

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 29 June 2015

A

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.	2 Hollin Hall Drive Ilkley LS29 9QU - 15/01251/HOU [Approve] page 1)	Ilkley
2.	61 Leeds Road Shipley - 15/00876/FUL [Approve] (page 8)	Windhill And Wrose
3.	Craiglands Hotel Cowpasture Road Ilkley LS29 8RG - 15/00575/VOC [Approve] (page 15)	Ilkley
4.	Hadfield House Old Lane Ilkley LS29 8RR - 15/00873/FUL [Approve] (page 23)	Ilkley
5.	Land South Of Moor Lane Addingham - 15/00773/OUT [Approve] (page 31)	Craven
6.	Victoria Hotel Cavendish Street Keighley BD21 3RB - 15/01468/FUL [Approve] (page 42)	Keighley Central
7.	Laithe Bank Bungalow Low Lane Silsden BD20 9JH - 15/00922/HOU [Refuse] (page 51)	Craven

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Portfolio:
Housing, Planning and Transport

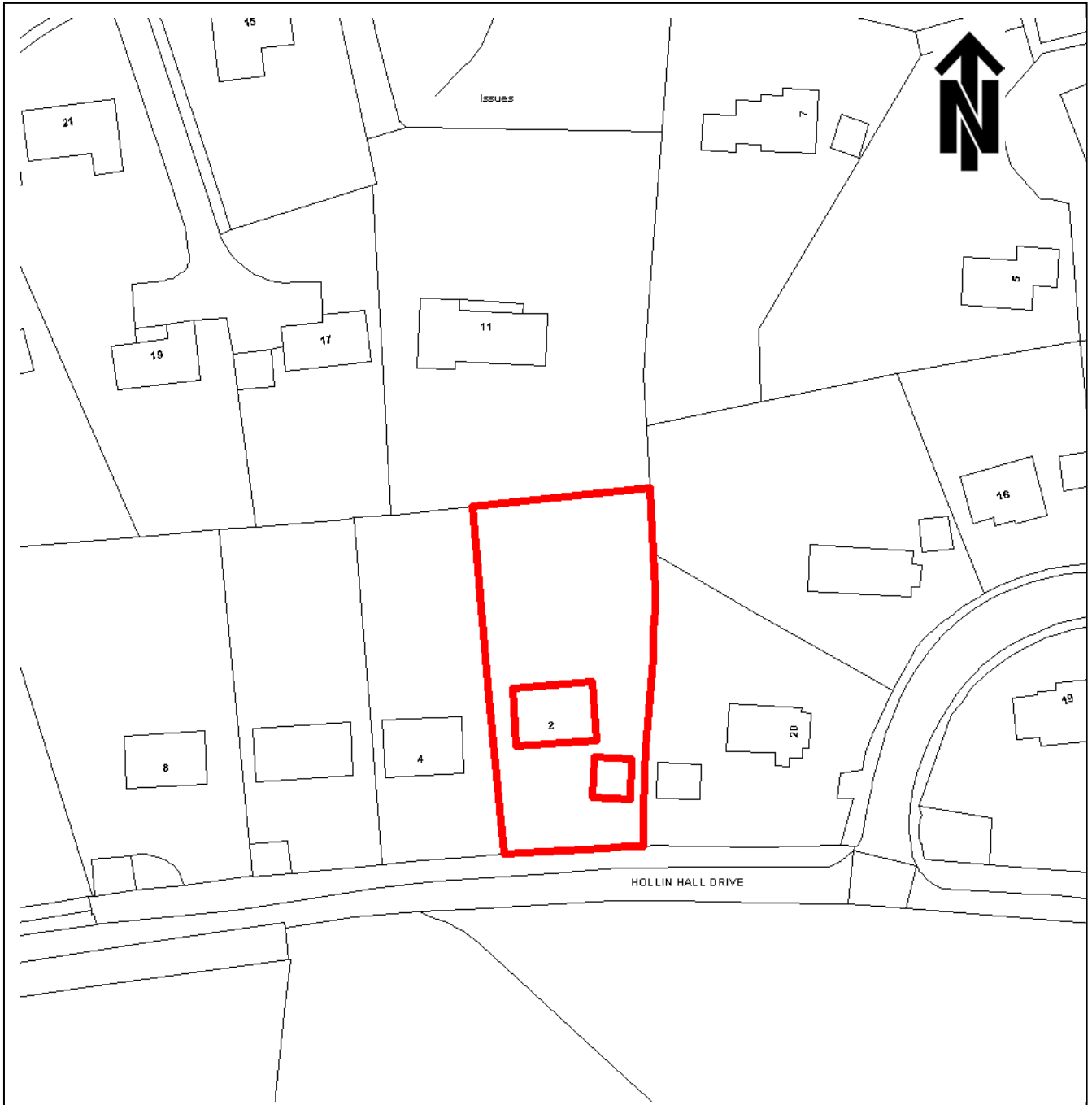
Overview & Scrutiny Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley/Shipley)

15/01251/HOU

29 June 2015



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<p>ITEM NO. : 1</p>	<p>LOCATION: 2 Hollin Hall Drive Ilkley</p>
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29 June 2015

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

Application Number:
15/01251/HOU

Type of Application/Proposal and Address:

Full application for the extension and alterations to the rear elevation of the existing property and alterations to the roof space at 2 Hollin Hall Drive, Ilkley.

Applicant:

Mr Julian Slade

Agent:

Sense of Space

Site Description:

2 Hollin Hall Drive is a stone built, split level detached property dating from the 1970s. It is located on the north side of Hollin Hall Drive which is an unsurfaced single track road. The dwelling is on sloping ground with a single storey elevation facing south towards the access and a two storey elevation facing north onto the back garden. Consequently the property is not especially prominent in the wider streetscene. The property has previously been extended with the addition of a front porch and there is a detached garage positioned between the dwelling and Hollin Hall Drive. There is an existing small balcony to the rear elevation which serves the living rooms on the upper ground floor. The surrounding area is characterised by individually designed detached dwellings set within spacious plots. Across Hollin Hall Drive to the south is the open woodland of Panorama Woods.

Relevant Site History:

15/00386/HOU Extensions and alterations to the rear elevation of the existing property and roof space Withdrawn 19 March 2015.

02/00515/FUL Replacement Porch Approved 3 April 2002.

87/07297/FUL Porch Approved 6 January 1988.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

Policies D1 *General Design Considerations* and UR3 *The Local Impact of Development* are of particular relevance together with the Council's Householder Supplementary Planning Document.

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

Ilkley Parish Council recommends approval subject to any amendments required by the LPA.

Publicity and Number of Representations:

Advertised by NN letter. Expiry date 23 April 2015.

Objections have been received from 8 households.

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

Summary of Representations Received:

Neighbours

- Proposal represents overdevelopment having regard to the increase in bedrooms, inclusion of another floor and size of the extension.
- Property would be out of keeping with the existing houses which all appear as single storey bungalows from the lane and have low rooflines.
- Detrimental impact upon residential amenity through a loss of privacy, light and noise pollution from the proposed balcony.
- Overshadowing.
- Balcony would be overbearing and out of keeping with neighbouring properties.
- Potential increase in traffic.
- Adverse impact on nature and wildlife. Bats are often seen in the area and the development is in close proximity to Ilkley Moor which has SSSI status.
- Proposal is un-neighbourly and will affect the health and wellbeing of neighbouring occupiers.
- Loss of value of neighbouring properties.
- Non compliance with Council policy on spacing standards.
- Suitability of the proposed screen and spiral staircase as acoustic solutions are questioned.

Ward Councillor

- A balcony of this size would mean excessive entertainment in a residential area and would be detrimental to neighbours through overlooking, especially from the staircase.
- Desirability of a north facing balcony is questioned.
- There have been recent refusals/withdrawals on Hollingwood Rise involving balconies.
- Additional floorspace needs could be achieved with a pitched roof building.
- Lack of appropriate certification submitted with the application.
- The property is within 400M of an SSI.

Councillor Smith also suggested that the stair should be moved, ideally to a central position utilising a circular stair, and that a masonry or timber screen provided to a height of 2.2m to both ends of the balcony.

Consultations:

None.

Summary of Main Issues:

Impact on the character of the environment.
Impact on neighbouring residents.
Impact on nature conservation.

Appraisal:

The application seeks approval for:-

- (i) The construction to the rear (south) of the property, of a flat roofed extension at lower ground floor level giving out access onto the garden.
- (ii) The roof of the dwelling will be raised by 1.2 metres to enable 2 extra bedrooms to be formed in the roofspace and 2 box style dormers will be formed in the rear roof plane.
- (iii) A balcony, or roof terrace, will be constructed on top of the single storey extension facing onto the garden.
- (iv) The design of the front porch is also modified to incorporate a monopitched roof consistent with the slope of the altered roof.

The rear extension has a maximum projection of 4m and the scheme has been amended since initially submitted to incorporate a solid timber screen at a height of 2.2m to both ends with a circular stair centrally positioned on the rear of the property.

The existing rear balcony will be removed as a consequence of the development.

It also became apparent during the consideration of the scheme that the correct Certificate confirming the notification procedure between the applicant and property owner had not been carried out. However, this omission has now been resolved.

Impact on the Character of the Environment

The modifications to the front porch and roof height are considered to be acceptable. The property is set at a much lower level than Hollin Hall Drive and consequently the resulting building should still appear as a bungalow from that side. The fact that the ridge will be 1.2m taller than at present will have no material effect on the character of the area.

The rear extension has a maximum depth of 4m and is considered to represent a proportionate addition to the property, consistent with the design guidance for extensions to detached houses as set out in the Council's adopted Householder Supplementary Planning Document (SPD).

The property already has a rear balcony and consequently the provision of a replacement structure need not be unacceptable in principle. The dormer windows are also in accordance with the SPD with regard to their width at 3 metres, design and position within the roofspace. They would be on the rear elevation which is unseen from the public domain.

A number of residents have raised concerns that the scheme would represent an overdevelopment of the site taking into account the increase in bedrooms, inclusion of another floor and size of the extension. The potential increase in traffic along Hollin Hall Drive was also an issue. However, Officers do not consider the proposal to be an overdevelopment of this particular site taking into account the scale of the proposal relative to the size of the plot in which the property is located and the fact that the resulting property still appears as a single storey dwelling from the south. Regardless of the number of bedrooms, the property is a single family dwellinghouse and therefore only 2 no parking spaces are required. These, spaces and a double garage are available on the front of the property.

Impact on Neighbouring Residents

The primary area for concern by neighbours and Ward Councillor is the impact of the rear extension, and balcony, on the amenities of near neighbours.

However, the scheme has been amended since submission to incorporate a solid screen to a height of 2.2m at each end of the balcony. This will prevent views from the balcony sideways into the adjoining properties. Also the staircase has been repositioned to the centre of the balcony so that people descending to the garden are not looking into the adjoining properties at close quarters.

The extension itself would not materially overshadow near neighbours to the detriment of amenity. It has a maximum projection of 4m and, being set in from the boundary with the neighbour at No 4 Hollin Hall Drive by 4m. It will not overshadow or have an overbearing impact on this property. In addition, the established planting along the common boundary will screen a substantial part of the structure from view.

The balcony as shown would be set about 4 metres from the side boundary but it incorporates a solid panel to prevent overlooking from the raised area and consequently no overlooking of adjacent dwellings at close quarters would occur. It should be noted that the existing, albeit smaller balcony, presently incorporates no screening to the boundary with No 4.

Although the boundary with the neighbour to the east, 20 Hollingwood Rise, is more open, the extension is set c 9m away from this boundary and no material loss of amenity is anticipated to occupiers of this house.

It is acknowledged that the inclusion of the balcony has raised a significant level of objections and that local residents consider the proposal to be an un-neighbourly form of development. However, it is felt that the modifications made, as recommended by the Ward Councillor, are sufficient to overcome these concerns. Loss of property value is not a material planning consideration.

Impact on Nature Conservation

The Ward Councillor and some objectors have referred to the adverse impact of the extensions and alterations to this existing dwelling on nature conservation, referring variously to the impact on a SSI or SSSI. It is uncertain whether the reference is to Panorama Woods, which is across the unmade road, or to Ilkley Moor which is part of the South Pennine Moors Special Protection Area, but which is further away to the south.

However, it is difficult to understand why relatively modest extensions and alterations to a long established dwelling would affect these designated sites. Whilst protection and enhancement of biodiversity is a material planning consideration, this property is not part of these nature conservation designations, nor would the proposals affect any supporting habitat such as mature trees. The rear extension and balcony are, in any case, on the opposite side of the property facing away from both of the designated sites.

Although the size of the property is being increased, this would not materially increase the possible urban edge effects of human activity on the designated sites - such as the risk of fire or recreational pressure. To refuse proposals for extensions, rooflights, dormers or balconies to long established properties in Ilkley on such grounds would be unreasonable.

