

## 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 SEPTEMBER 2008

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### SUMMARY STATEMENT - PART ONE

**Items include:**

◆ Miscellaneous Items

The sites concerned are:

Land at Rombalds Cottage, Crossbeck Road, Ilkley

Land at 9 Denby Court, Oakworth

5 Wharfe Park, Addingham

Three Acres Public House, Bingley Road, Cross Roads

Land at junction of Brown Bank Lane and Fishbeck Lane, Silsden.

13 Leeds Road, Ilkley

'Rohan' Unit 11, Station Building, Station Road, Ilkley

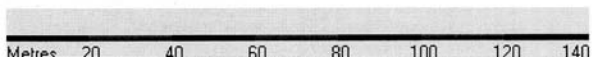
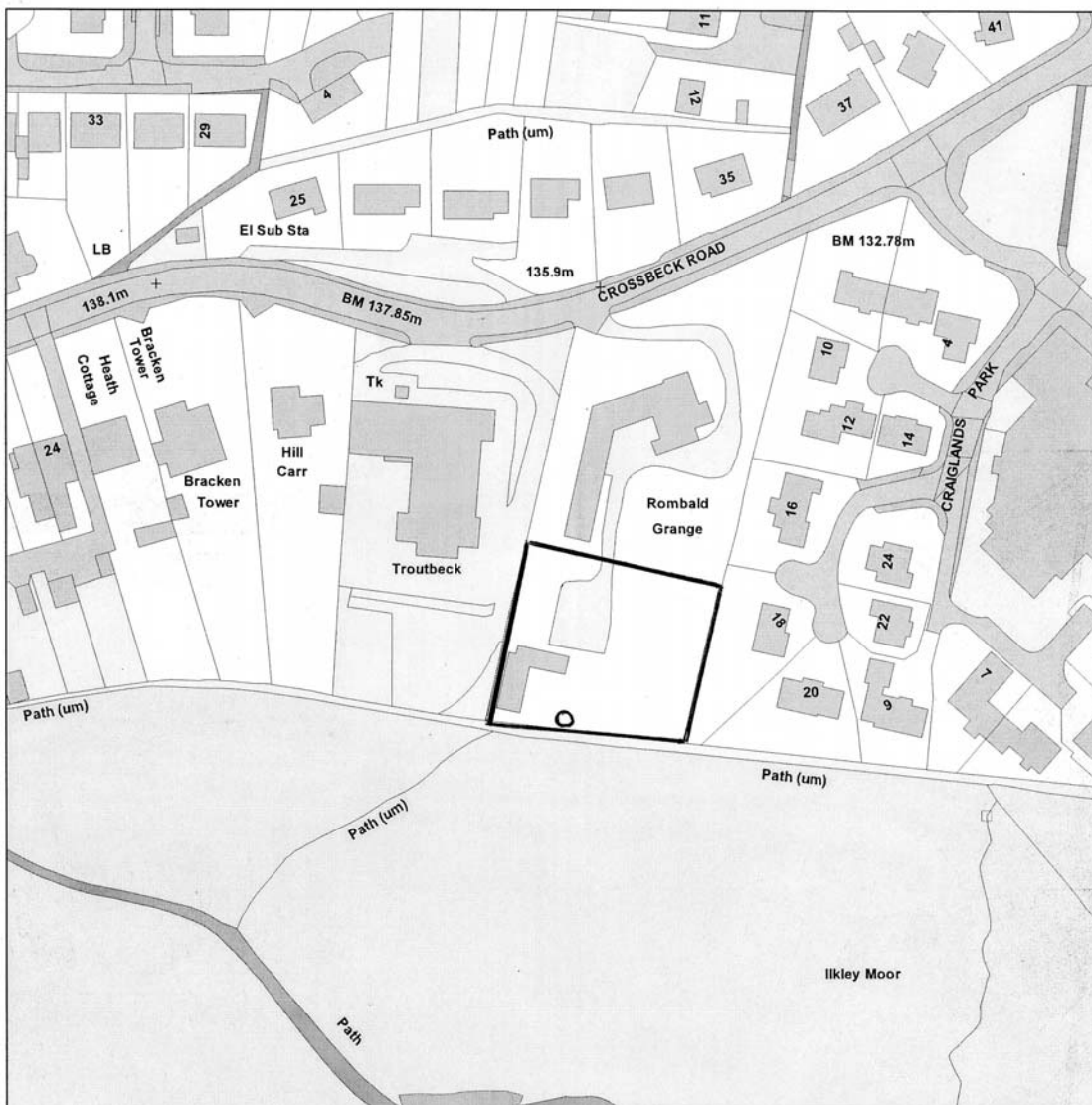
8 Lodge Hill, Addingham


15 Leeds Road, Ilkley

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ITEM NO.	LOCATION	
1	Land at Rombalds Cottage, Crossbeck Road, Ilkley	

## MISCELLANEOUS ITEM

**DATE:** 11 September 2008  
**Item Number:** 1  
**WARD:** Ilkley  
**SUBJECT:** CONSIDERATION OF AN OBJECTION TO TREE  
PRESERVATION ORDER 08/00023/I  
SECTION 201 TOWN AND COUNTRY PLANNING ACT 1990  
**SITE:** Land at Rombolds Cottage, Crossbeck Road, Ilkley  
**RECOMMENDATION:** TO OVER-RULE THE OBJECTIONS AND CONFIRM THE  
TREE PRESERVATION ORDER WITHOUT MODIFICATION.

### **Background:**

A Tree Preservation Order was made on 8th April 2008 as a result of a Notice of Intent within the Conservation Area submitted on 20th February 2008 to prune the beech tree. Due to the lack of detailed information on the extent of the pruning it was considered that this work would be likely to be detrimental to the health and amenity value of the tree as the tree had been previously thinned to the maximum under a previous notice of intent in 2006. For this reason the Tree preservation Order was made.

The tree is a large specimen of high visual amenity value next to a public footpath on the edge of Ilkley moor. The council cannot refuse a Notice of Intent and must either allow the works or make a TPO.

It is considered expedient to confirm the order as if not confirmed the tree could be destroyed in terms of its visual amenity value due to the unspecified nature of the works within the notice and clearly this would be detrimental to the health of the tree.

Minor works have recently been granted under the Tree Preservation Order on 22nd July 2008 which will not impact on the health and visual amenity value of the tree in accordance with good arboricultural practice. As a result of this the owner was requested to consider withdrawal of the objection however the objection to the TPO still stands.

There has been one objection to the order on the following grounds.

### **Summary of objections received:**

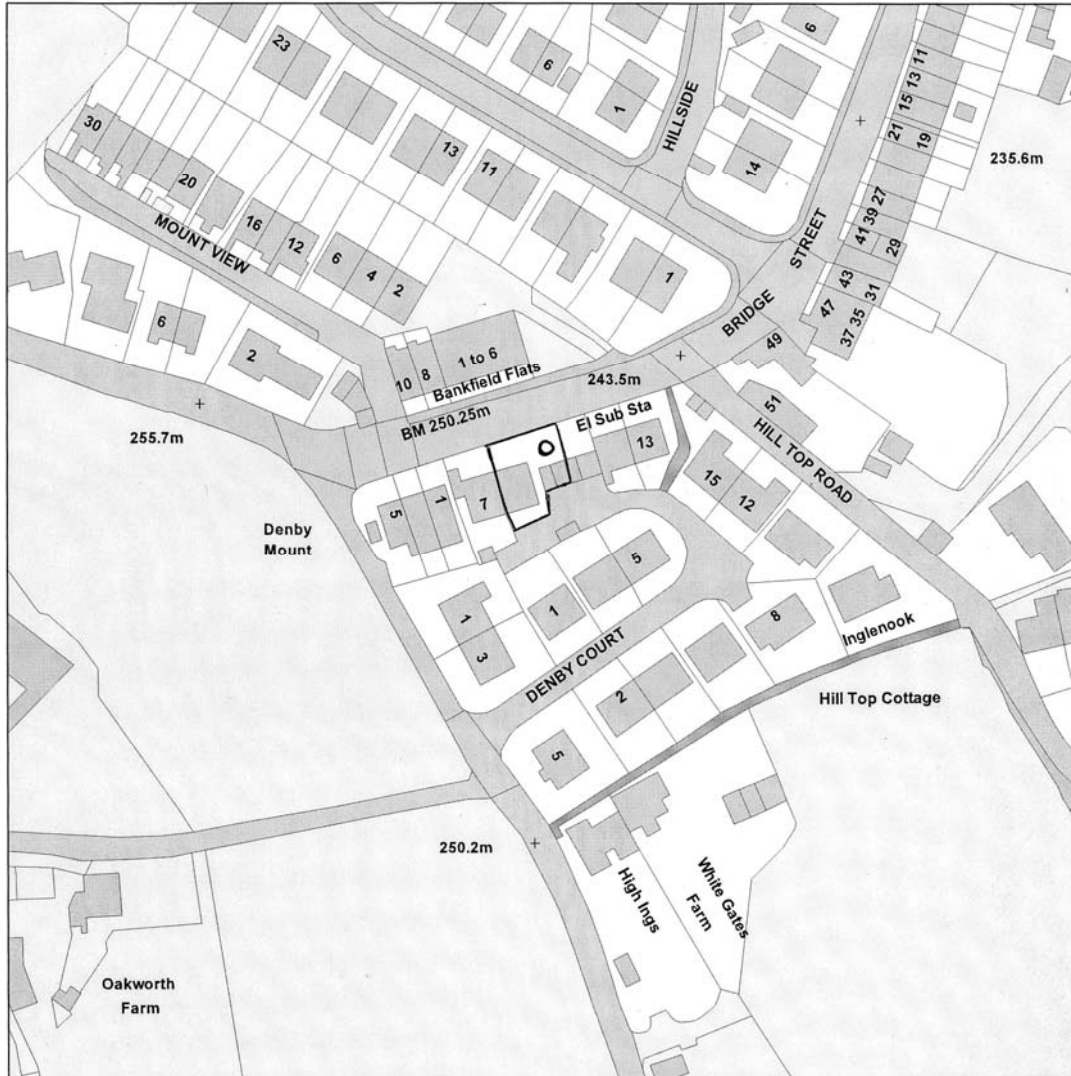
- The objection is in the form of a report by a tree specialist commissioned by the tree owner.
- The report states that the tree was found to be a healthy specimen possibly meriting a TPO but then goes on to say that no TPO should be placed on the tree because tree stability might be compromised due to alleged historical root damage.


