

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (Keighley) to be held on 13th May 2009

AH

Summary Statement – Part Two

Applications Recommended for Approval

The sites concerned are:

5. West Lane, Keighley
6. 24 Malvern Crescent, Keighley

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Improvement Committee Area:
Regeneration and Economy



KEIGHLEY AREA PLANNING PANEL

DATE

13 MAY 2009



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LOCATION

ITEM No.

LAND AT WEST LANE, KEIGHLEY

DATE: 13 May 2009

ITEM No: 5

WARD: Keighley West (ward 17)

RECOMMENDATION: To Grant Prior Approval to siting and appearance

APPLICATION No: 09/01602/PNT

Type of Application/Proposal & Address

Application for prior approval of the installation of a 10m Vodafone streetworks pole with three antennas located within a grip shroud at the top, one equipment cabinet located at ground level and development ancillary thereto including one electrical meter cabinet at West Lane Keighley West Yorkshire.

The applicant has been informed that prior approval is required.

Site Description

The site forms part of a wide grass verge at the junction of West Lane with Braithwaite Road. The verge houses a bus stop sign (facing Braithwaite Road), a tree (approx. 8.5metres high), highway information sign, 2 lampposts and 2 telegraph posts. West Lane rises up from Keighley town centre and linear telegraph and lamp posts either side of the highway frame views looking up and down West Lane.

Relevant Site History

None.

Replacement Unitary Development Plan (UDP) Proposals and Policies

Unallocated on the RUDP Proposals Map.

Site adjacent to a national and local cycleway route identified on the RUDP Proposals Map.

Relevant RUDP policies

TM10 The National and Local Cycle Network

[UDP3](#) Quality of Built and Natural Environment

[UR3](#) The Local Impact of Development

[TM19A](#) Traffic Management and Road Safety

[D1](#) General Design Considerations

[D4](#) Community Safety

[D16](#) Telecommunications development

[NE5](#) Retention of Trees on Development Sites

[NE6](#) Protection of Trees During Development

Town/Parish Council

Keighley Town Council recommends approval.

Publicity and Number of Representations

Publicised by means of site notice and individual neighbour notification letters. Publicity expires on 06.05.2009. Two representations received. One is anonymous.

Summary of Representations Received

The anonymous representation states that the development must not do any damage to their phone lines and street lamps, etc or cause trouble for buses etc on roads.

The other representation says the proposal “seems OK”.

Consultations

None.

Summary of Main Issues

1. Principle
2. Need
3. Visual amenity
4. Highway safety
5. Effect on health
6. Comment on representations

Appraisal

1. Principle

PPG8 contains Central Government advice pertinent to determination of this application and confirms that Government policy is to facilitate the growth of new and existing telecommunication systems whilst keeping the environmental impact to a minimum. The Government also has responsibility for protecting public health, and public health and public concern can form material considerations in determining applications and prior approvals. The acceptability of the principle of this development must therefore be subject to it not adversely affecting visual amenity or public health. Both these issues are discussed under separate headings below. RUDP Policy D16 covers telecommunications development and reflects Government guidance.

2. Need

The applicant's have submitted supporting information with their application proving the need for telecommunication equipment in this locality in order to improve G3 coverage of the Guard House area of Keighley. In accordance with Government guidance, the applicant has considered a range of alternative sites to improve network coverage in the area, including mast sharing options. The conclusions of that investigation are that the West Lane site is the most appropriate site within this built up area to locate the required facilities so as to meet the necessary improvement to the network. Sharing existing masts such as at Blackhill Reservoir would require redevelopment with a mast that was more visually intrusive. Other locations that were examined either have too limited space to erect new structures within the street; or are located on ground that is set too low down the hillside to provide adequate coverage; or would involve development in the Green Belt. The alternative locations considered have been examined by Officers and the applicant's conclusion that the West Lane site is the most appropriate location within the area of search is accepted as being reasonable.

3. Visual amenity

The mast would be a slim steel monopole (240mm in diameter) coloured brown to resemble a telegraph pole, and have an overall height of 12.4m including the shrouded antennas. The mast and associated equipment cabinets would be located on an existing wide highway verge and sited 3.2metres from the kerb edge of West Lane and 8-9metres from the edge of the pavement serving this side of West Lane. The equipment cabinet sited next to the monopole would be coloured grey and be

1.48metres in length, 0.35metres in width and 1.35metres in height. The steel meter cabinet would be 0.2metres by 0.2metres by 1metre in height.

