

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 23 February 2011

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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.	81 Wesley Place Halifax Road Keighley West Yorkshire BD21 5ET - 10/04375/FUL [Approve] – page 2	Keighley East
2.	Cow And Calf Cafe Cow And Calf Rocks Hangingstone Road Ilkley West Yorkshire - 10/03907/FUL [Approve] – page 7	Ilkley
3.	Nappa House 37 Scott Lane Riddlesden Keighley West Yorkshire BD20 5BU - 10/05851/HOU [Approve] – page 18	Keighley East
4.	6 - 8 Cavendish Street Keighley West Yorkshire BD21 3RG - 10/04495/FUL [Refuse] – page 23	Keighley Central
5.	6 - 8 Cavendish Street Keighley West Yorkshire BD21 3RG - 10/04496/LBC [Refuse] – page 30	Keighley Central
6.	Land South West Of Hamilton View Hebden Bridge Road Oxenhope Keighley West Yorkshire - 10/05859/FUL [Refuse] – page 35	Worth Valley

Julian Jackson
Assistant Director (Planning)

Report Contact: Ian Wilson
Phone: 01274 434605

Email: ian.wilson@bradford.gov.uk

Portfolio:
Environment and Culture

Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley)

10/04375/FUL

23 February 2011



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<p>ITEM NO. : 1</p>	<p>LOCATION: 81 Wesley Place Halifax Road Keighley</p>
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23 February 2011

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

Application Number:
10/04375/FUL

Type of Application/Proposal and Address:
Full application for subdivision of existing dwelling into 2 dwelling units and conversion of a workshop building to a third dwelling at 81 Wesley Place, Halifax Road, Keighley.

Applicant:
G Ladlow

Agent:
JNS Architectural Ltd

Site Description:
The site is set into steeply rising ground on the east side of Halifax Road (A629) south of Ingrow. It contains a pair of cottages that front directly onto the main road with a small barn to the immediate north east set at right angles to the cottages and built against the hillside. The pair of cottages has lately been occupied as a single dwelling, although they are now empty. The small barn is described by the applicant as a workshop/garage but presently appears unused. A partially cobbled courtyard is to the rear of the dwelling and, due to the steepness of the land, is enclosed by very high retaining walls. Access into the courtyard that serves the properties is directly from the A629 via an opening between the cottages and a wall.

Relevant Site History:
90/02742/COU – Conversion of outbuilding to form first floor flat with garage below. Granted 1990.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated by the development plan, with agricultural land comprising Green Belt extending from the site boundary to the east

Proposals and Policies

UDP3 – quality of built and natural environment
UR3 – local impact of development
TM2 – impact of traffic and its mitigation
TM12 – residential parking standards
TM19A – traffic management and road safety
D1 – design considerations

Parish Council:

Keighley Town Council objects on highway grounds. Says the site has a bad access onto a busy road. There are only 7 parking spaces, not 8. The road [site access] should be widened to accommodate extra traffic.

The Town Council has asked that the application be determined by the Area Planning Panel.

Publicity and Number of Representations:

Publicised by neighbour letters and site notice – expiry date 30.12.10.

No representations have been received in respect of the proposal.

Summary of Main Issues:

Principle of the use.

Impact on local amenity.

Highway safety, access and parking issues.

Appraisal:

Principle of the use

The subdivision of the single dwelling back into its original format of two cottages, and the conversion of the barn into a third residential unit, is considered to be generally acceptable as a matter of principle. The existing dwelling was once in use as two cottages and the workshop/garage previously had planning permission in 1990 for its conversion to a flat with garaging retained at ground level. The scheme would make more efficient use of the land for housing and, although outside Keighley town centre, the site is in a relatively sustainable location as it is directly on a frequent bus service.

Impact on local amenity

The arrangement of the buildings is such that their occupation as 3 dwellings would not give rise to loss of privacy or other adverse effects for any adjoining occupiers. Indeed there are no other residential properties to the north or east and the adjoining cottage to the south would be unaffected.

The courtyard area behind the cottages and in front of the barn is to form a ‘dual use’ area surfaced in grasscrete or by using the existing cobbles so that it may be used as both amenity space, for bin storage etc, and for additional parking when required.

The only change to the front of the existing dwelling would be the introduction of an additional door in lieu of a window. A number of new windows and a door will be added to the rear elevation of the existing dwelling to ensure adequate natural light within the building. These windows view onto the communal courtyard, are appropriately designed and would not harm privacy of any other occupiers. None of the changes would have significant effects upon the character and appearance of the building or the street scene and are acceptable in light of Policies UDP3, UR3 and D1 of the RUDP.

The changes to the former workshop/garage building are also limited, involving the introduction of one new window and the movement of a doorway by a small degree. The existing garage door openings will be infilled using vertical timbers. The building would therefore retain its essential character, the residential use would not impact on the amenity of any adjoining occupiers and, again, Policies UDP3, UR3 and D1 of the RUDP are satisfied.

Highway safety, parking and access issues

The Council's Highway Officer has raised no objection in principle to the proposal for residential use of the site but did recommend improvements to the submitted details of access. These involve the access point being widened by 1 metre and the frontage wall being reduced to 900mm in height to improve visibility. The agent has addressed these requested changes through amended plans. It is considered that the amendments ensure that the access is safe to use and has appropriate sight lines.

In addition to the access improvements, the scheme proposes that the enclosed area to the rear of the cottages would be surfaced with a cellular paving system that will enable a covering of grass to be established whilst permitting the parking or manoeuvring of vehicles on areas not currently cobbled. In this way the area is made dual purpose, being available either for parking or outdoor amenity space and enabling vehicles to turn within the site.

In terms of car parking provision the plans show that 6 or 7 cars could be parked on the site, giving over 2 spaces per dwelling and thus exceeding the normal requirement of the Council's car parking standards for 150% parking provision. In addition, it must be acknowledged that the site is adjacent to a 10 minute frequency bus route which would in effect enable one parking space per dwelling unit to be considered adequate.

The Keighley Town Council objection has been carefully considered and it is acknowledged that Halifax Road (A629) is a well used main road. However, visibility from the site access/egress point in both directions is reasonably good and would be improved further by alterations to the frontage wall. Adequate parking is available within the site. Given the lack of objection by Highways Development Control Officers, it is not considered that a refusal on highway grounds can be sustained. The proposals are not considered likely to give rise to significant risks to highway safety and are thus acceptable in light of Policies TM2, TM12 and TM19A of the RUDP.

Community Safety Implications:

There are no apparent community safety implications.

Reason for Granting Planning Permission:

The proposal will make more effective use of the land for housing. The site is in an accessible location being on a frequent bus service and comprising land that is already developed and a building that has previously been in use for commercial purposes. The proposals will have no adverse effects on local amenity or on the amenity of occupiers of any neighbouring properties. The proposals for access have been amended and it is considered that the scheme is provided with satisfactory arrangements for access/egress and car parking such that the scheme will not result in any harm to local highway safety. The proposals are considered acceptable having regard to Policies UR3, D1, TM2, TM12 and TM19A of the Bradford Replacement Unitary Development Plan.

