

## **REPORT TO AREA PLANNING PANEL (KEIGHLEY)**

**REPORT OF THE STRATEGIC DIRECTOR OF REGENERATION TO THE MEETING OF  
THE AREA PLANNING PANEL (KEIGHLEY) TO BE HELD ON 11<sup>th</sup> June 2008**

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### **SUMMARY STATEMENT - PART ONE**

**Items include:**

- ◆ Items deferred from a previous Sub-Committee
  - ◆ Applications subject to approval under Section 106 Agreement of the Town and Country Planning Act 1990
  - ◆ Applications with Petitions
  - ◆ Requests for Enforcement/Prosecution Action
  - ◆ Regulation 3 of the Town and Country Planning General Regulations 1992
  - ◆ Decisions by the Secretary of State
  - ◆ Miscellaneous Items
- The sites concerned are:
- Sugden End Household Waste Site, Halifax Road, Crossroads, Keighley
  - Lane at 32 Clifton Road, Ilkley
  - Four Winds, Panorama Drive, Ilkley
  - 2-20 Craiglands Park, Ilkley
  - 3-14 Yewbank Terrace, Ilkley
  - Land at Bridge Farm, Aire Valley Road, Steeton
  - 32 Bingley Road, Crossroads, Keighley
  - Wildfell, Cold Knowle Edge Road, Stanbury
  - 105 Leeds Road, Ilkley
  - Dunkirk Mill, Hawksbridge Lane, Oxenhope

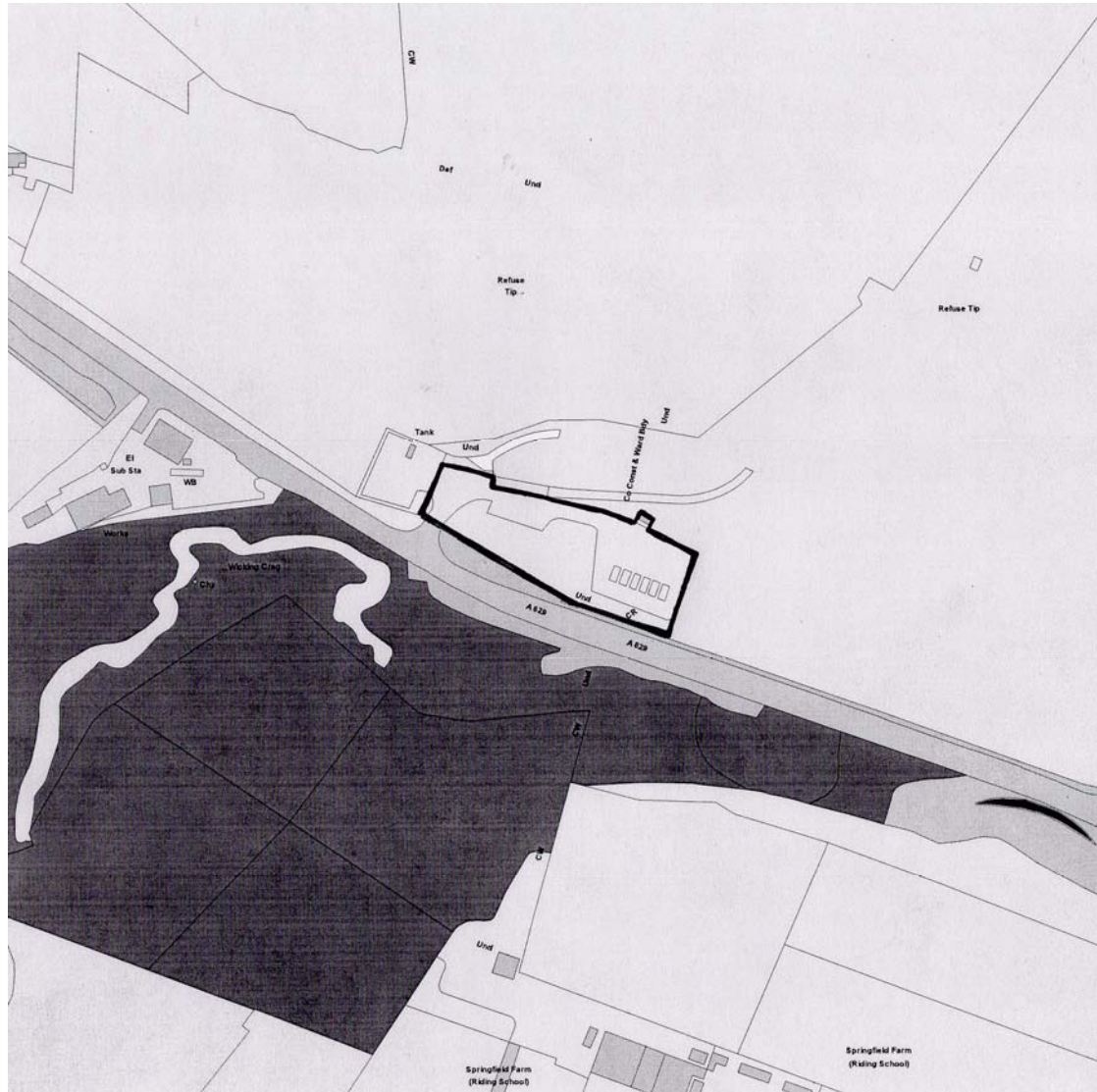
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# Area Planning Panel (Keighley)

11 June 2008



ITEM NO.

1

LOCATION

Sugden End Household Waste Site  
Halifax Road  
Cross Roads



**Date** 11 June 2008

**Item Number:** 1

**Ward:** 29 - Worth Valley

**Recommendation:** To Grant Planning Permission subject to conditions. This application is referred to the Panel so it can advise the Regulatory and Appeals Committee on the local implications of the application. The application must be determined by the Regulatory and Appeals Committee as it is a departure from the Replacement Unitary Development Plan and if that Committee is minded to grant permission the application will be referred to the Secretary of State under the Departure Directions 1999.

**Application Number:** 06/09746/FUL

**Type of Application/Proposal and Address:**

This is a full application for the retention of an existing Household Waste Recycling Centre at a site within the former Sugden End landfill Site, Halifax Road, Cross Roads, Keighley, BD22 9DQ.