The verge where the development would be sited contains a tree approximately 8.5metres high, a highway information sign, 2 lampposts and 2 telegraph posts and a bus stop sign (facing Braithwaite Road). West Lane rises up from Keighley town centre and linear telegraph and lamp posts either side of the highway frame views looking up and down West Lane. When proceeding down West Lane from the Shann Lane direction the mast will be visually prominent due to the fall of West Lane towards the town centre. However the impact of the mast when approaching it from Keighley town centre would be reduced due to the rising nature of West Lane.

The appearance of the proposed mast would be acceptable given the presence of similar street furniture and it has been sited so that it reads as another linear feature in the street scene in sympathy with the existing linear features such as street lights. The height, appearance and colour of the mast would all result in it resembling a telegraph pole and therefore being an accepted and unobtrusive feature of the street scene. It is considered that the siting and appearance of the mast and equipment cabinets would not appear to be out of keeping with the character of the surrounding area and thus accord with Policies D1, D16 and UR3 of the UDP.

4. Highway safety

The siting of the development in the verge would avoid any conflict with pedestrians using West Lane or with the nearby bus stop which is round the corner on Braithwaite Road. The siting of the mast and equipment cabinets would not interfere with visibility from the junction of Braithwaite Road and West Lane.

Vehicles may be parked on West Lane for a temporary period in connection with the installation of the mast and cabinets and then infrequently in connection with maintenance of the mast and cabinets. However, West Lane is a wide highway with no parking restrictions at this point. It is not considered that this temporary and infrequent parking of vehicles on West Lane would unacceptably interfere with West Lane's use by buses or other vehicles or be detrimental to matters of highway safety and the proposal will accord with relevant RUDP Policies in respect of parking and highway safety matters.

5. Effect on health

The proposed mast would be sited on a wider highway verge within the built up area of Keighley, approximately 17.8metres from the nearest dwelling, 69 West Bank Close.

PPG8 recommends that a precautionary approach be taken when assessing the impact of mobile phone telecommunication equipment on the health and safety of the public as encapsulated in the recommendations of the Independent Expert Group on Mobile Phones (IEGMP). In accordance with this approach a certificate of compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) standards has been included in support of this application. The advice of Government is that no further aspects of health effects should be considered as the proposed installation meets the ICNIRP standards (PPG8 supporting information paragraph 98).

The Council has adopted an Advice Note on Health Concerns and Public Concerns in relation to Telecommunications Developments. This outlines the advice of PPG8 but also highlights that fear of possible health effects are capable of being a material

consideration. It points out that there is a difference between local opposition and perceived fear. Advice in PPG8 suggests that the decision maker should determine the level of weight to be attached to such considerations.

It is considered that given the proposals conformity with ICNIRP the proposal will in terms of its effect on health accord with PPG8 and Policies D16 and UR3 of the UDP.

6. Comment on representations

The layout plan for the development indicates that it is not near overhead lines or street lamps and the installation of the mast and associated equipment cabinets should not cause any damage to overhead lines or street lamps. If damage was caused remediation of and/or retribution for that damage would be a private matter between the developer and the owners of the overhead lines and/or street lights. The Council would not be liable for the damage.

Impact on buses and other vehicles using West Lane is considered to be negligible – as assessed in the proceeding report.

Community Safety Implications

The development would be a secure as other existing street furniture and would have no community safety implications and accords with Policy D4 of the UDP.

