

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 22 July 2015

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Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	24 Fern Bank Avenue Keighley BD22 7LE - 15/01682/HOU [Approve] (page 1)	Keighley West
2.	73 Main Street Bingley BD16 2JA - 15/02022/FUL [Approve] (page 7)	Bingley
3.	76 Wheatley Lane Ilkley LS29 8SF - 15/01676/HOU [Approve] (page 16)	Ilkley
4.	Electricity Sub Station West View Road Burley In Wharfedale Ilkley - 15/01683/OUT [Approve] (page 23)	Wharfedale
5.	Hawkcliffe Works Keighley Road Oxenhope Keighley BD22 9SY - 15/02204/FUL [Approve] (page 29)	Worth Valley
6.	Land South Of 112 Bradford Road Menston Ilkley - 15/01024/FUL [Approve] (page 37)	Wharfedale
7.	Victoria Hotel Cavendish Street Keighley BD21 3RB - 15/01468/FUL [Approve] (page 48)	Keighley Central

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Portfolio:

Change Programme, Housing and Planning

Improvement Committee Area:

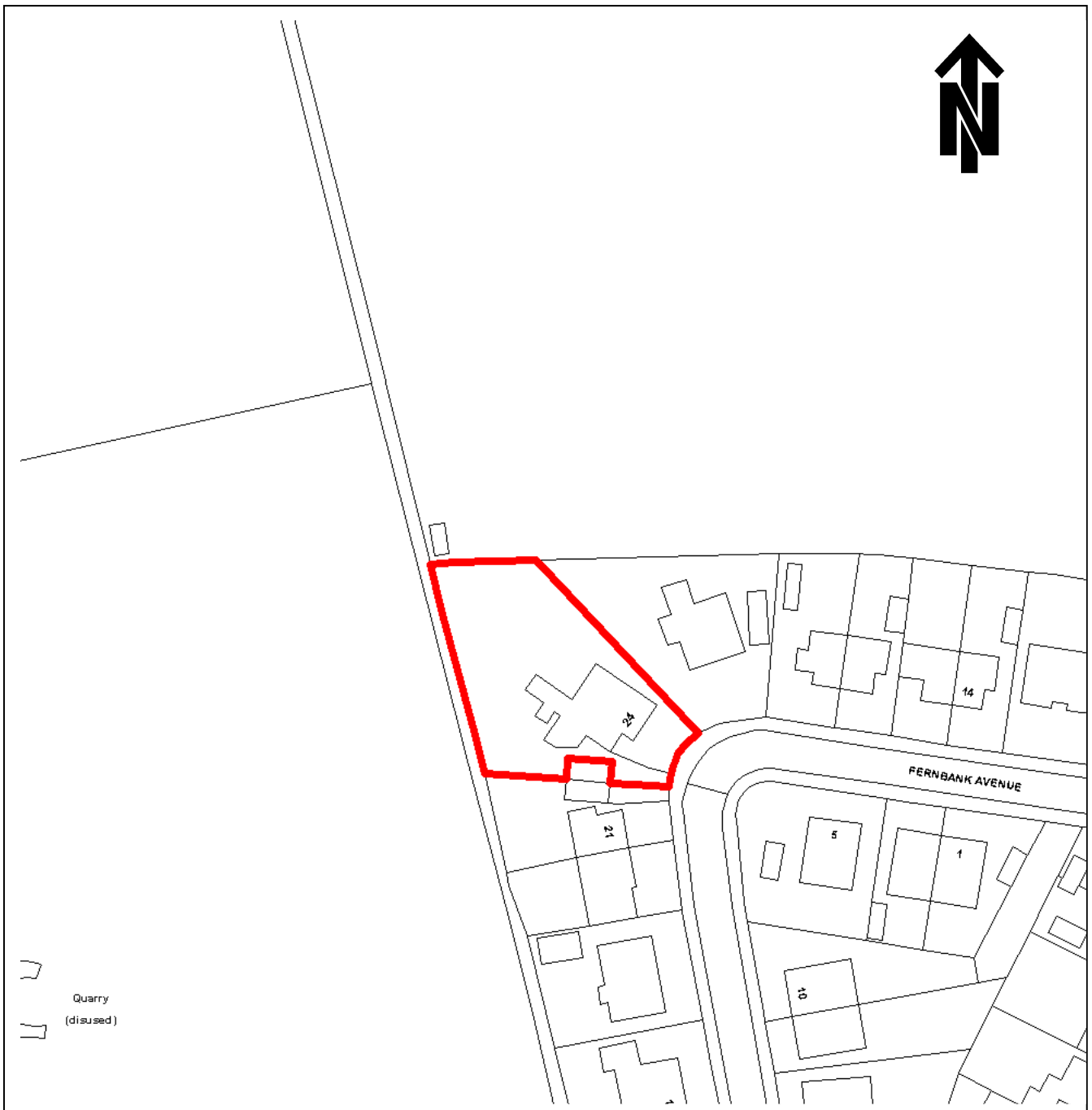
Regeneration and Economy



Area Planning Panel (Keighley/Shipley)

15/01682/HOU

22 July 2015



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<p>ITEM NO. : 1</p>	<p>LOCATION: 24 Fern Bank Avenue Keighley</p>
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22 July 2015

Item Number: 1
Ward: KEIGHLEY WEST
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
15/01682/HOU

Type of Application/Proposal and Address:

Full planning permission is sought for the demolition of an extension to rear and construction of a single storey extension to the rear and a rear dormer window at 24 Fern Bank Avenue, Keighley, BD22 7LE.

The works have already been carried out, therefore the application is retrospective.

Applicant:

Fairholme Property Group Limited

Agent:

Daniel Markwart, Studio OL3 Limited

Site Description:

The site is a stone fronted detached bungalow dwelling situated in a suburban residential area in the town of Keighley. It has a slate roof. The site occupies a corner plot in a quiet residential street that is a conventional estate road with 2 footways to either side. The street comprises a mix of detached and semi detached bungalows and houses. A large garden fans out behind the bungalow and there are hedges along all 3 boundaries. The back of the site abuts open fields.

Relevant Site History:

None relevant.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UR3 The Local Impact of Development
D1 General Design Considerations
D4 Community Safety

The Council's adopted Householder Supplementary Planning Document has also been considered.

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 provided a comment.

Publicity and Number of Representations:

Publicised by neighbour notification letters. Ten letters of objection have been received from nine addresses.

Summary of Representations Received:

Grounds for objection were as follows:

Inadequate parking.

Use as care home is not appropriate in a quiet residential street.

Concerns that the proposed use requires consent for change of use.

Business use is inappropriate in a residential street.

Concerns that neighbours had no notification of the development.

Concerns about use of the shared drive.

Concerns that having a business next door will impact on ability to sell house in future.

Not in keeping with surroundings.

Consultations:

None necessary.

Summary of Main Issues:

1. Impact on the Local Environment.
2. Impact on Neighbouring Occupants.
3. Impact on Highway Safety.

Appraisal:

The building is currently unoccupied following the recent refurbishment work.

The applicant had mistakenly assumed the rear extension was permitted development but on investigation it was found not to fully comply with all the limitations on permitted development and a retrospective application was requested.

Most of the objections received to this planning application concern the intended use of the bungalow as a care home - with local neighbours concerned about intensification of use, parking problems and that such a "business" use is not appropriate in a quiet residential street.

The proposed use

Firstly, the legal position of the proposed use of the property must be explained.

In planning law, the definition of a dwelling within Class C3 of the Town and Country Planning (Use Classes) Order includes Class C3(b) – a Home providing care for up to 6 people living together and receiving care.

The applicant has confirmed that the newly refurbished and extended property will be used to provide care to up to 5 people with learning disabilities who will be looked after by an on site carer/resident care worker. There will be 4 bedrooms, lounge, bathroom and dining kitchen at ground floor and a 5th bedroom at roof level served by the new rear dormer window. It is clear from the layout plan that all the residents will be living together as a single household with shared facilities.

This arrangement would come within the definition of a dwelling house under Use Class C3 (b). This is the same use class as a traditional residential dwelling, so no change of use will occur and the applicant does not require planning permission to operate such a home.

The proposed use in planning law is as a residential dwelling and is not for a commercial C2 care home. The Local Planning Authority is therefore not considering the merits of the use. It can only consider the planning impact of the extension work to the dwelling, and some of this is actually permitted development.

Impact on the Local Environment

Dormer

The rear dormer window is 4.475m wide which exceeds the 3m maximum set out in the Householder Supplementary Planning Document. However, the dormer is constructed from matching materials, is set well back from the eaves of the roof and does not project above the existing roof. It is not seen from the street or any public vantage points. The dormer window is therefore permitted development and does not require planning permission.

Extension

The existing dwelling is constructed from dashed render walls with stone detailing. Whilst the rear extension is flat roofed and is finished in painted render, it is constructed solely in the rear garden and will not be visible from any public place and is mostly hidden from views from the adjoining garden. As such the impact of the extension on the character and visual amenity of the street scene is minimal. In terms of visual amenity the proposal is therefore considered to be acceptable.

Impact on Neighbouring Occupants

The existing dwelling is situated in a corner plot with a relatively narrow frontage which widens significantly towards the rear boundary which is to open fields beyond the rear boundary hedge.

The single storey rear extension is also sited well inside the two side boundaries and some distance from the dwellings to either side. The rear of the property is very well screened and private. Existing vegetation has not been affected by the building/refurbishment works.

The single storey extension would not cause overshadowing or have any overbearing impact on the dwellings or gardens to either side. Neither the extension nor the rear dormer window will result in the dwellings to either side being overlooked. One side wall is entirely blank, the windows in another look towards a dense hedge along the side boundary. No overlooking will be cause. The proposal is therefore considered to be acceptable in terms of residential amenity.

Impact on Highway Safety

The site has a garage and an off street parking for one car in front of this. These existing facilities are unaffected by the development. The Householder Supplementary Planning Document states that two off street parking spaces should be retained, and the proposal complies with the SPD in this regard. No change of use is occurring therefore the Council is not obliged, or able to insist that further off street parking is provided.

In any case, there is ample space for on street parking both on Fern Bank Avenue and Thorn Bank Avenue. The street is reasonable wide with footways either side. Although on a bend, it is not accepted that on street parking would adversely affect road safety conditions to any significant extent. The proposal is therefore considered to be acceptable in terms of its impact on highway safety.

Other issues

Though objectors express concerns that they had no notification of the development, neighbour letters were sent to a number of adjoining dwellings including the dwelling in question, on 30th April 2015. It is clear from the number of responses that residents have had an opportunity to make comment on the proposals.

Concerns have been expressed that having a business here will impact on ability to sell house in future. It is debateable whether this is truly a business. It is understood that most referrals will be in conjunction with Council Social services

As explained above, in planning law, the level of care use is such that no change of use is occurring, and in any case impact on property values is not a material planning consideration.

Community Safety Implications:

There are no known 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 known that the extension and dormer along with the other adaptations and refurbishment work are designed to provide accommodation for people who may have physical or mental disabilities and will enable the individuals concerned to be able to have a degree of independent lifestyle with support at hand.

In accordance with S.149, account has been taken of the needs of a person with protected characteristics. However, the works raise no planning objections and they are acceptable in all respects and when measured against relevant policies and design guidance. The proposals do not depart from any normal planning requirements.