**Site Description:**

The proposal site is an existing 0.4ha Household Waste Recycling Centre (HWRC) built within a low lying area between the Sugden End landfill site and Halifax road. The site is accessed off Halifax Road via the main landfill access point, a gas monitoring and methane conversion compound is adjacent to the site to the northwest. Land uses within the locality are predominantly agricultural, however Wicking Crag Saw Mill is located approximately 200m north east of the site and the settlement of Cross Roads is located approximately 350m northwest of the site. The nearest residential dwellings to the proposal site are 1 Hardgate Lane, 200m east of the site, 13 Sugden End, 230m northeast of the site, and Springfield Farm, approximately 200m south of the site. The site comprises the access road, a recycling area, site office cabin, split level skip waste/ recycle unloading area and soft landscaping areas. An existing strip of woodland substantially screens the site from Halifax Road to the south. The southern boundary of the site is enclosed by a dilapidated chain link fence.

**Relevant Site History:**

A household waste/ civic amenity site has been in use as an ancillary component of the Sugden End landfill operation since 1976. However in 1995 a planning application (ref. 95/02575/FUL) was submitted to relocate the household waste site onto adjacent land to the east and construct a facility with improved layout, landscaping and recycling services. As part of the application information was submitted on alternative sites which had been considered and discounted. The Policies and Plans Sub-Committee resolved to grant planning permission for a temporary 5 year period, to allow for further research into alternative sites (principally within the Manywells Industrial Estate); planning permission was granted on 12 December 1995.

In the following years a further site search exercise was undertaken, however this again proved fruitless and an application was submitted in 2000 to permanently retain the site. On 5 July 2001 Keighley Area Planning Panel recommended that permanent planning permission should be granted; however on the 31 July 2001 the Regulatory and Appeals

Committee resolved that a condition should be imposed limiting the permission to a further 5 year temporary period. Again no alternative sites within the catchment area were identified by the applicant within the 5 year period and planning permission for the household waste site expired on 31 December 2006.

**Replacement Unitary Development Plan (RUDP):**

***Proposals and Policies***

- The proposal site is within the Green Belt as defined on the replacement RUDP proposals map and therefore policies GB1 (New Building in the Green Belt) and GB2 (Siting of New Building in the Green Belt) are relevant.
- The proposal involves the retention of an existing Household Waste Recycling Centre and therefore policies UDP9 (Management of Pollution Hazards and Waste), P9 (Household Recycling Centres) and P12 (Waste Management Operational Matters) of the RUDP are relevant.
- Policies UDP5 (Needs of Communities in Appropriate Locations), UR3 (Local Impact of Development), D1 (General Design Considerations), D5 (Landscaping), TM2 (Impact of Traffic and Its Mitigation) and TM19A (Traffic Management and Road Safety) are also relevant to this proposal.

**Parish Council:**

Haworth, Cross Roads and Stanbury Parish Council – No objections

**Publicity and Number of Representations:**

The application was advertised in the press as a departure from the adopted development plan, site notices were posted and neighbour notification letters sent to adjacent properties. The notification period expired on the 03 July 2007. No representations have been received.

**Summary of Representations Received:**

N/A

**Consultations:**

Drainage – No comments

Environment Agency – No objections

Environmental Protection – No objections

Highways Development Control – No objections subject to landscape maintenance programme for visibility splay

Landscape Design – No objections subject to minor amendments to landscaping scheme and requirement for 5 year management plan

Yorkshire Water – No comments

**Summary of Main Issues:**

- Development within the Green Belt
- Sustainable Waste Management
- Temporary Permission

**Appraisal:**

**Proposal/ Existing Site**

The proposal is to permanently retain the existing HWRC, landscaping improvements are also proposed, including additional tree planting along the slope adjacent to the eastern boundary and replacement of the existing chain link fence with a new timber fence. A steel palisade security fence will also be erected between the operational areas and landscaped

areas.

The hours of operation for the site are proposed to remain the same as is currently permitted at 08:00 – 17:00 mon-fri, 08:00 – 16:00 sat and 09:00 – 16:00 sun. The site currently has a modern split level design and vehicle circulation system and no amendments to the current site layout or facilities are proposed.

The Sugden End HWRC serves the communities of Denholme, Cullingworth, Oxenhope, Howarth, Cross Roads and South Keighley. Based on traffic monitoring data collected in 2005 the applicant estimates that the site is visited by approximately 126,000 private vehicles per annum. During the monitoring period an average of 2920 cars visited the site per week of which 35% visited on the weekend. The estimated amount of waste received in 2006/07 was approximately 4,000 tonnes, of which approximately 1920 tonnes (48%) was sent for recycling.

### **Waste Planning Policy**

Principle Policy UDP5 of the RUDP seeks to provide for the needs of communities in appropriate locations, Principle Policy UDP9 seeks to contribute to the management of waste through encouragement of recycling. Policy P9 of the RUDP states that HWRC should be situated in locations accessible to concentrations of households. The Sugden End HWRC provides an accessible facility for the communities of Denholme, Cullingworth, Oxenhope, Howarth, Cross Roads and South Keighley to dispose of and recycle their waste.

Planning Policy Statement 10 (PPS10) (Planning for Sustainable Waste Management) contains national policy advice on waste management facilities. Two of the key planning objectives set out in Planning Policy Statement 10 are to provide sufficient waste management facilities to meet the needs of communities and to help implement the national waste strategy and to support the achievement of targets required under European legislation. The high recycling/ landfill diversion rates attained at the Sugden End HWRC contribute to the Council's goal of achieving the Household Waste recycling targets set in the DEFRA Waste Strategy for England 2007 and the landfill diversion targets required by the EC Landfill Directive.

### **Green Belt**

Sugden End HWRC is located within the Green Belt. Policy GB1 of the RUDP states that, except in very special circumstances, planning permission will not be given for development within the Green Belt for purposes other than agriculture and forestry, essential facilities for outdoor sport and recreation, cemeteries, or for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.

The Sugden End HWRC is situated within a slight topographical depression and is partially screened by woodland and will be further screened by proposed additional planting; however it does contain physical structures, such as the site cabin, waste unloading platform and skips, which are visible from surrounding land. The Sugden End HWRC is therefore considered to present a level of harm to the openness of the Green Belt and therefore to be inappropriate development within the terms of Planning Policy Guidance Note 2 (PPG2) (Green Belts). In order for planning permission to be granted very special circumstances must therefore be demonstrated to show that harm to the openness of the Green Belt is outweighed by other considerations.

## **Very Special Circumstances**

PPS10 advises that Planning Authorities should seek to protect Green Belts but recognise the particular locational needs of some types of waste management facilities in determining planning applications, and that these locational needs, together with the wider environmental and economic benefits of sustainable waste management, are material considerations that should be given significant weight in determining whether proposals should be given planning permission.