Conditions of Approval:

1. The development hereby approved shall only be carried out in accordance with the approved plans listed below:

Edged red location plan
Drawings 10-012-01 and 10-012-02 showing the house and garage as existing
Drawing 10-012-03 Proposed House Alterations
Drawing 10-012-04 Proposed Garage/Workshop Alterations

Received by the Council on 27 August 2010

AND

Drawing 10-012-05 Revision A: Amended to improve site access and parking - dated 13.01.11

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

2. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access shall be improved by the widening of the existing entrance by 1 metre and the lowering of the wall to the frontage to a maximum height of 900mm as shown on the amended drawing 10-012-05 Revision A dated 13.1.11.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

3. Before the garage/workshop is occupied as a dwelling, the off street car parking spaces hereby approved shall be laid out, hard surfaced, sealed, marked into bays and drained within the curtilage of the site in accordance with the approved plan. The car park shall be kept available for use whilst ever the use subsists.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

4. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

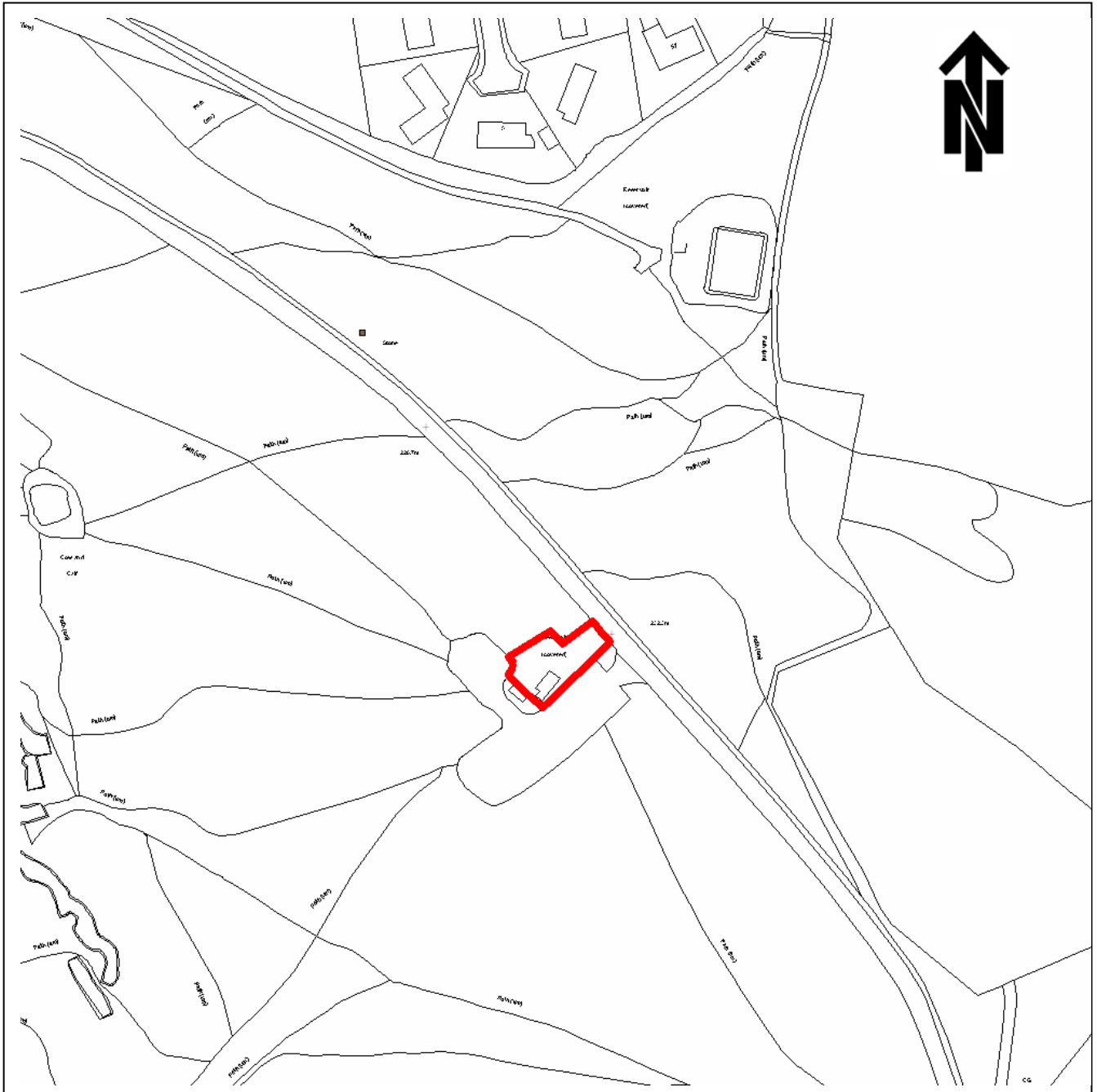
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To protect the existing car parking facilities from development and maintain the character of the buildings in the interests of visual amenity and to accord with Policy UR3 and TM12 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley)

10/03907/FUL

23 February 2011



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<p>ITEM NO. : 2</p>	<p>LOCATION: Cow And Calf Cafe Cow And Calf Rocks Hangingstone Road Ilkley</p>
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23 February 2011

Item Number: 2
Ward: ILKLEY

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT. THE APPLICATION IS REFERRED TO AREA PLANNING PANEL SO THAT IT CAN ADVISE THE REGULATORY AND APPEALS COMMITTEE ON THE LOCAL IMPLICATIONS OF THE APPLICATION. THE APPLICATION MUST BE DETERMINED BY THE REGULATORY AND APPEALS COMMITTEE AS IT IS A DEPARTURE FROM THE REPLACEMENT UNITARY DEVELOPMENT PLAN.

Application Number:
10/03907/FUL

Type of Application/Proposal and Address:

Full application for the demolition of the existing Yorkshire Water building and refreshment kiosk and construction of a replacement building to house cafe, moorland information display and public toilets at Cow and Calf Rocks, Hangingstone Road, Ilkley.

Applicant:

Mr T Falconi

Agent:

Sense of Space Architects

Site Description:

The site is located adjacent to an existing tarmac car park on the south side of Hangingstone Road immediately below and to the north east of the Cow and Calf Rocks, close to the Cow and Calf Hotel. The edged red site is approximately 450m² and includes the existing defunct Yorkshire Water building, its ring of 5 sycamore trees and land to the north west and north east which is partly disturbed due to the presence of some underground water tanks. It does not include the land on which the existing kiosk is situated or the car park; these being on land owned by Bradford Council. The Cow and Calf area of Ilkley Moor, being one of the most picturesque and accessible parts of the moor, is a popular visitor site and access point to the wider moor.

Relevant Site History:

09/03427/FUL – Existing Yorkshire Water building and refreshment kiosk to be demolished and replaced with new visitors' centre/cafe with public toilet facilities. Unable to validate application due to lack of information (ecological appraisal).

Replacement Unitary Development Plan (RUDP):

Allocation

The site is designated on the RUDP allocations map as Green Belt. It is also part of the South Pennine Moors - Special Protection Area (SPA) for Nature Conservation/Site of Special Scientific Interest (SSSI), and a Special Area for Conservation (SAC). It is within the Rombalds Ridge Landscape Character Area.

Proposals and Policies

UDP3 – Quality of Built and Natural Environment
UR3 – The Local Impact of Development
E8 – New Tourist Facilities
TM2 – Impact of Traffic and its Mitigation
D1 – General Design Considerations
D2 – Energy Efficiency and Sustainable Design
D3 – Access for People with Disabilities
D4 – Community Safety
GB1 – New Building in the Green Belt
GB2 – Siting of New Buildings in the Green Belt
NE3 – Landscape Character Areas
NE3a – Landscape Character Areas
NE4 – Trees and Woodland
NE8 – Sites of International and Natural Interest
NE10 – Protection of Natural Features and Species
NE11 – Ecological Appraisals

The adopted Landscape Character Assessment SPD forming part of the emerging LDF has also been considered as a material consideration.

National Planning Policy and Guidance

PPG2 “Green Belts”
PPS9 “Biodiversity and Geological Conservation”
PPS4 “Planning for Sustainable Economic Development”

Parish Council:

Ilkley Parish Council recommends approval

Publicity and Number of Representations:

Advertised as a departure from the Development Plan by site notice and advert in the Ilkley Gazette expiring 21.10.10.

In addition it is known that the applicant has engaged in pre-application consultation with local community organisations to explain the proposals.

One representation expressing strong reservations has been received from a Ward Councillor.

Summary of Representations Received:

1. Questions removal of trees that are very prominent.
2. The replacement of a building 50% + bigger is not acceptable in a special site of national importance.
3. The café portion visible from Cowpasture Road is far too dominant and should be reduced in height.
4. The building will dominate the vista from all points of the compass including the moor.
5. This is common land and any development needs careful consideration.
6. It is clearly in the green belt and the reasons for this large development are not conducive to the surroundings. There is no landscaping proposed.