Reason for Granting Planning Permission:

The proposed extension and rear dormer window are considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the proposal upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significantly adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with Policy UR3 and D1 of the Replacement Unitary Development Plan and the Householder Supplementary Planning Document.

Conditions of Approval:

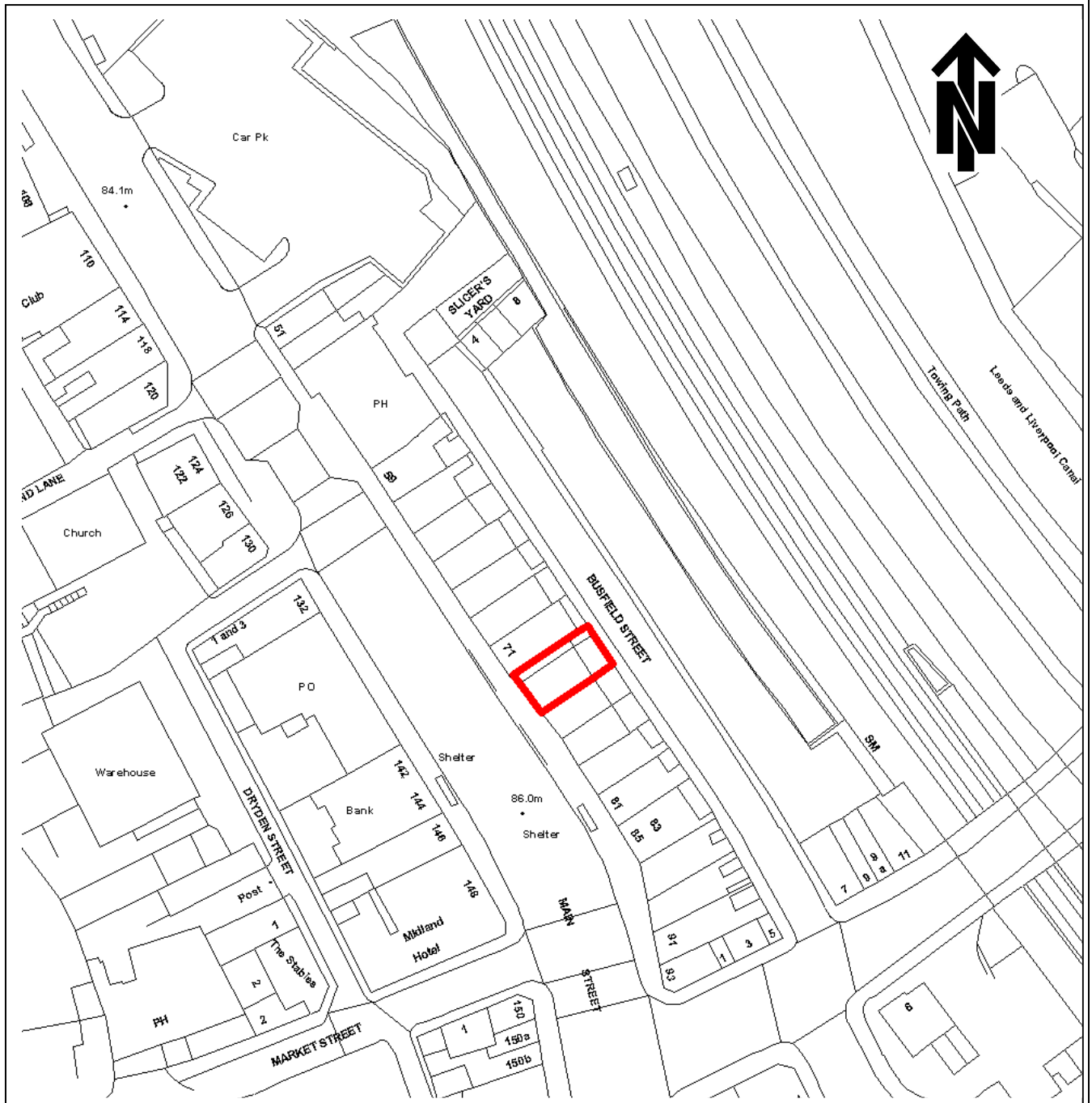
1. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows or other openings shall be formed in the side elevations of the extension without prior written permission of the Local Planning Authority.

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

Area Planning Panel (Keighley/Shipley)

15/02022/FUL

22 July 2015



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<p>ITEM NO. : 2</p>	<p>LOCATION: 73 Main Street Bingley</p>
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22 July 2015

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

Application Number:
15/02022/FUL

Type of Application/Proposal and Address:
Change of use application to convert a Class A1 retail shop to a Class A4 drinking establishment at 73 Main Street, Bingley BD16 2JA.

Applicant:
Mr David Morris.

Agent:
A Redmile Architectural Design

Site Description:
The application property is a two storey building abutting the north side of Main Street in the town centre of Bingley. Main Street is a well used thoroughfare and bus route. There is a shop display window at ground floor level. The shop is small and currently disused, being last in use as a mobile phone/computer repair shop. It is in a row of commercial premises. To one side is a jeweller's shop, to the other is a hot food takeaway. There are various A1 shops, takeaways and a public house along the same row. Across the Main Street is another public house (The Locks) and a bank. Behind the properties is Busfeild Street – a cul de sac road giving access to the backs of the property and a number of properties along the Main Street - including upper floor flats further to the west of the site. The site is in Bingley conservation area.

Relevant Site History:
11/04495/FUL: Change of use from A1 shop to A5 Hot Food takeaway with internal extraction flue. Refused 09.01.2012.
15/00975/FUL: Change of use from A1 to A4 drinking establishment. Refused 28.04.2015.

Replacement Unitary Development Plan (RUDP):
Allocation
Bingley Conservation Area – Policy BH7
Bingley Town Centre – Policy CT1
Bingley Centre Shopping Area – Policy CR1A
Bingley Local centre – Policy CL1

Proposals and Policies

UR3 Local Impact of Development

D1 General Design Considerations

BH7 Development in Conservation Areas

CR1A Retail development in Town Centres

CL1 Leisure and Entertainment Development within City, Town and District Centres

CT5 Non retail uses in primary shopping areas

TM11 Car Parking Standards

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

Not in a Parish Council area.

Publicity and Number of Representations:

Publicised by site notice and neighbour letters to 19.6.2015. Eight objections have been received.

Summary of Representations Received:

- 1. This is a resubmission of a previously refused application for change of use. There were clear objections by residents, neighbours and the Council. The application has not changed and should be refused again.
- 2. The application now includes the 1st floor so the use would be bigger. It also brings in the passage way to the side, which was the access to the flat above. There have been past problems with anti social behaviour in this passage and it will potentially be misused by customers and give rise to amenity problems for neighbours.
- 3. There will be a significant increase in noise from the premises affecting neighbouring properties. Concerns are raised regarding any extraction and ventilation equipment on the rear elevation.

4. The back of the premises is near to the entrance to nearby residential flats and will cause noise, disturbance and nuisance and safety problems for residents if the area is misused and if it causes youths to congregate here. Busfeild Street is presently a quiet street.
5. There will be new and additional traffic movements due to refuse collection and deliveries. Plus the added problem of noise from glass bottle collection and refuse storage.
6. There are enough bars and drinking establishments in Bingley, including new ones. More retail units are needed to encourage people to visit Bingley town centre, not just on an evening. Another drinking establishment will have an adverse impact on the character and attractiveness of the town centre as a shopping destination.
7. The proposed hanging sign will block a view of the sign for the adjoining business.

Consultations:

Highways Development Control – The change of use is unlikely to have any material impact on the highway, being in the town centre. There are no highway objections.

Environmental Health Officer – Raises no objections to the proposed use.

Drainage Officer – Has no comments to make.

Conservation Officer – The building is not a key unlisted building but does make a positive contribution to Bingley Conservation Area. The proposed new use would not be out of place in this locality so there are no objections. The existing security shutter spoils the shopfront, presenting an unwelcoming and neglected appearance. The applicant should be asked to remove it as it harms the character and appearance of the conservation area. Less visually oppressive security measures should be used, if they are needed.

Summary of Main Issues:

Previous refusal.

Impact on amenity of occupiers of adjoining properties.

Principle of A4 use in the town centre.

Impact on character and appearance of the conservation area.

Highway safety.

Appraisal:

The application proposes change of use from an A1 retail shop to an A4 drinking establishment. It is situated on the north side of Main Street in part of the town centre that has a wide variety of uses including conventional shops, restaurants, hot food takeaways, banks, an amusement arcade, financial services and other bars and public houses. In addition, it is known that there are several residential flats above some of the buildings nearby. There is an A5 hot food takeaway immediately adjoining the east side of the application property and a public house (The Locks) is directly across the street.

Previous refusal

A previous application for change of use to A4 use as a drinking establishment was refused on the grounds of noise and the disturbance it was feared would be generated, by such a use including from within the premises and due to the comings and goings and congregation of customers. It was felt this noise and disturbance would be detrimental to the amenity of occupiers of nearby residential properties, including a flat that was directly above.

However, the applicant has now resubmitted the application with new information and new proposals to address the previous concerns. In particular there have been three significant material changes in circumstances which are as follows:

1. The residential flat that used to be directly above the proposed bar has now been vacated and the upper floor is controlled by the applicant and included within the application. There will be no residential flat above the bar and, instead, the applicant shows the 1st floor being used for ancillary customer toilets, staff facilities, staff office and an ancillary meeting room.
2. The applicant has clarified an intention to insulate the party walls and ceiling, providing details of proposed acoustic insulation to walls at both 1st and ground floor levels and a proposal to install a false ceiling with 2 layers of sound insulation between this and the 1st floor.
3. The applicant has stated clearly that, despite objections and fears expressed by local residents, there was never any intention to allow customers to use the back yard on Busfeild Street as a beer garden or smoking area, and there is no intention to permit use by customers of the passage way at the side of the premises. The rear door will not be used by customers and the side door and the metal gates to the side passage will be kept closed by the operator except to allow emergency egress.

In addition the applicant has clarified the intended size and nature of the proposed bar.

The size of the intended bar area is small – 45 sq metres. The proposed A4 use is one of a new category of “micropubs”. These are independent of large breweries or conventional pub companies and aim to source locally brewed drinks. The applicant intends to also focus on serving as a coffee shop in the morning hours. The capacity of the bar is such that it will accommodate a maximum of around 30 people. The aim is to provide a quiet environment with no juke box music. The applicant has said there is no intention for it to become part of a drinking circuit and he does not intend to open beyond 11 pm – even at weekends.

Impact on the amenity of occupiers of adjoining properties

The residential flat that was directly above the proposed bar was a significant factor leading to the previous refusal. However, the tenant has moved and the upper floor is now in the control of the applicant. It will be used to provide toilets and ancillary staff facilities to the A4 use. A meeting room will be created and the intention is to offer this facility for use by various local organisations and local charities.

There is therefore no longer any potential for conflict between the proposed A4 micropub and the flat that used to be directly above.

The first floor of the jewellery business to the west is understood to be used for storage or workshop purposes connected to the business, not for residential purposes. This adjoining property is also separated from the proposed A4 use by the intervening passage way. There is known to be a flat above the takeaway to the east of the premises. It is currently vacant. However, noise insulation measures will limit transfer of noise between the ground floor bar and the upper storey flat next door. Furthermore the intention to close the bar at 11pm will mitigate any impact from noise and activity late at night. The A4 use will have little additional effect on the amenity of future occupiers of the flat over the takeaway compared with the activity associated with the takeaway itself which is understood to have no opening hour restrictions and is to be open until late at weekends.