The HWRC was originally an ancillary feature of the Sugden End landfill site and was intended to be restored along with the rest of the site. However the site was well used by local communities and came to be relied upon as part of the district wide HWRC network, therefore the site was redeveloped in 1995 to improve capacity and recycling facilities. Planning Permission was granted on a temporary basis on the understanding that efforts would be made to find an alternative site outside the Green Belt. In the subsequent 13 years several site search exercises have been conducted but no suitable alternative site has been identified. The applicant argues that very special circumstances exist to justify the harm to the Green Belt as the site provides an essential public service for local communities, assists in the drive to increase recycling rates within the district and no suitable alternative site has been identified.

## **Options**

The three options open to the Council in determining this application, subject to call-in by the Secretary of State, are:

- a) to refuse planning permission and require the site to close and the land to be restored;
- b) to grant a further temporary planning permission on the assumption that an alternative site may become available at some point in the future;
- c) to grant permanent planning permission on the basis that very special circumstances exist which outweigh the harm to the openness of the Green Belt.

### **Option A**

Refusal of planning permission, subject to appeal, would lead to the closure of the HWRC with no alternative site being identified. The consequence of this would be that residents within the communities of Denholme, Cullingworth, Oxenhope, Howarth, Crossroads and South Keighley would either have to travel further to the existing HWRCs based in north Keighley, Bingley or Queensbury or find an alternative method of waste disposal. This could lead to increased road traffic, reduced recycling rates within the district and/or increased fly tipping incidents. On the balance of material considerations it is considered that the adverse impacts of this course of action, in terms of sustainable waste management, would outweigh any small benefit to the openness of the Green Belt and therefore the refusal of planning permission would not be supported in policy terms.

### **Option B**

Grant of further temporary permission would mean that the site could continue to operate on a temporary basis but that the future of the site would remain uncertain. Planning Circular 11/95 offers guidance on the imposition of temporary planning permissions and advises that where a temporary permission has expired a second temporary permission should not normally be granted. A period should be set in the first permission that is sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. The Sugden End HWRC has already been subject to two temporary planning permissions spanning over 10 years.

The Sugden End landfill site is now under the final stage of restoration and will shortly be completed. If a further temporary permission was granted the restoration of the landfill area outside the HWRC would have to be finished and the HWRC area would have to be restored separately at a later stage. Under the existing approved restoration scheme, the restoration of the HWRC area would require the importation of approximately 30,000 m<sup>3</sup> of inert waste to fill the hollow within which the HWRC is situated. The recommencement of restoration activities after a cessation would have adverse impacts in terms of efficiency and environmental sustainability, due to the need to bring machinery back onto site and would prolong any adverse impacts associated with the restoration for local communities.

The latest site search exercise undertaken by the applicant in conjunction with the Asset Management department looked at potential sites within a 30 km<sup>2</sup> area. Sieving criteria included: size, topography, access, proximity to population centres, development plan allocation and availability of utilities and services. Both Council owned and privately owned sites were considered within areas either unallocated or allocated as employment zone or mixed use areas on the proposals map. Much of the land within the target area was found to be unsuitable in principle either due to Green Belt or Conservation Area designations or distance from the primary road network. However five potential alternative sites were identified through the initial sieving exercise, including sites within Manywells Industrial Estate, Cullingworth and Denholme. All identified sites were discounted upon further detailed assessment for various reasons including unsuitability of access/ local road network and potential land use conflicts with residential properties.

It is not considered appropriate to grant further temporary planning permission for the site as sufficient time has passed for any suitable alternative site to come to light. Continued uncertainty over the long term future of the site could also prejudice the ability of the local authority to effectively plan for the spatial distribution of waste management facilities within the district and to ensure sufficient HWRC have been provided to achieve waste recycling and landfill diversion target.

### **Option C**

On the balance of material considerations, it is considered that very special circumstances exist to justify the harm to the openness of the Green Belt caused by the Sugden End HWRC. The level of visual impact of the site has been minimised due to the low lying topography and the existing and proposed woodland belts screening the site from Halifax Road and therefore the level of harm to the openness of the Green Belt is in reality minimal. The site provides an essential public service for a number of rural communities and helps to improve recycling rates within the district; no suitable alternative site has been identified which could provide similar services. It is therefore considered that granting planning permission would be consistent with Planning Policy Guidance Note 2 and Planning Policy Statement 10 and would accord with policies UDP5, UDP9, GB2 and P9 of the RUDP.

### **Other Considerations**

The local environmental impacts of the site in terms of highways safety, visual amenity, noise, odour, dust and other emissions have been previously assessed through the previous planning permissions for the site granted in 1995 and 2001. It is considered that the Sugden End HWRC is appropriately laid out and provides a good quality of

landscaping. Highways Development Control have confirmed that the site access and visibility splays are of an acceptable standard. It is not considered that the permanent retention of the site would lead to unacceptable adverse impacts on the local environment or the occupants of surrounding land in terms of highways safety, visual amenity, noise, odour, dust or any other emissions. The proposal therefore accords with policies UR3, D1, D5, TM2, TM19A, P9 and P12 of the RUDP.

### **Summary**

The existing Household Recycling Waste Centre at Sugden End landfill site provides waste disposal/ recycling services for the communities of Denholme, Cullingworth, Oxenhope, Howarth, Crossroads and South Keighley. Maintaining an accessible network of HWRC is essential to the sustainable management of the district's waste and the achievement of binding recycling and landfill diversion targets. No suitable alternative site has been identified within the catchment area during a number of site search exercises over a period of 13 years. Although the site is within the Green Belt harm to the openness of the Green Belt has been minimised due to the location of the site within low ground and the provision of screening through woodland planting. National planning policy advises against repeated approval of temporary permissions over a long period. It is therefore considered that very special circumstances exist to justify the retention of the Sugden End HWRC within the Green Belt which override the low level of harm to the openness of the Green Belt. The proposal accords with policies UDP5, UDP9, UR3, D1, D5, TM2, TM19A, GB2, P9 and P12 of the RUDP and is consistent with Planning Policy Guidance Note 2 and Planning Policy Statement 10.

### **Community Safety Implications:**

It is not considered that there are any significant community safety implications of the proposed development.