Community Safety Implications:

None anticipated.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

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

Conditions of Approval:

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

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

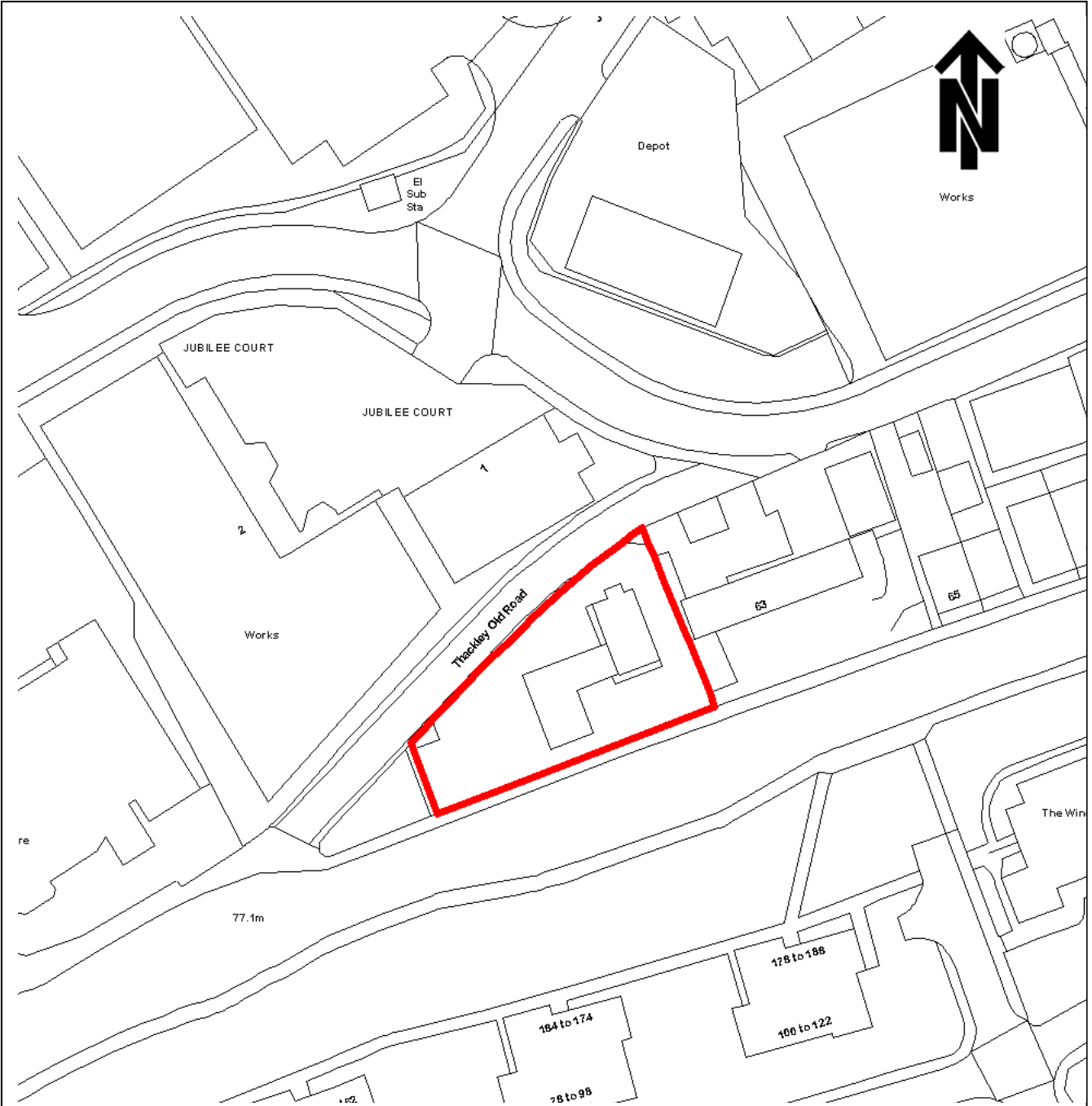
2. The timber screen panels at either end of the balcony hereby approved shall be installed to a height of 2.2m prior to the first use of the balcony area and thereafter retained.

Reason: In the interests of amenity and privacy of neighbouring occupiers and to accord with Policy UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (KEIGHLEY/SHIPLEY)

15/00876/FUL

29 June 2015



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<p>ITEM NO. : 2</p>	<p>LOCATION: 61 Leeds Road Shipley</p>
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29 June 2015

Item Number: 2
Ward: WINDHILL AND WROSE
Recommendation:
TO GRANT PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
15/00876/FUL

Type of Application/Proposal and Address:
Full application for change of use from car sales/valeting & hand car wash to car sales, valeting & office. Land at 61 Leeds Road, Shipley.

Applicant:
Mr Hamzah Akif Butt

Agent:
Forward Planning and Design (Mr Jonathan Holmes)

Site Description:
This site formerly comprised a petrol filling station but has been in use for a combination of car sales and the hand washing and valeting of cars for some years. It presently comprises a car sales pitch, canopy, offices and parking areas, set within a fenced enclosure on the north side of Leeds Road, to the east of Shipley town centre.

Relevant Site History:
75/00220/FUL - Forecourt Canopy Alterations. Granted.
75/02246/FUL - Forecourt Canopy. Granted.
94/01830/FUL - Sales building canopy extension and new wash bays to petrol station. Granted.
05/03757/COU - Change of use of garage to car sales, valeting and office. Granted.
09/04707/FUL - Retention of car sales/valeting & hand car wash. Granted 03/12/2009.
13/03387/FUL - New boundary fencing and gates to improve security. Refused.
13/04511/FUL - New boundary fencing and gates to improve security. Granted.

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated.

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

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:

Site is not in a Parish Council area.

Publicity and Number of Representations:

The application was advertised by neighbour letters and site notice. A PETITION in objection, containing 21 signatures, has been received.

Summary of Representations Received:

The petitioners say they very upset by the heightened level of activity at the site, and by this retrospective application which seeks to justify it.

- 1. There are too many cars crammed into a very small space on the site. At any one time there can 40 cars on the site, which is far too many.
- 2. Because customers are unable to park on site they have to reverse out into oncoming traffic on Leeds Road.
- 3. Customer spaces are used for valeting operations.
- 4. Because the car sales lot is so cramped, the business has to use the lay by opposite the site for additional customer parking. As a result, a fire engine was unable to park near a recent incident.
- 5. Also customers park on double yellow lines or on third party land without permission which affects nearby businesses.

It is causing a highway hazard and placing an unreasonable strain on local infrastructure.

Consultations:

Highways Development Control: The Council's Highway Officer has no objections to the proposals from a highways point of view subject to a condition that before the development is brought into use, the areas shown allocated for customer and staff parking and the manoeuvring of service vehicles shall be properly laid out, hard surfaced, sealed and drained within the site and appropriately marked out to identify each separate area in accordance with the approved drawings.

Reason: To ensure the allocated areas are retained for the described use in the interests of highway safety and to accord with Policies TM11 and TM19A of the Replacement Unitary Development Plan 2005.

Drainage Officer: Has no comments to make.

Rights of Way Section: Shipley Public Footpath 118 abuts the site. It runs in conjunction with the named route known as Thackley Old Road. These proposals do not appear to adversely affect this public right of way.

Summary of Main Issues:

Site history and background.

Local Amenity.

Highways.

Appraisal:

Background to this application

This former petrol filling station site has been used for car sales in the past. This use was authorised by a grant of permission in 2005 for change of use to what was described as 'car sales, valeting and office' (05/03757/COU).

The emphasis of the use subsequently changed and the predominant activity at the site became a hand car wash. To regularise this, planning permission was granted in 2009 for the use of the site for a mixed use described as 'car sales, car valeting and car wash' under planning permission reference 09/04707/FUL. The predominant activity at the site, until recently, was as a hand car wash. A mesh fence was erected to enclose the frontage of the forecourt to Leeds Road.

Complaints were received in early 2015 (complaint registered on 16.1.2015) following another change in the nature of the business. From the end of 2014/ early 2015 the nature and character of the business had changed again to a use mainly involving the display of cars for sale rather than mainly as a hand car wash.

As a result there were many more cars on the site and the complaints pointed to the increased customer parking demand now being generated and to an apparent lack of customer parking spaces which was resulting in customers parking in other nearby parking bays that serve neighbouring businesses or residents and which affect road safety.

Following an Enforcement investigation it was deemed that the site had, indeed, evolved into a car sales lot and that this greater emphasis on car sales amounted to a material change of use which required a fresh application. In light of the complaints, and subsequent enforcement enquiries the site operators have applied for planning permission to permit the car sales use to continue.

Impact on local amenity

Notwithstanding the concerns expressed about use of the site for car sales, it appears that the business is essentially operating in accordance with the planning permission granted in 2005 which permitted the sale of cars from the site, as well as car washing and cleaning/valeting.

The site is adjoined to east and north by other commercial premises. The stone building to the west is empty. There are residential flats across Leeds Road to the south, but these are separated from the car sales lot by the width of the busy main road. It is not considered that the car sales use, in itself, has any adverse effect on the amenity of any nearby residents. Traffic and parking issues are considered separately.

Highway safety and car parking

The objections and original complaints to the Planning Enforcement Service revolve mostly around the restrictions of the site and lack of car parking for customers. The objectors are concerned that the site is filled with cars for sale, leaving no space for customers with the result that they park elsewhere which affects nearby businesses, residents and road safety.

Previous permissions, including the 2005 permission, were granted subject conditions which included that, within a specified time, the car sales area as shown on the approved plan was to be clearly marked out and retained thereafter. The display of cars on the site was then to be restricted to the designated area at all times.

The current planning application is accompanied by a site layout drawing which proposes to mark out and define areas for car sales displays, and an area for customer car parking and turning alongside the easterly entrance. The designated area includes the space under the former filling station canopy, and shows 34 spaces for the display of cars for sale. There are 3 customer parking spaces and 1 space for staff allocated.

The areas earmarked for car sales display and customer parking corresponds to what was shown on previously approved layout drawings. The new plan is actually better surveyed and probably more accurate.

The Council's Highway Officer has considered the representations from objectors but raises no objections subject to the imposition of a condition to ensure that the extent of the car sales display area permitted is clearly defined on site and appropriately marked out in accordance with the submitted layout plan.

In view of concerns expressed, it is proposed to improve the enforceability and precision of the suggested condition.

In addition to requiring the marking out the extent of display of cars on the site, it is proposed to expand this to also require the clear marking out of the customer spaces and to add a separate condition to require that these spaces are retained for the stated purposes whilst ever the site is in use to ensure that they remain available on site at all times.

The nature of the use and the extent of the car sales display area do not materially differ from the previously applied limits. In view of this and in the absence of any objection for the Council's Highway Officer there would seem no strong justification to refuse planning permission to resume car sales.

The proposed use is regarded to comply with Policies TM2, TM12 and TM19 of the RUDP, subject to a condition to ensure that the customer parking shown on the layout plan is made available and marked out for such use.

Consideration of the Representations:

The matters raised by the objectors are carefully noted. However, given the position and nature of the development, the past uses of the site that have been granted, and the relationship with surrounding land and property it is considered unlikely that a refusal of planning permission could reasonably be sustained in this case. The concerns are principally in relation to overspill parking and lack of space in the site. However, the Council's Highway officer has raised no objections.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

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

Conditions of Approval:

1. Within 28 days of the date of this decision, the car sales area and the areas shown allocated for customer and staff parking and the manoeuvring of service vehicles shall be clearly marked out, hard surfaced, sealed and drained within the site and appropriately marked out to identify each separate area in accordance with the approved plan Ref 1273/02, dated February 2015.

Reason: To avoid vehicles queuing out onto the busy classified A657 Leeds Road in the interests of highway safety and to accord with policies TM11 and TM19A of the Replacement Unitary Development Plan.

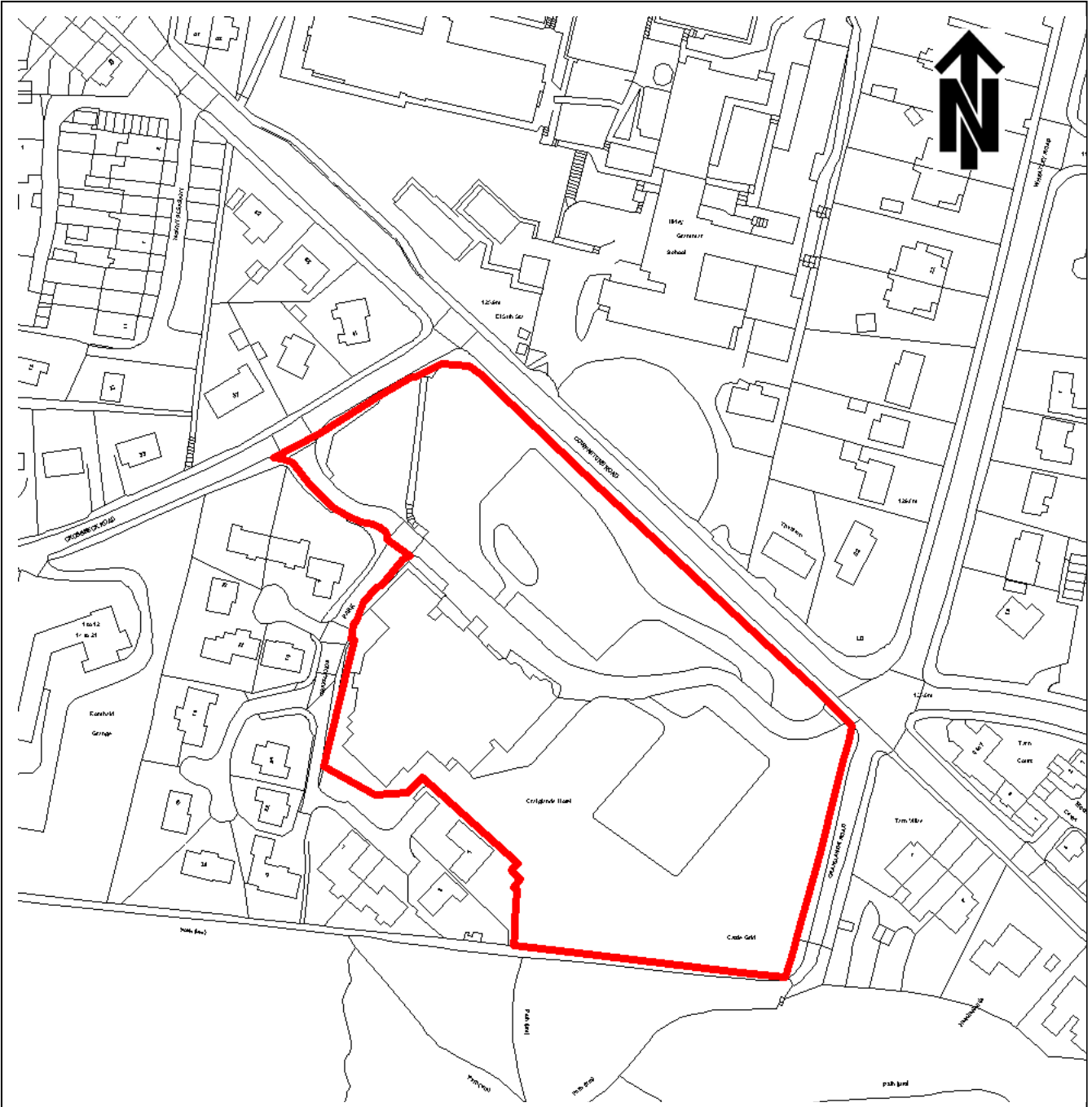
2. The display of cars for sale on the site shall be restricted to the designated area for 'Car Sales' as shown on the approved layout plan Ref 1273/02, dated February 2015, at all times. No display of vehicles for sale shall take place in the area shown allocated for the customer parking and there shall be no outdoor storage or other obstruction of the customer car parking area.

