

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 21 January 2010

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Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	Land To The East Of Girvan Scott Lane Riddlesden Keighley West Yorkshire [Approve]	Keighley East
2.	Paddock Adj To West Riddlesden Hall Scott Lane Riddlesden Keighley West Yorkshire BD20 5BU [Approve]	Keighley East
3.	Sugden End Household Waste Site Halifax Road Cross Roads Keighley West Yorkshire [Approve]	Worth Valley

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Portfolio:
Environment and Culture

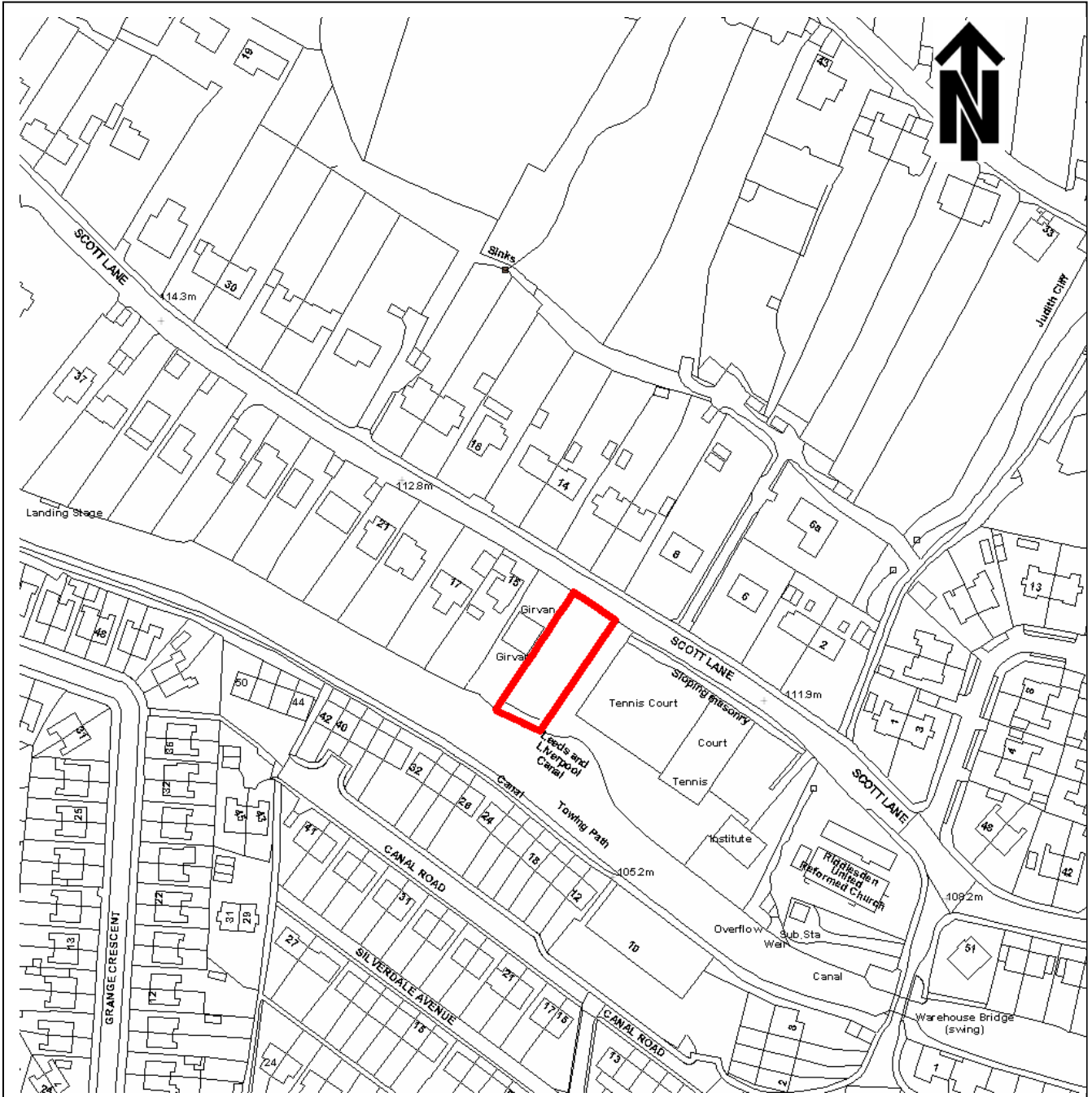
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley)

09/04501/FUL

21 January 2010



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ITEM NO. : 1

LOCATION:
Land To The East Of Girvan
Scott Lane, Riddlesden
Keighley

21 January 2010

Item Number: 1
Ward: KEIGHLEY EAST
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
09/04501/FUL

Type of Application/Proposal and Address:

Full planning application for construction of a building comprising 2 flats on land opposite 10 Scott Lane, Riddlesden Keighley.

Site Description:

The site is a rectangular area of overgrown garden land approximately 488m² in area sloping down from Scott Lane to the Leeds Liverpool Canal. There are trees along the canalside and a small copse of trees on adjoining land to the east that forms part of the grounds of the adjoining Riddlesden Institute and Tennis Club. Abutting the application site to the west is Girvan - a 1960's detached bungalow with an extension towards Scott Lane and a garage standing at a higher level facing the street. Similar modern properties to Girvan extend westwards along the strip of land between Scott Lane and the canal. Across Scott Lane are 1920s semi detached houses standing back from the road. The site lies within the Leeds Liverpool Canal Conservation Area.

Relevant Site History:

05/00143/FUL – full planning application for construction of two dwellings. Refused 19.12.2005 on grounds of overshadowing adjoining property (Girvan); effect on conservation area; effect on TPO trees and insufficient information. Dismissed on appeal.

06/09176/FUL - full planning application for construction of two dwellings. Refused 05.11.2007 on grounds of adverse relationship to Girvan, insufficient information, impact on trees, affect on conservation area, affect of windows on retention of trees, prejudice of future development, overlooking/loss of privacy and materials.

09/02128/FUL - full planning application for construction of two flats. Refused 02.07.2009 on grounds of principle, impact on biodiversity and insufficient information.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated on RUDP Proposals Map. In Leeds Liverpool Canal Conservation Area Adjacent to Site of Ecological and Geological Importance (Canal)

Proposals and Policies

[UDP1](#) Promoting Sustainable Patterns of Development

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

[UR3](#) The Local Impact of Development

[H7](#) Housing Density - Expectation / [H8](#) Housing Density - Efficient Use of Land

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

[TM12](#) Parking Standards for Residential Developments

[TM19A](#) Traffic Management and Road Safety

- [D1](#) General Design Considerations
- [D4](#) Community Safety
- [BH7](#) New Development in Conservation Areas
- [BH10](#) Open Space Within or Adjacent to Conservation Areas
- [BH20](#) The Leeds and Liverpool Canal
- [NE4](#) Trees and Woodlands
- [NE5](#) Retention of Trees on Development Sites
- [NE6](#) Protection of Trees During Development
- [NE9](#) Other Sites of Landscape or wildlife Interest
- [NE10](#) Protection of Natural Features and Species

Parish Council:

Keighley Town Council says it will “follow Planner’s guidelines”.

