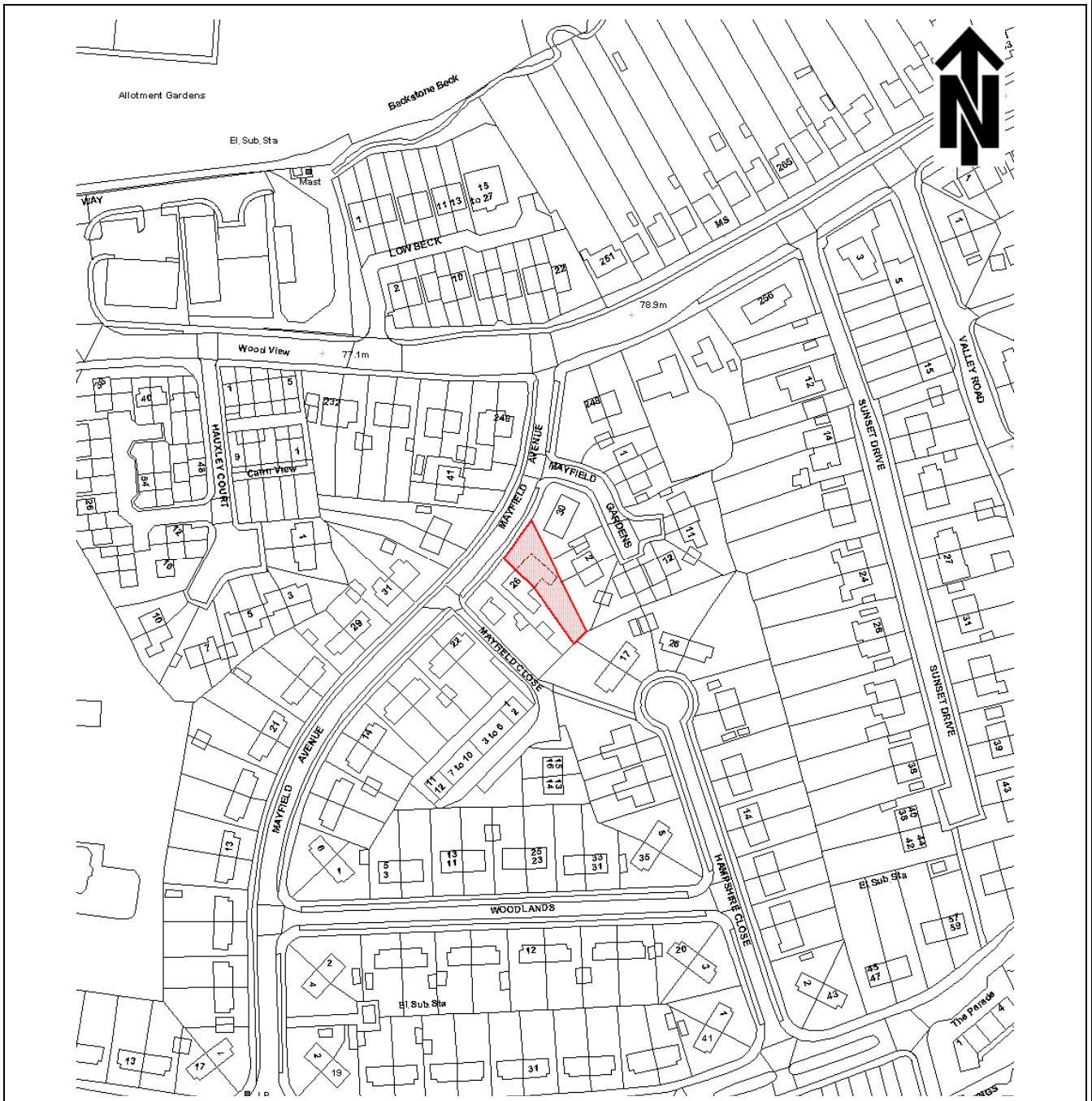


### Area Planning Panel (Keighley)

09/02545/HOU

16 September 2009



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<p>ITEM NO. : 1</p>	<p><b>LOCATION:</b></p> <p><b>28 Mayfield Avenue</b> <b>Ilkley</b> <b>West Yorkshire</b> <b>LS29 8LF</b></p>
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**16 September 2009**

**Item Number: 1**

**Ward: Ilkley**

**Recommendation:**

**TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS**

APPLICATION IS REFERRED TO PANEL DUE TO THE INVOLVEMENT OF A COUNCILLOR AS AGENT AND A COUNCIL EMPLOYEE AS APPLICANT

**Application Number:**

**09/02545/HOU**

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

Full planning permission is sought for the construction of a single storey side extension and alterations to rear and development of roof space into habitable rooms at 28 Mayfield Avenue, Ilkley.

**Site Description:**

The site is a semi detached bungalow situated in a suburban residential area. The site is level and is not in a conservation area. The dwelling is not listed. The dwelling has previously been extended under permitted development rights, with a conservatory and dormer window being added to the rear elevation. Prior to this an original flat roofed rear extension has at some point been extended to a depth of 4.6m from the main rear elevation. The adjacent dwelling at 26 Mayfield Avenue has an existing 6.8m single storey extension projecting to the rear, set away from the common boundary.

**Relevant Site History:**

08/03541/FUL: Side and rear extension with conservatory to rear. Refused 24/09/08

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

***Allocation***

The site is unallocated on the Replacement Unitary Development Plan.

***Proposals and Policies***

Relevant policies are:

D1 – General Design Considerations

UR3 – The Local Impact of Development

Further supplementary planning guidance is contained in the Council's approved, revised House Extensions Policy (2003).

**Parish Council:**

Ilkley Parish Council objected to the original submission, but recommend approval of the amended scheme.

**Publicity and Number of Representations:**

The application was advertised by neighbour notification letters. The publicity period expired on 2<sup>nd</sup> July 2009. The amended plans were re-publicised on 23<sup>rd</sup> July 2009 with expiry on 3<sup>rd</sup> August 2009. Five letters of objection were received from 3 households.

### **Summary of Representations Received:**

The main issues raised were

- Overlooking of private amenity space at 2 and 4 Mayfield Gardens and 26 and 30 Mayfield Avenue from the proposed rooflights and the first floor window in the rear elevation.
- Overshadowing of private amenity space and habitable room windows at 2 Mayfield Gardens and of private amenity space at 30 Mayfield Avenue.
- nuisance during building works and
- Inappropriate design and loss of symmetry of the semi detached pair.

### **Consultations:**

Ilkley Parish Council had no objections to the amended scheme.

### **Summary of Main Issues:**

1. Impact on local environment.
2. Impact on neighbouring occupants.
3. Impact on highway safety.
4. Community Safety Implications.

### **Appraisal:**

#### **Impact on Local Environment:**

The extension to the side is considered to be in keeping with the character, scale and design of the existing dwelling and the street scene. It is suitably subordinate and incorporates a hipped roof to match the profile of the existing bungalow.

The extension at the rear would involve reconstruction and enlargement of an existing extension projecting from the back of the bungalow. The ridge would remain below the ridge of the existing bungalow so it is subservient to the original dwelling, and being in the enclosed back garden, this rear extension would not be generally visible in the street scene.

The proposed materials match those of the existing dwelling and the surrounding properties and are therefore considered to be acceptable. The extensions and alterations are therefore considered to be of appropriate scale, design and materials and to comply with Policy D1 of the Replacement Unitary Development Plan.

#### **Impact on Neighbouring Occupants:**

In terms of residential amenity the proposal has been amended to address potential overlooking problems and is now considered acceptable. It is not considered to have any significant negative impact on the occupants of neighbouring dwellings.

Particular attention has been given to the impact on the adjoining property. Whilst the proposed rear extension has two storeys, and is 4.8m deep, the existing 4m conservatory, built under old permitted development rights mitigates any impact this may have on the occupants of 26 Mayfield Avenue. The rear extension would be set about 3.4 metres from the joint boundary to reduce any effects in terms of light and dominance.

The original proposal featured a large window in the rear elevation of the back extension at first floor level. This was considered to cause an unacceptable increase in overlooking of the private amenity space of 4 Mayfield Gardens. The amended scheme has omitted this window. The proposal also includes rooflights in the north east plane of the roof which have sills at a minimum of 1.6m above internal floor level. This is considered sufficient to prevent

overlooking to 2 Mayfield Gardens and 30 Mayfield Avenue. The amended plans also propose that the existing boundary fence to the side be raised by 30cm to an overall height of 1.9m which will prevent overlooking from the proposed ground floor window in the side elevation of the rear extension.

In terms of possible overshadowing, the amended scheme has lowered the overall height of the two storey rear extension to 5m by lowering the internal floor level at ground and first floor level, therefore the overall height is significantly lower than a conventional two storey dwelling and lower than the ridge of the min dwelling. This is considered to be acceptable.

Although neighbours object on grounds of nuisance during building works, this is likely to be short term and is not a consideration that could be used to refuse an application. However, in view of the close proximity of other neighbours, it would be appropriate to limit the times of construction using the normal standard condition.

**Impact on Highway Safety:**

There are no changes to existing parking or access arrangements to the property and therefore the proposal has no impact on highway safety.

**Community Safety Implications:**

There are no apparent community safety issues.

**Reason for Granting Planning Permission:**

The proposed extension, as amended, is considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the extension upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significantly adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with Policy UR3 and D1 of the Replacement Unitary Development Plan and the Revised House Extensions Policy.

**Conditions of Approval:**

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.
  2. Development shall be carried out in compliance with the amended plans 08/518/1 and 08/518/2 revision B received by the Council on 13 July 2009 showing amendments to window arrangements and boundary fencing.
  3. The development hereby permitted shall be constructed of facing and roofing materials to match the existing building as specified on the submitted plans.
  4. Prior to the commencement of development, the existing boundary fence along the west boundary shall be raised to a height 0.3 metres above the level of the existing fence as shown on the amended drawing and retained at this height thereafter.
  5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the extensions without prior written permission of the Local Planning Authority.
-

Area Planning Panel (Keighley)

09/02549/FUL

16 September 2009



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ITEM NO. : 2	LOCATION: <b>3 Hollingwood Gate Ilkley, West Yorkshire</b>
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16 September 2009

Item Number: 2

Ward: ILKLEY

Recommendation:

**TO GRANT PLANNING PERMISSION WITH CONDITIONS**

APPLICATION REFERRED TO PANEL AT REQUEST OF A WARD COUNCILLOR (AND PARISH COUNCIL)

Application Number:

09/02549/FUL

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

Full application for the erection of a two storey detached dwelling with integral garage on land at 3 Hollingwood Gate, Ilkley.

**Site Description:**

Hollingwood Gate is a suburban cul de sac on the western side of Ilkley. It runs from Hollingwood Rise and slopes down steeply to the north, serving a number of substantial modern detached properties built in the 1970s or 80s. The application site is sloping land to the south of No. 3. The land presently comprises approximately 395m<sup>2</sup> of lawned garden area. A flat roofed double garage is positioned between the site and the existing dwelling. To the rear of the site is a dense laurel hedge to a height of approximately 2.5 - 3m. It is noted that the apex of the adjoining property at No. 5 Hollingwood Rise is visible above this vegetation and includes secondary windows to a habitable room.

**Relevant Site History:**

88/7/0365 - Outline permission for a "small bungalow". Granted.

98/02629/FUL – Full application for a detached dwelling and integral garage. Refused due to overlooking of property to rear.

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

**Allocation**

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

**Proposals and Policies**

The following policies would be applicable:

Replacement UDP

UDP3	-	Quality of the Built and Natural Environment
UR3	-	The Local Impact of Development
TM12	-	Parking Standards for Residential Development
D1	-	General Design Considerations
TM19A	-	Traffic Management and Road Safety

**Parish Council:**

Recommends refusal: Overdevelopment, out of character with the area, highway issues due to 4 access points so close together.

**Publicity and Number of Representations:**

Advertised by site notice and neighbour notification letters, with an overall expiry of 03.07.2009

6 neighbour representations have been received.

**Summary of Representations Received:**

- The development would affect the character of the area by increasing density.
- The dwelling would occupy an unacceptable proportion of the plot size and would be set much closer to the pavement than elsewhere in the area.
- The loss of garden would affect wildlife and reduce the area for absorption of water in heavy rain.
- The plot is protected by a legal covenant that restricts further building.
- The velux windows will provide views of my house and gardens.
- The laurel hedge which presently provides screening may one day be removed, meaning that my presently secluded house would be overlooked.
- Due to the design and topography my house would be overshadowed.
- The house would be very close to my patio which is currently private and quiet.
- This development would lead to an unacceptable increase in noise and nuisance.
- Approval of this application would create a precedent enabling other similar applications to be submitted and approved.
- Our house is incorrectly shown on the plans; in reality the front of our house is directly in line with the proposed development, and our driveway just offset against that for No.3.

**Consultations:**

Drainage - Separate system requires within the site boundary.

**Summary of Main Issues:**

- Impact on local and residential amenity.
- Impact on character of street scene.
- Impact on highway safety.

**Appraisal:**

Being a garden, this site is previously developed land within the built up area and development of an additional dwelling is therefore acceptable in principle providing there is no detriment to local character or the living conditions of neighbours.

The design of the proposed dwelling is considered acceptable. The style and materials reflect those of the surrounding modern dwellings. Whilst the site is small, viewed from the street the dwelling would not appear unduly cramped, occupying a plot of sufficient width to give space to the sides and with adequate separation between the new house and the boundaries, and between the existing dwellings at 1 and 3 Hollingwood Gate. The split level arrangement prevents the dwelling being unduly dominant and the development would appear in proportion with the size of the site and would not have a significant detrimental impact on the street scene. It would be in keeping with the other detached properties in the locality.

The dwelling would lack much amenity space to the rear, with only 7 -10m gap retained between the back wall of the dwelling and the rear boundary. However, the new dwelling would benefit from a small garden around it that would provide adequate space for domestic purposes such as the storage of bins, hanging out of washing etc. In the absence of any specific RUDP policies relating to the depth of back gardens it would be difficult to justify a refusal on these grounds.

In 1998, an application for a dwelling on the same plot was refused on the grounds that the proposed dwelling had first floor windows that would overlook the first floor gable end windows of 5 Hollingwood Rise at close quarters, leading to an unacceptable loss of residential amenity.

However, this revised scheme has addressed these concerns and to prevent overlooking of 5 Hollingwood Rise the dwelling is designed with limited windows looking in this direction. On the back elevation, there are habitable room windows to the ground floor only, with roof windows providing light to the upper floor rooms. Objections have been received regarding overlooking, with the neighbour asserting that the existing hedge could be removed which would result in overlooking from these ground floor windows. However, the vegetation across this rear boundary is in effect a double hedge, with laurel on the application site side and leylandii on the objector's side. It seems unlikely, therefore, that a situation would arise whereby all of this vegetation was removed and the proposed dwelling was exposed. Removal of the hedge would not be in the interest of future occupiers because it protects the privacy of that dwelling as well, and if the hedge was removed, the erection of a normal 1.8m garden fence would prevent overlooking between the ground floor windows of the dwellings.

The absence of 1<sup>st</sup> floor windows in the rear elevation addresses previous reasons for refusal of this development and it is suggested that permitted development rights be removed to prevent windows being added to the back wall at a later stage. It is not considered that the rooflights in the proposed dwelling would result in an unacceptable level of overlooking between the two properties. The rooflights are positioned above normal eye level to prevent causal overlooking.

In terms of highway safety, Hollingwood Gate is a quiet cul de sac built to a good standard with adequate width, footways, a turning head and with no problems with the geometry of its junction. It is not considered that an additional dwelling on this residential cul de sac would result in significantly more traffic, or that the Parish Council's concerns about the siting of the access point for the drive being close to other drives is likely to give rise to serious highway safety issues. Parking provision within the site is adequate. An integral single garage would be provided plus two spaces on the forecourt. This amount (3 spaces) is in excess of normal RUDP standards. There are therefore no parking or road safety concerns about this additional dwelling on the cul de sac.

