

**Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (Keighley) to be held on 25th February 2009**

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**Summary Statement – Part Two**

**Applications Recommended for Approval**

The sites concerned are:

20. Keighley Tree Services Ltd., Wicking Crag, Halifax Road, Cross Roads, Keighley
21. The Coach House, Manley Road, Ilkley
22. The Coach House, Manley Road, Ilkley
23. Nell Bank Centre, Denton Road, Ilkley
24. 1 High Wheatley, Ilkley
25. Pinfold House, 2 Moorside Lane, Oxenhope
26. 7 Lismore Road, Keighley

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**Portfolio:**  
Environment and Culture

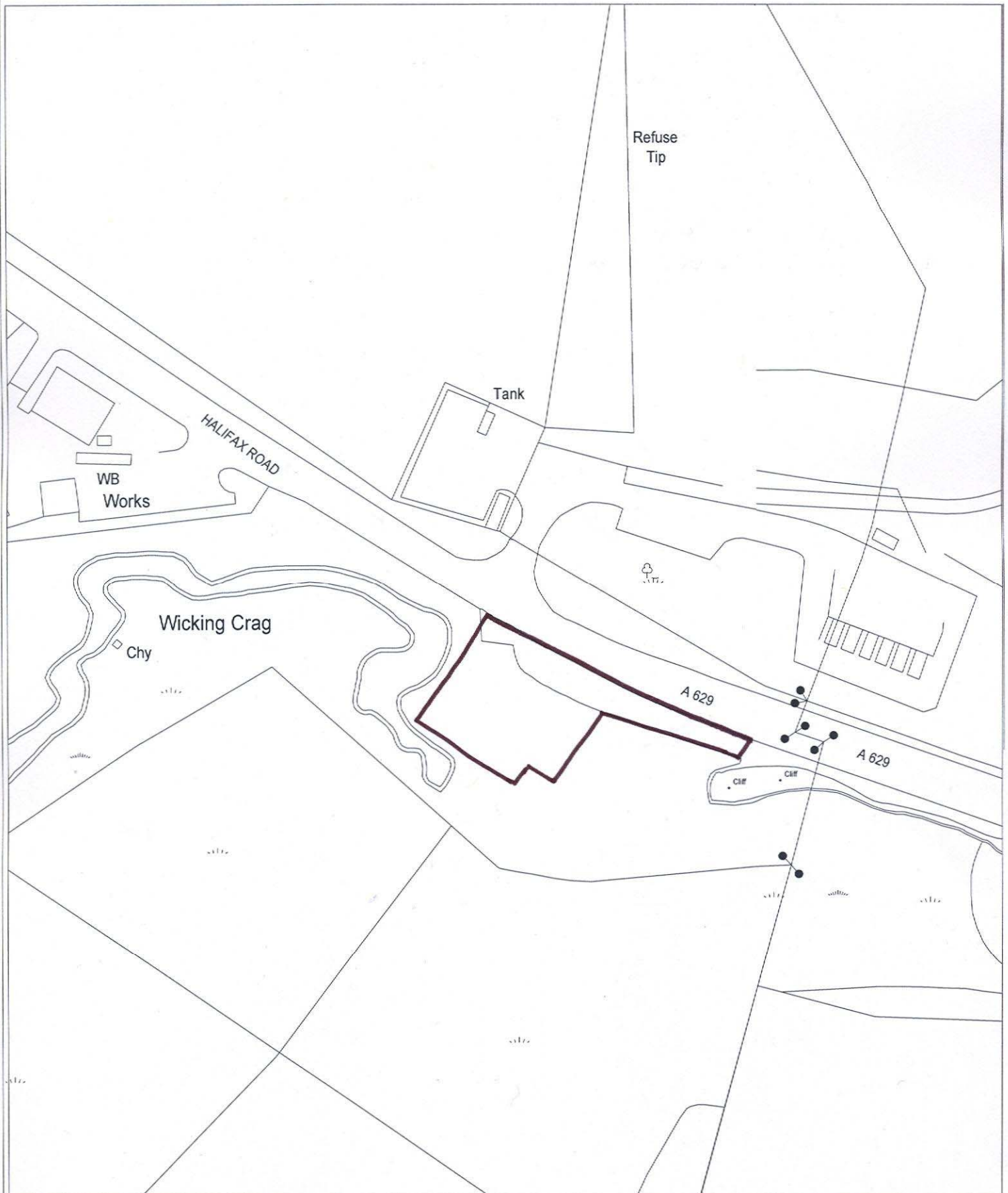
**Improvement Committee Area:**  
Regeneration and Economy



# KEIGHLEY AREA PLANNING PANEL

DATE

25 February 2009



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LOCATION

**ITEM No. 20**

**WICKING CRAG, HALIFAX ROAD, CROSS ROADS**

**DATE:** 25 FEBRUARY 2009

**ITEM No:** 20

**WARD:** WORTH VALLEY

**RECOMMENDATION:** THIS APPLICATION IS REFERRED TO 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 IS IT IS A DEPARTURE FROM THE REPLACEMENT UNITARY DEVELOPMENT PLAN AND IF THAT COMMITTEE IS MINDED TO GRANT PLANNING PERMISSION THE APPLICATION WILL BE REFERRED TO THE SECRETARY OF STATE UNDER THE DEPARTURE DIRECTIONS 1999.

THE PANEL IS RECOMMENDED TO ADVISE REGULATORY & APPEALS COMMITTEE TO GRANT PLANNING PERMISSION WITH CONDITIONS

**APPLICATION No:** 08/04991/FUL

**Type of Application/Proposal & Address**

Full application for erection of a log storage building at Wicking Crag Sawmill, Cross Roads, Keighley BD22 9DH. (Departure Application).

**Site Description**

This site comprises a former quarry working that extends into a steep hillside on the south side of the A629 Halifax Road approximately 0.5 kilometres south east of the Cross Roads junction of the A629 with Haworth Road. The site is located some 150 metres south east of the main Wicking Crag sawmills, which occupy a former industrial site (fat refinery), and opposite the entrance to Sugden End landfill site and waste recycling centre.

The application site has been in use in connection with the Wicking Crag sawmill which is further down the A629, to the north of the application site for a number of years, principally for storage of wood products. The site has the benefit of a Certificate of Lawfulness for its continued use for storage and handling of timber and timber products.

**Relevant Site History**

06/07171/FUL – construction of a new log storage building. Application withdrawn 2006.

08/03505/CLE – Certificate of Lawfulness of Continued Use of site for use of land for storage and handling of timber and timber products including wood chippings. Certificate granted 14 July 2008.

**Unitary Development Plan (UDP) Proposals & Policies**

Site is situated in the Green Belt as defined by the Replacement UDP.

Relevant Policies:

UDP3 – quality of built development  
UR3 – local planning considerations  
GB1 – presumption against inappropriate development in the Green Belt  
GB2 – siting of new buildings that are permitted in the green belt  
TM2 – impact of traffic and its mitigation  
TM19A – traffic management and road safety

### **Town/Parish Council**

No objections, but would wish to see the storage of timber alongside the road cease.

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

Advertised by neighbour letters and by site/press notice as a departure from the Development Plan. Expiry 18 September 2008  
No representations have been received

### **Summary of Main Issues**

Whether appropriate development in the Green belt and, if not, whether there are very special circumstances to justify a departure from green belt policy.

Impact on local amenity

Highway implications

Appraisal

### **Green belt policy**

**The applicant (Keighley Tree Services) operates a tree surgeon's business from an existing group of prefabricated buildings located some 150 metres to the north west of the application site, alongside the A629 Halifax Road.**

**The application site, also in the applicant's ownership, is a former stone quarry set into rising ground at the side of the A629. It has been used for the processing and storage of logs for a number of years and the lawfulness of this long established activity was acknowledged earlier in 2008 through the granting by the Council of a Certificate of Lawfulness of an Existing Use or Development for use of the site for outdoor storage and handling of timber and timber products including wood chippings.**

The applicant proposes to erect an industrial type building on this outdoor operational site in which to store and process the logs and other timber products. The building would be faced in concrete blocks and plastic coated sheeting and would measure 24.4m x 12.2 m and rise to a height of 5.67 metres. A concrete yard and turning area would be constructed adjacent to the building, between it and the A629. An earth bund with tree and shrub planting would extend across part of the frontage to the highway to 'contain' the site and further screen it from view.

The site is located within the approved Green Belt and, although the applicant operates a tree surgery business, the work of the company is not exclusively related to "forestry" or "agriculture" for purposes of the definition of development that is acceptable in the Green Belt. The building must therefore be regarded as industrial, a form of development that is not acknowledged as being appropriate development in the green belt under Policy GB1 of the RUDP or Governmental guidance in PPG2 on "Green Belts".

Accordingly the building must be regarded as being, by definition, inappropriate development within the Green Belt and Green Belt policy requires that in such cases, very special circumstances must be demonstrated that clearly outweigh the harm caused by inappropriateness and any other harm to the openness of the green belt or the purposes of including land within it.

The very special circumstances to which the applicant refers turn largely on the needs of the company to improve their covered storage and timber working facilities so that the timber arising from their tree surgery operations may be kept dry for reuse, recycling and for use in the production of marketable articles. The efficiency of the business is also directly related to the proposal.

The applicant has set out the following statement in support of his proposals:

1. The proposed building is to be used for the storage and processing of wood. This involves the recycling of timber that is brought back to the site from felling operations. This is then cut and split and sold in various formats. Machinery is needed within the proposed building which is why a secure industrial building is required, as opposed to an open sided 'dutch' barn. A secure building is also required following previous thefts and arson. The building would also reduce the number of logs stored on site.
2. The building cannot be sited in the existing yard at Wicking Crag. The company has outgrown its site and in order to progress the business needs to expand. The only remaining space at the existing yard has already got planning permission for a joiners' workshop.
3. The new building would improve the output and efficiency of the company and would reduce traffic movements on the A629 Halifax Road. The lack of storage results in timber being stored on the roadside and on the site of the proposed building. The processing of the timber must presently take place at the existing yard at Wicking Crag, with the resulting products being transported back to the application site for sorting and distribution.
4. The siting of this proposed new building elsewhere would be unviable and would increase overall traffic movements.
5. The applicant considers the proposed application site to be the most sustainable option, safeguarding an existing business and providing 2 new jobs.

It is recognised that the operation of large, powered saws and other heavy equipment required to store and handle logs would likely be a source of disturbance and harm to residential amenity if located closer to houses and other noise sensitive neighbouring occupiers. The application site is a significant distance from any such uses. The building would also be sited within a former quarry that effectively screens the site from view other than from a relatively short section of the A629, as well as containing noise. A frontage screening bund and planting would further screen the building from view.

The question remains as to whether these grounds are sufficient to outweigh the adverse presumption of Green Belt policy in this case and it is considered that the balance of these considerations is a fine one.

The locality is clearly sensitive and prominent. It is on the edge of the urban area where the importance and relevance of Green Belt policy, in preventing the encroachment of built form into the countryside, is clear.

The proposal, whether or not it would be readily or widely visible, would result in an enlargement of an industrial site and as such would be inappropriate development in the Green Belt. Set against this, the site of the proposed building is already lawfully used for storage and processing in the open, an activity that already has its own implications for the appearance of the area.

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Given (a) the long standing history of this particular industrial operation, (b) the existing uses of the application site for industrial operations and storage, (c) the local visual improvements that the proposed development makes possible, (d) the improved facilities for the re-use of timber resources in the interests of sustainability and (e) the long term needs of this local employer, involving 8 existing employees with 2 new jobs arising from this proposed development it is considered that a case is made here for a new and well screened storage and processing building.