### **Reason for Granting Planning Permission:**

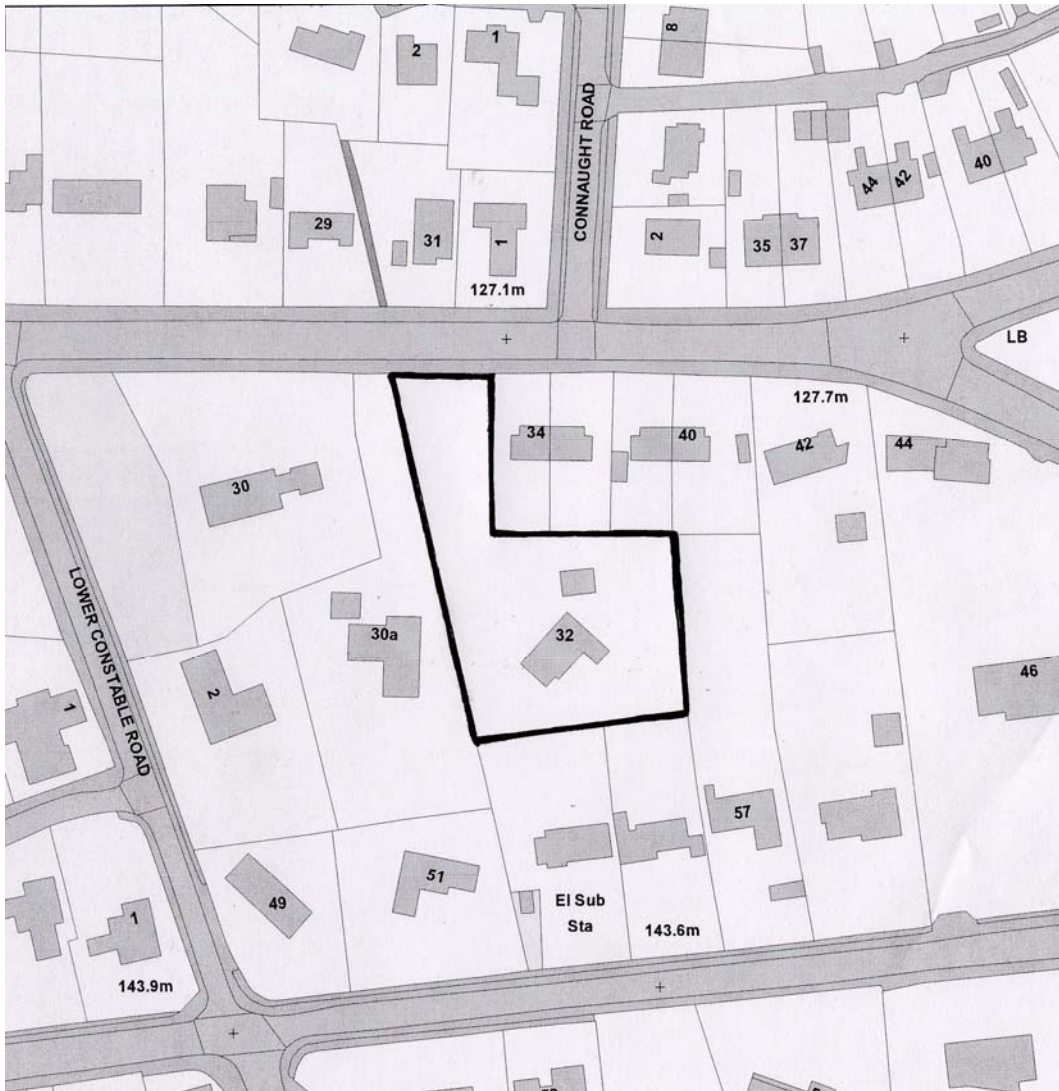
- 1) The existing Household Recycling Waste Centre at Sugden End landfill site provides waste disposal/ recycling services for the communities of Denholme, Cullingworth, Oxenhope, Howarth, Crossroads and South Keighley and plays an important role in increasing recycling and landfill diversion rates across the district. No suitable alternative sites exist within the catchment area and therefore very special circumstances exist to justify inappropriate development within the Green Belt. The proposal is consistent with Planning Policy Guidance Note 2 and Planning Policy Statement 10 and accords with policies UDP5, UDP9 and P9 of the replacement Unitary Development Plan.
- 2) The proposal includes additional landscaping provisions which will further improve the screening of the site from surrounding land. The location of the site and proposed and existing landscaping measures are such that any harm to the openness of the Green Belt has been minimised. The proposal accords with policies D5 and GB2 of the replacement Unitary Development Plan.
- 3) The proposal would not lead to unacceptable adverse impacts on people or the environment in terms of highways safety, visual amenity, noise, dust, odour or any other emissions. The proposal accords with policies UR3, D1, TM2, TM19A, P9 and P12 of the replacement Unitary Development Plan.

### **Summary of Conditions of Approval:**

- 1) List of Approved Plans



- 2) Landscaping scheme to be submitted within 1 month of the date of the decision notice
  - 3) Approved landscaping scheme to be implemented within 1 year
  - 4) Proposed fencing to be erected within 3 months
  - 5) Landscape Management Plan to be submitted within 1 month of the date of the decision notice
  - 6) No obstruction to visibility splays
  - 7) Maintenance programme for visibility splays to be submitted within 1 month of the date of the decision notice and implemented thereafter
  - 8) Any chemical/ fuel storage tanks located within bund
  - 9) Operational plan to be submitted within 1 month of the date of the decision notice, including details of: measures to prevent the deposit of mud on the highway, dust mitigation measures
  - 10) Hours of operation restriction
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ITEM NO. <b>2</b>	LOCATION 32 Clifton Road Ilkley	
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**Item No:** 2  
**Date :** 11 JUNE 2008  
**Ward:** Ilkley  
**Recommendation:** TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS  
**Application No:** 08/01241/FUL

**Type of Application/Proposal and Address:**

Full planning application for demolition of existing dwelling and garage and erection of a block of seven apartments and associated car parking and landscaping on land at 32, Clifton Road, Ilkley.

**Site Description:**

The site is an unallocated 0.26 hectare site in the eastern suburbs of Ilkley presently occupied by a single detached two-storey house that was built in about 1960. The existing house is built in stone and render with a concrete tiled roof and is set about 60 metres up hill from Clifton Road behind a line of semi-detached houses fronting onto this street. It is served by a private drive that climbs the slope at the side of 34 Clifton Road. An area of mature trees line the west side of the drive access and the tree belt continues along the south boundary. Laurel hedges provide a dense screen to most of the remaining perimeters. Clifton Road is a wide, straight residential road lined by a variety of properties.

**Relevant Site History:**

07/05200/FUL : Full planning application for demolition of existing dwelling and garage and erection of a block of seven apartments and associated car parking and landscaping.  
Refused : 6 September 2007.

