

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 07 October 2010

E

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.	1 Springfield Gardens Keighley BD20 6JU - 10/02053/HOU [Approve] (page 2)	Keighley Central
2.	Octagon House Bradford Road Sandbeds Keighley BD20 5LY - 10/03406/FUL [Approve] (page 8)	Keighley East
3.	Octagon House Bradford Road Sandbeds Keighley BD20 5LY - 10/03407/ADV [Approve] (page 18)	Keighley East

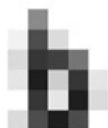
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Portfolio:
Environment and Culture

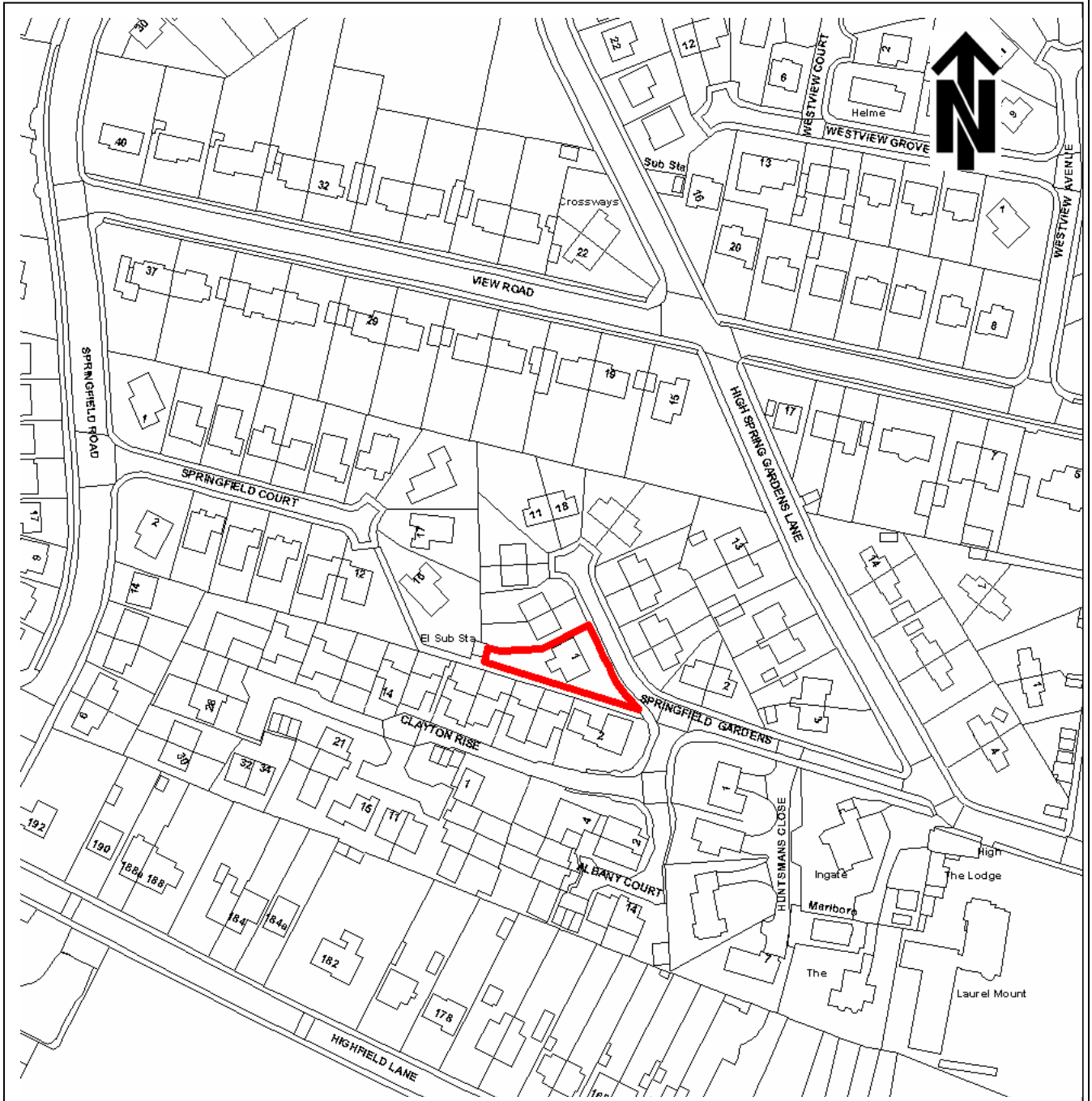
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley)

10/02053/HOU

7 October 2010



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ITEM NO. : 1	LOCATION: 1 Springfield Gardens Keighley
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7 October 2010

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

Application Number:
10/02053/HOU

Type of Application/Proposal and Address:
Full planning application for the construction of a two-storey extension to the side of 1 Springfield Gardens, Keighley.

Applicant:
Mr Sahib Dad

Agent:
A A Planning Services

Site Description:
The existing house is a gable fronted pebble dashed detached dwelling with cedar boarding to the apex on the front elevation. The roof of the dwelling is covered with concrete tiles. The dwelling is elevated above the street, and dwellings to the rear are higher still. It is situated on a residential cul de sac that is acknowledged to be restricted at times by existing on-street car parking. The rest of the cul-de-sac mostly comprises semi detached dormer bungalows. The site is triangular in shape and is prominently situated at the entrance to the cul-de-sac. A footpath climbs to the rear of the site between it and the rear gardens and elevations of the bungalows at 2 and 4 Clayton Rise.

