

## **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 22<sup>nd</sup> October 2008**

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### **SUMMARY STATEMENT - PART THREE**

#### **Applications recommended for refusal**

The sites concerned are:

31 Low Street, Keighley  
The Lodge, The Whins, Halifax Road, Keighley

Christopher Hughes Assistant Director (Planning)  
Regeneration

Report Contacts: Colin Waggett  
Phone: 01535 618071  
Fax: 01535 618450  
E-Mail: [colin.waggett@bradford.gov.uk](mailto:colin.waggett@bradford.gov.uk)



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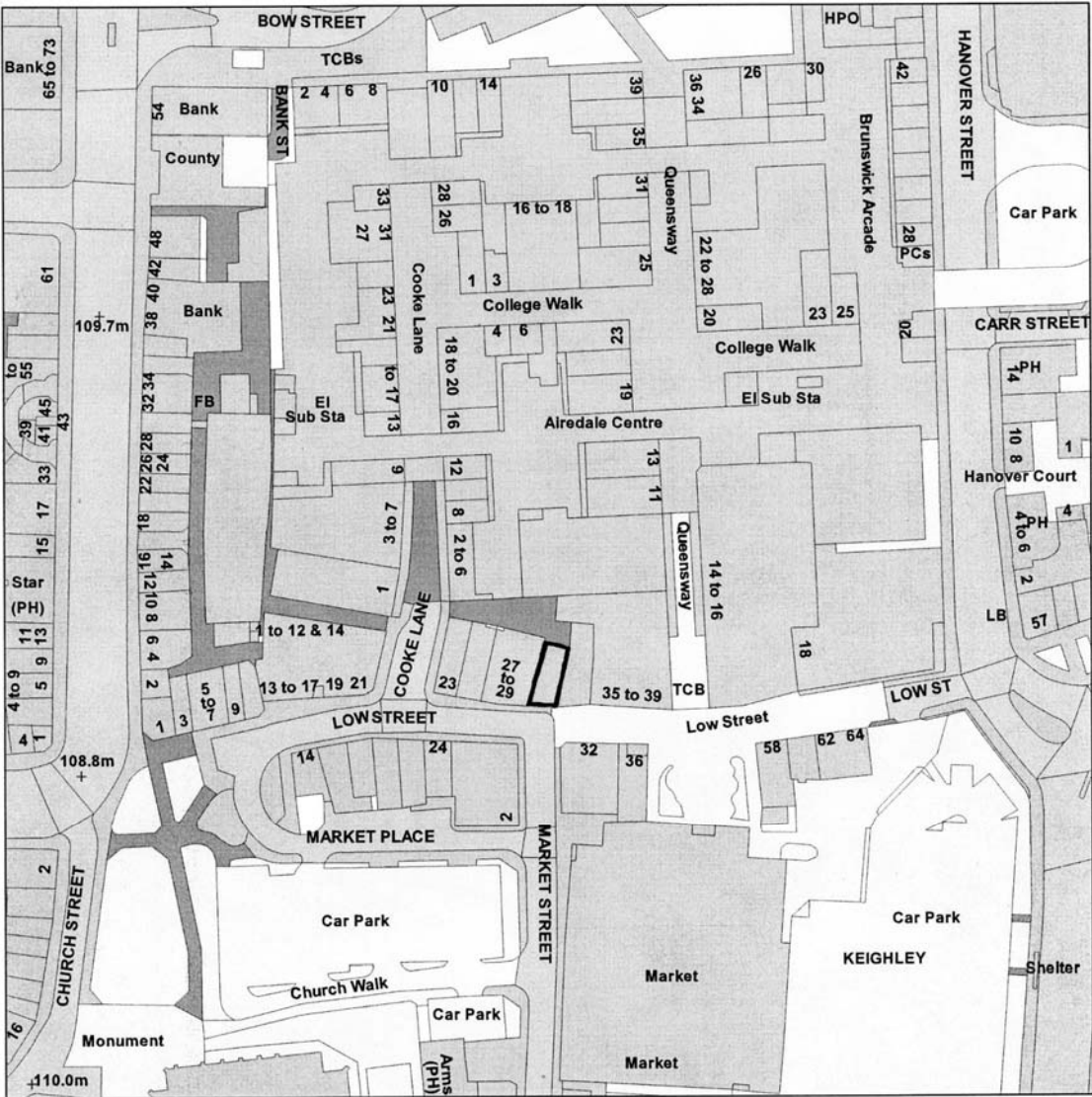


INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



# Area Planning Panel (Keighley)



ITEM NO.