**Community Safety Implications:**

No apparent community safety implications.

**Reason for Granting Planning Permission:**

The proposed dwellings will have no significant adverse effects on local amenity 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.



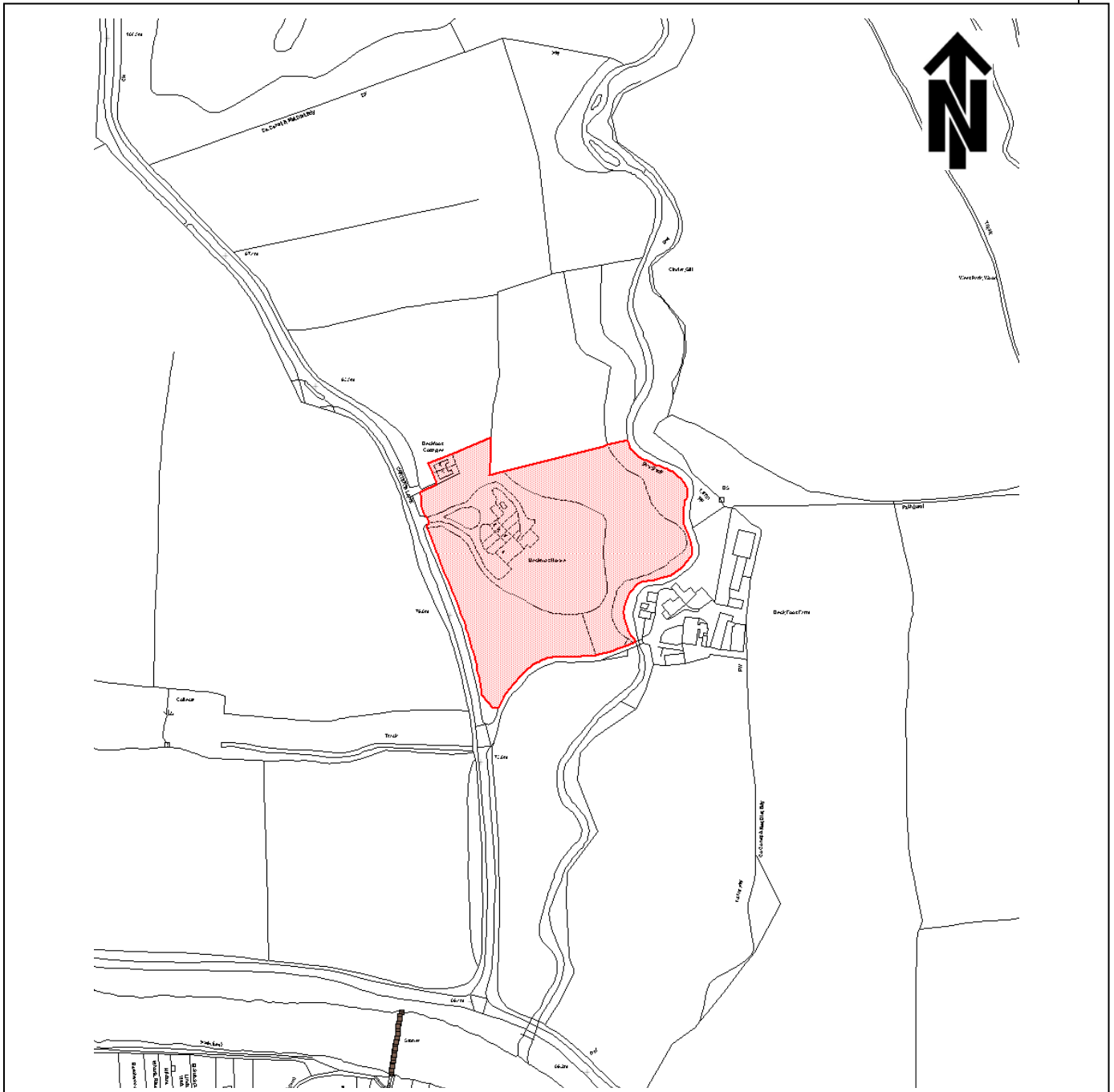
**Conditions of Approval:**

1. Development to be begun within 3 years
  2. Prior to commencement of development details of foul and surface water drainage shall be submitted and approved in writing by the LPA and thereafter implemented in accordance with the approved details.
  3. Prior to commencement of development, samples of materials to be submitted to and approved by the LPA and the development subsequently built in the approved materials.
  4. Withdraw of permitted development rights to add windows or further openings in the rear (west) elevation of the dwelling hereby approved.
-

**Area Planning Panel (Keighley)**

**09/03022/FUL**

16 September 2009



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<p>ITEM NO. : 3</p>	<p>LOCATION: <b>Beckfoot House Carter's Lane, Ilkley</b></p>
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**16 September 2009**

**Item Number:** 3  
**Ward:** ILKLEY

**Recommendation:**

TO GRANT PLANNING PERMISSION WITH A CONDITION  
APPLICATION BEFORE PANEL AT THE REQUEST OF A WARD COUNCILLOR

**Application Number:**

09/03022/FUL

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

Full application, as amended, for landscaping works, grass tennis court and the erection of structures including a gazebo, tractor store at Beckfoot House, Carters Lane, Ilkley.

**Site Description:**

Beckfoot House is a large two storey Edwardian dwelling positioned on an extensive plot within the Green Belt to the north east of Ilkley town centre near the Bradford/Harrogate district boundary. The land is a mixture of formal and informal landscaping, with the “domesticated” appearance of the site immediately adjacent to the dwelling giving way to land with more agricultural characteristics with distance from the house. Adjacent to the site are residential properties to the north west (1 and 2 Beckfoot Cottages) and Beckfoot Farm to the south west.

**Relevant Site History:**

- 08/07331/FUL - Demolition of existing orangery, outdoor swimming pool and outbuildings, and construction of side extension comprising garage, basement swimming pool and kitchen/day room. Granted
- 95/03540/FUL - Construction of classical style orangery above basement garage with utility room and lobby. Granted
- 95/01577/FUL - Single storey extension to form conservatory and link containing. Granted basement garage kitchen utility room sitting area also outdoor leisure pool with pergola and pavilion. Granted
- 94/01577/COU - Conversion of part of detached house into three dwellings. Granted
- 93/01880/COU – Change of use of nursing home to two dwellings. Granted
- 91/01849/FUL - Change of use of nursing home to country house hotel. Granted
- 90/04576/FUL - Extension to provide eight bedrooms with en-suite bathrooms kitchen
- 90/04575/COU - Change use of nursing home to country house hotel. Granted
- and conservatory. Granted
- 84/02200/COU - C/U Of Residential House To Private Elderly Nursing Home. Granted

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

**Allocation**

The site is within the Green Belt but is otherwise unallocated Replacement Unitary Development Plan (RUDP) Policies

**Proposals and Policies**

UR3 Local Impact of Development  
D1 General Design Considerations  
GB1 New Building in the Green Belt  
NE4 Trees

NE3 Landscape Character Areas  
NE3a Landscape Character Areas

National Planning Policy

PPG9 Biological and Geological Conservation

PPG2 Green Belts

**Parish Council:**

Approval in principle subject to Environment Agency concerns being addressed

**Publicity and Number of Representations:**

Neighbour notification letters, site notice and notice in the Ilkley Gazette with an overall expiry of 13.08.2009. 2 representations received.

**Summary of Representations Received:**

- Object to the proposal which is a change of use of the land. This land is in the Green Belt and has always been agricultural. Further buildings such as gazebos, hides, sheds etc will detract from the appearance of Beckfoot House.
- There are no details of the proposed tennis pavilion. This along with the tennis court and practice wall would be a visual and would result in disturbance from noise pollution. The pavilion with electricity and refrigeration could be used for large gatherings.
- The plans fail to illustrate the proximity of the development to 1 and 2 Beckfoot Cottages
- The proposed chicken coup will cause noise problems
- How can buildings be allowed under Green Belt rules?
- The garden boundaries have been moved and are now intruding into the surrounding agricultural land. The boundaries were clearly laid down when the land was purchased in 1928.

**Consultations:**

Trees

This is an extremely detailed proposal and there will be changes to site levels. Although the Tree Officer questions whether a tree survey is required, it is the opinion of the planning officer after several site visits that no significant mature trees are threatened by the proposed development, some lesser unprotected trees may be affected but the proposals include plans to significantly increase tree cover across the site. A tree survey is not, therefore, considered necessary.

Environment Agency

Raised initial concerns about flood risk and the impact on Biodiversity, with particular reference to the beck on the eastern boundary of the site. Clarification of the details of the proposed scheme was provided and the Environment Agency objection is withdrawn.

**Summary of Main Issues:**

- Whether the individual elements of the scheme constitute development, and of those elements that do, which are "permitted development".
- Suitability of the remaining elements of the scheme with regards to:
  - green belt considerations
  - visual amenity/ impact on landscape character
  - biodiversity impact

**Appraisal:**

Beckfoot House is currently undergoing extensive renovation by the applicant and the proposed scheme presents a very detailed plan to comprehensively redesign and landscape the land around this large country house which at one time was a residential home. The scheme includes landscaping and woodland planting, engineering works to alter site levels, construction of garden buildings and associated works. The site comprises land which is already clearly used as a domestic curtilage surrounded by land of a more agricultural character. In reaching a recommendation on the acceptability of the scheme due regard has been given to the fact that some of the elements it comprises, such as tree planting, do not constitute development as defined by the 1990 Planning Act, and of those that do, some are “permitted development”. The site is in the Green Belt but this status does not alter householder permitted development rights granted under Schedule 2 of the Town and Country Planning (General Permitted Development) Order. Many of the features objected to by the objectors are, in the opinion of officers, permitted development.

Development within the domestic curtilage

The agent has provided a plan which shows the boundary of the existing domestic curtilage; the extent of the domestic curtilage can clearly be seen on the aerial photographs of the site as having remained materially unchanged since 1997. The following elements of the scheme are proposed within the domestic curtilage of the site:

- Part of the vegetable and soft fruit area
- A Gazebo
- New pool/pond
- Koi pool, terraces steps with landings adjacent to existing house
- “Secret Garden” with willow sculptures, seats, paths etc
- Re-laying of hardstanding to entrance court
- Grass tennis court with 1m high gabion retaining walls
- Garden building
- Chicken coup
- Planting scheme

Within the domestic curtilage the gazebo, pool/pond, relaying of hardstanding, garden building, koi pool, 1m high retaining wall for tennis court, provision of enclosed chicken coup all constitute permitted development.

Of the remaining proposals the planting of a vegetable and soft fruit garden, provision of willow sculptures, seats and paths, the laying out of a grass tennis court and the planting scheme are all normal domestic garden activities that are incidental to the enjoyment of the dwelling house.

Only the terraces and steps with landings adjacent to the house require express permission by virtue of the fact that these are higher than 300mm. Their position in front of the principle elevation of the dwelling is well screened and is not adjacent to any neighbouring dwellings. This element of the scheme will therefore have no detrimental impact on local amenity or neighbours and is considered acceptable.

The following are proposed outside of the defined domestic curtilage on agricultural land:

- Orchard
- Hazel nut walk
- Native species meadow
- Native species woodland planting
- Drystone faced retaining wall (in manner of a “ha ha”)
- Self binding gravel paths
- Bog garden
- Forage crops
- 2 x small nature hides
- Apiary
- Part of the vegetable and soft fruit area and 2.5m retaining wall dug into landscape
- Greenhouse
- Engineering works to alter site levels

The use of any land for the purposes of agriculture or forestry (including afforestation) is specifically excluded from the definition of “development” in the Town and Country Planning Act 1990. The definition of “agriculture” includes horticulture, fruit growing, seed growing, the breeding and keeping of livestock, the use of land as grazing land, meadow land, market gardens and nursery grounds and the use of land for woodlands. Therefore the provision of an orchard, hazelnut trees, native meadow, forage crops, apiary, vegetable and soft fruit and the planting of woodland area within agricultural land does not constitute development.

The remaining elements of the proposal include the drystone retaining wall, gravel paths, bog garden; nature hides, greenhouse and alterations to the site levels.

The greenhouse will be ancillary to the vegetable and fruit growing area and will be dug into the landscape in an unobtrusive position close to the existing dwelling and proposed garden building. The drystone retaining wall will be characteristic of traditional agricultural boundary features. The nature hides will be located within the woodland area well screened from outside views of the site and will support the use of the land for outdoor recreation. The bog garden will be a low key feature created by cut and fill to form terraces and will create a valuable wildlife habitat, the other changes in site levels are minimal and will not have a detrimental impact on visual amenity or character.

In terms of Green Belt policy, PPG2 on Green Belts and Policy GB1 of the RUDP state that appropriate development in the green belt includes “essential facilities for outdoor sport and outdoor recreation” and also includes in the category of acceptable uses - “other uses of land which preserve the openness of the green belt and do not conflict with the purposes of including land in it”. Overall, these proposals for re-landscaping around the existing country house are not considered to be in conflict with the purposes including land within the Green Belt and are felt to preserve its openness in accordance with Policy GB1 of the RUDP. As such they are not considered to amount to inappropriate development and do not constitute a departure from the Development Plan.

### Biodiversity

PPS9 (Biodiversity and Geological Conservation) strongly supports the permitting of development proposals where the principle objective is to conserve or enhance biodiversity. It goes on to stress that development proposals such as the scheme at Beckfoot House provide opportunities for building in biodiversity as an inherent element of good, sustainable design. Landscaping proposals in particular can easily be designed to enhance biodiversity and provide a suitable habitat for a range of wildlife. The landscaping scheme proposed here will increase biodiversity and create valuable wildlife habitats and is of a quality rarely proposed by developers in terms of both enhancing biodiversity and the character of the landscape. It is to be highly commended. The balance between ornamental planting within the domestic curtilage and locally native species elsewhere has been planned with care and thought and the end result will be a landscape site which strikes the appropriate balance between the two, particularly as the character of the tree planting and meadow around the boundary of the site is informal and naturalistic.

### Impact on Neighbours

The scheme has been amended to omit the proposed tennis pavilion and practice wall which had been originally proposed. This has overcome the principle objection of the occupier of the adjacent dwelling who was concerned about the impact of noise from such a development. It is not considered that the development, as amended will have a detrimental impact on residential amenity. The remaining issues that have been raised by the objectors, such as the chicken coop and the erection of gazebos, garden buildings etc in the Green Belt would in fact be permitted development as discussed above. If noise arises from chickens this would be a matter to pursue through a nuisance complaint to Environmental Protection although the scale of the proposed chicken coop suggests that it is unlikely to have any significant effects.

The Local Planning Authority is advised by the agent that the domestic curtilage of the dwelling will remain unchanged and there are no proposals for commercial activity or to open the site for public access; the site will remain a private garden which will limit the potential disturbance to the neighbouring properties.

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

The proposed development is designed to improve the setting of Beckfoot House and will preserve the openness of the Green Belt and is not considered to be in conflict with the purposes of including land within it. The scheme will have no significant detrimental effects on the amenity of occupiers of neighbouring properties and presents significant opportunities for enhancing biodiversity and landscape character. It is considered to comply with the requirements of Policies UR3, D1, GB1, NE4, NE3 and NE3a of the Replacement Unitary Development Plan and the national planning guidance contained within PPG2 (Green Belts) and PPS9 (Biodiversity and Geological Conservation).