Reason: To avoid vehicles queuing out onto the busy classified A657 Leeds Road in the interests of highway safety and to accord with policies TM11 and TM19A of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

15/00575/VOC

29 June 2015



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<p>ITEM NO. : 3</p>	<p>LOCATION: Craiglunds Hotel Cowpasture Road Ilkley</p>
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29 June 2015

Item Number: 3
Ward: ILKLEY

Recommendation:
TO GRANT PERMISSION FOR REMOVAL OF CONDITION 2
SUBJECT TO A SECTION 106 AGREEMENT TO FUND AND IMPLEMENT A TRAFFIC
REGULATION ORDER (TRO)

Application Number:
15/00575/VOC

Type of Application/Proposal and Address:

An application seeking the removal of Condition 2 on planning application 13/04578/FUL. Craiglands Hotel, Cowpasture Road, Ilkley, LS29 8RG.

This planning permission authorised residential development of nine dwellings on an existing car park and creation of spa facilities in the basement of the existing hotel.

Condition 2 requires:-

“The proposed spa facility to be created in the basement of Craiglands Hotel shall only be operated or used in connection with the occupation and operation of the existing hotel use at the site and only used by guests staying at the hotel. It shall at no time be severed and operated as a separate unit.”

Applicant:
Craiglands Hotel

Agent:
Mr Jonathan Vose (Walsingham Planning)

Site Description:

The Craiglands Hotel is located off Cowpasture Road and Crossbeck Road, in Ilkley and falls within the Ilkley Conservation Area. It also sits adjacent to, and is set at a lower level to Ilkley Moor which is designated as Special Protection Area (SPA) and Site of Special Scientific Importance (SSSI). The hotel was originally constructed as a hydropathic establishment, in 1859, and is identified as a key unlisted building in the conservation area. There are mature protected trees on the site. The site is also located in close proximity to Ilkley Grammar School and sits within a kilometre of Ilkley town centre and Ilkley train station.

The site of the proposed dwellings lies within the hotel grounds and to the east of the hotel and is currently in use as a car parking area. To the south lies a steep, tree covered separating the site from the moorland beyond. Mature trees also border the eastern boundary of the current car park and in addition to additional trees to the northern boundary with Cowpasture Road screens the development site from public views.

Relevant Site History:

13/04578/FUL - Residential development of nine dwellings on the existing car park and spa facilities in the basement of the existing hotel – Granted - Section106.

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

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

The attention of Members of Panel is also drawn to a new planning application 15/01793/MAF. This seeks permission for construction of 27 retirement apartments, including landscaping, sub-station and dedicated car parking, resurfacing of car park to front of hotel building to provide 102 car parking spaces and provision of new spa facility within basement of existing hotel. This permission is currently undetermined.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated on the RUDP.

Within Ilkley Conservation Area.

Proposals and Policies

UR3 - The Local Impact of Development

D1 - General Design Considerations

NE4 - Trees and Woodlands

NE5 - Retention of Trees on Development Sites

NE6 - Protection of Trees During Development

TM2 - Impact of Traffic and its Mitigation

TM12 - Parking standards for residential developments

TM19A - Traffic Management and Road Safety

NE9 - Other Sites of Landscape or Wildlife interest

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

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

Ilkley Parish Council recommends refusal of this application on the grounds that additional facilities will cause disruption to local traffic and parking.

Publicity and Number of Representations:

The application has been publicised by way of neighbour notification letters, with an overall expiry date for comments to be received of 26.03.2015. Letters of representation have been received in connection with the application with objection from 3 separate addresses.

In addition, two Local Councillors have objected to the proposal and requested referral to planning panel should the application be supported by officers.

Summary of Representations Received:

Overspill parking out of the site would be worsened if the spa at the hotel could be used by the public.

Visitors using the Spa would arrive by car and will lead to increased traffic where there are already capacity issues.

The applicants should not have agreed to condition 2 if it intended to open the spa for the general public at a later date.

Consultations:

Highways - Would only be able to support the removal of condition 2 of 13/04578/FUL subject to the alternative measures stipulated in previous response to this application dated 19.11.2013 (see appraisal).

Design and Conservation - The removal of the condition in question is not considered to present any appreciable heritage implications.

Summary of Main Issues:

Implications of removal of condition 2 to allow use of the Spa by members of the public with regard to highway safety.

Appraisal:

Background

The application seeks the removal of Condition 2 from planning permission 13/04578/FUL. This permission was granted with effect from 9 January 2015 following consideration at the October 2014 meeting of the Council's Shipley/Keighley Area Planning Panel. It authorises the 'Residential development of nine dwellings on the existing car park and spa facilities in the basement of the existing hotel' at the Craiglands Hotel.

Condition 2 stated that:

'The proposed spa facility to be created in the basement of Craiglunds Hotel shall only be operated or used in connection with the occupation and operation of the existing hotel use at the site and only used by guests staying at the hotel. It shall at no time be severed and operated as a separate unit.'

The reason for imposition of the condition was to prevent the establishment of a separate unit in the interests of highway safety and to accord with policies TM2 and TM11 of the Replacement Unitary Development Plan.

The specific concern was in relation to the capacity of the remaining car parking facilities at the site. Fears were expressed by residents and local Councillors that loss of one of the existing car parks for the residential development, in combination with the new spa and continuation of the existing activities at the hotel, would worsen on street car parking congestion and lead to road safety problems. These concerns are repeated by Councillors, Parish Council and local residents.

The original planning application 13/04578/FUL was considered to be acceptable by the Councils Highways DC section. The Highways DC Section had suggested a number of measures to mitigate the impact of the development. These included a suggested scheme for a Traffic Regulation Order (TRO) on the streets around the site entrance in order to mitigate any likely intensification in traffic to the site.

However, the TRO was not considered to be necessary in view of the use of Condition 2 which would serve to restrict the use of the basement spa so it could only be operated or used in connection with the occupation and operation of the existing hotel use at the site and would at no time be severed and operated as a separate unit.

Therefore, no TRO was required under permission reference 13/04578/FUL because instead Condition 2 was attached to retain control of the use and so reduce the numbers of users of the Spa and overall traffic visiting the site. With the attachment of Condition 2 it was considered that overspill parking around the site would be less likely to arise because users of the spa would also be guest at the hotel and so it would not attract additional vehicles. Therefore the TRO requirement was not pursued.

At the time of the application, the applicant did not disagree with Condition 2.

The applicant's arguments

The applicant's argument for the removal of condition 2 relate to the impact of the restrictive condition on the business operation and viability of the hotel. Attention is drawn to the NPPF which states that local authorities should support economic growth and existing businesses.

The applicant also makes reference to paragraph 206 of the NPPF which states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.

Arguments are set out which suggest that the condition imposed does not meet with these 6 tests.

The applicant states that in the Highway Officer's response to planning application 13/04578/FUL a comment was made that he would not expect the additional spa use to generate a significant number of additional vehicular trips on its own in view of the proximity to the town centre. The applicant therefore suggests that the condition imposed is not necessary or relevant to the approved development.

The applicant continues to state that the enforceability of the condition is questionable and non compliance would be difficult for the local authority to detect.

Rebuttal

Planning Officers do not accept the applicant's argument that Condition 2 is not necessary and serves no planning purpose. The planning reason for the condition was clearly set out in the Planning Officer Report on application 13/04578/FUL. It serves a material planning purpose which is road safety. The need for the Condition was debated by Members of Panel at the October 2014 meeting and, indeed, the Members introduced an amendment to the wording requiring that use of the spa be restricted to hotel guests. The condition is clearly worded, is precise and is enforceable. It is reasonable in all respects.

However, Officers have some sympathy with the applicant's arguments about the viability of the hotel.

The response from the Councils Highways Development Control section to the request or removal of Condition 2 advises that they would support the removal of Condition 2 to allow use of the hotel spa by the general public should alternative mitigation measures be introduced instead.

Those measures previously identified were:

- Reinforcement of a formal one way system within the site, including barrier operation.
- Provision of a footway alongside the southern section of access within the site.
- Funding of a TRO to control parking on streets to the north of the site such as parts of Crossbeck Road and Craiglands Park.

With regard to these, the reinforcement of a formal one way system within the site, including replacement and/or re-instatement of a barrier operation was a specific requirement of the existing S.106 agreement. Therefore, this will already be a measure that has to be implemented in support of the approved development.

Planning Officers have noted the call for a section of footway alongside the southern access that would link the residential development to Cowpasture Road. However, Officers are concerned that this would result in the loss of trees from the site and thereby affect nature conservation and the conservation area. In any case, this section of footpath would not be beneficial to the operation of the Spa as most users would be more likely to use the lower entrance closer to town. In addition, a footway would not address concerns about car parking overspill.

Therefore, following discussions, it has now been confirmed that to compensate for the removal of Condition 2, the applicant would be prepared to fund the implementation of a Traffic Regulation Order (TRO) providing for signage and yellow lining to prevent or control overspill parking in and around the neighbouring streets. The exact extent and form of the TRO is still to be agreed.

On this basis the key highway requirements will be achieved and the removal of Condition 2 would not result in significant highway safety issues in and around the site.

The Objections

Following publicity of the application objectors have raised a number of concerns regarding the impact of the proposal on the local highway network. Comment received describes existing problems in the area with overspill parking occurring on the surrounding streets, including residential streets and Cowpasture Road and Crossbeck Road, particularly when the hotel is hosting a large events or functions such as weddings. Additional concerns describe high traffic volumes at times of the nearby school opening and closing.

Objectors say the removal of the planning condition would, in effect, open the use to non guests and would result in the intensification in the vehicle use of the hotel, displacing existing limited car parking and would as such exacerbate existing traffic problems in the area.

Whilst the comments made from interested parties, regarding the impact of the removal of condition 2 in terms of parking and highway safety concerns are duly noted, given the Highway Officers support and importantly the commitment given by the applicant to fund a TRO to control on street 'overspill' parking around the Hotel, the proposal would not result in a significant impact in terms of increased instances of on street 'overspill' parking and therefore accords with Policies TM2, TM12 and TM19A 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 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.

Section 106 Agreement: Heads of terms

1. To ensure that intensification of traffic to the site would not result in highway safety problems on surrounding streets through overspill parking, the applicant should give an undertaking to fund implementation of a Traffic Regulation Order to control on street parking on streets surrounding the hotel. This should be in place before the development authorised by permission 13/04578/FUL is brought into use.