Publicity and Number of Representations:

Publicised by means of site and press notices and individual neighbour notification letters. Publicity expired on 5 November 2009. Seven objections have been received. A Ward Councillor has requested referral to Panel.

Summary of Representations Received:

All representations object to the proposal. The grounds of objection are summarised below:

1. The plans are inaccurate; the height of the proposed building will be much higher than the height of Girvan.
2. The screening wall will have an overbearing and light diminishing affect on Girvan.
3. As the scheme has altered little from the previous refusal 09/02128/FUL it will still have a detrimental impact on the environment of the Leeds Liverpool Canal as laid out in the first two reasons for refusal given for 09/02128/FUL.
4. The proposed building extends in front of Girvan.
5. The development of the site for flats is alien to the character of the area and they have difficulty comprehending why the applicant is not applying for one dwelling which they consider would be more in keeping with the character of the area.
6. Detrimental impact on wildlife – particularly bats, swans and ducks.
7. Not enough thought has been given to the soft edge canal bank in the proposal.
8. Overlooking of 26 and 28 Canal Road would be caused from south elevation windows.
9. Felling of trees would be detrimental to the appearance of the Leeds Liverpool Canal Conservation Area.
10. Any development with windows overlooking the adjacent tennis courts could jeopardise the Institutes plans for developing their tennis facility and the day to day running of the Institute’s tennis club with complaints about noise.

Consultations:

British Waterways : Indicate that British waterways owns the strip of land immediately adjoining the canal. Though this is not affected by the development and the applicant has served relevant Notice on British Waterways.

Council’s Countryside Section: Overall, the Countryside Officer has no objections. Site is alongside Leeds Liverpool canal which is a Site of Local Ecological and Geological Importance. However, in view of the predominantly residential character of the area, the proposal itself would have little direct impact on the wildlife value of the canal provided tree cover is retained. The proposed “natural” landscaping on the canal edge would be beneficial and the Countryside Officer asks to be consulted on any details of this proposal. Also

recommends that bat roosts are incorporated within the proposed structure to enhance habitat for bats and recommends use of sustainable surface water drainage such as permeable surfaces.

West Yorkshire Ecology: WYE do not have any objection to the proposal. It is adjacent to the Leeds Liverpool Canal Site of Ecological or Geological Importance but the proposed building is set a reasonable distance from the waterway, as are similar existing buildings within the area. The proposal also indicates a zone along the canal bank which will be given over to nature conservation, this to be agreed in detail through a condition. This would appear to be satisfactory provided that the “nature conservation area” can be separated from the garden areas of the site by a fence and native species hedgerow or scrub planting. It should be noted that most of this area is under the canopy of a single large tree. It may be possible to establish thorny native scrub in this area, with some native woodland ground flora.

Design and Conservation Section: This proposal has developed through a number of submissions and discussions. The positioning of the building on the site and its massing in relation to the canal are acceptable. Substantial vegetation will remain which is the existing characteristic of the site, and this will also screen the development in part.

The design composition is contemporary, which works comfortably in the context which has no one defining architectural style. The appearance will not be incongruous, but should satisfy the need for design quality as demanded by PPS1 and Policy D1.

The proposed materials include natural stone and slate, which will be dominant when viewed from the canal or south-east. Render will be mostly visible from Scott Lane and the east, but this is a finish already prevalent in the area. The simple palette of render, stone and glazing in dark aluminium frames complements the design and should provide a quality composition.

A sample panel of masonry and pointing should be conditioned, together with slate sample. Clear details of tree protection and the canal side landscaping must be obtained to protect the informal character vegetation from degradation during or after construction.

Drainage Services Unit: Requests condition is imposed on any approval requiring separate drainage system.

Trees Section: is unable to support this application for the following reasons-

- Primary light source windows to the Eastern elevation are unacceptably close to developing protected trees and will increase pressure to prune/fell trees due to lack of light, nuisance and perceived threat. Light source windows should be secondary windows only to this elevation of utility /non habitable rooms.
- The proposed unit is unacceptably close to the crown spread of trees.
- There are no details of a construction methodology being that this site is extremely restrictive and the build may impact on trees including foundation construction.

Yorkshire Water Services Ltd.: No objection subject to the imposition of conditions regarding no building within 3.0 metres of the sewer running across the bottom part of the site (parallel with the canal) and conditions reserving details of surface water and foul drainage.

Summary of Main Issues:

1. Principle of residential development and density
2. Design and appearance and impact on Leeds Liverpool Canal Conservation Area
3. Impact on amenity of neighbours
4. Impact on wildlife value - Leeds Liverpool Canal Site of Ecological / Geological importance
5. Impact on trees
6. Highway safety

Appraisal:

The proposal is to construct a two storey building comprising 2 flats on this land that was formerly an area of garden belonging to the house opposite at 10, Scott Lane. The plot is immediately next to Girvan, a single storey bungalow which is one of a row of similar properties built on land between Scott Lane and the canal. Parking will be on a forecourt facing Scott Lane which will provide vehicular and pedestrian access to the site.

1. Principle and density

There are no objections to the principle of developing this brownfield site within the urban area. It is in a sustainable location within 400m of ten-minute bus routes on Bradford Road giving access to community facilities. A local bus service runs along Scott Lane. RUDP density policies would ideally require a density of around or above 50 dwellings/hectare, which on a site of 0.0488ha in area would equate to a density of at least 2.6 dwellings. However, the proximity of the site to Girvan and the adjoining trees means the amount of developable land is constrained and it is considered that redevelopment of the site for two flats would form the most efficient and realistic use of this land in accordance with Policies H7 and H8 of the RUDP.

2. Design and appearance and impact on Leeds Liverpool Canal Conservation Area

The proposal is for a pair of flats to be formed in a two storey building that would take account of the slope down from Scott Lane to the canal and would have the profile of a single detached dwelling when viewed from Scott Lane. The ridge of the building would run at right angles to Scott Lane and the gable facing the canal would be two storeys in height. The applicant has provided a section showing that the change in levels would mean that the new building would not be significantly higher than Girvan (difference in height of 0.65m between ridges) and the physical form would not dominate this adjoining bungalow or the Scott Lane street scene. Contrary to the views of some objectors, when viewed from Scott Lane, the building would appear in character with the form of the various other dwellings facing Scott Lane on this side of the street.