06/03222/FUL : Full planning application for demolition of existing dwelling and garage and erection of a block of seven apartments. Refused 5 July 2006.  
APPEAL DISMISSED 11<sup>th</sup> January 2007 after an Inspector's site visit.

05/08988/FUL : Full planning application for demolition of existing dwelling and garage and erection of a block of seven apartments. Refused 18<sup>th</sup> January 2006

05/01864/FUL : Full planning application for demolition of existing dwelling and garage and construction of 5 apartments, garage block and car parking (as amended). Granted 4<sup>th</sup> July 2005.

**Replacement Unitary Development Plan (RUDP): *Proposals and policies***

There are no proposals for the site on the RUDP Proposals Map.

The following policies of the RUDP are applicable

- UDP3 - quality of the built and natural environment
- UR3 - local planning considerations
- D1 - design considerations
- H5 - residential development
- H7/H8 - housing density
- TM12 - residential car parking standards

- TM19A - traffic management & road safety  
NE5/NE6 - retention & protection of trees on development sites

**Parish Council:** Ilkley Parish Council recommends refusal : Over development off site. Bigger mass of building is out of scale with surrounding area, possible effect on trees, inadequate facilities for recycling, lack of outside storage.

**Publicity and Number of Representations:**

By neighbour notification letters expiring 28<sup>th</sup> April 2008 : 7 objections received.  
(6 objection letters from local residents and one from Ilkley Civic Society.)

**Summary of Representations Received:**

1. Previous objections still apply. 7 units is too many for the site. The proposal is very similar to the last scheme in respect of which an appeal has been dismissed.
2. Demolition of the existing house is unsustainable. It could form a family home.
3. The plan constitutes over development. It will be an increase of 40% in the number of dwellings with a corresponding increase in traffic movements and disturbance to existing residents.
4. The description of the development being 2 storeys is misleading. It is a 3 storey development with 2 apartments in the roofspace. Objectors maintain that the proposed building is more overbearing than the approved scheme for 5 apartments.
5. The apartments in the roof will overlook and dominate the properties on Ben Rhydding Road to the south. There are 23 windows in the south elevation.
6. The access road is too steep and narrow and there will be parking on Clifton Road. Highways previously commented that there should be no more than 5 dwellings served by a private drive.
7. There will be an increase in traffic on Clifton Road which will affect road safety and pollution in the area.
8. Access and car parking arrangements are extremely cramped, would not work and would be dangerous as vehicles would have to reverse out of the site.
9. The statement that “the proposed development will not cause overlooking of adjoining properties owing to removal of the proposed roof terraces from the south elevation” is incorrect. Drawings still show a flat roofed area and large rooflights overlooking neighbouring properties and there are no guarantees that roof terraces will not subsequently be created on the flat roofed area.
10. The agents statements about screening are misleading as there is only limited screening by perimeter trees and hedges and no guarantees hedges will be kept at a suitable height to maintain privacy.
11. Objectors have grave concerns about protection of trees and hedges. There are a number of discrepancies between the recommendations of the applicant’s Arboriculturalist and the architect’s drawings so objector’s doubt assurances that vegetation on the site is safe.
12. An apartment development will not be in keeping with the surrounding detached properties. Apartment schemes are changing the character of Ben Rhydding and there is an oversupply of new apartments. They are difficult to sell.

**Consultations:**

**Highways DC:** The Council’s Highway Officer considers that the highway issues raised by previous applications for this site have now been satisfactorily addressed by the current layout – namely parking and turning for larger vehicles. While guidance in the Government’s Design Bulletin 32 “Residential Roads and Footpaths” previously

recommended that no more than 5 dwellings should be served by a shared private drive, this was based on the capacity of service supplies. New Government highway guidance in “Manual for Streets” is non specific regarding the amount of development that can be served. The traffic generated by two additional apartments is unlikely to raise any undue highway safety concerns.

**Council Tree Officer** : Previous concerns were in relation to a lack of information regarding construction of the proposed bin store and re-alignment of the access and parking under the horse chestnut and hemlock. Particularly the extent of levels changes in this area. However, the Tree Officer is now satisfied that the scheme addresses these issues or they could be dealt with by suitable Planning Conditions.

**West Yorkshire Archaeology Service** : Proposed site is on projected line of Roman road and an archaeological watching brief should be maintained during any development.

**Drainage** : Separate drainage system required within site boundary. Car parking areas to be drained using road type gullies.

### **Summary of Main Issues**

Site History

Previous appeal decision

Height, massing and character of development

Privacy/overlooking of neighbours

Access arrangements, servicing and car parking.

Impact on trees

### **Appraisal:**

#### **Site History**

This previously developed land already has a planning permission 05/01864/FUL for a block of 5 apartments - granted by Area Planning Panel. The building approved was considered to be of appropriate scale and character and would allow for more effective use of the site for housing without significant harm to neighbours or the character of the area.

The applicant has since been trying to increase the density of the scheme to 7 apartments. The two extra apartments would be formed in the roofspace and would require a number of new windows to be introduced at roof level to serve them. The siting, layout, design and size of the apartment building would remain exactly the same as was previously approved - but with a 0.1 metre increase in roof height.

Previous applications for the 7-apartment development have been refused. The first two due to concerns about the capacity of the private drive access to satisfactorily serve the extra development, the harmful impact of new roof level terraces causing overlooking to neighbours and alterations to the scale and design of the building changing its relationship with its surroundings.

#### **Previous Appeal**

The appeal against refusal of application 06/03222/FUL on these grounds was dismissed on 11<sup>th</sup> January 2007. The Inspector’s decision is a material consideration in the determination of this new application. The Inspector did not fully support the Council’s reasons for refusal. Her key conclusions were:

1. The slight increase in height was not an issue that troubled the Inspector. There was only a 0.1 metre difference in height compared with the approved scheme and she said this would not be significant in the context of the site.
2. The Inspector was also clear in her conclusion that the height of the new building would not be out of keeping with the area nor were apartments an uncharacteristic form of development for the surrounding area.
3. Satisfactory separation of some 28.5 metres was provided between the appeal building and properties to the south such that direct intervisibility between rooms would not result in poor levels of privacy. However, the Inspector did agree with the Council that the proposed introduction of two roof level terraces on the south facing elevation would allow harmful overlooking of the private rear gardens of houses on Ben Rhydding Road. This loss of privacy was unacceptable.
4. The Inspector also agreed that the proposed bin store should not be positioned next to 34 Clifton Road but would be acceptable on the opposite side of the drive – providing construction methods are used that minimise the impact on the adjacent protected trees.
5. The drive to the apartment building would be 55m long and the layout of parking and garaging would be such that larger vehicles would have difficulty turning round on site unless the parking area was not in use. Given the number of apartments (7) being proposed, the configuration, width and gradient of the drive gave cause for concern. The Inspector highlighted the safety problems likely to arise if larger vehicles could not turn round and had to reverse down the drive into Clifton Road. She agreed the Council was right to seek improvements in this regard.