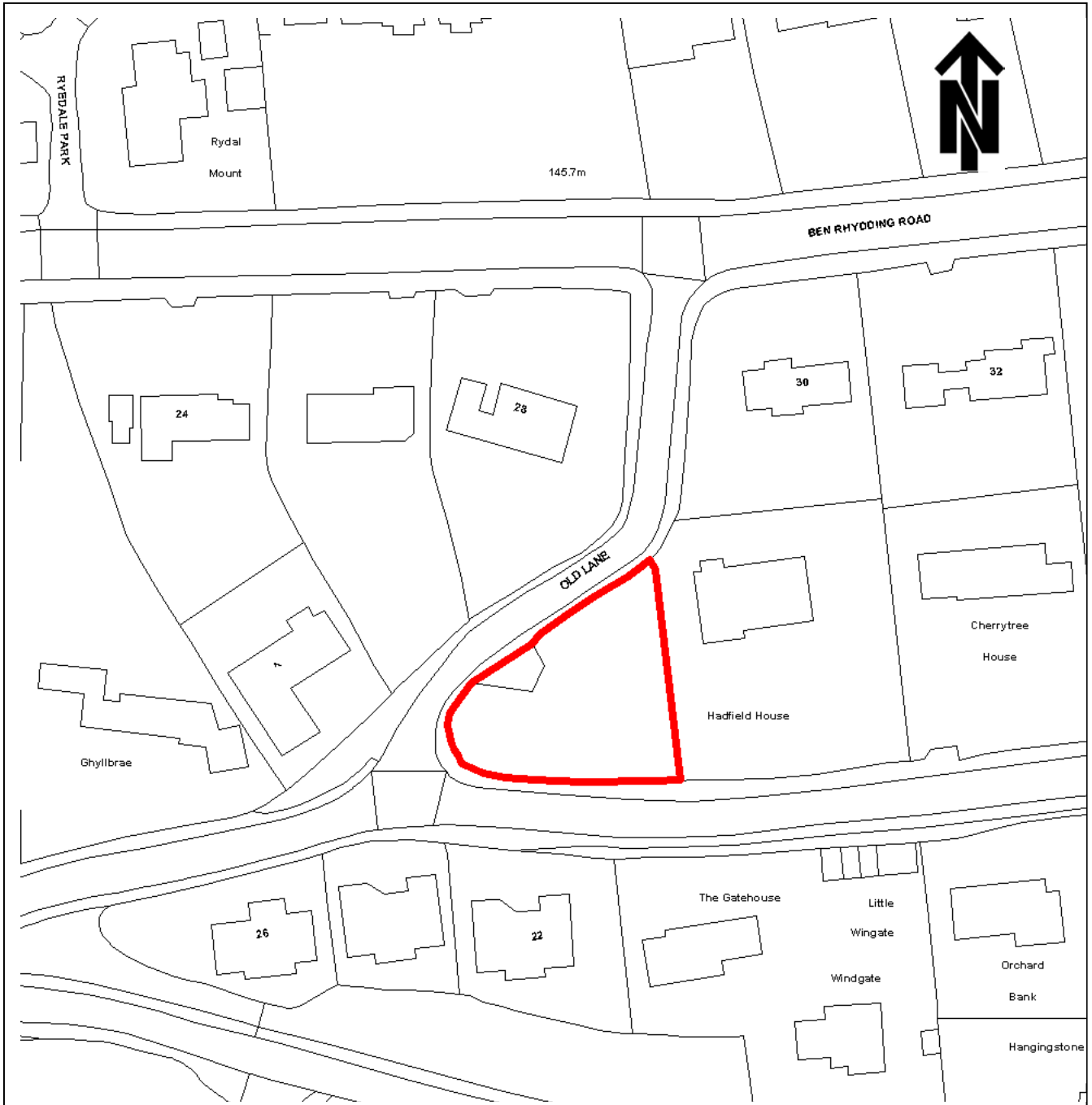
Reason for Granting Planning Permission:

Subject to a suitable Section 106 agreement that a TRO would be funded by the applicant to manage on street parking on the streets around the hotel site, the proposal would not result in a significant impact in terms of increased instances of on street 'overspill' parking and therefore accords with Policies TM2, TM12 and TM19A of the RUDP.

Area Planning Panel (Keighley/Shipley)

15/00873/FUL

29 June 2015



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ITEM NO. : 4

LOCATION:

**Hadfield House
Old Lane Ilkley**

29 June 2015

Item Number: 4
Ward: ILKLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
15/00873/FUL

Type of Application/Proposal and Address:
Full application for the construction of a single detached dwelling at the side of Hadfield House, Old Lane, Ilkley LS29 8RR.

Applicant:
Mr Bob Yorke

Agent:
Nigel Jacques (NJ Architects)

Site Description:
Hadfield House is a large stone built, detached house occupying a plot on the corner of Maxwell Road and Old Lane. Maxwell Road is the last street leading east off Cowpasture Road as it climbs up out of Ilkley towards the Cow and Calf rocks. Maxwell Road is at a higher level to the existing house. Old Lane is a one way restricted street that descends to Ben Rhydding Road Road. The garden to the house is surrounded by tall mature hedges and trees along the boundaries to both streets. There is an existing access off Old Lane to a parking area at the side of the house. The dwelling which is the subject of this application is proposed on this area and would use the present opening.

Relevant Site History:
No previous planning applications for this property.

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated.

Proposals and Policies
UR3 The Local Impact of Development
D1 General Design Considerations
TM12 Parking Standards for Residential Developments
TM19A Traffic Management and Road Safety
TM2 Impact of Traffic and its Mitigation
NE5 Retention of Trees on Development Sites
NE5 Retention of Trees on Development Sites
NE6 Protection of Trees during Development
D5 Landscaping

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

Ilkley Parish Council recommends approval.

Publicity and Number of Representations:

Publicised by neighbour letter and site notice.

Two representations of objection have been received.

These include an objection by a Ward Councillor who has requested determination by Panel if Officers recommend approval.

Summary of Representations Received:

- 1. Ward Councillor: "This is another in Ilkley's sorry situation of large houses in miniscule sites and if recommended for approval I request that it is presented to committee for consideration."
- 2. Trees have already been removed to create a space for a house on this plot. Granting of permission is likely to lead to the removal of more tree cover and we would suggest it is over development of the area.
- 3. The driveway will result in more traffic exiting on to this one way road where visibility is not perfect. It does not allow sufficient visibility to the junction.
- 4. The house is too close to the road and significantly encloses the space and will be a significant abrupt vision to the street scene.

Consultations:

Highways Development Control: No objections subject to standard conditions requiring that the means of access and the car parking for existing and proposed dwellings be formed before the new dwelling is brought into use.

Council's Tree Officer: No objections. If minded to approve the development should require conditions to secure protective fencing to trees and temporary tree protection measures in accordance with the details submitted on a tree protection plan or method statement to BS 5837 (2012) (or its successor) approved in writing by the Local Planning Authority.

Drainage Section: Records indicate a surface water sewer exists in Maxwell Road and in Old Lane, the development shall therefore be drained via a totally separate foul and surface water system. If a proportion of the surface water from the development is to be drained using soakaways, the developer should provide 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. Soakaways should not be built within 5m of a building or the public highway or in areas of unstable land.

Summary of Main Issues:

Principle.

Impact on character of the area.

Design and materials.

Impact on trees.

Impact on amenity of occupiers of adjoining dwellings.

Appraisal:

The site is in an established residential suburb within the built up area. The site is not within a conservation area.

The proposal is to divide the plot into two by a new stone wall and to construct a new 2-storey detached dwelling in the grounds of the existing house. The dwelling will provide a 4-bedroom family house with south facing amenity space. The accommodation will be on two floors, with additional store and plant rooms being sited below ground.

An additional house is acceptable in principle providing the design and scale are appropriate.

Impact on character of the area

The site for the dwelling is a level area to the west side of Hadfield House which is a tall and substantial building designed to face south. The site is an awkward shape to develop as it is on the street corner. The architect has therefore produced a bespoke design for a contemporary styled detached dwelling in an "L" shape - that best fits the site constraints and the form of the dwelling allows it to face inwards to a courtyard. In this way the principal living accommodation would face away from the Hadfield House and enable south facing aspect to be maximised.

Although the form of the house is unusual, this is designed to suit the specific site constraints. There is a wide variety of modern housing in the vicinity of the site, with various ages of property being represented but with many 1960s or 1970s developments.

The size and massing of the proposed dwelling is shown on the plans to be of subservient scale to Hadfield House and it would be of comparable height and massing to the other modern dwellings in the vicinity. Importantly, the architect has followed Officer advice to ensure that the dwelling is positioned to avoid the built form projecting forward of the alignment of existing houses along Maxwell Road. The proposed dwelling would be set below the level of Maxwell Road and set well back from the mature vegetation along this boundary, allowing it all to be retained.

These two factors would combine to maintain the spacious and green character to the local area. The dwelling would not be very visible from the Maxwell Road side of the site.

The proposed dwelling would be two storeys but its roof would be significantly lower than Hadfield House. Consequently, when viewed from Old Lane it would not be unduly intrusive or dominant. In addition the retention of most of the existing mature hedges along the Old Lane would significantly lessen the visual impact of development on this street frontage.

In view of the above, it is not accepted that the proposed dwelling is overdevelopment or unduly cramped. The designer has followed pre-application advice to overcome these potential problems and the proposed materials and interesting contemporary design are seen as assets of the scheme. The design is appropriate in height and scale. It is harmonious with surrounding buildings and will provide good standards of amenity for future occupiers. It accords with Policy D1 of the RUDP.

Design and Materials

Proposed materials would be a slate roof with natural reclaimed stone walling. Contemporary zinc cladding panels and dark stained timber are also shown to localised parts of the elevations. The architect's submission describes how the proposal is intentionally contemporary, different from the neighbouring dwellings yet harmonizing with its setting. The intention is that the character and quality of the materials is intended to "give the building a quiet confidence...bedded carefully into its site".

It is accepted that the scale, form and materials are acceptable. The architect has not followed the style of the nearby modern housing, but the use of slate and natural reclaimed stone will ensure that the new building harmonises with Hadfield House and its surroundings. The materials, coupled with the retention of the mature screening around the site will allow introduction of contemporary features in the design without detriment to local amenity.

Impact on Trees

It is reported by an objector that trees were removed from the site before the application was submitted. However, such tree removal from within a garden was not against the law because none of the affected trees on the site was protected or in a conservation area. The plans show clearly that the important tree and shrub cover along the boundaries of the plot and which make most contribution to amenity are being retained intact.

The proposals have been amended to adjust the position of the garage to avoid damage to the hedge on Old Lane. Adequate separation is maintained to trees along the Maxwell Road frontage. The Council's Tree Officer has viewed the scheme and has no objections subject to protective fencing to the retained trees and boundary vegetation being installed during the construction period.

Impact on amenity of occupiers of adjoining dwellings

The proposed dwelling has been positioned and orientated to maintain an acceptable relationship with neighbouring residential properties. Those affected would be limited to the applicant's own house, which is noted to have side elevation windows but these are generally set at high level in the side wall. The impact upon occupiers of Hadfield House will be negligible.

The dwelling is also designed to prevent close overlooking of any other homes. It would be located 17 metres from the nearest property to the north west on Old Lane, 28.5m from the property to the north on Ben Rhydding Road and 41.5m from the nearest property on the other side of Maxwell Road to the south. The new dwelling would not have any direct or overbearing views towards any of these existing homes and no neighbours have objected.

It is also an L shaped design which allows the main living areas to be inward facing onto a courtyard which helps to provide private space that does not cause conflict with any neighbouring property. In addition the mature tree cover and hedges retained to the boundary with Maxwell Road and Old Lane would help ensure no adverse overlooking.

Highway and parking issues

The existing entrance from Old Lane will be used for access to the new dwelling and a new drive and parking spaces will be provided for the existing house. Maxwell Road is at a significantly higher level than the site.

It is acknowledged that some years ago, restrictions were placed on Old Lane so it only operates one way (south to north). It is believed that this was due to its narrow width being unsuitable for two way working. However, despite Ward Councillor comments, the Council's Highway Officer has no significant concerns about highway safety. A single additional dwelling will not generate much additional traffic on Old Lane and is not beyond the capacity of the surrounding streets, which are relatively quiet. The garage to the new house would be positioned to enable vehicles to turn around within the site and exit onto Old Lane in forward gear.

Although concerns have been raised regarding access, there would appear to be no substantial restrictions to visibility at the site entrances and sufficient parking for the existing and the proposed dwellings can be provided clear of the highways. The proposals accord with Policies TM2, TM19A and TM12 of the RUDP in respect of highway impact, road safety and car parking.

Community Safety Implications:

The proposal raises no community safety issues.

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 development can be accommodated without detriment to that prevailing character of the area, and the scale and massing of the dwelling structure is compatible with the local pattern of streets and spaces. Mature landscaping to the site perimeters is retained and the proposal provides adequate car parking and satisfactory access. It will have no adverse effects on the amenity of any adjoining occupiers. The proposal accords with Policies UR3, D1, TM12, TM19A, TM2 and D5 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.

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 facilities for the new and existing dwellings shall be laid out, hard surfaced and drained within the curtilage of the site in accordance with the approved drawings. The gradient of the parking spaces shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

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

4. 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 all retained trees and hedges within the site. This fencing shall be in accordance with details to be submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved in writing by the Local Planning Authority.