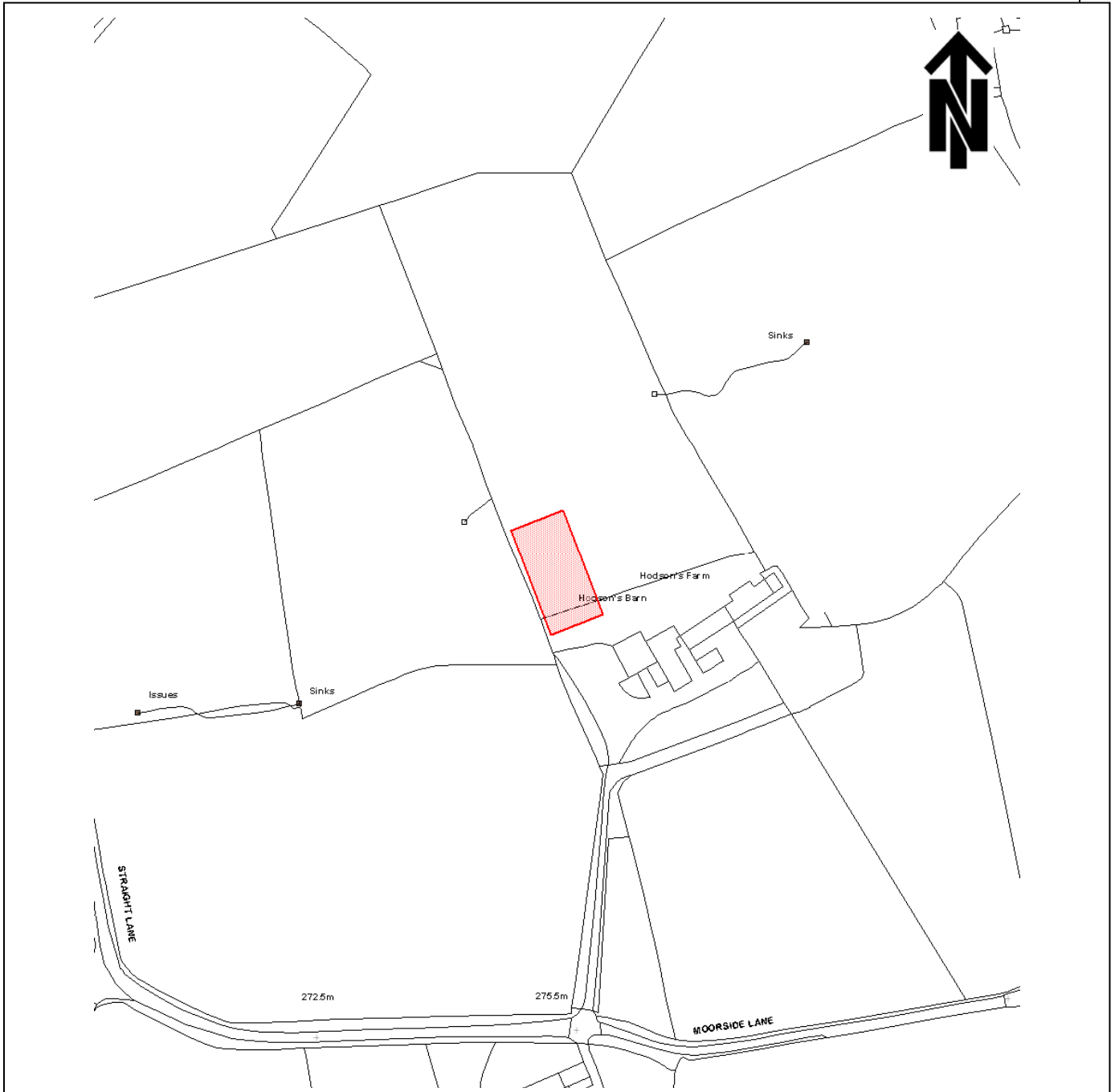
### **Conditions of Approval:**

1. 3 year time limit for commencement of development.
-

**Area Planning Panel (Keighley)**

**09/02141/FUL**

16 September 2009



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<p>ITEM NO. : 4</p>	<p><b>LOCATION:</b> <b>Hodson's Barn</b> <b>Straight Lane, Addingham</b> <b>West Yorkshire</b></p>
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**16 September 2009**

**Item Number: 4**  
**Ward: CRAVEN**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION WITH A CONDITION**

APPLICATION REFERRED TO PANEL AT THE REQUEST OF A WARD COUNCILLOR

**Application Number:**  
**09/02141/FUL**

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

A full, retrospective application for change of use of land from agriculture (grazing land) to a private outdoor ménage with new surfacing and timber post and rail fence (works already undertaken) at land to the north-west of Hodson's Barn, Straight Lane, Addingham Moorside.

**Site Description:**

The site of the application comprises a rectangular, flat area, about 40 metres by 20 metres, fenced off from a larger grassed field in an area of open countryside above Addingham. The ménage is on land close to the rear walls of the house and stables (Hodsons Barn) occupied by the applicants. The house is about 11 metres to the south-east and set at a lower level. Hodsons Barn is adjoined on its eastern side by the only other house nearby, Hodsons Farm, which is therefore about 44 metres from the nearest corner of the ménage, with views of it from rear garden and windows. Access to these two isolated houses is from the adopted highway Straight Lane by a reasonably surfaced but narrow private drive, about 90 metres long flanked with grass verges. Over the wider area, levels fall from south to north. The surrounding area, apart from scattered houses and farm buildings at some distance, comprises agricultural fields divided by dry stone walls or timber rail fencing. The site is in the approved Green Belt.

There are some stables, in domestic use, housed in outbuildings attached to the dwelling and a large rough surfaced area for parking and turning adjoining these and the entrance to the fields..

**Relevant Site History:**

03/00818/FUL – Conversion of barn to form a single dwelling and erection of new double garage – Granted, 02.07.2003.

09/00671/FUL – Two storey extension to house – Refused, 08.04.2009.

The outdoor ménage has apparently been in place for over 2 years. The current application for its retention followed advice to the applicants that it was development which should have had planning permission.

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

**Allocation**

The site is allocated as Green Belt (GB1) in the Replacement Bradford Unitary Development Plan (2005) (RUDP).

**Proposals and Policies**

- UR3 – Local Planning Considerations
- D1 – design consideration
- GB1 - New Building in the Green Belt
- NE2 - Outdoor Sport and Recreation
- NE3 - Landscape Character
- NE3A - Landscape Character Areas

**Parish Council:**

Addingham Parish Council commented that they “share the concerns of the neighbouring property owner” and support a request for screening of the ménage, to protect privacy, and construction of a passing place.

**Publicity and Number of Representations:**

This has been done by a neighbour notification letter and by site notice with an overall expiry date for representations of 11.06.2009. The Council has received a letter of objection from the immediate neighbour.

**Summary of Representations Received:**

Allegation that the ménage is available for hire, and that this has introduced a new commercial and equestrian use to the site, with a greater impact on the surrounding green belt and a negative impact on enjoyment of the adjoining house and on privacy.

People using the ménage significantly overlook the rear of the adjoining house (the garden area and the rear windows), particularly when they are on horseback.

Concern that both properties are served by a narrow, single track driveway with no passing place, with possibility of having to reverse if vehicles meet, and that the road access to the shared drive is along a narrow road, with limited passing places.

The ménage stands out as being out of character, particularly the “uneven colouring” of the surface. It is in clear view to walkers along the moorside for long distances in either direction.

In the event of retrospective planning permission being granted, objector requests conditions to require:

- “suitable and effective screening” to protect the privacy of the neighbouring property from people on horseback, and to protect the surrounding countryside from the visual impact.
- a passing place in the access driveway to reduce risk from having to back along a narrow driveway.
- the surface of the ménage to be of a uniform colour and appearance.

**Consultations:**

Council’s Landscape Design Unit –

The site is located within the Rombalds Ridge Landscape Character Area, as described in the Local Development Framework for Bradford, Landscape Character Supplementary Planning Document, adopted by Bradford Council in October 2008.

The landscape type is of upland pasture with a strong character and a good condition. The landscape strategy analysis refers to a “*uniform simplicity of the gently rolling landform, managed pastures and stone-wall boundaries which give this landscape type a strong character.*” The overriding character area strategy for the Rombalds is to conserve the landscape elements that contribute to its strength and the policy guidelines for the upland pasture is to conserve.

However, in this particular development the colours of the materials used tend to blend with the surrounding landscape, and the location and the levels of the outdoor ménage are such that the intrusion on the wider landscape can be considered minimal.

### **Summary of Main Issues:**

The main issues to be considered in this case relate to

- Green belt policy on such development
- Impact on the Green Belt, the Landscape Character Area and visual amenity
- Impact on neighbours
- Road safety

### **Appraisal:**

#### **Summary of applicants’ supporting information and statements**

The applicants insist the ménage is not a commercial enterprise and there is no intention to run it as such.

It was provided to allow one of the applicants to learn to ride in a safe environment. The other 12 acres of farmland they own is clay-based and unsuitable for riding, but is used by a local farmer for grazing sheep. Horses are herd animals and prefer company. Three other ponies are kept in addition to the one horse owned by the applicants. One is a “rescue” colt shared with a friend who visits three times a week. Another is an old pony owned by someone who is too frail to care for it personally. The third pony is owned by a friend of the applicants’ daughter and is on loan. The applicants have also said that the ménage is usually used only by one or at most two horses and riders at a time, and that they would be content with a condition to that effect.

#### Green belt policy

A ménage for horses does not fit neatly into a category of development that is clearly either appropriate or inappropriate in the green belt. In the Bradford District and elsewhere, some have been allowed and others have been refused at first decision or on appeal. A judgement has to be made in each case on the effect on the openness and character of the green belt and on any other relevant factors, such as highway safety or amenity. In the case of the current proposal, substantial excavation or building up of levels has not occurred, and the facility is reasonably positioned in relation to the existing traditional farm group and is served off its existing access.

Planning Policy Guidance (PPG2 on Green Belts) and for Bradford in Policy GB1 of the RUDP state that appropriate development in the green belt includes “essential facilities for outdoor sport and outdoor recreation” and also includes in the category of acceptable uses - “other uses of land which preserve the openness of the green belt and do not conflict with the purposes of including land in it”.

PPG2 defines the five purposes of including land in green belt as:  
checking the unrestricted sprawl of built-up areas  
preventing neighbouring towns from merging

safeguarding the countryside from encroachment  
preserving the setting and special character of historic towns  
encouraging recycling of derelict and other urban land.

An outdoor ménage is a level and enclosed area for the exercising and schooling of horses and can be regarded as a facility for outdoor sport or recreation (for private use in this case), though it could not be said to be “essential”.

Unlike some other ménage proposals, the fenced area created at Hodson’s Barn has involved fairly minimal disturbance of the countryside and is not particularly urban in character. There have been no significant alterations to the site levels, there are no additional tracks, no floodlights are present or intended and the facility is grouped reasonably close to the existing buildings and is accessed from an existing drive and an established hardstanding. The horses are stabled nearby in existing buildings forming part of the farm group. There is not likely to be pressure for additional stable facilities in intrusive locations. The effect on the openness of the green belt is limited to the timber rail fence around the ménage. This is 1.3 metres high, and very similar to other such fences in the area erected for agricultural purposes. The fence on its own is permitted development under the Permitted Development Order. The impact of the fence on “openness” appears to be minimal.

Taking all these factors into account, this particular horse facility is considered to be a use that has had only a modest impact and preserves the openness of the green belt and does not conflict with the purposes of including the land in it. As such it accords with Policy GB1 of the RUDP and with national green belt policy in PPG2 and is not considered to be inappropriate development.

On balance, it is not considered to conflict with the purposes of green belt set out above and does not constitute a departure from the Development Plan.

#### Character of the Green Belt and of the Landscape and Visual Amenity

Although this is an area where fields traditionally are enclosed by stone walls, timber rail fences are also a feature of the area. The fence used for the ménage is therefore not particularly out of character, noticeable or obtrusive.

The construction of the surface has been undertaken on the existing ground with apparently limited cutting in or building up of the land levels.

The Council’s Landscape Architect advises that in this particular development the colours of the materials used tend to blend with the surrounding landscape, and the location and the levels of the outdoor ménage are such that the intrusion on the wider landscape can be considered minimal.

Planting around the perimeter of this ménage is not recommended because a rectangle of trees or hedge (unlike a small wood or group of trees) would tend to highlight the feature and would not fit well with the character of the landscape which is very open.

The surface treatment of the ménage (grey/black rubber granules over a sand membrane) clearly is different from the grass fields that predominate in this area. A pre-existing stone wall (up to 2m. high) on the western side of the ménage provides some screening of distant views, but it can be seen from the public highway (Straight Lane and Moorside Lane) which runs on higher land to the south and, to a limited extent, from a public footpath running north-

eastwards from the road to the south-east of Hodson's Barn. However, unless it is viewed from close by, the darker colour of the surface does not stand out as much as might be expected from the many small fields around. Large areas treated like this would have significant visual impact. This tends to be viewed as a small percentage of darker area in a large area of mainly green countryside. It does not stand out markedly and has little visual impact. It is therefore difficult to show clear harm to the character of the green belt or of the landscape of this area of countryside, a point endorsed by the Council's Landscape Architect. It is not accepted that the inconsistency of surface materials alleged by the objector is particularly apparent.

#### Impact on amenity of neighbours

The only neighbouring house clearly affected is Hodson's Farm, which adjoins the house and land of the applicants. (The next nearest house is over 150 metres to the south, on the far side of Straight Lane). Hodson's Farm is set at a lower level than the ménage and the adjoining field. It does not have a boundary with the ménage, but there are restricted views, at an angle, of the ménage from the rear windows of the house at a distance of 42 metres or more. The ménage is also within 33 metres of land to the rear apparently held by the neighbours. Anyone in the ménage, on foot or on horseback, would have some view of the rear of Hodson's Farm. However, the separation distances involved here are far greater than the normal minimum 10.5 metres considered acceptable when overlooking of rear gardens from first floor windows is being considered, or of the 21 metres considered to be the acceptable minimum between facing habitable room windows. The impact on privacy therefore cannot be considered significant. It is not considered that planting around the whole of the ménage would serve any useful purpose in terms of preventing views and could look incongruous in the landscape.

Use of the ménage must generate some noise, but this seems unlikely to be at an unacceptably high level or unusual in this countryside location, and the neighbour has made no specific mention of noise problems.

To address the issues of concern from the objector, it is, however, considered reasonable to restrict commercial use of the horse schooling facility so that it remains ancillary to the enjoyment of the existing dwelling at Hodson's Barn and prevent more than 2 horses at a time being exercised.

#### Highway safety and use of the drive to the farm

Straight Lane is a minor country lane where vehicles may occasionally have to slow or pull in to pass. It is not a through road, and is lightly trafficked. The ménage, if limited to private use to avoid an influx of other people bringing horses here, seems unlikely to cause any serious highway safety problems on that road. The private drive has a grass verge and a straight alignment allowing drivers to readily see if another vehicle has entered the drive. A passing place does not seem to be essential here, and would be a slight visual intrusion in the green belt, as well as being development in itself normally requiring planning permission.

It is considered that the suggested condition preventing commercial use would appropriately control the level of usage of the private drive by vehicles not associated with the applicant and prevent an influx of horses being brought to the site from elsewhere.

**Community Safety Implications:**

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

**Reason for Granting Planning Permission:**

The development, although sited within the green belt, is not considered to have significant adverse effects on the openness of the green belt, the character of the landscape, local amenity or neighbours or highway safety. It is therefore considered to comply with Policies GB1, D1, UR3, NE3 and NE3A of the Replacement UDP.