Consultations:

Natural England

The submitted Phase 1 habitat survey is considered to represent an acceptable description of the site in terms of the habitat types present. Natural England is satisfied that the proposal will have no significant impact on the integrity of the designated site in light of its nature/wildlife interests and nature conservation objectives due to the fact that the site is already heavily disturbed by existing recreational users and does not display the features for which the SSSI and SAC were designated.

Yorkshire Water

A water supply can be provided under the terms of the Water Industry Act, 1991. The applicant/ developer may require a larger pump to be installed depending on demand. It is noted that the planning application states 'Private Treatment Plant' for foul water disposal. Details should be referred to the Environment Agency and the Local Authority's Environmental Health for comment on private treatment facilities. Statutory sewer map indicates there is a public combined sewer located in private land to the east at approximately 65 metres from the site.

Highways Development Control

The existing car park is well used and its use is likely to increase with the proposed development. Though the car park is surfaced in tarmac it is not marked into bays and is not used efficiently. Officer recommends that the car park is marked out in bays in appropriate materials with at least two bays for disabled parking.

Countryside Services - Landscape Design

The Council's Landscape Design Unit has produced the Landscape and Visual Assessment requested by Natural England. This provides the assessment of the impact on the landscape in accordance with published guidelines of the Landscape Institute and the Institute of Environmental Management and Assessment.

Council Drainage Services

Note the intention to dispose of surface water using soakaways. This is acceptable subject to the developer providing the results of percolation tests prior to any works commencing. To comply with Building Regs no soakaway shall be built within 5m of any building or the Public Highway.

Council's Trees Team

The trees affected comprise of 5 mature Sycamores in close proximity to the existing building probably planted as some sort of screen although they were planted too close to the building to provide any real softening value. The trees have a strong presence in the immediate locality but sycamores are not in character with the landscape surrounding Cow & Calf and it could not be argued that their removal is detrimental to landscape character. The Tree Officer therefore has no objection to their removal, but consideration should be given to sensitive replacement planting to complement the proposed development. Replacement planting could be off-site.

Summary of Main Issues:

1. Inappropriateness of the development to the Green Belt location
2. Whether there are "Very special circumstances"
3. Design and materials
4. Impact on landscape character, visual amenity and trees

5. Highway Safety
6. Ecological impact
7. Need for Common Land consent.

Appraisal:

Background

The application is submitted by the operator of the existing refreshment kiosk that has stood at the side of the car park at Ilkley's Cow and Calf rocks for over 20 years. It seeks to replace the refreshment kiosk and the adjoining redundant Yorkshire Water building with a purpose designed structure that will house a higher quality refreshment café, public toilets and space for information and interpretation of the moor. The building has been designed in a modern architectural style constructed using traditional materials, such as dry stone walling, and a slate roof. The building will have a curved form and would be mainly single storey but rises to a mezzanine level over part of the structure. It would have a basement using one of the two the existing under ground water storage tanks next to the Yorkshire Water building. The other tank may be used for a hydroelectric water turbine although this latter element of the project is an aspiration for the future.

The land on which the site is located has a number of separate designations. As well as its Green Belt status, the land forms part of a SSSI (Site of Special Scientific Interest) which is a UK designation designed to afford protection to the most important sites for nature conservation. The land is also on the edge of the South Pennine Moors SPA (Special Protection Area) for nature conservation. SPA's are areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within European Union countries.

The site is also registered as Common Land, which brings with it restrictions on development separate from planning controls. As well as planning permission, the applicant would need to obtain Common Land Consent through a process administered by the Planning Inspectorate.

Appropriateness of the development to the Green Belt location

The site lies within the designated Green Belt and the proposed development does not readily fall within the definition of development listed in paragraph 3.4 of PPG2 (Green Belts) and policy GB1 of the RUDP as being appropriate in Green Belts. (i.e. agriculture, forestry, essential facilities for outdoor sport or recreation, cemeteries or other uses which preserved the openness of the Green Belt). The proposal is therefore regarded as inappropriate development which is, by definition, harmful to the Green Belt. There is a general presumption against inappropriate development in the Green Belt unless it can be demonstrated that there are very special circumstances, which, when viewed objectively, can be clearly shown to outweigh the harm to the openness of the green belt.

Whether there are "very special circumstances"

The RUDP and PPG2 make it clear that it will be for the applicant to demonstrate that very special circumstances exist to justify inappropriate development contrary to green belt policy. In order to meet the test, the circumstances must be 'very special' and these words are to be given their full force and effect.

The very special circumstances put forward by the applicant are based on the poor quality of the existing facilities for visitors given that Ilkley Moor is one of the most important visitor destinations in the rural part of the Metropolitan District and the Cow and Calf rocks is both a nationally famous and popular landmark and a principal point of access to the moor for

visitors. Ilkley Moor is a cherished landscape and is well known nationally and internationally. The Cow and Calf is therefore integral to the importance of Ilkley as a visitor attraction but existing facilities give a poor impression.

No surveys have been carried out in recent times to establish the number of visitors to Ilkley Moor or the Cow and Calf, or to assess why people are visiting and what their expectations of the area might be. But it is evident that the numbers of people visiting the site throughout the year is significant. The existing facilities at the Cow and Calf are currently limited to a rather makeshift green painted refreshment kiosk and the parking area. There are no toilets. The existing lack of facilities and the poor appearance of the existing kiosk do not give a good impression to visitors or provide fully for their needs. The lack of any toilets has been a particular issue that Ilkley Parish Council has highlighted for many years – including in the Ilkley Design Statement.

The proposed scheme will significantly improve the visitor experience at this important tourist site. As well as bringing refreshment facilities up to modern standards, the removal of the existing kiosk and the redundant Yorkshire Water building and the provision of a well designed, purpose built visitor facility will improve the visual appearance of the site and the impression that it gives to visitors. It is intended that the building will provide space both inside and outside for interpretive information regarding the moorland, its recreational opportunities, cultural significance, wildlife etc.

Integral to the proposal is the provision for the first time of public toilet facilities (including provision for people with disabilities). As well as being able to use the refreshment facility for shelter in poor weather, an outdoor seating area with views towards the Cow and Calf rocks will be created for picnics. It is intended that the toilets would be managed by the operator of the refreshment facility – not by the Council. Stand alone public toilets, with no staffed refreshment facility, would require daily locking, unlocking and cleaning and it is not feasible for the Council to take on this responsibility. Operating the toilets in conjunction with a replacement refreshment facility is seen as the best practical solution to delivering the toilet facilities that have been needed for many years. The layout of the building ensures that people do not need to enter the café or seek permission to use the toilets and they will be available for all to use - irrespective of whether they make a purchase. However they would be opened and closed daily by the operator of the café facility. It is intended that a S.106 Agreement would be in place to ensure agreement of the management arrangements with the developer and subsequent operators.

It is considered that, taken together, the delivery of improved refreshment facilities; the opportunities that the building would allow for significantly improving the experience of visitors through interpretive and educational displays within and outside the building; the delivery of the toilet facilities and the removal of the existing poor quality buildings would amount to the “very special circumstances” required to justify the proposal as inappropriate development in the green belt.

Design and Materials

The proposed building has a curved form that has been designed to work with the existing topography of the site and exploit the views over the Cow and Calf rocks. The building will mostly be single storey with an additional mezzanine floor level housed within a small projection above the main roof line. A curved design is proposed with the building curving around a paved exterior terrace providing a south facing outdoor seating area with views over the rocks. The roof oversails to the south providing a canopy to the main entrance; the

public toilets will be accessed externally. The café area has large sliding glass doors which, in the summer, can be opened onto the outdoor seating area. The walls of the building and the retaining walls to the external areas will be faced in reclaimed natural coursed Yorkshire stone in a dry stone walling style and the roof will be natural stone slate and zinc. The zinc will be pre-weathered to give a matt, medium grey finish similar to slate.

The building has been designed along sustainable principles. The majority of the glazing is contained within the south facing elevation to maximise on solar gain. The oversailing roof will provide shelter from the full glare of the summer, reducing the likelihood of overheating whilst allowing the winter sun to penetrate deep into the building. The building will be insulated to levels far exceeding building regulations with thermally efficient windows and doors and a low level of air permeability to reduce thermal losses.