The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

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

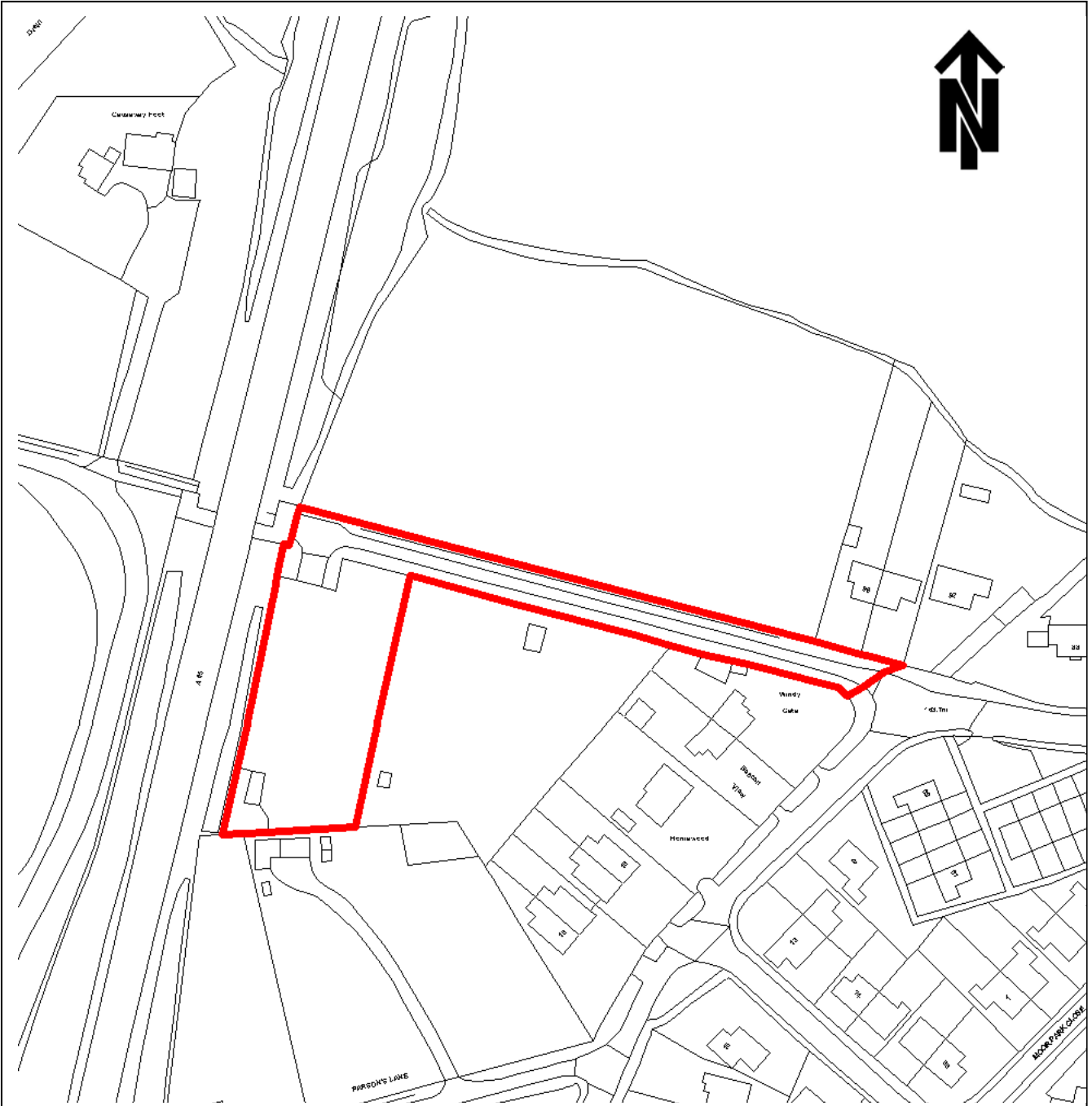
5. The development shall be drained using separate foul sewer and surface drainage systems.

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.

Area Planning Panel (Keighley/Shipley)

15/00773/OUT

29 June 2015



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<p>ITEM NO. : 5</p>	<p>LOCATION: Land South Of Moor Lane Addingham</p>
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29 June 2015

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

Application Number:
15/00773/OUT

Type of Application/Proposal and Address:

Outline application with all matters reserved. Residential development of up to 5 houses.
Land South Of Moor Lane, Addingham.

(A layout plan submitted with the application indicates how up to 5 houses might be arranged on the site and proposes the creation of a means of access from Moor Lane. This adopted highway will also be upgraded as part of the proposals. The applicant wants the layout shown to be regarded as indicative, but it provides a demonstration that the site can accommodate up to the intended density of development.)

Applicant:

Mr R Southwell

Agent:

Mr Richard Clark - Arrowsmith Associates

Site Description:

The site is a pasture field 0.19 hectares in size located on the western fringes of Addingham village. The field is bounded to all sides by traditional dry stone walls and slopes gradually downwards from west to east. The eastern boundary abuts the western boundary of a recently approved development site which was granted outline planning permission for up to 11 dwellings under permission reference 14/01233/OUT. The northern boundary abuts Moor Lane which is an adopted highway that was truncated by construction of the Addingham By Pass in the mid 1980s. The lane terminates a short distance to the west of the application site adjacent to a tarmac turning head. A public footpath carries on from there across the By Pass. The southern boundaries abut other smaller fields. There are no trees on the site itself but intermittent self seeded trees are in the verge fronting the lane.

Relevant Site History:

None for this site but the outline permission for up to 11 houses (14/01233/OUT) is relevant.

Replacement Unitary Development Plan (RUDP):

Allocation

Shown as Safeguarded land site K/UR5.1 on the Replacement Unitary Development Plan.

Proposals and Policies

UR5 Safeguarded Land
UR3 The Local Impact of Development
UR2 Promoting Sustainable Development
D1 General Design Considerations
TM2 Impact of Traffic and its Mitigation
TM12 Parking Standards for Residential Developments
TM19A Traffic Management and Road Safety
D5 Landscaping
NR16 Surface Water Run Off and Sustainable Drainage Systems NR15B Flood Risk
CF2 Education Contributions in New Residential Development
OS4 New Open Space Provision

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:

Addingham Parish Council objects to the application.

Considers that:

- 1. In conjunction with developments approved on other nearby fields including 14/01233/OUT this proposal will have an overcrowding effect and is piecemeal development.
- 2. The upper part of Moor Lane is regularly used by pedestrians, cyclists and riders. It is too narrow to safely accommodate regular car use as well.
- 3. The development will also affect safety lower down Moor Lane where there is on-street car parking congestion and high traffic volumes. The junction of Moor Lane and Skipton Road is a problem.
- 4. Public transport is not good and the site is remote from village services.
- 5. There are issues with surface water run off that will be worsened by building on a green field.

6. The village primary school is over capacity and secondary school serving Addingham is over subscribed.
7. The site is within 2.5 km of Addingham Moorside where there are nature conservation issues to consider, as reflected in the LDF core strategy.

Publicity and Number of Representations:

The application has been publicised by way of neighbour notification letters, with an overall expiry date for comments to be received of 26.03.2015. Letters of representation have been received in connection with the application with objection from 6 separate addresses.

Summary of Representations Received:

1. The top end of Moor Lane is unsuitable for access. It is a single track lane flanked by ditches on either side and is simply not wide enough to accommodate dual access traffic and pavements that would be necessary for pedestrian access including horse riders, hikers, dog walkers etc.
2. Safety concerns arising from increased levels of traffic in an already very busy residential area. It is highly likely that in due course parking for the new dwellings would spill over to the access road creating a further potential hazard.
3. Further impact to local infrastructure. The additional housing would place additional pressure on Addingham's schools, doctors and other infrastructure. The Primary School is already over-subscribed, bus services are limited and the village cannot support the proposed growth alongside other developments which have already been approved.
4. The application would result in the loss of more green space and the site is outside the development limits of Addingham. This site should not be considered ahead of other more suitable sites within the existing settlement boundary limits. There are more sustainable sites which could be developed first.

Consultations:

Highways Development Control – The current application is an outline application with all matters reserved therefore whilst I have no highway objections to raise regarding the principle of residential development on this site the applicant will need to make a number of considerations when submitting a reserved matters application.

Drainage – No objections raised. The site must be investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered.

I note the proposal to discharge surface water to a ditch/watercourse adjacent to the highway, I have no details this ditch/watercourse. The developer must therefore provide details of the ditch/watercourse & its outfall to demonstrate it is suitable for draining surface water from the development.

A public sewer exists at the Northern site boundary. The sewerage undertaker (Yorkshire Water) must therefore be consulted for any layout constraints and for a view on the impact of the development on the public sewerage system.

Summary of Main Issues:

Principle of development.

Sustainability of the site Impact on the amenity of occupants of adjoining properties.

Nature Conservation

Impact on local amenity and the character of the locality.

Highway safety and capacity.

Drainage concerns.

Appraisal:

This is an outline application with all matters reserved. The applicant presents an indicative layout plan that indicates how up to 5 houses might be arranged on the site. It proposes the creation of a means of access from Moor Lane but recognises that the adopted highway will need to be upgraded to serve the development. The indicative layout provides a demonstration that the site can accommodate up to this density of development.

Principle of development

The site is part of a collection of small fields between Moor Lane and Parsons Lane and between the edge of the village and the By Pass which runs in a cutting to the east of the site. The By Pass forms a more defensible edge to the settlement and the start of the open Green Belt to the west. Housing will be compatible with the adjoining uses and the submitted layout would not prejudice the development of the remaining fields, a number of which already have outline planning permission (13/00123/OUT and 14/01233/OUT).

This tract of land has been assessed for its potential for release as a housing site during the preparation of previous Development Plans. The Replacement Unitary Development Plan (RUDP), which was adopted in 2005, allocated it as part of an area of "safeguarded land" site (Reference K/UR5.1). The purpose of safeguarded land was not to prevent development but to safeguard the land to provide a reserve supply of land for release in the longer term - once other land allocations had been used. The land was not given any protective designation that would prevent residential development in the future. The applicant argues as on adjacent sites that due to the Council's lack of a demonstrable five year supply of deliverable housing sites, now is the time for the sites which were earmarked for future development to be brought forward. Under RUDP policy K/UR5, the Council allocated this site for future development. It has therefore already assessed such sites as being those most suitable for development after specifically allocated housing land. Almost 10 years after adoption of the RUDP, the "safeguarded land" status is now acknowledged as providing land that is suitable for residential development to meet housing demand.

The principle of this was established on appeal at North Dene Avenue, Keighley some time ago and further release of "safeguarded land" for housing land has been subsequently been accepted by the Council. The District has a well known shortage of land to meet predicted housing need. The NPPF says that housing applications should be considered in the context of the presumption in favour of sustainable development and that policies that attempt to restrict or control the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. The Council does not currently have a 5 year supply of deliverable housing sites and until the Council complete a new Local Plan with residential site allocations sites such as this will be considered suitable for development. Consequently, in terms of the principle of development the Council would now find it difficult to resist a housing proposal here.

The density achieved on the site through the proposed 5 houses will be just below 30 dwellings per hectare which is below the 30-50 dwellings per hectare set by Policy H6 of the RUDP. However, the lower density in this instance is considered to suitably reflect the site's edge of settlement location, on the margin between existing suburban development on Turner Lane and the countryside on the opposite site of Moor Lane and beyond the A65. It is also noted that when considered in combination with the adjacent site to the east which has recently received permission, the average density across the two would exceed 30 dwellings per hectare.

Sustainability of the site

The Parish Council and individual objectors have as on the adjacent site opposed development saying that it is not a sustainable site and that other sites should be developed first. It is acknowledged that the village of Addingham is not served by a railway line or 10 minute frequency bus service. Nevertheless, it is an established community that has a primary school, a recently built medical centre and a Main Street shopping street including shops, pubs, services and a recently opened Co-op convenience store. Contrary to what is said by objectors, the village also has a regular bus service that connects it to Keighley and Ilkley and that includes stops within reasonable walking distance of the development site. It is not accepted that occupants of housing on the site will be entirely dependent on travel by car. The scale of development proposed is modest (5 dwellings) and it is not accepted that this, even in addition to the adjacent 11 houses will overwhelm local services.

Impact on the amenity of occupants of adjoining properties.

Whilst indicative layout is submitted the application is outline in nature with all matters reserved and as such a detailed assessment on the likely impact of the development upon neighbours is not possible. However the suggested and indicative layout demonstrates that 5 dwellings could comfortably be accommodated on the site, away from the boundaries and with suitable access that would not have significant harmful impact on neighbouring property.

The adjacent site to the east has outline permission for outline permission and it would be beneficial to assess the two sites in conjunction. However and as outlined by the agent, the sites are within separate ownership and such control is not possible.

The principle of residential use of this field and the density achieved by the outline proposals are considered to be acceptable and the indicative layout demonstrates that up to 5 houses can be accommodated on the site whilst maintaining adequate separation to neighbouring site. However, further assessment of the relationship of the development to the adjoining site to the east will be required, including a more detailed assessment of site sections, control over the position of habitable room windows and assessing the relative heights of the existing and proposed dwellings under a subsequent Reserved Matters application.

Implications for Nature Conservation

The application, as with that for the adjacent site recently granted permission, is submitted with an Ecological Appraisal. The appraisal concludes that development of the site could proceed without likely significant harm to biodiversity. The land has only limited value as habitat with few features on site of nature conservation value other than the trees on the road side which it would be intended to keep.

Implications for the South Pennine Moors SPA/SAC/SSSI

Addingham Parish Council has raised the proximity of the site to Addingham Moorside – this is the open upland that is part of the designated South Pennine Moors Special Protection Area (SPA) /Special Area of Conservation (SAC) and SSSI. The Special Protection Area is a site of international importance for nature conservation, being classified in accordance with EC Directive. The particular interest of this site is its importance for several upland breeding birds and their supporting habitat. The conservation objectives for this SPA are, amongst other things, to avoid the deterioration of the habitats of the qualifying features, avoid significant disturbance of the qualifying features and ensure that the site is maintained and makes a full contribution to achieving the aims of the Birds Directive.