Relevant Site History:
80/62531/FUL: Dining Room Ext. Approved.

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated.

Proposals and Policies
UR3 The Local Impact of Development
D1 General Design Considerations
D4 Community Safety

Parish Council:
Keighley Town Council: Recommend refusal. No reasons given.

Publicity and Number of Representations:
Publicised by neighbour notification letters.
The representation deadline for the publicity was 7 June 2010.
15 representations of objection were received from 12 households.

Summary of Representations Received:

- Inadequate parking/Traffic and pedestrian safety/Traffic congestion.
- Concerns regarding impact of storage of materials etc during construction.
- Access for emergency vehicles may be denied during construction and due to inadequate parking and increase in number of vehicles at the property.
- Current occupants knew the building was too small when they bought it.
- Inconvenience during construction/dust and noise.
- Overshadowing will be caused to 2 Clayton Rise and 6, 8 & 10 Springfield Gardens.
- Objectors raise concerns that development could lead to an increase in crime by obscuring residents' views of the path along the rear of the property.
- Concerns about drainage.
- Overlooking of 2 and 4 Clayton Rise and 6, 8 & 10 Springfield Gardens will be caused.
- Visual intrusion/extension is out of keeping with its surroundings due to the size and design.

Consultations:

Keighley Town Council: Recommend refusal.

Summary of Main Issues:

1. Impact on the Local Environment.
2. Impact on Neighbouring Occupants.
3. Impact on Highway Safety.
4. Other issues raised.

Appraisal:

Impact on the Local Environment

In terms of visual amenity the proposed extension is considered to be in keeping with the character, scale and design of the existing dwelling and the street scene. The proposed materials are pebbledash render and concrete tiles which would match those of the existing dwelling and are compatible with the surrounding properties. Objections from neighbours included concerns about its visual intrusion in the street scene and concerns that the proposal was out of keeping with its surroundings. The dwelling is acknowledged to be in an elevated position above the road, but the proposed extension would be less than two thirds of the width of the existing dwelling and would incorporate a set back of 1m at first floor level which would reduce the visual impact of the proposal and ensure that the extension remains appropriately subservient to the existing dwelling. Sufficient garden and amenity space would be retained around the extended dwelling. The extension is considered to be of a size, style and type that is common in the District and its design, mass and scale is considered to be in accordance with guidance in the Revised House Extensions Policy. The proposal is not considered to be harmful to visual amenity and therefore complies with Policy D1 of the Replacement Unitary Development.

Note: The original drawings contained an error relating to the splay of the rear wall where the drawings did not correspond but this was rectified when amended drawings were submitted on 29 June 2010. This will be made clear in the condition specifying the approved plans.

Impact on Neighbouring Occupants

It is acknowledged that a number of objectors claim the extension is likely to overshadow 2 and 4 Clayton Rise which are bungalows situated beyond the footpath to the rear. However, these properties are to the south of the site and are generally set at a higher level

than the application site. The lie of the land and arrangement of windows in these properties is such that the proposal is not considered to result in a loss of daylight or outlook from these dwellings. The nearest dwelling to the rear is 4 Clayton Rise. The impact of the proposed extension on that dwelling has been assessed and it is not considered to cause overshadowing or a loss of outlook because it and No 2 Clayton Rise have a stepped rear elevation and there are no windows in the nearest elevations facing the proposal site, whilst the nearest windows in those dwellings are over 10m from the proposed extension and have sufficient outlook towards the south of the proposal.

The extension would be set about 21m away from dwellings on the other side of Springfield Gardens to the front of the property and as such is not considered to cause overshadowing to these properties despite its elevation above the street.

Regarding claims of overlooking, the separation distance between windows in the front of the extension and the properties across Springfield Gardens is considered adequate. The proposed extension does not include any windows at first floor in the rear elevation so there would be no loss of privacy in this direction. A first floor window is proposed in the side elevation of the extension but this is to be obscure glazed to the lower section with a top opening window only, therefore the proposal will not cause neighbours to the side to be overlooked. It is proposed to impose a condition withdrawing permitted development rights to subsequently create other windows in the side and rear elevations in order to safeguard the privacy of adjoining neighbours.

Contrary to objections there appears to be adequate space for the storage of materials and skips etc needed during construction in the front and side gardens of the property.

Objections have also included reference to the inconvenience likely to be caused during construction and due to dust and noise that will be created. However, construction of domestic extensions is usually completed relatively quickly and refusal would not be justified on such grounds. A similar level of construction activity and disturbance could occur with any proposals for internal refurbishment or permitted development extensions to the property. Any unreasonable noise or nuisance during construction would be a matter for Environmental Protection and any obstruction to the highway would be a matter for other authorities including the Council's Highway Department.

In terms of its impact on local residential amenity and neighbours, the proposal is considered acceptable and is not considered to have any significant negative impact on the occupants of neighbouring dwellings. The proposal is therefore considered in accordance with Policy UR3 of the Replacement Unitary Development Plan.

Impact on Highway Safety

Objections have included the claim that the property has inadequate parking, concerns about traffic and pedestrian safety and that traffic congestion would be caused. In terms of parking provision, the existing garage on the other side of the house is to remain, along with parking on the drive in front of it for one car. Also, an additional, separate parking area has already been created through excavation and surfacing of part of the front garden to provide space for at least one car. The site can therefore provide parking for up to three cars off the street which exceeds the amount that would be required to satisfy the Council's normal maximum parking standards. The applicant has advised that the parking spaces, including the excavated area to the front, are to be retained following the development. The proposal therefore complies with Policy 12 of the Revised House Extensions Policy.