20

LOCATION

31 Low Street, Keighley



**DATE:** 22<sup>nd</sup> OCTOBER 2008

**ITEM No:** 20

**WARD:** KEIGHLEY CENTRAL

**RECOMMENDATION:** TO REFUSE TO GRANT PLANNING PERMISSION

**APPLICATION No:** 08/04640/FUL

**Referred to Panel at the request of a local Ward Councillor.**

**Type of Application/Proposal & Address**

A full application for the construction of a new shopfront and a rear fire escape at 31 Low Street, Keighley.

**Site Description**

The shop is located within Keighley Town Centre and is surrounded by commercial premises with a range of uses. 31 Low Street is a late 19<sup>th</sup> Century commercial building occupying a narrow plot on Low Street, one of the oldest thoroughfares within Keighley Town Centre Conservation Area. The existing shopfront has traditional features and has been built using traditional materials. Many of the surrounding shops have modern designs which have been built using modern building materials.

**Relevant Site History**

08/02197/FUL: New shopfront – Refused 13.06.2008 on the grounds that “The proposed shop front would have a negative impact on the character and appearance of the host building and the Keighley Town Centre Conservation Area due to its design, materials and detailing, in particular, the proposal would visually divorce the shop front from the upper floors of the building The proposal is therefore not in accordance with the Draft Shop Front Design Guide and contrary to Replacement Unitary Development Plan Policies UR3, D1, D3, D4, D9, BH5, BH7, BH8 and BH13.”

07/08398/FUL: New shopfront - Refused 06.12.2007 on the grounds that “The proposed shop front would have a negative impact on the character and appearance of the host building and the Keighley Town Centre Conservation Area due to its design, materials and detailing, in particular, the proposal would visually divorce the shop front from the upper floors of the building The proposal is therefore not in accordance with the Draft Shop Front Design Guide and contrary to Replacement Unitary Development Plan Policies UR3, D1, D3, D4, D9, BH5, BH7, BH8 and BH13.”

99/02820/FUL: New shopfront - Approved 1999.

77/04782/FUL: New shopfront building and extension - Approved.

**Replacement Unitary Development Plan (UDP) Proposals and Policies**

The site is unallocated but is located in the Keighley Conservation Area (BH7), the City, Town and District centre Boundary (CL1), the Central Shopping Area in City and Town Centres (CR1A) and the Primary Shopping Centre (CT5).

UR3 – The Local Impact of Development  
D1 – General Design Consideration  
D3 – Access for People with Disabilities  
D9 – Urban Design in City and Town Centres  
BH7 – New development in Conservation Areas  
BH8 – Shop Fronts in Conservation Areas  
D4 - Community Safety:

Shopfront Design Guide Supplementary Planning Document

### **Town/Parish Council**

Keighley Town Council: Follow Planners Guidelines. Is the shop front in accordance with the shop front design guide?

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

The application was publicised by neighbour notification letter and press and site notices  
Expiry date 28.08.2008. No representations.

### **Summary of Representations Received**

None

### **Consultations**

Design and Conservation Team : Recommends refusal due to inappropriate materials

### **Summary of Main Issues**

1. Impact on the local environment and conservation area
2. Impact on neighbours

### **Appraisal**

#### **Proposal**

The proposal relates to the construction of a new fire escape to the rear of the property and a new shopfront.