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

- The report states that the tree is possibly worthy of a TPO and on the other that it is not, due to root damage. The report is extremely vague with regards to the information presented on the stability of the tree and the council does not question the structural stability of the tree for the foreseeable future.
- There is no visible evidence of root damage.
- The tree is healthy with good leaf coverage.
- The tree is considered to be a High visual amenity to the area, being next to a public footpath and on the edge of Ilkley moor. Significant pruning would result in a detrimental impact on the visual amenity value and health of the tree.

**Recommendation:**

It is requested that the objection be overruled and the Tree Preservation Order be confirmed without modification.



ITEM NO.	LOCATION	
2	Land at 9 Denby Court , Oakworth	

## MISCELLANEOUS ITEM

**DATE:** 11 September 2008  
**Item Number:** 2  
**WARD:** Worth Valley  
**SUBJECT:** CONSIDERATION OF TWO OBJECTIONS TO TREE  
PRESERVATION ORDER 08/00020/I  
SECTION 201 TOWN AND COUNTRY PLANNING ACT 1990

**SITE:** Land at 9 Denby Court Oakworth

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

### **Background:**

A Tree Preservation Order was made on 8th April 2008 as a result of a request from a member of the public as the property was changing hands. The tree is one of few trees within the area which is of high visual amenity value within the street scene. It is considered expedient to confirm this order as if not confirmed the Lime tree could be removed or pruned and its presence lost within the street scene.

There have been 2 objections made in relation to the Lime tree on the following grounds.-

### **Summary of objections received:**

- The tree is not suitable for such a small garden.
- The tree stands close to a large stone retaining wall which elevates the garden from the main road.
- The tree blocks light to and overhangs property and the road and causes damage to neighbouring plants and hedge.
- Root growth may cause damage to my garages.

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

- The tree is to the side of the property where there are secondary windows and the house has additional garden space because of the garages/sub station.
- There is no evidence that the tree is damaging the wall or garage.
- Appropriate pruning works could be carried out to reduce the nuisance and improve light if required .Consent would be required from the local planning authority under the Tree Preservation Order Legislation for any such tree works.

### **Recommendation:**

It is requested that the objections be overruled and the Tree Preservation Order be confirmed without modification.

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

**ENFORCEMENT NOTICE**

**DATE:** 11 September 2008

**ITEM NUMBER:** 3

**WARD:** CRAVEN

**RECOMMENDATION:** THAT THE REPORT BE NOTED

**ENFORCEMENT NUMBER:** 07/01164/ENFUNA

**SITE LOCATION:** 5 Wharfe Park, Addingham

**ALLEGED BREACH OF**

**PLANNING CONTROL:**

**the rear of the property.**

**The construction of decking and rail across the beck to**

**CIRCUMSTANCES:**

The owners of 5 Wharfe Park, Addingham have built decking and a protective rail across the beck at the rear of their property. It is considered that the structure has an unacceptable impact on the local environment and that it creates a situation where there may be an increased risk of flooding.

Corporate Services has now been instructed to prepare an enforcement notice in connection with this breach of planning control.

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

**ENFORCEMENT NOTICE**

**DATE:** 11 September 2008  
**ITEM NUMBER:** 4  
**WARD:** WORTH VALLEY  
**RECOMMENDATION:** THAT THE REPORT BE NOTED  
**ENFORCEMENT NUMBER:** 07/00723/ENFUNA  
**SITE LOCATION:** Three Acres Public House, Bingley Road, Cross Roads  
**ALLEGED BREACH OF  
PLANNING CONTROL:** Unauthorised development.

**CIRCUMSTANCES:**

The owners of the property submitted a planning application in 2007 which included setting out and tar-macadam surfacing the existing car park, creating a children's play area with associated apparatus and extending the car park into the adjoining green belt land. The application was refused on 30<sup>th</sup> may 2007. Despite the refusal the owners proceeded with the work.

The owners indicated that it was their intention to appeal the refusal. No appeal has been received. Despite discussions with the owners they have refused to restore the land to its former state.

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



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

**ENFORCEMENT NOTICE**

**DATE:** 11 September 2008

**ITEM NUMBER:** 5

**WARD:** CRAVEN

**RECOMMENDATION:** THAT THE REPORT BE NOTED

**ENFORCEMENT NUMBER:** 08/00555/ENFUNA

**SITE LOCATION:** Land at junction of Brown Bank Lane and Fishbeck Lane, Silsden.

**ALLEGED BREACH OF PLANNING CONTROL:** Unauthorised change of use.

**CIRCUMSTANCES:**

The land falls within the agricultural Green Belt. The owner has created a large area of hardstanding and has stationed three large stable blocks on it. It is also being used for the parking of vehicles for transporting horses.

The owners claim that the development is permitted. However it is the contention of the Local Planning Authority that the development is contrary to policies GB1, GB2, NE3A and D1 of the Replacement Unitary Development Plan and contrary to PPS7 and PPG2.

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

**MISCELLANEOUS ITEM  
ENFORCEMENT COMPLAINTS CLOSED BY THE AREA PLANNING  
MANAGER AS NOT EXPEDIENT TO PURSUE**

**Item Number:** 6  
**Ward:** Ilkley - 14  
**Complaint Ref No:** 08/00088/ENFUNA  
**Recommendation:** THAT THE REPORT BE NOTED

**Description and Address:**

Unauthorised change of use from one flat to two flats above these commercial premises at 13 Leeds Road, Ilkley

**Reason:**

Planning permission is likely to be granted without conditions and it is further considered that the breach of planning control would not cause significant highway/amenity issues to warrant enforcement action.

**Date Enforcement File Closed:** 29 July 2008

**Item Number:** 7  
**Ward:** Ilkley - 14  
**Complaint Ref No:** 08/00312/ENFADV  
**Recommendation:** THAT THE REPORT BE NOTED

**Description and Address:**

Unauthorised sign to the front of 'Rohan' Unit 11, Station Building, Station Road, Ilkley. This sign replaces an existing sign of similar dimensions.

**Reason:**

Advertisement consent is likely to be granted without conditions and the sign does not cause significant amenity issues to warrant legal action.

**Date Enforcement File Closed:** 29 July 2008

**Item Number:** 8  
**Ward:** Craven - 9  
**Complaint Ref No:** 08/00312/ENFUNA  
**Recommendation:** THAT THE REPORT BE NOTED

**Description and Address:**

Unauthorised fences to the side of 8 Lodge Hill, Addingham.

**Reason:**

Planning consent is likely to be granted without conditions and the fences do not cause significant amenity issues to warrant legal action.

**Date Enforcement File Closed:** 1 August 2008

## MISCELLANEOUS ITEM PETITION RECEIVED

**DATE :** 11 September 2008  
**ITEM NO.:** 9  
**WARD :** ILKLEY  
**RECOMMENDATION :** THAT THE PETITION BE NOTED

**PLANNING APPLICATION :** 08/04469/COU

**TYPE OF APPLICATION/PROPOSAL & ADDRESS :** Change of use from garage/ store room to a Hackney Carriage Booking Office - Building to rear of 15, Leeds Road , Ilkley LS29 8DH

### **CIRCUMSTANCES :**

The Council has received a number of letters of objection plus a petition signed by 71 people objecting to the above planning application on grounds of increased noise disturbance and concerns about road safety in what is already a very congested one- way street with very limited parking.

The application has now been refused under Officer's delegated powers on the grounds that the proposed taxi booking office would be introduced into a quiet back street close to a number of residential properties. Unacceptable disturbance would arise due to the taxi activity and customers using the premises at unsocial hours. There is a lack of car parking at the site and highway safety problems would be caused due to lack of facilities for taxis to stop and turn on Weston Road - which is a residential one-way street. In addition, no measures are proposed for effective supervision, safety or control of customers using the premises, especially late at night.

The lead Petitioner has been notified of the planning decision and Members are asked to note the outcome.

## 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 SEPTEMBER 2008

### SUMMARY STATEMENT - PART TWO

#### Applications recommended for approval

19 Richmond Place, Ilkley  
44 Woodlands Rise, Haworth  
Aire Valley Road, Keighley

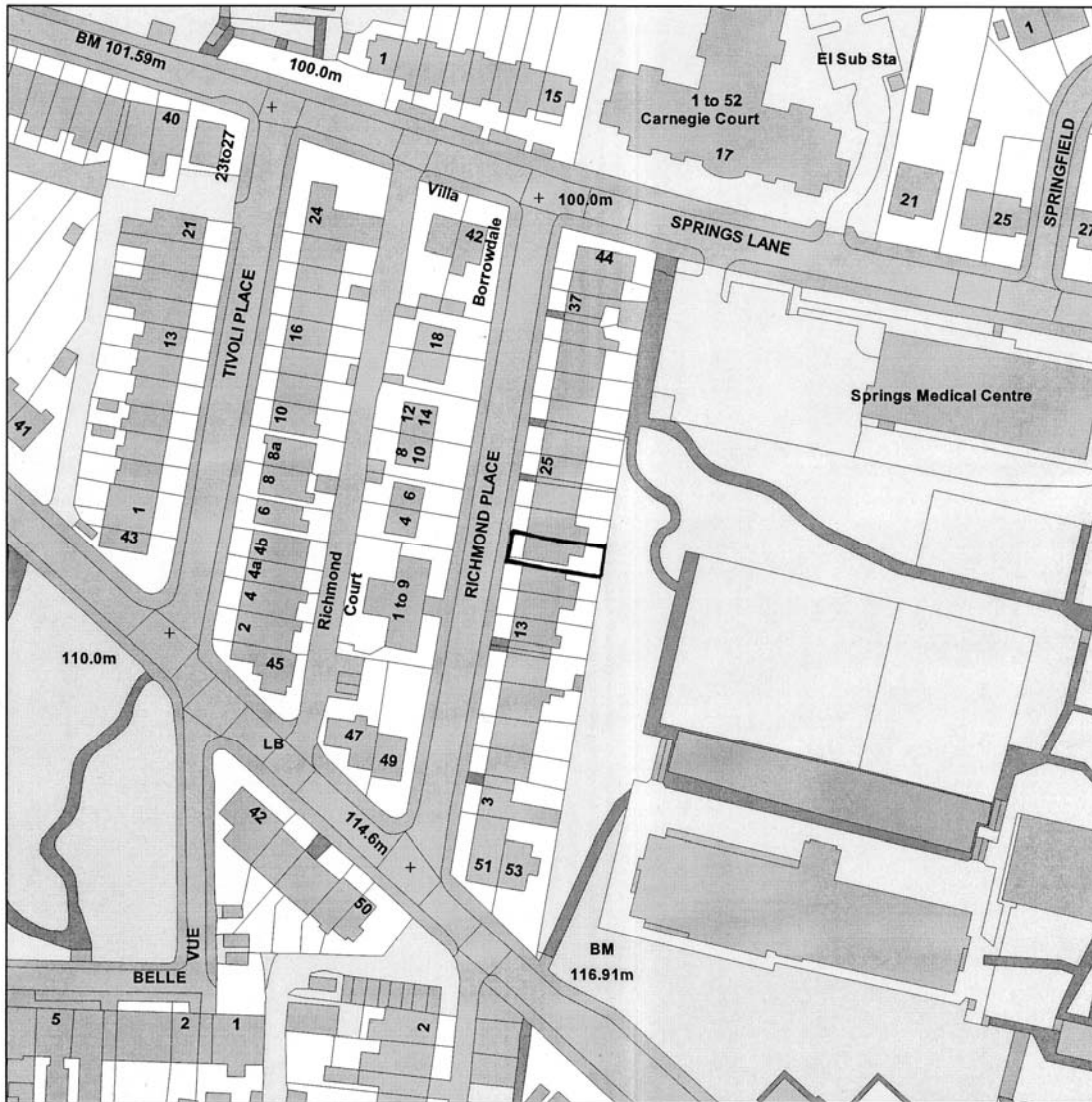
Christopher Hughes Assistant Director (Planning)  
Regeneration