A number of objections refer to the increase in residents which may occur as a result of the proposal, yet the proposal will only increase the number of bedrooms from four to five. It is not therefore considered that the proposal will have any significant impact on traffic congestion or traffic and pedestrian safety. Refusal of permission on such grounds of intensification of use would not be reasonable.

Similarly objectors claim that access for emergency vehicles would be compromised by the development. The cul de sac is quite narrow but the site itself has sufficient parking to comply with Council policies and the extension would not cause any displacement of parking once the extension was completed. As stated above, while there may well be disruption during construction of the extension, and the cul de sac is acknowledged to be congested due to on street parking, similar problems could be caused by any internal refurbishment projects or other building works at any of the other properties on the street that would not necessarily require planning permission. It is not considered that a ban on extending or improving properties due to the localised congestion would be a justifiable reason for refusal of a planning application.

Other matters raised:

Objectors express concerns over drainage. No specific evidence has been provided to show how the extension would affect drainage at the site. Connection of surface and foul water from the extension to the mains would be a matter for Building Control.

Some objectors claimed that approval is unjustified as the current occupants knew the building was too small. This is not a planning issue.

Community Safety Implications:

There are no apparent community safety implications. Concerns were raised by neighbours about increased crime as a result of the development. The alleyway to the rear of the site is already bounded by fences in excess of 2m high on both sides, and the proposed extension is not considered likely to increase crime or the fear of crime.

Reason for Granting Planning Permission:

The proposed extension 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.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. The development hereby approved shall only be carried out in accordance with the amended plans Drawing No 1 Revision A dated 29 June 2010 and received by the Council on 29 June 2010 showing the splay to the rear elevation accurately drawn on all plans and elevations.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

3. The development hereby permitted shall be constructed of facing and roofing materials to match the existing building as specified on the submitted plans.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

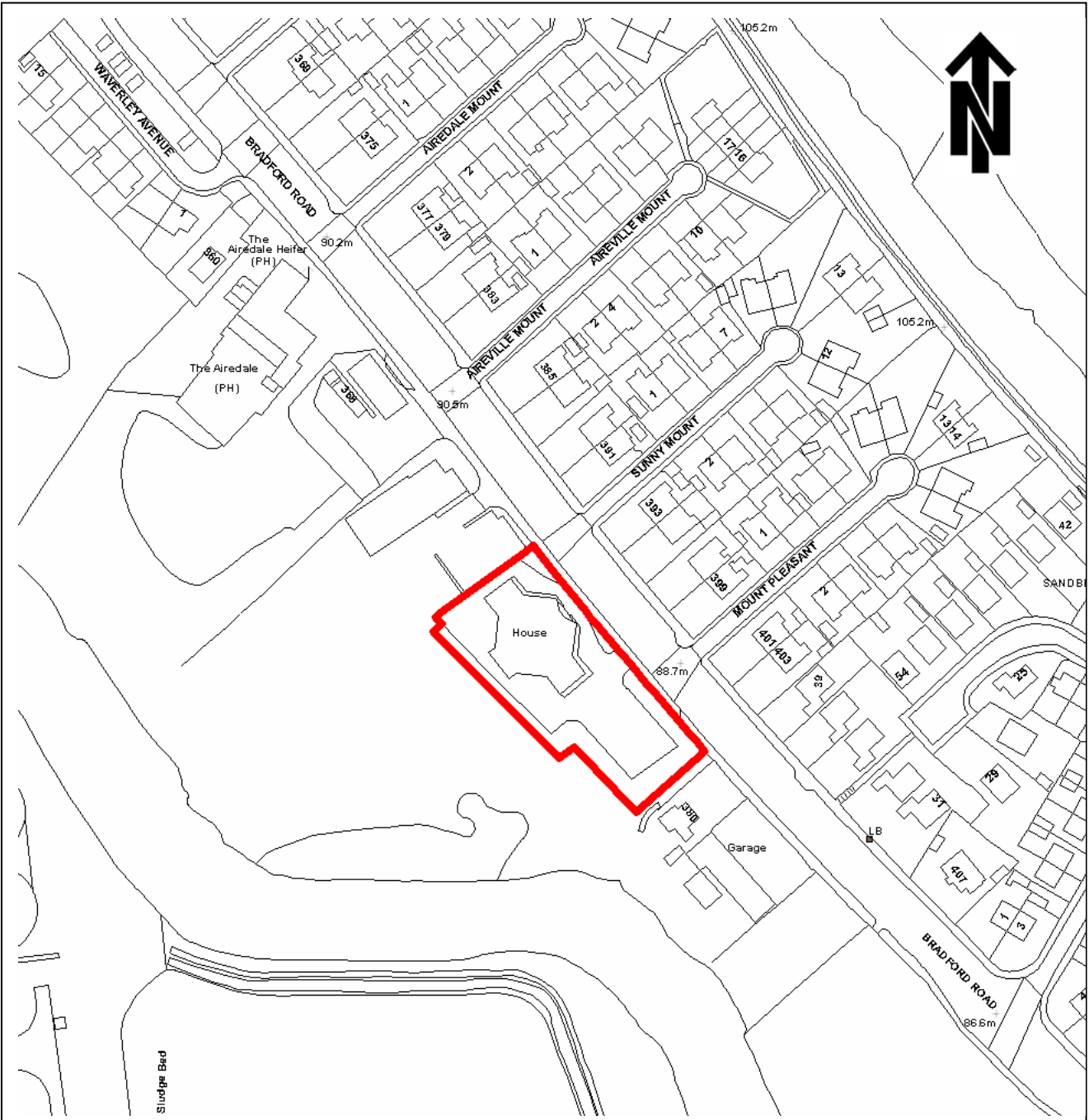
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the side and rear elevations of the extension without prior written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley)