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

In addition, the Parish Council mentions a draft policy in the emerging LDF Core Strategy (Policy SC8) that has attempted to resolve potential conflicts between future developments close to the SPA/SAC/SSSI and the nature conservation interests of the site. The Habitats Regulations Assessment of the Draft Core Strategy identifies the potential for adverse effects with respect to new housing allocations close to the SPA. For sites between 400 metres and 2.5 km from the SPA, under Policy SC8, a precautionary approach will be taken to avoid degradation of areas important to the integrity of the European site and foraging resources that support the SPA bird populations.

However, the applicant's ecological evidence shows that the residential proposals will not result in the loss or deterioration of any significant supporting moorland SPA habitat and considers a number of possible "urban edge effects" that might arise from the additional housing - from increased risk of fire to predation by cats to increased pressure for recreational use, given the separation from the site. However, given the low number of new dwellings and the degree of physical separation from the moorlands the applicant's evidence concludes that development of this site would not have any likely significant harmful effects on the SPA/SAC designated area or its qualifying interests.

This site is over 2 km from the edge of the designated SPA/SAC/SSSI. It is relatively remote from it and the development is of relatively small scale. Addingham By Pass forms a particularly robust barrier between the site and the open countryside between it and the open moor. There are a number of other intervening roads, farmland, farmsteads and other suburban developments between the site and the moor. It is considered that the distance between the development site and the SPA/SAC/SSSI, is too great for there to be any likely significant effects from cat predation or from urbanised fauna such as magpies. As was the case recently on the adjacent site, these conclusions are accepted. In this case, the development will have no likely significant adverse effect on the nature conservation interest of the South Pennine Moors SPA/SAC/SSSI and is not in conflict with Policies NE7 or NE8, or the NPPF, nor would it conflict with the precautionary approach suggested by Policy SC8 of the emerging LDF Core Strategy either individually or in combination with other developments.

Impact on local amenity and the character of the locality.

The site is not identified as a Village Open Space that should be protected under Policy OS7 of the RUDP. The site was however identified in 2005 as a site safeguarded for future housing. The village boundary of Addingham is defined by the By Pass.

Whilst it would be better to consider a comprehensive layout of the fuller site from the outset, the fields are in a variety of ownerships and so a comprehensive proposal is not presented. The applicant seeks permission solely for the principle of a residential development with the layout reserved for future consideration. The layout shown is indicative but it provides a demonstration that the site can accommodate up to this density of development. It is not accepted that 5 dwellings would be out of keeping with the surrounding area. As on the adjacent site that was recently considered and approved under reference 14/01233/OUT It is not accepted that development of this land would prevent or restrict development of adjoining plots and consideration of design at the reserved matters stage would be geared towards ensuring a form and style of housing that other developers presenting later proposals on adjoining plots would then need to follow.

Highway Safety/Mean of Access

The site will be accessed from Moor Lane which is adopted. It was once a through road, but since the construction of the bypass, the section on which the application site is located is a dead end to vehicular traffic. Consequently levels of traffic are very low and the verges either side of Moor Lane have begun to overgrown the edge of the carriageway narrowing it to a single lane. The result is that some engineering works will be required to upgrade Moor Lane by cutting back vegetation to allow two way working. These proposals are shown on submitted drawing which proposes to widen the carriageway. The two ditches or swales in the verges on either side of the carriageway are within the adopted highway. The Highway Officer is comfortable that a suitable access can be formed that allows these open ditches to remain. A width of 4.8 metres is shown and would be sufficient to allow two vehicles to pass and a narrower carriageway would also deter high vehicle speeds. It will be possible to achieve an acceptable width for the carriageway whilst retaining a wide verge containing the two surface water ditches to either side. Culverting should only be necessary where the means of access bridges one ditch to enter the field. Comments from objectors regarding usage of the lane by walkers are fully acknowledged

The Council's Highway Officer does not object to the proposal in principle. Details of the access and improvements to Moor Lane would need to be provided under any subsequent reserved matters application. A shared surface road with verges, including retention of the ditches/swales to either side will be adequate for the scale of development proposed. The submitted drawing from the agent demonstrates how the widening and retention of the drainage ditches can be accomplished. It shows that a roadway, of 4.8 metres, accommodated without interfering with the drainage ditches. It is suggested that, in view of local concerns, a condition be attached to any outline consent requiring fuller details of a scheme for the improvement of Moor Lane to be submitted and for these details to include constructional details, sections and proposals for the swales/ditches, carriageway width and improvements to street lighting as was attached to the previous approval on the adjacent site. Moor Lane will have to meet current street lighting requirements. The internal road layout will have to be constructed to an adoptable standard and preferably offered up to the Council for adoption. It should include a turning head. However, these will be matters of layout and will be subject to consideration under the Reserved Matters application. Despite local representations about traffic, the Council's Highway Officer has no highway objections to the principle of residential development of the scale indicated on this site.

Drainage

The Council's Drainage Section does not raise any objections. The development should not begin until details of a scheme for foul and surface water drainage, including any balancing and off site works have been submitted to and approved in writing by the Local Planning Authority.

The Drainage Officer suggests that the site must be investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. This would be subject to the developer providing the results of percolation tests. A culverted watercourse exists along the edge of Moor Lane. Discharge of surface water to it will only be considered if the developer can prove the hydraulic capacity and structural integrity of the watercourse from point of connection to outfall. Discharge to watercourse to be limited to the rate that exists from the site prior to development less 30%, or to the Greenfield run off rate of two litres per second per hectare.

Flooding at the eastern end of the site and on Moor Lane has been mentioned as a concern by many objectors. It would be the intention that the detailed design of the scheme would include attenuation measures on site which will not only prevent an increase in the chance of flooding, but improve the current situation by regulating run off. The highway improvements that are to be carried out on Moor Lane in conjunction with the scheme will also be designed to prevent any increase in the chances of flooding on the highway. There is actually a significant amount of road surface which has been overgrown by the verges and clearing of debris from the ditches should lessen any potential risk of flooding.

Community Safety Implications:

None foreseen.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The land is safeguarded for future development on the Replacement Unitary Development Plan and its release is now appropriate having regard to the presumption in favour of sustainable development and given that the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites. Residential development would be compatible with surrounding uses and, subject to detailed control of the layout, scale and appearance at the Reserved Matters stage, the development will have no appreciable impact on the amenity of neighbouring occupiers. Subject to the proposed highway improvements and control of the details of such improvements, the development would have no significant impact on highway safety. The development is considered to accord with Policies H6, UR3, D5, D1, NE5/NE6, TM2, TM12 and TM19A of the Replacement Unitary Development Plan for the Bradford District and to be acceptable having regard to the National Planning Policy Framework (2012).

Conditions of Approval:

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

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

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

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

3. Before any development is begun plans showing the:
 - i) access,
 - ii) appearance
 - iii) landscaping
 - iv) layout,
 - v) and scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4).

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

4. Prior to the commencement of development, details of a scheme for the improvement of Moor Lane from its junction to the western extremity of the site frontage shall be submitted to and approved in writing by the Local Planning Authority. These details shall include details of the carriageway width, constructional details and sections, proposals for retention of the existing swales/ditches in the verges and improvements to street lighting to meet current street lighting requirements. The approved highway improvements shall be carried out prior to occupation of the dwellings or in accordance with a timescale to be agreed in writing by the Local Planning Authority.

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

5. 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.

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

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

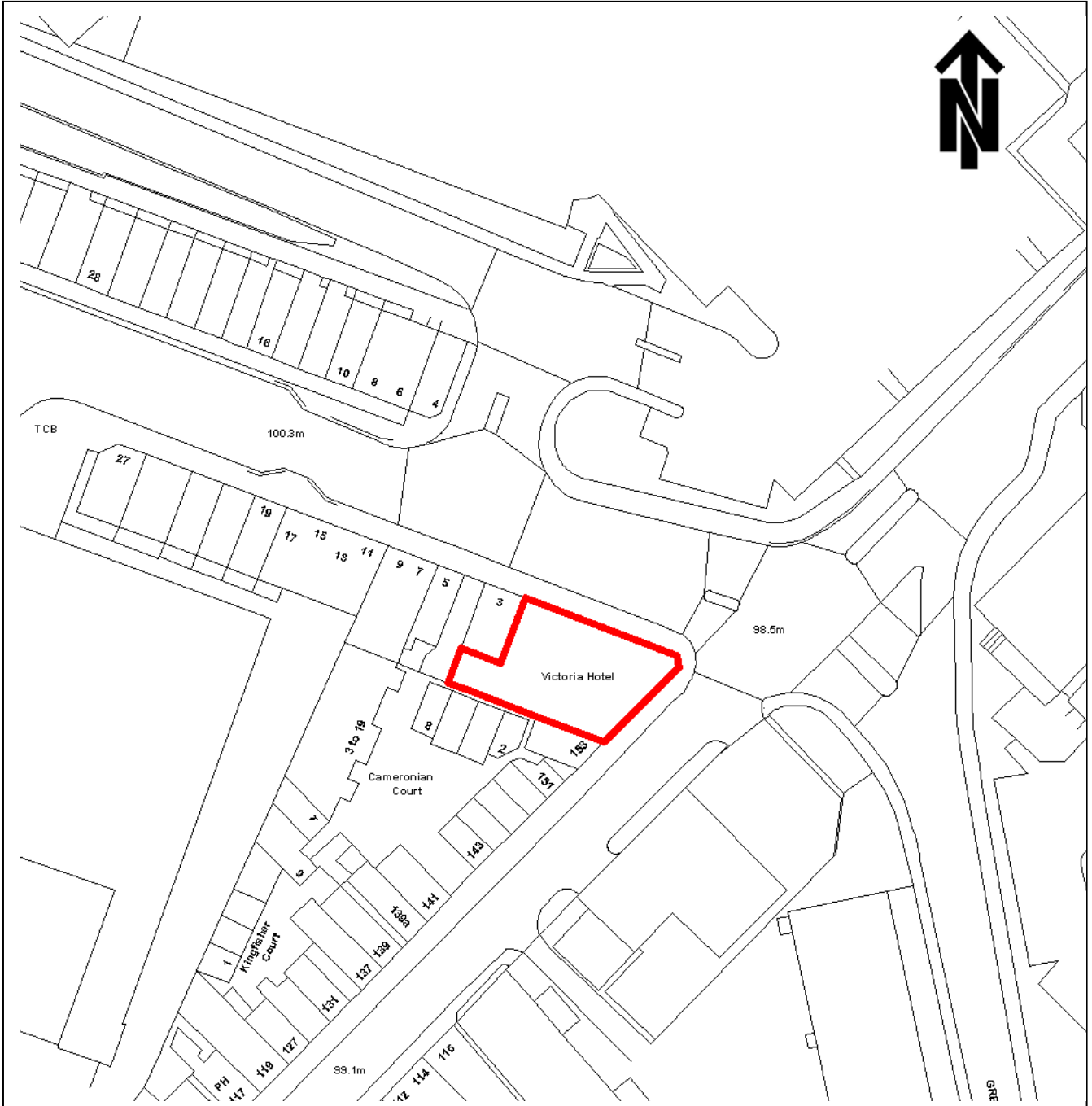
7. Prior to the discharge of any surface water to an open or culverted watercourse, the developer shall provide details to the Local Planning Authority that prove the hydraulic capacity and structural integrity of the watercourse from point of connection to outfall. Discharge to watercourse shall to be limited to the rate that exists from the site prior to development less 30%, or to the Greenfield run off rate of two litres per second per hectare.

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)

15/01468/FUL

29 June 2015



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<p>ITEM NO. : 6</p>	<p>LOCATION: Victoria Hotel Cavendish Street Keighley</p>
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29 June 2015

Item Number: 6
Ward: KEIGHLEY CENTRAL
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
15/01468/FUL

Type of Application/Proposal and Address:

Full application for conversion of existing public house and hotel into 4 retail units on the ground floor with associated external changes and the creation of 9 self-contained units.

Victoria Hotel, Cavendish Street, Keighley, BD21 3RB.

Applicant:
Mr H Patel

Agent:
Construct 360 Ltd

Site Description:

The Victoria Hotel is a 3 storey 19th century public house located prominently on the corner of East Parade and Cavendish Street. Its frontage directly abuts the footways to both streets. There is a rear access leading off Cavendish Street that forms the western boundary to the site. The building is not within a conservation area or is a listed building however it is a fine Victorian building with attractive architectural detailing and makes a positive contribution to the streetscape.

Relevant Site History:

No previous planning applications are recorded against this property.

Replacement Unitary Development Plan (RUDP):

Allocation

CL1 – within the defined Keighley Town Centre boundary

CR1A – within the defined central shopping area of Keighley Town centre

Proposals and Policies

CT1 – Development in city and town centres

CR1A – Retail development within centres

D1 – general design considerations

UR3 – local planning considerations

BH4A – the setting of listed buildings

TM11/TM12 – car parking policies

TM19A – road safety and traffic management

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 has not made a comment.

Publicity and Number of Representations:

Advertised by site notice and letters to neighbouring occupiers (expiry 23.5.2015) eight objections have been received.

Summary of Representations Received:

1. NEED

Keighley does not need any more shops. How many more takeaways, phone shops, charity shops do we need in the town centre? This hotel should be returned to its former glory. To turn this building into more empty shops, and more flats, with no refuse provision is not on. There are enough cheap flats in town centre and too many empty shops.

2. ALTERNATIVES

Refurbished and managed correctly the building could become an award winning, quality hotel, bar and restaurant. The refurbishment of the Lord Rodney on Church Green being a fine example. Keighley town centre does not have a hotel or high quality function/conference room.