Moreover, the applicant has gained an offer of investment funding under the Rural Enterprise Investment Programme for the construction of the building and a contract has been obtained by the developer for the supply of woodchip to Drax Power Station, requiring that woodchip material is kept in a usable condition.

Clearly all planning applications are considered on their individual merits and, having regard to all the circumstances set out above, it is considered that a favourable recommendation in this case would not serve to erode the Council's ability to protect the Green Belt from harmful development, nor would it set a precedent for further new industrial development or other built form within the Green Belt.

Accordingly, it is considered that the proposal is acceptable on Green Belt grounds and thus satisfies Policy GB1 of the Replacement Unitary Development Plan.

Policy GB2 of the RUDP requires that development within the Green Belt, which is acceptable in principle, should be sited in an unobtrusive position and with landscaping and tree planting to further reduce the impact. In this case it is considered that Policy GB2 is satisfied.

#### Local Amenity

The building would occupy an area of former quarry workings that have been in industrial and storage use for many years.

There are no residential properties within influencing distance of the site and in visual terms the proposed development would not be readily seen other than from a short section of the A629 where the carriageway passes the frontage of the site. This localised impact would be lessened over time with the establishment of planting along a screening bund proposed along part of the site frontage.

In visual terms the proposed building would be finished in a dark brown colour and would be reasonably well screened so as to have very limited impact locally. There are no significant local visual amenity concerns and the building is considered to satisfy the requirements of Policy GB2 and D1. Moreover, and as noted above, the development would involve the clearance of logs and other items from the roadside and other areas that are unsightly, open to public view and which remain a possible source of danger to highway users.

Policies UDP3 and UR3 of the RUDP are therefore considered to be satisfied.

### Highway implications

The proposed construction of a building for use in connection with the storage and processing of wood products was previously the subject of a planning application in 2006. In the face of objections from the highway engineer, that application was withdrawn.

At that time, the concerns of the highway engineer were, however, based on a belief that the proposed development would introduce new activity onto the land and that the access to this was undesirable opposite the existing recycling centre at the Sugden End Tip. However, the Certificate of Lawfulness acknowledges that the use of the land for storage and handling of materials has existed for a period that exceeds the ten years required and as a consequence the proposals here would not introduce anything new in highway terms.

Indeed, the proposals are aimed at improving highway safety along Halifax Road since they are accompanied by an undertaking that the tree trunks and heavy logs presently stored alongside the A629 would be removed and stored on the application site.

The site is already used for industrial purposes and the proposal here would not increase the rate of use of the site or its access from the A629.

Visibility splays of 215 metres and 120 metres are achieved for the access and as such the proposals meet current highway design guidance since these distances are adequate to ensure safety.

Accordingly and in view of the above the proposals are considered to be acceptable in light of Policies TM2 and TM19A of the Replacement Unitary Development Plan.

### **Community Safety Implications**

There are no community safety implications.

### **Recommendation**

**THE PANEL IS RECOMMENDED THAT THEY ADVISE REGULATORY & APPEALS COMMITTEE TO GRANT PLANNING PERMISSION WITH CONDITIONS**

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

The history of this particular industrial operation, the existing uses of the site for industrial purposes, the local visual improvements that would be made possible, the improved facilities for the re-use of timber resources in the interests of sustainability and the long term needs of this local employer are considered in this case to finely outweigh the presumption against this development in the Green Belt. Policies UDP3, UR3, D1, GB1, GB2, TM2 and TM19A of the Replacement Unitary Development Plan are therefore satisfied.

### **Planning Conditions**

1. Start development within 3 years
2. Access to be constructed to approved specification prior to development commencing

3. Within a period of 6 months of the date of the decision, the storage or stockpiling of timber or other materials or equipment along the A629 verges shall cease and all timber, materials or equipment so stored shall be permanently removed
4. Visibility splays to be formed prior to development commencing. No obstacles to visibility over 900mm in height
5. Samples of external walling and roofing materials to be submitted to and approved in writing by the Local Planning Authority and subsequently built in those materials.
6. Colour of walls and roofing to be van dyke brown or similar
7. Security fencing or gates to be to an agreed specification and subsequently built in those materials.
8. No external illumination of the site without prior approval of details
9. Landscaping bund shown on approved plans to be constructed prior to first use of building.
10. Landscaping bund to be planted in accordance with scheme to be approved, during 1<sup>st</sup> available planting season. Thereafter maintained.
11. Drainage of site to be in accordance with details to be agreed.
12. Roofwater from building to be kept separate and harvested for reuse.
13. No storage of materials, plant or machinery on land forward of the screening bund.



# KEIGHLEY AREA PLANNING PANEL

DATE  
25 February 2009



For reference only (Crown Copyright)

LOCATION

**ITEM No. 21**

**The Coach House, MANLEY ROAD, ILKLEY**

**DATE:** 25<sup>TH</sup> FEBRUARY  
**ITEM No:** 21  
**WARD:** Ilkley  
**RECOMMENDATION:** TO GRANT CONSERVATION AREA CONSENT  
**APPLICATION No:** 08/07149/CAC

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

Conservation Area Consent application to permit demolition of the existing Coach House to facilitate the construction of 2 No. new dwellings at Redgarth, 20 Manley Road, Ben Rhydding

**Site Description:**

Redgarth is a substantial three storey Edwardian House now converted into five apartments. It is of a brick and stone lower wall, red tile hung upper walls with a Westmoreland slate roof. Behind the house, and accessed by a bitmac driveway from Manley Road, is the former Coach House. The building has a single east facing aspect, is two storeys and contains a first floor flat. It is faced in stone to the first floor level with render above. The structure has been much altered over time and the ground floor presently contains garaging, one for the occupiers of the Coach house, and two which are leased to the occupants of Redgarth. The principle elevation is dominated by garage doors, much to the detriment of the buildings appearance.

To the front of Redgarth is a gravelled parking area, whilst to the rear there is a bitmac yard between Redgarth and the Coach House. To the north and south of the Coach House are garden areas comprising lawns, shrubs and small trees. The Coach House sits against the rear, western boundary of the site, within 7m of the residential property to the west. The structure has suffered from a lack of maintenance, but is far from derelict and is still occupied.

**Relevant Site History:**

Previous applications 08/05623/CAC and 08/05624/FUL withdrawn  
96/00321/FUL - Refurbishment of existing Coach House to form one house and one flat and construction of two new dwellings. Refused  
77/00214/COU - Change of use of stable block to flat  
77/04735/REM - Conversion of Stable Block to Flat/Garage. Reserved matters approved

**Unitary Development Plan: *Proposals and policies***

The site is unallocated on the RUDP Proposals Map.  
The site is in Ben Rhydding Conservation Area.

The following policies would be applicable:

**Replacement UDP**

BH7	-	New Development in Conservation Areas
BH9	-	Demolition within a Conservation Area

**Parish Council:**

Recommends refusal. Considers that the case for demolition has not been made.

**Publicity and Number of Representations:**

Advertised by Conservation Area site/press notice. Expiry – 08.01.09

Whilst four representations relating to the full planning application for the replacement dwellings have been received, none refer specifically to the CAC application. No comments expressing specific concern over the demolition of the Coach House have been received.

**Summary of Representations Received:**

None received to this application.

**Consultations:**

**Conservation Officer**

The Coach House is of no particular interest and has been significantly altered over time. The concerns regarding the previous applications have been addressed and the proposed replacement scheme is now considered to be appropriate to the Ben Rhydding Conservation Area.

**Summary of Main Issues**

Impact of demolition on the character and appearance of Ben Rhydding Conservation Area having regard to policies of the RUDP and the Ben Rhydding Conservation Area Appraisal.

**Appraisal:**

The building is within the Ben Rhydding Conservation Area. The Council has a duty to pay special attention to the desirability of preserving and enhancing the character and appearance of the Conservation Area. Policies BH7 and BH9 of the UDP are relevant to consideration of the proposal to demolish the existing building, as is guidance in PPG15 relating to demolition of buildings in Conservation Areas. The purpose of the Conservation Area designation is not to freeze the area in time and insist it remains exactly as it was on the day of designation. The area is bound to evolve and change over future years. The purpose of Conservation Area controls is to guide change so that development preserves and enhances the character or appearance of the area and to this end Policy BH9 seeks to oppose demolition of those buildings that make a positive contribution to the special architectural or historic interest of a Conservation Area.

As well as considering the contribution the building makes to the Conservation Area, as advised in PPG15 (para 4.27), the case for demolition will also depend on the Local Planning Authority having full information about what is proposed for the site after demolition. A decision-maker is entitled to consider the merits of any proposed replacement development in determining whether consent should be granted for demolition of an unlisted building in a Conservation Area.

The Coach House is of no great architectural character, and has been significantly altered over time – most significantly in the 1970s when it was converted to its existing use as garaging and flats. It has are no known historical connections and the building is not prominent because it is set back from the street in an unobtrusive position behind Redgarth, to which it is subservient. However, its position on the boundary of the site means that it is in very close proximity to the residential properties to the west. The

original building is spoiled by its rendered walls and the visually dominating impact of the three ground floor metal garage doors.

The applicant has stated that the proposal to convert the Coach House into two units was considered. However, taking into consideration the location of the building on the western boundary and the number of crosswalls in the ground floor construction, a further conversion was not considered the best option. It was felt that this would further erode the appearance of the building.

No evidence has been submitted which would indicate that the building has any inherent structural problems. The supporting Justification Statement mentions the negative features such as the position of the building on and up too the western boundary, the render, and the profusion of garage doors and asserts that the building does not make a positive contribution to the Ben Rhydding Conservation Area. The Justification Statement also mentions that the proposed replacement dwellings will reflect the architectural qualities of Redgarth and will be an improvement in design terms, to the benefit of the character and appearance of the Conservation Area.

Substantial weight has been given to the present poor appearance of the building and the modifications that have been made to it, which have resulted in a rather unsightly structure. It is not felt that the Coach House makes a positive contribution to the character and appearance of the Conservation Area. Therefore the case for demolition is considered acceptable in principle provided that the proposed replacement development achieves an enhancement of the character and appearance compared with the present or potential contribution of the Coach House to the Conservation Area.

In this respect, the submitted proposal is markedly superior to the previous planning application that was withdrawn. The Council's Design and Conservation team expressed several concerns with the original proposal, including the lack of subservience to Redgarth, the erosion of the space between the buildings and the size of the proposed gardens. The proposed materials and Arts and Crafts styling were felt to be appropriate however. The proposals have been amended and the Design and Conservation team now feel that the previous concerns have been addressed and that the proposal is now appropriate to the Ben Rhydding Conservation Area.

In view of the improvements to the redevelopment proposals and given the unsightly appearance and character of the Coach House it is considered that its demolition can be permitted. Given that the demolition would not result in a gap in the street scene, it is considered unnecessary to suggest that demolition should not occur until the redevelopment is ready to commence.

**Community Safety Implications:** No apparent community safety implications. The Coach House is still occupied and has not been the target of vandalism or other crime.