#### **Impact on the local environment**

The shop is located within the Keighley Town Centre Conservation Area. As conservation areas are identified as areas of importance to the local and national heritage, it is essential that the components of these areas that are deemed to contribute positively to their character and appearance are retained and protected from unsympathetic alteration and that components which detract from their character and appearance are improved. However, the intent of conservation area designation is not to stifle change in the area. It is recognised that, to survive, conservation areas must be allowed to evolve to meet changing demands and commercial pressures, and that modern additions can be just as interesting as the existing fabric, if implemented in a complementary manner. It is nevertheless essential that change in these special areas is managed in a positive way and that new development does not impinge upon, and preferably has a positive impact on the character and appearance of the area in question.

A number of Keighley's oldest buildings remain in the vicinity of Low Street and, therefore, the historic interest of this part of town is undisputable. Low Street is now part of the shopping heart of the town.

Design Principle 1 of the Shopfront Design Guide SPD states that;

Where traditional details are evident or likely to survive, the Council will seek the retention of these and their incorporation in the proposed development. Supporting this principle are design policies D9 and D15 which state that within Keighley Town Centre proposal should in terms of architectural design respond to the urban character, reinforcing local distinctiveness, creating design which are based on an understanding of the urban context. Therefore development where necessary should respond sympathetically to the site and its locality.

Section 8.2 of the Shopfront Design Guide SPD advocates the use of traditional materials in conservation areas.

Policy BH8 of the RUDP states that within conservation areas proposals affecting existing shopfronts must demonstrate a high standard of design and be sympathetic in scale style and detail to the original building. Existing period shop frontages should where possible be repaired or if that is not possible they should be carefully copied and reinstated using traditional materials and be finished with a painted finish.

The proposal would include the removal of a timber shopfront which is not original but in terms of appearance has a positive impact on the Keighley Town Centre Conservation Area. It is proposed to replace the timber shopfront with a coated aluminium frame.

The proposed design is considered to relate to the conservation area and complements the storeys above. The new shopfront is integrated with the form, style and character of the building in terms of proportions but the materials proposed are not appropriate to the building and Conservation Area.

The use of coated aluminium is contrary to Design Principle 1 of the shopfront design guide.

The proposed signage is considered to be acceptable against policies D15.

Other modern shopfront designs have been granted planning permission in the area such as the shop currently occupied by 'Subway', however, these shopfronts were granted prior to the Shopfront Design Guide being published.

It is considered that the removal of the timber shopfront would have a negative impact on the street frontage and the character and appearance of the Keighley Town Centre Conservation Area a view shared by the Councils Design and Conservation Officers.

The proposed external fire escape is deemed acceptable subject to walling being natural stone to match the existing property. The balustrades should have a matt black powder coated finish as indicated on the submitted plans.

### **Impact on Neighbours**

The proposed fire escape and shopfront alterations are not considered to result in any undue adverse effects on neighbouring commercial properties.

**Access for People with Disabilities**

The entrance door to the premises will be wider than the existing door which will improve access for all.