Several objections are from residents of flats further along Busfeild Street concerned at the gathering of customers on the back street and the noise and safety concerns this would give rise to. However, the applicant has very clearly stated that he has no intention to allow customers to use the rear of the premises. Firstly, it is a very small and unattractive north facing yard, suitable only for waste bin storage. Secondly, it is difficult to access through the bar and the applicant does not want customers to use the back door. It is proposed that a planning condition be imposed to make it clear that the small back yard shall not be used by customers either as a beer garden or smoking area.

With regard to comments about anti social use of the side passage, the applicant is well aware of such concerns but says there is no intention to change the existing arrangement whereby the side passage has metal gates at each end which will be kept closed. The side entrance door, which formerly gave access to the independent flat, would be used only for emergency egress, with all access to the upper floor being via the ground floor.

Finally, deliveries will generally take place during daytime hours when there is activity and deliveries associated with other existing premises along Busfeild Street. The small size of the bar is such that it is unlikely that significant delivery or refuse collection will be needed compared with many retail uses of comparable size. Many daily deliveries would be from the front of the premises. Given the scale of the proposed use, the existing character of the area and the present use of the back street, it is not considered that deliveries or servicing on Busfeild Street would have any appreciable impact on the amenity of nearby residents compared with continuation of retail use.

With regard to concerns about noise from ventilation and extraction systems, it should be noted that there is no kitchen and no proposals to prepare cooked meals so the use will not require the large scale extraction and ventilation systems associated with larger scale A4 uses. If such proposals came forward in the future they would be considered on their merits at that time.

It is significant that the Council's Environmental Health Officer raises no objections to the proposed use, giving general comment only on the need to limit noise and dust during conversion work in accordance with BS 5288. It is considered that the removal of the flat above, plus clearer insulation proposals and clarification of intended hours of operation have resolved the previous reasons for refusal. There has been clarification of the lack of any intention by the applicant to allow use of the back yard and the side/rear entrances by

customers. Subject to the suggested conditions to restrict hours of use; preclude the use of the back yard by customers and implement the proposed acoustic insulation, the proposed use will not have any significant adverse effects on the amenity of occupiers of any adjoining or nearby residential properties.

Impact on the character of the town centre

The premises are in a town centre location where Policy CL1 of the RUDP would give positive support to leisure or entertainment uses as long as these are appropriate to the scale and role of the centre. A4 drinking establishments are appropriate uses in town centre locations and this is a very small scale A4 facility.

Although several objectors consider that Bingley town centre has too many bars and non retail uses, such a stance would be difficult to use to sustain a refusal of this application. There is also a need to safeguard the character of the town centre by providing flexibility and recognising that town centres provide a focus for a range of different retail, leisure, business, entertainment and residential uses. Policy CT5 of the RUDP does aim to maintain a balance of retail and non retail uses, but it only applies in Primary Shopping Locations. The Primary Shopping Area of Bingley is further east around the 5-Rise centre and does not include the application site. Policy CT5 does not therefore apply to this proposal.

In any case, even applying the principles set out in Policy CT5, the impact of this proposal will be relatively insignificant. The size of the bar is stated to be around 45 square metres, it has a narrow frontage and is not on a prominent corner site. The effect of a non retail use at 73 Main Street on the balance of retail and non retail uses or on the continuity of shopping frontage will not be substantial or significant. The north side of Main Street would continue to have a diversity of commercial uses, retaining retail shops alongside other appropriate uses including drinking establishments.

The previous use was not refused on grounds of the loss of retail use and, once again, it is considered that the scale and location of the property is such that bringing this vacant unit back into productive use for an A4 purpose could not be shown to be harmful to the attractiveness or vitality of Bingley Town centre. Indeed, because the applicant intends to operate as a café from 9.00 am onwards, and then as a bar in the evening, the new micropub use would bring vitality to the frontage for much more than just the evening.

Impact on Bingley Conservation Area

The Council's Conservation Officer has no objections to the proposed use which it is recognised would restore vibrancy to the frontage and is compatible with the general character of this part of Bingley conservation area. The Conservation Officer has pointed out that the existing security shutter is a poor feature of the frontage and detracts from its appearance. It is not certain when this shutter was authorised.

The applicant initially proposed to paint the shutter black in accordance with the colour scheme for the shop window and door frames. However, the scheme presents an opportunity to remove the shopfront entirely so as to restore and enhance the contribution of the shopfront to the character of the conservation area. Less visually oppressive security solutions should be considered, if these are needed. The solid shutter would no longer seem necessary to protect an A4 bar use. It is therefore proposed to impose a condition to require its removal in the interests of the conservation area.

Impact on Highway Safety

The premises directly abut Main Street and have no off street parking facilities. However, the premises are in Bingley town centre which has nearby town centre public car parks and good public transport links. A bus service passes the site. It would be envisaged that most customers will park elsewhere in the town centre or use public transport or walk to the site. Normal policy is not to require off street car parking for new town centre uses. The Council's Highway Officer has no objections to the proposed use and the proposal accords with normal policies relating to town centres.

Community Safety Implications:

None.

Equality Act 2010, Section 149:

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

It is noted that level access to the premises is provided from Main Street and that a ground floor WC for disabled users is incorporated as part of the layout.

Reason for Granting Planning Permission:

The use is an acceptable one in this town centre location and will not significantly affect the balance of retail and non retail uses in a Primary Shopping frontage. The previous reason for refusal has been overcome by material changes in circumstances and new information. Subject to the suggested conditions to control hours, require implementation of acoustic insulation and control use of the rear of the premises the proposed use will not significantly or adversely affect the amenity of occupiers of adjoining properties. The proposal will cause no harm to the character or appearance of the conservation area. It accords with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.

Conditions of Approval:

1. The premises the subject of this decision shall not be open for business between the hours of midnight and 0800 and no customer shall be served or otherwise make use of the premises between these hours.

Reason: In order to safeguard the amenity of nearby residents and to accord with Policy UR3 of the Replacement Unitary Development Plan.

2. Before the premises are brought into use for the purpose hereby approved, the proposed means of acoustic insulation to the party walls and the new, acoustically insulated ceiling shall be carried out in accordance with the details contained on drawing 14-015.05.

Reason: In the interests of the amenity of occupiers of the adjoining properties, and to accord with Policy UR3 of the Replacement Unitary Development Plan.

3. The yard to the rear of the premises shall be used only for waste bin and other storage purposes ancillary to the A4 use and shall not be used for purposes of customer seating, or as a beer garden or smoking area.

Reason: To safeguard the amenity of occupiers of residential properties further along Busfeild Street to accord with Policies D1 and UR3 of the Replacement Unitary Development Plan.

4. Before the premises are brought into use for the purpose hereby permitted, the waste bin storage facility shall be implemented in accordance with details shown on drawing 14-015.04.

Reason: To ensure satisfactory provision of waste storage arrangements and to accord with Policy D1 of the Replacement Unitary Development Plan.

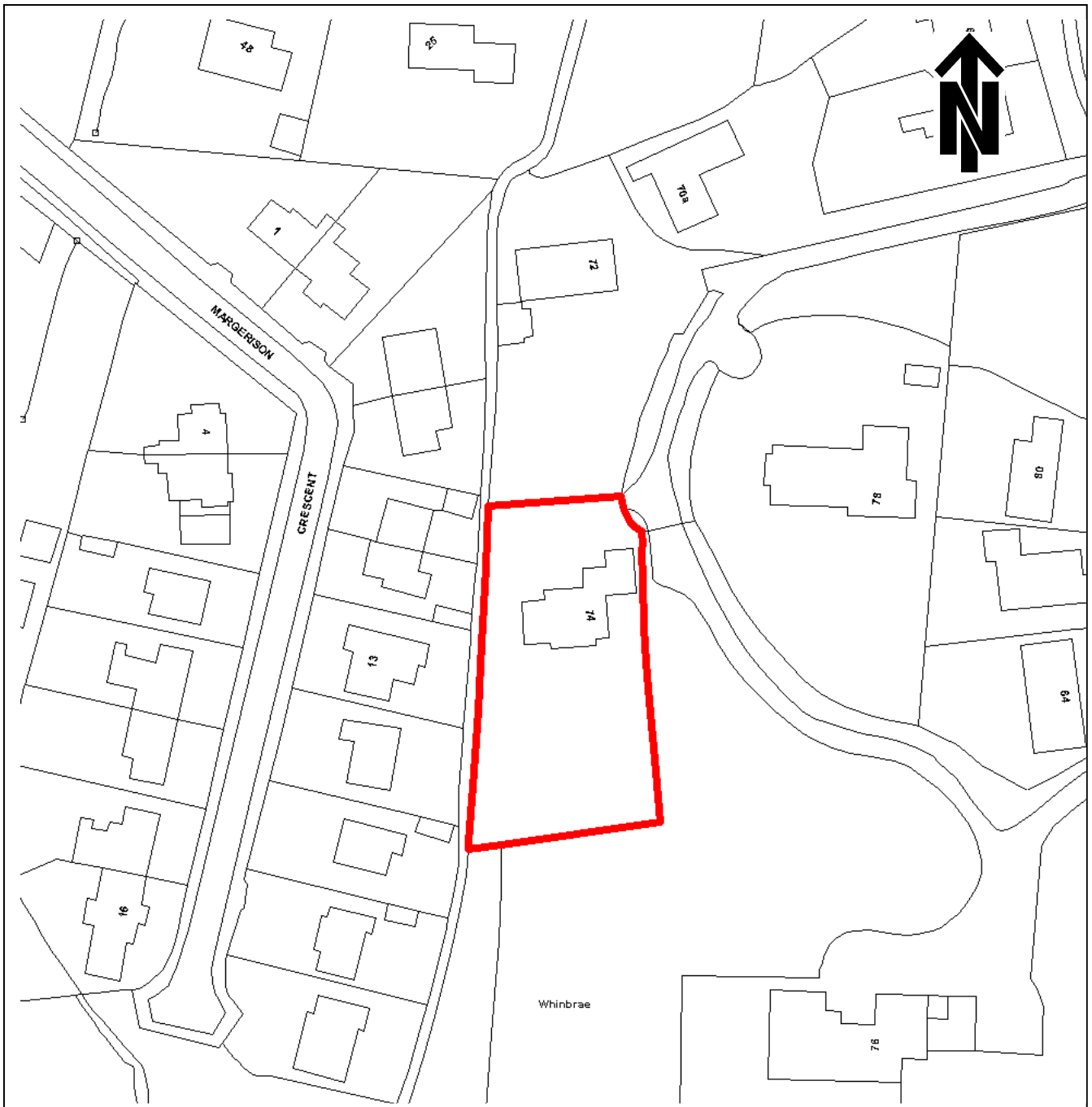
5. Before the premises are brought into use for the purpose hereby approved, the existing security shutter and its housing shall be removed from the front of the premises.

