildings
D1 - General Design Considerations
BH7 - New Development in Conservation Areas

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

Baldon Parish Council has made no comments

Publicity and Number of Representations:

Six objections have been made to the planning application but none raise matters relevant to the design or treatment of the listed building.

Summary of Representations Received:

Nor applicable.

Consultations:

Design and Conservation Officer: Supports the proposal. A sympathetic scheme to ensure the future of this listed building, in accordance with policy BH1. However, the method and specification for structural works and upgrading of the structure must be secured before any development commences, and specifications of other aspects confirmed by appropriate conditions.

Summary of Main Issues:

Impact on the special architectural and historic interest of the building.
Impact on the character and appearance of Esholt Conservation Area.

Appraisal:

The building is Grade II listed and in the Esholt conservation area.

It is a small and very simple 2 storey field barn with large quoin stones and few openings. The main opening on the south elevation has a large monolithic lintel over the top, whilst other smaller doors and openings are of regular size. The building is in very poor condition, having sustained no maintenance and theft of roof slates over a number of years.

In the recent Barnwell Manor case the Court of Appeal has held that in enacting section 66(1) of the Listed Buildings Act 1990 Parliament intended that the desirability of preserving or enhancing the settings of Listed Buildings should be given "considerable importance and weight".

The building is redundant and a new use is urgently required to ensure its future. If adaptation to a new use is not achieved, this building will be lost in the near future.

The accompanying structural report and design statement suggest the need for the front and rear elevations to be rebuilt, together with the lowering of ground floor level to provide adequate headroom under the first floor.

The Structural Report warns that the building is unlikely to have any foundations which will be suitable to the present day Building Regulation criteria, but this is typical of buildings of this age. The foundations are also likely to be shallow, but the movement noted on the front and rear elevations is unlikely to be due to foundation failure. These are lateral stability problems and it is recommended these two elevations are rebuilt.

However, it may be possible to stabilise the rear elevation retaining section by excavating behind the wall, assessing the structure by calculation and introducing some strengthening works, as necessary. It is anticipated that the rear wall and the right-hand gables, apart from re-pointing and replacement of defective and missing stones and bricks, should be satisfactory. The roof structure has deteriorated due to the exposure to the weather and this will need to be totally replaced. The stone roof tiles are only present for around 40% of the roof area

Similarly, due to the damp ingress, the first floor timber structure is badly affected by damp rot and will need to be replaced. The timber lintels over window openings are also affected by wood rot and these should also ideally be replaced. In terms of the internal structure, there is no floor to the building and it may be advisable to introduce an internal concrete "raft" with an internal block wall constructed off the slab to form a cavity wall with the outside wall to meet present day damp requirements. It would also be advisable to tie the outer walls into the main structure to prevent future movement.

In summary, the applicant's structural engineers recommended that, by rebuilding the critical parts of the front and rear elevations, it should be possible to stabilise the building by introducing an internal wall on a raft foundation and tie the structure together.

The Conservation Officer is keen to save the building through residential use but is concerned that the plans do not show the full extent of rebuilding of the elevations necessary.

Control of this could be secured through a planning condition requiring a method statement and full specifications for all excavations, structural works and new constructional enhancements that are needed to ensure the integrity of the building is retained and that the maximum of historic fabric and character is retained.

A further condition will be required for the specification and details of the new roof timbers.

Other than this, the conversion notably does not result in any new openings to the building and its simple character is maintained. It is proposed to add an adjoining conservatory structure to the west elevation. This would be set well below street level and will be subordinate and unobtrusive. The conservatory is considered acceptable in terms of appearance and finishes.

Samples of proposed roofing slates for the main building, and any areas of new elevations or retaining structures with pointing will be required.

The contemporary glazed treatment of some openings is acceptable and will allow increased light into a building with limited openings. The proposed appearance of the other windows and doors is acceptable. Final confirmation of roof light details and rainwater goods specification will be required by condition. Soil pipes must be run internally and all extraction and ventilation flues will need to be clarified.

The setting and exterior of this building and its relationship with the landscape is important to its character and that of the conservation area. Full details of the parking area, all boundary and retaining structures and the landscape treatment will be required, with removal of permitted development rights to prevent intrusive domestic paraphernalia.

The Council's Conservation Officer advises that this proposal generally seems a sympathetic and essential scheme to ensure the future of this building, in accordance with policy BH1. However, the method and specification for structural works and upgrading of the structure must be secured before any development commences, and specifications of other aspects confirmed by appropriate conditions to ensure compliance with policy BH4 and BH7 of the RUDP.

Community Safety Implications:

None foreseen.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance 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 Listed Building Consent:

A sympathetic scheme, urgently required to ensure the future of this listed building, in accordance with policy BH1. However, the method and specification for structural works and upgrading of the structure must be secured before any development commences, and specifications of other aspects confirmed by appropriate conditions to ensure compliance with policy BH4 and BH7 of the RUDP.

Conditions of Approval:

1. No development shall commence until a more detailed structural report and method statement establishing the extent of demolition and rebuilding required to the external walls and roof areas of the barn has been submitted to and approved in writing by the Local Planning Authority. The method statement shall establish a phasing programme for the works of rebuilding and propose a methodology for the stabilisation of the walls in a manner which ensures that the structural integrity of the building is maintained throughout the process of conversion and that all elements of the historic fabric are retained and re-instated. Thereafter the development shall proceed only in accordance with the proposals for dismantling, stabilisation and rebuilding that have been agreed in the structural report and method statement.

Reason: To control the amount of demolition and rebuilding of the buildings, in the interests of visual amenity and historical accuracy and to safeguard the special interest of the listed building in accordance with Policy BH4 of the Replacement Unitary Development Plan.

2. Prior to the commencement of development, a specification for the proposed new roof timbers shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of the special interest of the listed building and to accord with Policies UR3, D1 and BH4 of the Replacement Unitary Development Plan.

3. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of the proposed replacement roofing materials and for any new walling stone 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: In the interests of the character and appearance of the listed building and to accord with Policies UR3, D1 and BH4 of the Replacement Unitary Development Plan.

4. The rooflights to be used in the extensions shall be conservation-type rooflights fitted flush with the roof slates as specified on the approved drawings.

Reason: To safeguard the character of the listed building in accordance with Policies BH4 and BH7 of the Replacement Unitary Development Plan.

5. Soil pipes to the dwelling shall be located internally within the building.

Reason: To ensure a satisfactory appearance in the interests of visual amenity and to accord with Policies BH4 and BH7 of the Replacement Unitary Development Plan.

6. All gutters, down pipes and other external plumbing shall be in cast iron or sectional aluminium with a black finish and so retained thereafter.

Reason: To ensure a satisfactory appearance in the interests of visual amenity and to accord with policies BH4 and BH7 of the Replacement Unitary Development Plan.

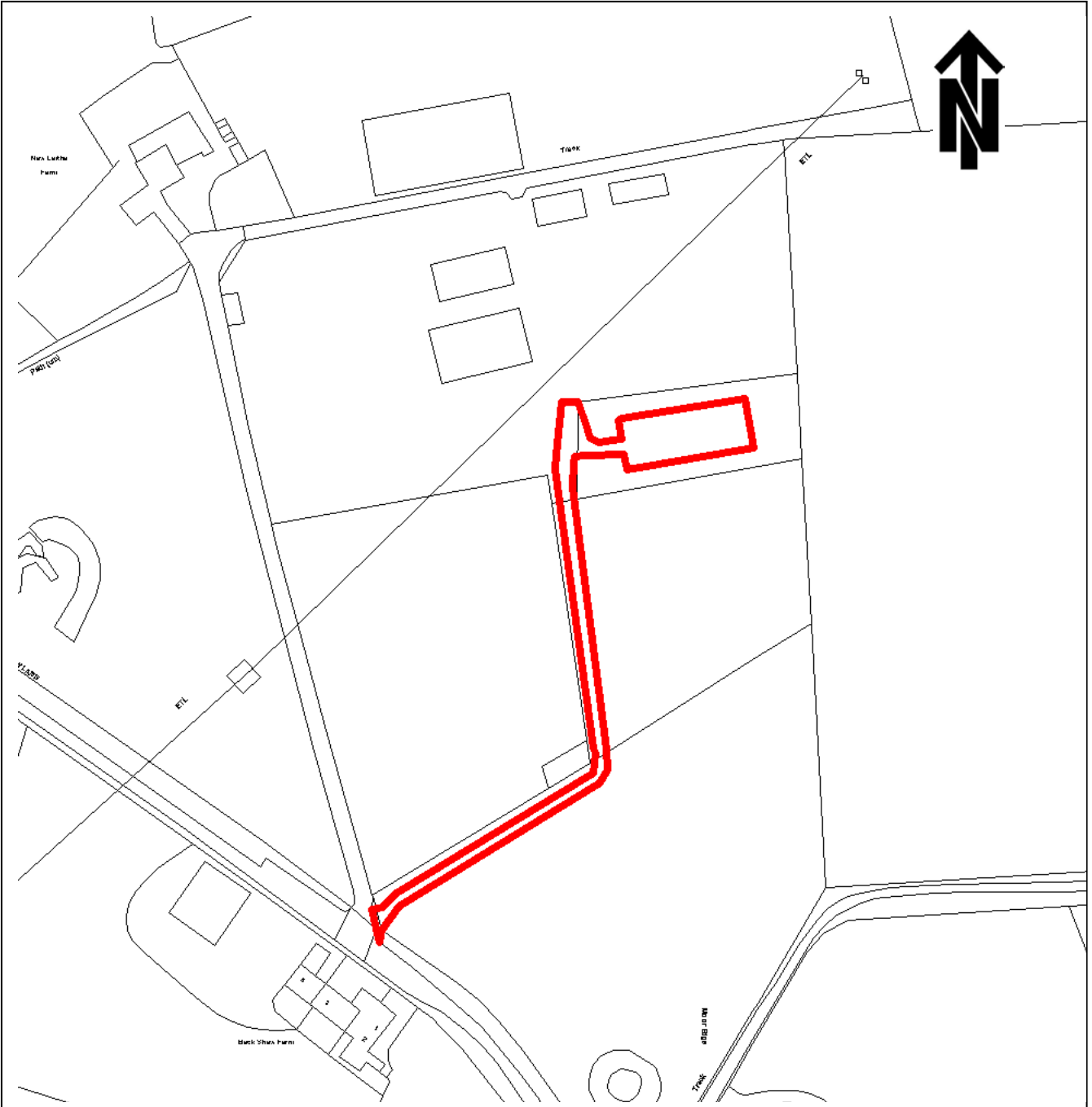
7. The replacement windows to the building shall be timber framed and inset from the face of the wall in the manner traditional to the area. The pattern, materials, method of opening and sectional detail of the windows shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interests of the special interest and character of the listed building and to accord with Policies BH4 and BH7 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

14/05220/FUL

11 March 2015



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<p>ITEM NO. : 4</p>	<p>LOCATION: Land To North Of Back Shaw Lane Hainworth Shaw Keighley</p>
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11 March 2015

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

Application Number:
14/05220/FUL

Type of Application/Proposal and Address:
Full planning application for the construction of an agricultural building for the housing of livestock, with new access road and farm track. Land Adjacent To New Laithe Farm, Back Shaw Lane, Keighley, BD21 5QU.