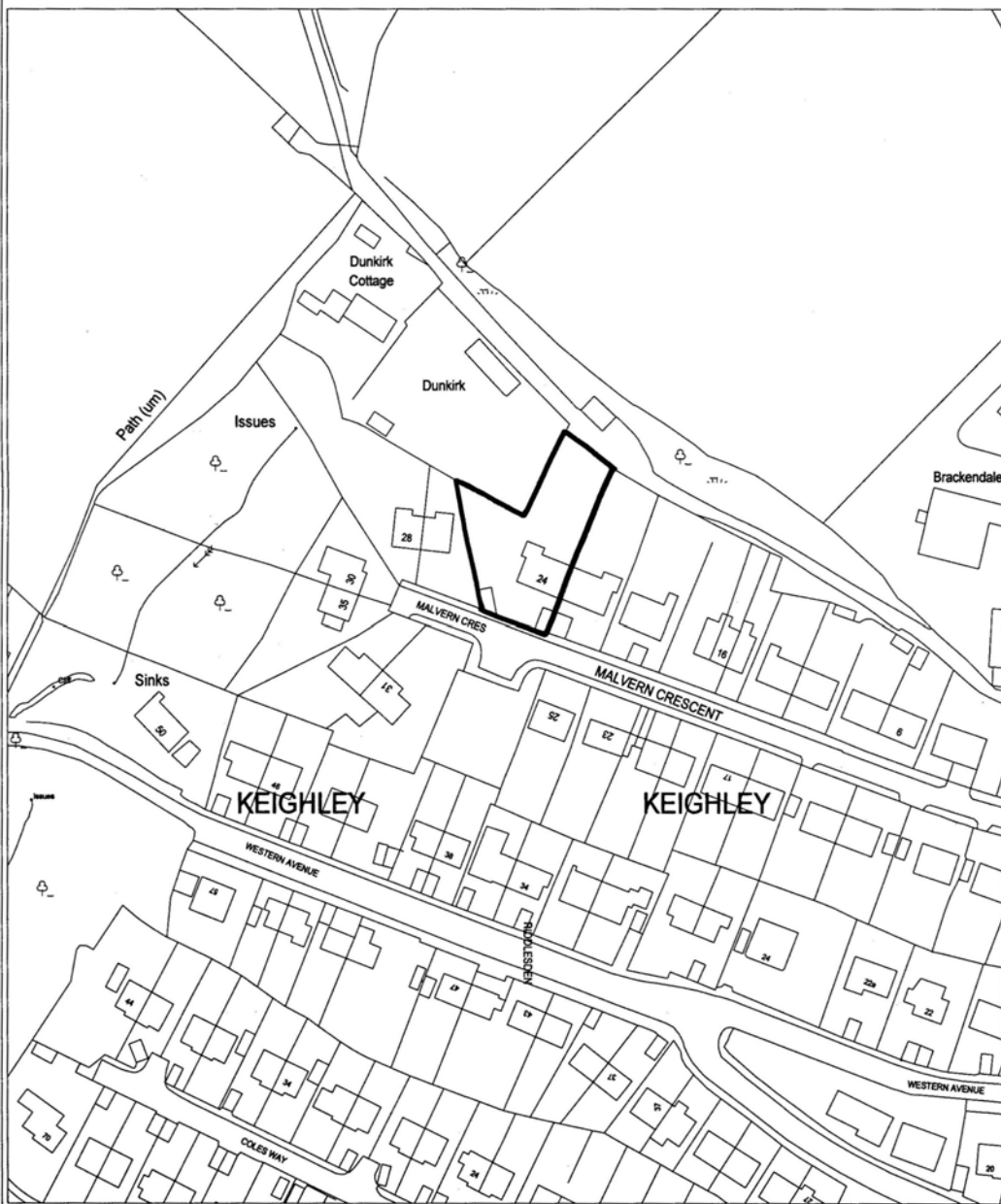
Recommendation

That there are no objections on planning grounds to the siting or appearance of this telecommunications equipment and that prior approval be given.

KEIGHLEY AREA PLANNING PANEL

DATE

13 MAY 2009



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ITEM No.

LOCATION

24 MALVERN CRESCENT, RIDDLEDSEN

Date : 13th May 2009

Item Number: 6

Ward: Keighley East

Recommendation: To grant planning permission with conditions

Application Number: 09/00711/FUL

Type of Application/Proposal and Address:

Full application for front and rear dormer windows and the excavation of part of the front garden to form additional accommodation in the basement at 24, Malvern Crescent, Riddlesden

Site Description:

The site is a circa 1950s semi-detached bungalow situated in an elevated position above Malvern Crescent. In front, there are two garages belonging to the property which are on the same level as the road. Malvern Crescent is a residential cul-de-sac with a mixture of house types (including bungalows). The properties to the south, across the street are set at a lower level, reflecting the steep slope of the hillside on which the suburb of Riddlesden is built. The property has a sloping, terraced garden at the front and a large private garden at the rear which also has vehicular access from the rear.