10/03406/FUL

7 October 2010



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LOCATION:

ITEM NO. : 2

**Octagon House
Bradford Road
Sandbeds, Keighley**

7 October 2010

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

Application Number:
10/03406/FUL

Type of Application/Proposal and Address:

Change of use of Octagon House, Bradford Road, Sandbeds, Keighley, BD20 5LY from Light Industrial (B1) use to combined A3 (Restaurants & Cafes), D1 (Non-residential institutions), and D2 (Assembly & Leisure) use. Also included in the proposal are a new toilet block extension to north, alterations and extensions to the existing car park, replacement tree planting, and the provision of a 1.8 metre high screen fence close to the southern boundary. Car parking provision would increase from 20 to 52, including 4 dedicated disabled parking bays. Cycle racks would also be provided. Proposed maximum operating hours are from 11.00am to 01.00am daily.

Applicant:

John W Pennington Ltd

Agent:

Paul R Kirkman

Site Description:

A vacant industrial unit with associated office accommodation and parking constructed circa 1994 and occupying a generally level plot on the south west side of Bradford Road. The octagonal-shaped property, which is constructed of artificial stone with an artificial slate roof, is set in landscaped and treed grounds extending to 0.3ha. The trees within and directly adjacent to the site are not protected. A gated access leads directly from Bradford Road which, at this point, includes a designated continuous parking land and cycle lane on the north east side (opposite the site), and a cycle lane on the south west side which is part of the Aire valley Cycle Route. There is a bus shelter opposite the site and another nearby on the Keighley bound side. There is a large hard surfaced, unmarked parking area to the south of the building together with metalled access to the main front entrance and to delivery doors at the rear. Levels fall away to the rear of the site (beyond the western boundary) down wooded slopes to the River Aire.

A residential area faces the site from the east and rises up from Bradford Road to the canal. To the south of the site is a detached house 'Appledene' associated with an adjacent MOT and service garage. To the north lie an industrial unit/community church, a coach hire company, and the Airedale Heifer public house. Open countryside and the Marley sewage works, designated green belt, lie to the west across the river. A thin western section of the site is included within the green belt.

Relevant Site History:

91/00914/FUL – Erection of industrial building for B1 use and construction of access (to Bradford Road), approved 07.01.1992

09/04135/FUL - Change of use from B1 light industrial to place of worship and ancillary facilities (restricted D1 use), granted 27.10.2009

10/03407/ADV - Advertisements on the building and within the curtilage of business premises in relation to the business activities and services provided. This companion application for advertisement consent is submitted in conjunction with this application for planning permission and is included elsewhere on the Panel agenda.

Replacement Unitary Development Plan (RUDP):

Allocation

The majority of the site is unallocated on the RUDP. A 35 metre long sliver on the south western part of the site (total area circa 177 square metres) is designated green belt. The site is adjacent to Bus Priority Network and National and Local Cycle Network routes.

Proposals and Policies

Relevant saved policies include:

- CF3 – Community Uses
- D1 – General design considerations
- D3 – Access for people with disabilities
- D4 – Community safety
- D5 - Landscaping
- E3 – Protecting existing employment land and buildings in urban areas
- GB1 – New building in the green belt
- GB2 – Siting of new building in the green belt
- NE 5 – Retention of trees on development sites
- NE6 – Protection of trees during development
- NR16 – Surface water run off and sustainable drainage systems
- P7 - Noise
- TM2 – Impact of traffic and its mitigation
- TM6 – Bus priority
- TM10 – The national and Local Cycle Network
- TM11 – Parking standards for non-residential development
- TM19A - Traffic management and road safety
- UR3 – The local impact of development

Parish Council:

Keighley Town Council: No objections.

Publicity and Number of Representations:

Advertised by site and press notices and letters to occupiers of 15 (mainly residential) premises in the immediate vicinity.

Two objections have been received.

Summary of Representations Received:

- A late night establishment is inappropriate within a predominantly residential area;
- The noise assessment is flawed with regard to late night background noise;
- Potential disturbance late at night;
- Sets a precedent for future changes of use, longer opening hours, etc.
- Potential overlooking;
- Loss of view due to provision of screen fencing and sign; and
- Proximity and height of trees to residential neighbour.

Consultations:

Environmental Health Pollution Team: No objection subject to conditions requiring alterations to the building to contain noise, and provision of a screen/acoustic fence along the southern boundary.

Trees Team: The car parking layout is not entirely satisfactory as some tree loss is proposed and some trees shown for retention will be terminally damaged. However, it is likely that tree loss out-with those proposed would be supported on the proviso that more important trees are retained and the car parking layout modified.

Highways Development Control: Note that the proposal is for change of use to a mixed use for D2 Assembly and Leisure and A3 restaurant/café use. The site has previous permission as a place of worship and the site area differs in that additional car parking can be formed within the site compared with previous uses.

The Highways Development Control Officer is satisfied that the 52 car parking spaces will meet the Council's parking standards but it is recommended that the gross floor area of the A3 component be limited to the amount stated on the application form to limit the demand for parking to the capacity of the site as a greater proportion of A3 use within the building would increase potential parking demand.