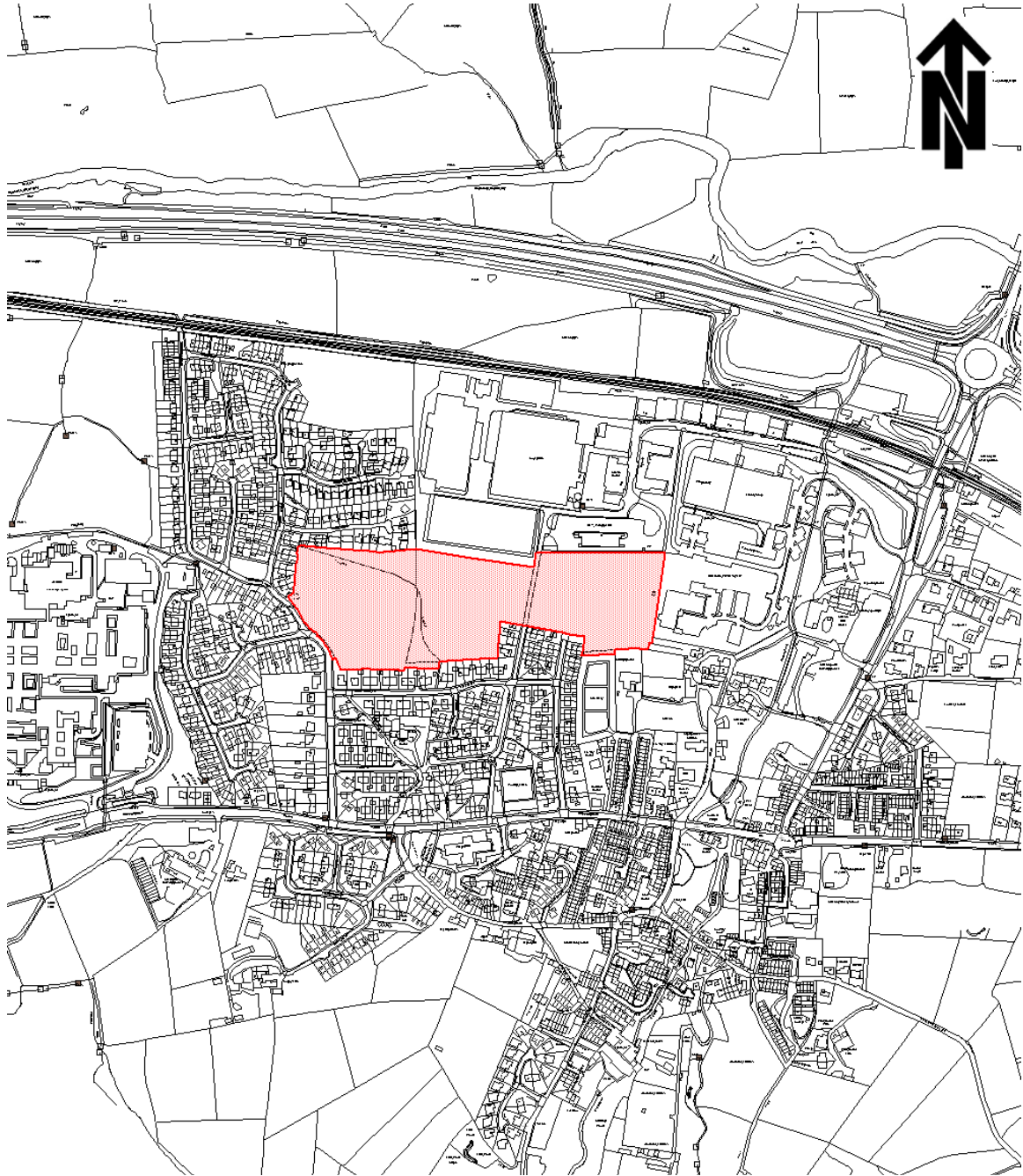
**Conditions of Approval:**

1. The ménage hereby permitted shall not be used for commercial purposes or for uses which are not ancillary to the enjoyment of the dwelling currently known as Hodson's Barn as a dwelling with ancillary stables, and no more than two animals shall be exercised at any one time within the ménage.
-

**Area Planning Panel (Keighley)**

**09/01100/FUL**

16 September 2009



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<p>ITEM NO. : 5</p>	<p><b>LOCATION:</b> <b>Land At North West Of 51 Parkway, Steeton With Eastburn West Yorkshire</b></p>
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16 September 2009

Item Number: 5  
Ward: CRAVEN

Recommendation:  
**TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND A SECTION S106/278 LEGAL AGREEMENT**

Application Number:  
09/01100/FUL

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

Full application for the construction of 229 houses, access roads, cycle ways and open space on Land at North West of 51 Parkway, Steeton with Eastburn.

**Site Description:**

A 6.02 hectare irregular shaped parcel of Greenfield land that is located within the settlement of Steeton with Eastburn. The site is comprised of a number of fields to the rear of properties on the north side of Halsteads Way that are used for grazing and as open pasture. It slopes gradually from the south down towards the north east and is located to the south east of Steeton Conservation Area. A number of Tree Preservation Orders (TPOs) exist on the site which cover groups of trees - two of which cross the development site from north the south and the other is located adjacent to the Steeton Cemetery. Public footpath identified as Steeton with Eastburn 5 Footpath crosses the western part of the site linking Halsteads Way to the south with Curren Walk to the North West. The site is allocated in the Replacement Unitary Development Plan as a phase 2 housing site (upon which development can be brought forward from 2009).

Vehicular access to the site can be gained from the field gate on Thornhill road. Remnants of the sites former use as part of a cannon testing range during World War Two (associated within the former Royal Ordnance factory to the north of the site) are still visible. These include a two storey pillbox at the eastern end of the site and two single storey watch posts.

The site adjoins a variety of residential properties along most of its southern boundary, along its western boundary and part of the north western boundary. The remainder of the northern boundary and the eastern boundary of the development site abuts an industrial/commercial area. The south eastern corner of the site adjoins Steeton Cemetery and other properties which are located within the Steeton Conservation Area.

**Relevant Site History:**

**Applications**

Planning application 08/02399/FUL – Construction of residential development with playing facilities, access roads - WITHDRAWN - from determination.

**Policy** (a full chronology of how policy has been established at the site is given in order to fully clarify the current situation with regard to allocation of part of the site and how that situation has emerged)

**Unitary Development Plan - Adopted 1998**

Allocated the development site as a housing site - Ref: K/H2.87 - Halsteads Way - 6.2 ha. 'A strategic allocation with part of the site to be reserved for a new primary school'



The site was also allocated under policy CF1 - School Site - Halsteads Way. 'A site of approximately 1 hectare is to be allocated within the Halsteads Way housing site as a prerequisite of development of that site'.

Draft Development Brief - approved for consultation November 1998

'Eastern part of the site with access from Clough Avenue, reserved for a school, if required' (This brief was never adopted, due to delays regarding drainage issues in the area and the preparation of the Replacement Unitary Development Plan).

First Deposit Replacement Unitary Development Plan - June 2001

Allocated as a Phase 2 housing site - K/H2.1 - Parkway/Clough Avenue - 6.02 ha  
The site was also allocated as a school site - K/CF1.2 - Parkway/Clough Avenue: 'Carried forward from the adopted Unitary Development Plan of approximately 1 ha within the housing site K/H2.1 (This allocation was not specifically identified on the Proposals Map).

Revised Deposit Replacement Unitary Development Plan - July 2002

Allocated as a Phase 2 housing site - K/H2.1 - Parkway/Clough Avenue - 6.02 ha  
Description the same as in the First Deposit apart from the addition of:  
Approximately one hectare within housing site reserved for a new primary school - K/CF1.2 - Parkway/Clough Avenue, with the following description:  
Carried forward from the adopted UDP. Approximately one hectare within housing site K/H2.1 is needed for a new school, the exact location of which is still to be identified; hence the Proposals Map shows an indicative site. This indicative school site was shown on the Proposals Map.

Inspector's Report 2004

Paragraph 6.228 states that:

'An allocation of part of the site for a new primary school was made at the time of the adoption of the existing UDP. A review of education needs in the district has now taken place and the Council accepts that it is no longer necessary to reserved part of the site for this purpose'.

Consequently the Inspector recommended that the Revised Deposit be modified by deletion of the reference to the need to reserve approximately 1 hectare for a new primary school.

Modifications - January 2005

Statement of Decisions - agreed with the Inspectors recommendation.

List of Modifications - Omitted reference to a primary school in the description of the site and deleted reference to K/CF1.2.

Adopted Replacement Unitary Development Plan - October 2005

*Keighley Proposals Report*

K/H2.1 - Parkway/Clough Avenue - 4.90ha - Description omitted any reference to a new primary school

There was no entry under Policy CF1.

*Keighley Proposals Map*

K/H2.1 allocated as a phase 2 housing site however, the school site still shown on the Proposals Map. This in light of the above policy developments is clearly a drafting error which has come to light following the submission of the 2008 planning application.

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

### ***Proposals and Policies***

The majority of the site is allocated as a phase 2 housing site whilst the remainder of the site is unallocated within the Replacement Unitary Development Plan. Relevant policies include:-

- UDP1 – Promoting sustainable patterns of development
- UDP3 – Quality of build and natural environment
- UDP7 - Reducing the need to travel/sustainable transport choices
- UR2 - Sustainable development
- UR3 – The local impact of development
- UR6 - Use of conditions or S106 agreements to resolve obstacles to planning permission
- H5 – Residential Development of Land and Buildings not protected for Other Purposes
- H7 - Housing Density
- H8 - Housing Density
- H9 - Provision of affordable housing
- TM2 - Impact of Traffic and its Mitigation
- TM8 - New pedestrian and cycle links
- TM9 - Protection of routes
- TM12 - Car Parking Provision
- TM19A – Traffic and road safety
- D1 - Positive contribution of the Environment
- D4 - Safe and secure environment/reduction in the opportunities for crime
- D5 - Landscaping
- D6 - Meeting the needs of Pedestrians
- D7 - Meeting the needs of Cyclists
- BH7 - New Development in or affecting the setting of Conservation Areas
- CF2 - New housing proposals resulting in increased demand for educational facilities
- OS5 - Provision of recreation open space and playing fields in new development
- NE4 - Trees and Woodland
- NE5 - Retention of trees on development sites
- NE6 - Protection of trees during development
- NE10 - Protection of natural features and species
- NR15B - Flood Risk
- NR16 - Surface Water run off and sustainable drainage systems

### **Parish Council:**

Objected to the original plans for the scheme on drainage issues, traffic and transport issues and policy and design issues. This objection is carried forward to the amended proposals for the following reasons:

- the houses, especially in Zone 1 are not in keeping with surrounding properties
- the affordable housing, although allocated to both zone 1 and 2 is still in a small area and in a condensed format
- the access road between zones 2 and 3 is narrow and does not have a defined footway
- there is inadequate parking in zones 1 and 2
- the cycleway is not defined
- there is a serious lack of amenity and open space on the development
- the single access road from Thornhill road is inadequate for the size of the development and additional access roads to the site should be considered

- The council has not been informed of the area of the site as agreed between the planning authority and the developer. Part of the site is still defined as 'unallocated' on the Bradford Council website and yet development of this part of the site is included in plans. Consequently the council is concerned that accurate density figures have not been supplied
- The council would like to be informed as to why this application has not been determined within the councils agreed policies the government guidelines of 13 weeks.

**Publicity and Number of Representations:**

Originally advertised by the individual notification of surrounding neighbouring properties and the display of site notices. The statutory period for publicity was until 21 May 2009.

Substantial numbers of representation were received – 52 individual letters of objection and 119 pro-forma letters of objection were received. Two letters of no objection/comment were also received

Following the receipt of amended plans, the amended application was again advertised by individual notification of surrounding neighbouring properties and the display of site notices. The statutory period of for the expiry of publicity was 27 August 2009. 106 letters of objection (including 72 pro-forma letters) have been received.

In addition to the above letters of representation, this application was discussed at a Local Neighbourhood forum meeting on 18 May 2009 at the local school. Substantial numbers of concerned residents attended the meeting and raised the following issues:

- If development were to be undertaken for residential development across the whole site, the chance of an educational site would be gone forever.
- Every child matters and the schools at Steeton and Eastburn are full and there is only a slight capacity at Silsden
- the committee need to take into account the surrounding area
- to give all the land for housing development is nonsense
- need to be able to walk children to school within a community but any children would have to go to Silsden
- want local housing for local people
- houses are out of character with the locality
- it is still along walk to the Station, shops etc
- Lack of community facilities such as doctors surgery etc. to accommodate the development
- there is by-pass between Steeton and Silsden
- 230 children could potentially need spaces for 552 children and it is not acceptable to just look for these spaces when they may be needed once the development is occupied
- the type of housing is inappropriate
- there is a lack of car parking spaces - need more than 1.5 spaces
- Thornhill Road is not wide enough to accommodate the development
- the estate roads will be very congested because of the width of roads
- visitor parking is inadequate
- Only one access to the site will create congestion
- Is it possible to put access to station Road
- Would like to alter detached houses. Strongly object to affordable housing in the

middle of the site. Is this social engineering?

- There are footpaths through the site. Want the number of footpaths reduced
- How safe are the preserved trees on the site. Two trees are to be removed
- Pill boxes - are they worthy of retention
- Sewers are a problem around the site especially at Clough Avenue which has had flooding problems
- There has been no work on the sewers for 50 years
- Land further down from the site floods. Surface water should not go into the Beck.
- Centre of Bradford is a disgrace
- Concerned that this developer would not build in accordance with the plans
- There are 15000-20,000 empty houses in Bradford
- At Steeton Top the lights are running at 130% capacity and 140% when the development is completed
- Do not want to cluster affordable housing

### **Summary of Representations Received:**

#### **Original scheme**

- Increase from 180 to 230 dwellings is abominable
- Water and sewage are main problems
- Conflict with the RUDP which states that a buffer zone is required ensuring that new dwellings on site are protected from potential adverse impact from the employment site.
- There is insufficient information to deal with the application
- Object to the access being opposite residential property – this is dangerous
- More traffic congestion will be caused
- Facilities in Steeton do not have the capacity to cope with an increase in population (schools, surgery and hospital)
- Loss of nature – trees, impact on conservation area, bird population
- Traffic issues, need improved visibility splays, need to stop rat running
- Housing – there is a glut of houses and flats in the market which are not selling. Need management plan for open areas
- Where are the children from this new development going to go to school as there are no/ or very few spaces in the existing local schools
- Insufficient parking at Steeton and Silsden railway station
- Aesthetically, the present fields provides a green oasis to the surrounding residents
- Need to safeguard all the trees we cannot afford to lose more
- Traffic assessments show that existing traffic lights at Steeton Top run near their capacity at peak times
- Transport plan walking and cycle distances show straight routes not the true distances.
- Should have access via a Station Road/Steeton Grove
- Layout of roads within the estate around the open space areas are potentially unsafe
- Detached houses should be located on the western part of the site.
- Public space provision near the mature trees will be in shade for much of the year
- The density of the development is too much and the 60 affordable houses should not be clustered
- Residents do not want large scale housing developments with the existing lack of infrastructure
- Traffic all using Thornhill Road will produce noise, pollution and general disturbance

- With the addition of a footpath which links the village and this new estate with the station, there will be the potential for commuters to park in the estate
- The development is not mixed – where are the bungalow and semis?
- The use of artificial stone is not good enough and the materials should be real stone
- The NHS primary care system in this area is already stretched
- The existing trees on the site must be retained
- In danger of the rural village scene becoming an urban sprawl.
- The whole sewage system of the area needs to be brought up to standard

### **Amended scheme**

- Understand that comments given to the original scheme will still be considered as part of this amended scheme – would like to state that nothing in the revisions addresses any of the points on traffic, drainage, sewerage or the impact on village facilities.
- The changes are cosmetic and deal with changes to the layout and type of affordable housing which is even more concentrated into zone 1
- High density of the development is completely out of character
- Scale of development will have a catastrophic impact on the surrounding infrastructure of roads
- Insufficient schooling available to accommodate the anticipated numbers of primary school children
- Overlooking and loss of privacy
- Policies D1, UR2, UR4 and UR6 should be considered by Members along with the negative impact on the existing community.