### **Reasons for granting**

***The Coach House makes a negative contribution to the character or appearance of this part of Ben Rhydding***

***Conservation Area. The application submission is considered to contain sufficient justification for its demolition so as to facilitate a replacement development that, as amended, is sympathetically designed and would make a greater contribution to the character and appearance of the Conservation Area. The demolition is considered acceptable having regard to Policies BH9, D1 and BH7 of the Replacement Unitary Development Plan and guidance in PPG15 on “Planning and the Historic Environment”.***

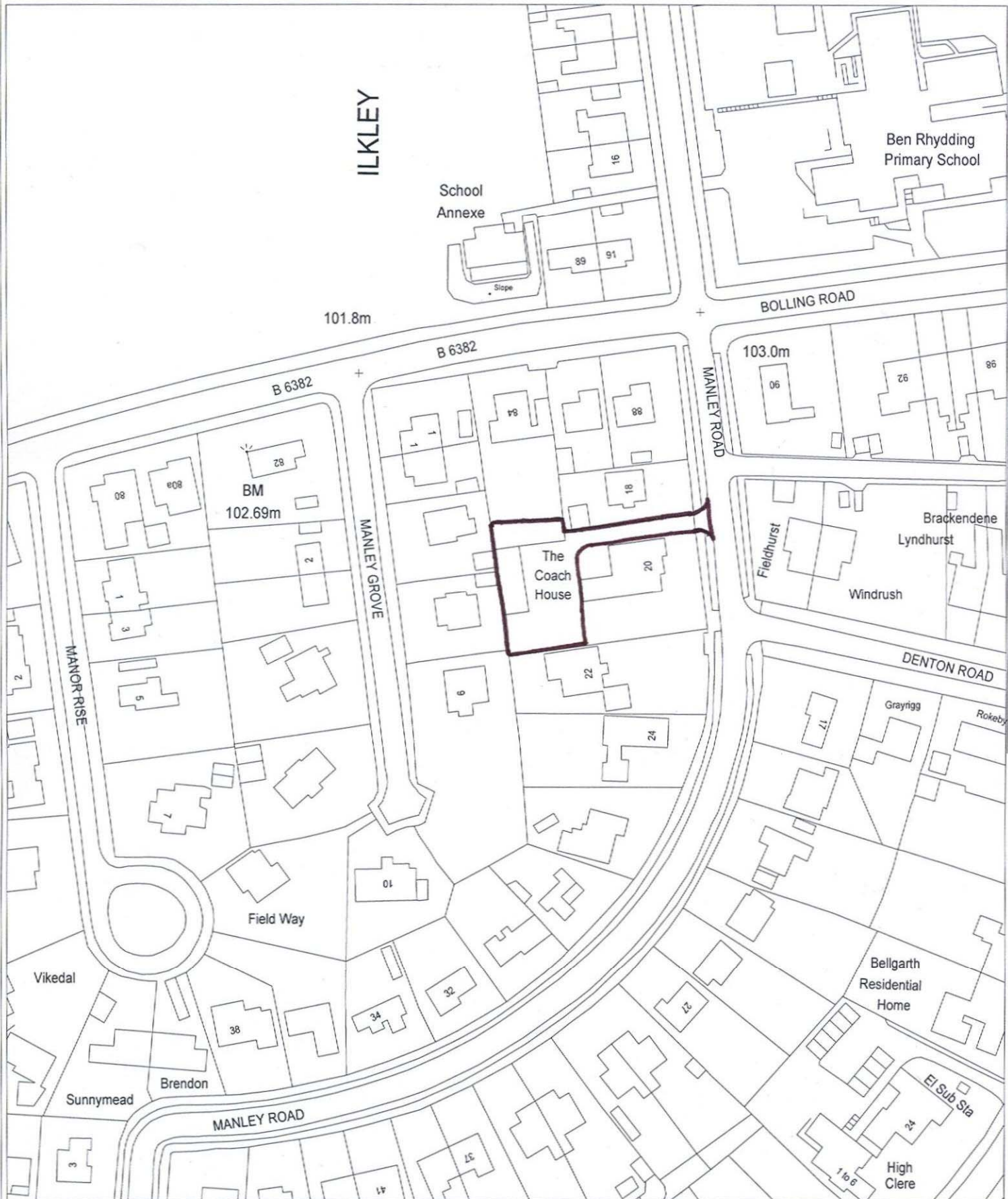
*Conditions of Consent*

- 1. 3 years to implement consent.***



# KEIGHLEY AREA PLANNING PANEL

DATE  
25 February 2009



For reference only (Crown Copyright)

LOCATION

ITEM No. 22

The Coach House, MANLEY ROAD, ILKLEY

**DATE:** 25 FEBRUARY 2009  
**ITEM NO.** 22  
**WARD:** Ilkley  
**RECOMMENDATION:** TO GRANT PLANNING PERMISSION  
**APPLICATION No:** 08/07145/FUL

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

Full application for the demolition of the Coach House and the construction of two semi detached dwellings at Redgarth, 20 Manley Road, Ben Rhydding.

**Site Description:**

Redgarth is a substantial three storey Edwardian House now converted into five apartments. It has a brick and stone lower wall, red tile hung upper walls with a Westmoreland slate roof. Behind the house, and accessed by a bitmac driveway from Manley Road, is the building which is the subject of this application – a former Coach House. The building has a single east facing aspect, is two storeys with garages at ground floor and a residential flat at 1<sup>st</sup> floor. It is faced in stone to the first floor level with render above. The structure has been much altered over time and the ground floor presently contains garaging, one for the occupiers of the Coach House, and two which are leased to the occupants of Redgarth. The principle elevation is dominated by garage doors, much to the detriment of the buildings appearance.

To the front of Redgarth is a gravelled parking area, whilst to the rear there is a bitmac yard between Redgarth and the Coach House. To the north and south of the Coach House are garden areas comprising lawns, shrubs and small trees. The Coach House sits against the rear, western boundary of the site, within 7m of the adjacent residential property. The structure has suffered from a lack of maintenance, but is far from derelict and is still occupied.

**Relevant Site History:**

Previous applications 08/05623/CAC and 08/05624/FUL withdrawn  
96/00321/FUL - Refurbishment of existing Coach House to form one house and one flat and construction of two new dwellings. Refused  
77/00214/COU - Change of use of stable block to flat  
77/04735/REM - Conversion of Stable Block to Flat/Garage. Reserved matters approved

**Unitary Development Plan: *Proposals and policies***

The site is unallocated on the RUDP Proposals Map.  
The site is in Ben Rhydding Conservation Area.

The following RUDP policies are applicable:

- UDP3 - Quality of the Built and Natural Environment
- UR2 - Promoting Sustainable Development
- UR3 - Local Impact of Development
- TM12 - Parking Standards for Residential Development
- D1 - General Design Considerations
- D2 - Energy Efficiency and Sustainable Design

BH7	-	New Development in Conservation Areas
BH11	-	Space about Buildings in Conservation Areas

**Parish Council:**

Recommends refusal: Narrow drive for access to two additional houses, insufficient parking on site, overdevelopment, impact on Redgarth (within 21m of a habitable room window)

**Publicity and Number of Representations:**

Advertised by Conservation Area site/press notice and neighbour notification letters, with an overall expiry of 08.1.09

Four neighbour representations have been received, along with one from the Ilkley Civic Society (5 in total).

**Summary of Representations Received:**

- The proposal incorporates and is dependent upon land which is not in the ownership of the applicant. Information regarding this given on the application form is misleading and confusing and suggests that the area available for development is larger than is really is
- The proposal is over intensive for the amount of land available. One dwelling would be acceptable
- The destruction of the greenery to accommodate the new garages will destroy the character of the setting of the properties
- It will almost certainly cause a substantial and unacceptable increase in noise and carbon dioxide pollution to neighbouring residents
- It will increase traffic hazards in and around the site as well as in Manley Road, with possible additional safety threats to the children attending Bolling Road Primary School
- If the current ground floor of the Coach House is “underused” as stated by the applicant, why do the garages need to be replaced?
- This loss of greenery will bring into view the extension to 7 Manley Grove, which is a discordant feature
- The level of parking is inadequate
- Permeable surfaces should be used to prevent run off
- There are problems with the drains in the area; the developer should lay new drains to the north of Redgarth
- I have no objections to the design and siting of the new houses, but some concern about how the actual process of demolition and construction will be carried out

**Consultations:**

**Council’s Design and Conservation Officer**

The Coach House is of no particular interest and has been significantly altered over time. Considers that the concerns regarding the design of the previous application scheme have been addressed and the proposed replacement scheme is now considered to be appropriate to the Ben Rhydding Conservation Area.

Only one tree of significance is lost (tree T3 in the survey). This maple is growing unacceptably close to an adjoining property and its loss is considered acceptable. Replacement planting on the frontage of Redgarth between existing trees should be required by planning condition.



### Summary of Main Issues

- Impact on the character and appearance of Ben Rhydding Conservation Area
- Impact on trees
- Parking
- Impact on local and residential amenity
- Impact on highway safety

### **Appraisal:**

#### Impact on the Character and Appearance of Ben Rhydding Conservation Area

First, issues relating to the demolition of the existing building are covered in the report on the companion Conservation Area Consent application which seeks permission to demolish the Coach House. Whatever the Coach House may have looked like in the past, it is now much altered and displays little architectural character and is not very visible from the street. The Council's Conservation Officer agrees it makes no positive contribution to the character of Ben Rhydding Conservation Area and its demolition will have no impact on its character or appearance.

The submitted proposal for a replacement building is markedly superior to the previous planning application that was withdrawn. The Council's Design and Conservation team expressed several concerns with the original proposal, including the lack of subservience to Redgarth, the erosion of the space between the buildings and the size of the proposed gardens remaining. However, the proposed materials and Arts and Crafts styling shown in the previous proposals were felt to be attractive and appropriate.

The proposals have now been amended on this new application and the Design and Conservation team now feel that the previous concerns have been addressed and that the proposal is now appropriate to the Ben Rhydding Conservation Area.

The proposed design retains the proportions of the former Coach House and, whilst it has a slightly larger foot print than the existing building, it is similar in scale and massing. It has a slightly lower ridge height and is positioned 1m off the western boundary of the site, to the benefit of the neighbouring properties on Manley Grove

The proposed use of local coursed stone to first floor with red/brown tile hanging above and grey slate roof and timber window frames is supported and reflect the styling of Redgarth and adjacent buildings in the Ben Rhydding Conservation Area. When compared with the existing Coach House, the proposed new dwellings are found to make a superior contribution to the character and appearance of the Ben Rhydding Conservation Area. The proposal is therefore compliant with the requirements of Policies D1 and BH7 of the RUDP.

#### Impact on trees

Only one tree of significance is to be lost as a result of the development, and the Tree Officer considers this is acceptable. Two replacement trees are indicated on the plans in the garden to the south of the proposed dwellings and these can be required by a condition of approval. Policy NE5 of the RUDP is therefore found to be satisfied.

#### Impact on local/residential amenity

The proposed development will see the footprint of the new dwellings moved 3.8m closer to Redgarth than the existing Coach House; reducing the existing gap to the main rear wall of Redgarth from approximately 23m to around 19.2m. The single storey rear projecting wing of Redgarth is closer; however this features a blank rear elevation. The

Parish Council have recommended refusal of the application partly on the basis that it will result in habitable room windows at Redgarth and the new dwellings being within 21m of each other. Potentially, there are four windows on the rear elevation of Redgarth that are affected by the new development; one is at ground floor level and three at first floor. The ground floor window and three of the first floor windows feature obscure glazing. It is unclear whether the fourth is to a habitable room window, however this window looks out over the roofline of the rear projecting bay, which will obscure views of the proposed dwellings. This, coupled with the fact that the distance is only slightly less than the recommended 21m leads to the conclusion that there will not be a significant level of overlooking between Redgarth and the proposed dwellings. There are no neighbouring properties that would be overshadowed by the proposed dwellings.