The site lies within the Leeds Liverpool Canal Conservation Area and the design and external appearance of the proposal needs to be assessed against Policies BH7 and BH20 as well as D1 and UR3 of the UDP. BH20 states that development highly visible from the canal should maintain and where practical make a positive contribution to its recreational, tourism and environmental value by the use of designs, materials and detailing which take full account of their context.

Towards the south, the building would be two storeys high and would have a largely glazed gable with balconies facing towards the canal. The agent has been encouraged towards a contemporary design for this and the side elevations, rather than copying the 1960s style bungalows to the west. The contemporary design of the dwelling is explained in the Design

and Access Statement and is supported by the Council's Conservation Officer. The design is appropriate given the mixture of single and two storey properties in this locality and the Conservation Officer considers the building to have variety and interest, making a positive contribution to the character of the canal conservation area, and maintaining a suitable level of the existing landscape coverage.

The agent proposes a natural slate roof which would be a prominent element of the development and would be of decidedly better quality than the roof coverings further west of the site. A mixture of glazing, split faced natural stone and areas of white render would be used in the elevations with stone being the most prominent material when viewed from the canal. The design and materials have been modified in the light of earlier refusals and with the help of Conservation Team comments. It is considered that the form and massing of the building are now appropriate and the contemporary design would provide an interesting building with an appropriate quality and mix of external materials that would be complementary to the character and appearance of the Canal Conservation Area. The proposal thus accords with Policies D1, BH7 and BH20 of the RUDP.

3. Impact on amenity of neighbours

The proposed flats will be sited approximately 32m from the front elevation of existing dwellings on the north side of Scott Lane. This separation will mean that the proposal will have no appreciable affect on the amenities of the existing properties on the north side of Scott Lane. The proposed flats would also be sited over 40m from the existing dwellings on Canal Road to the south, on the far side of the Leeds Liverpool Canal. This distance is significantly greater than normal standards of separation and, despite the windows in the development facing in this direction, will mean that the proposal cannot be considered to have any significant effect on the properties beyond the canal.

The relationship of the proposed flats to Girvan, to the west of the site, has been especially carefully considered – not least because this was a principle reason for previous refusal of the proposal and the dismissal of a planning appeal.

To address concerns from the occupiers of the neighbouring bungalow the following alterations and clarifications have been provided.

- The body of the proposed dwelling has been sited to extend only slightly beyond the south elevation of Girvan - by 0.39m at the closest point. A bay / balcony will extend out of the south elevation by 0.9m but this would be off set 3 metres from the common boundary. It is not considered that proposal would lead to overshadowing windows in the southern elevation of Girvan (facing the canal).
- The proposed dwelling has been amended to remove sections of the structure that previously projected beyond the north wall (facing Scott Lane) and which adjoined the boundary with Girvan. The elements of the proposed flats extending beyond the northern elevation of Girvan would be set in from the boundary by 4.4m. This distance is considered sufficient to ensure that the two storey element of the building would not unacceptably overshadow existing habitable windows on Girvan's northern elevation.
- Girvan has a bathroom and a WC window on its side elevation which would face east towards the new flats. The distance between the east elevation of Girvan and the west elevation of the flats would be 3m. Although the building would cause a degree of loss of light to the bathroom and WC windows, these are not habitable rooms and the increased distance between the properties compared the 2005 appeal are such that the degree of impact on residential amenity is not sufficient to form justify refusal.

- A level car parking will be provided for the flats on the Scott Lane frontage and it is acknowledged that this would be set at a higher level than Girvan reflecting the change in levels across the site. The garage and parking hardstanding for Girvan is also set at this higher level. In order to prevent overlooking of Girvan from people using the car parking deck, the scheme now proposes a 1.8m high screen wall and a 1.8m high close boarded fence down the common boundary.
- Privacy for the occupiers of Girvan from habitable room windows in the flats will be provided by means of screen fencing down the boundary at ground level. Privacy from the first floor balcony facing the canal will be provided by a screen wall of obscure glass with block behind it. There will be a small rear facing window to the Living room / dining room of the first floor flat. This will not look down into habitable rooms of Girvan and given the size of the window it is considered that to overlook Girvan's rear garden that the angle would be too acute to allow unacceptable overlooking.
- Privacy from the terrace facing the canal would be provided by a 2m high close board screen fence.

Occupiers of Girvan are concerned that the screen walling to the car park proposed to prevent views onto their property would be overbearing and affect light. However, it is not accepted that this wall would have such a significant effect as it would be set to the side of Girvan and 6.6m from the north elevation windows. As it is on the north side it is unlikely that the screen wall would have any more serious impact on daylight than the neighbour's own garage. The screen fence down the common boundary may have some effect on daylight but this is a feature that could be erected under permitted development rights.

Given the proximity to Girvan it would be appropriate to restrict hours of construction to safeguard the amenity of the neighbouring occupiers.

The Riddlesden Institute has objected due to concerns that the development would overlook their land and may affect Members using the courts and prejudice implementation of future plans to develop more tennis courts. However, the development is a significant distance from the existing tennis courts with a dense belt of protected trees between. It is not considered that the use of the land for tennis would be prejudiced by construction of the development on the application site. As stated elsewhere in this report the trees on the land adjoining are subject to a Tree Preservation Order. It is therefore unlikely that the development of tennis courts right up to the boundary with the application site would be permitted.

In conclusion it is considered that the proposal has addressed previous concerns such that the development would have no significant adverse effect on the residential amenity of neighbours and therefore accords with Policies D1 and UR3 of the RUDP.

4. Impact on Leeds Liverpool Canal Site of Ecological / Geological importance

The Leeds Liverpool Canal is designated as a site of ecological / geographical importance. Previous reasons for refusal referred to possible impact on the wildlife interest of the canal. However, the application site itself contains only overgrown scrub and brambles and the proposed building would sit some distance back from the canal itself, retaining most of the adjoining trees. There has been clarification of how the development would impact on the canal and the Council's Countryside Officer and West Yorkshire Ecology Service have now confirmed that there are no objections on ecological grounds. It is suggested that the building could incorporate features for bats and, as far as is possible, sustainable drainage measures. Given the lack of any objections from the ecology/wildlife consultees, it is considered that

proposal will comply with relevant Policies of the RUDP seeking to protect and diversify wildlife habitat.