The design of the exterior seating area incorporates a ramp from the car park to the patio and this combined with the provision of toilet facilities for those with disabilities will ensure that the building is accessible to all.

Particular attention has been given to the height of the building. It would have a low profile to mitigate its impact in the landscape and has been designed to occupy the shallow depressions and disturbed ground around the Yorkshire Water building. The architects have confirmed that no part of the new building would exceed the height of the Yorkshire Water building which is 5.7 metres to the ridge. The height of the new building above ground would vary between about 5.0 metres and 5.6 metres. The highest part would be two storeys and corresponds to the present position of the Yorkshire Water building, the break in the roofline adding to the visual interest of the design. Given that the maximum height of the proposed building corresponds to the height and position of the existing structure, and the manner in which the curved form uses the existing landform, it is considered that the height or mass of the building is appropriate.

Officers from the Council's Landscape Team have been involved in the evolution of the design and are satisfied with the visual impact on landscape character. The modern, sustainable design combined with the proposed use of good quality, traditional materials will produce an interesting and attractive building, well suited to the character of the location and of appropriate height, scale and materials.

Impact on landscape character, visual amenity

Policy E7 of PPS4 sets out the national guidance for dealing with planning applications for tourism in rural areas. It directs local planning authorities to support sustainable rural tourism and leisure developments and the provision and expansion of tourist and visitor facilities in appropriate locations, whilst weighing the objective of providing adequate facilities or enhancing visitors' enjoyment with the need to protect landscapes and environmentally sensitive sites.

The Landscape and Visual Impact Assessment submitted in support of the application has been prepared by officers in the Landscape Team of the Council. The assessment is based on the adopted Landscape Character Assessment Supplementary Planning Document which is part of the LDF. The characteristics, features and sensitivities of the landscape are considered in detail as is the "zone of theoretical influence". This is an estimation of the areas from which the development will be visible based on topographical features. Viewpoints were selected from within the zone of influence from across Ilkley and highlights where the development will be visible. The assessment concludes that the development will have a

minor but positive landscape and visual impact. The building is considered to take a pleasing organic form which responds to the already partially disturbed ground at the site and sits well in the surrounding landscape.

Planning officers are in agreement with the findings of the Landscape and Visual Assessment report and the impact on visual amenity and landscape character is considered to be acceptable.

Impact on Trees

The development will require removal of 5 multi stemmed sycamores planted very close to the existing Yorkshire Water building and there is an objection to their removal. The sycamore trees are acknowledged to be a prominent feature. However, they are an alien feature in this upland moorland landscape and the Council's Tree Officer notes that they have been planted too close to the existing building and may hamper any proposals involving reuse of that building. Given the character of Ilkley Moor, removal of the sycamores is considered to be acceptable. Consideration has been given as to whether to seek some compensatory replacement planting, but in this case, the character of the moor is such that Planning and Landscape Officers are of the view that the open moorland around the Cow and Calf should remain free of trees. Natural England has also said that replacement tree planting or any landscaping around the development would be inappropriate.

Highway Safety

The aim of the development is not to encourage a significant intensification of the use but to provide better facilities for the existing visitors. Highways officers have raised no objections to the proposal. There was a recommendation that the existing car park, which provides informal parking for 30-40 vehicles, is marked out into bays to encourage its efficient use. However the car park is outside of the edge red site and marking the car park into bays is not considered necessary to make the development acceptable and indeed, could have a very undesirable "urbanising" effect.

Nature Conservation/Ecology

As stated, the site is part of land designated at the national and international level for its nature conservation significance, falling within the South Pennine Moors SSSI and a Special Protection Area. National planning policy relating to nature conservation and designated sites is contained within PPS9 and directs local planning authorities to resist planning proposal that would have an adverse effect on designated sites. PPS4 recognises that in areas statutorily designated for their natural heritage there will be scope for tourist and leisure related developments, subject to appropriate controls to ensure the particular qualities or features that justified the designation are conserved.

The South Pennine Moors contain the most diverse example of upland plant communities in the country and support a number of important breeding bird communities including golden plover and merlin. Because the development is not directly related to the management of the site for nature conservation purposes the Council, as a "competent authority" was required to carry out an "appropriate assessment" of the impact of the development on nature conservation objectives before granting planning permission. In order to facilitate this, the applicant was required to submit an ecological appraisal which could then be submitted to Natural England for comments. The applicants have fulfilled this requirement and Natural England has confirmed that it is satisfied that the development will not have any significant impacts on local ecology due to the location of the site on the edge of the moor in an area already heavily disturbed by existing recreational users. It does not display any of the

features for which the SSSI and SPA have been designated, being an existing area of development and activity. The ecological appraisal and the comments of Natural England have enabled the planning authority to already undertake the appropriate assessment and to formally determine that the development will have no significant effects on the value of the SSSI or SPA for nature conservation. No mitigation or compensatory measures are required and the development is found to accord with the requirements of policies NE8 and NE10 of the rUDP.

Drainage

The intention is to dispose of surface water from the building and surrounding areas by soakaway. This is acceptable to the Council's Drainage Engineers subject to suitable percolation tests.

Foul water from the development will be dealt with by an on site package treatment works incorporated into the development. It is proposed that details of foul and surface water drainage arrangements be reserved by condition.

Need for Common Land Consent

As well as planning permission, the developer will need separate "Common Land" consent from the Secretary of State. Under section 38 of the Commons Act 2006, special consent is required to carry out building work under the Commons Registration Act 1965. The process for determining applications to construct buildings on common land in England is administered by the Planning Inspectorate and if planning permission were to be granted the development could not lawfully commence without Common Land consent also being obtained. It is likely that Common Land Consent will only be forthcoming if the Planning Inspectorate is convinced of the public interest benefit of the proposal.

Conclusion

It is considered that the benefits arising from the provision of improved visitor facilities at this important tourist destination, including the provision of public toilets, will outweigh any harm to the openness of the Green Belt and amount to the very special circumstances required to justify the development in this location. To ensure that these "very special circumstances" are fulfilled, it will be necessary for the applicant to enter into an agreement under S.106 of the Town and Country Planning Act to secure a suitable scheme management of the facility by the developer and subsequent operators to incorporate arrangements to secure availability and access to the toilet facilities; hours of operation; availability of the outdoor seating for non-customers. It will need to ensure that the Council and other organisations are able to use the facility for the occasional display of educational and interpretive material relating to Rombalds Moor.

It is also proposed to impose a condition to ensure that the building hereby approved shall be used only for purposes of a new visitors' centre/cafe with public toilet facilities as shown on the approved submitted plans and for no other purpose (including any other activity, such as a restaurant, within Class A3 of the Order)

Community Safety Implications:

There are no community safety implications.

Reason for Granting Planning Permission:

It is considered that the benefits arising from the provision of improved visitor facilities at this important tourist destination, including the provision of public toilets will outweigh any harm to the openness of the Green Belt and amount to the very special circumstances required to justify the development in this location. The development will have no significant detrimental impacts on highways safety, local amenity or the integrity of the designated SSSI/SPA site in light of its nature/wildlife interests or nature conservation objectives. The innovative, sustainable design of the building and the proposed materials are considered appropriate to the setting of the site and landscape character. The scheme is considered to comply with the requirements of policies UDP3, UR3, E8, D1, D2, D3, GB1, NE3, NE3a, NE4, NE8, NE10 of the Bradford Replacement Unitary Development Plan and the national planning guidance continued within PPG2 "Green Belts" and PPS9 Biodiversity and Geological Conservation.

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. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any subsequent equivalent legislation, the building hereby approved shall be used only for purposes of a new visitors' centre/cafe with public toilet facilities as shown on the approved submitted plans and for no other purpose (including any other activity within Class A3 of the Order).

Reason: In order that the Local Planning Authority retains control over future changes of use because planning permission has been granted on the basis that very special circumstances exist to justify this development in the green belt arising from the benefits of better visitor facilities at the site and which will outweigh any harm to the openness of the green belt. To accord with Policy GB1 of the Bradford District Replacement Unitary Development Plan and guidance in PPG2: Green Belts.

3. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

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. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of the Treatment Plant capacity and percolation test results for the effluent distribution soakaway for the plant together with percolation test details for surface water soakaways and the relative locations of each soakaway to one another. The drainage scheme so approved shall thereafter be implemented prior to the commencement of the development.

Reason: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

Footnote: The applicant is reminded of the need to obtain Common Land consent from the Secretary of State under section 38 of the Commons Act 2006 before commencing development.

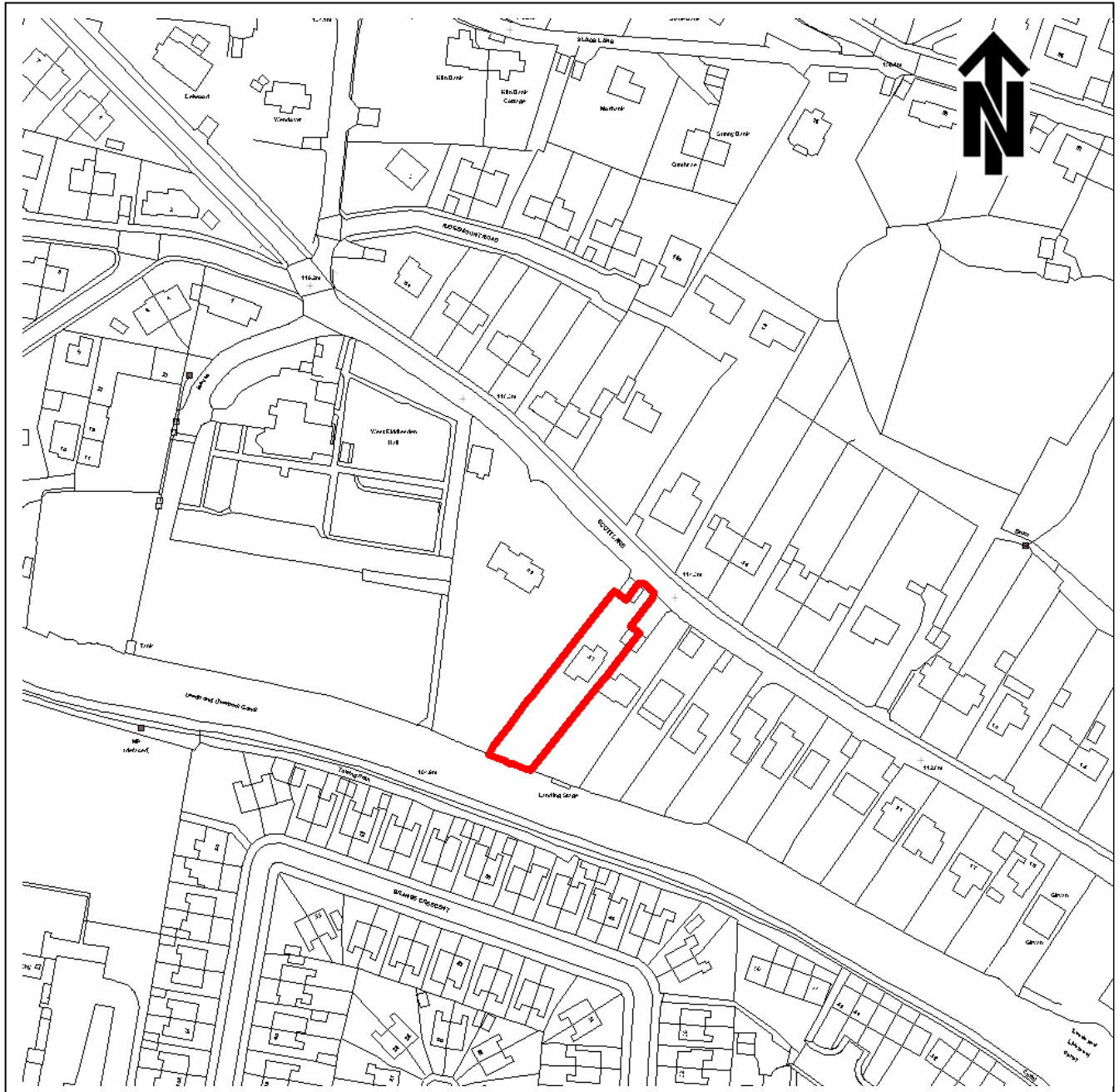
Heads of Terms for the S.106 Agreement

1. To require a management agreement setting out the operator's proposals for maintenance of and access to the toilet facilities; to ensure that the toilets and the outside seating can be used by all visitors and not only those making purchases from the new facility; to enable use of the building for display of such educational and interpretative displays and exhibitions as may be agreed.

Area Planning Panel (Keighley)

10/05851/HOU

23 February 2011



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<p>ITEM NO. : 3</p>	<p>LOCATION: Nappa House 37 Scott Lane Riddlesden Keighley</p>
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23 February 2011

Item Number: 3
Ward: KEIGHLEY EAST
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
10/05851/HOU

Type of Application/Proposal and Address:
Two storey extension and decking to the rear and a single storey extension to the front of 37 Scott Lane, Riddlesden, Keighley.

Applicant:
Mr Tim Peters

Agent:
Mr Paul Ibberson

Site Description:
The application property is a detached house dating from the 1950's. The property is on a sloping site with the Leeds and Liverpool Canal to the rear. Along the north west boundary are a number of mature trees located in the extensive gardens of the neighbouring property 39 Scott Lane (Fieldhead). (One tree is protected by a Tree Preservation Order and all the trees are within the Leeds Liverpool Canal Conservation Area). The boundary to the south east, with 35 Scott Lane, is a low fence with a hedge of mixed species.

Relevant Site History:
10/04612/HOU Two storey rear extension, front porch, external and internal alterations - Withdrawn to address tree issues 11.11.2010

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated on the RUDP Proposals Map. The boundary of the Leeds Liverpool Canal Conservation Area runs along the north west (boundary with No. 39 Scott Lane) and south west (boundary with the canal)boundaries of the site.

Proposals and Policies
UR3 – Local Impact of Development
D1 – General Design Considerations
TM12 – parking standards for residential developments
D4 – Community Safety

Supplementary planning guidance contained within the Council's Revised House Extensions Policy 2003.

Parish Council:
Keighley Town Council recommend refusal on the grounds of overdevelopment and taking light from the neighbouring house. They request that the application be referred to the Area Planning Panel if it is recommended for approval.

Publicity and Number of Representations:

The application was advertised by neighbour notification letters with an expiry date of 27th December 2010. None received.

Summary of Representations Received:

Not applicable.

Consultations:

British Waterways - no objections but request that the following informative is attached to any permission.

The applicant/developer is advised to contact third party works engineer, Alan Daines (0113 2816800) in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of Practice for Works affecting British Waterways".

Trees - no objection to the proposal but recommends a condition relating to tree protection measures.

Summary of Main Issues:

1. Impact on the local environment.
2. Impact on neighbouring occupants.
3. Impact on highway safety.

Appraisal:

Impact on the local environment

The proposals involve adding a single storey front extension of 2.5metres deep, a two storey rear extension of 3.3m deep and a raised rear timber deck. Alterations are also proposed to some of the existing window and door openings. The extensions are all to be built in a style which is sympathetic to the original building but which gives the dwelling a more modern appearance. Concrete roof tiles, sandstone and render are to be used to match the existing building. As the dwelling sits within a row of individually designed detached properties the proposed alterations will not result in a property which is out of character with the street scene. In fact, it is considered that the proposals will enhance the appearance of the application property and the local environment.

There are three mature trees which sit adjacent to the boundary with the application dwelling in the grounds of Fieldhead. It is not considered that the development as proposed will result in harm to these trees provided protective fencing is erected to prevent damage to the roots during the building operations.

Impact on neighbouring occupants

The closest dwelling to No 37 Scott Lane is 35 Scott Lane. The proposed two storey rear extension will not break a 45 degree line drawn from the edge of the closest rear ground floor window at No. 35 and it is not considered that the proposed rear extension will affect the light to or the outlook from the windows of this neighbouring property.