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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)





ITEM NO.	LOCATION	
10	19 Richmond Place, Ilkley	

**DATE:** 11 SEPTEMBER 2008  
**ITEM No:** 10  
**WARD:** ILKLEY  
**RECOMMENDATION:** TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS  
**APPLICATION No:** 08/02859/FUL

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

Full application for alterations to allow creation of one additional, 1 bedroom apartment at basement level in property already converted into 3 x 1 bedroom apartments at 19, Richmond Place, Ilkley.

### **Site Description**

The property is a substantial Victorian end of terrace house with 4 stories (including roof rooms and basement) which at present is converted into 3 flats. The basement is presently unused and has a separate access door from a rear yard, which is at a lower level than the street, and is reached by a shared access way between nos. 17 and 19. There is also a pedestrian right of way across the rear yard of 19 to the rear of the adjoining terraced house at no. 21. Previous owners in the past have carried out unsympathetic alterations, including a box dormer at the rear, some upvc windows at front and rear and, at the rear, the insertion of differently shaped windows. No. 19 backs on to the grounds of Ilkley Grammar School and fronts to the east side of Richmond Place. Other houses on this side of the street are all of similar age and design, although are not converted to flats. None have off street parking. The properties on the west side are more modern houses or flats, served by a surfaced rear access road which allows for some rear parking or garages. All properties in the road are within the Ilkley Conservation Area.

### **Relevant Site History**

08/01094/FUL: Withdrawn, on 18.03.08, an application from a different potential purchaser to create a basement flat. (The withdrawal appears to have been prompted by failure of the sale of the property).

### **Replacement Unitary Development Plan (RUDP) Proposals and Policies**

The site is unallocated on the RUDP Proposals Map.

#### **Replacement Unitary Development Plan (RUDP) Policies**

UDP3, UR3 and D1 are relevant for design, the environment and amenity.

TM19A: Traffic management and road safety.

BH7: New Development in Conservation Areas.

H5 : Residential development of land and buildings not protected for other purposes.

**Town/ Parish Council** Ilkley Parish Council recommended approval subject to suitable drainage of the basement area.

### **Publicity and Number of Representations**

By letters to nearby properties and by conservation area site notice, expiring 10 July 2008. One objection was received from the adjoining house (21) together with a letter of concern from the Ilkley Civic Society.

### **Summary of Representations Received**

1. One additional flat is likely to add to existing parking problems, alleged to be exacerbated by on street parking arising from the flats on the west side of the street, and parking by users of the nearby Ilkley Grammar School and Springs Road

medical centre, and to cause difficulties for families in the street unable to park near their own house. (Ilkley Civic Society's concern is also about possible additional parking problems).

2. The occupier of no. 21 also wishes the right of way to the back of her house to remain unimpeded, and to be allowed to continue to keep her waste bins in the access way between no. 19 and 17.

### **Consultations**

Highways DC (Case Conference on previous proposal) : Highways Officers have advised that the addition of one flat to the whole road would not have a significant impact on parking or road safety.

Design and Conservation Team: No objection to the self contained basement flat, and welcomes change of some windows from upvc to timber. Critical of juliet balconies which were proposed on the original plans but have now been deleted from the application.

### **Summary of the Main Issues**

- Visual amenity and character of the Conservation Area.
- Neighbours' amenity and convenience.
- Parking and road safety.

### **Appraisal**

#### Application details

The following external changes are now included in the application following receipt of amended drawings:

- New matching sash windows to replace existing sash windows at front ground floor and first floor level and at rear ground and basement level.
- Replacement of existing upvc front basement bay side windows with timber sash windows.
- Replacement of existing upvc front basement central window with french windows in timber.
- New sash window to the rear wing at basement level.
- Replacement of existing rear roof light with "conservation" style roof light.
- Excavation of the existing front basement well to a depth of approximately 1.8 metres, compared with the existing depth of about 1 metre, and its enlargement to within 1.7 metres of the back of pavement .

#### Visual amenity and character

The new windows proposed would be in keeping with the character of the Conservation Area and, where upvc is to be replaced with timber, would enhance the appearance of the property. The basement level french windows to the front and enlargement of the front well would be noticeable changes, but similar changes have been made to other houses in the street without detriment to the street scene. Inappropriate changes previously included with the application, such as juliet balconies, have been deleted. Overall, the proposals are considered to benefit the visual appearance of the property and so have a positive effect on the character and appearance of the Conservation Area.

#### Neighbours' amenity and convenience

None of the changes would now involve any additional overlooking of neighbours. The yard at the rear is large enough to accommodate bins for 4 flats at the property while keeping clear access to both 17 and 21 either side. It appears that neighbours either side have found it convenient to keep their bins in the rear yard of no. 19 while it has been

empty or possibly with the informal agreement of the previous owner. However, such an arrangement or the storage of their bins in the shared access way is a private property issue and would not be an appropriate one for the planning system to enforce.

#### Parking and highway safety

The property is on a straight road with no parking restrictions. There is much on street parking. Officers have observed the road at various times and dates, including during school term, but have never seen the street completely filled by parked vehicles. This does not mean that such full occupation does not occur sometimes, but seems to suggest that parking by non-residents is not at such levels as to squeeze out residents on most days. Almost certainly, residents will suffer the inconvenience of not always being able to park outside their house, as with many other such streets near the town centre. However, the extra parking generated by one additional 1 bedroom flat in a road with 42 dwellings, an increase in dwellings of 2.4 per cent, is not likely to be significant or to be justified as a reason for refusal, in such a location so near to public transport and the town centre. RUDP parking standards are expressed as a maximum acceptable amount rather than a minimum, and therefore suggest no particular requirement in this type of case, which has to be judged on its merits.

#### Other Matters and Conclusion

In respect of the parish Council's concerns about drainage, no changes are indicated to the rear yard which would create drainage problems. There is already a foul drainage connection for the basement, and there is no evidence to suggest that the proposed basement flat could not be drained in this way.

The proposal would in net terms slightly improve the appearance of this property, and add to the dwelling stock in a sustainable location. The disadvantage of possible limited additional parking is not considered to be significant.

**Community Safety Implications** : No obvious additional implications.

#### **Reasons for Granting Planning Permission**

The development, as amended, will have no significant adverse effects on local amenity or neighbours or the Ilkley Conservation Area, and complies with Policies UR3, D1, H5 and BH7 of the Replacement UDP

#### **Conditions of Approval**

1. Three year time limit to start.
2. Compliance with amended plans.
3. Use of painted timber for all new doors and windows, sash style windows, and a conservation style roof light, as indicated.





ITEM NO.	LOCATION	
11	44 Woodlands Rise Haworth	

**DATE:** 11 September 2008  
**ITEM No:** 11  
**WARD:** WORTH VALLEY  
**RECOMMENDATION:** TO GRANT PLANNING PERMISSION WITH CONDITIONS  
**APPLICATION No:** 08/02225/FUL

### **Type of Application/Proposal & Address**

Full planning application for construction of a three bedroom detached house with parking for two vehicles at land to the rear of 44 Woodlands Rise Haworth Keighley.

### **Site Description**

The site forms part of 44 Woodlands Rise's rear garden and is 271m<sup>2</sup> in area. The garden is fenced in and lies adjacent to an unrecorded footpath to the west of the site. To the south and east of the site are gardens and dwellings. To the north of the site are residential properties and Cold Street. The site possesses vehicular access via the unrecorded footpath onto Cold Street.

### **Relevant Site History**

06/00517/FUL –Two storey side extension and single storey rear to replace existing kitchen and conservatory. Granted 14.03.2006. Implemented.

07/10225/FUL –Three bedroom detached house with parking for two vehicles. Withdrawn.

### **Replacement Unitary Development Plan (RUDP) Proposals and Policies**

Unallocated

[UDP1](#) Promoting Sustainable Patterns of Development

[UR2](#) Promoting Sustainable Development

[UR3](#) The Local Impact of Development

UR4 The Sequential Approach to Accommodating Development

H5 Residential Development of Land and Buildings not Protected for Other Purposes

[H7](#) Housing Density – Expectation

[H8](#) Housing Density - Efficient Use of Land

[TM2](#) Impact of Traffic and its Mitigation

TM9 Protection of Routes

[TM12](#) Parking Standards for Residential Developments

[D1](#) General Design Considerations

[D4](#) Community Safety

### **Town/Parish Council**

The Councillors had no objections to this development. The Parish Council response reported the following representations raised by members of the public:

- Road safety Issues;
  - Children regularly play on Cold Shaw
  - Vehicles reversing out of the property have to cross the public footpath (Snicket) through from Cold Shaw to Woodlands Rise
  - Vehicles are unstable when coming down the unmade road opposite the proposed development
- Overlooking:
  - The new build will overlook existing properties
  - It will create a shadow effect for the existing properties
- Closeness:

The new dwelling will be sited extremely close to existing boundaries, believe to be 750cm

- **Legal Status:**

It is believed that there is a covenant (from Bradford MDC) restricting the use of the land for garden purposes only.