Reason: To preserve and enhance the character and appearance of the Conservation Area and to accord with Policy BH7 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

15/01676/HOU

22 July 2015



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ITEM NO. : 3	LOCATION: 76 Wheatley Lane Ilkley
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22 July 2015

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

Application Number:
15/01676/HOU

Type of Application/Proposal and Address:

A householder planning application for external and internal modifications; including increasing the height and modification of the roof; a front gable extension and alterations to the bay window; removal of existing double garage and the construction of a single storey side extension at 76 Wheatley Lane, Ilkley, LS29 8SF.

Applicant:

Mr Mathew Turner

Agent:

Mr Simon Cape

Site Description:

The application proposes enlargements and alterations to a large detached rendered property under a concrete tile roof. The property is located in spacious grounds in the Ben Rhydding area of Ilkley. It is accessed by a private drive leading off Wheatley Lane which serves two other detached properties. The area is residential and comprises of a large mix of dwelling types with detached and semi-detached properties and a variety of materials evident in the locality.

Relevant Site History:

No previous planning applications recorded for this property.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

Policy UR3	<i>The Local Impact of Development</i>
Policy D1	<i>General Design Considerations</i>
Policy TM19A	<i>Traffic Management and Road Safety</i>

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 refusal by reason that there are no other 3 storey buildings in the area. The increase in the ridge height will result in loss of privacy to the neighbouring properties and will result in a development which will not be in-keeping with the surrounding area.

Publicity and Number of Representations:

The application was advertised by neighbour notification letters. The publicity period expired on 8 June 2015. Seven representations of objection have been received

Summary of Representations Received:

- The increase in the height of the dwelling will result in overshadowing, loss of light and loss of privacy.
- Windows and balconies will result in a loss of privacy.
- The property stands in a residential area which comprises of 2 storey dwellings and the addition of a third floor will result in a development which is out of keeping with the character of the area and will dominate the streetscape.
- The roof material is not in-keeping with the materials in the area.
- No objections to single storey side extensions and ample space on plot to extend property rather than increase the ridge height.
- The trees on site are protected with tree preservation orders and are at risk from the development.
- If approved building works should not be carried out at the weekend or in the early morning or evening.

Consultations:

Drainage Section: Have no comments to make.

Trees Team: No objections and no conditions are required if approving the application.

Summary of Main Issues:

Principle of the development.
Impact on local environment and trees.
Impact on neighbouring occupants.
Impact on highway safety.

Appraisal:

The proposal seeks to modernise and enlarge this detached property. The property has had minimal alterations/additions over the years and appears quite neglected. New owners wish to adapt and improve the accommodation.

The proposal does not seek to add a third floor level as objectors have suggested, but rather accommodate further living accommodation (bedroom, dressing room with en-suite and a study) within the roofspace (second floor) of the property. The existing design and height of the roof would be altered by raising the ridge by 1.3 metres and altering the existing hips to gables.

A balcony on the rear elevation was omitted from the proposals early in the process of examining the application.

Impact on the Local Environment

The property is detached and it stands independently on a large plot well away from any neighbouring houses. It is some distance (approx 100 metres) from Wheatley Lane and set behind the semi-detached residential properties on Margerison Crescent. It abuts the gardens of these houses on Margerison Crescent but has little presence in the street scene.

The removal of an attached flat roofed double garage would be visually beneficial. Another garage is retained for the property and the site has adequate space for parking.

The single storey extension proposed to the side is of an adequate scale and design, remaining subordinate to the parent dwelling and being proposed in matching materials.

The other development comprising the new enlarged roof design, the new front gable and the alterations to the bay window will more significantly alter the appearance of the dwelling. The ridge of property will be increased in height by 1.3 metres with a hip to gable addition to the side elevations. To the rear, a 'box style' dormer window will extend across the width of the dwelling.

Scale and Form

The resulting development will have a contemporary design but this, and the resulting bulk of the building, are appropriate for the site and locality. The finished dwelling would be only 1.3 metres higher than the existing and will continue to sit comfortably on what is a generous plot. The properties on Wheatley Lane have no consistent design and no consistent relationship to the road frontage and as such the resulting building form is not considered to have an adverse impact upon the character of Wheatley Lane. The development will be a 4-bedroom house and would remain of a size that is still proportionate to other dwellings in the immediate vicinity.

As 76 Wheatley Avenue is sited behind properties on Margerison Crescent, there are only limited views from this street towards the site. Where views of the dwelling can be achieved (largely between 11 and 13 Margerison Crescent), 76 Wheatley Lane appears independently sited and the view is of the blank gable wall. As such, whilst of a more contemporary design, there remains a clear distinction between the neighbouring dwellings and the application site and as such, it is not considered that any harm to the character of the dwellings on Margerison Crescent would arise.

Margerison Crescent rises north and as such, the dwellings themselves are on different levels. The application site currently has a very shallow roof and the alterations which include the increase in the height of the roof will not dominate or have an overbearing effect on the properties on Margerison Crescent or harm the character of the area.

Design and Materials

The property will be finished in white coloured painted render and the roof material proposed is a 'dark grey standing seam zinc'. Render is a common feature in this residential suburb and the existing house is faced in an unremarkable dark grey pebbledash. The white coloured render is appropriate and acceptable. The standing seam zinc roof is a contemporary design feature but the finish of such roofs gives a matt grey appearance which is not dissimilar to a grey slate. There is a wide mix of roof materials in the area including concrete tiles of various colours. The application dwelling is sited independently of any neighbouring dwellings so the proposed roof materials would not have to be the same as any adjoining buildings and are considered appropriate and sympathetic to the general contemporary design approach.

The proposal is considered to be appropriate to the character of this area and the design, scale, materials and form of the resulting building would satisfy Policy D1 of the Replacement Unitary Development Plan.

Impact on neighbouring occupants

Daylight

Whilst there is a change in level between the application site and dwellings on Margerison Crescent, the development will retain a distance of a minimum of 15 metres to the rear elevation of the nearest properties on Margerison Crescent. This degree of separation will allow a continued level of light to reach the properties and prevent any concerns with regard to dominance with the overall height of the dwelling in-keeping with average heights for properties in the area.

Although neighbours say the increased height and gable treatment will adversely affect daylight to their homes and gardens, a detailed 'Overshadowing Study' has been submitted with the application. This acknowledges that in the winter months at the hour of 9.30am, there will be a slight increase to the existing overshadowing levels to the rear amenity space of 9 and 11 Margerison Crescent for a duration of only approximately 1 hour per day. There is no adverse impact in summer months and no effect on habitable room windows.

The evidence provided with the application shows only a slight impact on daylight, of short duration, and affecting only garden space for a limited part of the year. It is considered that the impact of the enlargement of 76 Wheatley Lane on the amenity of occupiers of adjoining properties will not be significant. There is no evidence to refute the assessment made by the agent and refusal on such grounds would not be reasonable.

Privacy

76 Wheatley Lane already has a number of windows on the west elevation and a balcony on the rear elevation which allow un-obstructed views toward the properties on Margerison Crescent. However, these are proposed to be removed as part of the proposal so this aspect of the proposed alteration work will therefore improve upon the current levels of privacy for neighbours. The gable facing the gardens of houses on Margerison Crescent would be entirely blank.

In addition, owing to its orientation and distance from the neighbouring properties at 72 and 74 Wheatley Lane, the proposed windows to the front and rear elevations are not considered to alter the existing amenity/privacy levels experienced by the neighbouring dwellings. The rear dormer windows would be elevated at roof level but they would face down the applicant's own garden not towards neighbouring homes. They would not give any direct views towards neighbouring gardens and vegetation along the intervening boundary would maintain privacy.

The development as a whole satisfies the guidance set out in the Householder Supplementary Planning Document and policy UR3 of the Replacement Unitary Development Plan.

Impact on highway safety

There are no apparent highway safety implications from this development, with ample off street parking spaces available. The development satisfies policy TM19A of the Replacement Unitary Development Plan.

Consideration of other representations - Trees

There are a number of protected trees on site. However, these are around the perimeter of the site and they are not close to the proposed extension and alteration work. The single storey side extension is the closest element of the development to the root protection areas of the trees but there is still a generous gap between the development and the trees and there is ample space on site to store machinery and building materials. Thus it is extremely unlikely that the work would have any impact on any of the protected trees evident on the application site. The Council's Arboriculturalist has raised no concerns about the proposal and has not requested any specific tree protection conditions because of the degree of separation between the work and important trees.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed development is considered to relate satisfactorily to the existing dwelling without being detrimental to the character and appearance of the neighbouring streetscene, parking demand and the amenities of neighbouring occupiers. As such this proposal is considered to be in accordance with Policies D1, UR3 and TM19A of the Council's adopted Replacement Unitary Development Plan (2005).

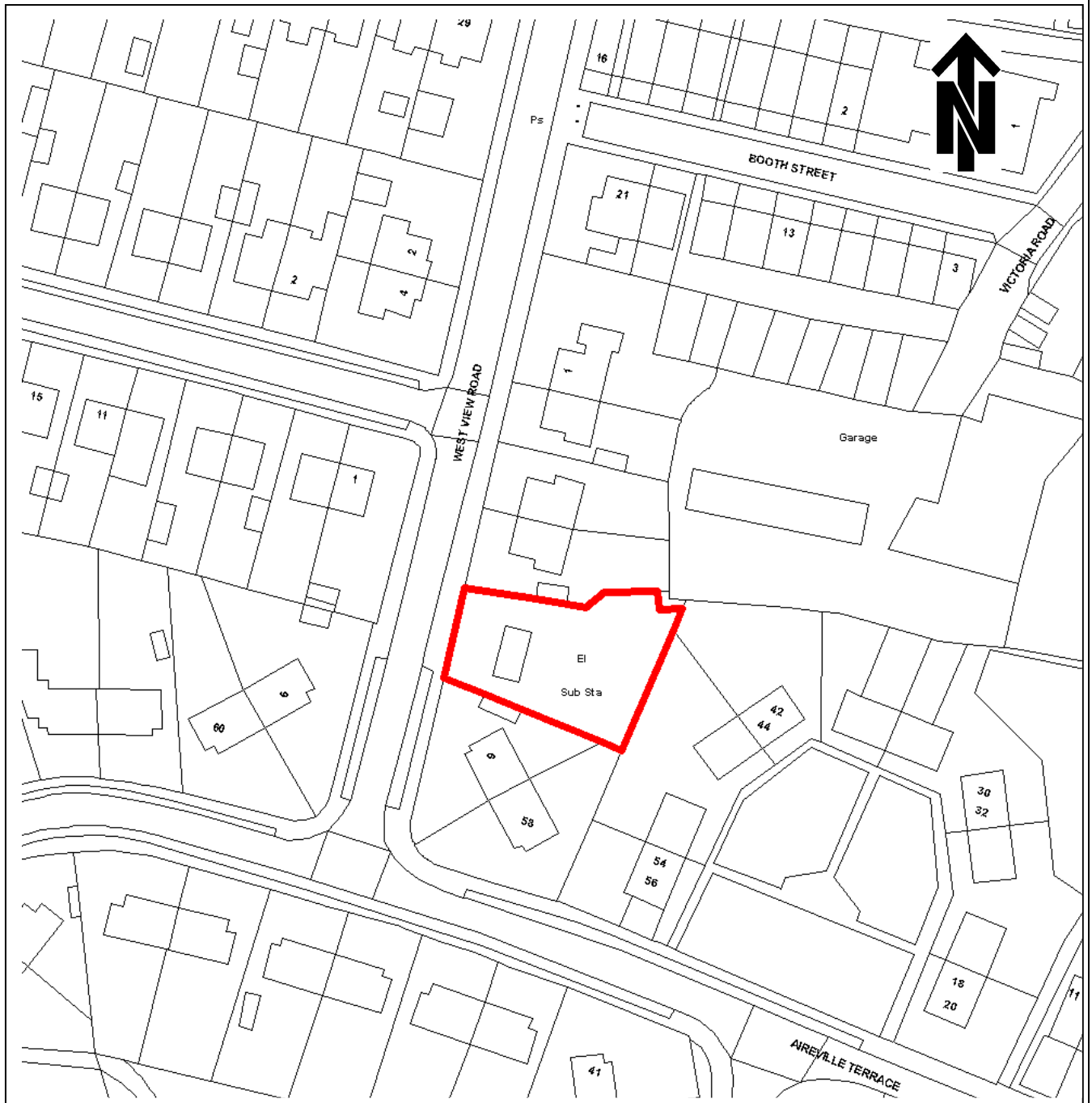
Conditions of Approval:

1. Standard Condition – development to be begun within 3 years.
-

Area Planning Panel (Keighley/Shipley)

15/01683/OUT

22 July 2015



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ITEM NO. : 4	LOCATION: Electricity Sub Station West View Road Burley In Wharfedale
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22 July 2015

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

Application Number:
15/01683/OUT

Type of Application/Proposal and Address:
Outline planning permission for two semi detached houses on land at West View Road, Burley-in-Wharfedale, Ilkley, LS29.