Whilst a view across the garden of 35 Scott Lane will be possible from the stairway and landing which affords access into the lounge/ dining room, this area has been reduced in size so that it is not large enough to be used as a seating area. No view is possible from the rear

decking to the habitable room windows of No 35 Scott Lane as this is screened by the corner of the proposed extension. The main area of decking is at ground level where it joins onto the existing house, increasing to just less than one metre and as this is located about 7 metres from the boundary with No. 35 Scott Lane it is not considered that significant overlooking will occur from this decking.

The front extension projects 2.8 metres and is located in excess of 2 metres from the boundary with 35 Scott Lane. This extension replaces a recently demolished porch and is not considered to have an adverse impact on the occupiers of 35 Scott Lane.

The property to the north west is Fieldhead and there is a recent planning approval (10/01667/FUL) for the construction of detached house and garage in the grounds of this property adjacent to Scott Lane. The dwelling 'Fieldhead' is over 15m from the joint boundary with No. 37 Scott Lane and screened from the development by a line of mature trees. The proposed new dwelling is also screened by the trees. It is not considered that the proposals will have a significant adverse impact on the occupiers of Fieldhead or the approved neighbouring dwelling.

The properties to the front and rear are a significant distance away and the occupiers of these properties will not be affected by the development.

It is not considered that the proposals will have any significant adverse affects on the residential amenity of the occupiers of any adjacent properties.

Impact on Highway Safety

There is no loss of car parking space within the site and as such there are no highway safety implications.

Community Safety Implications:

There are no apparent community safety implications.

Reason for Granting Planning Permission:

The proposed two storey extension, single storey extension and decking to the rear are considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the proposal upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significant adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with policies UR3 (The Local Impact of Development) and D1 (General Design Considerations) of the Replacement Unitary Development Plan 2005 and the supplementary planning guidance contained within the Council's Revised House Extensions Policy 2003.

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:

1129 A (00) - 01 Existing Plans and Elevations

Received by the Council on 29th November 2010

1129 A (10) - 01 Rev D - Proposed Plans and Elevations

1129 A (90) - 01 Rev C - Proposed Site Plan

Received by the Council on 8th February 2011

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

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. The tree protection works (Paragraphs 7.3 to 7.21) detailed in the Arboricultural Method Statement dated 12th November 2010 shall be undertaken in full or in accordance with any variation for which the Local Planning Authority gives its written approval.

Reason: To ensure tree damage is minimised and to safeguard the visual amenity provided by the trees overhanging the north west boundary of the site to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan 2005.

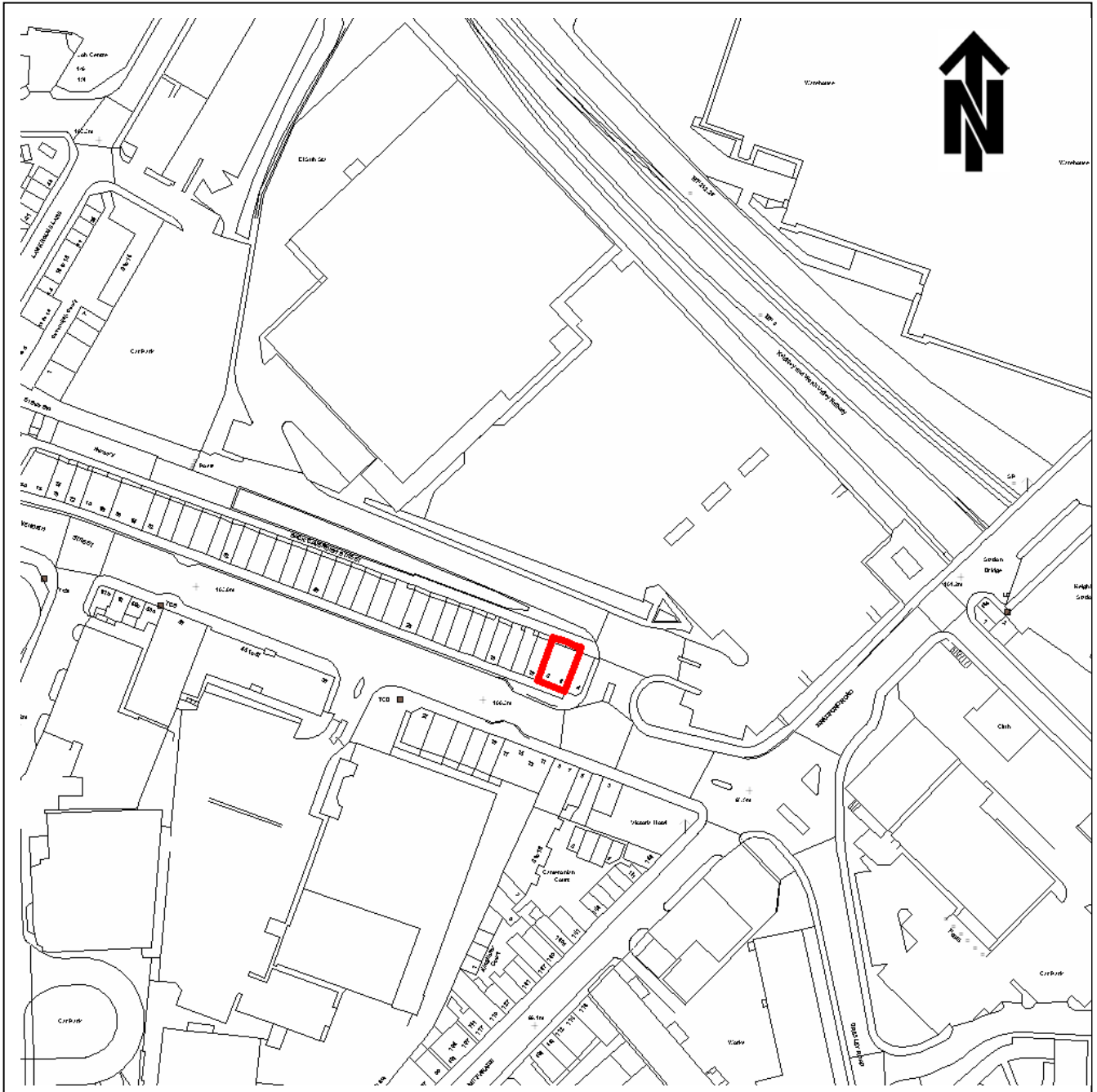
5. Notwithstanding any details forming part of the submitted application no works shall be carried out to the trees overhanging the north west boundary of the site without the Prior written approval of the Local Planning Authority.

Reason: To safeguard the visual amenity provided by the trees adjacent to the site to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan 2005.

Area Planning Panel (Keighley)

10/04495/FUL

23 February 2011



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ITEM NO. : 4

LOCATION:

**6 - 8 Cavendish Street
Keighley**

23 February 2011

Item Number: 4
Ward: KEIGHLEY CENTRAL
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
10/04495/FUL

Type of Application/Proposal and Address:

Full planning application for change of use of A1 retail outlet to an A5 hot food outlet and installation of external air con/cold room condensers at 6-8, Cavendish Street, Keighley.

Applicant:

Mr Arshad Pervez

Agent:

Hay Innovations, Leicester

Site Description:

The site is a double fronted vacant retail unit at the bottom end of Cavendish Street. It is part of the Grade II listed shopping parade that has a glass canopy projecting over the pavement. The building is 3 storeys high. There are a number of flats above the shop units along the parade. The rear of the premises backs onto Back Cavendish Street and the former goods yard now occupied by Sainsbury's supermarket. The premises are next to an existing hot food outlet at 4 Cavendish Street which is the end unit that has a small display window facing Cavendish Street and a larger display window facing the Sainsbury's entrance. The listed shopping parade comprises 38 shop original units – some having been amalgamated to form double units. Apart from this hot food outlet and a café in the middle of the parade, there **is** no other restaurant or hot food uses along the parade. The parade is predominantly in retail use with a few A2 financial and professional services uses.

Relevant Site History:

None relevant.

Replacement Unitary Development Plan (RUDP):

Allocation

Proposals and Policies

Bradford Replacement Unitary Development Plan.