Applicant:
Mr and Mrs J and N Feather

Agent:
J O Steel Consulting

Site Description:
The site is situated in elevated Green Belt countryside south east of Keighley. The site for the proposed agricultural building is presently reached via a single width, unsurfaced track that cuts up at a diagonal from Back Shaw Lane. At the terminus of this track is a gate to the field where the building is to be sited and opposite is a separate dwelling house known as New Laithe Farm (formerly Wildwood Laithe) which stands back to the north east of the access. There are two existing green coloured metal covered sheds in the applicant's field together with other small sheds and stables and a number of silage bales stored on the open land. There is a larger shed, also walled and roofed in profiled sheeting, on the other side of an unmade field access to the north.

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

Relevant Site History:
14/02281/FUL: Construction of agricultural building for the housing of livestock. Refused 30.9.2014.
13/03051/FUL: Construction of agricultural building for the housing of livestock. Refused 24.10.2013 and subsequent appeal dismissed.
13/03382/FUL: Retrospective application for a sheep building. Granted 24.10.2013.
03/03984/PN: Prior notification in respect of erection of a general purpose agricultural building. Prior Approval granted 18.11.03.
03/04725/FUL: Menage all weather horse exercise area. Granted 20.1.04.
93/01128/FUL: Erection of agricultural building. Granted 18.10.93.

Replacement Unitary Development Plan (RUDP):

Allocation

Green Belt

Proposals and Policies

GB1 – presumption against inappropriate development in the Green Belt

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

NE3/NE3A – safeguarding landscape quality

UR3 – Local Planning Considerations

D1 – Design considerations

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

Keighley Town Council – recommends approval.

Publicity and Number of Representations:

Neighbour notification and site notice. One objection against and a petition signed by 10 people has been received urging refusal and seeking referral to Area Planning Panel unless the evaluation is leading to refusal.

Summary of Representations Received:

This is the third application for a cattle building on this land. The two previous applications were rejected due to harm to the amenity of occupiers of an adjoining house. The first refusal was verified on appeal to the Bristol Planning Inspectorate.

This is not an application for a working farm. It is a small area of 6.5 acres with no habitable buildings and no permanent sanitary facilities or electricity, depending on an electric generator. It is a poor location for such intensive rearing of cattle.

The applicant seeks to more than double the cattle rearing capacity of cattle rearing on the land. It will be an intensive livestock rearing activity in front of the nearby house. It will cause unreasonable disturbance and detriment to amenity. To build the new building for housing cattle so close to an established residential property is unacceptable. That property is New Laithe Farm (also known as Wildwood Laithes) which is not in any way associated with the farm holding operated by the applicants.

The proposal will cause erosion of landscape character and visual intrusion.

Agricultural activity at the site already causes environmental problems for the amenity of neighbours. An additional barn could only intensify the encroachment and infringement onto the residential amenity of the adjoining residential occupiers.

It is unacceptable but if approved it would require detailed, verifiable and enforceable conditions to regulate the access and agricultural activities on the field.

Consultations:

Drainage : Note the developer's intention to dispose of surface water using soakaways. This is acceptable subject to the developer providing the results of percolation tests (conducted in accordance with Building Research Establishment Digest No 365) and subsequent design details (also in accordance with Building Research Establishment Digest No 365), to this council for comment, prior to drainage works commencing on site. In order to keep the impermeability of the development to a minimum the applicant should investigate the use of porous materials in the construction of any additional hard surfaced areas.

Summary of Main Issues:

1. Circumstances and history.
2. Impact on openness and the purposes of including the land in the Green Belt.
3. Impact on landscape character.
4. Intensification of vehicular activity.
5. Impact on the amenity of any occupiers of adjoining properties.

Appraisal:

The new livestock building for beef cattle will be 6.7 metres high to the ridge and the footprint would measure 36.6m x 18.2m. It would be set against two existing sheds on the applicant's land.

The proposed track is 4 metres wide and would enter the land from Back Shaw Lane through a new opening in the boundary wall. It would cross the field and climb up to the group of existing buildings and the new livestock shed at an estimated gradient of 1 in 15.

Circumstances And History

The site history shows that two previous planning applications for a similar sized cattle shed on the land have been refused.

In respect of the first application, in 2013, the Area Planning Panel determined there would be a detrimental impact on the residential amenity of occupiers of the nearby dwelling and therefore rejected the applications in accordance with RUDP Policy UR3. This decision was upheld at a subsequent appeal. The Inspector observing that the proposed building would be only about 45m from New Laithe Farm (Wildwood Laithe) at its nearest point which is too close a relationship for a livestock building of the scale proposed. The concern was that smells arising from livestock within the building would unacceptably affect living conditions at the house, which faces in the general direction of the site of the proposed building, and the building would be closer still to the front garden serving the house, and would thus significantly reduce the amenity value of this area as well.

In 2014 the applicant submitted a second application which moved the proposed livestock building to a position further away from the objectors' home - on the other side of the existing sheds. Planning Panel rejected the second application on 24th September 2014 having noted that no change of access was proposed. The Panel considered that continued use of the access via the gate in the north-west corner of the land would result in the new livestock building having a detrimental effect on the residential amenity due to the more intensive use of the land that would arise due to the increased size of the cattle housing on the land.

This third application proposes the livestock building in the same position as the second application but has now proposed to construct a new access which would enter the fields in the south west corner of the holding and so avoid traffic passing the objectors' property.

Agricultural Background

Supporting statements have described how the applicant farms around 126 acres of land, 34 acres of which are owned by the applicant and 92 acres rented on a 12 month rolling contract, with the majority of the land let to the applicant for in excess of 10 years and the remainder in excess of 5 years. This land is in scattered parcels and makes up the applicants holding and farming enterprise which appears to have been established for a number of years.

The applicants' keep and rear breeding ewes which lamb from December to March and two herds of cows including a pedigree Limousine herd and a suckler herd of cows of mixed breeds. The applicant harvests a crop of approximately 600 round silage bales All the applicants' cattle are straw bedded.

As with previous applications, the agent says the need for the new livestock building arises because previous accommodation at a separately owned farm in Cullingworth that was used to over winter some of the cattle in previous years will no longer be available. The new building proposed by this application is said to be needed in order to enable the applicants to house all their cattle at the Back Shaw Lane site with no need for wintering any away from the farm.

Green Belt Policy

Both the Replacement Unitary Development Plan and the NPPF regard agricultural development as an exception to the normal presumption against inappropriate development in Green Belt areas.

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

The design and appearance of the proposed building is in keeping with the existing functional buildings on site. It is clearly designed as a functional agricultural building commensurate with the scale of existing farming operations. It is therefore not inappropriate development in the Green Belt and is in accordance with RUDP Policy GB1. The proposed new farm building will also be positioned adjacent to the existing buildings on this holding. Its siting within an established farm group in this manner would accord with Policy GB2 of the RUDP and so reduce any impact it may have on the openness and character of the surrounding area.

Other options for positioning the building elsewhere on the holding are limited because there are practical requirements to position the building near the other buildings on the site and there are a number of overhead electricity lines criss-crossing the holding which would further restrict its siting on the holding.

Design

The appearance of the proposed building is suitably functional. It has been designed to reflect a modern agricultural building very similar to the surrounding buildings on the site. It will be constructed with the same materials - concrete stock panels at the base, with serpentine green coloured corrugated cement fibre sheet cladding above with a cement fibre roof. Roof lights are proposed to ensure adequate natural light within the building.

The 6.7 metre ridge height of the building is said to be essential to enable the machinery to enter and exit the building safely when feeding the cattle and cleaning the building whilst providing adequate ventilation to reduce any threat of disease. The height will be comparable to the larger of the two existing sheds and the shed in the adjoining field. In terms of visual amenity, the submitted drawings show that the building will be set against the mass of the existing buildings and appear similar to them.

As a functional agricultural building, the design is acceptable. Its grouping with the other buildings would accord with Policy GB2 of the RUDP and reduce the impact it may have on the visual amenity and character of the surrounding area.

Impact Of The Access

The new access track would enter the holding through a new gap in the dry stone boundary wall to Back Shaw Lane. It would then climb up the sloping land for a distance of some 150 metres. The new entrance and access would cause some harm to the present appearance of this part of Back Shaw Lane by removal of dry stone walls but the carrying out of excavations would provide a level entrance and excavations into the hillside would then provide an acceptable and safe gradient for vehicles entering and leaving the new road.

This new track would have the effect of taking farm traffic off the existing farm track.

The new roadway would be 4 metres wide and would be formed using crushed stone set on a geo-textile membrane that would allow surface water to drain to the ground – this avoiding any run off onto Back Shaw Lane.

There is some concern that the track would result in further urbanisation of the Green Belt and harm to visual amenity and the landscape. However, the NPPF allows agricultural development in the Green Belt and would regard the engineering work necessary to construct the track as being “not inappropriate” providing the works do not conflict with openness or the purposes of including the land in the Green Belt.

The new road is intended to protect the living conditions of the neighbour at New Laithe Farm from disturbance from the existing and additional farm traffic. It would clearly be seen as an agricultural access rather than an overtly urbanising development. It would have limited impact on openness.

Whilst it would be prominent in views from the lane due to the rising nature of the ground, these views of the new track would be set against the backdrop of the pylons and existing farm buildings. If a condition is imposed to require construction using crushed/rolled sandstone rather than, say, limestone or recycled asphalt road chippings, it is not considered that harm to visual amenity or landscape character would be significant. In any case, there are benefits to residential amenity which outweigh the limited harm to visual amenity.