5. Impact on trees

Contrary to points made by some objectors, there are no trees on the actual site of the proposed building and the development would not affect the trees on the canalside - although it is noted that one of these (a large willow) is already in poor condition. The development would be set well back from the water front and the proposal is to retain trees and carry out additional "natural planting" to the canal edge.

A dense copse of self seeded trees occupies land immediately east of the development site on land owned by the Riddlesden Institute, and several trees have branches extending into the application site. These trees are protected by a Group Tree Preservation Order, but the trees are almost exclusively sycamores of no significant individual merit. The value of the trees is as a group, particularly when seen from the canal. The agent has suggested that some of these trees be removed (T1) or trimmed (T13) which has provoked objections. However, it is not considered that either of these actions would diminish the value of the group of trees and the scheme does not promote wholesale removal of trees as is suggested by objectors. T1 for example is squeezed up close to other sycamores and its loss to improve access would hardly be noticed.

The Council's Tree Officer has concerns that the east elevation windows in the flats face onto the protected tree belt and may lead to pressure to prune or fell trees from future occupiers. However, the bedroom windows on the east elevation of the flats are large and splayed so they face south to the canal, as well as towards the trees. Bathroom windows are not to habitable rooms and in the kitchen windows facing the trees are not the only windows serving these rooms. All east facing windows would be between 3.5 and 4.6m away from the eastern boundary. It is not accepted that the development would lack light or be so dominated by trees that the trees would be threatened. The trees would remain protected by TPO and the Council could refuse to permit tree work or felling if this was not justified.

The position and siting of the dwelling allows retention of the overall group of trees so that they would still form an attractive feature of the canalside and the layout plan proposes an appropriate position for fencing to protect the trees during construction. Although the development may impact upon some of the protected trees, these are poor individuals and the development would not diminish the group as a whole. Subject to permission conditioning approval of the details of tree protective fencing and details of the proposed gravel path and concrete/clay edging to the boundary to ensure this is implemented with regard to protection of the roots of the protected trees it is considered that the proposal will be in conformity with the tree policies NE4, NE5, NE6, NE10 of the RUDP.

6. Highway safety

The proposal provides two off-road parking spaces for each dwelling which would be in excess of what might ordinarily be set as a standard by Policy TM12 of the RUDP. The car spaces are accessed directly from Scott Lane and drivers would have to reverse out into the road. However, this parking arrangement is the same as for most of the other houses and bungalows built between Scott Lane and the canal to the west of the site. The road is fairly wide and, though reasonably well used, it is not so busy that this arrangement could not be repeated here. There is room on the forecourt areas to provide for refuse/recycling bins and not interfere with parking.

Parking and servicing arrangements are considered suitable for a development of this scale, and the addition of two additional dwellings would not have a detrimental affect on Scott Lane in terms of highway safety and therefore the proposal will accord with Policies TM19A, and TM12 of the RUDP.

Community Safety Implications:

The arrangement of windows allows the occupants of the flats to provide surveillance of the site. It is considered that the proposal will comply with Policy D4 of the UDP as fully as site constraints will allow.

Reason for Granting Planning Permission:

The redevelopment of this previously developed land in a sustainable location in the built up area is acceptable in principle. The siting, scale, design and materials of the dwelling would be appropriate to the Leeds Liverpool Canal Conservation Area and to the character of the surrounding area. Subject to the imposed conditions, the development would have no significant adverse impact on the amenity of occupiers of the adjoining properties and land. Parking and servicing arrangements are considered satisfactory and the development would have no significant impact on protected trees or the ecological importance of the canal. As such it is considered that the proposal will accord with saved Policies UDP1, UR2, H7, H8, BH7, BH20, D1, UR3, NE4, NE5, NE6, NE9, NE10, TM2, TM12, TM19A and D4 of Bradford's Replacement Unitary Development Plan.

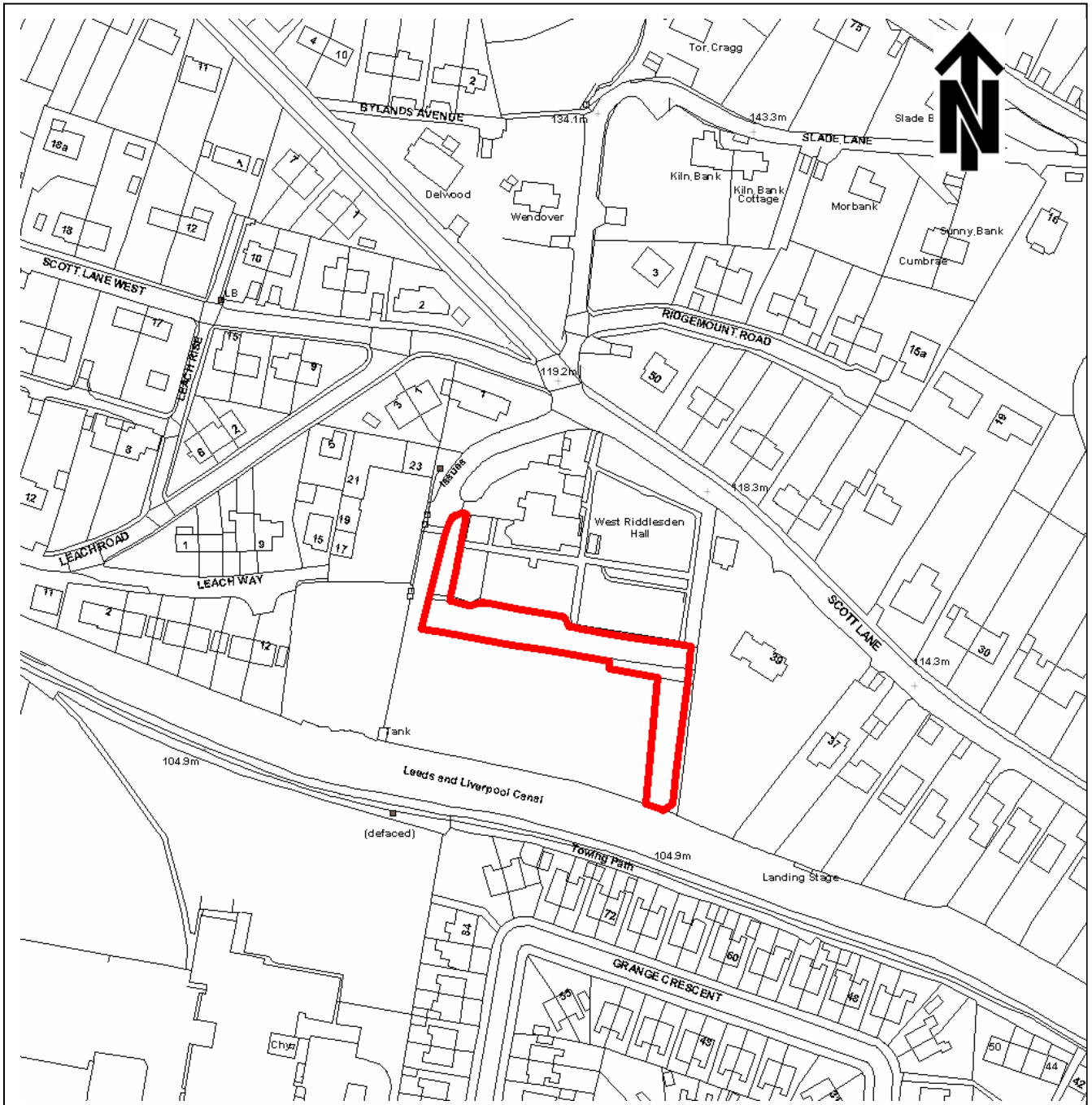
Conditions of Approval:

1. Standard 3 year start condition
2. Compliance with the amended plans clarifying details of the scheme
3. Requirement for submission and approval of samples of external and roofing materials
4. No building over the sewer or within 3m crossing bottom of site
5. Separate drainage system required within the site
6. Approval of foul and surface water drainage details prior to commencement
7. Approval of details of and erection of protective fencing to trees on or adjoining the site
8. Formation of parking spaces prior to occupation of the dwellings
9. Approval of the methodology of how the gravel path and concrete/clay edging to the boundary are to be implemented
10. Requirement for submission and approval of details and subsequent implementation of a landscaping scheme for canal side edge, species to comprise native plants.
11. Require implementation prior to occupation of the dwellings of screen fencing on the boundaries of and within the site, including screen walling to parking area, as shown on the approved drawings.
12. Removal of permitted development rights for structures in the garden area of the site to protect adjoining trees and canalside ecology.
13. Restrict construction hours in accordance with standard condition.

Area Planning Panel (Keighley)

09/05002/FUL

21 January 2010



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<p>ITEM NO. : 2</p>	<p>LOCATION: Paddock Adj To West Riddlesden Hall, Scott Lane Riddlesden, Keighley</p>
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21 January 2010

Item Number: 2
Ward: KEIGHLEY EAST
Recommendation:
TO GRANT PLANNING PERMISSION

THIS APPLICATION IS SUBMITTED BY A MEMBER OF COUNCIL

Application Number:
09/05002/FUL

Type of Application/Proposal and Address:

Full, retrospective application for access track to approved canal side mooring at paddock adjacent to West Riddlesden Hall, Scott Lane, Riddlesden, Keighley.

Site Description:

The site is a paddock situated to the south of the Grade I listed West Riddlesden Hall and adjacent to the Leeds Liverpool Canal. The paddock slopes gently from the canal side up to the edge of the garden of West Riddlesden Hall. The application access track is already in place and leads to a hardstanding forming a mooring facility on the canal side. To the south, on the other side of the canal, and set at a lower level, are the rear elevations of houses on Grange Crescent. To the east is the garden area of Field Head.

Relevant Site History:

89/06/03935 – Development of five detached houses and garages – Granted
99/00205/FUL – Development of five detached houses and garages – Refused
06/07348/FUL – Construction of mooring including hardstanding and tackle shed – Refused
07/08037/FUL – Construction of mooring including hardstanding and tackle shed – Granted

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated on the RUDP Proposals Map
Within the Leeds Liverpool Canal Conservation Area

Proposals and Policies

UR3 – The Local Impact of Development
BH4A – Setting of Listed Buildings
BH7 – Conservation Areas
BH20 – The Leeds Liverpool Canal
D1 – General Design Considerations
NE9 – Site of Regional and Local Importance
NE10 – Biodiversity
NE13 – Wildlife Corridors

Parish Council:

Keighley Town Council recommends approval.

Publicity and Number of Representations:

Advertised by neighbour notification letters and a site notice, the statutory period of publicity expiring on 17th December 2009.

No representation letters have been received.

Summary of Representations Received:

No representation letters have been received.

Consultations:

Conservation – The impact of the implemented track is reinforced by it having a defined solid edge and its significant width. All combine to suggest a formal parkland character. The track would be far less intrusive if it took the form of 2 gravel strips with no defined edges. This would result in less surfaced area, a much reduced visual impact and a more informal character akin to a rural track – which should be adequate for the purposes intended. The extent, formal appearance and contrast with the grassed areas all fail to maintain the character of this part of the conservation area.

British Waterways – After due consideration of the application details, British Waterways has no comments to make.

Drainage – A public sewer crosses the site. The Sewerage Undertaker (Yorkshire Water) should therefore be consulted for any constraints and for a view of the impact of the development on the public sewerage system.

Yorkshire Water – There is a public combined sewer across the site and a small part of the access track is constructed over it. However, as this does not stop access to repair and maintain the sewer, Yorkshire Water has no objections to the proposal.

Trees Section – Removal of the track may cause more damage to the trees than if left as it is. The track acceptable subject to a condition requiring retention of a porous construction and a report on the condition of the trees identifying any problems caused by the development and identifying/implementation of mitigating measures i.e. inoculation/compaction relief.

Summary of Main Issues:

1. Background
2. Impact on local environment and Conservation Area
3. Impact on trees
4. Impact on Neighbouring Occupants

Appraisal:

Background

The application seeks permission to retain an access track surfaced in crushed sandstone which leads to an approved canal side mooring in a paddock adjacent to West Riddlesden Hall and the Leeds-Liverpool canal off Scott Lane, Riddlesden.

The mooring is for private use and will not be used by other boaters or members of the public.

A retrospective application, 07/08037/FUL, for the mooring area and tackle shed was approved by Area Planning Panel in 2007, but the access track was not included on the proposed plans and so remains unauthorised. The continued presence of the track remains an unresolved enforcement case so the applicant has now submitted a further application to regularise the situation.

Conditions were attached to the permission for the mooring to ensure that the hardstanding forming the mooring was covered in bark chippings, and that any trees dying within 5 years of the consent were replaced.

Impact on Local Environment and Conservation Area

The applicant has explained that the paddock in which the track is located was regularly mown and maintained as open grassland for many years until, in an attempt to preserve a then extant planning permission for residential development, the top soil was removed and stock piled at the western end of the site. The paddock was then left in a neglected state and became overgrown.