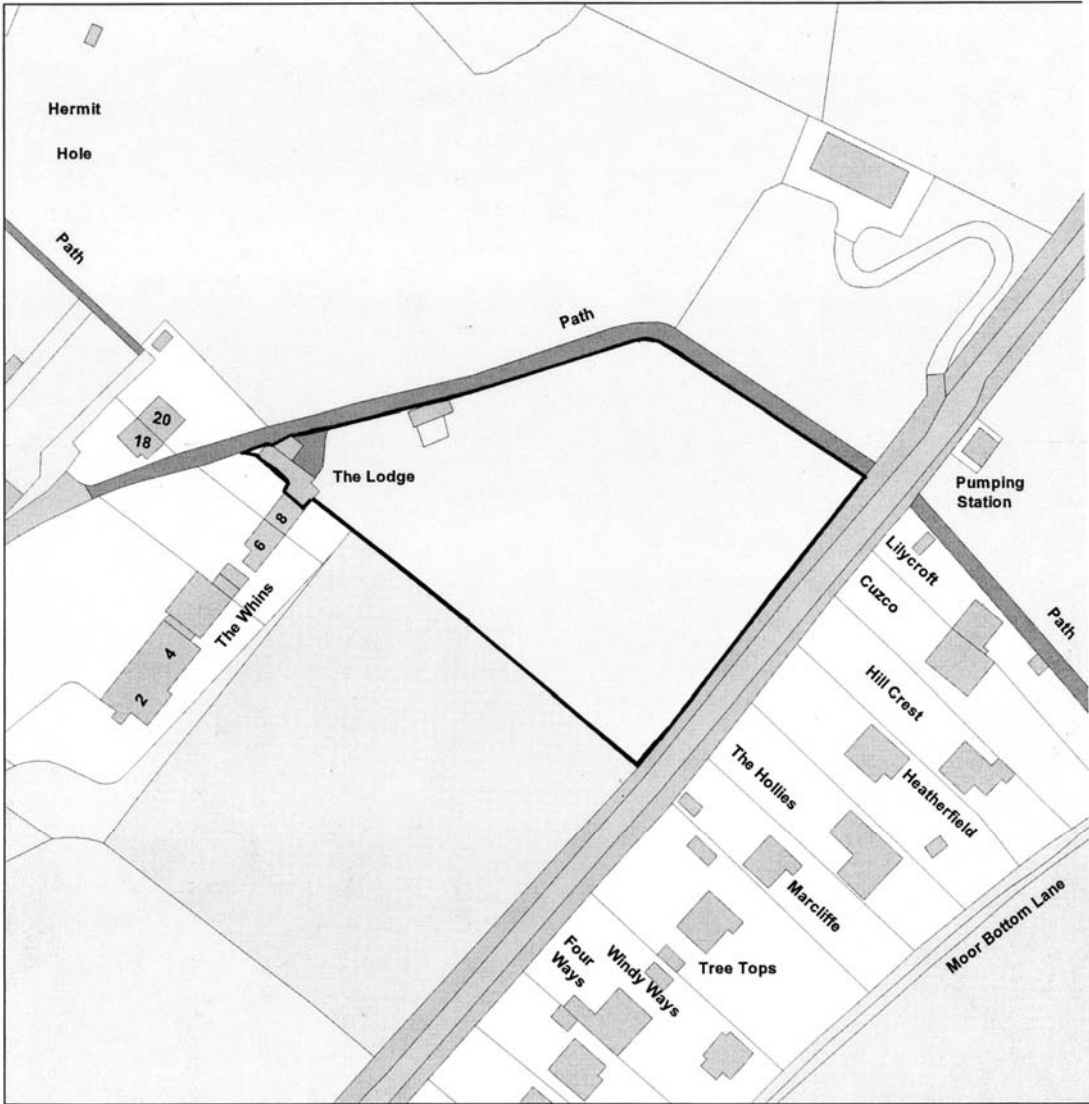
**Community Safety Implications**

There are no apparent community safety implications and therefore the proposal complies with Policy D4 of the RUDP.

**Reason for Refusal**

The proposed new shopfront is considered to have an adverse impact on the character and appearance of the Keighley Town Centre Conservation Area owing to the use of aluminium instead of timber for the frame construction. The proposal is therefore contrary to policies D1, D9, BH7, BH8 and UR3 and to guidance contained within the Council's Shopfront Design Guide.

# Area Planning Panel (Keighley)



ITEM NO.

21

LOCATION

**The Lodge, The Whinns, Keighley**



**DATE:** 22 October 2008

**ITEM No:** 21

**WARD:** KEIGHLEY EAST

**RECOMMENDATION:** TO REFUSE TO GRANT PLANNING PERMISSION

**APPLICATION No:** 08/01145/FUL

**Type of Application/Proposal & Address**

Full application for the construction of an access track and the replacement of an existing shed with a double garage at The Lodge, The Whins, Halifax Road, Keighley.

The application has been presented to Panel at the request of a Ward Councillor. A petition has also been submitted to the planning department.