Impact On The Amenity Of Occupiers Of Adjoining Properties

The relationship of the new livestock building to New Laithe Farm situated to the north west of the site has been very carefully considered. It is acknowledged that this house faces towards the site but it is set back from the track behind a forecourt and dry stone wall boundary with the access between it and the site. The agricultural activity on the land was present prior to the current occupier taking up residence in 2012. Agriculture, as a land use, is not subject to planning control, and environmental nuisance needs to be addressed under other Environmental Protection legislation.

With regard to the specific impact of the proposed new livestock building, the habitable rooms in New Laithe Farm would be approximately 115 metres from the nearest part of the new shed. This is considered to be a sufficient degree of separation to avoid any direct additional problems of odour or noise nuisance compared with the existing use of the land. It is noted that, whilst there have been complaints to the Council's Environmental Protection Officer regarding odour, litter, noise and other nuisance, no evidence of a statutory nuisance from the existing agricultural activity has been established.

The new building would also be set behind the existing buildings and so would not be unduly imposing or dominant of the outlook from New Laithe Farm. If landscaping is introduced to the perimeter, subject to a planning condition, this would further reduce the visual impact on outlook. It is not considered that the new livestock building itself would dominate the adjoining dwelling or create an oppressive feature.

Note has also been made of concerns that this proposal would intensify agricultural activity at the site, thereby increasing traffic using the lane and increasing existing nuisance and disturbance to occupants of New Laithe Farm if the gate at the north-west end of the holding is retained as the sole means of vehicular access to the land.

In comments on the previous 2014 proposal, the Council's Environmental Protection Officer was especially concerned about the potential of the new larger cattle building on this small site to result in an intensification of use with increased vehicular activity to and from the site. This concern arose particularly in view of the position of the existing access in relation to the objector's property.

The applicant has always maintained that the intention is not to increase or intensify the cattle herd but simply to provide accommodation to enable all the cattle to be over-wintered on one site. The applicants' argument is that the amount of vehicular activity will be less as it will no longer be necessary to transport bales of silage, bedding, equipment and feed from the application site to another farm site where cattle are wintered, as has happened in previous years.

However, following the latest refusal, the applicant has now offered to construct the new 150 metre farm track from the south west corner of the holding. The agent says this track will be free draining in porous materials.

It is considered that this new access would address the concerns about the intensification of vehicular activity entering the site close to the objector's house and front garden. A condition should be imposed that this new access should be constructed before the new agricultural building is brought into use. Subject to this, the proposals are considered to address concerns regarding the amenity of occupiers of the adjoining property and to thereby address Policy UR3 of the RUDP.

The objector has referred to the agricultural operations becoming an increasing environmental problem, but this is a matter for action under separate environmental protection legislation.

Also, if the new access track is constructed, the objector suggests that a condition be imposed to require that the existing opening is closed up to prevent all access from the lane to New Laithe Farm or that it is reduced to its previous width – prior to its recent widening.

However, the arrangement of the farm is such that there appears to continue to be an operational requirement to have some access off the lane. The proposed new track would provide a more direct route to the buildings and a route that would be far easier to negotiate than the present lane which is hemmed in by dry stone walls. It is likely that the majority of farm traffic would use this new direct route and this in itself would be sufficient to mitigate the impact of any increase in traffic that arises from the new livestock building. It is likely that the new route would be the principal access because it is an easier route to use, but denying the applicant operational access to the north west corner of his holding via the long established route through an existing field gate would be unreasonable.

Landscaping Proposals

The character of the existing site is marred by a significant amount of external storage, especially silage bales and machinery. The applicant has not proposed to screen the proposed buildings and other buildings. A proposed native hedgerow was part of proposals for the previous schemes. A hedge would provide screening of the proposed livestock building from the neighbouring property at New Laithe Farm.

The objector is concerned that the latest proposal contains no detailed proposals to mitigate the harmful effects of increased storage and activity on the field on the neighbouring residences and the landscape, including the planting of hedgerows and the relocation of bales. There is no reference to the planning condition suggested to require a screening hedgerow that was part of the previous two applications.

Although, the Local Planning Authority could not control agricultural activity on the land, including where bales are stored, it is considered that proposed hedge planting would be a reasonable and necessary measure to help mitigate the impact of the building on landscape character. Officers consider that this should be made a requirement of a planning condition. Subject to this, it is considered that the building is acceptable having regard to Policies NE3/NE3A, D1 and D5 of the RUDP.

Community Safety Implications:

The proposal raises no community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The building and new track are designed for purposes connected with agricultural use of the land and so constitute an exception to the normal presumption against inappropriate development in the Green Belt. The building forms part of a group of functional farm buildings already in place on this land. Design and materials are appropriate to its function and reflect the character of the adjoining buildings. The building is sited sufficiently away from the nearest dwelling and the siting and scale of the building is such that it is not envisaged that it will cause any significant adverse impact on the amenity of occupants of any adjoining properties. The proposed access would have some effect on the character of the landscape but this is considered limited and outweighed by the benefits to residential amenity to be derived from relocating the point of access from its existing position. The proposal is considered to accord with Policies GB1, GB2, D1, UR3, NE3 and NE3A of the Replacement Unitary Development Plan for the Bradford District and is compatible with the National Planning Policy Framework.

Conditions of Approval:

1. The proposed agricultural livestock building hereby approved shall not be brought into use until the new access track from Back Shaw Lane has been constructed, surfaced and made available for use in accordance with the approved drawings. Thereafter, this access track shall be retained and remain available for use unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of occupiers of the adjoining dwelling in accordance with Policy UR3 of the Replacement Unitary Development Plan.

2. The access track hereby approved shall be formed on a geo-textile membrane and surfaced using rolled sand stone in accordance with specifications shown on the approved drawing 1416 02.

Reason: In the interest of landscape character and visual amenity and to accord with Policies D1 and NE3/NE3A of the Replacement Unitary Development Plan.

3. In the first planting season following the completion of the livestock building, a native deciduous hedge shall be implemented around the north and west perimeters of the site in accordance with specifications and details to be submitted to, and approved in writing by the Local Planning Authority.

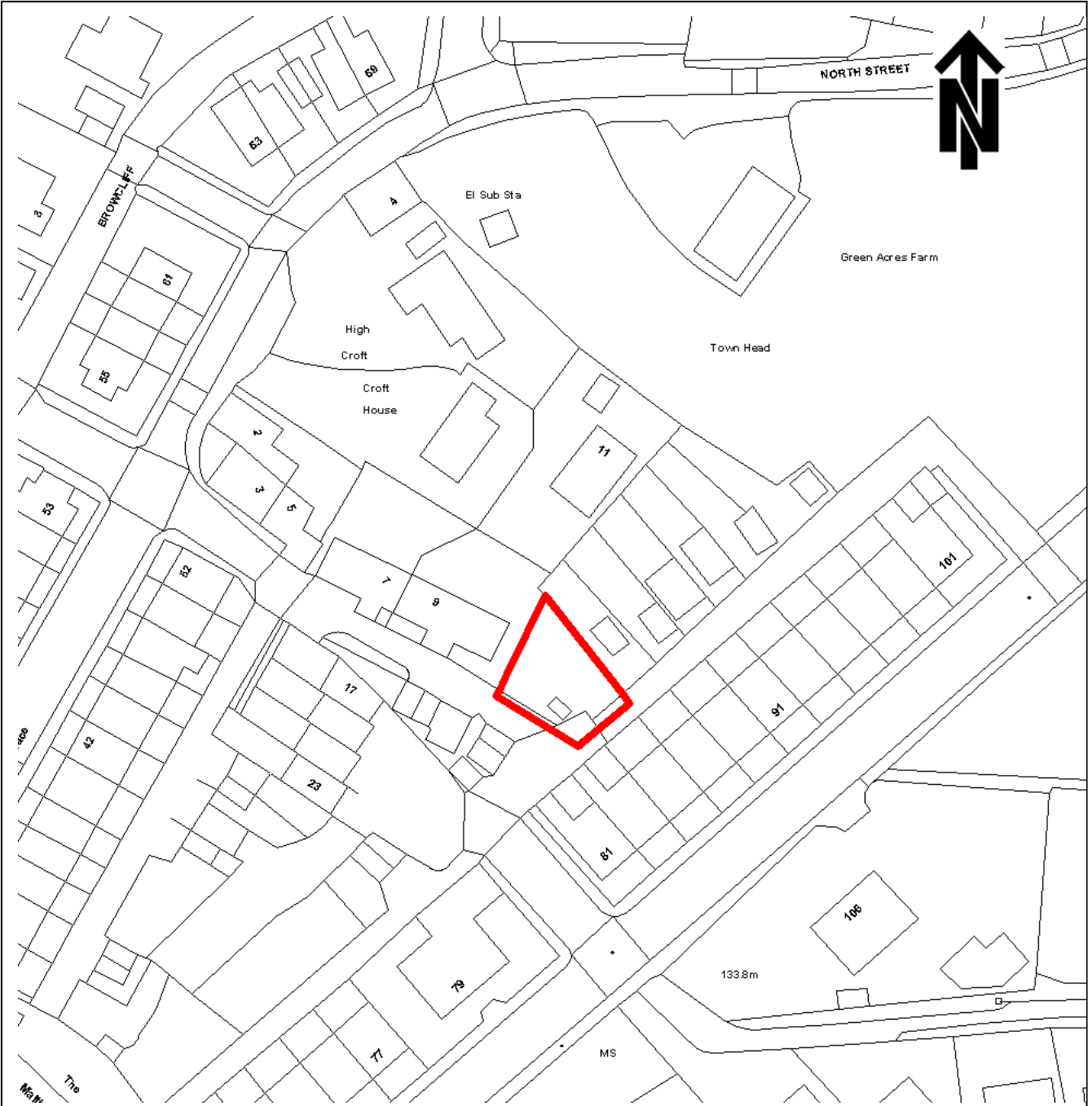
Any trees or plants comprising this scheme that become diseased or which die or are removed or damaged within the first 5 years after the completion of the planting shall be removed and a replacement tree of the same species/specification shall be planted in the same position no later than the end of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

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

Area Planning Panel (Keighley/Shipley)

15/00218/FUL

11 March 2015



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<p>ITEM NO. : 5</p>	<p>LOCATION: Rear Of 81 Bolton Road Silsden</p>
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11 March 2015

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

Application Number:
15/00218/FUL

Type of Application/Proposal and Address:

Full planning application for the construction of bungalow, car space and new surfacing and drainage to parts of the unadopted back and side streets at land at 81 Bolton Road, Silsden.