The proposed dwellings will be visible through gaps in the street scene; as the Coach House is present. It is felt that the development represents an aesthetic improvement, to the benefit of local amenity.

The construction of the proposed garages (required to replace those which currently take up the ground floor of the Coach House) will result in a reduction in garden space at the site. Whilst it is desirable to retain space about buildings where possible, the position of the proposed garages will not be highly visible from outside of the site. The impact on local amenity and the wider conservation area is therefore felt to be minimal, and the overall positive impact of the improvement in design is found to outweigh the harm caused by this small loss of open space.

Overall, the proposed development is considered to comply with the requirements of RUDP Policies D1, UR3, BH7 and BH11

#### Access and Parking

The site is accessed via a shared driveway to the north of Redgarth leading in from Manley Road. Manley Road is a relatively wide highway with footways and street lights. It is reasonably well used and has no obvious design or safety problems. It is not considered that just one extra house would significantly affect the capacity or safety of Manley Road or its junction with Bolling Road to the north.

The Parish Council is concerned that the access and parking provision is not suitable for two additional dwellings. However, it should be pointed out that as there is already a flat above the coach house, so this proposal represents a net increase of only one dwelling. It is not considered that this net increase will generate substantial traffic that will either be to the detriment of the amenity of the residents of Redgarth or safety on the road outside.

Acceptable parking standards are set out in policy TM12 of the RUDP. These are expressed as a maximum and not a minimum. The maximum standard for residential developments is an average of 1.5 units per dwelling. There are 2 spaces provided for each new dwelling, and this is felt to be acceptable given the nature of the development. The level of parking provision for residents of Redgarth will not alter.

The issue of creating permeable hard surfaced areas has been discussed with the agent. However, the existing vehicular areas are already mostly in existence in front of the garaging to the existing coach house and the ability of the developer to replace these surfaces with new materials could be constrained by the ownership of this land.

#### Ownership and access rights issues

Several neighbour representation letters make reference to ownership issues at the site, and claim that the applicant does not own or have access rights to land which is required for the development, asserting that this should be a reason to refuse the application. This issue seems particularly contentious but it is not a material planning consideration. Third parties are entitled in law to apply for planning permission for land in which they currently do not have an interest provided that the requisite notice is given to the owner or owners of any part of the land or building to which the application relates. The applicant is required to certify on the application form that they have done so. The relevant certificates have been completed. The implementation of any subsequent planning permission will be a private issue between the parties concerned.

### Community Safety Implications

No apparent community safety implications.

### **Reasons for granting**

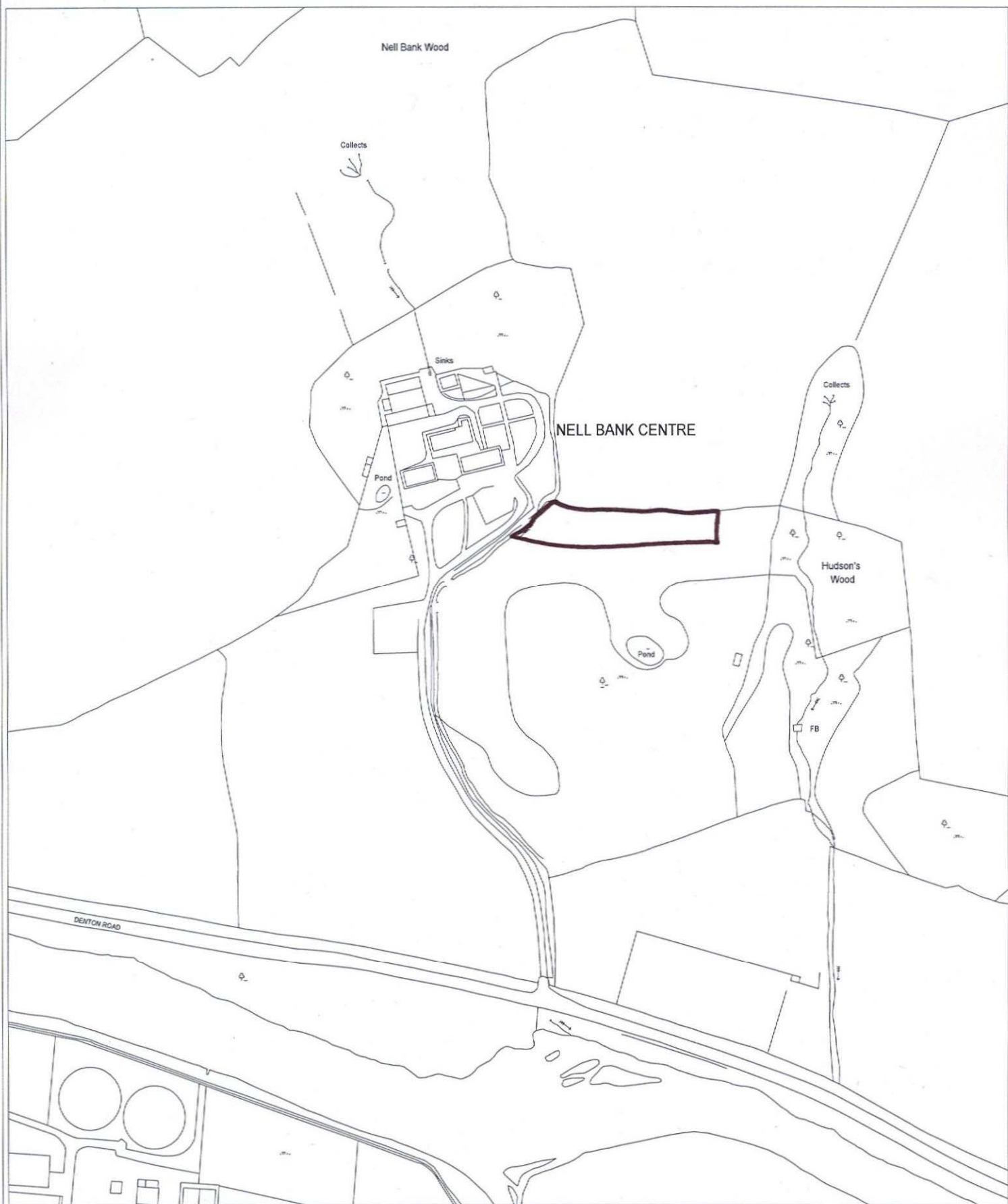
The proposed dwellings will have no significant adverse effects on local amenity, the character or appearance of the Ben Rhydding Conservation Area within which the property is situated, or the amenity of neighbours. The design is considered sympathetic to its setting in terms of design, scale, height, massing and materials. The level of parking provision is found to be adequate and it is not considered that the development will have a detrimental impact on highway safety. It complies with Policies UDP3, UR2, UR3, TM12, D1, BH7, BH11 and NE5 of the Replacement Unitary Development Plan.

### ***Conditions of Consent***

1. Begin development in 3 years.
2. Remove permitted development rights for windows.
3. Remove permitted development rights for further extensions
4. Replacement tree planting scheme to be submitted to and approved in writing by the LPA prior to development commencing – species to be agreed. Planting to be carried out in the first season following completion of the development.
5. Details of facing and roofing materials to be submitted for approval prior to commencement of development and subsequently implemented as approved.
6. Details of the proposed drainage system to be submitted for approval prior to commencement of development and subsequently implemented as approved

# KEIGHLEY AREA PLANNING PANEL

DATE  
25 February 2009



For reference only (Crown Copyright)

LOCATION

ITEM No. 23

NELL BANK CENTRE, DENTON ROAD, ILKLEY

**DATE:** FEBRUARY 25<sup>th</sup> 2009

**ITEM No.** 23

**WARD:** ILKLEY WARD (14)

**RECOMMENDATION:** THIS APPLICATION IS REFERRED TO 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 IS IT IS A DEPARTURE FROM THE REPLACEMENT UNITARY DEVELOPMENT PLAN AND IF THAT COMMITTEE IS MINDED TO GRANT PLANNING PERMISSION THE APPLICATION WILL BE REFERRED TO THE SECRETARY OF STATE UNDER THE DEPARTURE DIRECTIONS 1999.

**THE PANEL IS RECOMMENDED TO ADVISE REGULATORY & APPEALS COMMITTEE TO GRANT PLANNING PERMISSION WITH CONDITIONS**

**APPLICATION No:** 08/06875/FUL

**Type of Application/Proposal & Address**

A full planning application for the erection of a single storey outdoor education/activity centre incorporating residential accommodation for disabled users at the Nell Bank Activity Centre, Denton Road, Ilkley.

**Site Description**

The Nell Bank Centre, which is administered by Bradford Council's Early Years, Childcare & Play Service on behalf of the trustees of the Nell Bank Silver Jubilee Trust offers outdoor education activities to adults and children across a range of abilities. The centre comprises a small "village" of buildings offering day and residential outdoor education to schools and other community groups. The site is located in the green belt on the north side of the River Wharfe in the Wharfedale Landscape Character Area. The site is within an area defined as "wooded incline" by the Landscape Character Assessment however the proposed position of the new building is actually on pasture land beneath the woodland. The centre is accessed via a long driveway from Denton Road, which rises gently with the gradient of the land. The existing buildings are set approximately 7m above the level of Denton Road and are screened by trees and hedges to varying degrees. The existing buildings are predominantly faced with stained horizontal timber boarding and profiled sheet roofing. They are grouped together at the end of the driveway, with Middleton Woods surrounding the "village" on three sides. The proposed location for the new building is the field to the south west of the existing group of buildings. This site chosen for the building is undeveloped green belt land.

**Relevant Site History**

78/06649/OUT: Youth Training + Camp Centre. Granted

79/06469/REM: Approval of reserved matters. Granted

79/09402/FUL: Wardens Bungalow. Granted  
82/07374/FUL: Workshop & Classroom. Granted  
83/01712/FUL: 2 Tonne Static Propane Tank. Granted  
85/04683/FUL: Erection of a toilet block. Granted  
87/05732/FUL: Roof enclosure between classrooms. Granted  
88/07547/FUL: Extension to staff quarters. Granted  
92/00413/FUL: Extension of timber building. Granted  
07/10440/REG: Removal of existing roof and reconstruction with revised orientation to include additional solar panels. Granted

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

The site is within the green belt as designated by the RUDP (2005).

Relevant Policies are:

UR2 – Promoting sustainable development  
UR3 – The local impact of development  
D1 – General design considerations  
D2 – Energy efficiency and sustainable design  
D3 – Access for people with disabilities  
D5 – Landscaping  
CF3 – Community uses  
D4 – Community Safety  
GB1 – New building in the green belt  
GB2 – Siting of new building in the green belt  
NE3 – Landscape character areas  
NE3A – Landscape character areas

Supplementary Planning Guidance in the Council's approved Sustainable Design Guide has also been considered as a material consideration.

### **Town/Parish Council**

Ilkley parish Council recommends approval – considers the design is sensitive to the environment and existing development. Parish Council supports outdoor educational use.

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

The application was publicised by neighbour notification letters, a site notice and a notice in the Ilkley Gazette, the overall expiry date for representations being the 25.12.2008. No letters of representation have been received.

### **Summary of Representations Received**

None received.

### **Consultations**

#### **Building Control Drainage Section**

The developer's intention to dispose of surface water using a combination of soakaways and a sustainable drainage system is noted. This is acceptable subject to the developer providing the results of a percolation test to the Council for comment prior to work commencing.