The Inspector considered that the appeal should fail due to harm to privacy of occupants of 53 and 55 Ben Rhydding Road due to the roof terraces and because of the inadequate on-site turning facilities - but not for any of the other reasons given by the objectors.

After the appeal, the applicant submitted a 4<sup>th</sup> application, 07/05200/FUL for 7 apartments, attempting to address the reasons the Inspector rejected the appeal. Officers accepted that by deleting the roof terraces and balconies facing south, the impact on privacy of neighbours at the back of the site had been adequately addressed. The Council's Highway Officer also accepted that by deleting a previously proposed garage block and modifying the turning facility so larger vehicles can turn within the site, the conflicts arising from large vehicles having to reverse down the steep access into Clifton Road would also be avoided. It was also considered relevant that while notional advice in DB32 was that no more than 5 dwellings should be served by a shared driveway, guidance in 'Manual for Streets' is now non specific regarding the amount of development that can be served by particular types of access and recommends that this is a matter for local policies.

However, while resolving the access/turning problem, the modified turning and parking arrangements and a bin store proposed down the drive were considered by the Council's Tree Officer to pose additional threats to the mature trees along the site boundary. Application 07/05200/FUL was therefore refused solely because of the impact of the changes on trees and contained inadequate information regarding tree protection and how levels changes and the retaining structures necessary to accommodate the enlarged access and turning facility would impact on tree roots. The application was felt to fail to demonstrate that the revised proposals would accord with recommendations set out in British Standard 5837 (2005) entitled "Trees In Relation To Construction".

## **THE NEW APPLICATION**

This latest application attempts further modifications and supplementary information to finally resolve the issue of conflict with trees. Once again the applicant proposes 7 apartments accommodated within the same footprint as the building with extant planning permission. There would be a very minor increase in height of about 0.1 metres and new roof windows would be formed facing into the site. However, previously proposed roof terraces on the south facing elevation affecting the neighbours on Ben Rhydding Road are omitted. The scheme includes the previously agreed omission of the garage block and an enlarged turning facility and now includes supplementary information regarding construction methodology and levels changes where there are mature trees.

### **Height, massing and character of development**

Although objectors and Parish Council claim the new building is bigger and of larger mass than what was previously approved, and therefore inappropriate to the area, this is not correct. The building would be the same size and in the same position as was previously approved. It was established in the course of the previous appeal that there would only be a very marginal increase in the height of the roof compared with the approved building and the Inspector did not give any credence to the view that the building was too big for the site or would have any harmful effect on the character of the surrounding area. She did not consider 7 apartments to be harmful to the character of the area and said the building *“would retain a perception of low density suburban development whilst making better use of the site than at present”*. Objections on the grounds that the building is overbearing, too high or out of keeping with the area are therefore unsustainable, and could not be defended at a further appeal given what a Planning Inspector has already said.

Objections on the grounds that the existing house should not be demolished are similarly unsustainable. It has no heritage designation so the Council could not legally prevent its demolition and the site already has an extant planning permission for a 5 apartment building to replace the present house.

### **Privacy and overlooking of neighbours**

As with application 07/05200/FUL, the drawings show the two previous south facing roof terraces omitted, and this is considered to fully resolve the concerns about privacy of immediate neighbours on Ben Rhydding Road. The south facing rooflights would be set at a sufficiently oblique angle and high enough up the roof to prevent undue overlooking of the garden areas to the south. The windows in the ground and first floor walls would be 28.5 metres from the houses to the south and the Inspector clearly stated that this was not an issue of concern. The boundary hedging would provide an adequate screen to protect privacy within the garden areas of 53 and 55 Clifton Road.

The objectors have noted that one terrace seems to be retained on the drawings where there is a flat leaded roof outside some rooflights. The agent has claimed that this feature in roll jointed lead could not possibly be used as a sitting out area as it would be unsafe, but the objectors are unconvinced.

On balance, it is accepted that the amendments diminish the significance of the overlooking, but, if approved, it would be necessary to protect the privacy of the neighbours by imposing Conditions on an approval of planning permission requiring;

1. That restrictors are used on all rooflights in the south elevation to limit the extent to which they can be opened in order to prevent views onto the neighbours land.

2. That no alterations to the section of flat roof shown outside the reception room of the roofspace apartment that would facilitate its use as a terrace are carried out without written permission of the LPA.

In addition, it is acknowledged that previous discrepancies between the architect's plans and the applicant's supporting statements regarding the retention of the perimeter vegetation have been confusing for residents and have not given any confidence in the applicant's stated intentions to keep the hedges at a suitable height to protect their privacy. It should therefore be a stipulation of planning permission that the perimeter hedges be retained at a minimum height of 4 metres.

### **Highway, servicing and parking.**

The Inspector did not object to the 7 apartments in terms of highway capacity. It is agreed that the traffic generated by the two additional dwellings would be well within the capacity of the local highway network and unlikely to lead to highway safety implications. The sole highway safety issue is whether vehicles have sufficient space to turn safely within the site.

The submitted plans now show a drive 5m wide for a distance of 10 metres from the entrance, then a width of 3.4 metres widening at the turning head. By omitting a garage block, a wider turning area can now be provided and the applicant has demonstrated that large vehicles would be able to turn around on this area – thus avoiding the need to reverse down the slope into the public highway. The scheme now provides 200% car parking in a workable arrangement that will not result in parked vehicles obstructing the turning area. The bin store near the entrance would negate the need for refuse vehicles to enter the site, all other service and emergency vehicles could turn around and exit the site in forward gear. The Council's Highway Officer confirms that the previous reason for refusal could not now be substantiated given the improvements to parking and manoeuvring space and as guidance in 'Manual For Streets' no longer sets a limit on the number of dwellings to be served from a private drive access.

### **Impact on Trees**

#### **Impact of the bin store**

A bin store was previously introduced in a position too close to windows in the semi detached house adjacent to the access. The new application plan resolves this problem by moving the bin store under the trees. Being beech trees, these would be particularly susceptible to root damage. However, arrangements for surfacing the bin store and levels changes have now been clarified after a site meeting and are not as extensive as was first feared by the Council's Tree Officer. The bin store base would be a tamped concrete finish laid onto a geo-textile membrane onto the existing ground. It would be enclosed using close boarded fencing with fence posts in hand dug concrete foundations. The appeal Inspector considered that a Condition requiring details of bin store and the method of construction would be a way forward. This comment can be given significant weight and the Council's Tree Officer accepts that the bin store could be constructed so as not to adversely impact on tree roots.