CR1A – Within town centre area of Keighley

CT5 – Within the Keighley primary shopping area

UR3 – local planning considerations

D1 – design considerations

Parish Council:

Keighley Town Council recommends refusal: the proposal would be out of keeping with the rest of Cavendish Street.

Publicity and Number of Representations:

Publicised by neighbour notification letters and site/press notice expiring 4 November 2010.
3 representations of objection have been received.

Summary of Representations Received:

1. The proposed use is going to cause more pollution and noise for residents of Cavendish Street, especially in the evenings.
2. The extractor system for the existing takeaway already cause noise
3. It will destroy the character of the street and the listed buildings.
4. There will be increased illegal parking on the yellow lines near the site.
5. Back Cavendish Street already has problems with rubbish, vermin and litter.
6. Some of this is caused by the existing takeaway. This additional hot food use will only make these problems worse and attract vermin.
7. There are enough takeaways in the area. Cavendish Street should remain for specialist retailing.

A Ward Councillor has requested referral to Panel which will ensure that the interests of the applicant and the public at large are best served.

Consultations:

Council's Design and Conservation Team:

The property forms part of the long row of listed buildings on Cavendish Street. It is an elegant and well known feature of the town.

The use potentially might have a detrimental impact on the long term viability of retailing on the parade by discouraging retail customers and shopping activity.

The existing condenser unit on the rear does not have Listed Building Consent. The back elevation is prominent from Sainsbury's car park and the additional clutter from new air cooling equipment and kitchen extract flues etc would have a detrimental impact on the listed buildings. The kitchen extraction system indicated appears insufficient for its purpose and no projecting or full height extraction flues or equipment will be acceptable here. Details of bin storage are not adequate.

As submitted the additional air cooling equipment, likely kitchen extractor and other additions required for the operation of a takeaway use would have an adverse effect on visual amenity and will not maintain the special interest of the listed building contrary to Policy BH4 of the RUDP.

Environmental Health Department:

Confirms some reservations with this application.

From observations it appears there are residential dwellings directly above and above to the left and right of the application address. The supporting documentation indicates the proposed condenser units (to be installed at the rear) each emit a noise level of 53dB(A). Two units running together will therefore produce 56dB(A). Due to the close proximity to habitable rooms there will be little if any attenuation due to distance and it is suspected that the noise generated may well be clearly audible inside dwellings if tenants choose to have any windows open. This would be particularly noticeable late at night and in the early hours when ambient noise levels are at their lowest. The random on/off nature of the units operation will also draw attention to the noise which will be present day and night.

The proposed final outlet is situated at ground floor level, again below what appear to be the windows of habitable rooms. There is no detail provided regarding noise levels for the extractor system. In locations such as this it would be preferable to see a traditional extractor flue venting at high level (preferably at roof height) to aid adequate dispersion of any cooking odour. However, it is accepted that this may not be an option from a planning perspective in this particular location.

The supporting documentation indicates the proposed use of an Extechnology UV unit to minimise cooking odours venting to atmosphere. The manufacturers claim it will remove up to 85% odour. UV odour control units are a relatively recent innovation as a method of odour control and the Environmental Health Department's limited experience has indicated that they are sometimes less effective than anticipated. However, it is generally accepted that no odour control system is 100% effective and there may well be some residual odour affecting nearby residents even if the manufacturers claims are met.

Summary of Main Issues:

- Principle of an A5 use in the Primary Shopping Area
- Environmental Health concerns
- Effects on the character and setting of the listed building

Appraisal:

This double fronted shop property is within Keighley town centre and within a "Primary Shopping Area". Within Primary Shopping Areas, it is acknowledged that a variety of uses will add to the mix and vitality of activity but the objective of the RUDP is to maintain a balance of retail and non-retail uses so as not to harm the attractiveness of primary shopping streets for shopping. Policy CT5 of the RUDP states that:

IN THE PRIMARY SHOPPING AREAS OF BRADFORD, BINGLEY, ILKLEY, KEIGHLEY AND SHIPLEY AS DEFINED ON THE PROPOSAL MAP USES OTHER THAN THOSE OF CLASS A1 OF THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 WILL ONLY BE PERMITTED WHEN:

1. *THE CUMULATIVE EFFECT OF THE PROPOSAL ON THE BALANCE OF THE RETAIL AND NON RETAIL USES IN THE SHOPPING STREET, OR*
2. *THE EXTENT OF THE FRONTAGE PROPOSED, OR*
3. *THE VISUAL IMPACT CREATED BY THE DEVELOPMENT OF A PROMINENT CORNER SITE, WOULD NOT BE SO GREAT AS TO ADVERSELY AFFECT THE CHARACTER OF THE SHOPPING STREET WITHIN WHICH THE PROPOSAL WOULD BE LOCATED AND ITS ATTRACTIVENESS FOR THE SHOPPING PUBLIC.*

In the case of 6-8 Cavendish Street, the parade comprises about 38 original shop units and the majority are in A1 retail use with a handful of financial and professional services, one café and the single takeaway adjoining the application premises. The whole row are Grade II listed buildings.

Along the whole row, the overall balance of retail and non retail uses on Cavendish Parade is predominantly weighted towards genuine A1 retail. However, the presence of the application site next to the existing Class A5 takeaway would result in a concentration of takeaways at

the lower end with 3 adjoining takeaway frontages located on a prominent corner site. Keighley Town Council and the Council's Conservation Officer have expressed the view that this concentration of takeaways would harm the character of the street and its attractiveness for the shopping public.

These arguments are accepted. It is considered that the extent of non retail frontage, and its prominence are such that the proposal would be contrary to Policy CT5 and threatens to undermine the viability and attractiveness of Cavendish Street parade, a primary shopping area, for shopping.

Environmental Health Concerns

There are a number of flats above the shops along Cavendish parade with access from the back road. There appear to be residential flats over the shops directly above and adjoining the application properties. Properties at 6b and 8b appear to be currently occupied, as is No. 10. As can be seen from the representations, the existing takeaway apparently already causes an amount of nuisance. Neighbouring occupiers and owners fear that these problems will be exacerbated.

The planning proposal includes the fitting of condenser units at the rear of the building that the applicant states will emit a noise level of 53dB(A). Both units running together would produce 56 dB(A). Due to the close proximity to habitable rooms within the flats above, the Council's Environmental health Officer considers that it would not be possible to attenuate the noise produced by these condensers and so noise would be clearly audible and noticeable within the flats especially in the evening and at night when ambient noise levels are at their lowest but when the proposed takeaway use is likely to be operational.

In addition, the kitchen extractor vent is shown emerging at ground floor level below what appear to be the windows to habitable rooms within the flats above. There is no detail regarding noise emissions from the kitchen extract but cooking fumes would be venting near windows and in a relatively confined space. Ideally, the extractor should vent at roof height, but this would have an adverse impact on the appearance and character of the listed building and so is not feasible as there is likely to be strong opposition from the Council's Conservation Officer.

The supporting documentation has indicated use of a modern UV method of odour control to minimise cooking odours venting to atmosphere. The Council's Environmental Health Officer has only limited experience of the unit suggested, but the experience he has indicates that it is a less effective method of odour control than is sometimes anticipated. It is generally accepted that no odour control system is 100% effective and there may be some residual odour affecting the adjoining flats even if the manufacturer's claims are met.

Initially there was a lack of provision of facilities for waste storage associated with the proposed use. The applicant has since submitted detail of a bin enclosure but it is unclear how this would fit into the back yard or how it would impact on the flats above. These details could be reserved by a planning condition, but the lack of detail adds weight to the general concerns about the impact of the proposal on the amenity and living conditions of existing residents above the Cavendish Street shops.

There are therefore significant concerns that the introduction of a takeaway use would have a detrimental effect on the amenity of occupiers of flats along Cavendish Street due to the generation of fumes from the kitchen areas and the noise that the condenser units and

kitchen extraction system would potentially cause to these residents. The submitted material does not allay these concerns.