Relevant Site History:

08/07082/FUL- Front and rear dormer windows and basement floor – refused
21.01.2009

Replacement Unitary Development Plan (RUDP):

Unallocated on the RUDP Proposals Map

Proposals and Policies

UR3 – Local impact of development
D1 – Design
TM19A – traffic management and road safety

Supplementary Planning Guidance

Revised House Extensions Policy 2003
Dormer Windows Policy 1994

Parish Council:

Keighley Town Council - Recommended for Refusal – 09.03.09

Publicity and Number of Representations:

The application was advertised by neighbour notification letters with an expiry date of 11.03.09 and amended plans were re-advertised on 17.03.09. A total of 16 separate representations have been received from 9 individual households. A local Councillor has requested determination by panel.

Summary of Representations Received:

1. The excavation of the front garden and creation of what is described on the drawings as a “yard” is totally out of keeping with the surrounding properties and the landscape. Not at all complementary.
2. It is feared that this “yard” will be used to store old cars and it will change the Crescent into a scrap yard. Back lane behind the house is no longer a green area with old and rusty cars parked there.
3. Construction of this excavated area in the front garden will lead to more wagons etc to remove the spoil, creating additional noise, dust and disruption and traffic problems for neighbours.
4. An underground extension is totally out of keeping with the rest of the Crescent. The development would change the appearance of the house and make it look out of character. The property stands well above pavement level. The development will make it a 3 storey house, not a bungalow.
5. This property is directly opposite the cul de sac head and the loss of the two garages will further overburden the street parking and make it more difficult for residents and larger emergency and delivery vehicles etc to manoeuvre. The cul de sac head was paid for by the residents.
6. Malvern Crescent is a narrow road and cars have to be parked along the pavement. The extra living space being formed will mean an increase in the number of residents which will mean more cars and parking problems.
7. Lack of detail and poor drawings. Lack of levels, no details of foundations. There is no reference to the second garage at the front of the plot. Is this being demolished? It is attached to a garage belonging to a neighbour.
8. Yard will visually resemble a tunnel being bounded on either side by walls of 5 or 6 metres.
9. Party wall issues. Internal excavation required of the party wall between the two semi-detached properties. Concern for the stability of the houses and the slope on which they are built. Damp proof course will involve work on the party wall.
10. Spring in back garden of property. What will happen to the water course?

Consultations:

None relevant.

Summary of Main Issues:

Impact on local visual amenity
Impact on local residential amenity
Highway safety

Appraisal:

The proposal is for dormer windows to the front and back of the bungalow and excavation of the front garden to allow additional rooms to be formed in the basement.

1. The dormers

The proposed front dormer windows whilst being 6 metres wide and incorporating a small area of timber cladding to the front are not inappropriate to the character of this particular bungalow – especially because they are similar in scale and design to the existing dormer windows on the adjoining semi detached bungalow at No 24 Malvern Crescent. The dormer cheeks are proposed to be vertically hung blue slates which is designed to reduce their prominence.

The dormer windows to the rear of the property would not be seen from any public vantage points and are also in keeping with the existing dormer windows on the adjoining bungalow property. Whilst one of the proposed dormer windows exceeds 2.5 metres in width, this is considered acceptable considering the existing similar window on the adjoining property.

It is not considered that the dormers adversely affect the character of the area or the application property and are set sufficiently far from any neighbouring dwellings (ie more than 27m) so as not to affect privacy of any neighbours.

It is noted that some objectors confirm they do not object to the dormer windows.

2. Excavation of front garden to permit accommodation in the basement

This element of the work is of most concern to neighbours - both in terms of the impact of opening up the basement to the street scene, and because of the amount of excavation of garden material proposed. Residents fear subsequent misuse of the excavated area (originally described as a “yard”) on the plans.

However, amended drawings have been received which limit the extent of excavation to an area projecting only 2 metres from the wall of the dwelling. The rest of the garden would be retained at existing levels and the amended plan also confirms that the garage to the west of the frontage, adjoining a neighbour's garage is to be retained.