#### **Impact of the access and turning head re-alignment**

The Council's Tree Officer considered that the re-alignment and enlargement of the access and turning head would adversely affect a large horse chestnut and hemlock tree



on the site and there was a lack of detail about the extent of the changes to land levels near the trees that will be necessary to construct the turning facility.

However, following a site meeting and submission of the latest drawings, the Council's Tree Officer is satisfied that the extent of work will not impact on the trees if carried out using tree-friendly construction techniques. The applicant's arboricultural method statement suggests use of a porous surface and hand digging close to trees and appropriate methods of construction are now shown on the submitted drawings to avoid damage to tree roots and permit retention of the trees as part of the development. The position of tree protective fencing is now adequate although the standard of fencing needs to be as recommended in BS 5837 (2005). This requirement can be the subject of a Planning Condition.

The apartment building itself is no closer to protected trees in the south-west corner of the site because the position, layout and design of the proposed building is no different to the 5-apartment development approved in 2005. The applicant has appointed an Arboriculturalist who recognises the need to carefully prune trees close to the west side of the development to permit construction, but it is accepted that this can be done without prejudicing their long term health.

**Community Safety Implications :** No apparent community safety implications.

### **Reasons for granting**

In the light of the fact that the applicant has clarified the extent of grade changes and construction methods in respect of the revised access, parking and turning areas and the bin store, the Council is satisfied that, subject to the imposed planning conditions, the development will not have a significant adverse effect on the protected trees and previous reasons for refusal of the development have been overcome. The development will have no significant adverse effects on highway safety, the amenity of neighbours or the character of the surrounding area. The development is now considered to be in accordance with Policies D1, TM12, TM2, TM19A, UR3, NE5 and NE6 of the RUDP.

### **Conditions of Approval**

1. Implementation of development within 3 years.
2. Samples of materials to be approved prior to commencement of development.
3. Requirement for a landscaping/tree planting scheme to be approved prior to commencement of development and implemented prior to occupation of the building.
4. Requirement for protective fencing to trees prior to commencement of development.
5. Construction of the access, turning areas and bin store must proceed in accordance with arboricultural methodology noted on drawing d6p.
6. The hedges to the boundaries of the development site shall be retained in their entirety and at their existing heights or a minimum height of 4 metres, unless otherwise agreed in writing by the LPA.
7. The vehicular access and turning area shall be constructed in accordance with the dimensions and specifications shown on drawing d6p prior to the occupation of any of the dwelling units hereby approved.

8. The car parking spaces shall be constructed in accordance with the dimensions and specifications shown on approved drawing d6p prior to the occupation of any of the dwelling units hereby approved
9. Prior to occupation of any of the roof level apartments, restrictors shall be installed on all rooflights shown in the south elevation to limit the extent to which they can be opened to a maximum amount to be agreed in writing by the LPA.
10. No alterations to the sections of flat roof or other sections of the roof of the building that would facilitate their use as a rooftop terrace shall be carried out without written permission of the Local Planning Authority.
11. Requirement for agreement of an archaeological watching brief that will allow an appointed archaeologist access to the excavated areas during construction.

**Date:** 11 June 2008  
**Item Number:** 3  
**Ward:** Ilkley  
**SUBJECT: CONSIDERATION OF ONE OBJECTION TO  
TREE PRESERVATION ORDER 08/00006/IG  
SECTION 201 TOWN & COUNTRY PLANNING ACT 1990  
FOUR WINDS, PANORAMA DRIVE,ILKLEY**

**Site:**

**Recommendation:** TO OVER-RULE THE OBJECTION AND CONFIRM THE  
TREE PRESERVATION ORDER WITHOUT MODIFICATION

A Tree Preservation Order for the above site was made on the 29<sup>th</sup> of January 2008. Due to application no 07/10390/CPN, which specified the removal of T1 Horse chestnut.

It is considered expedient to confirm this order as; the Horse chestnut is in a prominent significant position on the edge of the conservation area.

**Objections:**

There has been 1 objection made from Mr & Mrs Benson on the following grounds-

- This tree is extremely close to our garage, which is attached to the house, and it is apparently still growing. The trunk will eventually touch the building and cause damage.
- We do not object to the TPO on the other trees and we are willing to replant to your wishes.

**Officer comments in relation to the points of objection:**

- This TPO will not stop the required and appropriate maintenance to be carried out, in ensuring that this tree does not touch or damage the house whether in the form of pruning or removal, and as long as it is carried out in line with approved arboricultural practises.
- At this point in time there is nothing to suggest that this tree is causing or has the potential to damage the property, and no further information has been submitted to suggest the contrary
- If information is submitted that implicates the tree regarding damage to the house then the appropriate management will be carried out to ensure that the problem is resolved.

**Recommendation:**

It is requested that the objection be over-ruled and the Tree Preservation Order be confirmed without modification.

**Date:** 11 June 2008  
**Item Number:** 4  
**Ward:** Ilkley  
**SUBJECT: CONSIDERATION OF ONE OBJECTION TO  
TREE PRESERVATION ORDER 08/00010/I  
SECTION 201 TOWN & COUNTRY PLANNING ACT 1990**

**Site:** 20 Craiglands Park, Crossbeck Road, Ilkley, LS29 8SX

**Recommendation:** TO OVER-RULE THE OBJECTION AND CONFIRM THE  
TREE PRESERVATION ORDER WITHOUT MODIFICATION

A Tree Preservation Order for the above site was made on the 26<sup>th</sup> February 2008. Due to the council receiving application no 07/00169/CPN, which outlined tree removal.

It is considered expedient to confirm this order as this tree is in a prominent significant position on the edge of the conservation area, and two letters of support have been received to retain this tree

**Objections:**

There has been 1 objection made by Mrs Thake of 20 Craiglands Park, Ilkley on the following grounds-

- The one tree included in the order (a tall cherry) is closer to my house than is normally advisable on safety grounds; the tree overhangs the conservatory dropping small twigs and branches.
- The tree is not a good specimen because it has been heavily pruned removing most of the growth on the East side of the tree
- Only parts of the tree can be seen from outside the garden because of this and its unbalanced form it does not make a great contribution to public amenity.
- This tree would be better replaced by a new, well-balanced specimen, which could be planted further from the house and nearer to the footpath.