### **Publicity and Number of Representations**

Publicised by site and press notices and individual neighbour notification letters. Publicity expired on 23 May 2008. Seven representations have been received.

### **Summary of Representations Received**

1. Overlooking.
2. Overshadowing of garden and property.
3. The development will result in no parking for 44 Woodlands Rise (5 bedroomed) and Woodlands Rise, where their vehicles would park, is already congested.
4. Covenant restricts building on the site. This land is garden land.
5. Loss of privacy.
6. Loss of right and public access.
7. Nuisance, noise, fumes and dirt disturbance due to elevated position of parking / access in relation to 33 Rosslyn Grove's garden.
8. Out of keeping with surroundings.
9. Traffic and pedestrian safety.
10. Traffic reversing out onto the snicket connecting Woodlands Rise with Cold Shaw have already nearly hit a child.
11. Visual intrusion.
12. Dwelling would have a serious oppressive and overbearing impact on 33 Rosslyn Grove.
13. Believes there should be a snicket that runs down the back of Woodlands Rise, which is no longer there. Another representation states that access to 38 Woodland Rise did exist from the rear until the Mitchell's at 44 Woodland Rise blocked off the access leaving the occupants of 38 Woodlands Rise with only access from the front. If at any time the occupants of 38 Woodlands Rise needed to get machinery for blocked drains or sewers this development would make it very difficult.
14. Queries how development will affect access to 33 Woodlands Rise.
15. Queries whether or not the snicket is going to be closed.

### **Consultations**

**Drainage Service Unit:** A public sewer exists within the site boundary. The sewerage undertaker Yorkshire Water must be consulted for a view of the impact of the development on the public sewerage system.

**Yorkshire Water Services Ltd:** No objection subject to condition to protect the local aquatic environment and Yorkshire Water infrastructure.

**Rights of Way Section:** Keighley Public Footpath 168 runs adjacent to the site and appears to be unaffected by these proposals. A second path between Woodlands Rise and Cold Street abuts the site and although unrecorded it is believed that public rights have been gained.

Proposals within this submission do appear to include minor amendments to the earlier withdrawn application 07/10225/FUL but there is still the potential of vehicles reversing out of the site.

As in the earlier submission reference is made to block paving within the site but there does not appear to be any reference to treatments of the access and footpath onto Cold Street. The applicant should provide adequate surface and drainage improvements onto Cold Street and improve the surface of the unrecorded footpath abutting the site. This could be a surface of road saplings or tarmac.

Standard informatives needed on any approval.

**Police Architectural Liaison Officer** : Recommended heights for fencing and that the cloakroom window be non-opening.

### **Summary of Main Issues**

Principle

Density

Design and external appearance

Residential amenity

Traffic flow and highway safety

Comments on representations

### **Appraisal**

Proposal

The application is for a three bedroom house and associated parking. The plans have been amended to incorporate a mono pitched porch to kitchen.

Principle

Sited within the built up area of Haworth but not within the urban area. The site is brownfield. Site would make use of existing infrastructure serving surrounding housing and would therefore accord with Policy UR2 of the Replacement Unitary Development Plan (UDP).

The development is of such a small scale as not to prejudice implementation of Policy UR4 of the replacement UDP.

Density

Appropriate level of density for the redevelopment of this site for residential dwellings would be a minimum of 30 dwellings / hectare. This would equate to one dwelling, which means the proposal will accord with Policies H7 and H8 of the UDP.

Design and external appearance

The proposal is for a two-storey dwelling. Use has been made of a change in levels across the site to set the dwelling down and an asymmetrical pitched roof has also been used to lessen the impact of the dwelling on existing dwellings on Woodlands Rise.

The dwelling has been sited so that its main elevation faces towards Cold Street. The dwelling is square in floor area with the main elevation being broken up by use of a pitched roofed two-storey forward projecting wing and a single storey mono pitched porch. A mono pitched roof porch has also been put on the rear (southern elevation of the dwelling). Fenestration gives vertical emphasis to the dwelling and reflects fenestration used in the area. Fenestration has been designed to avoid undue overlooking of neighbouring properties.

One length of new fence is proposed between the proposed dwelling and the rear garden area of 44 Woodlands Rise, which will reflect existing fencing in terms of height (1.8m) and design. The only other alteration to boundaries would be the reduction of existing fencing facing Cold Street.

In conclusion it is considered that the design of the proposal accords with Policies D1 and UR3 of the UDP.

The proposed dwelling will have a Marley Monarch blue slate tiled roof, which would harmonise with roof materials in the surrounding area. The applicant has agreed to make further amendments to the plans to show the dwelling finished wholly in artificial stone. Subject to approval of an artificial stone sample the materials are considered to be acceptable in this location where there is a mixture of stone and render properties. Windows and doors will have stone sills, jambs, heads and mullions. It is considered that the external appearance of the dwelling will accord with Policies D1 and UR3 of the UDP.

Landscaping is not shown on the plan but can be dealt with by condition.

#### Residential amenity

The front (northern) elevation of the proposed dwelling is off set from 33 Rosslyn Grove to avoid habitable room windows facing each other or leading to undue loss of privacy for garden areas from habitable room windows.

The front porch to the proposed dwelling and the parking area lying between the dwelling and the boundary with 33 Rosslyn Grove and the rear garden of 40 Woodlands Rise is raised up so any permission will need to condition the provision of a close boarded 2m high screen fence along the boundary, at the parking level for the proposed dwelling to avoid loss of privacy for the users of garden at 33 Rosslyn Grove and 40 Woodlands Rise. The rear garden has the potential to be used for parking already and it is not considered that the development will, due to the location of off street parking lead to an addition in nuisance by reason of noise, fumes or dirt.

Due to the off set relationship of the proposed dwelling to 33 Rosslyn Grove and the distance between boundary and the front two storey elevation of the proposed dwelling (a minimum of 4.5m rising to 6m) there will not be overshadowing / overbearing issues.

The garden level immediately adjoining the rear garden of 40 Woodlands Rise between the common boundary and the side (east) elevation of the proposed dwelling will be as existing and therefore the existing fencing at 1.8m in height will provide adequate privacy screening (there is a need to condition the retention of a 1.8m high fence in this location). The only windows in the east elevation of the proposed dwelling will be a first floor bathroom window and a porch window, which will be obscurely glazed, the bathroom window with only the small top hung transom portion of the window opening. The top hung transom will be sited 1.6m above finished floor level. It is considered that this fenestration (conditioned to retain it in its approved form and allow no further fenestration on the eastern elevation) will not cause undue overlooking / privacy problems for the occupants of 44 Woodlands Rise's rear garden.

The east elevation of the proposed dwelling will be set 750mm off the existing fenced boundary with that portion of 44 Woodlands Rise's rear garden situated a minimum of

14m from the rear elevation of 44 Woodlands Rise. The height of the east elevation above the ground level of the rear garden of 44 Woodlands Rise would be between 5.1m at the lowest point and 8.4m at the highest point. The asymmetrical design of the pitched roof will lessen the impact of the eastern elevation on the rear garden area. The eastern gable will impose upon the rear garden of 44 Woodlands Rise, however this is considered to be acceptable given the size of rear garden for 44 Woodlands Rise and the fact that it reflects a similar situation to the relationship of 33 Rosslyn Grove's side elevation to 31 Rosslyn Grove's rear garden. Fencing should be retained via condition.

The south elevation of the dwelling will face the rear elevation of 42 Woodlands Rise square on. 42 Woodlands Rise would have habitable room windows facing the dwelling. The distance between 42's rear elevation and the dwellings main rear elevation excluding porch to kitchen would be 12m. Screening to the common boundary will be by way of an existing 1.8m high close boarded fence. Due to changes in level the fence is stepped down across the site from the unadopted footpath towards 42 Woodlands Rise. Privacy within the garden areas will be maintained at its present level and privacy in the future can be retained via a condition retaining the fencing.

The roof of the south elevation would contain three roof lights serving two bathrooms and a bedroom. The lowest part of the roof lights would be 2.1m above finished floor level and therefore it is not considered that they would give rise to undue overlooking of the rear of 44 Woodlands Rise. A condition is needed to prevent the insertion of further fenestration in the future.

The dwellings kitchen will be served by a high level, obscure glazed, fixed window and the kitchen door, by use of a porch arrangement would mean the kitchen would not give rise to loss of privacy issues. Conditions to protect the future position with regard to overlooking are required.

The asymmetrical roof and accommodation in roof space has allowed the physical impact on 42 Woodlands Rise to what is considered to be an acceptable degree.

The dwelling will be off set from the rear elevation of 44 Woodlands Rise and set a distance of 9m from the nearest portion of 44 Woodlands Rise. New stepped 1.8m high fencing is to be erected along the boundary between 44 Woodlands Rise and the dwelling. The dwelling will not give rise to overshadowing / privacy issues with regard to its relationship with 44 Woodlands Rise. A condition is needed to prevent the insertion of further fenestration in the future.

The gable west elevation of the dwelling would be sited between 2.8 and 6.2m from the existing fence to the unadopted footpath, which are considered to be sufficient distances to prevent the resultant dwelling having an overbearing or over shadowing affect on the footpath, users of the footpath or garden of 46 Woodlands Rise.

The west elevation would have habitable room windows and doors at ground floor level but these would not cause privacy problems being adequately screened by the existing 2m high close boarded fence to the unadopted footpath. A condition is needed to prevent the alteration of fenestration in the future.