It is considered that the reductions in the amount of excavation shown on the amended plans would significantly address the objector's concerns by reducing the degree of change to the appearance of the frontage and the amount of fill material that would need to be taken away. In addition, concerns from the neighbour about loss of the garage adjoining that property are also addressed. By retaining this garage, views of the extent of the excavated area from the street would also be screened from some angles within the street.

It is not considered that the degree of excavation to reveal the basement would have any appreciable impact on the character of the street, and the design of the windows to the proposed basement accommodation are considered acceptable.

The proposed basement window would be the same distance from the nearest properties as the windows in the main dwelling above. It will therefore have no greater impact in terms of overlooking of houses across the street than the existing property.

3. Highway and parking concerns

The amended plans confirm retention of both the existing garages and so the proposal would not reduce levels of off street parking. It is acknowledged that the two garages may not be used to actually park cars, but that is not a matter that can be addressed in considering the merits of this application.

Whilst it would be necessary to use skips and diggers to excavate the garden, and some disruption of the cul de sac is therefore inevitable, it would not be possible or reasonable to deny the applicant the opportunity to improve the property and refuse planning permission on these grounds. Obstructions of the highway resulting from the proposed work would be more appropriately dealt with under powers under the

Highway Act. Any skips positioned in the street would require consent of the highway authority. The amended plans show a reduced extent of excavation which would reduce the degree of disruption in the cul de sac.

It is acknowledged that there are congestion and parking problems on Malvern Crescent and possible misuse of the turning head for parking. However, although the proposals would increase the size of the existing dwelling, it does not necessarily follow that this increased living space would result in it generating more traffic or demand for car parking. The basement area is shown to be used as a living room and study, and the plans suggest a total of 6 bedrooms. Provided the accommodation is not split to form a separate, independent dwelling it is not considered that the Council could convincingly show that there would be a need for additional car parking or that it would have an adverse effect on highway safety. The development is considered to comply with Policy TM19a of the Replacement Unitary Development Plan 2005.

4. Misuse of the excavated area of garden

It is considered that neighbour's concerns about the future misuse of the excavated area at the front of the property have been addressed by the amended drawings. As well as deleting the description of it as a "yard", the amended cross sections now confirm that the excavated area in front of the new basement accommodation will be inaccessible to vehicles as it would continue to be elevated above pavement level and impossible to drive cars onto. It is suggested that this be reinforced by Planning Condition to require adherence to the amended cross section when excavating the land levels to form the basement.

5. Other issues

Party wall Concerns – These private matters can be dealt with under the Party Walls Act.

Water Course - No water course has been shown on the plans, and none is apparent on site. The closest "issues" shown on the OS map are at a distance of 50 metres from the boundary to the property. The objectors refer to the watercourse being at the rear of the property but all the work would be at the front.

Disturbance to residential amenity from construction.

In acknowledgement of concerns by residents about noise and other disturbance during excavation of the garden area, it is proposed to restrict the hours during which this work can take place – to between 8.00 am and 6.00pm with no work on Sundays or Bank/Public Holidays.

Community Safety Implications:

None

Reason for Granting Planning Permission

The proposed dormer windows and basement extension are considered to relate satisfactorily to the character of the existing dwelling and adjacent properties and will not have any significant adverse effects on local visual amenity. The dormer windows and basement extension will not have a significantly adverse effect upon the residential amenity of neighbours, or on highway safety. As such this proposal is considered to be in accordance with Policies UR3, D1 and TM19a of the

Replacement Unitary Development Plan 2005, the Council's Dormer Window Policy and the Revised House Extensions Policy.

Conditions of Approval

1. Time Limit: 3 years for commencement of the development.
2. Compliance with the amended plans dated and received on 06 April 2009 reducing the amount of excavation to create the basement.
3. Materials to match the existing roof to be used for dormer cheeks and cladding to match the existing dormer to be used on the front face of the dormer.
4. Pipe work above eaves level to be coloured matt black.
5. The level of the excavated area shall be retained at a minimum levels as shown on the amended drawing and section received on 06 April 2009.
6. The basement living accommodation shall be used only in connection with and ancillary to occupation of the existing dwelling and shall not be severed and occupied as a separate dwelling unit.
7. Restrict hours of work. 8.00am – 6.00pm Monday to Friday, 8.00am – 1.00pm Saturday and no working on Sundays and Bank/Public Holidays.