**Officer comments in relation to the points of objection:**

- This cherry is of reasonable health and moderate form, it is a significant tree that is noticeable in the area. It is the councils opinion that just because a tall tree is growing within a certain distance to the property should not require removal on safety grounds.
- This cherry tree is slightly un-balanced however with the appropriate management regime in place, this tree will recover and produce new growth that will rebalance the crown accordingly.

- The problems regarding small twigs dropping on the conservatory will also be addressed through the appropriate and approved management programme in place at the time.
- Once the crown has re established itself this tree will be a very important specimen for the area. It is a young tree which will add character and value to this area due to its location.
- It is not the intention of this TPO or council to stop the necessary management of this tree, providing it is carried out in line with approved Arboricultural practices.

**Recommendation:**

It is requested that the objection be over-ruled and the Tree Preservation Order be confirmed without modification.

**Date:** 11 June 2008

**Item Number:** 5

**Ward:** Ilkley

**SUBJECT: CONSIDERATION OF ONE OBJECTION TO  
TREE PRESERVATION ORDER  
07/00083/G  
SECTION 201 TOWN & COUNTRY PLANNING ACT 1990**

**Site:** 14 Yewbank Terrace, Ilkley

**Recommendation:** TO OVER-RULE THE OBJECTIONS AND CONFIRM THE  
TREE PRESERVATION ORDER WITHOUT MODIFICATION

A Tree Preservation Order for the above site was made on the 18<sup>th</sup> of October 2007. Due to application no 07/06804/FUL, which would have meant removing a large proportion of the Beech roots to facilitate the development.

The two Beech trees are considered worthy of protection by virtue of their size and location within the Ilkley Conservation area. The trees are highly visible from a number of public highways and footpaths, adding to the treed street scene and are considered as holding outstanding amenity value.

**Objections:**

There has been 3 objections received, one from Mr Marsten of Moorside Farm, One from Owner /Occupier of 13 Yewbank Terrace and one from Owner / Occupier of 14 Yewbank Terrace on the following grounds-

- Damage to existing building including the sewerage system, cracking to stone window lintel and to walls inside the flat
- Lack of sunlight into the flats, many trees in area
- The trees are touching the roof causing shade issues to properties 14, 13, and 12, and they have not been pruned in years

**Officer comments in relation to the points of objection:**

- These trees are located to the side of the property and they are of reasonable health and form. No evidence has been submitted to suggest or show that these trees are causing or have caused structural problems to the property.
- It is not the intention of this TPO or the council to stop any works being carried out to the trees, as long as it is carried out in line with approved Arboricultural practises.
- If the Beech trees are pruned in line with approved practises there should be no light issues to the aforementioned properties/ gardens or concerns regarding the canopy of the Beech trees touching the roof.

**Recommendation:**

It is requested that the objection be over-ruled and the Tree Preservation Order be confirmed without modification.

**MISCELLANEOUS ITEMS  
DECISIONS MADE BY AREA PLANNING MANAGER  
AUTHORISATION OF LEGAL PROCEEDINGS**

**Date:** 11<sup>th</sup> June 2008  
**Item Number** 6  
**Ward:** Craven  
**Recommendation:** That the report be noted

**Enforcement Reference:**  
07/01431/ENFUNA

**Site Location:**

Land at Bridge Farm, Aire Valley Road, Steeton with Eastburn, Keighley

**Alleged Breach of Planning Control**

The unauthorised use of land for:-

1.deposit and storage of :-  
construction, demolition and excavation waste, stone, soils, rubble and hardcore.

2.parking and storage of:-  
HGVs, crushers, screeners and excavators.

**Circumstances:**

This case involves farmland that runs between the River Aire and the Keighley by-pass from the Silsden roundabout towards Keighley. The initial complaint related to the construction of an access track which was challenged and resulted in a planning application being granted ref: 06/07457/FUL.

It is understood that the track was constructed by excavating the soil, and importing construction and demolition waste which was sorted, crushed and screened on site.

It is understood that the track has been completed some time ago and that the current operations are a change of use of the land.

An enforcement notice was authorised on 19<sup>th</sup> May 2008 including the requirement for the unauthorised use to cease in 28 days.

**Date:** 11 June 2008  
**Item Number:** 7  
**Ward:** Worth Valley  
**Recommendation:** That the report be noted

**Enforcement Reference:**  
06/00441/ENFCOU

**Site Location:**

Land at 32 Bingley Road, Crossroads, Keighley

**Alleged Breach of Planning Control**

Use of land in connection with the trading of motor vehicles and motor vehicle parts, the repair of motor vehicles and storage of tyres, vehicle parts, scrap metal and waste.

**Circumstances:**

This land is a small plot to the rear of a residential terrace consisting of established buildings and a yard area.

Planning permission has been obtained for a residential development ref: 07/07798/FUL.

It is understood that the land continues to be used as set out in the breach, despite previous assurances that the unauthorised use would cease.



**ENFORCEMENT NOTICE**

**DATE:-** 11 June 2008

**ITEM NUMBER:** 8

**WARD:** WORTH VALLEY

**RECOMMENDATION:** THAT THE REPORT BE NOTED

**ENFORCEMENT NUMBER:** 06/01147/ENFUNA

**SITE LOCATION:** WILDFELL, COLD KNOWLE EDGE ROAD,  
STANBURY

**ALLEGED BREACH OF  
PLANNING CONTROL:** CONSTRUCTION OF AN UNAUTHORISED DECKING.

**CIRCUMSTANCES:**

The owner of the property has constructed a raised decking to the rear of the dwelling. The balcony is considered to be an over dominant and intrusive feature and to have an adverse impact on the amenity of a sensitive mixed upland pasture landscape in the Green Belt.

The Department of Legal and Democratic Services have been instructed to issue an Enforcement Notice.

## MISCELLANEOUS ITEM

### APPEAL DECISIONS BY SECRETARY OF STATE

**ITEM NO:** 9  
**WARD:** Ilkley  
**SITE:** 105 Leeds Road, Ilkley.  
**APPLICATION NO:** 07/03340/FUL  
**PROPOSAL:** Demolition of garages and construction of a two Storey apartment and car spaces.  
**DECISION:** Allow

**ITEM NO:** 10  
**WARD:** Worth Valley  
**SITE:** Dunkirk Mill, Hawksbridge Lane, Oxenhope, Keighley  
**APPLICATION NO:** 07/04627/LBC  
**PROPOSAL:** Construction of porch to Mill House  
**DECISION:** Withdrawn