At first floor level the west elevation has a means of escape window to a bedroom. This window would overlook the dwellings garden, the unadopted footpath and then the

narrowest part of 46 Woodlands Rise's garden most distant from 46 Woodlands Rise's dwelling house. It appears to be used for access. Site visit suggests that the part of 46 Woodlands Rise's garden the window would overlook is not used in a manner that would cause the overlooking to be unacceptable i.e. for the parking and accessing of vehicles, unlike if the window had overlooked a part of the garden nearer 46 Woodlands Rise's dwelling house. It is considered that the degree of overlooking is acceptable in the circumstances outlined above.

The development would lead to a reduction in the size of garden serving 44 Woodlands Rise. The size of garden reflects that of terraced properties in the vicinity and with regard to other Woodlands Rise properties 44 Woodlands rise is not viewed in such a way that the smaller garden would appear out of place. The Council has no minimum size of garden for different sizes of dwellings.

Any approval would need to restrict general Permitted Development (PD) rights with regard to extensions of the dwelling to protect residential amenity in the future from overlooking / overshadowing / overbearing affect.

In conclusion it is considered that the proposal for the reasoning outlined above would have an acceptable affect on residential amenity and therefore accord with Policies D1 and UR3 of the UDP.

#### Traffic flow and highway safety

The new dwelling would be served by an existing vehicular access, which has been altered by extending it towards Cold Street and reducing the height of fencing onto Cold Street to improve access/egress. Given the existence of an access/egress onto the un-adopted footpath between Woodlands Rise and Cold Street it is considered that it would be difficult to refuse the application on the basis that this was being used to serve a dwelling, which can be argued is its use now. It is considered that the altered access by providing an access wider in width, without gates and with reduction in fencing would actually improve the inter-relationship between vehicles and users of the footpath by making both parties more visible to each other. Any consent can be conditioned to require the improvement of the surface of that part of the footpath within the red edge, to the benefit of both vehicle users and pedestrians.

The proposal provides for two off street parking spaces for the use of the proposed dwelling. As the proposal uses what is potentially 44 Woodlands Rise's off road parking spaces this means that the occupants of 44 Woodland Rise will have to park on road probably on Woodlands Rise. Site visits of Woodlands Rise have not revealed a congested road incapable of taking any more on street parking to the danger of highway safety. The proposal meets the maximum standards as laid out in the UDP and therefore in this respect the proposal accords with Policy TM12 of the UDP.

#### Comments on representations

Matters of overlooking, loss of privacy, residential amenity (nuisance, noise, fumes and dirt disturbance), overshadowing, overbearing impact, parking both for the new and existing dwellings, design and visual appearance, highway safety and affect on footpaths have been discussed in the proceeding report.

Covenant restrictions are not a material consideration in determination of this application.

There has been no evidence put forward to support the view that that the snicket to the rear of Woodlands Rise actually existed and that its possible extinguishment was unauthorised. Matters concerning this snicket are not material considerations in determination of this application.

### **Community Safety Implications**

No community safety implications. The dwelling would be situated within a defensible space and the cloakroom window is conditioned to be non-opening. Proposal can accord with Policy D4 of the UDP.

### **Reasons for Granting Planning Permission**

The principle of redevelopment of this brownfield land at this location and at the density proposed is acceptable. The siting, design and external appearance of the building, landscaping and access has been assessed and the dwellings affect on the surrounding area, including residential amenity and highway safety and community safety has been assessed as being acceptable. As such the proposal is considered to accord with Policies UDP1, UR2, UR4, H5, H7, H8, TM2, TM12, D1, D4 and UR3 of the Replacement Unitary Development Plan.

### **Conditions of Approval**


1. Development to commence within 3 years.
  2. Amended plan to be implemented.
  3. Hours of construction to be limited.
  4. Protection of the local aquatic environment and Yorkshire Water infrastructure
  5. Materials prior approved and implemented.
  6. Landscaping scheme to be submitted, approved, implemented and retained
  7. Details of obscure windows
  8. Retention of obscured / fixed windows
  9. The provision of a close boarded 2m high screen fence along the boundary, at parking level for the proposed dwelling to avoid loss of privacy for the users of garden at 33 Rosslyn Grove and 40 Woodlands Rise
  10. Construction of new fencing
  11. Retention of fencing
  12. Ground floor cloakroom window to be non opening and retained as such
  13. Permitted Development Rights removal: windows
  14. Permitted Development Rights removal: general
  15. Permitted Development Rights removal: means of enclosure
  16. Permitted Development Rights removal: Gates
  17. Approval of materials for hard surface of access/parking areas/turning areas/unadopted footpath within red edge and provision and retention of approved details
  18. Provision and retention of access
  19. Provision and retention of parking
- Informatives on footpaths



# Area Planning Panel (Keighley)

11 September 2008



ITEM NO.	LOCATION	
12	Aire Valley Road, Keighley	

**DATE:** 11 SEPTEMBER 2008  
**ITEM No:** 12  
**WARD:** KEIGHLEY EAST  
**RECOMMENDATION:** PRIOR APPROVAL NOT REQUIRED  
**APPLICATION No:** 08/04987/PNT

### **Type of Application/Proposal & Address**

Application for determination as to whether Prior Approval is required for the siting and appearance of a Telecommunications Installation at land in front of Magnet/Homebase, Aire Valley Road, Keighley. The proposal comprises the installation of a telecommunications monopole supporting 6 antennae within a shroud with a total height of 14.7 m and an additional equipment cabinet (cabinet already installed).

### **Site Description**

The application site comprises the grass verge adjacent to the footpath which runs along the A650 link road between the Aire Valley By-Pass and Keighley Road/Bradford Road. The grass verge is approximately 5m wide and is located in front of the new Magnet/Homebase store. There is an existing 14m high monopole on this site which is to be replaced by the proposed pole and one existing equipment cabinet.

### **Relevant Site History**

00/00978/PN Installation of one 12m monopole telecommunications mast (height inclusive of shroud with antennas is 13.94m) and associated equipment cabinets - Prior Approval Required and Granted – 16<sup>th</sup> May 2000.

### **Replacement Unitary Development Plan (RUDP) Proposals and Policies**

The site is unallocated.

UR3 – The Local Impact of Development  
D1 - General Design Considerations  
D16 - Telecommunications Development  
TM2 Impact on Traffic and its Mitigation

### **Town/Parish Council**

Comments to be reported verbally

### **Publicity and Number of Representations**

Advertised by Press and Site Notice. Expiry Date for representations 11<sup>th</sup> September 2008. No representations received by 20<sup>th</sup> August 2008. Any representations received will be reported verbally.

### **Summary of Representations Received**

None at date of report completion.

### **Consultations**

None

### **Summary of Main Issues**

Background Information  
Impact on Local Environment  
Impact on Neighbouring Occupants

Health Risks  
Impact on Highway Safety

## **Appraisal**

### **Background Information**

The proposal is for the installation of a replacement mast and an additional equipment cabinet measuring 800mm by 900mm and 1285mm high.

Being less than 15m high the mast and equipment is permitted development under Class 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended 2001) but Prior Notification is required to determine whether the Prior Approval of the Council is required for the siting and appearance of the development.

Notice of whether Prior Approval is granted or Refused must be given within 56 days by 20 September 2008.

Policy D16 of the RUDP which reflects PPG8 on Telecommunications gives generally positive encouragement to telecommunications development. This policy support is subject to the benefits of the development not being outweighed by any adverse effect on the appearance and character of its surroundings and any adverse effect on the amenity of any surrounding residential areas.

The replacement installation is required to provide an improved level of 2<sup>nd</sup> and 3<sup>rd</sup> Generation (2G and 3G) coverage to the Micklethwaite region and satisfy an increasing demand in the local area. Plans showing coverage plots have been submitted to show coverage across the application site and wider surrounding area and the improvements to coverage that the proposal will bring to the area.

The applicant has advised that alternative sites have not been considered on the grounds that an extensive search was undertaken prior to the selection of this site for the original development and this was deemed the most appropriate location. Furthermore, much of the infrastructure required is already provided at the site (cabinets, groundworks etc) and the existing development has been successfully assimilated into the local environment. As such the applicant considers this to be the optimal solution for providing the telecommunications service required for the surrounding area.

### **Impact on Local Environment**

The proposed pole will be 0.7m higher than the existing pole (including shroud) and one additional cabinet is proposed which is to be finished in green to match the existing. The equipment is located in a commercial area on a busy highway where there are existing tall street lighting columns.

It is not considered that the development will have any significant impact on the visual amenity of the area and as such will accord with Policy UR3 and D1 of the RUDP.

### **Impact on Neighbouring Residents**

The neighbouring use is commercial and land on the opposite side of the highway is allocated in the RUDP for employment use. The nearest residential properties and a

children's nursery are located 100m away to the north east. It is not considered that the monopole or equipment cabins will impinge on the outlook from these properties.

The equipment and installation are certified as being fully compliant with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation (ICNIRP). PPG 8 makes it clear that in these circumstances it should not be necessary to consider further the health aspects and concerns about them.

The Council has adopted an Advice Note on Health Concerns and Public Concerns in Relation to Telecommunications Developments. This outlines the advice of PPG8 but also highlights that fear of possible health affects is capable of being a material consideration. There have been no representations on the grounds of health effects at the time of this report being written.

#### Impact on Highway Safety

There are no highway safety implications

#### **Community Safety Implications**

The proposal poses no community safety implications and is considered to accord with Policy D4 of the RUDP.

#### **Recommendation**

Consideration has been given to the impact of the development on the local environment, local residents and highway safety and it is not considered that there will be any adverse impact on these interests of acknowledged importance. It is recommended that Prior Approval is not required.

## 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 SEPTEMBER 2008

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### SUMMARY STATEMENT - PART THREE

#### Application recommended for refusal

The site concerned is:

Land To The West Of Weavers Hill, Haworth

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Christopher Hughes Assistant Director (Planning)  
Regeneration

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2006-2007  
Improving Rural Services  
Empowering Communities




INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)





ITEM NO.	LOCATION	
13	Land To The West Of Weavers Hill Haworth	

**DATE:** 11 SEPTEMBER 2008  
**ITEM No:** 13  
**WARD:** WORTH VALLEY  
**RECOMMENDATION:** TO REFUSE OUTLINE PLANNING PERMISSION. THIS APPLICATION IS REFERRED TO THE PANEL SO THAT 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  
**APPLICATION No:** 08/04453/OUT

### **Type of Application/Proposal & Address**

Outline application with access, layout and scale to be considered  
Construction of residential development (18 apartments) and hotel complex, leisure facilities and associated works  
Land to the west of Weavers Hill, Haworth

### **Site Description**

A 0.93-hectare open, grassed field that is allocated as Village Open Space in the Replacement Unitary Development Plan. The site is specifically identified in the Proposals for the Keighley Constituency (OS7.15) as “an open area of land adjoining one of the villages’ main visitor car parks and which contributes to the special interest, character and experience of the village”.