### **Consultations:**

(i) Environment Agency – Originally objected to the scheme but following the submission of a revised Flood Risk Assessment the EA is in a position to remove their objection providing a condition limiting the surface water run-off is attached to any permission granted. Details of these proposals must be submitted to Bradford Drainage for approval.

(ii) Yorkshire Water – No objections in principle subject to appropriate conditions. Advise that there are public sewers, which cross the site and that the presence of the sewer affects the layout of any scheme. In light of the above comments suggest a planning condition to adequately protect the pipes from being built over or near to.

(iii) Drainage Section – Confirm the Ground Investigation Report provided by Arc Environmental demonstrates infiltration type sustainable drainage techniques are inappropriate for this use. The developer to undertake a survey of the existing culverted watercourse and provide a report on its condition to demonstrate that, if necessary, it would be hydraulically and structurally suitable to drain the proposal - survey to cover the length of watercourse from point of connection to outfall to Steeton Beck. All flow control and flow balancing works must take place off line of the existing watercourse and they must be designed and constructed to control the surface water flows from the development only. The flow through existing water use must not be impeded in any way. A public sewer crosses the site in the area of the proposed dwellings. Yorkshire Water must be consulted as to the impact on the public sewerage system.

(iv) Rights of Way Section - Public Footpath No. 5 (Steeton with Eastburn) crosses the site linking from Halsteads Way to Robin Drive. It is the developer's intention to retaining this footpath on its current alignment. The amendment is shown on Landscape Proposals (Hardworks) Drawing No. HL01 Rev A to the northwest corner of the site allowing the recorded route of the public footpath to run on the estate road with no interference from parking spaces.

It is noted that the route shown on this drawing as a footpath surfaced with resin bonded gravel has been amended to that it mainly aligns with the recorded public right of way. There is a short section of the public footpath to the north of a bin store that runs between the bin store and woodland shrub area WM5 which is not shown with a gravel surface but as grass. It appears that the route will be open and available to the public and that there is a surfaced alternative in the estate road so I would not insist on this section of path being surfaced. The section of path from the site boundary near Robin Drive to the access road must however be surfaced.

On Landscape Proposals Drg. No. HL02 Rev A - it is noted that the width of the pedestrian connection between the north-eastern corner of the site and the estate road has been increased to three metres. This should be surfaced by the developer.

The plans show a proposed cycleway link running north from Parkway to link with Steeton Grove. A link between the estate and the railway for pedestrians and cyclists has been much requested over the years. A need for such a link was identified during consultations carried out when the Council's Rights of Way Improvement Plan was drawn up. The Development Brief drawn up some years ago identified the need for a cycleway link. Steeton with Eastburn Parish Plan also identifies that a pedestrian and cycle link from the Thornhill Road area to the railway station is required when this site is developed.

The Hardworks Landscapes Proposals Drawing No. HL02 shows a surfaced estate road for the majority of the length of the route identified as the cycleway link. Further details are required showing full details for the whole of the link to the site boundaries, bollards at the end of Parkway and details of barriers at the northern boundary of the site to restrict access to pedestrians and cyclists and prevent use by vehicles as a rat run

(v) Design Enabler – request changes are made to the window design on some of the dwellings. Overall, it is considered that this is a thoughtful and well presented application.

(vi) Minerals and Waste Section - it is noted that a Desk Study land contamination report has been submitted in support of the application. The report assesses there to be low-negligible contamination risks associated with the residential development however it does recommend that gas monitoring is undertaken. Recommend conditions are attached to any permission granted to ensure that gas monitoring is undertaken and appropriate mitigation measures are submitted for approval prior to the occupation of the development.

(vii) Parks and Landscape Section - 229 dwellings would need public open space (POS) to be provided up to 4600 sqm and this would need to be of significant amenity value. We would expect to see from a development of this size provision for a children's play area but the question arises however, should this be on site or off site. In the past there have been significant issues relating to anti-social behaviour on development site where the children's play areas has been provided on site however, there is a need to have easy access to a play

area. The nearest off site is Steeton Bowling Green play area but this is quite small and the scope for improvements is limited.

No provision has been made for playing pitches and we would seek an off site contribution. In the past investment at Eastburn Rugby Ground was discussed and that would still be a viable option.

If POS and children's play area are to be provided on site but no playing pitch it is requested that a contribution of £28,675 is made. The council would not wish to take on the future maintenance of the areas on site and they would be best managed under the auspices of a management company.

(viii) Education Section – Request a contribution of £375,066 for the following reasons: The nearest primary schools are Steeton and Eastburn which are completely full so a primary contribution would be required  
The nearest secondary schools are The Holy Family Catholic School which is full and Greenhead High which has spaces, so a secondary contribution would not be required

The calculations are based on 2 additional children per school year group per 100 houses

(ix) Housing Section – The above site falls in the housing market area where affordable housing quota is 25%. Analysis suggests that there is a need for two and three bedroom houses. Therefore the housing department request on site provision and is looking for 25% of the number of units to provide a mix of two and three bedroom houses to help accommodate the need for affordable provision. These houses will primarily be targeted for families who live in the local and surrounding areas of Steeton

CBMDC have successfully engaged the Housing and Communities Agency (HCA) through the continuous Market Engagement bid round (June 2009) which has identified the priority housing schemes that can meet the Regional priorities in a set period. This site has been identified as one of the schemes (the flagship one) to meet the HCA and the Councils priorities as it can deliver a sustainable housing option which meets local and regional priorities whilst offering value for money in terms of the best use of available public funds within a set period.

Essentially in order to achieve the identified 60 affordable housing units within this development and within a certain period and to a higher standard than the developers normal standard, it is crucial to receive sufficient social housing grant from the HCA. Without the HCA funding the Council and nominated housing association may not be able to deliver the 60 proposed affordable units from the developer in this present economic downturn. The HCA funding is crucial to this scheme as the specification upgrade costs for the affordable units will require HCA grant funding to make the purchase financially viable for an affordable housing provider.

The above grant funding is dependent upon a s106 legal agreement being in place to (i) ensure the development of the affordable units is delivered in accordance with the Councils nominated social housing provider's specification incorporating the HCAs grant funding conditions i.e. design and quality standards and the code for sustainable homes code level three, and; (ii) ensure an agreed programmed of delivery dates i.e. start on site circa December 2009 and completion of all the specified affordable units on or before Jan 2012.

(x) Highways (Development Control) Section – Advised that the proposal would lead to an increase in the use of the Thornhill Road/Skipton Road junction therefore whilst capacity may not be an issue at present, the continued safe operation of the junction. Thornhill Road is a residential road and takes access from the main transport corridor the B6265 Skipton Road, which is a very busy classified district distributor road. Airedale hospital is located approximately 300m to the west of the Thornhill road junction.

The existing priority junction between Skipton /Road and Thornhill road is substandard in terms of its geometric layout i.e. carriageway widths, tight kerb radii and intervisibility around the bend for vehicles turning left onto Thornhill road and visibility from Thornhill road onto the major road network. Despite the fact that some minor improvements to this junction have already been carried out by the council in the form of build outs onto Skipton Road, this still does not achieve the visibility requirements for this type of road. For a higher classified road guidance recommends that a visibility splay of 4.5m x 90 should be achieved.

Original Scheme - the applicants Transport Assessment concludes that the existing priority junction of B6265 Skipton Road/Thornhill Road will still operate within capacity in the Design year of 2014. However it also goes on to acknowledge the requirements to improve this junction as stipulated within the RUDP and in previous advice from the highways department. Signalising the existing junction layout is proposed. However, it is considered that the proposed signalised junction arrangement is unacceptable due to the highway safety concerns it raises. These concerns include (i) installing signal poles within the existing footways around the junction would reduce the available footway width to pedestrians, (ii) poor intervisibility between vehicles on Skipton road and Thornhill road, the left turn from Skipton road is too sharp and is unacceptable and, (iii) the geometry of the junction with the proposed signal is likely to encourage right turners to jump in front of ahead traffic on Skipton Road.

It was considered that the original proposal could lead to an increase in vehicular movements through the streets between Thornhill road and Clough Avenue in an attempt to avoid any queuing at the Thornhill Road/Skipton road junction. Promoting some new TROS would effectively make some sort lengths of roads one way and could help discourage rat running.

Noted that road traffic accidents over the last 5 years have been investigated for 100m to either side of Skipton road/Thornhill Road junction and the results of which were 3 slight accidents and 1 serious accident. Of these accidents 1 of the slight accidents occurred at the above junction and was a result of a vehicle turning into the path of oncoming traffic when making a right from Skipton road to Thornhill Road. One slight accident occurred 100m to the west of the junction and the remaining slight and serious accidents occurred at the junction of Skipton road with Chapel road.

In light of the above, it was considered that the scheme as originally proposed would result in intensification in use of an existing junction substandard in terms of its visibility and substandard kerb radii and geometric layout likely to result in highway safety concerns arising.

Revised Scheme - The improvements to the Skipton Road/Thornhill Road junction via an improved priority junction design as shown on drawing 97-156-10A is considered acceptable.



(xi) Police Architectural Liaison – Policy D4 states that developers will need to ensure that crime prevention is considered as an integral part of the initial design of any development and not as an after thought. Developers should incorporate the principles of ‘Secured by Design’. The application must ensure that it takes into consideration access and movement throughout the site, Natural Surveillance Areas of the Public Open Space, the need to have well defined security features and to have appropriate management and maintenance of the communal spaces.

In conclusion, the Police have no fundamental objection to a development of this type in this location but would seek to fully address the above points before the application could be fully supported.

(xii) Tree Section – No comments have been received to date regarding the amended plan details. Previous comments related to a number of units being unacceptably close to trees and the proposals not complying with BS5837:2005 in with regard to root protection areas and roadways.

(xiii) Landscaping Section – these comments supersede the previous comments dated 21/05/09:

#### Public Open space

The two integral, overlooked, green public open spaces are welcomed and provide a strong sense of place and enhance the legibility of the proposed development.

#### Retained pill box

The retained pill box appears to have a suitable landscape setting. Need to ensure who is responsible for ownership and maintenance of this structure

#### Landscaping Proposals

There are some shared surface elements to the scheme i.e. no footway adjacent to the carriageway. This needs careful consideration in light of the on-going campaign by Guide dogs for the Blind in relation to shared surfaces. No comments in relation to the proposed soft works.

(xv) Metro - The majority of the development site is located within 400 metres of a strong bus corridor on Skipton Road. Part of the wider site is within 800 metres of Steeton and Silsden rail station albeit the walk route is convoluted and not particularly attractive.

The main issue that needs to be addressed by the development in terms of public transport accessibility is the permeability of the site in ensuring that the public transport services are easily reached. The main access into the site is via Thornhill Road. Other pedestrian access should also link into Stone Grove and Clough Avenue to allow direct access to bus routes operating on Skipton Road.

Pedestrian access to the Steeton and Silsden rail station may be available through the north east of the site via Steeton Grove. The attractiveness of this route, particularly at night, is questionable and would require significant improvements to lighting and landscaping to make it attractive to rail users.

The rail service is likely to be an attractive for commuters into Leeds and Bradford. Improvements to the station are limited due to the embankment and flooding risk on lower

land around the station however the station security could be improved through the installation of CCTV. We expect that the development will generate additional park and ride demand. Metro are aware of a council aspiration for extending the station car park to the east of Station Road. Car parking extensions at this station funded by the developer would be supported (subject to a favourable business case).

The travel plan indicates that the development will seek to reduce the car trips from the site by 5%. This will be achieved through providing public transport information and encouraging car sharing. Metro feel that the provision of Residential Metro Cards would help encourage the use of public transport and could be conditioned through a section 106 agreement on this development.

The existing bus stops on Station Road have recently been upgraded and therefore don't require any further work.

### **Summary of Main Issues:**

Principle of development

Density

Impact of development in terms of:-

- Design
- Protection of definitive rights of way
- Preserved trees (TPOs)
- Landscaping including public open spaces
- Surrounding locality including the adjoining Conservation Area
- Adjoining properties/uses
- Flooding and drainage aspects
- Biodiversity

Highway and pedestrian Safety

Creation of pedestrian and cycle linkages through to Steeton Station

The Heads of Terms of a s106 legal agreement provision affordable housing, recreation and education contributions

Community Safety Implications

Comments on representations made both in writing and at the Local Neighbourhood forum meeting

### **Appraisal:**

Permission is sought for the erection of 229 dwellings on this 6.02ha site comprising the following elements:

- A range of unit sizes has been proposed within three distinct zones to form a development which takes into consideration the updated design guidance contained within Manual for Streets. Zone 1 comprises primarily close knit terrace units; zone two is also designed as terraced units, many of which are set around a central green space area whilst zone 3 is an area of mixed unit types with detached units in cul-de-sacs with terraced units fronting the main spine road through the site. Materials are a mix of masonry, render and artificial stone.
- Two areas of public amenity space are to be provided in the development with these spaces providing a setting to the existing preserved trees on the site which are to be retained.
- Access to the site is via Thornhill Road via an improved priority junction leading from Skipton Road.

### Principle

The site is a Greenfield site, the majority of which was allocated as a phase 2 housing site in the Replacement Unitary Development Plan with the remainder left as unallocated. The history of this unallocated parcel of land is fully explained in the earlier history section of this report. From a current policy point of view, it is considered appropriate to consider both parcels as suitable for housing development as discussed in paragraph 3.34 of the draft planning brief which stated "in the event of a school no longer being required, this area of the site should be developed for housing". Indeed, this unallocated parcel of land should form part of the development of the phase 2 housing site to ensure a suitable comprehensive development can be satisfactorily achieved at this sustainably located site now it is no longer identified for educational purposes.

Policy UDP1 itself sets out locational strategy and an important tool in promoting sustainable patterns of development is the phasing of development sites on the basis of their sustainability. Applying this strategy to the provision of housing is supported through Planning Policy Statement No. 3 and Regional Planning Guidance and helps promote effective use of sites and buildings in more sustainable locations. As such, the Council is committed to ensuring that phase 1 and phase 2 sites are developed before other potential development sites and safeguarded land, in accordance with policies of the Replacement Unitary Development Plan. There is no objection in principle to the development of the development site for housing.

### Density/affordable housing

Within the urban areas, it is usual that a minimum density of 50 dwelling per hectare should be achieved in accordance with Planning Policy Statement No. 3 and policy H7 of the Replacement Unitary Development Plan. On those sites close to public transport links, such as the application site, and within town centre locations, higher densities should be achieved. This development covers 6.02 hectares, which provides a density for this site area of 38 dwellings per hectare. Due to the constraints of the site i.e. two groups of preserved trees on the site, access via residential roads and the necessity to protect the amenities of existing properties as far as practically possible, It is considered that this density is appropriate within this sustainable location and maximises development potential on this site.

The provision of affordable housing can be achieved on the site in line with Replacement Unitary Development Plan policies and the needs of the locality as advised by Housing Strategy (25% of dwellings proposed for the site). Indeed, 60 two and three bedroomed dwellings (just over the required threshold of required 57 dwellings) are proposed as part of this application. This mix fits in line with the strategic affordable housing assessment of the district and will be primarily targeted for families who live in the local and surrounding area of Steeton.

The Councils housing section have been successful in bidding for monies from the Housing and Communities Agency (HCA) through the continuous Market Engagement bid round (June 2009). The Market Engagement round has identified which priority housing schemes can meet the Regional priorities in a set period. This site has been identified as one of the schemes (the flagship one) which can meet both the HCA and the Councils priorities as it can deliver a sustainable housing option which meets local and regional priorities whilst offering value for money in terms of the best use of available public funds within a set period. To achieve the identified 60 affordable housing units within this development by a certain time period, and to provide these units to a higher standard than the developer's normal

standard, it is crucial to receive sufficient social housing grant from the HCA. Without the HCA funding it is unlikely the Council and nominated housing association will be able to deliver the 60 proposed affordable units from the developer in this present economic downturn.