Summary of Main Issues:

The main issues for consideration relate to

- i) acceptability of loss of an employment site;
- ii) impact on the green belt,
- iii) impact of the proposed use on general and residential amenity;
- iv) impact of the proposed extensions and alterations;
- v) traffic implications including extensions to car parking, and
- vi) impact on trees.

These issues will be considered in turn.

Appraisal:

i) Acceptability of loss of an employment site.

The premises were purpose built as an electronics component factory but have been vacant since the business stopped trading in 2009. A change of use of the light industrial premises to a place of worship was approved by decision notice dated 27 October 2009 (ref: 09/04135/FUL). In considering that change of use, the case officer noted that: *'Protection is given to industrial sites which are not within a designated Employment Zone by Policy E3 of Bradford's RUDP. This policy protects industrial and employment land for such purposes unless inter alia "the proposal is within Bradford/Shipleigh/Baildon or Keighley, is less than 0.4 Hectares in size and not within an employment zone"*.

The site in question is unallocated, lies within Keighley and is 0.27 ha in size and therefore, as such, not specifically protected by Policy E3. Accordingly the principle of changing the use of the site...cannot be resisted under E3'.

This remains the case and there is no in principle policy objection to the loss of this employment site. It is noted that the proposal will provide employment for 9 local people.

ii) Impact on the green belt

A very small proportion of the site is included in the designated green belt wherein RUDP saved policy GB1 carries a general presumption against development other than agriculture and forestry, essential facilities for outdoor sport and outdoor 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.

This comprises a 35 metre long sliver on the south western part of the site (total area circa 177 square metres). There is no defined site boundary evident between the established curtilage and the area coloured green to identify green belt designation on the RUDP Proposals Map. The area blends seamlessly into the area at the rear of the building with no evident visual distinction. The part of the site included in the green belt is proposed to accommodate an additional 17 car parking spaces. A smoking shelter, and a cycle shelter proposed in this area on the original layout drawing have now been deleted. The green belt part of the site is now shown as having no built form.

Given the character of the site it is considered that the encroachment of the additional car park areas onto the green belt would have no materially adverse impact on the openness of the wider green belt or on the purpose of including the land in it. The proposals, as amended, are therefore not regarded as presenting any conflict with green belt policy as expressed in Policy GB1 of the RUDP.

iii) Impact of the proposed use on general and residential amenity

The proposal is for a mixed use comprising D1 (Non-residential institutions), D2 (Assembly and Leisure), and A3 (Restaurants & Cafes). The applicant advises that it is proposed to *'operate the building in many ways like the traditional community hall and, whilst providing private facilities for children, youth and families in the form of out of school clubs and dance classes as well as indoor craft markets and other events, the premises will also be available for hire by external bodies and limited free use to registered charitable organisations will also be available'*. This wide range of activities is accommodated in the D1 and D2 use classes and the site is considered to be a suitable location in principle.

The submitted Design and Access statement notes that the A3 element *'might be considered to be ancillary'* to the D1/D2 use but because *'there may be occasions when only the café bar area is being used, a distinct application for the A3 use is included in the present application'*. The A3 element comprises a coffee bar use and officers have been advised that food preparation on the premises will be minimal and that it is not envisaged that any additional external ventilation or ducting arrangements will be required. In these circumstances, it is considered that the A3 element is unlikely to be problematic in terms of smell from cooking, food preparation or refuse management and this use is considered acceptable (subject to a limitation on floor area, considered below).

The application is supported by a Noise Impact Assessment that has been scrutinised by the Council's Environmental Health Pollution Team. Their assessment of the proposal has taken into account the close proximity of the nearby existing coach business and public house, neither of which appear to have generated any relevant noise related complaints to the Council in recent years.

The Noise Impact Assessment appears robust and the assessment methodology, measured and predicted noise levels are as would be expected. The assessment recommends that, for entertainment venues such as that proposed, the noise level at the nearest residential properties should be a minimum of 10dB below the background level LA90 (i.e. ambient noise levels) to minimise the risk of any complaints. This is considered to be an appropriate target to aim for and should ensure - if appropriate noise attenuation works are carried out at the building – that no justified complaints would be received from nearby residents. The Noise Assessment proposes specific alterations to the existing roller shutter door and fire door openings and the provision of new suspended ceilings to contain noise. A condition is proposed which would ensure that these measures were implemented in accordance with the recommendations of the Noise Attenuation report before the first use of the property for the uses proposed. Officers are confident that these measures will ensure that local residents do not suffer any loss of residential amenity from noise generated by amplified music at a future event.

The use of the car park by patrons and its proximity to the dwelling "Appledene" at 380 Bradford Road could potentially lead to some loss of amenity to occupiers of that property due to noise from customers and vehicles, especially when leaving late in the evening. The applicant has amended the proposed layout to ensure retention of a group of trees towards the eastern boundary and this would also benefit the neighbour by reducing the degree to which car spaces encroach towards the neighbouring property. In addition, the applicant proposes to erect a 1.8 metre high barrier/fence parallel to (but 2 metres into the site from) the southern site boundary. Officers consider that this should assist in reducing noise levels and adequately guard against any significant loss of amenity if it were to be of close boarded construction. The applicant has indicated that a hedge would also be planted along the back of this hedge to reduce its visual impact. Consequently, a condition is proposed to ensure that such a fence is provided and retained.