Applicant:

Mr Charlie Bartle

Agent:

Mr John Wharton

Site Description:

The site is a small 0.02 ha garden area associated with the end terrace house dwelling at 81 Bolton Road. The land is separated from the back yard of the dwelling by an unsurfaced access serving the back of the terrace. Other similar areas of land exist to the north. A hedge runs along the southern frontage of the land and another modern bungalow is visible beyond the site and standing at a higher level. Access to the site is from Bolton Road via a poorly surface unadopted access. The surrounding area is mainly residential.

Relevant Site History:

14/04246/FUL: Construction of bungalow. Refused 01.12.2014 on grounds that:

The proposal dwelling house would be accessed via an unadopted road of substandard geometric layout, poor drainage and inadequate lighting, which already serves a number of other dwellings. The intensification of use of this access is likely to lead to conditions prejudicial to highway safety and cause conflicts between highway users, including pedestrians. No proposals are put forward to mitigate the impact of the development on highway safety. The development would be contrary to Policies TM19A and TM2 of the Replacement Unitary Development Plan for the Bradford District.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
H7	Housing Density – Expectation
H8	Housing Density – Efficient Use of Land

TM2	Impact of traffic and its mitigation
TM12	Parking standards for residential developments
TM19A	Traffic management and road safety
D1	General Design Considerations
NR16	Surface Water Run Off and Sustainable Drainage Systems

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

Silsden Parish Council: Objection, overdevelopment of the site and inadequate access.

Publicity and Number of Representations:

The application was publicised by individual notification letters and site notice. The publicity period expires on 4 March 2015. To date, a total of eight letters of objection have been received. An objection has also been received from Silsden Parish Council.

Summary of Representations Received:

- 1. No notification of the application.
- 2. Proposal is out of keeping with the area.
- 3. Density of the development is too high.
- 4. The resultant dwelling would have a very small garden area.
- 5. Visual and historic character of the area would be adversely affected.
- 6. Adverse effects in terms of overlooking/lack of privacy.
- 7. Highway safety implications and the poor condition of the access road.
- 8. Drainage issues.
- 9. Highway improvements are deemed insufficient.

Consultations:

Highways: No objections subject to conditions.
Drainage: No objections subject to conditions.
Design and Conservation: No comments received.

Summary of Main Issues:

1. Principle of development.
2. Impact on residential amenity.
3. Design and impact on visual amenity.
4. Highway safety.
5. Drainage.
6. Comments on representations received.

Appraisal:

1. Principle of development

The application is for the construction of a small 2- bedroom, single storey bungalow on land to the rear of no. 81 Bolton Road. The previous planning application (14/04246/FUL), was submitted for a similar scheme whereby the principle of development was accepted but the proposal was refused due to objections from the Council's Highway Officer.

The site appears to be a garden area used in connection with the property at no. 81. The site would not constitute previously developed land under the NPPF, however, where there is not a 5 year supply of housing land, applications for residential development should be assessed favourably where they constitute sustainable development. The Council's Strategic Housing Land Availability Assessment, 2011 (SHLAA) indicates that there is a substantial shortfall in housing land relative to these requirements. Whilst the Council is updating the SHLAA, it anticipates that the five-year housing land supply position will remain well below the level required by the NPPF. Under these circumstances, the NPPF confirms that relevant policies for the supply of housing should not be considered up-to-date.

In light of the record of persistent under-delivery and the housing land supply shortfall relative to the requirements of the NPPF, there is an urgent need to increase the supply of housing land in the District. This scheme would make a contribution, albeit modest, towards meeting that need. The principle of development is therefore considered acceptable.

2. Impact on residential amenity

The low height and modest size of this proposed bungalow are such that it would not dominate the area. It is separated from the terrace of houses fronting Bolton Road by the rear access and a gap is retained to the dwelling away to the west. The modern bungalow to the north is some distance away and stands at a higher level. It is not considered to result in any significant impacts on the outlook or daylight enjoyed by occupiers of surrounding properties. Careful placement of habitable room windows by the architect would prevent any direct overlooking of the surrounding properties which is assisted by the proposed property being single storey. The overall height of the property, coupled with its adequate separation distances to the nearing surrounding properties (15 metres to existing windows), will prevent any significant overbearing impacts and the dwelling would not have any significant adverse effect on the amenity of occupiers of adjoining properties. The proposal accords with Policies D1 and UR3 of the RUDP.

3. Design and Impact on visual amenity

The plot itself is not visible from Bolton Road and the proposed bungalow is designed so it would be modest in size (2 bedrooms) and low in height. Consequently it would sit unobtrusively on the plot. The intention to retain the hedge to the southern boundary would help reduce the visual impact of the proposal from the unmade rear access and adjoining properties. The area is mixed in terms of its appearance with terraced properties quite dominant in number but also other building designs are present including bungalows like the one above the site to the north. The drawings propose that the bungalow is faced in coursed natural stone with a natural blue slate roof. These materials are used in the terrace fronting Bolton Road and are sympathetic to the character of the area. It is considered that the proposal would not have any significant adverse impact on the character of the street scene.

4. Highway safety

The property will be accessed via an unadopted unmade road leading off Bolton Road. The condition of this road is poor and levels of lighting are minimal. However, the access is wide and level.

As stated above, a previous application was opposed by the Council's Highways DC section as the proposal dwelling house would be accessed via an unadopted road of substandard geometric layout, poor drainage and inadequate lighting, which already serves a number of other dwellings. No proposals were put forward to mitigate the impact of the development on highway safety within that previous application.

This resubmitted application includes details of improvement works to the access which include surfacing of a section of the road from Bolton Road and a section in front of the proposed bungalow which is in the ownership of the applicant. Proposed lighting attached to the dwelling is also proposed to illuminate the car parking for the dwelling and this would aid safety to a degree. The ownership of the applicant does not permit any other improvements to the tracks.

Whilst the improvements will not be comprehensive and rather incremental, nonetheless there will be benefits to the first section from Bolton Road being provided with a better surfacing to improve the access onto Bolton Road. The Council's Highways DC Section has reviewed the details submitted and whilst the access road already serves more than five properties, the garden site has previously been used for parking. It is considered that there is little scope for further development off this particular back road.

On balance, the Highways DC section advises that there will be no significant adverse implications for highway safety if the improvements shown are carried out as mitigation for the effects of the small amount of additional traffic likely to be generated by a single bungalow. It is concluded that the case for refusal on highway grounds is not strong given the proposed improvements and the modest scale of the development proposed. The improvements provide an appropriate level of mitigation as required by Policy TM2 of the RUDP.

5. Drainage

There are considered to be no significant drainage issues and permeable drainage solutions should be pursued for the parking areas shown. Details of the drainage proposals will be secured by condition.

6. Comments on representations received

1. No notification of the application.
The application has been publicised by site notice (posted February 6) and individual notification letters to affected properties and the number of objections received show that local people are aware and have had chance to comment.
2. Proposal is out of keeping with the area.
See appraisal under 'visual impact'. It is not accepted that a low rise, stone built bungalow with a blue slate roof would be out of keeping.
3. Density of the development is too high.
The density of the proposal is considered acceptable and the highest achievable within the site. It also reflects the high density of development within the surrounding area.
4. The resultant dwelling would have a very small garden area.
This is the case due to the modest scale of the plot, however, this issue is not considered sufficient to refuse planning.
5. Visual and historic character of the area would be adversely affected.
See appraisal under 'visual impact'.
6. Adverse effects in terms of overlooking/lack of privacy.
See appraisal under 'residential amenity'.
7. Highway safety implications and the poor condition of the access road.
See appraisal under 'highway safety'. The applicant offers some improvements of the means access which the Council's Highway Officer considers to be acceptable given the scale of development.
8. Drainage issues.
See appraisal under 'drainage'.
9. Highway improvements are deemed insufficient.
The modest improvements to the access road are considered acceptable to improve safety for pedestrians and vehicles.

Community Safety Implications:

None significant.

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 that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

The proposed development of the site with one dwelling house is considered to be acceptable in principle in view of the lack of a 5 year housing land supply and the sustainable location of the site within the built up area. There are not considered to be any significant impacts in terms of highway safety, residential amenity and visual impact on the character of the area. The scheme provides for some improvement of the access to the site which is considered an appropriate level of mitigation of the highway impact of the proposal. The proposal is therefore considered to comply with policies UR2, UR3, D1, H7, H8, TM2, TM12, TM19A of the replacement Unitary Development Plan and guidance contained in the National Planning Policy Framework (NPPF).

Conditions of Approval:

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

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

2. The development shall not begin until details of a scheme for separate foul and surface water drainage, including any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme so approved shall thereafter be implemented in full before the first occupation of the development.

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

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

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

4. Before any part of the development is brought into use, the improvements to the means of access leading to the site shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan 2544A and to a specification to be submitted to and approved in writing by the Local Planning Authority.