The above grant funding is dependent upon a s106 legal; agreement being in place to (i) ensure the development of the affordable units is delivered in accordance with the Councils nominated social housing provider's specification incorporating the HCAs grant funding conditions i.e. design and quality standards and the code for sustainable homes code level three, and; (ii) ensure an agreed programmed of delivery dates i.e. start on site circa December 2009 and completion of all the specified affordable units on or before Jan 2012. As such, the developer in line with the nominated social landlord has identified the specific plots that are proposed to form the affordable element of the scheme. It should be noted that concern has been raised by objectors as to the clustering of these units in a certain location on the site, however, one of the reasons for this is that the design standards required for these units need a more spacious layout, i.e. both garden and dwelling overall sizes than what is generally provided for private housing. Moreover, it should also be noted that the nominated Registered Social Landlord has specifically requested these units in the locations provided.

#### Impact of development

##### Design

It is considered that the scheme is well conceived with a mix of units across the site which range from tightly knit terraced dwellings to more spacious four bedroomed detached houses adjacent to Steeton Conservation area. It is considered that this development would preserve the conservation area in this location. It is clear the scheme does not emulate the exiting development which surrounds the application site but seeks to achieve a good design following the up to date principles laid down in manual for Streets which advocates a range of plot sizes to achieve density, whilst pursuing more creative design in any proposed layout. Planning policy Statement 3 also states that "new housing development of whatever scale should not be viewed in isolation. Considerations of design and layout must be informed by the wider context, having regard not just to any immediate neighboring buildings but the townscape and landscape of the wider locality".

##### Rights of Way

Public Footpath No. 5 (Steeton with Eastburn) crosses the site linking from Halsteads Way to Robin Drive. It is the developer's intention to retaining this footpath on its current alignment. The amendment is shown on Landscape Proposals (Hardworks) Drawing No. HL01 Rev A to the northwest corner of the site allowing the recorded route of the public footpath to run on the estate road with no interference from parking spaces. As such there is no objection to the proposed scheme from a Rights of Way point of view. Further pedestrian and cycleway links are also proposed leading from this proposed new estates and the existing village. These linkages are welcomed and achieve the aspirations of the Council.

##### Trees

A tree plan detailing where the preserved trees are will be tabled at the meeting to ensure clarity of the situation. The tree works will include the removal of T9, Y34, T36 and T44 for arboricultural reasons. The removal of T6, T10 (in a group of mature trees adjoining the cemetery) and T61 (along the Thornhill Road boundary) will be required to facilitate the development. All other trees will be retained and protected on the development site although pruning works to various trees are required.

The scheme has been amended to ensure that the houses, garages, and road locate in the lower south west corner of zone 3 have been moved further away from the trees to accommodate the root protection areas. The looping roads situated to the south of the public green space and on the bottom of the public green spaced between zones 2 and 3 have been removed and in its place are two separated access routes of the associated dwellings. This again has resulted in a reduction of potential harm to the root protection areas. A condition requiring fencing to protect root protection areas should be attached to any permission granted to ensure the proposal is in conformity to policies NE5 and NE6 of the Replacement Unitary Development plan.

Vehicular site traffic is expected to pass over the Root Protection Areas of several trees however robust ground protection will be carried out in the form of an adequate rigid surface which will distribute the vehicle weight and prevent soil compaction. Pedestrian site traffic is expected to pass over the root protection areas of T4, T5 and T13. Again suitable ground protection is recommended in the form of an adequate rigid surface which will distribute weight and prevent soil compaction.

#### Landscaping

Landscaping is an important design element in any development and contributes to the character and local identity of local areas whilst contributing to the quality of the public realm. It is considered that the formation of two areas of public open space that are very usable and integrated into the scheme is welcomed and helps make a positive contribution to the sense of place in this development scheme. Linkages to the footpath network are also welcomed. Maintenance and management of these spaces will be via a management company to ensure a co-ordinated strategy and consistency in design.

#### Character of the locality/impact on surrounding properties

The character of the immediate surrounding locality is mixed residential and commercial. It is considered that the scheme takes the opportunity to create a creative solution in order to provide a suitable density on the site whilst not detracting from the established residential properties. Direct impacts on the surrounding properties have been minimised as far as practically possible by the creation of spatial distances between the proposed and existing properties.

#### Flooding/drainage

Development has the potential to cause major water pollution problems however, through the development control process, and with close liaison with bodies such as the Environment Agency and Yorkshire Water, such pollution problems can be avoided. Amended plans have been submitted and the Environment Agency has removed their objection from the scheme providing appropriate conditions are attached to any permission granted. Yorkshire Water has suggested conditions be attached to any permission granted. Overall, the amended details show the scheme can be developed without increasing the risk of flooding whilst providing appropriate sewerage and surface water measures.

#### Biodiversity

West Yorkshire Ecology has records of bats in the 2 km search areas around the site. An assessment was made of the trees which are proposed to be felled and the two storey pill box. No bat roosts were discovered during the tree survey however, three trees have suitable features for use by bats. As such bats may use the trees for roosting throughout the years and for this reason it has been agreed that providing no bats were discovered using

the features and no signs of use by bats were found, the at the entrances of the features will be blocked using plastic membrane. This will then allow the tree contractor to fell the trees at any time up to 3 months after blocking the features without any concerns of bats using the features in the interim.

The proposed works have the potential to impact on any bats utilising the pillbox and could contravene the protection afforded bats. Further survey is therefore recommended to determine the presence/absence of a roost in line with appropriate standards. It is suggested that a condition should be attached to any permission granted to accord with policy NE10 of the Replacement Unitary Development Plan.

### Highway Safety

The applicants Transport Assessment concludes that the existing priority junction of B6265 Skipton Road/Thornhill road will still operate within capacity in the Design year of 2014. However it also goes onto acknowledge the requirements to improve this junction as stipulated within the RUDP and in previous advice from the highways department. Signalising the existing junction layout is proposed. It is considered that the proposed signalised junction arrangement is unacceptable due to the highway safety concerns it raises. these concerns include (i) installing signal poles within the existing footways around the junction would reduce the available footway width to pedestrians, (ii) poor intervisibility between vehicles on Skipton road and Thornhill road, the left turn from Skipton road is too sharp and is unacceptable and, (iii) the geometry of the junction with the proposed signal is likely to encourage right turners to jump in front of ahead traffic on Skipton Road.

It was considered that the original proposal could lead to an increase in vehicular movements through the streets between Thornhill road and Clough Avenue in an attempt to avoid any queuing at the Thornhill Road/Skipton Road junction. Promoting some new TROS would effectively make some sort lengths of roads one way and could help discourage rat running. In light of the above, it was considered that the scheme as originally proposed would result in intensification in use of an existing junction substandard in terms of its visibility and substandard kerb radii and geometric layout likely to result in highway safety concerns arising.

The improvements to the Skipton road/Thornhill Road junction via an improved priority junction design as shown on drawing 97-156-10A are considered acceptable.

It is considered that the proposed level of parking for the scheme is appropriate. Overall, the proposal complies with the principles outlined in policies TM2 and TM12 of the Replacement Unitary Development Plan.

### Heads of Terms/S106 contributions

Development of the scale proposed inevitably involves physical infrastructure works, management plans and social infrastructure works such as recreation provision and affordable housing. In line with policy UR6 of the Replacement Unitary Development Plan it is usually appropriate that the developer should enter into a Section 106 to address the following issues – affordable housing, recreational provision, transport infrastructure and educational contributions.

Policy H9 of the Replacement Unitary Development Plan seeks to achieve affordable housing provision within development sites in Airedale of 25%. The housing enabling section has also identified a need for 2 and 3 bedroom properties in the area. It is considered appropriate that affordable housing is provided within the scheme to accord with relevant planning policy (see above paragraphs for details).

Policy OS5 of the RUDP requires that new residential development be required to make appropriate provision of or equivalent commuted payment for recreational open space. Two parcels of recreational space is shown on the layout which help form a sense of place within the scheme. Play facilities will be required to be provided as part of any s106 legal agreement.

Further development contributions on this scheme also include: -

(i) Educational provision - Under policy CF2 of the Replacement Unitary Development Plan, new housing proposals that would result in an increased demand for educational facilities that cannot be met by existing schools and colleges should contribute to new and extended school facilities. The nearest schools, at primary level, are full and a contribution of £300,000 has therefore been negotiated.

(ii) Provision of footways/cycleway through the site leading from the estate and the village through to Steeton railway station.

Head of terms of any agreement should therefore include the above mentioned development contributions along with the issues raised in the report regarding the highway mitigation measures: -

- Provision of on site recreation equipment £61,325;
- Provision of 60 affordable housing on the site - to be built to code 3 standard;
- Payment of a contribution to increase educational facilities in the locality - £3000, 000;
- The provision of a public footpath/cycle way through the site;
- The funding of Traffic Regulation orders; and,
- The carrying out of junction priority improvements to the Skipton Road/Thornhill Road junction.

### **Community Safety Implications:**

In order to ensure that the scheme is in accord with Secure by Design principles e.g. specific boundary detailing etc, conditions are suggested on any permission granted to ensure that the measures proposed within the scheme are retained once the development is built and occupied. As such, it is now considered that the proposal will pose no undue community safety implications and accords with Policy D4 of the Replacement Unitary Development Plan.

### **Comments on Representations**

The majority of the issues raised in the letters of representation have been covered in the above report. The majority of the site is allocated as a phase 2 housing development. Phase 2 housing sites were released for redevelopment early 2009 and thus it is part of established planning policy that this site should be brought forward for development in a comprehensive way. The Environment Agency has removed their objections to the scheme following the submission of a revised Flood Risk Assessment which satisfactorily deals with the potential flooding risks from the site. In addition, Yorkshire Water considers that the site may be

satisfactorily developed without in terms of sewerage and drainage. With regard to highway issues, the Councils highway engineers consider that the amended junction design can safely accommodate traffic from Skipton Road to Thornhill Road. Education has advised that education needs have to be assessed once families move into the areas to ensure that the serviced expands the correct area e.g. foundation stage, key stage 1 areas or key stage 2.

**Reason for Granting Planning Permission:**

The development of this site with a well conceived residential scheme which closely follows the up to date design guidance offered in Manual for Streets, is considered a good opportunity to provide a sustainable pattern of housing development within the existing urban fabric of Steeton. The effect of the proposal on the adjoining conservation area, the surrounding locality and the adjacent neighbouring properties has been assessed and is acceptable. The provision of an access, both from Skipton Road into Thornhill Road and from Thornhill road into the development site, in the manner and location proposed is appropriate. Parking provision has been made to accord with the highly sustainable location of the development and the provision of suitable pedestrian/cyclist linkages to the station has been included. As such, the proposal is in conformity with the principles outlined within the Replacement Unitary Development Plan and subject to appropriate conditions it is considered that the proposal complies with policies UDP1, UDP3, UDP7, UR2, UR3, H5, H7, H8, H9, TM2, TM8, TM9, TM12, TM19A, D1, D4, D5, BH7, NR15B and NR16.

Permission is recommended accordingly subject to (i) a s106 agreement and (ii) the following conditions: -

**Conditions of Approval/Reasons for Refusal:**

- 1 Time limit
- 2 Materials to be to be approved for each plot prior to commencement of each unit and implemented as approved.
- 3 Landscaping scheme – to be implemented as approved
- 4 Scheme for protection of existing trees to be implemented as approved.
- 5 Trees to be planted during first season
- 6 Boundary treatments throughout the site to be implemented as approved
- 7 Provision of acoustic barrier on that part of the site which adjoins the current vehicle testing station. Details to be provided prior to the commencement of any of the dwelling units which share a boundary with the VTS. All approved details shall be implemented prior to the occupation of any of these dwellings.
- 8 Within 6 months of commencement on site full detail of the footpath/cycleway surfaces, barriers at the northern boundary and bollards at the end of Parkway shall be submitted to and approved in writing by the Local Planning Authority. the details shall be implemented as approved
- 9 Management Plan – maintenance agreement for the long term management/ maintenance of communal/public open space areas prior to the first occupation of any residential unit
- 10 Permitted Development restriction to all dwellings (A, B, C, D, E, and F of Part 1, Class A, Schedule 2
- 11 Permitted development restriction to various plots - no insertion of additional windows without consent.
- 12 Prior to demolition of any pill box structure - archaeological recording needs to be undertaken
- 13 Provision of parking spaces prior to occupation of the buildings
- 14 Construct access to the site before commencement of residential development



- 15 Construct priority junction improvement to Skipton Road prior to the occupation of any dwelling unit on the site.
- 16 Construction plan details to be approved prior to commencement of development and implemented as approved.
- 17 Provision of bin stores to be implemented as approved.
- 18 Separate systems for foul and surface water on and off site
- 19 No buildings occupied until completion of approved foul drainage
- 20 No building or other obstruction shall be located over or within 3.0 metres either side of tee centre line or the sewers that cross the site
- 21 No piped discharge of surface water until works to provide a satisfactory outfall for surface water have been completed
- 22 Gas monitoring measures to be carried out and necessary precautions made prior to development being occupied
- 23 Hours of Operation – no construction between the following 0730-1800 Mondays to Fridays and 0730-1300 Saturdays. No activities except for emergency repairs shall be carried out at all on Sundays, Bank Holidays and/or Public Holidays
- 24 Parking and hard standing areas to pass through an interceptor prior to discharge
- 25 The development shall only be carried out in accordance with the approved Flood Risk Assessment dated July 2009 and the following mitigation measure detailed within the FRA - limiting the surface water run off to 4.5 litres per second per hectare so it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- 26 The protective fence lines around the root protection areas of the preserved trees (as detailed in appendix 5: Method statement tree protection plan) shall be constructed prior to the commencement of any works on site and shall remain for the duration of the construction works (any change to these conditions must be agreed in writing by the Local Planning Authority)
- 27 The scheme shall be carried out in accord with the amended plans and documentation received by the Local Planning Authority.
- 28 Provision of further bat surveys prior to the demolition of any pill box.