Applicant:
Bradford Council (Department Of Regeneration)

Agent:
West and Machell Architects

Site Description:
The site is located on West View Road in a suburban area of Burley-in-Wharfedale, to the south of the Main Street. The site was once occupied by a sub-station, but this has been demolished and re-built on a smaller plot of land to the north east corner of the site. The cleared site is approximately 468.2 sq metres which is mainly grassed. There are no trees or other landscape features on the site. Either side of the site are existing semi-detached houses. To the rear is a 2- storey maisonette development. There is a very slight slope across the site from west to east. A 1100 mm metal fence bounds the majority of the site and a timber fence supported by concrete posts is now in place along the boundary with West View Road.

Relevant Site History:
11/00532/OUT: Outline permission for construction of 2 new semi-detached dwellings GRANTED 31.03.2011.

12/00511/REM: Reserved matters application following 11/00532/OUT seeking approval for: new sub-station shown to the north east corner of the garden to dwelling, access shown to the sub-station and parking to dwelling re-located to their rear garden GRANTED 03.04.2012.

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated.

Proposals and Policies
UR3 The Local Impact of Development
D1 General Design Considerations
TM2 Impact of Traffic and its Mitigation
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:

Burley in Wharfedale Parish Council - recommends approval.

Publicity and Number of Representations:

The proposal has been advertised by site notice and neighbour letters. No representations have been received.

Summary of Representations Received:

None received.

Consultations:

Highways Development Control - No objections, recommends standard conditions to ensure provision of the off street car parking and a dropped footway crossing.

Drainage Section - Development to be drained via a separate drainage system within the site boundary

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. In order to keep the impermeability of the land to a minimum the applicant should investigate the use of porous materials in the construction of the car parking & hard standing areas.

Summary of Main Issues:

Previous permission has been granted.

There have been no material changes in circumstances or planning policy relevant to the proposed development.

Appraisal:

This is an outline application seeking permission only for the access to the development of two semi detached houses. The site once accommodated an electricity sub-station but this has been relocated to one side of the site. The application site is now a fenced and cleared area of land that is within a residential area with other semi detached dwellings being the prevalent form of housing in the locality.

As seen from the site history, the site has previously had the benefit of outline planning permission and reserved matters approval for the same development but these permissions have now expired. This application seeks to renew the outline permission previously granted under 11/00532/OUT.

Principle of residential development

The indicative layout shows two semi detached dwellings centrally located on the site, retaining space to the side boundaries and the dwellings on either side. The layout shows that two semis of this size could be accommodated on the site without appearing overly cramped or intrusive in the street scene.

The parking is shown to the front of the dwellings which is in keeping with the surrounding area where several other dwellings along West View Road have the same parking layout.

The proposal is compatible with the adjoining development and, subject to control of height, design and materials at the reserved matters stage, two dwellings could be fitted comfortably onto what is a cleared infill plot in the built up area without detriment to local amenity or character. The proposal complies with Policy D1 of the RUDP.

Impact on the amenity of occupiers of adjoining dwellings

Detailed design and scale are reserved for later approval but the indicative layout shows that the site can be developed without causing privacy or overlooking of neighbouring properties. It is likely that the main habitable rooms would face front across the street or rear onto a reasonably sized garden. The side walls of the adjoining houses include only secondary doors and windows and the dwellings to the rear of the land are located some distance away. Subject to the later control of design details, there would be no significant overshadowing or impact on the outlook or privacy of any occupiers of the neighbouring properties.

The proposal would not harm the amenity of any occupiers of adjoining land and complies with policy UR3 of the Replacement Unitary Development Plan.

Highways

The Highways DC Officer raises no objections to the principle of development or the proposed means of access from West View Road. Standard conditions are recommended to ensure the provision of the domestic parking, dropped crossing and to ensure that no gates open over the adjoining highway. The proposal therefore accords with policies TM2, TM12 and TM19A of the RUDP.

Conclusion

There have been no material changes in policy or local circumstances since the previous grant of permission. The introduction of the National Planning Policy Framework since 2011 has been taken into account, but this sets a presumption in favour of sustainable development, and would be in support of this small residential infill development in a well located part of the village.

No objections have been received to the application and Burley Parish Council supports the application.

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.

Reason for Granting Planning Permission:

The application has demonstrated that the site can accommodate two semis and this development can be safely accessed without causing significant harm to the character and appearance of the street scene or to the amenity of occupiers of any neighbouring properties. As a result the proposal would comply with the requirements of Policies UR3, D1, TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

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) appearance,
- ii) landscaping,
- iii) layout,
- iv) and scale

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

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

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

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

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

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

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

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

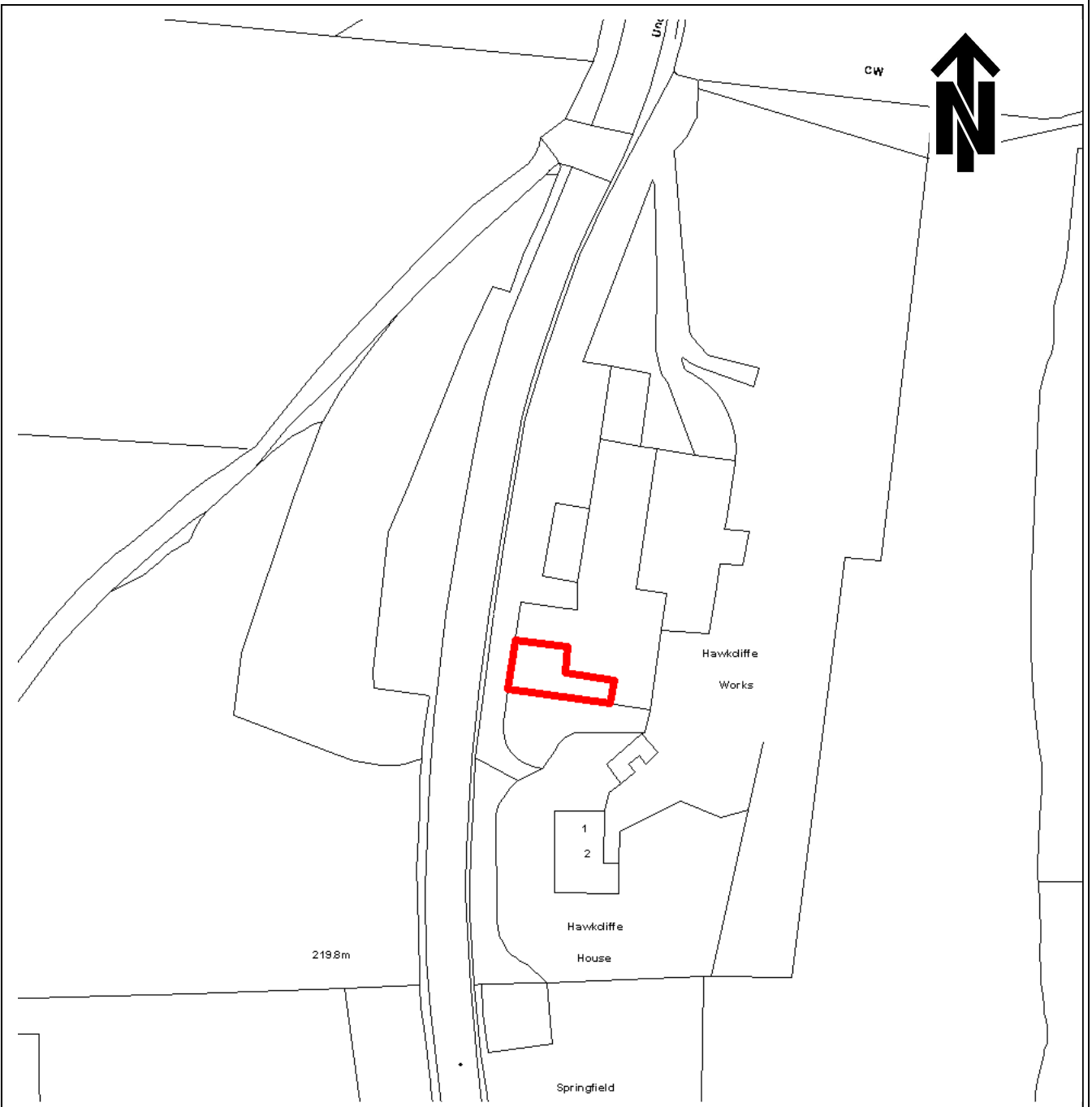
7. Before the development hereby permitted is brought into use, a dropped footway crossing in the highway shall be constructed to the Council's approved specification.

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

Area Planning Panel (Keighley/Shipley)

15/02204/FUL

22 July 2015



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ITEM NO. : 5	LOCATION: Hawkcliffe Works Keighley Road Oxenhope Keighley
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22 July 2015

Item Number: 5
Ward: WORTH VALLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
15/02204/FUL

Type of Application/Proposal and Address:

Full planning application for the change of use of B1 Office Premises to a Private Hire Control office at Hawkcliffe Works, Oxenhope, Keighley, BD22 9SY.

Applicant:

Mr Din

Agent:

AA Planning Services

Site Description:

The site comprises 3 rooms and an ancillary toilet and lobby at 1st floor level within a large former mill works building. The Hawkcliffe Works have for many years been in a mixed use of business offices, storage, leisure and other commercial uses. The site is located on Hebden Road opposite an informal lay-by/parking area on a stretch of road which links Oxenhope to Haworth and Crossroads. The premises occupy a fairly open and quiet position in the Green Belt but there are other buildings (mainly dwellings) scattered in the vicinity. The character of the area is semi rural.

Relevant Site History:

No previous applications relevant to these 1st floor rooms.
Last recorded planning application for the wider mill complex was in 1996.