**Site Description**

The application property comprises a residential house and adjoining field. It is located off an unadopted road known as The Whins which is accessed off Halifax Road (A629), a busy classified road carrying traffic in and out of Keighley. The site is elevated from the A629 and is visible from the road. The property sits at the end of a row of dwellings served by The Whins and largely surrounded by fields.

An unadopted road known as Hill Top Road exists above the application field which is a quiet narrow road used mainly by residents. A bridleway runs from Hill Top Road along the northern boundary of the site and links into Hainworth Crag Road which is also access off Halifax Road.

The site is on an elevated position sloping down towards Halifax Road to the North West of the site.

**Relevant Site History**

07/09303/FUL: Construction of a new driveway and garage/ store. Refused planning permission, 07.02.2008 as it was contrary to Planning Policy Guidance Note no.2 and policies GB1, GB5, NE3, NE3A and TM2 of the Replacement Unitary Development Plan.

06/07181/FUL: Construction of new driveway and garage/store on site of existing sheds. Refused planning permission, 03.11.2006 as it was contrary to Planning Policy Guidance Note no. 2 and policies GB1, GB5, NE3, NE3A, UDP2 and UDP3 of the Replacement Unitary Development Plan.

**Replacement Unitary Development Plan (RUDP) Proposals & Policies**

The site is located within the Green Belt and the Upland Pasture Landscape Character Area.

UR3 – The Local Impact of Development

D1 – General Design Considerations

GB1 – New development within the Green Belt

GB2 – Siting of New buildings within the Green Belt

GB5- Extensions and alterations of buildings within Green Belt.

NE3 & NE3A – Landscape Character Areas.

TM2 - Impact of traffic and its mitigation

TM9 – Protection of Routes



## **Town/Parish Council**

Recommended for refusal. This application will spoil the landscape.

## **Publicity and Number of Representations**

Advertised by neighbour notification letters, a site notice and in the Keighley News, the statutory period of publicity expiring on 18.04.2008

Representations objecting to the proposal have been received from 15 households in addition to a signed petition signed by 9 residents.

## **Summary of Representations Received**

- The applicant already has right of access to the Lodge.
- Concern that over time the garage will be converted to another dwelling.
- Drainage concerns.
- The number of cars using Hill Top Road is already at saturation.
- The original access to the house was down the bridleway in between the two fields it would be better to use this than to lose part of a field within the green belt.
- Impact of driveway and garages on beautiful hillside.
- The area is also seen as a wild life corridor with bats.
- Horses using the bridleway may be affected by the proposal.
- A portacabin may give the right to erect a permanent building.
- Question the safety aspect due to the steepness of the slope on which the access will be located.
- Vehicle headlights would shine into windows of dwellings on Hill Top Road.
- Highway safety on exit from the field onto Hill Top Road in relation to steepness of exit, poor visibility, width of Hill Top Road and proximity to residential driveways.
- Hill Top Road is unsuitable to accommodate additional traffic.
- The applicants have not contributed to the upkeep of Hill Top Road – they should pay if they use it.
- The field entrance is full of rubble as the proposed access is into a field which is much lower than the road.
- Proximity of access to Bridleway raises safety issues.
- Green belt access track highly visible

## **Support**

- No harm will be done to the surface of Hill Top Road by having one additional access drive.
- The applicant has agreed to contribute to the upkeep of Hill Top Road therefore no objection.
- Access from the current drive onto Halifax Road is difficult therefore another access will be good.
- Parking is very limited along the existing drive and it is an accident waiting to happen.
- The proposed driveway will alleviate a large proportion of the traffic entering the Whins area via the current private driveway.
- Alleviate difficulties accessing properties along The Whins.