3. FEARS ABOUT QUALITY OF THE CONVERSION

Keighley town centre has been steadily eroded by the influx of large tacky illuminated box signs, and poor quality aluminium shopfronts and roller shutters, and low quality cheap shops. The Victoria Hotel is located at a gateway site when arriving in Keighley by train and I fear the alterations will be done in cheap quality materials which will harm the prestige and appearance of the building. If accepted, conditions should be imposed to preserve all timber sash windows, and retain the original external doors. All new doors and windows should be in timber and only individual letter signs should be allowed on the building, NOT the large illuminated box type signs which are common place on Hanover Street and East Parade.

4. PARKING/SERVICING

No provision has been adequately identified for free or assigned parking for the residents. This could mean up to 18 cars attempting to find all day and/or all night parking on two major arteries through the town. There is no area for a removal lorry or delivery van to park other than the alley, which will be full of bins.

5. REFUSE STORAGE

There is no designated waste bin storage area. This will result in fly tipping on a main route through the town as is now happening on North Street. There could potentially be 26 bins in the same space as 3 at present. There is inadequate space for this, particularly as that alley also provides the only parking space for the existing retail unit.

Consultations:

Highways Development Control: The proposal is conversion of an existing public house and hotel into 4 retail units on the ground floor and creation of 9 self-contained flats to upper floors. This will not have any significant material impact on the highway network and therefore there are no objections from a highways point of view.

The site is located within the town centre and close to all amenities including public transport. While there is no off street parking associated with this site, there is ample on and off street public parking available nearby.

Drainage Section: No comments to make.

Design and Conservation Officer: No objections to the proposed uses. It is recognised that the viability of retaining public house/hotel use must be in doubt given the length of time the building has been vacant. There is a need to secure a productive use to prevent deterioration of this undesignated heritage building. Subject to the advice on conditions to control door and window details being followed, the proposal is considered to maintain the setting of the nearby listed buildings across Cavendish Street and that saved Policies BH4A and D1 are satisfied.

Summary of Main Issues:

Principle of the proposed uses.

Design and appearance.

Highway and parking issues.

Appraisal:

The Victoria Hotel is a 3-storey public house built in the C19th. It is located prominently on the corner of East Parade and Cavendish Street. The building is not within a conservation area or is a listed building but it is a fine Victorian building with attractive architectural detailing such as around the regularly arranged window openings and the entrance doors. It is very much a local landmark and makes a positive architectural contribution to the streetscape.

It has been closed as a pub/hotel for several years and has been disused ever since.

The Proposal

The proposal is to convert the existing public house into 4 x A1 retail units on the ground floor together with associated external changes, and the creation of 9 self-contained residential units in the former hotel rooms and function room in the upper storeys.

The ground floor changes involve creating two new entrance doors onto the Cavendish Street frontage to allow for the space to be converted into the 4 retail units. These two entrances will be located where existing windows are presently located in an attempt to ensure that the symmetry of the openings will remain and that the decorative stone windows arches will be retained.

In addition, two other windows would be turned into louvered doors to create a bin storage area on the Cavendish Street frontage.

Shop signs will be applied for separately by any new retail occupiers but a signage zone is indicated and corresponds to the previous public house signage.

Principle of the proposed uses

It is recognised that public houses (A4 uses) often provide valuable community assets and that there is concern, nationally, about the rate of closure and loss of such facilities. However, The Victoria has now been closed for some time and it would appear that proposals to reopen such a substantial drinking facility have not come forward. The property is situated in Keighley Town Centre where there are a number of other public houses, bars and meeting places. It cannot be said that loss of the A4 use to alternative uses would be harmful to the community given the number of nearby drinking establishments.

Furthermore, the building is not registered or nominated as an Asset of Community Value and consequently, the change of use of an A4 public house to A1 retail use could be carried out under permitted development rights conveyed by Part 3 Class A to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The site is in Keighley town centre and it is also within the central shopping area defined by the Replacement Unitary Development Plan. The RUDP reflects the NPPF in saying that city and town centres continue to be the subject of change as a result of economic, social and environmental pressures and are the focus of a variety of forms of development and activity. Policy CR1A of the RUDP specifically says that retail development will be permitted in the central shopping areas of the city and town centres. There are therefore no sound reasons to oppose the 4 proposed new retail units on the ground floor of the building and there is no reason why the applicant should be expected to justify that there is a need for these units.

There are no named operators for any of the four retail units but, in principle, the establishment of A1 retail activity on this corner could serve to attract shoppers to this part of the town centre and help connect the struggling retail units on East Parade to the town centre and complement the shopping offer on the rest of Cavendish Street. Such a use will help to regenerate the building and make use of a site which has remained vacant for some time.

The upper floor space was formerly in use as a concert hall/function room and letting bedrooms. This will be converted to form 9 self-contained flats with minimal impact on the external elevations and the core structure of the building. The scheme comprises of 4 x two bedroom apartments and 5 x one bedroom apartments. The apartments have been arranged to “stack” to ensure that bedrooms are on top of each other wherever possible. The applicant intends that all floors and walls adjoining apartments will be sound insulated to minimise the sound transmission and provide good standards of amenity.

There are a number of other residential developments in Keighley Town Centre and such use has its place in the town centre. There is a residential development at Cameronian Court, which is immediately to the side of the building.

It is recognised that some objectors have said that shops and flats are not needed and that the building should be kept as a hotel/restaurant or public house. However, the developer clearly does not consider the proposed uses to be unviable and the Local Planning Authority can only consider the acceptability of the proposals before it, not the merits of some other alternative scheme.

The residential use and the retail use are both acceptable in this town centre location.

Design and appearance

The building is not listed or in a conservation area but is considered to be an undesignated heritage asset and it is located within the setting of the parade of Grade II listed shops on the opposite side of Cavendish Street. Officers have expressed great concern about earlier proposals that proposed significant external alteration to the elegant frontages of the building.

The proposed alterations to the exterior of the ground floor submitted with this application are now much more restrained and sympathetic to the character of the building and the decorative stonework around the existing window and door openings is retained.

The Council’s Design and Conservation Officer has been consulted regarding the submitted plans and has no objections to the proposals in principle. The proposals will result in the loss of the public house and hotel function, which was the original intended use of the building. However as the property has been vacant for some time and its condition is beginning to deteriorate, the proposal is welcomed as it should bring the building back into a sustainable use which will help ensure its future maintenance.

The alterations to the ground floor are acceptable in principle. These are limited to the creation of two additional doorways, both on the Cavendish Street elevation, plus the creation of door openings necessary to create a refuse storage area, but these have been sensitively positioned and will maintain the rhythm of the openings and the vertical emphasis of the fenestration. To maintain the character and appearance of the building, it is important that the proposed doors are recessed deeply into the reveals, as the existing doorways are. The Conservation Officer recommends conditions to secure this and also to require that details of the proposed doors are submitted for approval.

The fears expressed by objectors about the quality of conversion are acknowledged and appreciated. The Victoria is a landmark building and it will be important to secure a good quality conversion. However, the proposals shown on the submitted plans are restrained and respectful.

The applicant has said that signage will be submitted by future tenants of the shop units in separate applications for advertisement consent, once these tenants are known. The expectation will be that any signs will be restrained in size and illumination, and required to be placed between ground and first floor windows similar to where the public house signage was traditionally located. Also the applicant has said that the existing windows and doors are to be retained. A condition to ensure control over any subsequent replacement windows is strongly recommended as the points raised by objectors about avoiding unsympathetic upvc or aluminium replacements for the traditional timber sash windows are entirely accepted.

Highway and car parking issues

The Council's Highway Officer considers that the retail and residential use is of a scale that will not have any significant material impact on the highway network and therefore there are no objections from a highways point of view. The proposal raises no road safety concerns and is in accordance with RUDP Policy Tm19A.

Although the proposed uses are not provided with any off street car parking, this is not unusual in town centre locations. The public house and hotel use also had no parking provision. The site is located within the town centre and close to all amenities including public transport provided from Keighley station and bus station. While there is no off street parking associated with this site, there is ample on and off street public parking available nearby.

The NPPF also says that if setting local parking standards for residential and non residential development, local planning authorities should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles. Taking all these into account, the proposal is acceptable and there is no conflict with Policies TM11 and TM12 of the RUDP.

Refuse storage arrangements

The building is built tight up to the back of footway and the previous public house and there is no other land or facilities for storage of waste bins. The previous public house use and other nearby businesses have relied on storing bins on the length of footway abutting the west elevation of the buildings which is alongside the short side access road.

A number of the objectors have expressed concern that the proposed new uses would intensify the need for waste bins and so add to the clutter of bins along the side street and lead to a worsening of the amenity problems this creates. There is no easy solution to this issue as there is no spare land associated with the building on which a bin store could be created but to try to address these concerns, the agent has provided two internal bin store areas to serve the retail and residential elements of the development. One would be created with access to Cavendish Street frontage, the other off the side access. These would be fitted with louvered doors.

It is appreciated that, depending on the future users, these may not fully meet the requirements of the new uses and some bin storage may need to continue along the side street. However, any new use introduced to the building would require an element of waste bin storage and the proposed new bin storage areas would provide for a reasonable proportion of these needs to be met and serve to reduce the clutter on the back street. The Victoria has no associated land available to provide an easy solution.

On balance, it is considered that the amended plans show a bin store arrangement that would go some way in meeting the probable need and is sufficient to meet the requirements of the new use without significantly worsening any existing amenity problems.

Community Safety Implications:

No community safety issues arising, other than that the proposal will bring the building into use and stop its neglect and vulnerability to vandalism.

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 proposals will bring back to productive use a prominent town centre landmark building. The proposed use of the ground floor for retail purposes and the use of the upper storeys for residential are both acceptable and suitable to this town centre location. The proposed changes to the character and appearance of the building shown on the submitted drawings are restrained and respectful. The proposals accord with Policies UR3, D1, CR1A, CT1, TM11, TM12 and TM19A of the Replacement Unitary Development Plan.

Conditions of Approval:

1. The existing windows in the building shall be retained and restored in accordance with the approved drawings. No new or replacement windows shall be installed in the building other than in accordance with details of the materials, and sections showing the pattern and method of opening that have first be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the preserving the setting and significance of this undesignated heritage asset, it is essential that details of any replacement windows are agreed before such works commence, in order to accord with Policy D1 of the Replacement Unitary Development Plan.

2. The proposed new door openings to be formed to serve the development shall be timber with a painted finish and set back within the reveals to match the existing door openings. Details confirming the materials, the thickness and profile of the joinery and depth of set back of all new door openings, including to the proposed bin storage areas, shall be submitted to and approved in writing prior to the commencement of any works to form the new openings and they shall be subsequently installed in accordance with the details so approved.

Reason: In the interests of the preserving the setting and significance of the heritage asset, it is essential that details of such features are agreed before works on that aspect of the development commence, in order to accord with Policy D1 of the Replacement Unitary Development Plan.

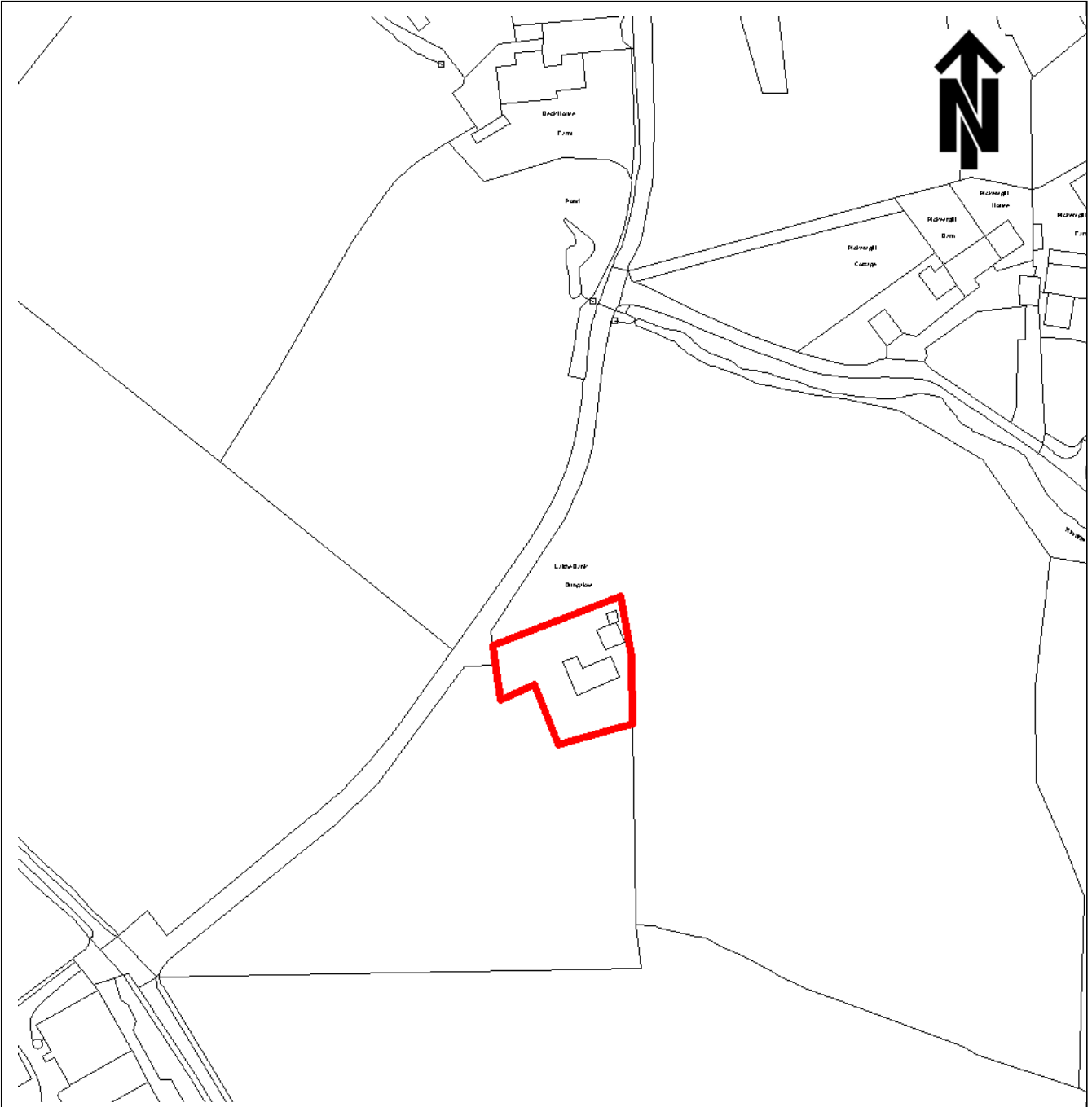
3. Before the premises are brought into use, the proposed bin storage arrangements shall be made available for use in accordance with the approved plan and thereafter retained for this purpose as long as the premises are in use for the purposes permitted.