The site slopes from east to west and is bounded by the Bankfield Quarry car park (the main car park for visitors to Haworth) to the north. Keighley Footpath 154 bounds the southern boundary of the site and residential dwellings, located in Old Hall Close, back onto the southeast boundary of the site. Further residential properties in Spinners Way are located to the north east of the application site, beyond the existing access road to the existing Quarry car park.

Access to the site is via the existing narrow access road which leads to the Quarry car park from Sun Street.

### **Relevant Site History**

There is no relevant history for any specific development proposal on this parcel of land. Planning application 00/02540/OUT for residential development was withdrawn from determination in 2000.

### **Replacement Unitary Development Plan (RUDP) Proposals and Policies**

The site is allocated as village green space. The following policies are relevant: -

- UDP1 – Promoting sustainable patterns of development
- UDP2 – Restraining development
- UDP3 – Quality of built and natural environment
- UDP4 – Economic regeneration
- UDP7 – Reducing the need to travel
- UR2 – Promoting sustainable development
- UR3 – The local impact of development

UR4 – The sequential approach to accommodating development  
 E5 – New employment uses in rural areas  
 E8 – New tourist facilities  
 E9 – Major hotels and conference facilities  
 E10 – Small hotels and guesthouses  
 H5 – Residential Development of land and buildings not protected for other purposes  
 H7 – Housing Density – expectation  
 H8 – Housing Density – efficient use of land  
 H9 – Affordable housing  
 H10 – Affordable housing – rural exceptions  
 TM2 – Impact of traffic and its mitigation  
 TM9 – Protection of routes  
 TM11 – Parking standards for non-residential developments  
 TM12 – Parking standards for residential developments  
 TM18 – Parking for people with disabilities  
 TM19A – Traffic management and road safety  
 D1 – General design considerations  
 D3 - Access for people with disabilities  
 D4 – Community safety  
 BH7 – Development within or which would affect the setting of conservation areas  
 BH10 – Open space within or adjacent to conservation areas  
 CF7B – Indoor sports and recreation facilities  
 OS5 – Provision of recreational open space  
 OS7 – Village green space

### **Town/Parish Council**

- The PC is totally against this application, there are no special needs to justify building in the green belt.
- The land in question has been allocated as Village Green Space in the RUDP.
- The outline plans are not compatible with the actual physical layout
- The land is currently upland pasture
- The developer has not submitted the necessary documentation required in the the Local Development Framework
- Abuts a Conservation Area and will dominate
- Will have an adverse impact on the vicinity
- The field has numerous springs which render the land unsuitable for development
- It is believed that the overprovision of guest accommodation in the area was used to justify change use of the Three Sisters and 5 Flags hotels
- Planning are requested to take account the various objections of local residents

### **Publicity and Number of Representations**

Individual neighbour notifications were carried out and site notices have also been displayed with the overall statutory period for comments being 11 September 2008. 41 representations have been received to date.

### **Summary of Representations Received**

- Loss of open space which is important to the character, visual amenity and local identity of Haworth
- Inappropriate development in the green belt
- Creation of a substantial building mass, at an elevated level which intensifies the impact of building development on this open, sensitive and attractive area



- Detracts from the character and appearance of a distinctive upland landscape
- Formation of the car park would be prominent in the landscape
- The development fails to meet the sustainability criteria – the site is located through an existing housing development off an existing road already suffering from a non free flow of traffic due to drivers of coaches experiencing problems as regarding the narrowness of Weavers Hill when arriving and departing from Weavers Hall coach and car park
- The traffic generated by the development would not be within the capacity of Weavers Hill and is likely to lead to highway safety implications
- The RUDP does support tourist development in the appropriate locations but this is inappropriate on village green space
- There are no special circumstances that justify the proposals being allowed on this parcel of land
- Water course will be interfered with
- Road not suitable for construction vehicles
- Loss of natural countryside to village
- Already suffer from indiscriminate parking on Weavers Hill
- Loss of habitat area
- Built development would create a loss of character of a local village
- This area already floods in winter
- Already have problems with parking close to houses in Weavers Hill
- Green areas of moor land around Haworth should be protected
- Overlooking and loss of privacy from the development
- Haworth is in danger of losing its historical identity
- Already there are many guesthouses, pubs with rooms and hotels. No need for a further hotel.
- Existing Guesthouses on Main Street only have occupancy levels of 60%. This is lower than the national average for the industry. In the last five years the Three Sisters hotel, the Five Flags hotel and the Ferncliffe hotel have all closed so the applicants suggestion that more bed space is required is incorrect
- Visitor numbers to village attractions quoted by the applicant reflect Haworth's appeal as a day trip destination for the large population within 60 miles or an hour and a half drive.
- Would be a massive increase in traffic.
- Noisiest parts of the hotel (bar and function room) would create disturbance to houses on Spinners Way
- Red line is incorrect as there is no pavement next to 2 Old Hall Close
- Without a pavement there is extreme danger to pedestrians

### **Consultations**

(i) Highway (Development Control) Section - Whilst the application is in outline, a detailed layout is submitted which indicates the scale of the proposed development. I would normally have expected such a scheme to be supported by at least a highway statement or possibly a Transport Assessment identifying the likely traffic generation from the proposed development and assessing the impact on the local highway network. I don't believe that any report has been submitted.

In the absence of this I consider that the development is likely to generate a significant number of vehicle trips, including service vehicles, associated with the residential and leisure uses on the site. Weavers Hill from its junction with Sun Street is primarily a residential road serving around 40 properties. It also gives access to a public car park at

the former Bankfield Quarry that is well used at weekends and in the summer months. Although the proposals include upgrading of the narrow section of Weavers Hill up to the car park, I am concerned that the proposals will create an unacceptable intensification of use of Weavers Hill by vehicles including delivery vehicles to the Hotel and leisure facility, this will completely change the character of this residential road.

In the absence of any supporting statement I therefore consider that there are sufficient grounds to offer a highway reason for refusal.

(ii) Planning and Highways Access Forum – Plans were brief and lacked enough detail in order to comment on properly. Disabled parking spaces (2) don't seem to be close enough to the hotel. Are these spaces for the apartments only? Additional disabled parking spaces required for a hotel complex of this magnitude. This forum recommends Life Time Homes standards be considered.

(iii) Police Architectural Liaison Officer - the Police would not fully support this application in its present form and would seek to address the points raised below.

Layout - The layout of the parking arrangement for the apartments does not maximise natural surveillance from the building. The Supplementary Planning Document 'Planning for Crime Prevention' in its section on parking would seek to achieve parking in close proximity to the units it serves with good natural surveillance. A better layout would be to bring the parking in front of the apartment building. Natural surveillance is also an element of Policy D4 RUDP.

Access- Again the access to the apartment car park is removed and lacks natural surveillance. Its location means that offenders can enter the car park and leave it without having to pass any residencies. Anonymity is one of the offender's greatest assistants.

Scale - No comment in relation to scale.

(iv) Rights of Way Section – The Rights of Way Section feel that the applicant should improve the public footpath as it passes through the development area. Ideally the applicant should be asked to improve the path along the entire length of land in their control that includes the land above this site. Specific improvements should include drainage works (as the footpath is often wet underfoot due to a high number of springs), surface improvements (ideally in crushed stone/limestone at a width of 2m) and the reinstatement of a kissing gate on the site boundary. Exact specifications can be agreed in due course.

I appreciate this is an 'Outline' application but this section would also need to see further details regarding landscape and boundary working, specifically along the edge of the public footpath before we can comment fully. In principle this section has no objections to the submitted proposals providing arrangements can be made to improve the public footpath.

(v) Drainage Section – Developer to provide details of their proposals for drainage surface water from the development using sustainable drainage techniques. Car parking areas are to be drained using road type gullies. A petrol-oil interceptor must be provided on the outfall pipe of the surface water system serving the car parking area. Records indicate a

watercourse crossing the site. Any works affecting the watercourse will require the consent of both the Council and the Environment Agency. Furthermore, the developer must investigate the site in order to determine the extent of the land drainage network and submit, to this Council for comments, their proposal for dealing with any watercourses, culverts, land drains etc, existing within the site boundary

The watercourse is a potential source of flooding, the developer must therefore submit to the council for comment a flood risk assessment undertaken in accordance with PPS25. The closest foul water public sewers to this development are situated in Weavers Hill at its junction with Spinners Way and in Emmott Farm Fold. Connection to either of these sewers will require the provision of an off-site sewer. If it is proposed to discharge foul water flows to an outlet other than the public sewerage system then that outlet must be provided both hydraulically and structurally adequate.

(vi) Environmental Protection – concur with the recommendations of the desktop study that an intrusive site investigation for contamination is necessary due to the sites past use as agricultural land. Recommend conditions on any permission granted.

(vii) Development and Enabling (affordable housing) Section – The affordable housing quota for Haworth is 25% and there is a need in the area for affordable units. In general terms, therefore, we would be seeking 4 units at a discount of around 35% on open market value, subject to these being 2-bed units with floor areas in the range 58 - 65 sq. meters.

(viii) Parks and Landscape Section – As the application is in outline only and no specific details given, if the apartments were all 2 or more bedrooms a contribution of £15,250 will be necessary to accord with Replacement Unitary Development Policies

(ix) Environment Agency - The Agency has no objections in principle to the proposed development but recommends that if planning permission is granted conditions are imposed

### **Summary of Main Issues**

Principle

Density

Effects on the character of the landscape/locality including the adjacent conservation area

Impact on the adjoining residential properties

Local Need

Sustainability

Highway Safety

Provision of tourist facilities

Creation of employment uses

Development contributions and conditions

Comments on letters of representation

Community Safety

Inadequate information

### **Appraisal**

1. Outline Permission is sought for the erection of the following development: -

- (i) erection of a 'U' shaped hotel (65 beds and leisure facilities with a ridge height of 12.5m –13.5m in height) sited in the northern apex of the site with 73 guest parking spaces, and;

- (ii) construction of an 'L' shaped apartment block sited in the southern apex of the site with 27 parking spaces located along the north east boundary of site. The dimensions of the building are 35-40m wide by 20-25m deep with a ridge height of 12-13m.