## **Consultations**

Minerals and Waste: No comments

Rights of Way: Keighley Public Bridleway 107 abuts the site. Although the public bridleway is separate to the proposed driveway and garage this section has a number of outstanding concerns. Points of concern include site drainage both from the proposed access and from

the proposed garage. Further details are required that will show that water discharging from the site will be via a drainage system and will not be directly or indirectly onto the bridleway. This section would also like to see detailed specifications showing surface proposals to the proposed access and proposals for the boundary wall adjacent to the bridleway. This wall currently supports the applicant's site and is in need of attention.

The rights of way records do not show the existence of vehicular access via the field and it is more than likely that access would have been via the bridleway.

Highways: No objection to the principle. Both Hill Top road and The Whins are unadopted.

### **Summary of Main Issues**

Principle

Impact on surrounding environment

Impact on neighbouring occupants

Highway Safety

Impact on the public bridleway (No.107)

### **Appraisal**

#### **Proposal**

The proposal relates to the construction of an access track from Hill Top Road, through a field to a proposed new double garage which is to be located 16m to the east of The Lodge. The garage is to be built on the site of an existing dilapidated portacabin which the applicant has described as a shed. The siting of the garage has changed from the previous application, being moved closer to the host dwelling. The position of the access track now follows the boundary wall of the existing bridleway and passing places have been incorporated into the track.

### ***Principle***

The proposal site is located within an area designated as Green Belt on the RUDP. PPG2 is the main source of policy on development in the green belt and is reflected in RUDP Policies GB1, GB2 and GB5. Policy GB1 states that there is a presumption against inappropriate development in the green belt. Whilst appropriate development under national and local green belt policy (GB5) includes the limited extensions to residential properties the policies are silent on the matter of ancillary curtilage buildings such as garages and on other associated residential development such as access roads.

Policy GB2 states that development which is acceptable in principle in the Green Belt should be sited close to existing buildings or in unobtrusive position within the landscape.

Whilst the building is not an extension it is considered that the issue of proportionality is relevant. The proposed building is substantial having a floor area of 53m<sup>2</sup> and a height of 3.24m to eaves. It is considered that a building of this size is a disproportionate addition to the original property. Moreover the building is located some 13m from the parent house in what is considered to be an obtrusive position in the landscape. It is considered that the garage constitutes inappropriate development which would harm the character and openness of the green belt.

The proposed access track extends for some 120m through a field to serve the residential garage and is considered that this proposal also constitutes inappropriate development in the green belt which would harm the character and openness of the green belt.

The applicant has submitted the following information to support the application.

- The drive leading from Halifax Road is not a shared drive but is in fact owned by the property known as The Whins. The applicant is in dispute with the owner of The Whins over access.
- The applicant has parking at the entrance to this drive, adjacent to Halifax Road, but this causes problems to other residents as the parked vehicles block the line of sight to Halifax Road.
- Concerned about the safety of walking up The Whins drive from Halifax Road as there is no lighting.
- The agreed access to The Lodge is from the bridleway but a 4 wheel drive vehicle would have trouble travelling up this track.
- This proposal is to do no more than gain vehicular access to the property.
- The unsightly yellow portacabin, which has been on site for over 15 years will be removed from the site.
- The proposed building will not be a habitable property now or in the future.
- Landscaping will be carried out if required.
- Similar access tracks have been cut through fields in the local area.

Whilst the removal of the yellow portacabin would be welcomed this is a structure which does not appear to have planning consent and which has a limited lifespan. It is not considered that its removal justifies replacement with a large permanent structure with a floor area of 53m<sup>2</sup> and a height of approximately 4m in total.

Whilst the current problem regarding access along The Whins drive is acknowledged this is not considered to represent the 'very special circumstances' which the applicant would need to demonstrate to depart from established Green Belt policies. As such the proposal is considered to be contrary to the principles of Planning Policy Guidance Note no. 2 and policies GB1, GB2 and GB5 of the Replacement Unitary Development Plan.

#### Impact on surrounding environment

Planning Policy Statement 7; Sustainable Development in Rural Areas (PPS7) recognises that there are areas of local landscape outside nationally designated areas that are particularly valued locally and that these should be protected by criteria based policies in local development documents.