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

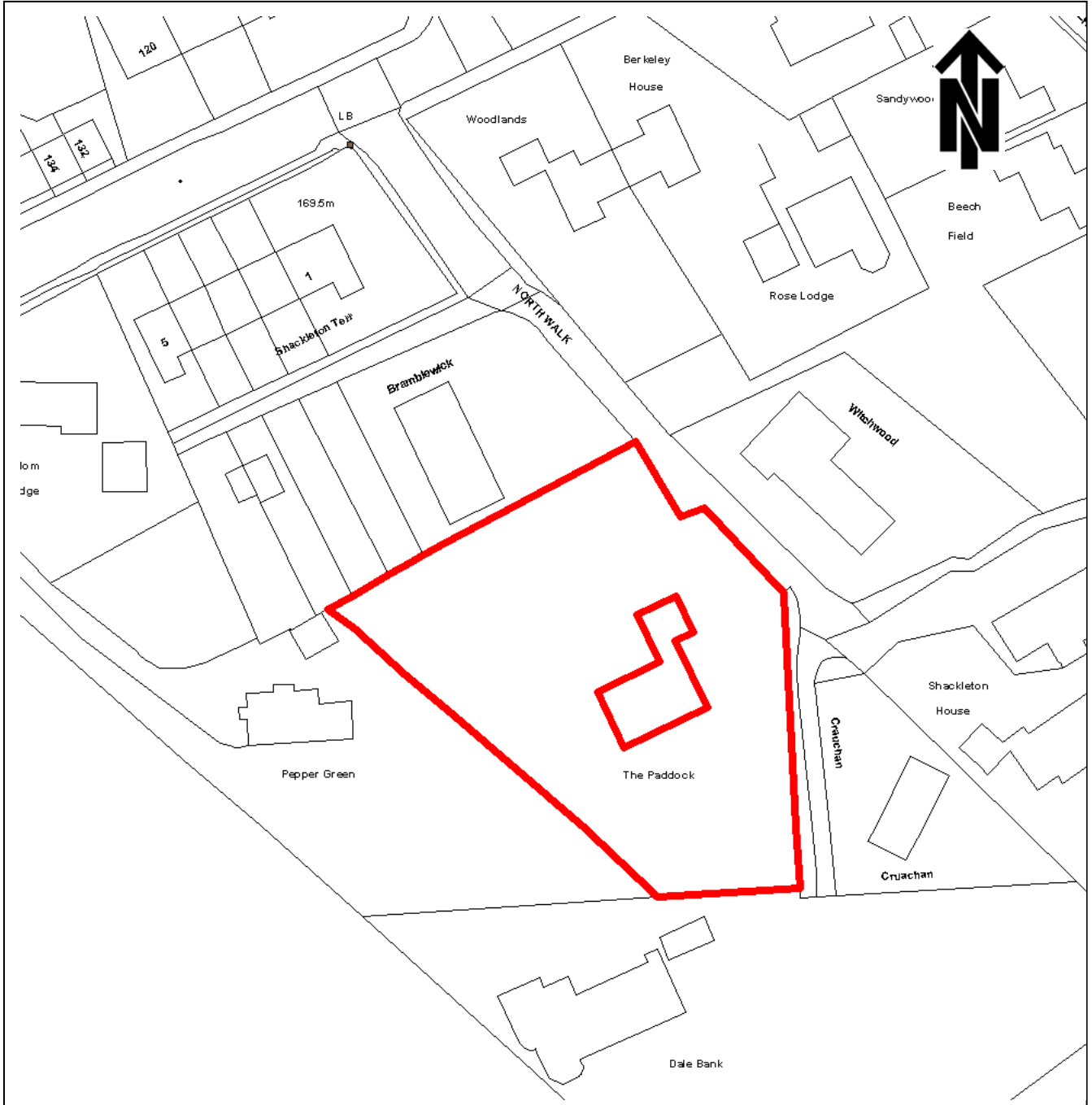
5. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the use being established on site.

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

Area Planning Panel (Keighley/Shipley)

14/03575/FUL

11 March 2015



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<p>ITEM NO. : 6</p>	<p>LOCATION: The Paddock North Walk Harden Bingley</p>
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11 March 2015

Item Number: 6
Ward: Bingley Rural
Recommendation:
TO GRANT PLANNING PERMISSON

Application Number:
14/03575/FUL

Type of Application/Proposal and Address:

Full planning application for the demolition of a bungalow and the construction of two dwellings on land at "The Paddock" North Walk, Long Lane, Harden.

Applicant:

Mr A Bairstow

Agent:

Mr G Jenkins

Site Description:

The application site is a 0.286 ha garden on the outskirts of Harden presently occupied by a single detached bungalow called The Paddock. It is located on North Walk which is an unmade private road leading off Long Lane on the outskirts of Harden. The immediate area is wholly residential, with both bungalows and houses near the site. It has a spacious and low density character with trees and hedges.

The access is wide at its junction with Long Lane, allowing two vehicles to pass. As North Walk approaches the application land it becomes narrower, and serves the application site, a bungalow property (Witchwood) opposite and 4 properties beyond the site entrance. A public footpath follows North Walk past the site and heads to the north east.

The existing bungalow is set fairly centrally within the site. To the rear of the site is a strong line of trees marking the boundary with Pepper Green, which is accessed from Long Lane. The adjacent property to the north, "Bramblewick", is a detached bungalow and is located quite close to the common boundary. There are noted to be habitable room windows facing the application site which is set slightly below the level of Bramblewick. The adjacent property to the South; "Crauchan" is a two storey dwelling which also has habitable room windows facing the site. Opposite and to the East is "Witchwood" also a bungalow which is screened to the front by mature leylandii hedges

Relevant Site History:

None relevant to this proposal.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Proposals and Policies

D1 – General Design Considerations
UR3 – The Local Impact of Development
TM2 – Highway mitigation
TM12 - Car parking standards for residential developments
TM19A – Traffic Management and Road Safety
NR16 - Surface Water Run Off and Sustainable Drainage
NE5/NE6 - Trees on development sites

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

Harden Parish Council has no objections to this application on principle, although acknowledge the concerns of the residents regarding impact on amenity of neighbouring residents, due to height of new houses, overlooking neighbouring properties (bungalows) and overshadowing. Also development changing the existing views from neighbouring houses; impact on nature conservation and healthy trees, the intensification of traffic use of North Walk, drainage issues and covenants. It is requested that these are brought to the attention of the planning officers when considering this application.

Publicity and Number of Representations:

The application was publicised with a site notice and neighbour notification letters. Objections have been received from 7 individuals at 7 separate addresses. Objections have been received from two Ward Councillors requesting a panel determination.

One general comment has been received neither objecting nor supporting. Two letters of support.

Summary of Representations Received:

One letter of support has been received from a former owner regarding covenants.

One letter of support from an objector stating they are now satisfied with the arrangements for drainage.

A comment neither objecting or supporting has been received stating objectors comment regarding covenants are incorrect.

The objections can be summarised as follows

Two storey dwellings would detract from the character of the surrounding area. If the Council were to allow development of the site, bungalows would be preferable.

There are concerns about drainage, some properties are served by septic tanks and there is a problem with excess surface water in this area. Residents are concerned about where foul and surface water will be discharged to and whether the system has sufficient capacity for additional dwellings.

The land drains are substandard and other residents have spent considerable sums to rectify these issue. There must not be an assumption this new development can tap into the existing inefficient system.

Highway safety concerns due to the increase in traffic resulting from the development, the drive is very narrow and also a public footpath, visibility to existing driveways is poor, manoeuvring is difficult and concerns over vehicular and pedestrian safety.

Comments regarding the publicity period being weighted towards the application as interested parties do not have time to digest all the information.

The bungalow is structurally sound, and there is not need to demolish it.

The proposal will overlook and overshadow surrounding properties.

There are bats present on the site.

Concerns regarding loss of trees.

There are covenants on the site restricting building on the land.

Residents are concerned about noise and disturbance during building and a request for a condition restricting hours of work.

Ward Councillors refer to concerns regarding loss of trees, drainage and overshadowing and concerns regarding highways and proximity to neighbours.

Consultations:

Highways Development Control – Highway Officers have no objections in principle and the revised site plan addresses initial questions regarding the practicality of the access width.

Drainage – Flooding incidents have been recorded in this area, consequently, peak surface water discharge rates to watercourse should be reduced by 50% from the existing rates. Full details and calculations of the pre and post development surface water discharge rates should be submitted and approved by the local planning authority.

Lengthy discussions have taken place between the developer and the Council's drainage engineers to ensure that comments of residents about land drains and flooding are taken into account. Following this, revised proposals for dealing with surface water drainage have been submitted.

The proposal is to utilise the watercourse to dispose of a proportion of the surface water from the development at no more than a rate of 5litres/second at peak times.

Providing the development is carried out in accordance with the latest scheme the Council's Drainage Officer considers that the proposed measures are adequate.

Council's Trees Team – no objections subject to conditions requiring protective fencing.

Council's Countryside Officer – accepts the methodology and findings of the preliminary bat assessment. Suggests that planting is retained to provide foraging for bats.

Rights of Way Officer – no objection subject to footpath remaining unobstructed during building work.

Summary of Main Issues:

Residential amenity.

Visual Impact.

Highway safety.

Impact on the amenity of occupiers of adjoining properties.

Drainage.

Trees and bats.

Appraisal:

Principle of development and density

The application is for the demolition of the existing bungalow and the construction of two 2-storey dwellings on the site. The site is unallocated in the RUDP but it is within the confines of the settlement on the outskirts of the village. The existing bungalow is modern and of no special architectural merit. It is not protected by any conservation designation so its demolition and cannot realistically be opposed.

Whilst gardens are removed from the definition of previously developed land in the National Planning Policy Framework (2012) with the aim of enabling Local Planning Authorities to more strongly protect the character of established residential areas from "garden grabbing", such revisions to the definition of "previously developed land" have not gone so far as to set a new policy objective of preventing residential infill. The NPPF says only that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area, and has not made development on garden land unacceptable as a matter of principle.

There remains a need to make more effective use of land for housing - where this is appropriate having regard to other planning policies. Each case must be considered on its merits. Also, National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. The relevant policies of the RUDP in this case are D1 which seeks to ensure that development makes a positive contribution to the environment and is well related to the existing character of the locality, and UR3 which seeks to safeguard the surrounding environment and the amenity of occupiers of adjoining land.

In this instance, the garden is not prominent and it makes only a limited contribution to wider public amenity. An alternative development of two dwellings to replace the bungalow would be unobtrusive. Providing a balance is maintained between the amount of building and the amount of open space the proposal would not have any significant negative effects on local character or distinctiveness.

Density

The site is large and the two dwellings proposed are shown on the plans to retain ample space around them for gardens. Space is retained to front rear and side boundaries and this will maintain the spacious character of the vicinity. The site is 0.286 hectares in size according to the application form. Its development for 2 houses represents a density of 7 dwellings per hectare. This density is neither excessive nor unreasonable given the normal density expectation of 30 dwellings per hectare that is set out in Policy H7 of the RUDP. Two dwellings is an acceptable means of making more effective use of the plot for housing, but a more intensive density of development would not be appropriate given the unmade condition of the access and the need to maintain the spacious qualities of the area.

Design

The two dwellings are large 4 bedroom properties and will be provided with ancillary garages. They are of conventional two storeys in height. Stone is proposed to the whole of Unit 2, with a mix of stone and render to the elevations of Unit 1. Surrounding properties are built in a variety of styles and designs, reflecting their age of construction. The scale design and materials of these proposed dwellings are broadly sympathetic and appropriate to the locality.