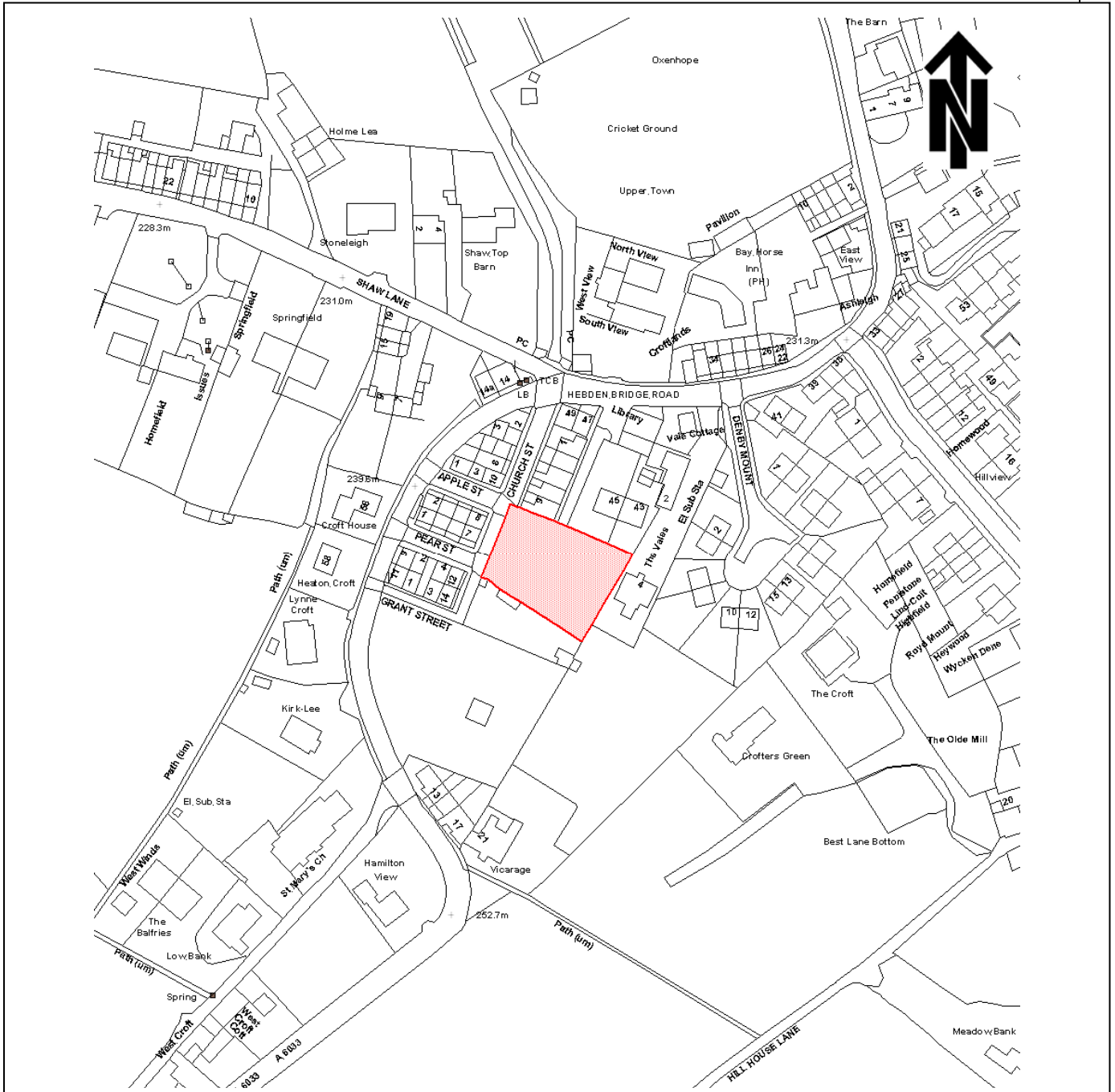
### **Heads of Terms**

- Provision of on site recreation equipment £61,325;
  - Provision of 60 affordable housing on the site - to be built to code 3 standard;
  - Payment of a contribution to increase educational facilities in the locality - £3000,000;
  - The provision of a public footpath/cycleway through the site;
  - The funding of Traffic Regulation orders, and;
  - The carrying out of junction priority improvements to the Skipton Road/Thornhill Road junction.
-

**Area Planning Panel (Keighley)**

**09/01780/FUL**

16 September 2009



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ITEM NO. : 6

**LOCATION:**  
**Land To The South Of 9 Church Street**  
**Oxenhope**  
**Keighley**

**16 September 2009**

**Item Number: 6**  
**Ward: WORTH VALLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION WITH CONDITIONS**

**Application Number:**  
**09/01780/FUL**

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

Full application for the Construction of 2 dwellings on land to the south of number 9 Church Street, Oxenhope.

**Site Description:**

A vacant and overgrown plot of previously undeveloped land (0.14ha in area) within the Oxenhope Upper Town Conservation Area. Levels fall across the site from the south down towards the northern boundary. The site boundaries are marked by stone walls with some mature trees located along the western and northern boundaries. To the north of the site is the blank gable of an end terrace, No 9, Church Street and semi detached bungalow properties at 43 and 45 Upper Town which face towards the site. To the east is the blank side wall of a recent 2 storey modern detached dwelling. This property and the proposed access into the site would be from a private drive known as The Vales. To the south is agricultural land rising to the south. To the west of the site across Church Street are gable ends of terraced properties on Apple Street and Pear Street.

**Relevant Site History:**

**07/08631/FUL - Construction of two houses and garages – Refused**

**07/04364/FUL - Construction of five dwellings – Withdrawn**

**95/01639/OUT - Housing development - Refused**

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

**Allocation**

The site is unallocated but within the Oxenhope Upper Town Conservation Area (BH7) on the Replacement Bradford Unitary Development plan (2005) (RUDP).

**Proposals and Policies**

BH7 – New Development in Conservation Areas

BH10 – Open Space Within or Adjacent to Conservation Areas

UDP1 – Promoting Sustainable Patterns of Development

UR3 – Local Impact of Development

D1 – General Design Considerations

TM2 – Impact of Traffic and its Mitigation

TM12 – Parking Standards for Residential Developments

TM19A – Traffic Management and Road Safety

NE5 – Retention of Trees on Development Sites

NE6 – Protection of Trees During Development

H7 – Housing Density - Expectation

**Parish Council:**

Oxenhope Parish Council objects to the proposal stating that reasons for refusal attached to application 07/08631/FUL still apply. Further concerns include impact on the Conservation Area, highway safety, flood risk and overshadowing of the two bungalows to the north.

**Publicity and Number of Representations:**

This has been done via neighbour notification letters, site notice and advertisement in the local press with an overall expiry date of 04.06.2009.

The Council has received 9 representations objecting to the proposal (plus 2 which are anonymous).

**Summary of Representations Received:**

- Loss of the field known as “Dorothy’s Field” will affect character of conservation area and set a precedent for loss other similar unique spaces.
- The houses are too big and will not blend in with the conservation area.
- Traffic and pedestrian safety. There should be no more traffic accessing from The Vales which is a narrow access and lacks turning. It exits onto a dangerous stretch of the main Hebden Bridge Road.
- Unsustainable Site.
- Loss of the land for agriculture and keeping animals.
- Bin Storage – there is no way the bin wagon can access.
- Flooding – Surface water run off and high water table.
- Overlooking especially of 43-45 Hebden Bridge Road which are bungalows at a lower level.
- These properties would also be affected by noise and disturbance during construction.
- Impact on Local Sewage and Drainage Systems.

**Consultations:**

Design & Conservation – No objection raised, suggest a condition that samples of materials are submitted for approval.

Drainage – No Objection raised suggest condition be attached to ensure that details regarding sustainable drainage are required.

Highways DC – No objections. Level of parking is acceptable. The proposed access via The Vales would serve only 4 dwellings in total and so is acceptable (current guidance recommends a maximum of 5 dwellings off a private drive). Visibility splays are acceptable. No traffic accidents have been recorded in proximity to the entrance to the private drive.

Trees – No objection raised, suggest attach condition for protective fencing to be erected during the construction of the development.

**Summary of Main Issues:**

- Impact on sustainable patterns of development
- Density
- Impact on Upper Town Conservation Area through loss of open land
- Impact on trees.
- Impact on residential amenity and occupiers of neighbouring properties
- Impact of more traffic on The Vales, and effects on highway safety
- Other issues raised in representations

**Appraisal:**

***The application follows refusal of a previous application for a similar development comprising two detached dwellings (07/08631/FUL). The application was refused under delegated powers on two grounds***

***i) the site was not considered to contribute to sustainable patterns of development, and ii) the proposal would result in overlooking and an unacceptable loss of privacy detrimental to residential amenity.***

Impact on Upper Town Conservation Area

The application site is within Oxenhope Upper Town Conservation Area and the Conservation Area Appraisal reflects Oxenhope Village Design Statement by acknowledging the importance of open space and small fields to the rural setting and character of the historic core of the village. The site forms part of a key area of open space that extends up the slope away to the south and includes adjoining smallholdings.

However, the site itself is not widely visible because it is set level with the adjoining housing on Pear and Apple Street and is bordered by existing development on 3 sides. Whilst the site is part of a wider tract of open space, the Council's Design and Conservation Team have stated that the site itself does not make a strong positive contribution to the character of the Conservation Area, and that it is the fields to the south which provide the most value in terms of providing the backdrop and open setting to the buildings of the Conservation Area. In light of advice from the Conservation Officer that the principle of development is acceptable, it is considered that the proposal to build on this space would be relatively unobtrusive "rounding off" and would not have a negative impact upon the Conservation Area and would not conflict with RUDP Policies BH7 and BH10 subject to ensuring an appropriate quality of development.

The Council's Design and Conservation Officer also considers the design of the proposed dwellings to be appropriate to the character of the Conservation Area. The proposed dwellings are proposed in stone with blue slate roofs and are designed to include vertical windows and some traditional elements, in keeping with the local vernacular. The materials as such are considered appropriate in principle, subject to samples being submitted for approval.

The houses are large. However, their scale reflects that of the two recently constructed houses built nearby and adjacent to the site on The Vales. The scale, appearance and massing would be consistent with this adjoining development and so could not be argued to be out of keeping with the area.

The proposal retains the existing stone boundary walls and the trees around the boundaries to provide a mature and established setting for the development and the houses would be set well within the site boundaries, retaining plenty of open space. The scheme would also provide additional planting and landscaping which it is considered would reinforce and contribute to the visual amenity value of the site.

The design, materials, massing and siting of the development therefore accords with Policies BH7, BH10, UR3 and D1 of the RUDP.

#### Impact on Trees

There are a number of mature trees growing around the site perimeters particularly to Church Street which are protected as they are within the Conservation Area. The applicant has submitted a tree survey for the site and the Council's Arboriculturalist has confirmed that the scheme is designed so it would not result in the loss of any existing trees. The trees are some distance from the two houses. The proposal includes additional planting and landscaping to supplement the existing trees. Accordingly the proposal is considered acceptable in terms of impact on trees and Policies NE5 and NE6 of the RUDP which would seek their protection and retention. Conditions should be attached to ensure appropriate protective fencing is erected during construction and that the landscaping scheme is implemented on the site at the earliest planting opportunity.

#### Residential Amenity

The proposal has been redesigned to overcome previous reason 2 for refusal of application 07/07/08631/FUL which related to a loss of residential amenity for residents on Church Street and specifically overlooking between habitable room windows from the back elevation of House 2. This has been turned to face north/east- south/west and only one window to the outward facing side elevations (east elevation for house 1 and west elevation for house 2) are proposed, both of which serve ground floor w.c's and would be obscure glazed. There are similarly no issues regarding overlooking between the two proposed dwellings.

The location of the houses in relation to the bungalows at 43-45 Uppertown has been carefully assessed in response to the objections including concerns from Oxenhope Parish Council about overshadowing. However, those windows openings in the front elevations facing the bungalows exceed normal required separation distances to neighbouring boundaries and property windows. House 1 would be 14.5 metres to the boundary of the gardens of the bungalows and about 22 metres to the windows of the bungalows. House 2 is set at an angle and away to one side of the bungalows and achieves 21 metre separation to their windows. As such no significant or unacceptable overlooking would occur. Additional boundary planting is also proposed to further reduce any perceived loss of privacy for the bungalows and other surrounding properties.

Although it is acknowledged that the site is slightly elevated above the bungalows at 43-45 Uppertown, the rise of the site is only gradual and the floor level of the new house on Plot 1 would be set only about 1.0 -1.4 metres higher. The proposed houses would have a height of 7.7 metres to ridge, which is the conventional height of a two storey house. It is not considered that the difference in levels would cause significant dominance or any undue overbearing effects given the separation between the new houses and the existing bungalows.

The garage of house 1 would be located 1.5 metres from the shared boundary with the blank side wall of number 4 the Vales. This element is single storey and as such not considered to cause significant overshadowing. Further, by virtue of the separation distances to other site boundaries there are no other neighbouring properties which would be significantly impacted in terms of overshadowing.

The proposal by reason of its configuration and layout would not result in unacceptable overlooking or overshadowing of neighbours and the proposal therefore is considered to comply with Policies UR3 and D1 of the RUDP.

#### Traffic Flow and Highway Safety

Each of the proposed dwellings provides double garage facilities with areas of block paved hard standing in front to provide additional off street parking. The layout allows easy use of the parking provision and the turning heads would allow vehicles to turn within the site in order to exit in a forward gear. The off street parking provision is satisfactory and such that the proposal would not be likely to result in overspill parking affecting the off road parking provision of the existing dwellings on The Vales.

Oxenhope Parish Council expresses great concern over the hazardous access from The Vales onto Hebden Bridge Road. However, The Vales is a reasonably wide drive access and the Council's Highway Officer does not consider that the addition of 2 dwellings would have any material effect on local highway safety. Visibility is considered reasonable and no accidents have been recorded that would suggest a highway safety problem that could justify opposing this scale of development.

It is recommended that a Condition be imposed to ensure that no vehicular access is formed from the development onto Church Street since vehicular exit onto Hebden Bridge Road from Apple or Pear Street is significantly substandard in terms of visibility.

#### Sustainable Patterns of Development

The proposal involves the construction of two large detached dwellings on previously undeveloped land that adjoins existing housing.

A previous application on the site (07/08631/FUL) was refused on the grounds that the development would not contribute to sustainable patterns of development. This was on the basis that Oxenhope village was not seen as a sustainable location for housing development due to it lacking services and facilities and having relatively infrequent public transport services. Policy UDP 1 seeks to focus development on the urban area, encourage most effective use of brownfield sites and concentrating development in areas with good public transport links.

However, it is not the intention of the RUDP or the emerging LDF to prevent all housing development in Oxenhope or similar villages. National Government guidance in PPS3 on "Housing" aims to deliver additional housing through a new more responsive approach to land supply at the local level and reflects the Government's commitment to improving the supply of housing in all communities - including within rural settlements.

Policy UR4 was the mechanism by which the Local Planning Authority previously sought to maximise the amount of development on previously developed land and promote a sequential approach to release of sites to ensure development in sustainable locations. However, the changed emphasis with PPS3 led to Policy UR4 of the RUDP not being “saved” because it was deemed out of step with national guidance.

The resubmission of this application has prompted a review of the previous refusal and whilst it is acknowledged that Oxenhope is low down the hierarchy of sustainable settlements within the District, in the context of Oxenhope village, the application site is on the edge of the built limits of the settlement, is surrounded on three sides by residential development and is well located relative to the village’s available range of facilities. As the agent for this application has argued, other recent planning decisions within the settlement have reflected the view that there should not be a block on small scale development in the village on grounds of its limited sustainability credentials and that modest housing development would be appropriate to enable the village to continue to grow in a controlled manner to meet its own housing needs. The application proposal is such a modest proposal that is well placed in terms of accessibility to the centre of the village. On balance it is not considered that this small scale development involving the addition of just two detached dwellings to the village would significantly affect the achievement of sustainable patterns of development as part of the RUDP strategy.

#### Density

Policy H7 of Bradford’s Replacement Unitary Development Plan supports national guidance contained within PPS3 and aims to ensure that development proposals make efficient use of land, requiring development proposals to achieve densities of at least 30 dwellings per hectare. The density of development proposed here would result in a density of development of just over 14 dwellings per hectare and as such is below the required levels expected. However, and as is outlined in the supporting statement by the applicant, the policy guidance requires 30 dwellings per hectare unless there are material considerations specific to the site which dictate otherwise. The development here proposes the retention of mature trees within the site which together with the standard of the access and need to respect amenity of adjoining housing restricts the developable area of the site. The access arrangements to the site via The Vales is also such that the provision of more than two dwellings is not likely to be desirable on the grounds of highway safety. The character of the development also reflects that of the recently erected detached houses at the entrance to the site. In these circumstances it is considered that the proposal provides the most efficient and effective use of the site and is an acceptable exception to Policy H7 of the RUDP.

#### Other Issues

The proposal makes provision for suitable outdoor amenity areas and facilities for bin storage and servicing of the site.

The Council’s drainage section has been consulted on the application and has not raised any concern with the scheme. In the absence of any evidence of existing drainage issues in the area the proposal would not be considered likely to create any issues regarding flooding of neighbouring properties through increased run off. Parking areas proposed are permeable (block paving) and significant landscaped areas are retained around the site boundaries. Condition should be attached regarding approval of details of surface water drainage details as suggested in the Councils Drainage Sections consultation response.