The Council has identified the important Landscape Character Areas in the District and carried out Character Assessments of these Areas. The application site lies in the Upland Pasture landscape type of the Worth and North Beck Valley Pennine Upland Landscape Character Area.

Policies NE3 and NE3A of the RUDP require that development does not adversely affect the particular character of these areas, in particular, it should not cause unacceptable visual intrusion or introduce incongruous landscape elements.

Both the garage/store and the access track would add to the domestication and urbanisation of this rural area and would, therefore, not only adversely affect the character and openness of the Green Belt but they would also be prejudicial to the appearance and visual amenity of this mixed upland pasture landscape.

As such, the proposal is contrary to Planning Policy Guidance Note no. 2 and policies GB1, GB2, GB5, NE3 and NE3A of the Replacement Unitary Development Plan which aim to protect the quality of the rural environment.

### **Impact on neighbouring occupants**

The proposed new garage would not result in any overlooking or overshadowing of neighbouring properties and would not result in any overbearing effect, as such is considered to be acceptable in terms of residential amenity.

### Highway Safety

The proposed driveway would be accessed via Hill Top Road which is an unadopted highway which the applicant has stated he part owns or has rights over. The proposed drive is on a steep hill but provides turning facilities and passing places. The proposal is considered to be acceptable in terms of highway safety and policy TM2 of the RUDP and addresses the previous highway reason for refusal.

### Impact on the public Bridleway

In addition to concerns about the impact of the proposal on the Green Belt and the landscape, there remains uncertainty about how the track would be constructed on what is a severe gradient, about whether grasscrete is a visually acceptable or practicable surface material on such slope and about the impact of construction on the public right of way immediately adjacent and which in places is below the level of the land on which the track would be built. The proposal does not give sufficient details of the excavations and or retaining structures necessary to build the track and to fully consider the impact on the adjacent bridleway and the dry stone wall forming the boundary to the bridleway. In particular, there is inadequate information on the following:

- 1) The gradient of the proposed access track
- 2) The level of the access track in relation to the level of the adjacent public right of way (Bridleway No.107)
- 3) The need for excavation and or retaining walls and the implications of construction on the boundary wall abutting the right of way.
- 4) Arrangements for surface water disposal
- 5) The suitability of the proposed grasscrete surface for such a steep slope.

The proposal as submitted is therefore considered to be contrary to policy TM9 of the RUDP as it does not demonstrate that it will not adversely affect the adjacent Bridleway.

### Community Safety Implications

There are no apparent community safety implications therefore the proposal accords with policy D4 of the RUDP.

### **Reasons for Refusing Planning Permission**

1. The proposed garage/store and the access track would constitute inappropriate development in the green belt and in the absence of any 'very special circumstances' which may warrant the proposal being treated as an exception the proposed development is by definition harmful to the green belt. For this reason the proposed development is unacceptable and contrary to PPG2: Green Belts and Policies GB1 and GB5 of the Replacement Unitary Development Plan.

2. Notwithstanding that the proposed development is considered to be inappropriate in the Green Belt the proposal relates poorly to the existing residential property and owing to its prominence in the landscape would harm the character and visual amenities of the Green belt contrary to PPG2: Green Belts and Policies GB2 and GB5 of the Replacement Unitary Development Plan.
3. The proposed development would harm the special character of this open upland pasture landscape and be detrimental to the visual amenity of the local environment/landscape and as such is contrary to Policies NE3 and NE3A of the Replacement Unitary Development Plan.
4. The application contains inadequate information in relation to;
  - 1) The gradient of the proposed access track
  - 2) The level of the access track in relation to the level of the adjacent public right of way (Bridleway No.107)
  - 3) The need for excavation and or retaining walls and the implications of construction on the boundary wall abutting the right of way.
  - 4) Arrangements for surface water disposal
  - 5) The suitability of the proposed grasscrete surface for such a steep slope.

In the absence of these details, the proposed track would have an adverse effect on the public right of way, contrary to policy TM9 of the RUDP.