Replacement Unitary Development Plan (RUDP):

Allocation

Green Belt

Proposals and Policies

TM11 – Parking Standards (non residential)
UR3 – Local Planning Considerations
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:

Oxenhope Parish Council objects to the application on the grounds of highway safety. Hawkcliffe works is located on a very dangerous bend which (it says) has already seen one fatal accident within the last two years. The current speed limit of 40 mph and the potential of more vehicles exiting the site would only exacerbate highway safety concerns.

Members of the Parish Council confirmed that if the planners were minded to approve the application then determination must be undertaken at a Planning Panel meeting.

Publicity and Number of Representations:

The application was publicised with a site notice and letters to adjoining properties. 32 objections have been received from 25 addresses

One objection received from a ward councillor

12 letters of support from 8 addresses have been received

Summary of Representations Received:

1. Highway Safety concerns due to lack of parking, increased vehicle movements and conflict with pedestrians. Site is at a dangerous position in the highway. The mill is situated on a high speed road on two blind bends where there have been many accidents and one fatality. It is difficult to cross the road at any time. There is not enough parking.
2. Impact on residential amenity of occupiers of nearby houses due to noise and antisocial behaviour associated with a private hire use and proposed 7 day a week, 24 hour operation. Hebden Road is quiet on an evening and night time, but if the proposed plan goes ahead this will inevitably cause unwanted noise throughout the night.

3. Community safety concerns regarding the use of shared facilities in the building and the impact on other businesses and existing users due to 24 hour presence. Other businesses are concerned that having a taxi office running 24 hours a day for 7 days a week would pose a number of problems for existing businesses at the site because the car park which customers of other businesses use will be full of taxis. Secondly they are concerned that classes run at the site will be interrupted by a phone constantly ringing in the next office.
4. Residents and businesses are also concerned about drunk customers of the private hire taxi firm trying to book taxis at the office whilst we have children turning up for karate classes.
5. There is inadequate parking at this site and will result in cars being parked outside our houses as residents of Hebden Road. There will be car doors banging at all hours, talking and engine noise.
6. The taxi office is not needed as there is adequate provision already in the area.

The letters of support can be summarised as follows

1. There is a need for a new taxi service as the area is not currently well served by taxis and public transport. There is only one local taxi firm which covers the area, and another taxi service locally would be a god send. The buses from Oxenhope to Keighley only run 1 per hourly, there are no buses to Stanbury after about 7:00 pm so private hire services are valuable.
2. This application is not against any other private hire business - it is simply a opportunity for the public to have more variety in selecting their travel and have the peace of mind that their taxi will be there on time.
3. It will create jobs.
4. People without internet access would not know about the proposal or be able to comment.
5. The site is suitable for such a use and the road is not that busy.

Consultations:

Highways Development Control Section – A private hire business of the size indicated would normally require 5 parking spaces. It is now accepted that the lay-by opposite is owned by the mill and require that the use can provide five dedicated parking spaces off the highway.

Drainage Section – No comments to make.

Summary of Main Issues:

Procedural matters
Impact on Highway Safety
Impact on Residential Amenity
Response to other objections

Appraisal:

The application is for the change of use of these 1st floor premises to a private hire control office. The current use has been as a business office (use class B1). A private hire control office is classed as sui generis. The application forms indicates a floorspace of 45 sq metres.

Procedural matters

The application was initially described as being for the use of the building for private hire taxi booking office. However, the applicant has since confirmed that booking will only be taken over the telephone or internet. Instructions and details will then be relayed by a controller at the office to drivers using radio and/or modern PDA computer software. The applicant has said there is no intention to create a waiting room or to deal with passengers who just call at the office. The description of the proposal has therefore been changed to use as a private hire control office.

It is accepted that given the remote location of the site and the position of the office at 1st floor level, the potential for many customers to be calling at the office looking for a ride would seem very limited. It is accepted that the intention is not to take direct face to face bookings or allow customers into the building and a planning condition has been imposed on previous appeal decisions to preclude the establishment of any customer waiting facilities.

However, it is inevitable that the office would attract drivers taking a refreshment break or wanting to use toilet/washroom facilities between fares. The plan shows 3 sizeable rooms indicating that there would be space to use for a drivers' rest room.

According to the application, the business will employ 15 full time staff and 2 part time staff. Elsewhere the applicant says there would only be 2 staff in the office at weekends and one during the week. It is presumed the other staff will be the private hire drivers.

The stated intention is to operate the office 24 hours a day, 7 days a week.

Impact on highway safety

The site is located outside the main town or village centres and is on a stretch of road with a 40mph speed limit. The road is a well used route linking Oxenhope to Haworth and Crossroads. Neighbours and others have objected to the proposal on highway safety grounds. Neighbours feel that the increase in vehicle movements along this stretch of road will have highway safety implications and result in conflicts between vehicles and pedestrians.

No information has been received to determine how many additional vehicles will use the road. Submitted information is somewhat contradictory, claiming there will only be 6 private hire vehicles but saying up to 15 full time staff are involved. It is assumed that the 15 staff will operate on a rolling shift pattern to cover the 24 hour period and 6 drivers will be working at anyone time.

The Council's Highway Officer has advised that for developments of this type, parking standards set out in the Replacement Unitary Development Plan would require 5 dedicated parking spaces. No differentiation is made between satellite control offices and booking offices. The parking standard is based on likely demand by drivers.

The applicant has indicated that 6 off street parking spaces are available for use by the private hire business in the informal lay by opposite the site on the west side of Hebden Road. Initially, the Council's Highway Officer was concerned that these were outside the control of the applicant but, after checking records, he is now satisfied that these spaces are part of the mill complex. Providing they are included within the red line boundary of the site on the submitted plans the Highway Officer has no objections in terms of highway safety.

It seems clear from the objections that these informal spaces across Hebden Road are also used by other businesses operating in the Hawkcliffe Works. Some businesses have said that the spaces are essential for customers to be able to safely park and also for parents to be able to drop off children attending various classes in parts of the complex. However, the verge and lay by are generous and even if 6 spaces were taken up by taxis there would still be space elsewhere along this land for other users.

No further details about the proposed car parking spaces and how they might be reserved for the exclusive use of the private hire office have been provided at the time of writing this report. As the business will operate for 24 hours a day, 7 days a week, local residents point to potential for conflicts with other businesses and a likelihood of the available off street car parking being oversubscribed at certain times causing parking to spill onto the busy main road.

The applicant says the only people present in the office will be the radio/PDA operators, one during the week, and 2 at weekends. He says drivers will not be returning to the office to collect customers, and that the office door will remain locked at all times so drivers will not be permitted to call in to use the toilet etc. However, this seems unrealistic. Practically all private hire uses provide rest, refreshment and toilet facilities for drivers to use between fares and it seems improbable that drivers will not seek to visit the office from time to time. Indeed, if the office was providing space solely for one or two private hire controllers to sit, there would be no reason for the application to include the 3 sizeable rooms and ancillary space shown on the submitted drawing.

It would be possible to impose a condition to ensure that no waiting room facilities or access by customers are provided. However, the enforcement of use of the facility by private hire drivers using refreshment and toilet facilities or waiting between fares would be unreasonable and difficult for the Local Planning Authority to monitor.

Nevertheless, if the private hire cars are not collecting customers from the site, the number of visits to the site will generally be limited to quiet times of day, and the peak demand on parking space by private hire cars would not necessarily coincide with peak demand from other users. Observations suggest that there is sufficient parking to support the existing uses at the site and provide the necessary parking for the drivers. On balance, now that the available parking spaces have been identified, and subject to a condition to prevent establishment of any customer waiting facilities, it is not considered that the proposal will result in conditions prejudicial to highway safety.

Impact on residential amenity

Many concerns have been raised by surrounding residents regarding a 24 private hire operation and noise and disturbance from car doors and voices late at night as well as attracting anti social behaviour. However, this may be based on an assumption that customers will be booking cars or being collected direct from the site at unsocial hours. The applicant has now given an assurance that there is no intention to do this and given the position of the site in an isolated rural location it does not seem very likely that any customers would be passing by.

In addition, although scattered dwellings are located in the vicinity, the position of the proposed office relation to the nearest residential properties is such that it seems unlikely that the additional movements of private hire vehicles would significantly affect the amenity of neighbouring residential occupiers.

The applicant's argument that no customers or will be using the building are probably correct and this could be prevented with a planning condition forbidding the establishment of a customer waiting room or booking counter.

It is accepted that drivers will be using the building, but the noise and disturbance from drivers and conflict with other businesses could be managed by the operator and will probably be less than objectors envisage as the business would be limited in scale. Objectors also refer to feared disturbance to other businesses from telephones/radio control, but it is not accepted that noise from ringing telephones or the voices of radio controllers would appreciably affect other business occupiers compared with any other B1 office use of the site.

It is not proposed to oppose the application on grounds of any significant impact on the amenity of neighbouring occupiers.

Other Issues

The site is a unit within a former mill which has been split up into smaller units rented individually in a variety of uses. It is unclear what the current use of the building is but the units are marketed as storage or offices. Concerns have been raised by other users about the use of shared facilities, the impact on vulnerable people using or visiting other businesses. Providing access to the building is limited solely to employees and no waiting facilities for customers are established, it should be fairly simple for the operator to control who can access the building.

There will be no external alterations or extension to the building so the proposal will have no impact on the appearance of Hawkcliffe Works.

There are no implications for the openness of the Green Belt as it involves only a change of use of a long established, existing building.

Comments have been made regarding inaccuracies on the form and presence of asbestos. However, the application does not propose any structural changes so these comments seem immaterial to the consideration of this application.

The objectors and supporters have differing views on whether there is a need for a taxi booking office in the area. However, this is a competition matter and is not material to consideration of the application. The NPPF suggests that local planning authorities should encourage enterprise and choice - providing this does not have an unacceptable planning impact.

Community Safety Implications:

The impact on community safety has been considered in the appraisal but it is not considered that there are any implications from this use.

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 application has been assessed and on balance it is not considered that the proposal will have an unacceptable impact on local amenity or highway safety. The proposal is acceptable in terms of policies GB1, UR3, TM11 and TM19A of the replacement Unitary Development Plan and the guidance contained within the NPPF.

Conditions of Approval:

1. The private hire office hereby permitted shall only be used for the control of private hire vehicles by means of telephone, radio or internet. No facilities shall be provided in the premises that could be used as a booking counter or as a waiting facility for customers.

Reason: In the interests of the amenity of occupiers of adjoining properties and highway safety. To accord with Policies TM11, TM19A and UR3 of the Replacement Unitary Development Plan.