**Community Safety Implications:**

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

**Reason for Granting Planning Permission:**

The previous reasons for refusal have been reviewed but it is not considered that the scale of development and the position of the application site are such that the development could be said to significantly affect the achievement of sustainable patterns of development as part of the RUDP strategy. It is considered that the proposed development is designed to be sympathetic to the character and appearance of the Oxenhope Upper Town Conservation Area. The dwellings have been amended and sited to safeguard the residential amenity of adjoining occupiers and trees. The scale of development and means of access are such that it would not have any significant impact on highway safety. The development accords with Replacement Unitary Development Plan Policies BH7, BH10, UR3, D1, NE5, NE6 TM2, TM12 and TM19A.

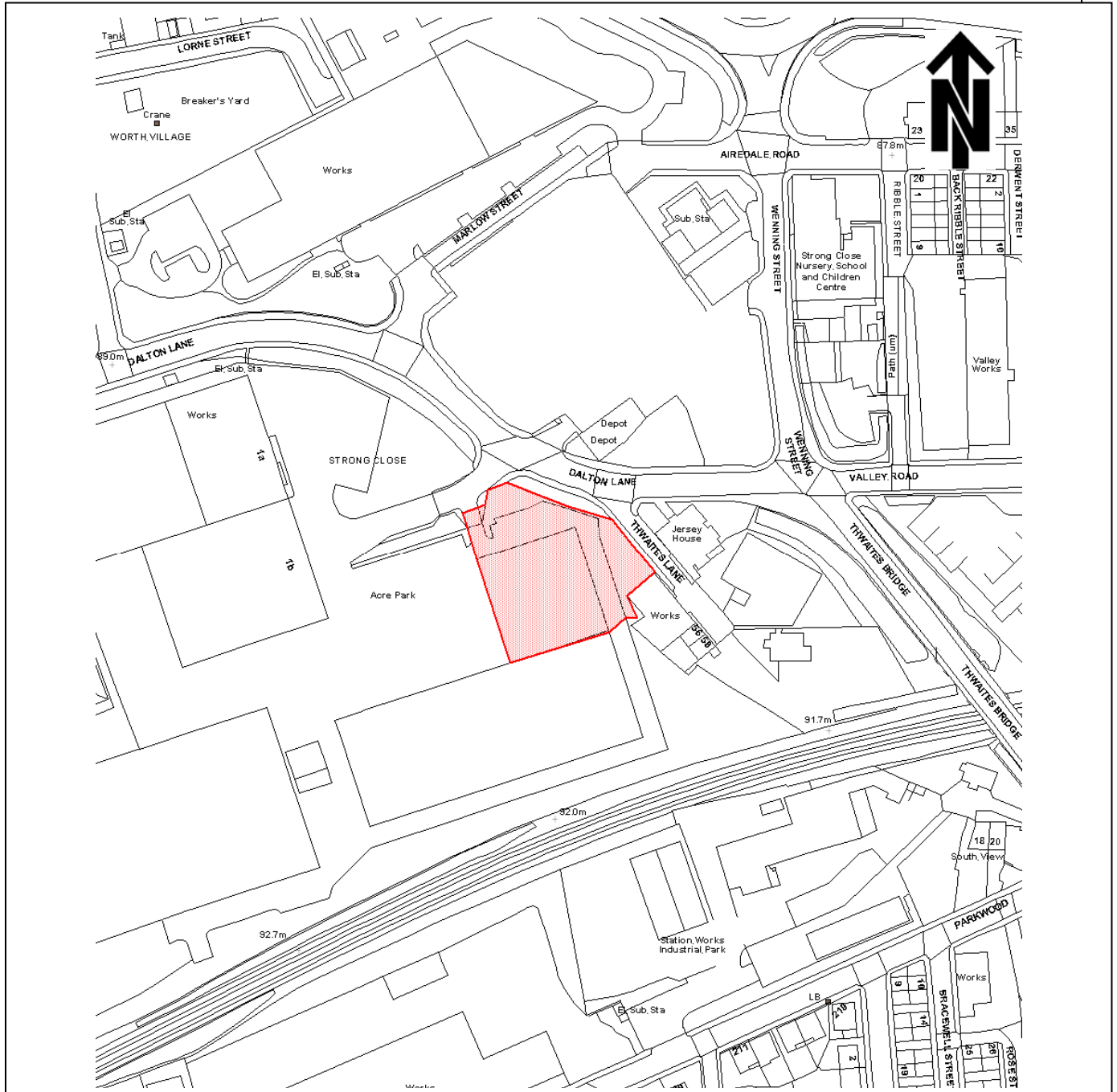
**Conditions of Approval/Reasons for Refusal:**

1. Development to be begun within 3 years.
  2. Prior to commencement of development, samples of facing and roofing materials to be submitted to and approved in writing by the Local Planning Authority and the development constructed in the approved materials.
  3. Protective fencing to be installed around retained trees within and around the edges of the site prior to commencement of development and retained during construction.
  4. Full details of the proposed landscaping are to be submitted to, and approved in writing by the LPA prior to commencement of development. The approved landscaping shall be implemented prior to occupation of any of the dwellings hereby approved.
  5. No vehicular access or egress shall be formed from the development onto Church Street.
  6. Parking, turning and access facilities to be provided as shown on the approved drawing prior to initial occupation of any dwelling hereby approved.
  7. No development to commence until details of proposed means of surface water disposal including details of any soakaways, have been submitted to and approved in writing by the LPA. The approved details shall be implanted prior to occupation of any of the dwellings.
  8. Restrict hours of construction : Unless otherwise specifically agreed by the LPA, construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.
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Area Planning Panel (Keighley)

09/02304/FUL

16 September 2009



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ITEM NO. : 7	<b>LOCATION:</b> <b>Unit 3 &amp; 3A Acre Park</b> <b>Dalton Lane</b> <b>Keighley</b>
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**16 September 2009**

**Item Number: 7**  
**Ward: KEIGHLEY EAST**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

APPLICATION REFERRED TO PANEL AT REQUEST OF A WARD COUNCILLOR

**Application Number:**  
**09/02304/FUL**

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

Proposed change of use of Units 3 and 3A from B2/B8 (industrial and warehousing) to a use within Use Class D2 as a children's indoor play facility at Units 3 and 3A, Acre Park, Dalton Lane, Keighley.

**Site Description:**

Units 3 and 3A are part of a group of modern industrial units located to the south side of Dalton Lane, and within an allocated Employment Zone as identified by the replacement Unitary Development Plan. The premises are located a short distance from the junction of Dalton Lane with the Aire Valley Trunk Road, making the site attractive in transportation and accessibility terms. The application site forms part of, and share access with a larger industrial complex of buildings that extend to the west.

**Relevant Site History:**

08/07023/FUL – Change of Use to indoor childrens' play facility. Refused January 2009  
08/04726/FUL – Redevelopment of industrial estate to provide additional parking and turning facilities with external alterations and demolition. Granted 22.10.08  
07/09555/PMI – Sports centre for 5-a-side football. Unacceptable in principle  
03/00865/FUL – Factory extension and new warehouse building with covered link to building. Granted 16.04.2003  
97/03419/FUL – Erection of 2.4 metre high galvanised palisade fencing. Granted 7.1.98  
95/00660/FUL – Single storey extension to form boiler house. Granted 10.5.95  
92/02576/FUL – Installation of two additional loading bay doors. Granted 06.07.1992  
91/04975/FUL – Extension to factory. Granted 7.10.91  
07/09555/PMI – Sports centre for 5-a-side football. Unacceptable in principle

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

**Allocation**

Located within an Employment Zone on the RUDP Proposals Map

**Proposals and Policies**

UDP4 – promoting economic regeneration  
UR3 – local planning considerations  
E1 – protecting allocated employment sites  
E3 – protecting existing employment land and buildings in urban areas  
TM2 – impact of traffic and its mitigation  
TM19A – traffic management and road safety

**Parish Council:**

No comments received.

**Publicity and Number of Representations:**

Advertised by neighbour letters and site notice. Expiry 23 June 2009

No representations received

**Summary of Representations Received:**

Principle

Impact on local amenity

Highway safety and parking issues

**Consultations:**

**LDF Policy Team** – Objection. The ARUP Employment Land Review carried out for the LDF highlights the need to plan for ambitious employment growth, and Keighley is seen as a key potential employment growth location in the Airedale Corridor Regeneration Area. The ARUP study recommends effective management of existing employment sites in the Dalton lane and A650 area to meet demand for B2 employment and B8 warehousing. This existing employment building must be retained for employment purposes in accordance with Policy E3 of the RUDP.

**Highways DC** - There is potential for conflict at the entrance between industrial traffic and traffic attending the proposed play facility. There is poor pedestrian provision.

**Summary of Main Issues:**

Principle

Impact on local amenity

Highway safety and parking issues

**Appraisal:**

**Principle**

This site, comprising a group of modern industrial buildings is located within a well established and allocated Employment Zone within the urban area of Keighley.

The application form indicates that the application relates to two adjoining buildings totalling 1500 square metres floor area. These buildings are physically attached to other B2 industrial buildings forming part of Acre Park.

As a matter of broad principle an indoor play centre use would not be regarded as an "Employment" use for purposes of RUDP Policy and so the proposal may conflict with Policies E1 and E3 which seek to ensure that employment land is retained for employment generating uses. Policy E3 states that within the urban areas of the District, use of existing employment land and buildings for other uses will not be permitted unless it satisfies a series of exceptions. None of these exceptions listed in Policy E3 seem to apply to the application site. For example, it cannot be held that it is no longer appropriate to continue the use of the premises for employment because of any adverse effects on surrounding land uses; the building is not in a mixed use area or a town centre; the building is not listed or in a conservation area so there would be no heritage benefits to be derived from ceasing such a use of the building; and it cannot be said that the building has become functionally redundant for employment use - a point conceded by the agent.

The applicant, in addressing the conflict with the policy that seeks to keep employment buildings available for employment uses states that the building has been unused since November 2003, and that the proposed use as an indoor play facility would generate 10 full time and 10 part time jobs (15 Full Time equivalent jobs). This figure is derived on the basis of a figure of 150 children using the play equipment and facilities at any one time.

However, such a period of vacancy should not be taken to be a determining factor leading to the permanent loss of prime employment buildings. If the indoor play facility is the same as others, the employment figures quoted will generally comprise part time work as appears to be the norm in comparable facilities elsewhere. Indeed it is common with this form of development for the majority of staff to be in the school-leaver age group.

Keighley is identified as a Principle Town in the Regional Spatial Strategy and is regarded in the Employment Land Review as a potential growth location within the Airedale Corridor Regeneration Area, being the second major location in the District for development after Bradford. The Employment Land Review recommends proactive intervention to enable new strategic sites to be brought forward for economic growth for B2 and B8 uses, and a strategy to take advantage of opportunities in the Dalton Lane Employment Zone.

The building forming the subject of the application is well located being in close proximity to the arterial Trunk Road passing through the Aire Valley and whilst it may presently be unused, its location makes it potentially attractive to future occupiers and it would be directly harmful to regeneration aspirations to encourage or permit the loss of such facilities that could, in future, provide accommodation for locally grown businesses or businesses seeking to expand or relocate to this area.

The loss of this important and well located, modern unit to a non-employment use would fail to accord with current employment land policy and strategy. As a matter of principle therefore the proposals are unacceptable in light of Policy E3 of the RUDPO which seeks to preserve a supply of Employment land and premises for this intended purpose.

This is consistent with the Officer response given in respect of an informal enquiry received by the Council in 2007 proposing use of the building for sporting uses. The Officer view was similarly that such a proposed use was unacceptable in principle due to the loss of the premises from Employment use.

### **Local Amenity**

Looked at in isolation, the proposed use of the building for children's play would be unlikely to give rise to direct harm to local amenity due to its remoteness from any residential properties. However, the proposed use could have implications for other business operations within Acre Park and this and the safety of users are addressed below.

### **Highway safety and parking**

The proposed introduction of the indoor play facility use would bring significant private motor vehicle movements into the site and introduce pedestrian activity into an industrial environment where heavy goods vehicle operations are common and frequent.

The application site plan indicates that the car park intended to serve the children's indoor play facility would be on a route passing through it to other adjacent industrial units. Pedestrians visiting the indoor play facility with young children, or parents unloading children from cars would have to cross the route to these other industrial units. This in itself would

make the highway and pedestrian safety aspect unacceptable irrespective of other issues since industrial traffic through a car park used primarily by children and their carers would likely give rise to significant danger.

Moreover, the potential for conflict between users of the proposed car park and large commercial vehicles attending nearby businesses has the potential to be detrimental to the efficient operation of those nearby businesses. The applicant indeed observes in his supporting statement that some parents/carers can fail to heed local traffic restrictions, leading to congestion and safety concerns. It would be unjustifiable for the existing access arrangements for the wider industrial complex to be partly closed off or otherwise altered in order to accommodate this proposed use.

The car park allocated to Unit 3 and 3A indicated in the submitted plans provides for 32 parking spaces including 2 disabled spaces. Of these, 4 are indicated as being alongside the eastern elevation of the building. These 4 spaces would however be unacceptable in terms of safety of use since they are immediately parallel to the access/service road leading to adjoining industrial units. It is considered that these four spaces, in particular, would lead to serious risk to the safety of users, where young children and mothers with prams are likely to come into conflict with industrial through-traffic without the benefit of a footway or other refuge.

The applicant indicates that 10 full time and 10 part time jobs would be created. The applicant also states that the 1500 square metre play centre would have a capacity of 300 persons, with play capacity for 150 children.

The application drawings show a total of 32 car parking spaces to serve the development, whereas current car parking standards would require some 68 spaces to serve this form and size of use.

It is clear therefore that the proposed 32 parking spaces fall substantially short of the required standard for a development of this type and that as a consequence, there is a likelihood that at peak times, on-street parking would occur to the detriment of highway safety and the free flow of traffic. Since this is an entirely industrial area the possibility of on-street car parking could result in difficulties for the manoeuvring of HGVs serving other businesses in the Dalton lane area - to the detriment of the efficient operation of the surrounding industrial units as well as to the detriment of road safety.

It is clear that introducing young children and parents/carers with prams and pushchairs into a situation where they would be moving in or through an area used otherwise wholly by heavy goods vehicles and associated traffic passing through the site to adjacent industrial units would be at best undesirable and at worst unacceptably dangerous. It is not considered that any circumstances could realistically be described that would overcome this fundamental objection to the proposals.

Accordingly the proposals fail to comply with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

**Consideration of applicant's arguments**

The agent has argued that, if approved, this proposal will bring the building back into a beneficial use for a use that requires a large clear space which is not readily available in other non-industrial locations. It is argued that any jobs are better than a disused building. However, Officers have genuine concerns that loss of this building from the supply of employment buildings would have a detrimental impact on the longer term regeneration of Keighley and would pose problems for users of other units on Acre Park as well as placing users of the play facility in potential conflict with the vehicle activity to other units on the estate.

**Community Safety Implications:**

There are no community safety implications.

**Reasons for Refusal:**

Refuse for the following reasons:

1. The industrial buildings forming the subject of this application are located within an allocated Employment Zone. The proposed use of the buildings would fail to accord with Policies E1 and E3 of the Replacement Unitary Development Plan since it would result in the loss of employment land and buildings to the detriment of local economic and social regeneration objectives.
  2. The proposals would introduce private motor vehicle movements and vulnerable pedestrians into an industrial environment where there is significant heavy vehicular activity, including through the proposed car park serving the application site. The proposed development would as a consequence lead to significant risk to pedestrian and vehicular safety, and potential detriment to the efficient operation of nearby businesses, contrary to Policies TM2 and TM19A of the Replacement Unitary Development Plan.
  3. The proposals provide for less than half the standard level of off-street car parking for this form of use. As a consequence it is likely that uncontrolled on-street car parking will occur in the highways surrounding the application site, to the detriment of highway safety and the free flow of traffic including a high proportion of HGVs, contrary to Policies TM2 and TM19A of the Replacement Unitary Development Plan
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