Records show no public sewer in this area. The developer should therefore provide confirmation that the existing foul water outflow is to a public sewer.

Records indicate water courses in this area. The developer must investigate the site in order to determine the extent of the land drainage network and submit their proposals for dealing with any watercourses, culverts, land drains etc

### Trees

Comment on lack of a detailed tree survey. However, following a site visit, the Case Officer has ascertained that there are no significant trees in the vicinity of the proposed development and it is the opinion of the planning officer that a trees survey is not required as none will be affected.

### **Summary of Main Issues**

1. Principle of development/impact in the green belt
2. Whether there are very special circumstances
3. Implication of disability discrimination legislation
4. Effects on the character of the landscape
5. Design
6. Impact on local amenity
7. Community safety

### **Appraisal**

Permission is sought for the erection of:

- a. single storey timber log building with an olive green metal roof and timber double glazed windows measuring 30m long, 5.9m wide and 4.8m high
- b. two disabled parking spaces
- c. 55m long access track linking the development with the main Nell Bank "village".

### **Principle of development/impact on green belt**

Nell Bank lies within the green belt. The proposed development does not strictly fall within the definition of development which is acceptable in principle in the green belt, as listed in paragraph 3.4 of PPG2 (Green Belts) and policy GB1 of the RUDP. The proposal is therefore inappropriate development. There is a general presumption against granting planning permission for inappropriate development in the green belt unless it can be demonstrated that there are very special circumstances, which, when viewed objectively, can be clearly shown to outweigh the harm to the openness of the greenbelt

### **Very Special Circumstances**

#### **Principle of Development**

Nell Bank is now a long established centre of excellence in its field of outdoor education and has a range of award winning facilities that provide a unique educational facility currently available to non disabled and disabled day visitors and non disabled residential visitors. These facilities include:

- Experienced and dedicated staff including a manager who has been head of two special schools
- A specialist buggy which can carry visitors around the site allowing everyone to participate in orienteering and habitat trails – unique nationally.
- Adventure playground with disabled access
- 180m of footpaths through Nell Bank Woods which give access to mini beast hunts, squirrel trails etc
- 3 teaching ponds above ground so that animals can be studied by wheelchair bound and sensory impaired youngsters.

Academic research has found that participation in outdoor education benefits disabled students and increases their social interaction and inclusion. A recent Ofstead report highlighted the need to ensure that the benefits can be experienced by all students, equally.

The proposed building would extend sleeping accommodation provision at the Centre and provide visitors with disabilities to have specialist residential accommodation, allowing them to make the same residential visits as mainstream students are currently able to do. This would grant disabled users the same opportunity to benefit from the activities that are carried out at Nell Bank as other visitors. The unique feature of the proposal is that disabled people will share activities alongside everyone else. The facilities would be available at the weekends to provide respite holidays for visitors with disabilities, providing a break for their carers.

There are no comparable facilities to those proposed at Nell Bank in the Bradford District, region, or possibly in the country. The proposed building is therefore considered nationally significant. The centre provides youngsters with access to a semi natural, rural environment; something which many youngsters may not otherwise experience. The rural location in the Green Belt is therefore an inherent part of the centre's functionality.

It is felt that the unique specialisms offered by the Nell Bank Centre and the opportunities that the proposed additional development will give to enable young people with disabilities to benefit from the activities and specialist outdoor education on offer are strong and compelling factors that constitute the Very Special Circumstances to outweigh the normal presumption against inappropriate development in the green belt. The proposal is therefore considered to be justified, as very special circumstances exist it is considered that the development is acceptable when tested against PPG2 and Policy GB1 of the RUDP.

### **Siting of the proposed building**

Policy GB2 of the RUDP seeks to ensure that buildings which are permitted in the green belt are sited so that they relate closely to existing buildings or, where their functional requirements demand otherwise, in an unobtrusive position in the landscape or are screened by planting. Initially Planning Officers were concerned that the proposed new building would be set apart from the existing buildings at Nell Bank. However, the special characteristics of the proposal that have now been made clear are such that it is now considered that the proposed position of the building can be justified.

The applicant has provided the following additional specialist information to justify why this development should proceed on the proposed site - away from the group of existing buildings:

- The existing complex of buildings does not include adequate space for the new building to be erected.
- The proposed site was chosen after a detailed site survey showed that the gradients of this location offer minimal climbs and descents for wheelchair users and physically challenged groups. There is no other location on site which provides this type of accessible environment.
- The proposal will also provide for the needs of those with Autistic Spectrum Disorders (ASD). ASD is a relatively new term that includes the subgroups within the spectrum of autism. There are differences between the subgroups, but all



children with ASD generally have difficulty in understanding social behaviour which affects their ability to interact with other children and adults. Many children and young people with a diagnosis of ASD can be included with their peers for much of the time. However, all research indicates that these youngsters (including a small number with the most extremely challenging behaviours) experience difficulty with interactions and communication. They find it very difficult to make sense of the world around them and require both routine and consistent structure as well as at times environments with low arousal levels. A building that was closely grouped in with the existing buildings on site would not provide this.

- Programmes of physical activity are widely recognised to be beneficial for students with ASD. These programmes release tension and help in the acquisition of social and life skills. It is also important that activities can be accessed in an inclusive setting. There can be issues when experiencing an unfamiliar environment which can result in students going in to crisis and needing a quiet space to settle. Sometimes crisis behaviours can be bizarre or aggressive so a quiet, private area is essential to protect the dignity of these students and to avoid disturbance to mainstream youngsters on site.

For this reason the applicant says the proposed location of the building has been carefully chosen to be sufficiently close to facilitate the social inclusion and provide opportunities for interaction with other users of Nell Bank, whilst at the same time creating a building which provides the type of safe, secure, low arousal environment with good quality break out space for when some young people with ASD need to be able to withdraw from the hurly-burly of the wider environment. Young people with special needs require a range of specialist resources to help maintain their dignity, and this is best provided in a private space away from the main activity on site. A carefully designed environment sufficiently separate from the general group of buildings would offer much needed opportunities for students with ASD who may have experienced difficulties in the past in other community based venues which lack the flexibility to accommodate their needs. It would also demonstrate a commitment to the agenda of inclusion which is very important for this client group.

The submitted plans have been amended to show the site landscaped with native tree and shrub planting which will reduce the visual impact of the proposed building and provide a valuable habitat for wildlife. It is felt that the siting of the proposed building has been carefully chosen to reflect the specialist functional requirements of the development. The proposed landscaping will reduce the visual impact of the building. The proposal is therefore found to comply with Policy GB2 of the RUDP

### **Relevant Legislation/Guidance on disability and inclusion**

The Disability Discrimination Act (DDA) 1995 amended by the DDA 2005 places a legal duty on all public bodies to promote equal opportunities for disabled people. This legal duty means that the council must, in carrying out its functions have due regard to the need to:

- eliminate discrimination that is illegal under the DDA
- promote equal opportunities between disabled people and others
- eliminate harassment of disabled people that is related to their disability
- promote positive attitudes towards disabled people
- encourage participation by disabled people in public life
- take steps to meet disabled peoples needs, even if this requires more favourable treatment

In conjunction with the DDA legislation, the ODPM (Office of the Deputy Prime Minister) has published “Planning and Access for Disabled People” – A Good Practice Guide. This guide seeks to ensure that the Planning System successfully and consistently delivers accessible environments as an integral part of the development process.

National Planning Policy Guidance requires that Local Planning Authorities promote accessibility for people with disabilities without being too prescriptive about how this should be done. For example PPS1: Delivering Sustainable Development states ‘The Government is committed to developing strong vibrant and sustainable communities and to promoting community cohesion in both urban and rural areas. This means meeting the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion and creating equal opportunity for all citizens.’

The legislation and guidance that is of particular relevance to this proposal is the need to have due regard to the needs of people with disabilities, and promote equality of opportunity and accessibility. The intentions of the Nell Bank Centre to build the new accommodation to offer greater inclusion of young people with disabilities in its normal programme is therefore to be commended and adds much weight to the recommendation to approve this application.

### **Impact on Landscape Character**

Aside from the fundamental issues arising from the principle of the development in the green belt, policies NE3 and NE3a regarding impact on landscape characteristics must also be taken into consideration. The Wharfedale Landscape Character Assessment states that the pastures immediately below the wooded incline could accommodate some small scale development if this was framed by substantial tree planting to link to the existing woodland. The existing enclave of buildings at Nell Bank is enclosed by woodland and hedgerows. The proposed landscaping scheme would see this tree cover extended around the new building and the access road and parking. It is therefore felt that, given the proposal includes plans to screen the building with native trees and hedging the development can be accommodated without significant harm to the character of the landscape, in line with the requirements of Policies NE3 and NE3a of the RUDP.

### **Design**

The design of the proposed building matches the style of the existing buildings at Nell Bank, the majority of which are constructed using timber logs with felt or profiled metal roofs. These materials have been chosen to help the structures blend into the surrounding woodlands and green areas enabling them to remain sympathetic to the natural environment. The design proposes a single storey building with large overhanging eaves and a decked area beneath, a design which can be seen elsewhere on site. Solar panels and high levels of insulation are planned. Access for disabled people is clearly a main feature of the design. The proposed building is felt to be appropriate in terms of its accessibility, sustainability, scale, design and materials and is found to comply with Policies D1, D2 and D3 of the RUDP.

### **Impact on local amenity/highways**

There are no residential properties within the vicinity of the proposed development nor are there any public footpaths from which it would be visible at close quarters. The proposed building will be visible from Denton Road, and from long range views across the valley

from Ilkley Moor but it is not felt that this will have a significant impact on local amenity in compliance with Policy UR3 of the RUDP.

There is ample parking within the site and the specific needs of the building are provided for in the layout. Most users would arrive by minibus and it is not anticipated that the development would raise any issues of concern regarding highway safety or capacity.