The application seeks permission to operate the premises between 11.00am and 01.00am seven days a week although it is expected that actual operating hours within these overall limits will be determined by events organised. Live music entertainment will end at midnight. The Environmental Health Officer initially had concerns about the possibility of entertainment noise affecting residents on the opposite side of Bradford Road. However, following discussion with the applicant's architect, it is understood that an internal masonry wall between the proposed performance area and the front wall of the building will provide an effective noise barrier which, along with the requirements in the proposed condition, should ensure that local residents do not suffer any loss of amenity. As a result there are no objections to the premises remaining open until 0100hrs.

iv) Impact of the proposed extensions and alterations;

A modest single story extension to the building is proposed on the northern elevation to provide additional W.C. facilities. It will be constructed of materials to match the existing building and will relate well with it and be suitably subservient. No windows would overlook the adjacent curtilage which, in any case, contains the car park of the adjacent industrial unit. Some minor external alterations are also proposed to include the provision of widened fire escape doors including ramped access for people with disabilities, the enlargement of some high level windows to full height, two of which become fire escapes in the front elevation. These proposals are all considered to be wholly appropriate and not problematic in respect of general or visual amenity.

v) Traffic implications including extensions to car parking.

Car parking provision would increase from an existing 20 spaces to 56 spaces including four dedicated spaces for people with mobility problems. The existing, unmarked, car park in the southern part of the site would be extended to the south and east and laid out to provide 28 spaces. Seventeen new spaces would be formed against the western boundary (in the green belt), with 10 further spaces against the northern boundary (4 being accessed via the front of the building and intended for staff use) with a single space near the main site entrance. The Council's Highways DC Officer finds this increase sufficient to support the proposed mix of uses. However, if the A3 component of the use was to increase, the demand for parking could increase beyond the capacity of the site. Consequently the Highways DC Officer recommends that a condition is imposed limiting the A3 component of the use to the amount specified in the application – 156 sq metres. If the operator needed to extend the A3 component in the future an application for variation of this condition would need to be submitted, allowing the car parking implications to be re-assessed.

vi) Impact on trees

Although the trees around the existing car park are less than 20 years old they have some group amenity which would have greater importance in the future if left to develop. Some trees would be removed to accommodate the increased car parking provision. These would be replaced by new trees along the northern and eastern boundaries. The Council's Arboricultural Officer advised that the car parking layout should be amended as it would have terminally damaged some of the better quality trees on the eastern edge of the car park. However, the layout has been amended to ensure protection of the better quality trees and, instead, remove those with less long term potential. Accordingly, and on balance, it is considered that the anticipated tree loss shown on the amended layout can be supported on the proviso that the more important trees on the site are being retained, will be protected during construction and that replacement trees along the road frontage will be provided.

Community Safety Implications:

The introduction of an active community use in this currently vacant building and curtilage would serve to improve the safety of pedestrians walking along the south west side of Bradford Road, particularly late at night, and those waiting at nearby bus shelters.

Reason for Granting Planning Permission

The existing employment premises are not protected by Policy E3 of the Replacement Unitary Development Plan (RUDP) due to their size and location outside an Employment Zone. Subject to the imposed conditions, it is considered that the proposed mixed use of the building is acceptable and will have no significant detrimental impact on surrounding land uses or on the amenity of occupiers of adjoining or neighbouring residential properties. It is considered that the proposed parking provision is adequate for the mix of uses specified and there is unlikely to be any significant adverse impact on the local highway network. The proposal is considered to accord with the provisions of the Replacement Bradford Unitary Development Plan and saved Policies UR3, GB1, D1, E3, TM2, TM11 and TM19A.

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.
Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).
2. The development hereby approved shall only be carried out in accordance with the approved plan(s) listed below:

899/01;
899/02;
899/03 Revision B;
899/04
9186 TCP/TPP

Arboricultural Survey dated 7 July 2010
Noise Impact Assessment dated June 2010

Received by the Council on 8 July 2010

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. The development shall not be begun, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2005) approved by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.
Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

4. Six replacement trees shall be planted in the locations shown on the amended drawing 899/03B during the first available planting season following the completion of the development or as otherwise specified by the Local Planning Authority. Details of the location, size and species of these trees shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of development.

Any of the replacement trees becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree.

No other tree other than those identified for removal in the approved Arboricultural Survey or as shown on drawing 899/03 revision B shall be removed from the site except with the written consent of the Local Planning Authority. Any replacement tree or trees specified in such written consent shall be planted as soon as reasonably practicable and in any event during the first available planting season following such removal.

Reason: For the maintenance of tree cover and in the interests of visual amenity and to accord Policies D5 and NE12 of the Replacement Unitary Development Plan.

5. Prior to the first use of the premises for the uses hereby approved, a close boarded timber screen fence 1.8 metres high, together with the associated hedge, shall be provided near the southern site boundary in the position shown on approved drawing numbered 899/03B. The fence shall be maintained and retained on site thereafter.
Reason: In order to provide an acoustic screen to protect the residential amenity of occupiers of 'Appledene' at 380 Bradford Road from noise and disturbance from customers and vehicles, especially when leaving late in the evening, and to accord with policies UR3 and P7 of the Replacement Unitary Development Plan (2005).

6. Prior to the first use of the property for the uses hereby approved, the following alterations to the building envelope shall be carried out in accordance with the submitted 'Noise Impact Assessment' dated June 2010 and the alterations shall be retained thereafter:

i) the roller shutter door openings and fire doors should be bricked up using similar construction materials to the existing building that i.e. 150mm dense concrete block; 50mm cavity with insulation and 100mm artificial stone, with any fire doors being replaced with upgraded doors aiming to achieve a minimum 46 dB reduction; or the existing outside doors (including fire doors) should be removed and replaced with the appropriate acoustic door sets, rated to achieve a minimum 46 dB reduction.