Materials are of natural coursed stone, with ashlar heads, cills and mullions and blue slates.

2. Access is proposed via a junction off the corner of Weavers Hill to parking areas in the middle of the site. The applicants have advised that they intend to upgrade the road up to the existing Bankfield car park but no details have been supplied despite the application seeking to establish access as one of the issues to be resolved in this application.

### **Principle**

3. Planning policy Guidance Note 17 and policy OS7 of the Replacement Unitary Development Plan acknowledge that apart from open countryside, which surrounds and acts as a setting for the villages of the district, there are often pieces of green space within the settlements themselves which are of significant amenity and/or recreational value. There are some other areas of green space which have an important local amenity value, contributing to the character and setting of the village. Development of these areas, some of which may be privately owned, would be harmful to the visual, quality, character and setting of the village. This is particularly so where the land is very prominent within the village.

4. The Replacement Unitary Development Plan was adopted in October 2005. Within the plan, this site is allocated as Village Green space and the adjoining fields to the south and west were allocated as green belt. In previous development plans, the site was allocated for housing but the Council considered it appropriate to delete this allocation in the Replacement Draft Deposit Plan (RDDP). The Inspectors Report into the RDDP advised that "in locational terms Haworth is classified in the RDDP as a less well located settlement. It is not part of the urban area, where development should be concentrated in accordance with national, regional and local planning policies as set out in PPG3, RPG12, and the RDDP. I therefore consider the Council is correct in deleting the sites phase 2 allocation".

5. It is considered that the construction of a large hotel complex and block of residential dwellings is wholly inappropriate development that would result in the loss of open space which is very important to the character, visual amenity and local identity of this historic settlement. Furthermore, the Inspectors Report into the RDDP stated that "there are panoramic views of the old village's hillside position from across the valley and the surrounding agricultural and moorland landscape provides a backdrop and setting for it ... in my view, the open setting of fields up to the edge of the car park greatly contributes to the special interest, character and experience of the village. This would be lost in part by development on the site, irrespective of the form or quality of what could be built. ... it is therefore my overall view that this site is very important to the setting and character of Haworth and its conservation area. Development on it... would be likely to have a harmful impact on these".

6. In essence, the proposal to erect any building mass on this site is considered unacceptable in principle and would completely destroy the open setting of the site and undermine its contribution to the character and setting of the village. As such, it is

considered contrary to PPG17, PPS7 and policy OS7 of the Replacement Unitary Development Plan.

### **Density**

7. Within the smaller settlement areas and to accord with Planning Policy Statement 3 and policy H7 of the Replacement Unitary Development Plan, it is usual that a minimum density of 30 dwelling per hectare should be achieved. The minimum appropriate density for that part of the site which comprises the apartments is approximately 0.25ha which equates to 8 residential units. The proposal for 18 units clearly complies with this requirement

### **Effects on the character of the landscape/locality/conservation area**

8. The site is located adjacent to Haworth Conservation Area. Planning Policy guidance Note 15 states that 'it is the quality and interest of areas, rather than the individual buildings which should be the prime consideration in identifying conservation areas'. This means that the setting and the treatment and interaction of buildings and spaces within the area are as important as the buildings themselves. The Haworth Conservation Area Assessment states that the village "benefits from panoramic views both into and out of the conservation area which contrast dramatically with the intimate built form of the village and create an outstanding setting for the Haworth Conservation Area".

9. It is considered that the development of the site with built development will have a detrimental impact on the setting of Haworth Conservation Area due to its visual prominence. Moreover, despite scale being indicated as one of the issues to be assessed within this application, the no details of levels have been given despite the sloping topography of the site that is located a higher level than that of the surrounding houses in Old Hall Close. Such a lack of basic information is wholly unacceptable and does not allow scale to be properly considered as part of this application. Aside from the lack of necessary detail, if the Local Planning Authority surmises that the application site is to remain at its existing levels, the creation of buildings that are between up to 13m in height would clearly be a significant detriment to the openness and character of the locality. Such buildings would be substantially higher than the existing two storey houses that adjoin the site.

10. In addition, aside from the fundamental issues arising from the principle of the development being inappropriate, policies NE3 and NE3a regarding impact on landscape characteristics must also be taken into consideration. This general landscape area can be characterised as a mixed upland pasture Pennine Landscape (fields and moor land to the west of the application site). The area is a sparsely inhabited landscape characterised by a large tract of elevated open moorland whose landform is highlighted by the strong field pattern of stonewalls. There are no settlements other than isolated farmsteads in this landscape area, a factor that contributes to its simple character. The landscape is however, facing major pressures for change due, in particular to agricultural change, and diversification. It is important that the distinctive character of the Districts landscape is conserved and enhance and that development which occurs is sympathetic to its character.

11. It is considered that development of the site in the manner and location proposed is unacceptable because of its undue prominence and location adjoining this mixed upland pasture landscape. Indeed, the site is highly visible, from both roads and the extensive network of footpaths in the locality in this high sided valley, and any built development would create a building mass, at an elevated level which intensifies the impact of building

development in this open, sensitive and attractive rural area and seriously detracts from the character and appearance of a distinctive upland landscape. It is also clear that the proposal would necessitate the formation of a sea of car parking which, due to the topography of the site, would be extremely prominent in the landscape. Indeed, although the site is adjoining the existing Bankfield Quarry car park, the cars which are parked in the existing car park are effectively screened by mature trees in the long distance views to this side of the valley.

12. As such, it is considered that the proposal would create a detrimental impact on the openness and visual amenity of this green space which compromises the setting of the adjacent Haworth Conservation Area, the adjacent mixed upland pasture landscape and the local identity of the settlement as a whole. The proposal is therefore contrary to policies OS7, D1, BH7, BH10, UDP3, UR3, NE3 and NE3a of the Replacement Unitary Development Plan.

### **Impact on the adjoining residential properties**

13. Residential properties are sited to the east of the application site. It is considered that no undue loss of amenities would be created on properties in Old Hall Close from the apartments as these are proposed to be sited over 25m away from the nearest residential dwelling. Residential properties in Spinners Way back onto Weavers Hill and the proposed hotel complex layout indicates that the function rooms and bar facility will be in close proximity to these properties. It is considered that these facilities, in this location, have the potential to create undue noise and disturbance to established residential amenities. No noise surveys, acoustics details etc. have been submitted to justify why the function/bar facilities are sited in such close proximity to these residential properties. As such, it is considered that the proposal is contrary to policy UR3 of the Replacement Unitary Development Plan.

### **Local Need**

14. In line with Government policy, the Unitary Development Plan seeks to concentrate development within its defined urban areas since these are the most sustainable location and the least likely to increase the need to travel by car. National policy also seeks to reduce the amount of windfall development on Greenfield land or otherwise unsustainable sites. Therefore, the approach of the Replacement Unitary Development Plan, through Policy UR4, is to restrict development on unallocated sites to where a number of criteria are met. Essentially, the policy is seeking to ensure that in the previously developed sites in the smaller settlements in the rural areas of the District, such as Haworth, are only permitted for local needs. Developments on greenfield sites, such as the application site, development that meet a local need will be permitted only if there is no suitable previously developed site available or the greenfield site is clearly more sustainable than any of the previously developed alternatives.

15. In the 'Haworth – Housing Needs Survey' published as part of the Bradford Rural Housing Enabler Scheme, it is shown that the primary housing need within this locality is for affordable housing, especially for those younger members of the village wishing to set up home. Almost all the people that responded to the question of affordable rent stated that they could only afford rent of less than £75 a week. 64% of respondents who answered the question of affordability by purchase price stated that they could only afford to purchase a property of £100,000 or less (with the majority indicating a price affordability of £50,000 to £75,000). 67% of respondents stated that they earned less than £300 per week (approximately 20,000 per annum gross). To obtain a mortgage on a £100,000 property a person would have to earn in the region of £30,000 pa gross. The applicants

have not addressed this issue within the application – they have merely stated that their own research shows a need for specialist housing for the over 50s and that they intend to market them to the over 50s with priority given to local people. Moreover, no justification/ sequential approach has been undertaken to show that there are no suitable previously developed sites available for the type of development proposed. As such, it is considered that the apartment block fails to address policies UR2 and UR4 of the Replacement Unitary Development Plan.

### **Sustainability**

16. The approach to planning for sustainable development is set out in Planning Policy Statement 1 (PPS1). Planning Policy Statement 7 (PPS7) also sets out the government's objectives for sustainable development in rural areas, such as the application site. The key principles of both documents are that are that good quality, carefully sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community; maintains or enhances the local environment; and does not conflict with other planning policies. Accessibility should be a key consideration in all development decisions. Most developments that are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking or cycling. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the overall aim is to protect the countryside for the sake of its character and beauty and the diversity of its landscapes.

17. Planning Policy Statement note 7 also specifically seeks to ensure that most tourist accommodation requiring new buildings is located in, or adjacent to, existing towns and villages. This would help meet sustainable development objectives by benefiting rural businesses, communities and visitors and which utilise and enrich but do not harm the character the countryside.

18. It is considered that the proposed development fails to meet the sustainability criteria outlined in established national and local policy. Whilst the site is located on the edge of the existing village, it would destroy the historic environment of Haworth that it is seeking to promote. Moreover, although the applicants have argued that "tourists could visit Haworth and any of the towns and attractions on the Keighley & Worth Valley Railway and beyond", the argument could be made that it would be much more sustainable to provide a new high quality hotel with conference, leisure and restaurant facilities at the other end of the steam railway line, in the heart of Keighley itself which is located in a more sustainable location. This type of hotel development in Keighley is outlined and encouraged in the Master plan & Strategy for Airedale which seeks the "provision of highway quality hotel accommodation in three town centres to encourage overnight stays for tourists and business uses alike, the provision of conference and leisure facilities".