### **Community Safety Implications**

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

### **Reason for Approval**

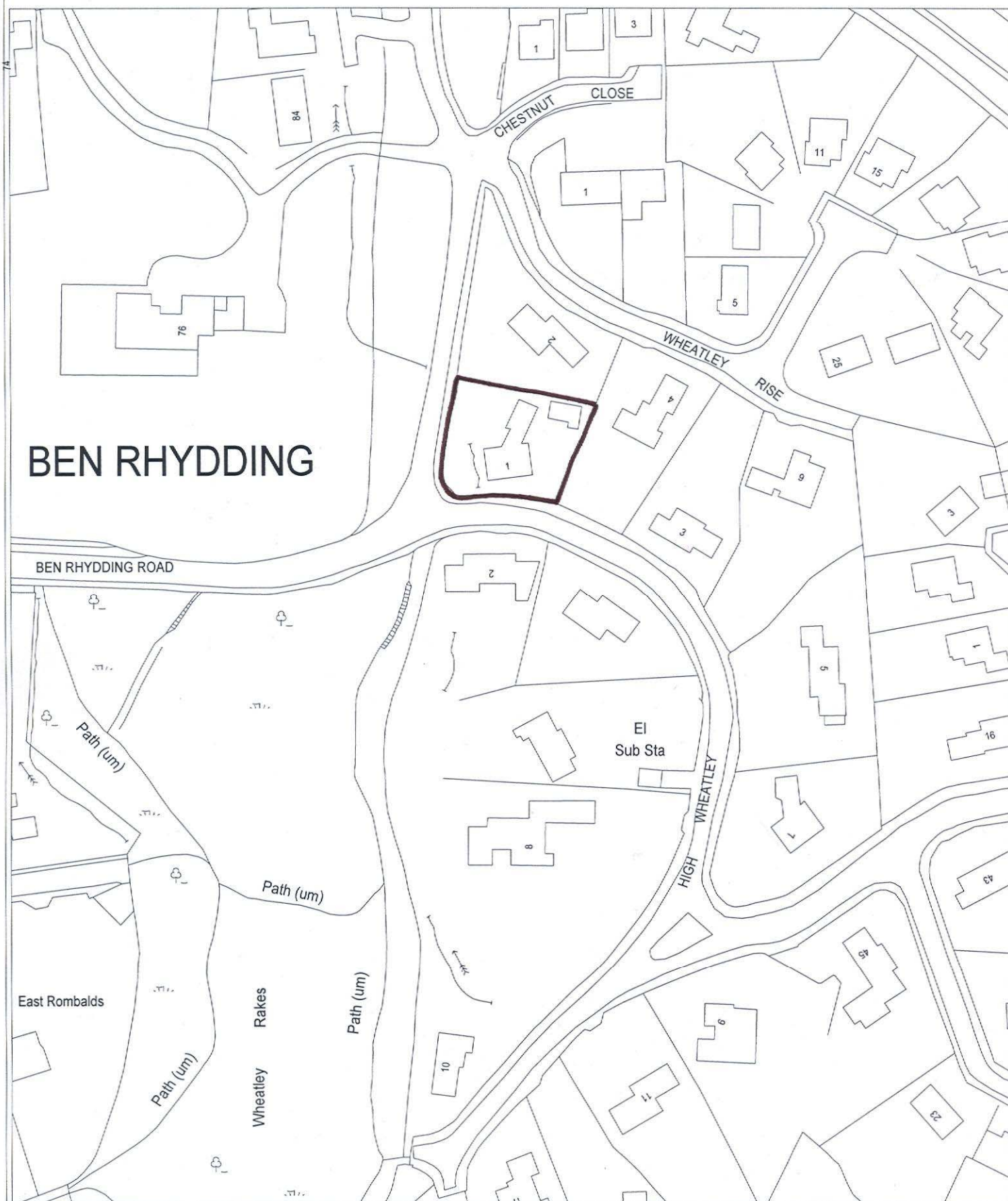
The proposed development constitutes a Departure from the Development Plan but it is considered that there are very special circumstances that exist to justify an exception to the presumption against inappropriate development in the green belt and as such the proposal will accord with Policy GB1 of the RUDP. The very special circumstances are considered to be the unique outdoor educational opportunities that will be opened up to young people with disabilities through provision of this independent accommodation building at an established centre of excellence in this field. With the mitigation measures proposed by the applicant, any impact on local visual amenity and landscape character will be insignificant. As such the proposal complies with Policies UDP3, UR3, D1, GB2 and NE3/NE3A of the RUDP. There are no adverse implications for neighbouring occupants or highway safety and as such the proposal complies with Policies UR3 and TM2 of the RUDP.

### **Conditions of Approval**

- Development to begin within 3 years.
- Full details of a landscaping scheme (including species of plants) to be submitted to and approved in writing by the LPA prior to development commencing – species to be agreed, planting to be undertaken in the first season following construction.
- Roof colour samples to be submitted for LPA approval prior to commencement of development and subsequently implemented as approved.
- Timber colour samples to be submitted for approval prior to commencement of development and subsequently implemented as approved.
- Details of the proposed surface water drainage system for the building are to be submitted for approval prior to commencement of development and subsequently implemented as approved.

# KEIGHLEY AREA PLANNING PANEL

DATE  
25 February 2009



For reference only (Crown Copyright)

LOCATION

**ITEM No. 24**

**1 HIGH WHEATLEY, ILKLEY**

**DATE:** FEBRUARY 25<sup>th</sup> 2009  
**ITEM No:** 24  
**WARD:** ILKLEY  
**RECOMMENDATION:** TO GRANT PLANNING PERMISSION WITH CONDITIONS  
**APPLICATION No:** 08/05016/FUL

**Type of Application/Proposal & Address**

Full application for construction of one detached house and a single storey extension to the existing house at 1, High Wheatley, Ilkley LS29 8RX

**Site Description**

The site is on the corner of Wheatley Lane and Wheatley Rise and occupied by a single 1960s 2-storey, detached house facing Wheatley Lane. A single storey garage and porch project northwards from the side of the two storey section of the house - towards the boundary with No. 2 Wheatley Rise which is a property of similar age and character set at a lower level to the north. In the back garden of the existing house is a free standing flat roofed annex that has provided accommodation for a dependent relative in the past (this is to be demolished). Standing in gardens to the east of the site - beyond the boundary - are a significant mature beech tree and a cedar tree. The surrounding area is characterised by a scatter of low density detached houses set in generous gardens. Wheatley Lane is steeply sloping and bends sharply to the west to become Ben Rhydding Road close to the site. A small stream appears in the front garden of the property and is channelled into a series of ponds cascading down the slope and is then culverted under the existing drive.

**Relevant Site History**

08/02651/FUL : Similar proposal. Withdrawn

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

Site is unallocated on the RUDP Proposals map

The following policies are relevant.

UR3 – local planning considerations

D1- general design considerations

TM19A – traffic management and road safety

NR16 – flood prevention/drainage

NE5/NE6 - retention and protection of trees on development sites.

**Town/Parish Council**

Ilkley Parish Council recommends refusal due to the scheme being over development of the site, the dangerous access and effect on the watercourse crossing the site.

**Publicity and Number of Representations**

Advertised by site notice and neighbour notification letters expiring 31<sup>st</sup> October 2008.

16 objections received.

### **Summary of Representations Received**

1. The proposal is over development out of character with surrounding area. The new house would be squeezed only 200mm from the existing one and this has no equivalent in this neighbourhood. The local character is comprised of individual houses, not pairs squeezed together as is now proposed, and all having good sized gardens around them. The development will appear cramped and visually unattractive.
2. The design as submitted will be out of character as there are no other hipped roofs like that shown.
3. Such cramped infilling will create a bad precedent and encourage more similar proposals in Ben Rhydding.
4. The new house will tower over the property at 2 Wheatley Rise which is at a lower level. It will have a generally overbearing effect, cause loss of light and there are windows in the side wall of the new house that will overlook the garden.
5. The access to the site is hazardous being on a steep (16%) slope and close to a 90 degree bend in the road. The road is well used and serious accidents are likely as more cars will be emerging from the site.
6. There is a lack of detail about the impact on sewers and the culverted watercourse across the site and fears that the alterations to the stream and the greater area of hard surfaces will lead to flooding of nearby properties. The stream is being destroyed by this proposal.
7. There is insufficient parking for visitors and the absence of garaging will also result in dangerous parking on the very steep street.
8. The parking that is shown is awkwardly arranged and will necessitate reversing into the road which will be a hazard.
9. The narrow gap between the two houses will not permit maintenance.
10. There are inaccuracies, lack of appreciation of the site constraints and "considerable licence" is taken with the submitted information and drawings.

### **Consultations**

**Building Control Drainage Team** : Alterations to the watercourse will require Environment Agency and Council Land Drainage Consent. The culverted watercourse needs to be assessed to determine that the development will not affect its hydraulic and structural integrity. Any proposed surface water discharge to watercourse should be limited to the rate that exists from the site prior to development or to a rate of 2 litres per second per hectare (the Greenfield run off rate).

Confirms that a public sewer crosses the rear of the site.

**Trees Team** : Say that tree removal depicted on the drawing is not consistent with that shown in the tree survey. Crown spreads are not accurately plotted. However, site visits have confirmed that the proposed development is well outside the spreads of the trees to the rear.

**Highways DC**: Site is at the corner of Wheatley Lane and High Wheatley and close to a sharp bend in the road. It is important that enough parking is provided in the site to avoid parking in the road. At least 2 spaces per dwelling should be provided as these are substantial 5-bedroomed houses and it is important that cars are able to turn around in the site and not have to reverse into the highway. Parking spaces should be at a maximum 1:15 gradient.

Visibility splays of 2m x 33m should be provided and demonstrated on the plans.

### **Environment Agency**

Has confirmed by telephone that it has already given its consent to the works proposed to the on-site ponds and drainage channel.

### **Summary of Main Issues**

Principle of development

Impact on character of the area

Design and materials

Impact on amenity of neighbours

Highway matters and adequacy of parking arrangements.

Drainage and implications for the watercourse on the site.

### **Appraisal**

#### **Principle of development**

The existing house and its garden would be classed as previously developed land being presently occupied by one dwelling and located in the built up area reasonably close to Ben Rhydding train station and on a shopper bus route. The additional house would be built alongside the existing dwelling - on the site of its single storey entrance porch and garage.

In principle this is therefore a suitable site for additional housing. Increasing density of housing is an objective of Council and Government planning policy, but this should not be at the expense of local character. PPS3 on "Housing" states that more efficient use of previously developed land for housing should be promoted but that good design and layout is essential to ensure that higher densities do not harm the character of existing residential areas. It says that new housing should be well integrated with, and should complement the neighbouring buildings and the local area more generally, in terms of scale, density, layout and access, and housing design which is inappropriate in its context should not be accepted. Policy D1 of the RUDP seeks developments that are well related to the existing character of the locality in terms of design, scale, massing, height and materials and they should provide a quality setting for new buildings.

#### **Impact on character of the area**

Local objectors point out that the character of this area is that of detached, mostly modern, 1960s/70s housing built at low density. The houses are mostly set in generous mature gardens with significant space between the buildings and their boundaries. The objectors argue that the proposed development would result in two houses being squeezed very close together, with the new house close to the northern boundary.

Objectors also point out that the new house would only be 2.1 metres from the main wall of the existing house. However, whilst such a tight grouping of houses is not a feature of High Wheatley, similar closeness is a characteristic of some housing in the general vicinity - such as the 1960s houses at Chestnut Close to the north. In addition, the two dwellings would be set 9 or 10 metres back from the street frontage behind the existing conifer vegetation. Whilst they would be tightly grouped, the two dwellings would not be prominent and would not unduly dominate the plot or surrounding area because of this screening and the degree of setback. Amendments to the layout have achieved a slight increase in the gap to the boundary with 2, Wheatley Rise to achieve a gap of 5.8 metres which will enable the new house to appear better balanced in respect of the boundary with the house to the north. In these circumstances, and particularly given the screening to the

street, it is not felt that the increase in density would be unduly detrimental to the character of the area.

Nor is it accepted that approval of this scheme would create a bad precedent. Achieving higher density remains a Government and Council planning objective, but guidance is clear that this should not be at the expense of local character. Each infill application would continue to be determined by the Council on its merits with regard to the individual characteristics of each site and locality. However, judged on its individual merits, it is considered that this scheme can be achieved without unduly compromising local character.

### **Design and materials**

The original design proposed a part-hipped roof and a dormer and, as a result, the existing and proposed houses would have looked uncomfortable side by side. Criticisms by the objectors and Parish Council of such features have been acknowledged by the agent's amendments. He has omitted the part-hipped roof and slightly reduced the size of the house so it is compatible with the existing house in terms of design, height and massing. Similar materials are proposed for walls and roof with a mix of stone and render closely reflecting the materials of the existing house. The dormer proposed for the front, which it is agreed would have looked incongruous, has been omitted and a dormer is now proposed on the rear elevation which will not be visible from the street. It is difficult to argue against the design, scale, height and materials of the proposed house - all of these closely match the other 1960s houses in this locality. The amended plans have reduced the width of the proposed house from 8.8 to 8.2 metres and lowered its height in relation to that of the existing house. As a result, the new house would appear appropriately subordinate and balance in relation to the existing house.