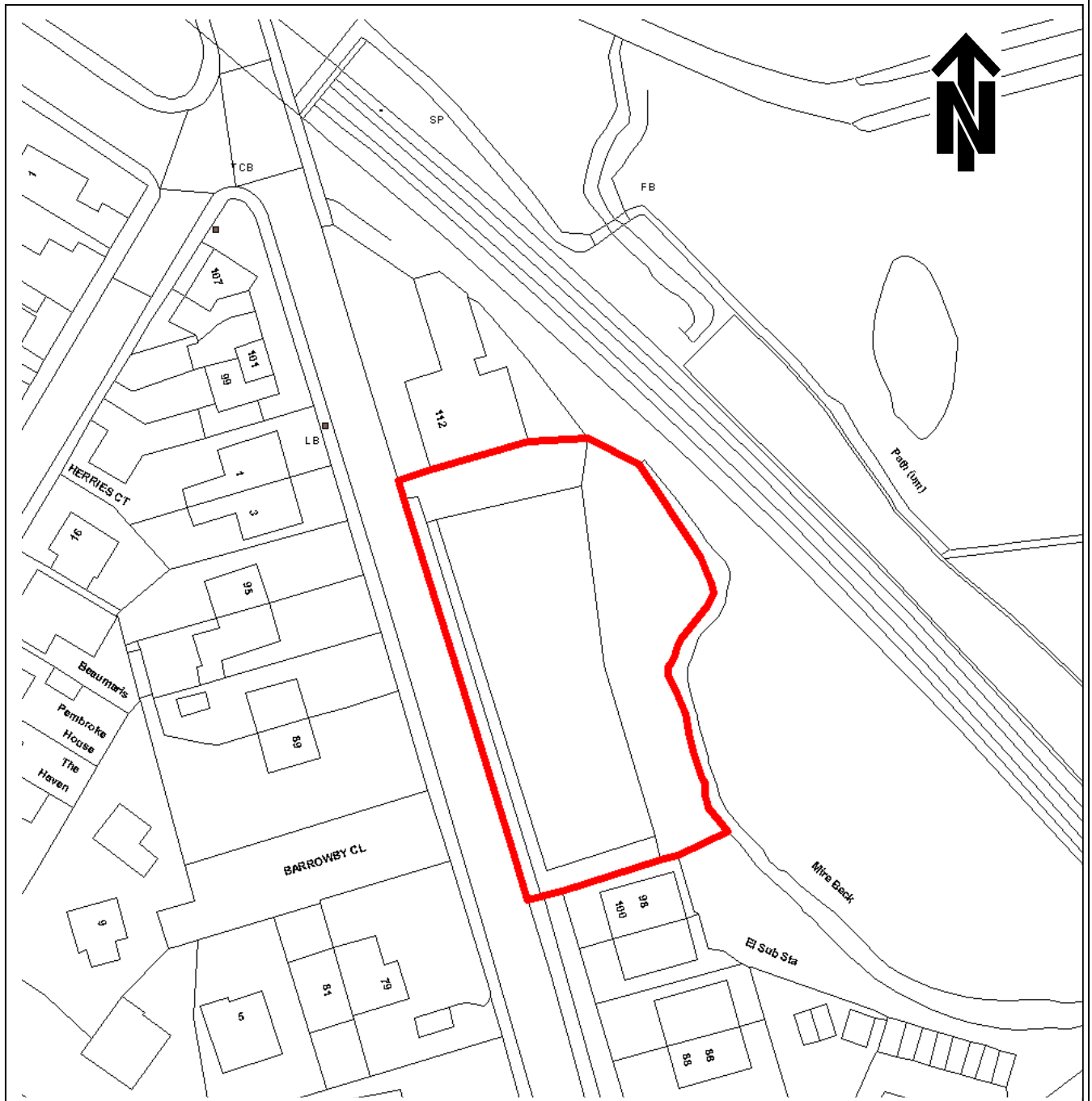
2. Prior to the use of the unit as a private hire control office commencing, 6 spaces for the sole use of the business shall be laid out within the site as specified on the submitted application. These spaces shall remain available for as long as the use operates.

Reason: 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)

15/01024/FUL

22 July 2015



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ITEM NO. : 6	LOCATION: Land South Of 112 Bradford Road Menston Ilkley
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22 July 2015

Item Number: 6
Ward: WHARFEDALE
Recommendation:
TO GRANT PLANNING PERMISSION
SUBJECT TO A SECTION 106 AGREEMENT

Application Number:
15/01024/FUL

Type of Application/Proposal and Address:

Full planning application for a mixed use development comprising a retail convenience store and four residential apartments with new pedestrian and vehicular accesses and landscaping at land south of 112 Bradford Road, Menston, Ilkley.

Applicant:

Gregory Projects Ltd

Agent:

Mr Graham Connell - Colliers International

Site Description:

The site comprises a vacant rectangular plot of land to the south of 112 Bradford Road. To the north of the site is American Golf retail unit. To the east lies an area of protected woodland along the slopes of Mire Beck which is at lower level beyond a steep bank. Residential property lies directly to the south and across the Bradford Road to the west. Ground levels of the site are set below that of Bradford Road by approximately 1.5 metres.

Menston railway station is nearby at under 500 metres away and a bus stop is in Bradford Road located immediately adjacent the site.

Relevant Site History:

07/07626/FUL: Construction of 5 town houses in two blocks with private access road between. Granted 26.10.2007.

10/05718/FUL: Construction of residential development comprising of 8 no dwellings. Refused 01.02.2011.

11/01533/FUL: Construction of residential development of eight houses. Granted 27.05.2011.

11/01533/FUL: Construction of residential development of eight houses. Granted 27.05.2011.

14/04149/FUL: Mixed use development comprising retail area and five apartments with new pedestrian and vehicular accesses and landscaping. Withdrawn 21.11.2014.

14/03663/MAO: Residential development comprising a three storey block of 14 two bedroom apartments (with layout and access) Granted subject to Section 106 agreement - 03.03.2015.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UR3 - The Local Impact of Development

D1 - General Design Considerations

CR4A - Retail justification

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

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

Menston Parish Council recommends refusal for the following reasons:

The application will lead to parking on Barrowby Close.

Parking on the main A65 will lead to traffic problems.

Danger for pedestrians crossing A65.

Site entrance levels cause concern.

Publicity and Number of Representations:

Publicised by neighbour notification letters, site notice and advertisement in the local press. Expiry date for comments was 10.04.2015. Letters of objection from nine separate addresses including one from a Local Councillor that requests referral to the Panel.

Summary of Representations Received:

The site is unsuited to retail development.

Inadequate access and parking provision.

Conflict with pedestrians including school children.

The A65 is hazardous to cross.

Noise and disturbance for nearby residential properties through increased traffic movements, including early mornings and late at night.

The development will lead to loss of trade from the village stores.

A residential scheme has been approved on the site and would be more appropriate.

Consultations:

Drainage - No objections, suggest standard conditions are attached to require full details of a scheme for foul and surface water drainage.

Highways - Initially unable to support but following discussions with the applicant's agent the proposed scheme has been amended and now addresses the highway concerns raised previously.

Yorkshire Water - No objections raised, suggest that condition be attached requiring details.

Trees Team - The application is acceptable regarding impact on trees. If approving please attach conditions for fencing and tree protection measures.

Summary of Main Issues:

Principle of Development.

Highways and Parking.

Impact on neighbouring residential amenity.

Visual amenity considerations.

Impact on Trees.

Drainage.

Appraisal:

The planning application seeks full permission for a mixed use development comprising 4 two bed flats above A1 retail space comprising 388 square metres floor space. The scheme will include new pedestrian and vehicular accesses with 21 car parking spaces and landscaping. The building would be 2 storey in height and located toward the northern end of the site with vehicular access at the south western end.

The proposal has been submitted following a recently withdrawn application and has been amended in response to previously highlighted highway and tree impact concerns.

Principle of development

The site is a currently vacant and level area below the level of Bradford Road. Several years ago it was used for car storage in connection with a nearby car sales garage.

It is unallocated on the Replacement Unitary Development Plan for the Bradford District. It has recently been granted permission for redevelopment for a residential scheme involving a three storey block of 14 two-bedroom apartments. Previous applications including one for 8 houses and another for 5 have been also approved on the site.

Principle of retail development

The site is outside any District, Town or Local centres but the applicant has set out in their supporting statement a justification and appraisal regarding the introduction of retail floor space outside of a designated local centre as required by Policy CR4A of the RUDP. Reference is also made to the NPPF and its support for sustainable development and support for economic prosperity.

Policy CR4A states that retail development will only be permitted outside of defined shopping areas only if the following criteria are satisfied:

- The developer is able to demonstrate a need for the additional retail space;
- There are no alternative sites which are suitable, viable for the proposed use, and likely to become available within a reasonable period of time, in the defined shopping areas of relevant centres, a flexible approach having been taken;
- Where the relevant shopping area is the city centre or a town centre there are no alternative sites on the edge of that centre.
- The development together with recent and potential development arising from other unimplemented current planning permissions would be unlikely to have an adverse effect on the vitality and viability of the city centre or any named town district or local centre.
- There would be convenient access to the proposed development for customers reliant on forms of transport other than private car.
- The development would not lead to an increase in the need to travel or reliance on the private car and would help to facilitate multi purpose trips compared with the development of other sites and;
- The development would not undermine the retail strategy of the plan.

The application site is adjacent to an existing retail store American Golf and there are various housing developments nearby which would increase the number of households in the vicinity that would benefit from the addition of what is a modest scale of local convenience store.

The site is vacant and unused and is within what is predominantly a residential area with a number of nearby retail and commercial buildings. There are no other obvious sites within Menston that are available for a development of this type and which would provide a better location for a store. Mixed use development on this would conform to surrounding uses. Further, the principle of development satisfies sustainability objectives, representing an appropriate use of a site within this established area.

There are not known to be any other unimplemented planning permissions for retail development on the settlement and the location and size of the proposed store are such that it would be unlikely to have an adverse effect on the vitality and viability of the city centre or any named town district or local centre. There would be convenient access to the proposed development for customers reliant on forms of transport other than private car.

Officers therefore accept the arguments of the agent that the development would not undermine the retail strategy of the RUDP, the principle of retail development of this scale is considered to be acceptable, subject to the satisfaction of other RUDP Policies.

Highway and parking issues

The main issue with all previous proposals for developing this land has always been how to create a safe access from the busy Bradford Road. A recent application was withdrawn following concerns regarding highway safety. The current application has been amended and includes a Transport Statement that responds to the previous concerns raised by the Councils Highways Section.

The scheme now proposes 4 residential units rather than the previously submitted 5 in addition to the ground floor retail use. The proposed access would be to the south eastern end of the site and the development would provide 17 retail car parking spaces and 4 residential car parking spaces including 2 disabled spaces.

Comments received from members of the public and from a councillor raise concerns regarding the impact of the proposal on highway safety and describe the high levels of traffic using Bradford Road.

The initial response from the Councils Highways officer expressed concern about the proposed servicing arrangements and lay by which was considered to conflict with the adjacent parking area to the neighbouring retail unit at the American Golf store. Also there was concern about pedestrians from Menston not being able to cross the road safely to access the site and concern with the proposed parking arrangements.

Following discussions between the applicant's highway consultants and the Councils Highway Officers, the proposal has been amended again during the course of the application and now addresses the highway concerns raised previously and has received the support of the Councils Highways Section.

Amendments include the provision of a puffin crossing and proposed implementation of a new traffic regulation order to prohibit parking on Bradford Road along the site frontage along with the construction of servicing lay-by, as shown on revised plan 14/102/TR/004 Rev A.

The applicants have also indicated that they are prepared to provide two vehicle activated signs relating to the proposed pedestrian crossing, a Traffic Regulation Order on Bradford Road and to install drop down bollards for the residential parking spaces within the development site to ensure that the parking for the residential units would not be affected by customer parking for the retail use.

In order to carry out the works within the highway the developer will be required to enter into a Section 278 Agreement (Highways Act 1980) with the Council.

In addition a management plan has been provided by the applicant and which outlines how the site will be serviced by delivery vehicles.

Other works proposed include work to the footpath by the lay by service area and relocation of the bus stop.