### **Highway Safety**

19. Whilst the application is in outline, the means of access to the site is to be considered and a layout is submitted which indicates the scale of the proposed development – a 65 bedroomed hotel, leisure facilities and 18 apartments. No highway statement or possibly a Transport Assessment identifying the likely traffic generation from the proposed development and assessing the impact on the local highway network has been submitted as part of the application.

20. Despite the absence of this necessary information, it is considered that the development is likely to generate a significant number of vehicle trips, including service vehicles, associated with the residential and leisure uses on the site. Weavers Hill from its junction with Sun Street is primarily a residential road serving around 40 properties. It also gives access to a public car park at the former Bankfield Quarry that is well used at weekends and in the summer months. Although the proposals include upgrading of the narrow section of Weavers Hill up to the car park, it is considered that the proposals will create an unacceptable intensification of use of Weavers Hill by vehicles including delivery vehicles to the Hotel and leisure facility, which will completely change the character of this residential road and be to the detriment of highway and pedestrian safety. As such, the proposal is considered to be contrary to policies TM2 and TM19A of the Replacement Unitary Development Plan.

21. In terms of car parking, it is considered that sufficient provision is made for the development proposals and as such, the proposal complies with policies TM11 and TM12 of the Replacement Unitary Development Plan.

### **Provision of tourist facilities/creation of employment uses**

22. Tourism plays an important role in the diversification of the districts economy and its growth does generate a range of economic activity and new job opportunities. The demand for tourist accommodation tends to be for smaller premises in the main centres and smaller attractive outlying villages. It is acknowledged that although tourism is providing a growing source of employment in the District, it does create problems and the advantages the tourism can bring to the District has to be balanced against the likelihood of environmental damage that increased tourism can bring. As such, Replacement Unitary Development Plan policies seek to ensure that tourism related development in the countryside will be considered in the context of the Plans aims of controlling development in the Green Belt, protecting landscape and other environmental matters.

23. Whilst local plan policies support tourist development in the appropriate locations, it is considered that the proposal for development in this valuable village green space amounts to inappropriate development and would clearly compromise the visual setting of the Haworth conservation Area, the wider vistas of the village and the adjacent landscape character area. Moreover, as detailed in the paragraph 18 above, such a large hotel facility should be located within the nearest town, in this instance Keighley, as advocated by the Master plan strategy for Airedale.

### **Provision of contributions/attachment of conditions**

24. Notwithstanding the fundamental objection to this application in principle, in line with policy UR6 of the Replacement Unitary Development Plan, it would be considered necessary and appropriate to seek a planning obligation if any permission was granted to ensure the provision of social infrastructure such as recreational provision, affordable housing, and public transport encouragement.

25. Policy OS5 of the RUDP requires that new residential development make appropriate provision of or equivalent commuted payment for recreational open space. Since no recreational space is provided within the development, there is a requirement for a commuted sum of £15,250 to be provided. With regard to other contributions, there is a requirement for the applicants to provide affordable housing in order to accord with policy UR4 of the Replacement Unitary Development Plan. Due to the location of this site outside the urban area, the requirement would be for the scheme to provide for all local needs housing (over and above 3 general needs housing units on the site) to accord with



policy UR4 of the Replacement Unitary Development Plan. The provision of metro cards (one per unit – with the developer providing 50% of the cost of the card for the first year) and public transport infrastructure must also be addressed.

26. In light of the above policies and the requirements requested by consultees, it is considered necessary for the developer to enter into a S106 agreement that will address the above issues in detail. Head of Terms of any agreement should include: -

- Payment of off site recreation contribution;
- Provision of full details of arrangements for the provision of affordable housing on the site, and;
- Provision of Metro cards and the upgrading of public transport infrastructure in the vicinity of the site.

27. With regard to the provision of affordable housing, the applicants have merely advised their intention to market the apartment block to the over 50s with priority given to local people. No financial appraisal or full justification has been provided by the applicants to back up their case for not providing any affordable housing at the site (irrespective of the proposal being unacceptable in principle due to its Greenfield status). As such, it is considered that the proposal fails to make adequate provision for affordable housing and as such is contrary to Planning Policy Statement 3 and Policy UR4 of the Replacement Unitary Development Plan.

28. Again, with regard to the provision of recreation facilities, it is considered that the proposal fails to make adequate provision for public open space and children's play equipment and as such is contrary to Policy OS5 of the Replacement Unitary Development Plan. No financial appraisal/justification has been put forward to justify not contributing to this requirement.

### **Comments on letters of representations**

29. The majority of comments raised in the letters of representation have been addressed in the above report. This site is not green belt, but has been allocated as village green space in the Replacement Unitary Development Plan. However, it should be noted that the Inspector in his report into the Replacement Draft Deposit Plan stated that the site did form a green belt function and that “the open field that makes up the bulk of the site fulfils various purposes of the Green Belt ...the field portion of the overall site should therefore be designated as Green Belt”. Flooding and drainage issues have been considered and the Environment Agency, Yorkshire Water and the Councils own drainage section have no objections in principle to the development.

### **Community Safety Implications**

30. The proposed layout of the car parking areas is considered to be unacceptable and fails to maximise natural surveillance from the apartment building. The Supplementary Planning Document 'Planning for Crime Prevention' advocates seeking parking in close proximity to the units it serves with good natural surveillance. As such, in terms of layout the proposal residential element of the scheme is considered to be contrary to policy D4 of the Replacement Unitary Development Plan. With regard to the other safety issues on the site, it is considered that providing appropriate conditions regarding: - (i) defensible space and the clear definition, differentiation and robust separation of public, private and semi-private space including appropriate boundary fences; (ii) access control and postal arrangements to the communal buildings; and (iii) lighting of the development are attached

to any permission granted, the proposal will accord with the spirit of policy D4 of the Replacement Unitary Development Plan.

### **Inadequate information**

31. Insufficient information has been submitted to enable the Local Planning Authority to fully assess whether this site is suitable for development in the manner proposed. In particular, there is a deficiency of information with regard to the highway infrastructure leading to the site and how this impacts on highway and pedestrian safety. There is also inadequate information with regard to the levels of the site and their relationship to the scale and layout of the development and a complete deficiency with regard to information about noise generated by the function and bar room facilities which are in close proximity to established residential properties. As the proposal is considered wholly unacceptable in principle, it is not considered appropriate to request that these further details are submitted.

### **Reasons for Refusal**

1. The proposed development is wholly inappropriate in that it encroaches into an area designated as village green space within the Replacement Unitary Development Plan and which provides a significant amenity value to the setting and character of Haworth and its conservation area by reason of its openness; as such, the encroachment would undermine the character, general visual amenity and setting of the village in this prominent, mixed upland pasture location contrary to policies OS7, D1, BH7, BH10, UR3, UDP3, NE3 and NE3a of the Replacement Unitary Development Plan.

2. The construction of development in the manner and location proposed is unacceptable and would create an incongruous, intrusive built form which, because of its undue prominence adjacent to this mixed upland pasture landscape. Indeed, the site is highly visible in this valley when viewed from the extensive road and footpath network in the village and the proposal would create a substantial building mass and form a sea of car parking, at an elevated level which will unduly impact in this open historic landscape, seriously detracting from the character and appearance of a distinctive upland landscape. In addition, the proposal would compromise the enjoyment of persons using the extensive network of rights of way in this locality; as such, the proposal is contrary to policies NE3, NE3a, BH7, BH10, OS7, UR3, UDP2, UDP3 and D1 of the Replacement Unitary Development Plan.

3. Irrespective of the designation of this application site as village greenspace, the site is a Greenfield parcel of land outside the urban areas of the District where only developments that meet a local need will be permitted providing there are no suitable previously developed sites available or that the Greenfield site is clearly more sustainable than any of the previously developed alternatives. No justification or sequential approach has been put forward to justify housing and commercial development on this Greenfield site. Local need has been identified as affordable housing and the proposal also fails to adequately address this issue. As such, the Replacement Unitary Development Plans aim of promoting a more sustainable district will be prejudiced if a development (i) on this green field site was to be permitted in principle, and; (ii) development other than to meet local needs is allowed and as such, the proposal is considered to be contrary to policies UR2 and UR4 of the Replacement Unitary Development Plan.

4. The proposal for a hotel complex and residential accommodation on this site fails to meet the sustainability criteria outlined in established national and local policy. Indeed, whilst the site is located on the edge of the existing village, it would destroy the historic environment of Haworth that it is seeking to promote and as such is considered to be contrary to Planning Policy Statements 1, 3 and 7 and policies UDP1, UDP3, UDP7, UR2, UR3, UR4, E8 and D1 of the Replacement Unitary Development Plan

5. The proposed development is considered unacceptable in that the development is likely to generate a significant number of vehicle trips, including service vehicles, associated with the residential and leisure uses on the site. Such a scheme for the use of Weavers Hill would create an unacceptable intensification of use of this narrow road by vehicles including delivery vehicles to the Hotel and leisure facility, which will completely change the character of this residential road. As such, it is considered that the proposal would lead to conditions prejudicial to highway and pedestrian safety and is contrary to policies TM2 and TM19A of the Replacement Unitary Development Plan.

6. The proposed layout of the hotel complex indicates that the function rooms and bar facility will be in close proximity to established residential properties. It is considered that these facilities, in this location, have the potential to create undue noise and disturbance to residential amenities. As such, it is considered that the proposal is contrary to policy UR3 of the Replacement Unitary Development Plan.

7. The proposed layout of the car parking areas for the residential development is considered to be unacceptable and fails to maximise natural surveillance from the apartment building because it provides parking which is remote and poorly located to the residential units that the spaces are meant to service. As such, in terms of layout the proposal is considered to be contrary to the principles of good design outlined in Planning Policy Statement 1 and policy D4 of the Replacement Unitary Development Plan

8. The proposal fails to make adequate provision for public open space and children's play equipment and as such is contrary to Policy OS5 of the Replacement Unitary Development Plan.

9. Insufficient information has been submitted to enable the Local Planning Authority to fully assess whether this site is suitable for development in the manner proposed. In particular, there is a deficiency of information with regard to the highway infrastructure leading to the site and how this impacts on highway and pedestrian safety. There is also inadequate information with regard to the levels of the site and their relationship to the scale and layout of the development and a complete deficiency with regard to information about noise generated by the function and bar room facilities which are in close proximity to established residential properties.