Or; The existing outside doors (including fire doors) should be removed and replaced with the appropriate acoustic door sets, rated to achieve a minimum 46 dB reduction.

ii) new suspended ceilings shall be provided at both sides of the Octagon to be constructed with a minimum 2 no. layers of Gypsum SoundBloc 12.5mm plaster board on resilient battens or similar, with staggered and taped joints, provided with a plaster skim underneath. A nominal 100- 200mm cavity above should be provided, with at least 100mm thick mineral wool or similar laid above the ceiling.

Reason: In order to prevent unacceptable noise breakout from the premises and to accord with policies UR3 and P7 of the Replacement Unitary Development Plan (2005).

7. Prior to the commencement of development, details of the proposed smoking shelters shown on approved plan number 899/03B, together with details of a cycle store, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: In order to ensure the provision of satisfactory structures in the interests of visual amenity and with regard to the position of the structures within the green belt, and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan (2005).

8. The amount of floorspace within the building used for purposes falling within Class A3 (Food and Drink) of the Town and Country Planning (Use Classes Order) 1987, or the corresponding use class set out in any subsequent equivalent legislation, shall not be greater than 156 sq metres as is specified on the planning application form unless previously approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety given that the use of a larger proportion of the premises for A3 purposes would be likely to intensify demand for car parking beyond the capacity of the site. To accord with Policies TM11 and TM19A of the Replacement Unitary Development Plan.

9. The premises the subject of this decision shall not be open for business between the hours of 0100 and 0800 and no customer shall be served or otherwise make use of the premises between these hours.

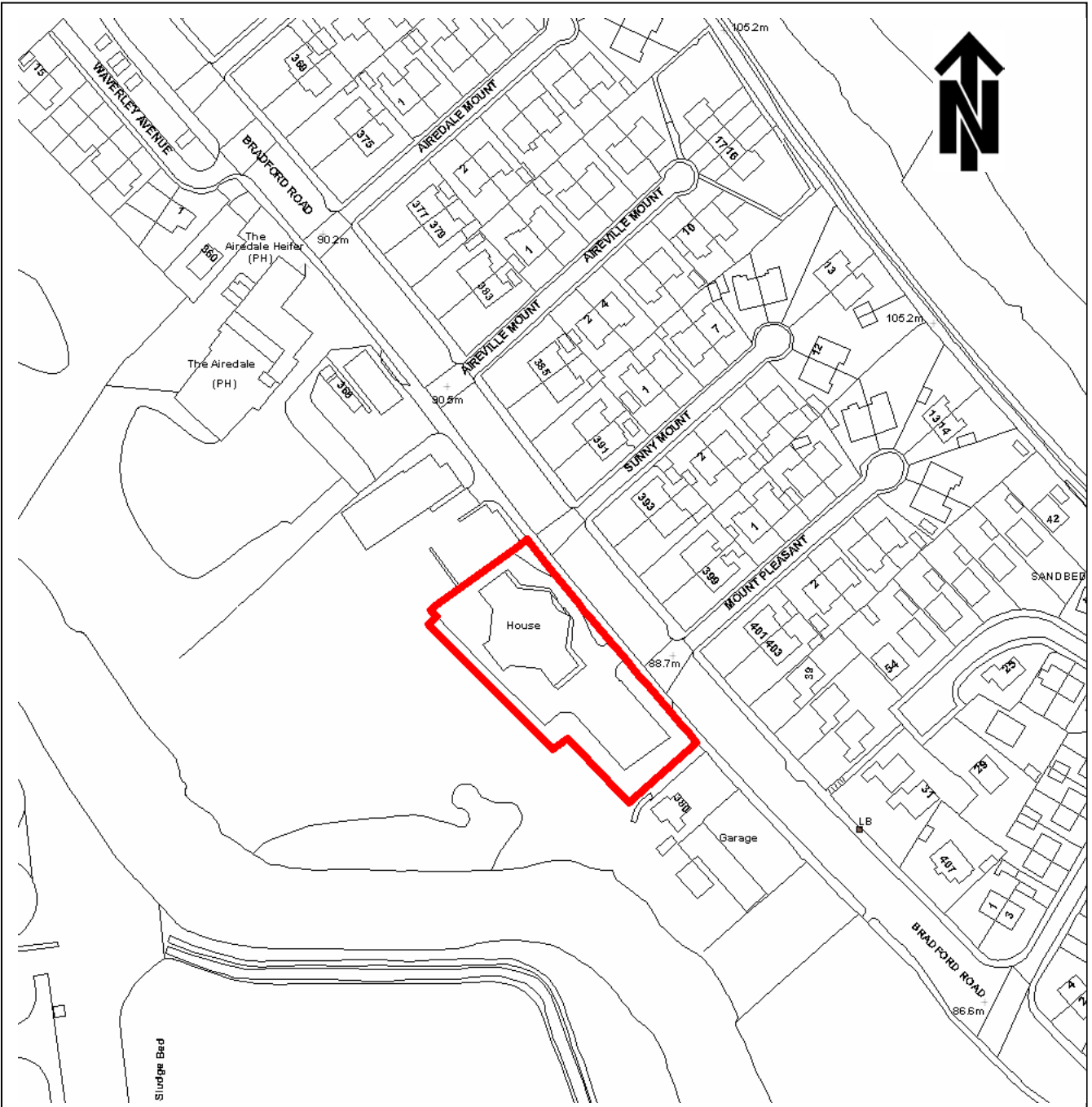
Reason: In order to safeguard the amenity of nearby residents from activity within and outside the premises at unsocial hours, and to accord with Policy UR3 of the Replacement Unitary Development Plan.