The current applicant bought the site and carried out works to tidy up and maintain the protected trees along the canal side, during which works the access track was constructed and to serve the canal side mooring. The applicant states that the track is required to enable heavy items such as calor gas bottles, to be safely transported to the landing area and on to boats. The mooring is approximately 150m from the entrance to the paddock. The applicant has finished the approved landing area with bark chippings to mitigate its appearance when viewed from the canal.

The paddock is near the Grade I Listed West Riddlesden Hall. However, it is located outside the curtilage of the Hall itself. Because of intervening trees and hedges around the boundary of West Riddlesden Hall, the track is not considered to affect the setting of the Grade I Listed Building. The proposal is not visible from the Hall or its garden area as dense foliage is situated between the two.

The Council's Conservation Team consider that the track has a negative impact on the character of the site and thereby on the Leeds Liverpool Canal Conservation Area. These effects are reinforced by it having a defined solid edge and its significant width. The Conservation Officer suggests that the track would be less intrusive if it took the form of 2 gravel strips with no defined edges. This would result in a much reduced visual impact and a more informal character. The formal appearance of the track and the contrast with the grassed areas all serve to fail to maintain the character of this part of the conservation area.

However, the Council's Trees Section considers that the removal of the track may cause more damage to the trees than if it is left in place. The trees are significant visual elements of the canal side and important features of the Conservation Area. The Tree Officer remains concerned that trees may have been damaged during original construction of the track although the effects on long term health of trees may take some time to manifest themselves. To address this, the Tree Officer suggests that a Condition be imposed requiring a survey (at the applicant's expense) to establish what, if any, problems to the health of the adjoining trees have been caused and to propose necessary mitigation measures, which may include replacement trees and/or inoculation against infection or measures to help trees recover from compaction of root systems that may have happened during the original work.

In addition, the applicant has pointed out that the approved mooring was finished with bark chippings as required by a Condition of the planning consent. This has reduced the prominence of the mooring from the canal towpath and the applicant also proposes to lay bark chippings over the sandstone track which would similarly reduce its visual impact and appearance when viewed from the canal side.

On balance, it is accepted that the track does not have a particularly significant impact on the character or appearance of the area. More damage could be caused to trees if enforcement action required its removal or modification. Retention of the track is therefore considered acceptable subject to a condition requiring retention of a porous construction, the laying of bark chippings on the sandstone surface as proposed by the applicant, and a requirement that a report on the condition of the trees is submitted that identifies any problems caused by the original development and identifying measures such as inoculation/compaction relief that may be needed to resolve any damage caused during the original work.

On balance, the development is considered to make a neutral contribution to the setting of the Leeds Liverpool Canal Conservation Area and is therefore considered comply with Replacement Unitary Development Plan Policies D1, BH7 and BH20.

Impact on Neighbouring Occupants

The development is not considered to affect any neighbours. No overlooking or overshadowing will occur, due to the neighbouring dwellings being of significant distance from the track and the track not being raised above ground existing levels. As the track and the mooring will remain in private and occasional use, any additional noise from vehicles is not considered to be so significant to cause disruption to neighbouring dwellings on Grange Crescent or elsewhere.

Highway implications

The site is served by a wide driveway via the side of the curtilage of West Riddlesden Hall. The facility will remain private and it is not considered to create any highway safety issues.

Community Safety Implications:

The proposal poses no community safety implications and is considered to accord with Policy D4 of the Replacement Unitary Development Plan.

Reason for Granting Planning Permission:

On balance, and subject to the imposed conditions, it is considered that the access track will not significantly affect the character or appearance of the Leeds-Liverpool Canal Conservation Area or the setting of the adjoining listed building. The proposal will have no significant adverse effects on neighbouring occupants, highway safety, the local environment and trees. As such the proposal is considered to comply with Policies D1, BH7, BH20 and UR3 of the Council's Replacement Unitary Development Plan.

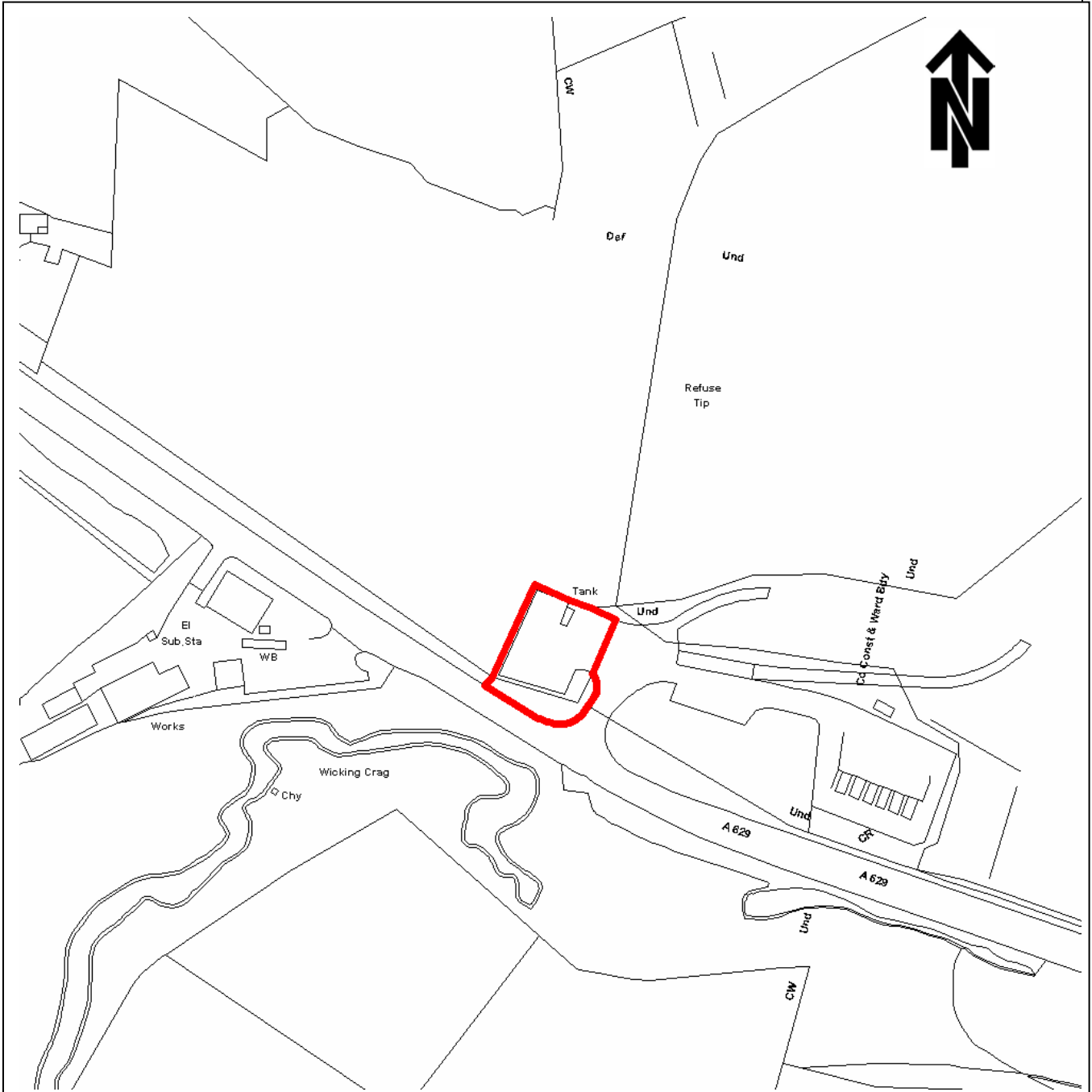
Conditions of Approval:

1. 3 year time limit for development to begin
2. Retention of a porous construction to the surface of the track
3. Bark chippings to be laid to surface
4. Requirement for a report on the condition of the trees adjoining the development to be submitted within 2 years of the date of the permission, identifying any problems to the health of the trees caused by the original development and identifying measures to mitigate such effects, including the need to replant trees. Thereafter such mitigation measures as are agreed shall be carried out in accordance with a programme and timetable also to be agreed in writing by the Local Planning Authority.

Area Planning Panel (Keighley)

09/04919/FUL

21 January 2010



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<p>ITEM NO. : 3</p>	<p>LOCATION: Sugden End Household Waste Site Halifax Road, Cross Roads Keighley</p>
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21 January 2010

Item Number: 3
Ward: WORTH VALLEY
Recommendation:
TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

THIS APPLICATION IS REFERRED TO THE PANEL SO IT CAN ADVISE THE REGULATORY AND APPEALS COMMITTEE ON THE LOCAL IMPLICATIONS OF THE APPLICATION. THE APPLICATION MUST BE DETERMINED BY THE REGULATORY AND APPEALS COMMITTEE AS IT REPRESENTS A DEPARTURE FROM THE REPLACEMENT UNITARY DEVELOPMENT PLAN AND IF THAT COMMITTEE IS MINDED TO GRANT PERMISSION THE APPLICATION WILL BE REFERRED TO THE SECRETARY OF STATE UNDER THE CONSULTATION DIRECTION 2009.

Application Number:
09/04919/FUL

Type of Application/Proposal and Address:

This is a full application for the installation of a replacement landfill gas control flare within an existing fenced compound adjacent to the closed Sugden End Landfill Site, to the north-west of Sugden End Household Waste Recycling Centre, off Halifax Road, Cross Roads, Keighley. The application also includes the provision of additional soft landscaping and replacement fencing.

Site Description:

The proposal site is an existing 0.1ha landfill management compound constructed within a low lying area to the west of Sugden End landfill site. The site is accessed off Halifax Road via a joint access point serving the landfill site, household waste recycling centre and landfill management compound. Land uses within the locality are predominantly agricultural; however a saw mill is located adjacent to the site on the opposite side of Halifax Road. The nearest residential dwellings to the proposal site are 1 Hardgate Lane, 180m west of the site and 13 Sugden End, 200m north-west of the site. The proposal site comprises an area of hard standing part of which is occupied by an existing garage used for vehicle and plant storage and an associated fuel tank, the remainder of the hard standing is used for storage and parking purposes. An existing belt of vegetation has been planted along the western boundary to screen the compound. A temporary gas flare of a similar design to the proposed flare has been stationed on the hard standing. The whole compound is bounded by a chain link fence with 2 sets of gates allowing separate access to the garage and compound.

Relevant Site History:

App No.	Description	Decision
62/04390/FUL	Controlled Tipping	Granted 16.01.1964
96/03130/FUL	Formation of landfill gas control compound	Granted 16.04.1997
97/02016/FUL	Installation of a methane conversion plant within a small compound to utilise landfill gas to generate electricity	Granted 05.11.1997
00/02995/FUL	Installation of methane	Granted 09.02.2001

	conversion plant within a small compound to utilise landfill gas to generate electricity	
06/09746/FUL	Permanent planning permission for a household waste recycling centre	Granted 21.08.2008

Replacement Unitary Development Plan (RUDP):

Allocation

- The proposal site is within the Green Belt as defined on the replacement RUDP proposals map and therefore RUDP policy GB1 (New Building in the Green Belt) is relevant.

Proposals and Policies

- The proposal involves the installation of infrastructure to manage pollution hazards from a waste management site and therefore RUDP policy UDP9 (Management of Pollution Hazards and Waste) is relevant.
- The proposed flare will be visible within the landscape and involves the provision of additional landscaping and therefore RUDP policies D1 (General Design Considerations), D5 (Landscaping) and NE3 (Landscape Character Areas) are relevant.

Parish Council:

Haworth, Cross Roads and Stanbury Parish Council – No objections

Publicity and Number of Representations:

The application was advertised in the press as a departure from the adopted development plan, site notices were posted and neighbour notification letters sent to the adjacent properties. The notification period expired on the 17 December 2009. No representations have been received.

Summary of Representations Received:

N/A

Consultations:

Biodiversity/ Countryside:

- No concerns regarding protected sites or species
- Landscaping scheme will enhance biodiversity surrounding the site
- Landscape maintenance scheme should specify minimal intervention to allow trees and shrubs to establish naturally.
- There will be no additional adverse effect on the landscape character of the area and the robust naturalised planting outlined will improve the setting of the gas flare.

Drainage:

- No comments

Environment Agency:

- No objections

Environmental Protection:

- Suggested conditions requiring verification that soils imported for the landscaping bund are free of contamination.

Summary of Main Issues:

- Need for the infrastructure
- Effect on the openness of the Green Belt
- Landscape Character
- Local Impact of Development

Appraisal:

Proposal

The nature of the wastes deposited within Sugden End Landfill site is such that significant amounts of landfill gas are produced as the wastes decompose. To control these emissions a landfill gas flare was installed and a compound formed in 1997/ 1998 (permission 96/03130/FUL). The original gas flare had a similar footprint to that currently proposed; however the flare stack was 3.5m high. At around the same time that the original flare was installed a private company expressed interest in installing plant to convert the energy produced from the combustion of the gas into electricity. Planning permission 97/02016/FUL was granted in November 1997 for the installation of the electricity generation plant; however the planning permission was never implemented due to prohibitive costs associated with establishing a connection to the national grid. In August 2009 the original gas flare passed the end of its serviceable life and a new temporary gas flare was installed. The temporary flare has a stack of similar dimensions to that currently proposed.