### **Impact on amenity of neighbours**

The new house is remote from, and would have no appreciable effects on other neighbours except for occupiers of 2 Wheatley Rise. This is the detached house on the plot beyond the north boundary. This house has several windows facing towards the proposed development. However, the new house would be a sufficient distance and suitably offset in relation to the habitable room windows of the neighbouring house so as not to be unduly affected. At the narrowest point, there is a gap of 12 metres but most windows in 2 Wheatley Rise are angled so they would not directly face onto the side wall of the new house. It is not considered that the new house would have a significant or oppressive effect on outlook from the neighbour's house.

The concerns from occupiers of 2 Wheatley Rise about the impact on the garden due to the elevated position of the new house and the proximity to the boundary have also been considered. However, the neighbouring garden is substantial and the width of the new house in relation to the size of the neighbouring garden is such that the new house would impact on only a small part. It is not considered that these effects would be serious enough to warrant refusal.

The original plans indicated a number of windows in the side wall looking directly onto the garden of 2 Wheatley Rise. The amendments to the scheme have included omission of a dining room window at ground floor level, increasing the gap to the boundary to between 2.5 and 5.8 metres, introducing an "oriel" window to the kitchen as a device to prevent direct views onto the neighbour's garden, reducing the size of 1<sup>st</sup> floor bathroom windows and confirming that this will be obscure glazed. In addition it is now confirmed that screen fencing along the boundary will protect the neighbour's garden from car parking activity. It



is considered that these amendments have sufficiently mitigated the impact on the occupants of 2, Wheatley Rise.

The new house would be sited between 13 – 16 metres from the boundary with the property to the east (4, Wheatley Rise) and existing trees and fencing would be retained to protect the amenity of occupiers of that property.

### **Highway matters and adequacy of parking arrangements.**

It is acknowledged that the site entrance emerges onto the steeply sloping Wheatley Lane, close to a sharp bend. The access to the additional house would be shared with the existing drive and local resident's concerns about the intensification in the amount of traffic emerging onto the road are acknowledged. It is noted that the road is a local shopper bus route although services are infrequent. The Council's Highway Officer considers it essential that 2 level parking spaces for each dwelling are created in the site and that all drivers can turn around and exit in forward gear.

Initially, the submitted parking layout was insufficiently detailed to establish clearly whether workable parking spaces and turning space could be provided at a satisfactory gradient, given that there is a levels change across the site. However, the design arrangements for parking and access have been made clearer. The drive would continue to enter the site at gradient, but it is now proposed to set the house lower into the site to enable the parking and turning areas next to the house to be built at a shallower gradient. Subject to application of conditions to ensure provision of parking at a maximum 1 : 15 gradient, it is considered that suitably level turning and parking areas could be created within the site.

2 parking spaces can be provided for the existing and proposed houses which it is considered is adequate and in compliance with normal expectations.

### **Drainage and implications for the watercourse on the site**

While neighbours say there is lack of information about the impact on sewers, records show that the only sewer is at the back of the site, well away from the proposed development.

There is a small watercourse across the front of the site which has been channelled into a series of ornamental ponds and then enters a culvert before crossing under Wheatley Lane. The agent was asked to resurvey this watercourse and clarify proposals for alterations to the stream in response to concerns from neighbours about flooding. The drainage alterations have been clarified and corrected on the amended drawings and are possibly not as extensive as the neighbours may fear. One of the ornamental ponds would be realigned to accommodate the additional car parking and part of the channel would have a metal grid fitted over it to allow passage of cars. The agent insists there is no change to the culvert.

The area of additional hard surfaces is not significant and the Environment Agency has confirmed that it has already given its consent under the Land Drainage legislation for the rearrangement of the decorative pools and works to facilitate the planning application development. In these circumstances it would be difficult for the Council to oppose development that incorporates work that the Environment Agency has already given consent for and which the Agency is presumably confident will not lead to flooding of nearby properties or destruction of the stream.

### **Community Safety Implications**

None apparent

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

The proposed development will achieve more effective use of previously developed land for housing and subject to compliance with the amended plans, is considered to have no significant adverse impact on the amenity of occupants of neighbouring properties, to incorporate adequate design arrangements for access, parking and servicing and to be appropriate to the character of the area. It is considered to accord with Policies D1, UR3, NE5 and NE6 of the Replacement Unitary Development Plan. The development is considered to be capable of being accommodated safely within the capacity of the local highway network and to accord with Policies TM2 and TM19A of the RUDP.

### **Conditions of Approval**

1. 3 years for commencement of development.
2. Compliance with the amended drawings 3A, 4A and 5A amending design and clarifying arrangements for parking and treatment of the on site water features.
3. Installation of protective fencing to trees on the site and adjoining its boundaries prior to commencement of development, such fencing to be retained throughout construction.
4. Provision of the additional car parking and turning space as shown on amended layout drawing 05A prior to occupation of the dwelling. Gradient of parking not to exceed 1 : 15.
5. Ground floor side window to be an "oriel" window as shown on approved plan 04A and to be retained as such unless with prior written permission of the LPA.
6. Prior to initial occupation, the 1<sup>st</sup> floor windows in north elevation side wall shall be obscure glazed and retained as such.
7. Removal of permitted development rights for extensions and new windows to side wall.

# KEIGHLEY AREA PLANNING PANEL

DATE

25 FEBRUARY 2009



For reference only (Crown Copyright)

LOCATION

**ITEM No. 25**

**Pinfold House, 2 MOORSIDE LANE, OXENHOPE**

**DATE:** 25 FEBRUARY 2009  
**ITEM NO:** 25  
**WARD:** WORTH VALLEY WARD (29)  
**RECOMMENDATION:** TO GRANT PLANNING PERMISSION WITH CONDITIONS  
**APPLICATION NO:** 08/06822/FUL

**Type of Application/Proposal and Address:** Full application for the reconstruction of an existing derelict building to form a tractor shed and storage for agricultural machinery at Pinfold House, 2 Moorside Lane, Oxenhope.

**Site Description:** The site is presently occupied by a derelict former pig sty building situated between the traditional farmhouse and a modern general purpose agricultural building. The site is a group of buildings within the green belt. The site is surrounded by open pasture fields with the nearest neighbours some distance across a field to the south.

**Relevant Site History:**

03/04846/FUL - Erection of a general purpose agricultural building – Refused 29.01.2004

04/00515/FUL - Erection of general purpose agricultural building - Erection of general purpose agricultural building – Refused - 02.04.2004

04/03405/FUL - Construction of general purpose agricultural building – Granted 26.10.2004

07/07180/FUL - Reconstruction of existing derelict building to form tractor shed and storage for agricultural machinery – Refused 05.10.2007

**Unitary Development Plan (“RUDP”): Proposals and Policies**

The site is within the green belt as shown on the Replacement Bradford Unitary Development Plan (2005) (RUDP).

**Relevant Policies**

GB1 – New Building in the Green Belt  
GB2 – Siting of new building within the Green Belt  
UR3 – Local Impact of Development  
D1 – General Design Considerations  
NE3 – Landscape Character Areas  
NE3A – Landscape Character Areas

**Publicity and Number of Representations:**

This has been done via neighbour notification letters with an expiry date of 01.11.2008.

The Council has received one letter of representation objecting to the proposal.

**Summary of Representations Received:**

- Loss of openness of Green Belt
- Visual impact on landscape

**Town/Parish Council:** Oxenhope Parish Council: Parish Council objects to the proposal and requests referral to Planning Panel saying it will send a representative.

**Consultations :**

None.

**Summary of main Issues**

1. Principle of development – agricultural justification
2. Impact of the building on the openness and character of the countryside
3. Other issues

**Appraisal:**

The main issues to be considered in this case relate to i) whether there is specific justification for this building in the green belt, ii) impact of the building on the openness and character of the green belt, iii) impact on the landscape, (iv) Other matters

The proposal is to demolish an existing dilapidated former pig sty and to construct a stone built storage building for a tractor and agricultural machinery.

The application follows a recent refusal for an identical proposal (07/07180/FUL). This previous application was refused because of the lack of specific evidence or justification to support the need for the building. However, the application resubmission includes an explanation of why the building is needed to support agriculture at the site and the applicant argues that it is therefore not inappropriate development and so is not contrary to green belt policies.

**Principle of development – Agricultural justification for the building**

The site lies within the green belt where there is a strong presumption against inappropriate development. RUDP Policy GB1 sets out uses which may be considered acceptable in principle within the green belt and these include development necessary for agriculture.

The applicant has provided supporting information to clarify the need for the building to support agriculture at the site, and to confirm its proposed use for agriculture in accordance with Policy GB1. The applicant explains that he rears sheep and is intending to expand into cattle rearing. In addition to owning land directly connected to Pinfold House amounting to 3.12 hectares, a number of agricultural fields which are not co-extensive are rented by the applicant which have a cumulative area of 9.69ha. Agricultural land within the applicant's control has a total area of 12.81ha.

There is a recently constructed, general purpose agricultural building within the site which was granted permission in 2004 under application 04/03405/FUL. This was to provide storage for farming equipment and feed as well as shelter for the applicant's livestock. A site visit by Officers has shown that the building approved in 2004 has been built and is used for storage of feed and a small area used for animal shelter; the building also housed a small amount of agricultural machinery. The applicant states that tractors and other

equipment required for agriculture are at present left in the open as there is no room to store these in the existing agricultural building on the site. This was confirmed by the Planning Officer on the site visit.

The arguments put forward by the applicant about the agricultural justification for the building are accepted. After visiting the site, there does seem a genuine need for this relatively modest additional building to house tractors and vehicles needed to support the agricultural use of the farm. Consequently, the building is considered

### **Impact of the building on the openness and character of the countryside**

For buildings which are deemed acceptable in the greenbelt, careful consideration must be given to their location to minimise any harmful impact upon the character and openness of the green belt. Policy GB2 requires that new buildings are located close to existing buildings wherever possible and in an unobtrusive position in the landscape.

The new building would replace an existing pig sty which is of extremely poor appearance and, indeed, semi-derelict. It would also be in between the general purpose agricultural building and the farmhouse which would further reduce its prominence. The materials proposed for the tractor store are Yorkshire stone and artificial slates, with galvanised steel roller shutter doors painted in a dark colour. The existing building is a mix of bare blocks and red brick. The appearance of the proposed tractor shed is functional but superior to the current dilapidated structure. Whilst the height of the replacement building would be higher than the existing derelict pig sty, standing at 3.2 metres to the eaves and 4.7 metres to the ridge, the building would be set below the garden area to the north-west and so would not be unduly prominent. Accordingly it is considered that the proposal would not result in any material harm to the openness or visual amenity of the greenbelt.

The site is located within 'mixed upland pasture landscape' as defined by the RUDP Landscape Character Assessment. Policies NE3 and NE3A of the RUDP seek to ensure that development proposals do not cause unacceptable visual intrusion into the landscape, or introduce incongruous landscape elements. The proposed building would, in effect, be a replacement of the existing derelict pigsty and therefore in itself would not lead to the extension of the farm from its traditional layout or cause visual intrusion. The design and proposed use of stone walling also reflect the local vernacular and as such the proposal is considered to accord with Policies NE3 and NE3A of the RUDP.