The development would have no appreciable impact on the existing character of the locality, would not adversely affect important ecological or landscape features and will not significantly affect the surrounding environment. The proposals are considered to comply with Policies D1 and UR 3 of the RUDP

Highway Safety Issues

Access will be via North Walk with a shared access to the dwellings leading off North Walk in the same position as the existing drive entrance to the bungalow. This will split to serve separate garaging, parking and turning areas for each dwelling.

An amended plan has improved the width of the entrance and has demonstrated to the satisfaction of the Council's Highway Officer that vehicles can safely manoeuvre into the site and turn so they can leave the site in a forward gear. There is ample off street parking in the form of garaging and external parking areas. This provides off street parking over and above the minimum requirement of two spaces per dwelling. It is not accepted that parking is under provided.

Residents are concerned that North Walk is narrower at the point of entrance. However, the Highway Officer does not agree that this presents any significant safety issues. North Walk serves 13 dwellings at the moment, including the existing bungalow at The Paddock, and including the 5 dwellings fronting Long Lane which have access to the rear. The scheme proposes only one additional dwelling - so overall traffic levels will not be significantly increased.

Five dwellings are already served by the narrower part of North Walk beyond the site entrance. However, despite the objections from neighbours who perceive that the additional dwelling will result in accidents, the Council's Highway Officer maintains the view that North Walk is capable of safely serving the small increase in movements that will be created by the net increase of one dwelling. Although it is fully appreciated that North Walk doubles as a public footpath, it is not felt that there will be conflict between road users, including walkers, due to the slow vehicle speeds. The Highway Officer does not consider that the proposal will have any undue highway safety implications that would sustain a refusal of planning permission.

Impact on the amenity of occupants of adjoining dwellings

The site is bounded by the gardens of other dwellings and the development would face across the access to the bungalow at Witchwood. Other properties are noted to be across the access to the east and south east. The relationship to the surrounding houses and bungalows has been carefully considered, but the separation distances to these existing properties are generous.

To the north of the plot, Bramblewick is a neighbouring bungalow and is noted to have two habitable room windows in the side elevation facing onto the site. These appear to be secondary windows to the living and dining area which also have windows in the front and rear elevations. The side wall of the proposed Dwelling 2 was originally positioned around 7 metres from these windows and is set further forward. There is a cherry tree and rhododendrons on the boundary which provide screening.

In view of concerns from the adjoining occupier, the applicant has amended the siting to provide extra clearance to the boundary which will enable the vegetation on this edge of the site to be maintained as a screen.

Most significantly, however, the application site is set slightly lower than Bramblewick, as is shown on site sections, and so the house on Plot 2 will not over dominate that bungalow. Dwelling 2 has no windows in the side wall facing Bramblewick at first floor level. Ground floor windows are proposed in the side serving kitchen and living room, but the levels of these are such that subject to retention of existing planting and screen fencing, they would not allow overlooking of Bramblewick. The relative levels, the increased separation shown on the amended plan, plus retention of the perimeter shrubs and small trees will ensure a satisfactory relationship to Bramblewick and no significant loss of amenity for its occupants.

Both houses would be set back well inside the site. Although principal elevations face towards Witchwood, this property is concealed behind an existing hedge. In any case, the separation between the existing and proposed dwellings is adequate to avoid any significant problems of overshadowing, overlooking or dominance.

Similarly the position and scale of the houses in relation to the properties to the south and south east is adequate. No windows are proposed at 1st floor level in the side wall facing towards the property called Crauchan. The dense belt of trees to the west /south west boundary will ensure privacy of occupants of Pepper Green and Dale Bank is maintained. The scheme will provide adequate standards of amenity for occupants of existing and proposed dwellings and will accord with Policies D1 and UR3 of the RUDP.

Drainage

A great deal of concern has been raised by neighbours regarding potential flooding of the site due to the surface water run off from an additional dwelling. The nearest small watercourse already gives rise to problems

Foul water

Yorkshire Water has confirmed that the public sewer in North Walk is capable of accepting the additional foul water drainage from the proposed two properties. However, the public sewer does not have the capacity to deal with additional surface water run off.

Surface Water

The existing surfaced areas within the site amount to 435 sq metres. The two dwellings will increase this to 1,116 sq metres of surfaced areas or built form.

Initially, the applicant proposed to drain the surface water from the site using a combination of soakaways and use of rainwater recycling. However, the results of percolation tests have shown that soakaways would not be suitable as they would not work effectively. The Council's Drainage Officer advises that rainwater harvesting is only suitable to supplement other, more robust measures for surface water disposal.

An amendment to the original proposals for drainage follows advice from the Council's Senior Drainage Officer and Yorkshire Water. It excludes the proposal to use soakaways and instead proposes use of a regulated SUDS system to control the flow of surface water to the existing watercourse to a peak of 5 litres/second. This system would also be linked to, and designed to accommodate any overflow from the rainwater harvesting system alongside the retention of peak surface water volume.

The actual detailed design is currently being undertaken by a specialist drainage supplier, but the approach is supported by the Council's Drainage Officer.

It is argued that the increase in the amount of hard surfaced area served by the new managed surface water system will decrease the proportion of the site from which water is draining to the watercourse at an unregulated rate. In this way the proposal will therefore improve existing conditions and reduce the possible flood risk to adjoining properties through better management of the run off.

The amended proposals are supported by the Council's Drainage Officer and so, subject to agreement of full details of the intended system for regulation of the flows to the watercourse, the proposal will not worsen local problems of flood risk and accords with Policies NR16 of the RUDP.

Impact on Trees and Nature Conservation Interests

The proposal retains the most significant trees which form a prominent belt along the south west boundary of the plot. These will be well away from the demolition and development activity. Those trees within the site that will be removed are small ornamental garden or fruit trees such as prunus, mountain ash and apple trees. Despite objections from neighbours these garden trees make very little contribution to wider amenity or nature conservation. The Council's Tree Officer raises no objections to the proposals subject to protective fencing to safeguard the strong line of trees forming the boundary at the back of the site.

Further landscaping and planting forms part of the submitted plans and a condition is proposed to ensure this is carried out.

A bat survey is submitted with the application but this found no evidence of bats within the loft and no obvious potential for bat access to the bungalow. The garage also has little potential being a frequently used building, with a flat roof and is constructed of concrete. No evidence of bats was discovered within this ancillary building. The Council's Countryside Officer has confirmed that the submitted bat survey is adequate and acceptable.

Response To Other Points Of Objection

There has been much correspondence from objectors and the applicant regarding restrictive covenants on the land, and the question of their meaning and against whom they are enforceable. However, restrictive covenants and private land ownership matters are not material planning considerations. The granting of planning permission does not override any other restrictions on the land legal or otherwise, which is for the landowner and other interested parties to resolve.

Residents have also referred to disruption during building work. However, this is not a reason to oppose development. The site is large enough to accommodate contractors' equipment etc without storing cabins or materials where they would obstruct access to others. However, in view of the peaceful character of the area, it is proposed to impose the standard condition restricting construction hours.

Community Safety Implications:

None.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance 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 impact of the development, as amended, has been assessed but it is considered that it will have no significant adverse effects on local amenity or neighbours, flood risk or highway safety. It is considered to comply with relevant saved Policies D1 UR3, TM12, TM19A, NR16, NE5 and NE6 of the Replacement Unitary Development Plan for the Bradford District (2005) and with the National Planning Policy Framework (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 UR3 and D1 of the Replacement Unitary Development Plan.

2. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced and drained within the site in accordance with the approved plan numbered BA001-010 REV A.

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

3. Before the development is brought into use, the off street car parking facility shall be laid out, within the curtilage of the site in accordance with the approved drawings. The parking and other surfaced areas within the site shall have permeable surfaces or drain to a soakaway within the site unless otherwise agreed in writing. These surfaces shall be retained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to reduce the rate of surface water run-off from the development and to protect adjoining properties from flooding and to accord with Policies TM12, NR16 and UR3 of the 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. Surface water drainage to all buildings and hard surfaces shall be carried out by means of a regulated discharge to the watercourse that accords with proposals outlined in the Surface Water Drainage Proposal Report CAD-BA001-DR001 Revision A dated 06.02.2015. The development shall not begin until full details of the scheme for surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

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

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

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

7. 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.

8. In the first planting season following the completion of the development or as may otherwise be agreed in writing by the Local Planning Authority, landscaping and new tree planting shall be implemented within the site in accordance with the approved site layout drawing CAD-BA-001-012.