The proposal is to install a new gas flare which meets current environmental standards. The new flare consists of a 9.2m long x 3.5m wide x 2.6 tall metal container housing the flare equipment, attached to a 7.6m high, 1.8m diameter flare stack. The container housing the gas flare equipment is proposed to be grey in colour and the flare stack is proposed to have a metallic stainless steel finish. Additional landscaping is proposed adjacent to the south-western boundary to better screen the gas flare from Halifax Road, with a 2m high soil bund planted with native trees and shrubs such as birch, oak, alder, ash and holly. A small additional area of planting is also proposed adjacent to the north-eastern boundary. The existing dilapidated chain link fencing will be replaced with a 2.4m high steel palisade security fence within the landscaping and a 0.5m high wooden post and rail fence defining the landscaping area adjacent to Halifax Road. The gas flare will operate on an automatic basis 24 hours per day, 7 days per week and will be inspected weekly.

Need for the infrastructure

Uncontrolled migration and venting of landfill gas from landfill sites poses risks to the occupants of surrounding land related to explosion and asphyxiation and contributes to global warming through the release of methane into the atmosphere. Flaring landfill gas allows the gas emissions from the landfill to be controlled and for methane to be converted into other less potent greenhouse gasses. The control of pollution from Sugden end landfill site is regulated by the Environment Agency under an Environmental Permit and the proposed gas flare is designed to comply with requirements placed upon the Permit. Principle Policy UDP9 of the RUDP states the objective of contributing to the management of pollution, hazards and waste through relevant control measures. It is considered that the proposed landfill gas flare would meet an identified need to manage an environmental risk associated with landfill gas emissions and therefore conforms with the objectives of policy UDP9 of the RUDP.

Effect on the openness of the Green Belt

The proposed flare would replace an existing flare; however the stack would be approximately twice the height in order to meet current environmental standards. Substantial

screening, in the form of additional planting and bunding is proposed from the main viewpoints of Halifax Road to the south and the settlement of Crossroads to the north-west; nonetheless the structure would still be visible and therefore would have an effect on the openness of the Green Belt. This effect upon the openness of the Green Belt would be temporary, as the flare unit will be required to be removed once landfill gas emissions have declined to the extent that they no longer require management in 20 to 30 years time.

Policy GB1 of the RUDP states that, except in very special circumstances, planning permission will not be given for development within the Green Belt for purposes other than agriculture and forestry, essential facilities for outdoor sport and recreation, cemeteries, or for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it. As discussed above, the gas flare would have a temporary adverse impact on the openness of the Green Belt and no exception is made for essential infrastructure in policy GB1 and therefore the proposed gas flare would be a departure from policy GB1 and could only be allowed in very special circumstances.

The proposed landfill gas flare is required to control the emission of gas from the landfill site and mitigate risks to the environment and human health. The gas flare has to be located on site and therefore must be located within the Green Belt. The above circumstances are considered to be very special circumstances which outweigh the temporary slight adverse impact on the openness of the Green Belt. The landscaping proposals put forward by the applicant serve to minimise the harm to the openness of the Green Belt.

Landscape Character

The proposal site is within a rural setting of mixed upland pasture. The stack for the proposed replacement would be 7.6m high and would therefore be more visible within the landscape than the previous 3.5m flare. However the site is not prominent in the landscape and the stack would not intrude on prominent skylines. Substantial additional landscaping is proposed, in the form of bunding and tree planting, to improve the screening of the site from the north-east and south-west. The details of the colour coating of the flare stack and equipment enclosure can be reserved by condition to ensure the most appropriate colour is selected to minimise the impact on the landscape. It is considered that the proposed replacement gas flare will not be significantly detrimental to the character of the landscape and the proposed landscaping will serve to improve the appearance of the site, particularly as viewed from Halifax Road. The proposal therefore accords with policies NE3, D1 and D5 of the RUDP.

Local Impact of Development

The applicant has indicated that the proposed replacement flare would produce a maximum sound level of 69dB(A) at 15m distance from the equipment. The nearest residential dwelling is located approximately 180m from the gas flare. The Environmental Protection department have been consulted and have raised no concerns in relation to the impact of noise from the flare. It is considered that the proposed replacement flare will not have any significant adverse effect on the surrounding environment or the occupants of adjoining land and that therefore the proposal accords with policy UR3 of the RUDP.

Conclusion

A replacement landfill gas flare is required at Sugden End Landfill site in order to safely manage the emission of gas from the site and mitigate the climate change implications of the release of methane. The proposed 7.6m flare stack would be visible from surrounding land however it would not be a prominent feature within the landscape, would be screened by

existing and additional planting and will be removed when the site ceases gassing. Although the new flare would have an impact on the openness of the Green Belt, the need for the flare in terms of health and safety and pollution control constitutes very special circumstances to justify the development. It is not considered that the flare would have any significant adverse effect on the occupants of surrounding land. The proposal accords with policies UDP9, UR3, D1, D5 and NE3 of the replacement Unitary Development Plan.

Community Safety Implications:

Failure to manage landfill gas generated from the landfill site could have community safety implications.

Reason for Granting Planning Permission:

1. The proposed replacement gas flare would have an impact on the openness of the Green Belt, and therefore constitutes a departure from policy GB1 of the replacement Unitary Development Plan. However the flare is needed to mitigate risks to people and the environment associated with unmanaged releases of landfill gas and therefore it is considered that very special circumstances exist which justify the development. It is considered that the proposal is consistent with the objectives of policy UDP9 of the replacement Unitary Development Plan.
2. The proposal includes additional landscaping measures which will serve to improve the visual setting of the site and mitigate the impact of the gas flare on the character of the landscape. It is not considered that the proposed flare will have any significant adverse impact on the surrounding environment or the occupants of adjacent land. It is considered that the proposal accords with policies D1, D5, UR3 and NE3 of the replacement Unitary Development Plan.

Conditions of Approval:

1. List of Approved Plans
 2. Details of the colour of the external surfaces of the gas flare to be submitted prior to commencement and implemented
 3. Landscape management plan to be submitted within 2 months of installation of gas flare and implemented
 4. Landscaping and fencing to be completed within 12 months of installation of gas flare
 5. Prior to soil bund being formed evidence that soil free of contamination shall be submitted
 6. Minimum depth of 600mm of soils on top of made ground
 7. Full details of decommissioning and final restoration of the compound, gas flare and garage to be submitted within 20 years and implemented.
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