Whilst the concerns of the local residents and Councillor are noted, the amended scheme and highway works are considered sufficient to prevent overspill parking from the site. The provision of car parking is deemed satisfactory for the size of store proposed and the package of measures now agreed would suitably mitigate the traffic generation arising from the proposal.

The Council's Highway Officers support for the scheme, subject to the implementation of the off site highway works, therefore the proposal would be considered acceptable and meet with requirements of Policies TM2 and TM19A.

Impact on neighbouring residential amenity

The site is off a busy road and the nearest residential property is to the south east of the site and set at a higher level.

Comment has been received regarding the potential impact on the residential amenity of neighbours. The site itself is self contained and set down below the level of the highway by around 1.5 metres, as such activity at the store would not be considered likely to impact significantly on nearby property. However, the car park adjoins residential properties to the south. Given the presence of these existing dwellings and the proposed residential use above the store, a condition restricting the hours of operation would be appropriate to ensure the site would not be in use over 24 hour period. It is proposed to restrict hours of trading to between 7.00 am and 11 pm by means of a planning condition in order to protect residential amenity.

The residential use at 1st floor level would not introduce any overlooking or overshadowing of neighbouring property given its siting to the northern portion of the site.

For the reasons noted above the proposal would not have a harmful impact on the residential amenity of occupiers of neighbouring properties and subject to control of hours of business, would provide acceptable levels of residential amenity for prospective occupiers of the proposed development. Accordingly and for the reasons noted above, the development acceptably accords with the provisions of policies D1 and UR3 of the RUDP

Design/Visual Amenity

The proposal is for a two storey building of conventional pitched roof design to be built in a combination of buff brick and render with an artificial slate roof.

The area surrounding the site is very mixed in terms of the type of property and the use of materials. Surrounding development includes 3-storey buildings of brick construction as well as more traditional stone buildings. The American Golf store is rendered.

Accordingly, there is no typical material or design of property in the area to define any uniformity of character and it is this which has influenced the choice of materials here. It is proposed to reserve final agreement of these materials by means of a condition but the proposal provides a suitable design to ensure a suitable integration into the street scene. It meets with the requirements of Policies UR3 and D1 of the RUDP.

Impact on trees

The site backs onto an area of protected woodland and was an issue on the previous application. The current submission has been amended following discussion with the Councils Tree Officer. The siting of the development now no longer conflicts with the trees on the adjoining land. The Tree Officer supports the proposal but advises that conditions be attached to require a tree protection plan prior to development and that subject to appropriate fencing the development could take place and ensure retention of protected trees to accord with Policies NE4, NE5 and NE6.

Drainage

The site is set well above the level of the Mire Beck and is not at risk from flooding. The watercourse is some 5 metres below the level of the site and the submitted Flood Risk Assessment confirms the site is classified as being in Flood Zone 1. As such the proposal does not present a flood risk issue though details of surface water proposals will be reserved by condition to control additional loading into the watercourse.

The Councils Drainage Officer does not raise any objection suggesting conditions are attached to provide additional details. It is recommended that full details of the drainage scheme should be reserved by condition.

Reason for Granting Planning Permission:

The proposed development is considered to relate satisfactorily with the existing street scene and is not considered to result in any significant loss of residential amenity or significant harm to highway safety or the health of protected trees within the site. As a result the proposal is considered to comply with Policies UR3, D1, TM2, TM12, TM19A, NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

S.106 Agreement Heads of Terms

To commit the developer to entering a S.278 highway agreement and to pay all costs in respect of implementation of necessary works in Bradford Road comprising:

1. Construction of a puffin crossing and all associated signage, including new speed signage.
2. Relocation of the bus stop.
3. Implementation of a Traffic Regulation Order along site frontage.
4. Constriction of the service lay by.

Also to commit the developer and any subsequent retail operators to the submitted Service/Delivery Management 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: (i) 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. (ii) It is essential to secure agreement of external materials prior to commencement of development due to the prominence of the site.

2. The use of the A1 retail premises hereby approved shall be restricted to the hours between 07:00 to 23:00 Mondays to Saturdays and from 07:00 to 22:00 on Sundays, Bank or Public Holidays. No customer shall make use of the premises outside these hours.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policy UR3 of the Replacement Unitary Development Plan.

3. The development shall not begin, nor shall there be any demolition, site preparation, groundwork, work to any trees to be retained in accordance with the approved planning permission to which this notice relates, or materials or machinery brought on to the site until temporary tree protection measures are installed 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.

The temporary tree protection measures will be installed in accordance with the approved plan, or any variation subsequently approved, and remain for the duration of the development.

There shall be no excavations, engineering work, service runs, or installations, nor shall there be any materials stored within the construction exclusion zone/s as defined by the approved tree protection plan or method statement without the written consent of the Local Planning Authority.

Reason: (i) To ensure trees are protected during the construction period in the interests of visual amenity and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan. (ii) The trees form an important landscape feature and would be at risk of damage from construction unless detailed protection measures are in place before commencement of any works on the site.

4. The development shall 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.

Development should be drained via a separate foul and surface water drainage system with surface water discharging to Mire Beck at a rate not exceeding 5 litres per second.

The developer must also submit details and calculations to demonstrate any surface water attenuation proposals are sufficient to contain flows generated in a 1:30 year event plus climate change within the underground system together with details and calculations to demonstrate flows generated in a 1:100 year event plus climate change will be contained within the site boundary without affecting the proposed buildings, safe egress and access or overflowing into the adjacent watercourse.

Reason: (i) To ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan. (ii) It will be necessary to secure agreement of such details before commencement in view of the risk of flooding.

5. Before any works towards the development starts on site, full details and specifications of the works associated with Bradford Road, as shown indicatively on Dwg No 14/102/TR/004 Rev. A, shall be submitted to and be approved in writing by the Local Planning Authority. The development shall then not be brought into use until these works have been completed on site to the satisfaction of the Local Planning Authority.

Reason: (i) In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan. (ii) The position of the access to the development in the highway is such that it is essential to secure satisfactory details of the specifications of the access before any work begins, in the interests of safety.

6. 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 and completed to a constructional specification approved in writing by the Local Planning Authority.

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

7. Before any works towards the development commences on site details of the visibility splays to be achieved at the new site entrance shall be submitted to and be approved in writing by the Local Planning Authority. The splays so approved shall then be laid out on site prior to the development being brought into use.

Reason: (i) In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan. (ii) The position of the access to the development in the highway is such that it is essential to secure satisfactory details of the specifications of the visibility splays before any work begins, in the interests of safety.

8. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered 14/102/TR/004 REV A and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the development is in use.

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

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

Reason: (i) No details have been submitted of necessary retaining structures and such measures are necessary to protect the stability of the highway in the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan. (ii) The position of the proposed new access in the highway is such that it is essential to secure satisfactory details of the robustness of retaining structures before any work begins, in the interests of safety.

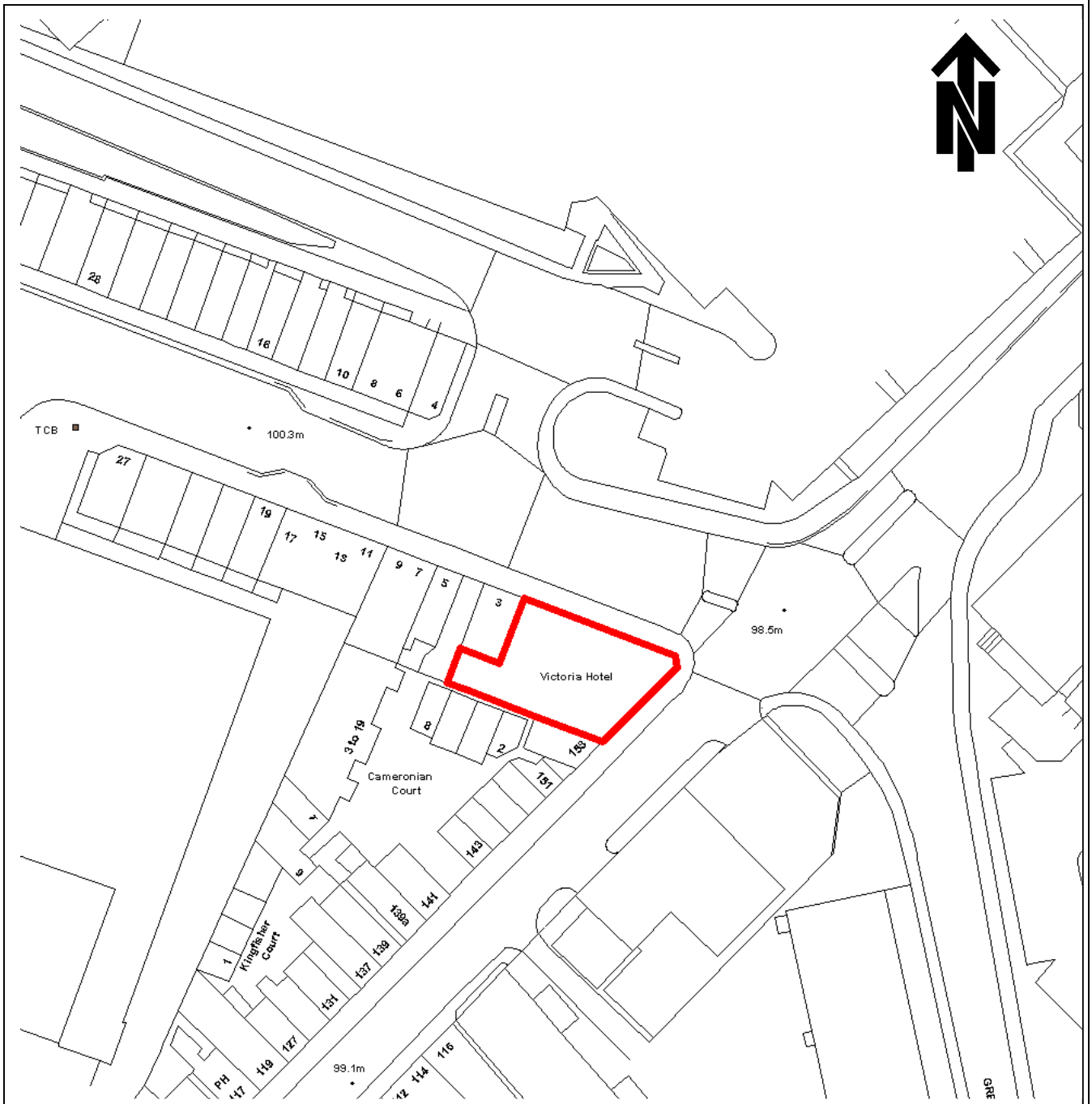
10. Before the development is brought into use, details of the type and position of all proposed external lighting fixtures to the buildings and external areas (including measures for ensuring that light does not shine directly on the highway or is visible to highway users) shall first be submitted to and approved in writing by the Local Planning Authority. The lights so approved shall be installed in accordance with the approved details and maintained thereafter to prevent the light sources adversely affecting the safety of users of adjoining highways.

Reason: To avoid drivers being dazzled or distracted in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

15/01468/FUL

22 July 2015



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ITEM NO. : 7	LOCATION: Victoria Hotel Cavendish Street Keighley
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22 July 2015

Item Number: 7
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 at 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 louvred 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 louvred 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.