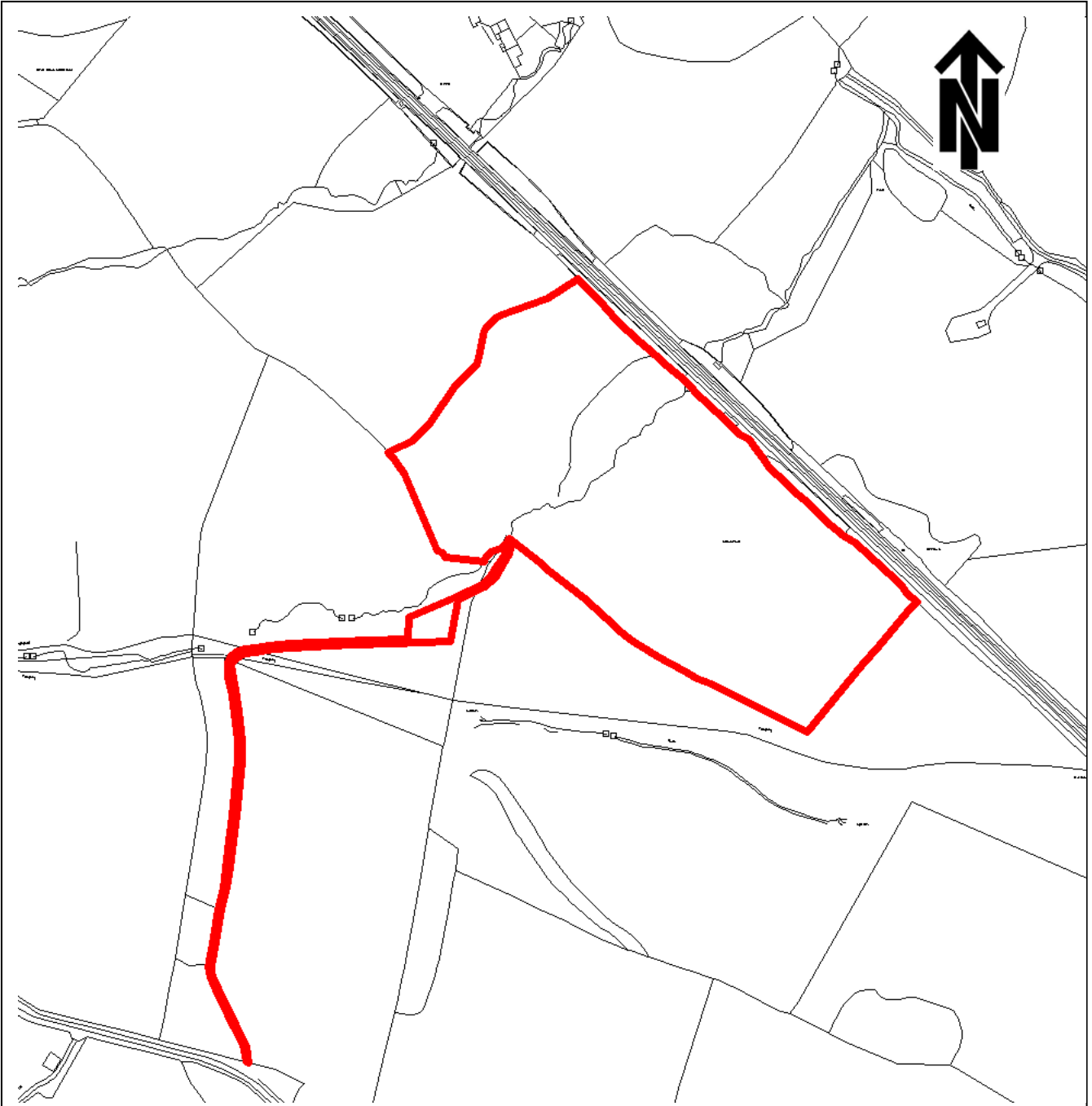
Any trees or landscaping becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree.

Reason: For the maintenance of tree cover and in the interests of visual and residential amenity and to accord Policies D5 and NE12 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

14/03567/FUL

11 March 2015



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ITEM NO. : 7	LOCATION: Land At Grid Ref 415298 446591 Sun Lane Burley In Wharfedale Ilkley
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11 March 2015

Item Number: 7
Ward: WHARFEDALE
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
14/03567/FUL

Type of Application/Proposal and Address:

Change of use of Catton Woods, Burley in Wharfedale, from agricultural to use as a paintballing leisure facility including various structures, fences, access and parking areas. At Catton Woods: Land At Grid Ref 415298 446591 Near Sun Lane to the west of Burley in Wharfedale.

Applicant:

Mr Dominic Botwright

Site Description:

The site comprises a 2.39 hectare area of private woodland known as Catton Woods. It is protected by a woodland Tree Preservation Order. The site lies beyond the western outskirts of Burley in Wharfedale in the Green Belt. The site does not have any road access. Access is via an existing informal field track leading off Colston Drive. A public bridleway runs to the south eastern corner of the woodland and Wharfedale railway line lies forms the north eastern boundary of the woodland, beyond which lies the Sun Lane Local Nature Reserve.

Relevant Site History:

13/03043/FUL - Change of use of woodland to paintball facility – Withdrawn due to lack of information regarding trees and biodiversity issues.

Replacement Unitary Development Plan (RUDP):

Allocation

In the Green Belt

Proposals and Policies

GB1 – presumption against inappropriate development in the green belt

GB2 – location of development in the green belt

UR3 – local planning considerations

D1 – design considerations

NE3/NE3A – landscape character areas

NE4 – Trees and Woodlands

NE5 – Retention of Trees on Development Sites

NE10 – Protection of Natural Features and Species

NE11 – Ecological Appraisals

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 in Wharfedale Parish Council - Objects to the proposal:-

Inappropriate use of the green belt.

Noise pollution.

Impact on the bio diversity within the woods and the adjacent habitat.

The increased use of the bridleways would have affect other recreation users.

The access road will require the construction of passing points adding to the removal of more trees.

Issues concerning the boundaries of the proposed site have not been addressed.

The loss of trees without adequate replacement.

Publicity and Number of Representations:

Application publicised by way of neighbour notification letters, site notice and advertisement in the local press, with an overall expiry date for comments to be received of 08.01.2015.

104 letters of representation have been received. 59 in objection and 45 in support of the proposal.

Summary of Representations Received:

Objections to the scheme include:

- Concerns regarding the safety of users of the adjacent bridleway.
- Noise and disturbance resulting from the activity.
- Biodiversity concerns, harmful effect upon flora and fauna in the woodland and adjacent land including Bradford Wildlife Area.
- Harm to the green belt due to the various structures, fencing, parking areas etc.
- Harm to protected trees.
- Safety concerns regarding the adjacent railway.
- Indiscriminate parking in Sun Lane, Hall Drive and Greenhow Park rather than customers using the access and parking shown on the plans.

- People are carrying guns through residential areas.

Support for the scheme includes:

- The facility is a great venue I swell run and provides a fantastic outdoor activity.
- The site is well situated and it is good to see a small business doing the best they can to ensure that there is something to do in the community.
- It brings people into the area who in turn spend their money there.
- The facility will help the district to benefit from the growth of the leisure sector, an area which the district should seek to capitalize on.
- Participants will be able to enjoy this sport locally, rather than travelling outside the district. This will reduce the environmental impact arising from travel to far flung venues and keep money in the local economy.
- Creates job opportunities for the local area

Consultations:

Council's Biodiversity Officer – Overall, while efforts are suggested to mitigate for the potential impacts on biodiversity, I cannot support this application as it is likely to result in net biodiversity loss and further fragmentation of the woodland.

Rights of Way Section – Public Bridleway No 45 (Ilkley) runs close to the woods. The access track to the site crosses this bridleway at its junction with Public Footpath No 47 (Ilkley). The Rights of Way Officer is concerned that there could be a risk of pedestrians, cyclists or horse riders using the public bridleway that passes the edge of the site being hit and injured by stray paintballs. If a horse was hit by a stray paintball and bolted this could result in significant injuries. The Officer notes that the recommended boundary of the site is set within the perimeter of the wood and will be surrounded by 3 metre UK Paintball Sports Federation approved safety netting. This safety netting must be regularly inspected to ensure that it remains intact and effective in preventing any stray paintballs leaving the wooded area.

Natural England – The application site is in close proximity to the South Pennine Moors SSSI. And South Pennine Moors Special Protection Area. Natural England advises that the proposal would not likely have an impact upon these designated sites and as such the local authority need not undertake an appropriate assessment.

The development lies within priority habitat as identified on Section 41 List of the Natural Environmental and Rural Communities (NERC) Act 2006. If significant harm cannot be avoided by the development or adequately mitigated then planning permission should be refused as advised within the NPPF.

Minerals Planning – There are no apparent minerals or waste legacy issues relevant to the proposed development.

Council's Trees Section – The application fails to provide a suitable woodland strategy and fails to address how it is to overcome, prevent, minimise or mitigate damage to the woodland over time. The proposed land use change appears to be unsustainable in the context of long term woodland retention, appropriate woodland management and appears to be incompatible with the woodland TPO – e.g. unenforceable damage to under storey or new trees if change of use is granted. The application is therefore contrary to NE4, NE5 and NE6.

Network Rail – Chief concern is the proximity of participants to a live electrified railway. In addition there could be deliberate or accidental shooting of pellets at passing trains. An exclusion zone would be required next to the railway - with additional fencing.

Summary of Main Issues:

Green Belt/Landscape issues.
Impact on Trees.
Biodiversity Issues.
Other issues - Railway safety.

Appraisal:

The proposal seeks retrospective approval for a change of use of woodland to paintballing centre. The business has been running over recent months and this has triggered complaints and a subsequent investigation by the Councils enforcement section. The application submitted follows a recently withdrawn application and provides more detailed information and supporting reports on the likely impact upon protected trees and biodiversity issues, in particular.

Green Belt

The site lies within the green belt wherein development proposals are tightly controlled, Policy GB1 states that:

EXCEPT IN VERY SPECIAL CIRCUMSTANCES, PLANNING PERMISSION WILL NOT BE GIVEN WITHIN THE GREEN BELT AS DEFINED ON THE PROPOSALS MAPS FOR DEVELOPMENT FOR PURPOSES OTHER THAN
(1) AGRICULTURE AND FORESTRY, ESSENTIAL FACILITIES FOR OUTDOOR SPORT AND OUTDOOR RECREATION, CEMETERIES;
OR
(2) FOR OTHER USES OF LAND WHICH PRESERVE THE OPENNESS OF THE GREEN BELT AND WHICH DO NOT CONFLICT WITH THE PURPOSES OF INCLUDING LAND IN IT.

The definition of development includes the construction of new buildings, engineering and other operations as well as the making of any material change in the use of land.

The paintballing use is clearly an outdoor sporting or recreational use that might be acceptable in the Green Belt providing it does not materially conflict with the purposes of including the land in the green belt – such as safeguarding the countryside from encroachment.

In addition to a material change of use of the woodland, the proposal includes the creation of a parking area and additional area of track for the access, and the applicant has already introduced a number of timber structures and other enclosures, portable toilets and materials such as used tyres onto the land.

The structures, however, are largely located within the woodland and not considered to significantly affect openness. The introduction of parking areas and additional track is considered to be quite sensitive, using a typical agricultural track surface and cellular matting to allow grassed parking areas to be retained and minimise impact on the green belt.

The treatment of ancillary features such as the trackway and temporary car parking could be controlled by planning conditions, and these could include a requirement to remove them when the site ceases to be used for paintballing. Therefore on balance, it is not considered that the proposed use (being an outdoor sporting/recreation use) would conflict with Green Belt policy.

Impact on Landscape Character

However the addition of the netting and fencing around the woodland in combination with the construction of ancillary bunkers and other features such as the depositing of tyres and other paraphernalia in the wood, has had a detrimental effect of the character of the landscape and local visual amenity. It is noted that Network Rail would probably require installation of even more fencing than presently exists.

These features, together with the alterations to formalise the access tracks and car parking facilities to facilitate the increased use of the site for paint balling would adversely affect the character of the surrounding rural landscape and causes significant conflict with Policies NE3, NE3A and D1 of the Replacement Unitary Development Plan.