Footnote: The developer's attention is drawn to the need to ensure that any licences required under the Licensing Act 2003 are obtained for any regulated entertainment, sale of alcohol, or supply of hot food or drink. For further information contact Licensing Team: 01274 431873.

Area Planning Panel (Keighley)

10/03407/ADV

7 October 2010



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<p>ITEM NO. : 3</p>	<p>LOCATION: Octagon House Bradford Road Sandbeds, Keighley</p>
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7 October 2010

Item Number: 3
Ward: KEIGHLEY EAST
Recommendation:
TO GRANT ADVERTISEMENT CONSENT WITH STANDARD CONDITIONS

Application Number:
10/03407/ADV

Type of Application/Proposal and Address:

An application for the display of three wall-mounted and one post-mounted L-shaped composite metal framed signs at Octagon House, Bradford Road, Sandbeds, Keighley, BD20 5LY in connection with proposed change of use from B1 (Light Industrial)/D1 (Place of worship) to combined A3 (Restaurants & Cafes), D1 (Non-residential institutions), and D2 (Assembly & Leisure) use.

Applicant:
John W Pennington Ltd

Agent:
Paul R Kirkman

Site Description:

A vacant industrial unit with associated office accommodation and with parking on the surrounding land. It was constructed circa 1994 and occupies a generally level plot on the south west side of Bradford Road in an area of mixed use. The Airedale Heifer public house is situated along the main road to the west of the site. Residential properties are to the north and east. The land falls away steeply to the south. The existing building presently displays subtle signage composed of individually mounted letters on the two splayed walls fronting Bradford Road.

Relevant Site History:

95/03529/ADV - Non illuminated company name sign, granted 22 March 1996.

10/03406/FUL – Change of use to combined A3 (Restaurants & Cafes), D1 (Non-residential institutions), and D2 (Assembly & Leisure) use. This planning application is submitted in conjunction with this application for advertisement consent and is included elsewhere on the Panel agenda.

Replacement Unitary Development Plan (RUDP):

Allocation

The majority of the site is unallocated on the RUDP. A 35 metre long sliver on the south western part of the site (total area circa 177 square metres) is designated green belt. The site is adjacent to Bus Priority Network and National and Local Cycle Network routes.

Proposals and Policies

Relevant saved policies include:

D15 – Advertisements

UR3 – The local impact of development

Parish Council:

Keighley Town Council: TBC

Publicity and Number of Representations:

Advertised by site and press notice and letters to occupiers of 15 (mainly residential) adjacent premises. One objection received.

Summary of Representations Received:

Loss of view due to freestanding post-mounted sign.

Consultations:

None undertaken.

Summary of Main Issues:

Impact in terms of amenity and safety.

Appraisal:

The proposed signs would advertise the new use that is subject of the companion planning application 10/03406/FUL.

The wall-mounted signs would measure 3 metres wide x 0.8 metres high and would be externally illuminated by static trough lighting. One would be located above the main front entrance, and one each on the north and south front-facing wing elevations. The base of each advert would be 2.3 metres above ground.

The post-mounted sign would be located at the south-east corner of the site on the back edge of pavement. It would be non-illuminated. The two faces would be 1.8 and 1.5 metres wide x 0.8 metres high. The base of the sign would be 1.05 metres above ground.

All signs are considered to be modestly sized and well positioned either on the building or at the edge of the curtilage to maximize visibility when approaching from Crossflatts.

The levels and nature of illumination proposed are such that no distraction is likely to drivers of motor vehicles using Bradford Road. Trough lighting will be carefully positioned to avoid light spillage away from the surface of the signs and no nuisance is likely to neighbours whose properties face the application site across the main road or adjoin it to the east.

The objection is noted but the size and position of the free-standing sign, located within the application site, is not considered problematic in residential amenity terms.

For these reasons, it is considered that the proposed advertisements would cause no detriment to visual amenity or highway safety and that they comply with saved policies UR3 and D15 of the Replacement Unitary Development Plan (2005).

Community Safety Implications:

No negative community safety implications are foreseen as a result of this development.

Reason for Granting Planning Permission:

The proposed advertisements would cause no detriment to visual amenity or highway safety and therefore comply with saved policies UR3 and D15 of the Replacement Unitary Development Plan (2005).

Conditions of Approval:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
Reason: To accord with the requirements of the Town and Country Planning (Control of Advertisements) Regulations, 1992.
2. Any hoarding or structure, erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
Reason: To accord with the requirements of the Town and Country Planning (Control of Advertisements) Regulations, 1992.
3. Where any advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
Reason: To accord with the requirements of the Town and Country Planning (Control of Advertisements) Regulations, 1992.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
Reason: To accord with the requirements of the Town and Country Planning (Control of Advertisements) Regulations, 1992.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway, waterway (including any coastal waters) or aerodrome (civil or military).
Reason: To accord with the requirements of the Town and Country Planning (Control of Advertisements) Regulations, 1992.
6. The display of advertisements hereby approved shall only be carried out in accordance with the approved plan(s) listed below:

899/01; 02; 03; 04

Received by the Council on 8th July 2010

Reason: For the avoidance of doubt as to the terms under which this consent has been granted.