Reason: To ensure appropriate design arrangements for waste handling and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

15/00922/HOU

29 June 2015



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<p>ITEM NO. : 7</p>	<p>LOCATION: Laithe Bank Bungalow Low Lane Silsden</p>
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29 June 2015

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

Application Number:
15/00922/HOU

Type of Application/Proposal and Address:

Householder planning application for construction of extensions and adaptations to dwelling to provide disabled accommodation at Laithe Bank Bungalow, Low Lane, Silsden, BD20 9JH.

Applicant:

Mr and Mrs Snowden

Agent:

Mr John Steel

Site Description:

The site is a detached bungalow situated in an isolated rural location within the Green Belt to the north of Silsden. The bungalow is of modern appearance and has two bedrooms at present. A garage stands to one side. It stands in a curtilage separated from surrounding fields and is accessed via a drive off Low Lane. It has previously been extended with a small single storey kitchen extension to the front.

Relevant Site History:

86/06/00262 - Construction of a detached bungalow and garage Low Lane Silsden Moor. Granted and implemented.

90/05552/FUL - Kitchen extension. Granted and implemented.

14/01807/HOU - Extensions and adaptation to bungalow to provide disable accommodation. Withdrawn 19.06.2014 prior to determination.

14/03643/HOU - Construction of extensions and adaptations to dwelling to provide disabled accommodation. Refused 10.10.2014 as being a disproportionate addition to the original dwelling that would harm the openness of the green belt and conflict with the purposes of including the land in it contrary to policy GB5 of the Replacement Unitary Development Plan.

Replacement Unitary Development Plan (RUDP):

Allocation

Green Belt GB1

Proposals and Policies

GB5 Extension and Alteration of Buildings in the Green Belt
UR3 The Local Impact of Development

D1 General Design Considerations
D4 Community Safety
NE3 Landscape Character Areas
NE3A Landscape Character Areas
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:

Objects to this application on the grounds that it is overdevelopment in the green belt and is not in keeping with the existing property.

Publicity and Number of Representations:

The application was publicised by way of site notice and press publicity. The overall expiry date for publicity was 09.04.2015. No representations were received.

Summary of Representations Received:

None.

Consultations:

Drainage Unit: The construction of 3 additional bedrooms has the potential to increase the overall occupancy of the site, consequently, the existing septic tank may not have sufficient capacity to drain the proposal. The development should therefore not begin until the developer has submitted details/calculations to demonstrate the existing septic tank has sufficient working capacity.

The developer must also provide details of the existing drainage field, showing its length, width and final outfall. If the drainage field outfall is to ground, to demonstrate its surface area is sufficient, the developer must provide the results of percolation tests undertaken in accordance with Building Regulation H2.

Note the developer's intention to dispose of surface water using the existing soakaway. This is acceptable, however, the existing soakaway will have been designed to serve the pre development hard surfaced area. The proposal to increase the hard surfaced area draining to the soakaway is likely to render the existing soakaway inadequate.

The developer should therefore provide details/calculations to demonstrate their surface water drainage proposals are suitable for the development, prior to drainage works commencing on site.

Summary of Main Issues:

Impact on green belt.

Impact on the landscape character.

Impact on neighbours.

Highway safety.

Appraisal:

Circumstances

The application is for the significant enlargement of this isolated bungalow in the Green Belt above Silsden. It involves construction of a number of extensions, including raising the existing roof to create bedroom accommodation at first floor level, along with new garaging; conversion of an existing garage and a kitchen/orangery to the rear.

Green Belt policy expressed in both the NPPF and by Policy GB5 of the RUDP is clear in stating that only modest extensions should be permitted to existing buildings and that extensions that are "disproportionate" would be regarded as inappropriate development. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The proposal is said to be intended to enable the property to be enlarged to provide accommodation for the applicant's family and two parents. One of the parents is in need of support due to medical conditions. Part of the proposal is therefore for a "granny annexe" accommodation suitable for occupation by a person with disabilities. The nature of the medical conditions is verified by confidential evidence which Officers have seen and do not dispute.

However, Officers are concerned that the scale of the extensions is substantial and the extensions are in excess of what seems needed to address the personal circumstances.

A previous application in 2014 (14/03643/HOU) was refused as the proposal would have resulted in a cumulative addition to the original dwelling and garage of 85 %. It was considered that this size of extension was a disproportionate addition to the original dwelling that would harm the openness of the green belt and conflict with the purposes of including the land in it. The personal circumstances of the elderly and disabled parents were taken into account in consideration of the earlier applications.

Impact on green belt

The site is within the Green Belt as defined by the RUDP. The appraisal needs to assess the proposal against Green Belt policy, specifically:

- whether the proposal represents inappropriate development in the green belt,
- its impact on the openness of the Green Belt and purposes of including land within it
- the effect of the proposal on the character and appearance of the host building and local area, and
- if it is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

One of the exceptions to the Green Belt presumption against inappropriate development is the extension or alteration of a building – but provided this does not result in disproportionate additions over and above the size of the original building.

This requirement is also reflected in Policy GB5 of the RUDP and guidance at section 14 of the Council's adopted Householder SPD says that extensions in Green Belt should not exceed more than 30% of the original cubic volume. 30% is a guide and is not an absolute. Whether an extension is deemed disproportionate will vary depending on the nature of the original building being enlarged.

The existing bungalow is small, with only two bedrooms, and its small size is such that a degree of extension that was not disproportionate would be acceptable. However, the current submission provides for a cumulative addition to the original dwelling and garage of at least 85% and would therefore still form a disproportionate addition to the original building. By introducing additional built form to the existing building, the openness of the Green Belt would be reduced by the increase in the height, scale and mass of the proposed extended building - causing material harm to the Green Belt in conflict with criteria 1 and 3 of Policy GB5 of the RUDP and Section 9 of the NPPF.

The application dwelling is a simple detached bungalow, and the extensions would result in a two storey dwelling with a substantial bigger floor space and massing and introduce a variety of different roof pitches, which would lead to a building whose character would be discordant, totally destroying the simple character of the existing bungalow contrary to criteria 2 of Policy GB5 of the RUDP which states that permission will not be given if the extension and/or alteration of the dwelling would adversely affect the character of the original dwelling.

Consideration of special circumstances

It is not disputed that two of the residents are elderly and the medical evidence provided shows that the one has disabilities and is in need of care. Officers have taken into account the stated need for accommodation to allow the applicants to care for their elderly parents.

However, the bulk of the extensions do not appear connected to meeting the needs of a person with disabilities. The part of the development that can be identified as being needed for the elderly parents would be the single storey extension to be added to the east of the property. This consists of a hall, a bedroom suitable for a disabled person; a further bedroom, en-suite bathroom, bathroom and lounge. This part of the extension would incorporate an existing garage into its foot print and extend to the east side and rear of the existing bungalow. This aspect of the proposal could probably be justified.

However, the development of an upper floor, the construction of two garages, a utility room, and boiler room, study/hobbies room and kitchen/orangery extension is not directly connected with adapting the existing dwelling so that it can accommodate people with protected characteristics of age and disability. These extensions would extend upwards and beyond the forward most part of the existing bungalow. A garage would be added to the west side of the bungalow, and the proposal would add an additional storey to the dwelling and a rear wing creating an orangery.

These extensions cumulatively will create a much bulkier and imposing structure. The footprint and massing of the existing modest bungalow will be substantially enlarged. The development would have a significant impact on the openness of the Green Belt and appear as encroachment. It would conflict markedly with the purposes of including the land in the Green Belt.

Officers have given fair consideration to the needs of the applicants but the extensions that are still being proposed seem to go far beyond what might be seen as necessary to create a granny annexe within which the elderly persons can reside. The extensions are markedly disproportionate to the volume, footprint and scale of the original bungalow. The impact of such significant enlargement of the existing building will cause harm to the Green Belt by reason of inappropriateness. This, and any other harm, is not clearly outweighed by other considerations.

Design and Impact on landscape character

The site is situated within an upland pasture landscape as designated in the Landscape Supplementary Planning Document (SPD). This upland pasture area to the west of Silsden consists of gentle undulating slopes with a relatively open aspect; displayed many of the characteristics of the upland pastures. It is, however, distinct in that the hedges and hedgerow trees are more prominent in the landscape than dry stone walls.

The extensions would be constructed from matching natural stone which is considered to be acceptable. The application dwelling is a simple detached bungalow, and the extensions would result in a two storey dwelling with a substantial bigger floor space and massing and introduce a variety of different roof pitches, which would lead to a building that would be out of keeping with the vernacular architecture of the area and introduce an incongruous feature into the landscape to the detriment of the character and visual amenities of this upland pasture landscape contrary to Policies D1, UR3, NE3 and NE3A of the RUDP.

Impact on neighbours

There are no immediate neighbours therefore the proposal has no impact on residential amenity contrary to Policies D1 and UR3 of the RUDP.

Highway safety

The proposal maintains off road parking to the standards required by Policy TM12 of the RUDP. Access arrangements remain as existing therefore the proposal would not have any adverse impact on highway safety contrary to Policy TM19A of the RUDP.

Community Safety Implications:

The proposal raises no community safety issues and would accord with Policy D4 of the RUDP.

Equality Act 2010, Section 149:

The Equality Act S149 outlines the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups.

Officers consider that the proposals go far beyond what seems reasonably necessary to accommodate such needs. Also, it is noted that neither the applicant nor the parents actually reside at the application address at the moment and did not own the application site when the application was submitted. The application is not submitted because of a need to adapt an existing family home.

The desire to live in an extended family home for support could also be achieved by purchasing a dwelling elsewhere that is either large enough for the family needs or one that is not subject to the green belt policy restrictions and is easier to adapt than this small dwelling. The current submission is the third application submitted by the applicants who are therefore familiar with the policy constraints that would permit only extensions that are modest and not 'disproportionate.'

Green Belt is a national planning policy designation and serves a public interest. Policy guidance on what development is deemed appropriate is contained in both the National Planning Policy Framework as well as well established local policy contained in the RUDP. As green belt is a national policy, considerable weight has been given to it and to the purposes of including the land in it, during consideration of this application. In seeking to protect and preserve the openness and character of green belt policy is not prejudice against people of different characteristics and does provide for very special circumstances to be taken into account in consideration of policy. The very special circumstances and the duty of the Council in respect of the Equalities Act have been very carefully weighed against the great importance attached to Green Belts by Government, and to the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open.

In writing this report due regard has been taken of the age of the intended residents and the disabilities of one of the residents that are demonstrated by evidence. Although sympathetic to the desire of the applicants to enlarge the dwelling to meet the needs of the applicant's parents, the Local Planning Authority must also be mindful of the public interest served by the Green Belt and the objectives of national and local policy to safeguard the Green Belt from inappropriate development.

Reasons for Refusal:

1. The site lies within an area defined for green belt purposes on the Replacement Unitary Development Plan for the Bradford District and is also subject to the guidance contained within the National Planning Policy Framework Section 9 "Protecting Green Belt land". Within the Green Belt it is both national and local planning policy to severely restrict new development unless it is for a purpose appropriate in the green belt or it is for a limited extension to an existing dwelling. The proposed extensions would constitute a disproportionate addition to the original dwelling that would harm the openness of the green belt and conflict with the purposes of including the land in it and would be contrary to policy GB5 of the Replacement Unitary Development Plan.

Whilst due regard has been given to the circumstances of the applicant, it is not considered these outweigh the harm to Green Belt that would be caused due to the disproportionate scale of the proposed enlargement of the original dwelling.

2. The existing dwelling is a simple detached bungalow, and the extensions would result in a two storey dwelling with a substantially bigger floor space and massing and introduce a discordant variety of different roof pitches. The extensions would be out of keeping with the character of the existing dwelling and result in a building that would be out of keeping with the vernacular architecture of the area and introduce an incongruous feature into the landscape to the detriment of its character and distinctiveness contrary to Policies D1, GB5, NE3 and NE3A of the Bradford Replacement Unitary Development Plan.
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