Impact on Trees

The site of the application is known as Catton Woods comprises deciduous woodland and is covered by Tree Preservation Order (TPO), reference 0133. This is a woodland TPO so in addition to the existing mature trees it also protects any new trees, seedlings and saplings so to protect the whole woodland environment in perpetuity.

One of the most important components of any unmanaged woodland is its ability to regenerate. This depends on new trees coming through to replace trees lost through disease and old age. Regeneration is vital to ensure continuation of the woodland.

Within Catton Woods, there is already very little by way of a shrub layer and little tree regeneration within the woodland. The reasons for this, it is implied, is due to grazing sheep, but the recent unauthorised paintballing activity will also have had an effect on regeneration as participants will have trampled undergrowth and small saplings.

The lack of tree regeneration means that the woodland will be less likely to adapt to changes and so any changes proposed will have an exacerbated impact. The contents of the submitted Tree Report commissioned by the applicant are noted. This states that the detrimental impact from the proposed land use can be defended and “the works should be viewed as a net gain for the condition of the trees”.

The applicant sets out some detail regarding the proposed operation and advises that they would limit the use of the woodland when the ground is wet and that the use would be limited to weekend use with occasional mid week games.

This and the other contents of the submitted Arboricultural Report have been noted but the claim that damage can be averted is not considered to be credible. The application fails to provide a suitable woodland strategy and fails to provide detailed proposals to show how the effects of paintballing activity is to overcome in order to prevent, minimise or mitigate damage to the woodland over time.

Catton Wood is protected by a woodland Tree Preservation Order (TPO). The intensity of the proposed use for paint balling would significantly harm the ability of the woodland to regenerate due to the potential for significant footfall destroying any emerging saplings or seedlings; through the impact of soil compaction; damage to existing trees; grade changes for construction of bunkers etc and significant changes of tree management policy due to increasing land usage. New trees and saplings to replace trees lost through natural processes would be trampled and damaged. There is already little shrub layer and little tree regeneration within the woodland which means that it will be less likely to adapt and so any changes proposed will have an exacerbated impact.

Accordingly, the Councils' Tree Officer advises that the proposed land use can only reasonably be seen as detrimental to the woodland and the detrimental impact would be exacerbated due to the lack of under storey and lack of ability of the woodland to adapt to change or withstand sustained damage. The proposed land use change would result in unsustainable development in the context of long term woodland retention, appropriate woodland management and appears to be incompatible with the woodland TPO. As such, the proposal is contrary to Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

Biodiversity

The application site is in close proximity to the South Pennine Moors SSSI. And South Pennine Moors Special Protection Area. Natural England advises that the proposal would not likely have an impact upon these designated sites and as such the local authority need not undertake an appropriate assessment.

Although the site is not currently designated as a nature conservation site, under the emerging Core Strategy a new system for designating sites of local importance for nature conservation is being phased in and this site may qualify. There will be a presumption against development of sites which meet the criteria, whether presently designated or not.

As a woodland, the site would be priority habitat as identified on Section 41 List of the Natural Environmental and Rural Communities (NERC) Act 2006. If significant harm cannot be avoided by the development or adequately mitigated then planning permission should be refused as advised within the NPPF.

The application is submitted with accompanying ecological survey and has been referred to the Councils Biodiversity officer for comments.

However, the Council's Biodiversity Officer cannot support the proposed application. The Officer objects to the rationale of the ecological consultant's report which suggests that it is acceptable to allow paintballing in the area indicated on the submitted plans, representing 50% of Catton Wood. The Extended Phase 1 Habitat Survey (p9 4.17) indicates that there is more species diversity in the centre of the woodland (and species indicative of ancient semi-natural woodland such as locally dominant bluebell, ramsons and dog's mercury – yet this is where the proposed paintballing activity is proposed, with the outer edges of the woodland "*dominated by nettles, cleavers, dock, perennial ryegrass, Yorkshire fog and creeping buttercup*" , i.e. poorer quality ground flora, proposed as the area for woodland retention.

As such, trampling due to the proposed activities in the central area would be likely to damage the more valuable ground flora. It is also advised that the proposal for retaining only narrow strips of 'woodland' is not good practice as this fragments the woodland and reduces the variety of conditions for flora/fauna diversity. The thinner strips of woodland are effectively only shelter belts and the homogeneity of the woodland would be lost, resulting in an overall net loss of woodland.

The Method Statement document suggests that "*proposal to develop this site should be relatively straight forward and pose only a small risk to the retained trees*" However, this doesn't take into account the loss of ground flora which is an integral part of the woodland ecology, or the resident wildlife, and relates only to the arboricultural value of the trees.

The Biodiversity Officer concludes that the survey work undertaken is insufficient to assess its overall biodiversity value. In particular, full bird surveys and as such, the conclusions reached - that birds were not using the central areas of woodland – are not based on sufficient survey effort.

Further concern is raised regarding the close weave netting proposed to delineate the recreational proposal and that it could be detrimental to bats and birds flying into it. Particularly at night, the netting might not be visible and could cause fatalities. Whilst some mitigation has been offered that the netting will be loose at the base to allow mammals to cross underneath, it would be difficult to find a suitable compromise between sufficient density to make the netting visible to be safe for humans and prevent paintballs passing through and visible to wildlife, while still allowing passage from one area to the other. High density fencing is also likely to affect light levels thus affecting ground flora.

Whilst the efforts made to mitigate for the potential impacts on biodiversity are put forward, they are not enough. An increased use of the woodland and the particular characteristics of the proposed use would lead to harm to the nature conservation interest of the woodland including direct disturbance to ground flora, a reduction in botanical diversity and further limitations on regeneration of ground flora and trees.

The Council is not convinced that suggested mitigation measures would be adequate or effective. The NPPF advises that if significant harm cannot be avoided by the development or adequately mitigated then planning permission should be refused. The proposals are therefore contrary to Policy NE10 of the Replacement Unitary Development Plan and contrary to the objectives of the NPPF that the planning system should contribute to and enhance the natural and local environment, recognising the wider benefits of ecosystem services and minimising impacts on biodiversity.

Other Issues

Comment has been received regarding the possibility of safety issues with the adjacent railway and some concern raised by National Rail who advise that an exclusion zone between the paintballing area and the railway and appropriate fencing should be conditioned. The applicant has demonstrated that the area adjacent the railway track is not included and appropriate condition could be attached to require suitable fence/screening. However, such fencing is likely to worsen the effects on landscape character.

Objection has also been received regarding noise and disturbance caused by the activity and people walking around the area with paintball guns around Sun Lane. However, there is a significant separation between the site and residential properties and as such whilst there might be occasional distant noise heard from the woodland, given the separation and intervening railway line that generates occasional background noise, refusal of planning permission on this basis would not be justified.

Some comment has also been received regarding the parking of vehicles around the Sun Lane area by customers of the site. The proposal however would take access off Colston Drive which is a private road. Additional section of track is proposed off an existing agricultural track and formation of parking area on cellular matting for 10 cars and would be considered sufficient for what is primarily a weekend use with occasional weekday booking.

The applicant has provided details on how the site operates suggesting that it will predominately operate on Saturdays along with the occasional Sunday. Mid week bookings are available however these are stated to occur usually only once a month.

It is stated that the site is only in use during daylight hours for health and safety reasons and consideration to those Living in the locality. Operating hours are from 09:00 hrs x 16:00 hrs, although staff maybe on site outside these hours. This also accords with the ecologists recommendations in reducing the impact upon bats by only operating one hour after sunrise and one and a half hours before sunset during the bat activity season which extends between 01/04 and 31/10, see section 5.6 for full details. Due to daylight hours the site will be closed for paintballing from mid November till the end of March. There are no paintballs games running outside of the above times.

A condition could be attached to require a more detailed management plan to restrict or control the use of the site if approval be given. It is not, however, considered that refusal on grounds of nuisance or harm to amenity of nearby residents would be sustainable.

Community Safety Implications:

None foreseen.

Equality Act 2010, Section 149:

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

Reasons for Refusal:

1. Damage to Woodland

Catton Wood is protected by a woodland Tree Preservation Order (TPO) so, in addition to the existing mature trees, any new trees, seedlings and saplings are also protected in order to protect the woodland environment in perpetuity. The intensity of the proposed use for paint balling would significantly harm the ability of the woodland to regenerate due to the potential for significant footfall destroying any emerging saplings or seedlings; through the impact of soil compaction; damage to existing trees; grade changes for construction of bunkers etc and significant changes of tree management policy due to increasing land usage. New trees and saplings to replace trees lost through natural processes would be trampled and damaged. There is already little shrub layer and little tree regeneration within the woodland which means that it will be less likely to adapt and so any changes proposed will have an exacerbated impact.

The contents of the submitted Arboricultural report are noted but the claim that damage can be averted is not considered to be credible. The application fails to provide a suitable woodland strategy and fails to address how it is to overcome, prevent, minimise or mitigate damage to the woodland over time.

The proposed land use can only reasonably be seen as detrimental to the woodland and the detrimental impact would be exacerbated due to the lack of under storey and lack of ability of the woodland to adapt to change or withstand sustained damage.

The proposed land use change would be unsustainable development in the context of long term woodland retention, appropriate woodland management and appears to be incompatible with the woodland TPO. It is contrary to Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

2. Ecology

Increased use of the woodland and the particular characteristics of the proposed use would lead to harm to the nature conservation interest of the woodland including direct disturbance to ground flora, a reduction in botanical diversity and further limitations on regeneration of ground flora and trees. The development lies within priority habitat as identified on Section 41 List of the Natural Environmental and Rural Communities (NERC) Act 2006. The Council is not convinced that suggested mitigation measures would be adequate or effective. The NPPF advises that if significant harm cannot be avoided by the development or adequately mitigated then planning permission should be refused. The proposals are therefore contrary to Policy NE10 of the Replacement Unitary Development Plan and contrary to the objectives of the NPPF that the planning system should contribute to and enhance the natural and local environment, recognising the wider benefits of ecosystem services and minimising impacts on biodiversity.

3. Landscape harm

The addition of netting and fencing, the construction of ancillary bunkers and introduction of other features together with the alterations to formalise the access tracks and car parking facilities to facilitate the increased use of the site for paint balling would adversely affect the character of the landscape and conflict with Policies NE3, NE3A and D1 of the Replacement Unitary Development Plan.