### **Other issues**

The remoteness of the proposed building from other domestic properties means that it would not have an impact in terms of residential amenity. The proposal would help to reduce clutter on the site by enabling machinery to be kept under cover and enable the applicant greater security for their agricultural machinery. Accordingly the proposal would accord with Policies UR3 and D1 of the RUDP.

### **Community Safety Implications:**

There are no significant community safety implications arising from this proposal.

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

The resubmitted application provides the required justification to give the Council confidence that the replacement building is necessary for an agricultural purpose, and so it is considered appropriate within this green belt location and in accordance with PPG2 on "Green belts" and Policy GB1 of the Replacement Unitary Development Plan. The building would replace an existing dilapidated structure and would be located between existing

buildings and in an unobtrusive location. The materials and appearance of the proposed building would be acceptable. The development would not result in any harm to the openness of the greenbelt or harm the landscape character of the area. It is considered that the proposed development is acceptable against Replacement Unitary Development Plan Policies GB2, UR3, D1, NE3 and NE3A.

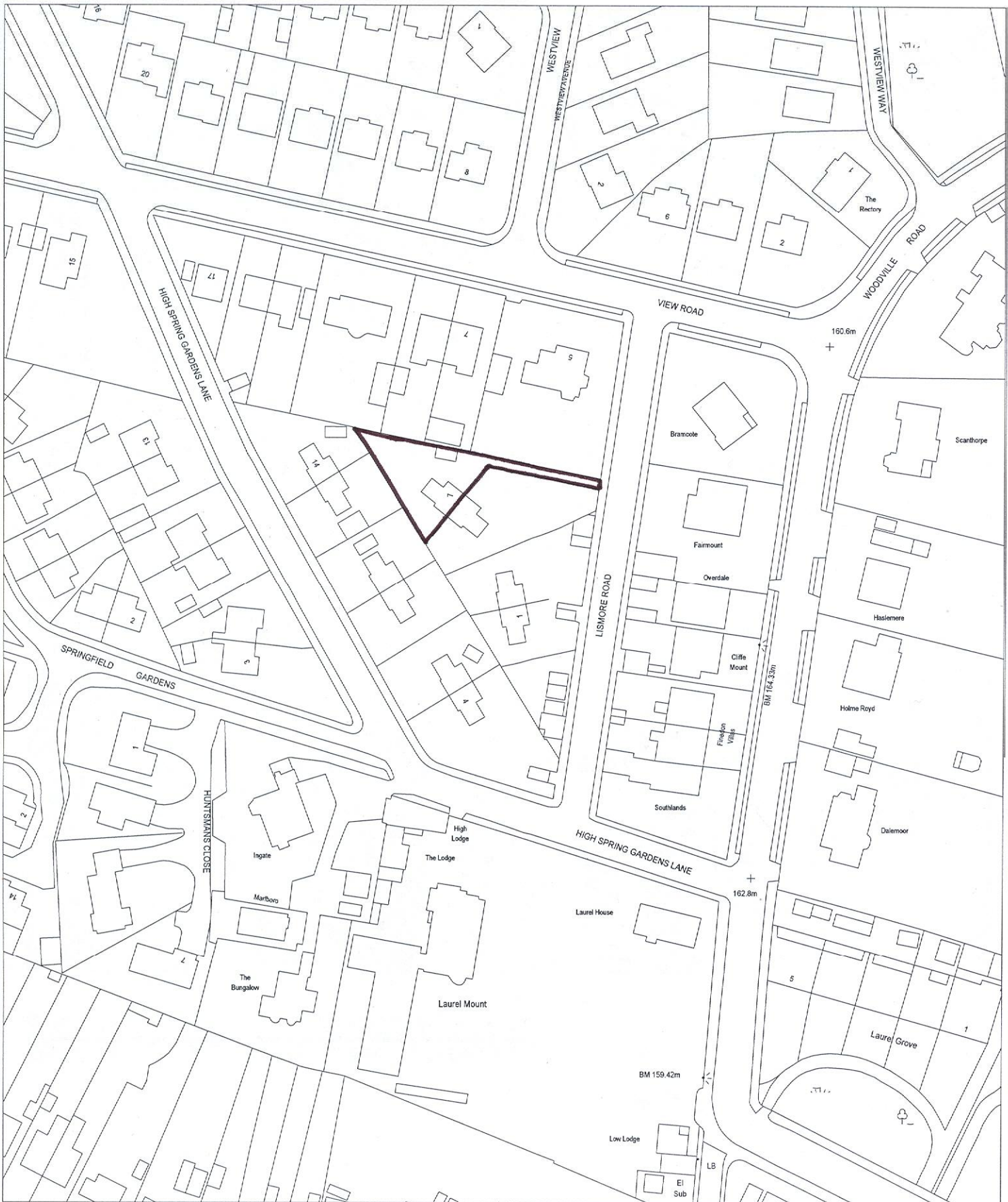
**Conditions of Approval:**

- Standard 3 year Time Limit
- Samples of materials to be submitted to and approved in writing by the Council.



# KEIGHLEY AREA PLANNING PANEL

DATE  
25 February 2009



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LOCATION

**ITEM No. 26**

**7 LISMORE ROAD, KEIGHLEY**



**Date:** 25<sup>th</sup> February 2009

**Item Number:** 26

**Ward:** Keighley Central

**Recommendation:** To Grant Planning Permission with Conditions

**Application Number:** 08/07239/FUL

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

Full application for a two storey side/rear and single rear extension to 7, Lismore Road, Keighley.

**Site Description:**

The application building is a circa 1930 semi-detached property, constructed of rendered brick walling and a slate roof. The surrounding area is predominately residential, consisting of semi-detached properties of a matching age and design to that of the application dwelling. The property is located in a unique position so that its front and rear elevations face the rear gardens of properties on High Spring Gardens Lane and View Road respectively.

**Relevant Site History:**

08/06180/FUL - Two storey side and part two storey, part single storey rear extension – Refused 02.12.2008 on the grounds that;

‘The proposed development would introduce one or more habitable room windows which would directly overlook the private amenity space of neighbouring dwellings. As such it would be detrimental to the amenity and privacy of existing and future residents and therefore would be contrary to the Supplementary Planning Guidance contained within the Council's approved House Extensions Policy, and Policy UR3 of the adopted Unitary Development Plan.’

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

***Proposals and Policies***

Site is unallocated on the RUDP Proposals Map

Relevant Policies :

UR3 – Local Impact of Development

D1 – General Design Considerations

Supplementary Planning Guidance - House Extensions Policy

**Town/Parish Council:**

Keighley Town Council recommends refusal on the grounds that the extension is far too big and unbalances the house. The Town Council requests that the application is determined by the Planning Panel.

**Publicity and Number of Representations:**

The application was publicised by neighbour notification letters with an overall expiry date of 12<sup>th</sup> January 2009. Representations have been received from 5 local residents in the form of two letters.

**Summary of Representations Received:**

- 1) Overlooking from the first floor high sill level window in front elevation.
- 2) Overlooking from the first floor window in the side elevation.
- 3) Disproportionate addition and therefore out of keeping with the character and appearance of existing homes which will set a precedent for future applications overcrowding the area.
- 4) Insufficient car parking, exacerbating parking problems on Lismore Road.
- 5) Loss of garden resulting in loss of birds and wildlife.
- 6) Noise, disturbance, pollution and inconvenience during construction.

**Consultations:** None necessary

**Summary of Main Issues:**

- 1) Impact on the Local Environment
- 2) Impact on Neighbouring Occupants
- 3) Impact on Highway Safety
- 4) Community Safety Implications

**Appraisal:**

**Impact on the Local Environment**

The proposed side and rear extensions are of a design and appearance which matches the existing dwelling. It is acknowledged that the extensions are relatively large in relation to the original property but the dwelling is located on a large site which, it is considered can accommodate an extension of the size proposed.

Whilst it is normally recommended that side extensions incorporate a set back from the front wall of the original dwelling this is not considered essential in this case. The front wall of the original dwelling is already staggered incorporating a set back of 500mm midway along the frontage and the proposed extension will line through with the part of the dwelling that is recessed. The property does not have a frontage facing the street and is not in a row of properties where terracing may become an issue. As such the relationship of the side extension to the existing dwelling is considered to be acceptable.

It is considered the proposed extensions will not adversely affect the character of the dwelling or the local environment and, therefore, complies with policies UR3 and D1 of the Replacement Unitary Development Plan.

**Impact on Neighbouring Occupants**

The proposed single storey rear extension is to be located adjacent to the boundary with No. 5 Lismore Road and will project to the rear by 3m which is the amount allowed by the Council's House Extensions Policy. No side windows facing No. 5 are proposed. It is not considered that the single storey extension will have a significant impact on the light to or outlook from the neighbouring property and there will be no overlooking.

The side extension will extend out 4m from the side and 4m from the rear wall of the original dwelling (although the original rear wall is staggered and the extension will only project 2m beyond part of the rear wall). At its closest point the two storey extension will be within 3.8m of the site boundary. Whilst the extension is relatively close to the boundaries of neighbouring properties on View Road it would be set over 15m from the

nearest dwelling and in this respect it is not considered that the extension will have any adverse impact on the outlook from or light to these properties.

The side extension incorporates a ground floor and first floor window in the side elevation but due to the large side garden of the property, the distance to the nearest neighbouring property's habitable room windows and private amenity space, to the side and rear, is sufficient to prevent overlooking of the neighbouring properties.

The ground and first floor windows in the rear elevation (as stated on the submitted drawings) of the extension are between 3.8m and 7m from the rear boundaries of 5 and 7 View Road. However, there is a substantial garage at the rear of 7 View Road which limits views into the rear gardens from the nearest proposed window. The other window, being 7m from the boundary, is considered to be far enough away to maintain privacy in the rear garden of No. 5 View Road. (It is worth noting that the General Permitted Development Order permits clear glazed first floor windows to within 7m of a rear boundary). The rear facing windows are over 21m from the windows of the neighbouring dwellings which is considered to be sufficient to maintain privacy.

There is a first floor windows located in the front elevation of the proposed side extension within 4.8m of the site boundary. To overcome the previous concerns regarding overlooking, this window is to be a high level window with a sill height 1.7m above floor level. Overlooking from the ground floor front elevation window is restricted by existing boundary screening.

It is considered that the relationship of the proposed extension to neighbouring properties is acceptable in terms of its impact on the residential amenity of the occupants of these properties and as such the proposal accords with Policies Ur3 and D1 of the Replacement Unitary Development Plan.

### **Impact on Highway Safety**

Adequate parking provision is maintained on the site as there is an existing long drive and a rear yard which can accommodate at least two vehicles.

### **Other Issues**

The birds and wildlife on the application site are not considered to be any greater on this site than in any other residential garden. There is no evidence of protected species habitats on the site.

Whilst it is accepted that there may be noise, disturbance, pollution and inconvenience during construction it is not considered that this will be of such a level that it would justify refusal. Where development works cause unacceptable levels of nuisance the matter can be addressed by the Councils Environmental Protection Department.

### **Community Safety Implications**

There are no apparent Community Safety implications.

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

The proposal is not considered to be harmful to visual amenity, residential amenity or highway safety and is therefore considered to comply with Policies UR3 and D1 of the Replacement Unitary Development Plan and the Supplementary Planning Guidance contained within the Council's Revised House Extension Policy.

**Conditions of Approval:**

1. Time limit for commencement of development: 3 Years
  2. Materials: Specify that matching materials must be used
  3. Remove Permitted Development rights to insert additional windows
  4. Specify compliance with the amended plans Revision A received on 06 February 2009.
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