Effects on the character and setting of the listed building

All the shops within the Cavendish Street parade are Grade II listed buildings, protected for their special architectural and historic interest and subject to policies BH4 and BH4A of the RUDP. As stated in the Consultation section of the report, the Council's Conservation Officer has expressed concerns about the potential adverse impact of this takeaway use on retail activity on the rest of the parade and its subsequent character and viability. In addition there is specific concern about the specified and unspecified alteration and additions to the back of the building that would be required to facilitate the takeaway use.

The Conservation Officer advises that the two condensers indicated on the submitted drawings are not acceptable due to the harmful impact they have on the appearance of the back elevation of the listed buildings which are prominent from Sainsbury's car park.

In addition, the Environmental Health Officer has suggested that the kitchen extraction system is unlikely to deal adequately with the cooking fumes from the use. To extract fumes and disperse them away from habitable room windows of flats elsewhere along the row, there would need to be a much more significant flue, perhaps up to roof level. This would have a substantial impact on the listed building. The applicant was asked to provide further detail regarding the extraction but none has been received.

It is considered that the proposed use and the specific alterations at the rear of the building would harm the special architectural and historic interest of 6-8 Cavendish Street and the setting of the whole row. This would be contrary to Policies BH4 and BH4A of the RUDP.

Community Safety Implications:

There are no apparent community safety implications.

Reasons for Refusal:

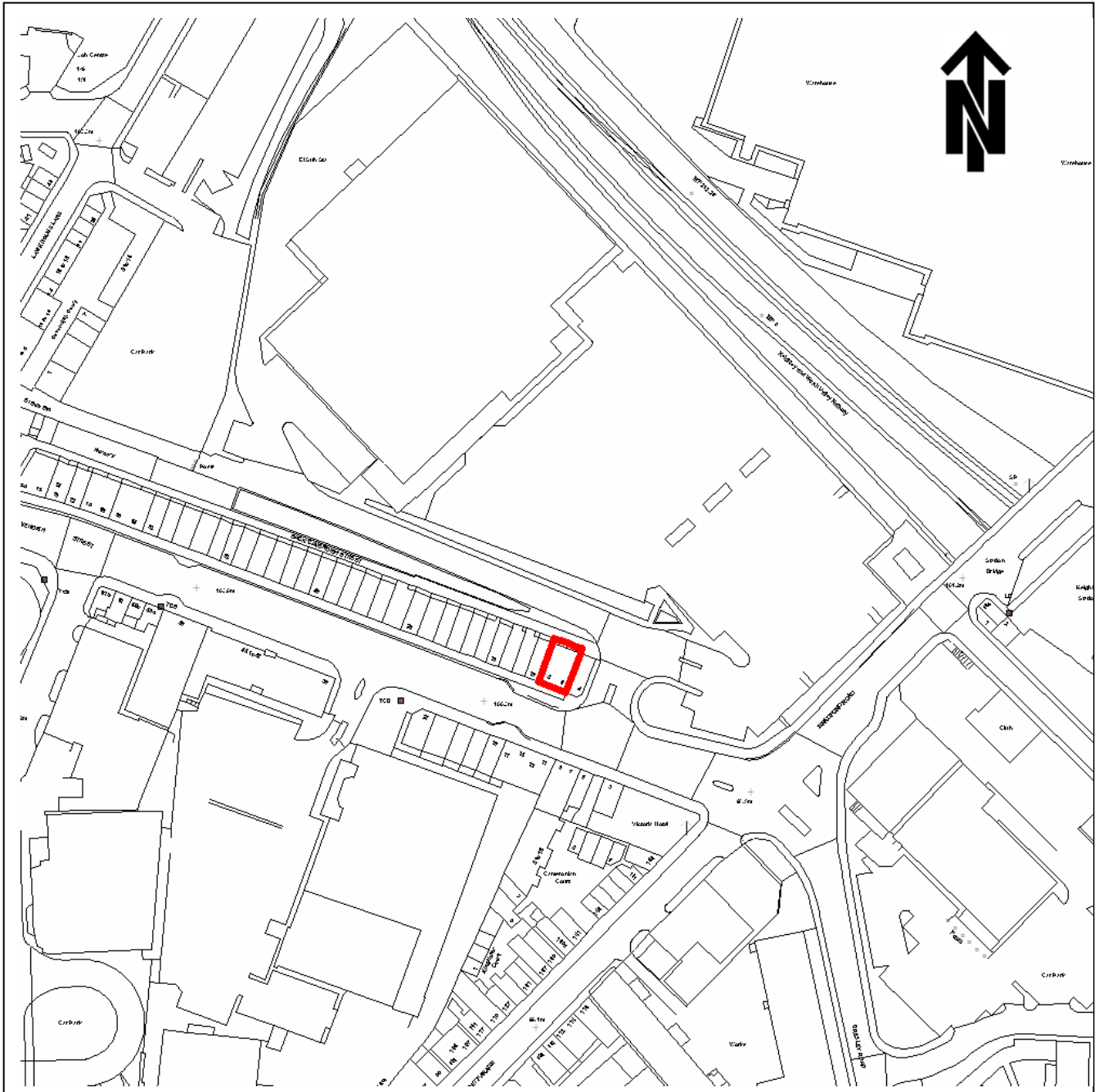
1. Due to its location adjoining an existing takeaway business and at a prominent corner site, the cumulative extent of the frontage to Cavendish Street that will be taken up by non retail uses would adversely affect the balance of retail and non retail uses. This will reduce the attractiveness of Cavendish Street for retailing and be contrary to Policy CT5 of the Bradford Replacement Unitary Development Plan.
2. There is inadequate information submitted with the application to demonstrate how the proposed takeaway would operate without detriment to the amenity of occupiers of residential properties above the application premises and other properties on Cavendish Street. In particular, there is inadequate information to demonstrate how the developer would attenuate noise emissions from the proposed air con/condenser units; a lack of detail regarding likely noise emissions from the kitchen extract system; and no evidence that the proposed kitchen extract system would effectively disperse cooking odours without harming the amenity of occupiers above the level of the outlet. As such the proposal is considered contrary to Policies UR3 and P7 of the Bradford Replacement Unitary Development Plan.
3. There is inadequate information submitted with the application to demonstrate that the proposed kitchen extract system would effectively disperse cooking odours and that the A5 use could be introduced without the necessity for additional intrusive flues or

ducting having to be fixed to the building. This, together with the adverse impact of the air-conditioning/condenser units on the rear elevation, would adversely affect the special architectural and historic interest of the listed buildings comprising the application premises and the rest of Cavendish Street and would be contrary to Policies BH4, BH4A and D1 of the Bradford Replacement Unitary Development Plan.

Area Planning Panel (Keighley)

10/04496/LBC

23 February 2011



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ITEM NO. : 5

LOCATION:

**6 - 8 Cavendish Street
Keighley**

23 February 2011

Item Number: 5
Ward: KEIGHLEY CENTRAL
Recommendation:
TO REFUSE LISTED BUILDING CONSENT

Application Number:
10/04496/LBC

Type of Application/Proposal and Address:

Listed Building Consent application for change of use of A1 retail outlet to an A5 hot food outlet and installation of external air con/cold room condensers at 6-8, Cavendish Street, Keighley BD21 3RG.

Applicant:

Mr Arshad Pervez

Agent:

Hay Innovations, Leicester

Site Description:

The site is a double fronted vacant retail unit at the bottom end of Cavendish Street. It is part of the Grade II listed shopping parade that has a glass canopy projecting over the pavement. The building is 3 storeys high. There are a number of flats above the shop units along the parade. The rear of the premises backs onto Back Cavendish Street and the former goods yard now occupied by Sainsbury's supermarket. The premises are next to an existing hot food outlet at 4 Cavendish Street which is the end unit that has a small display window facing Cavendish Street and a larger display window facing the Sainsbury's entrance. The listed shopping parade comprises 38 shop original units – some having been amalgamated to form double units. Apart from this hot food outlet and a café in the middle of the parade, there are no other restaurant or hot food uses along the parade. The parade is predominantly in retail use with a few A2 financial and professional services uses.

Relevant Site History:

None relevant

Replacement Unitary Development Plan (RUDP):

Proposals and Policies

CR1A – Within town centre area of Keighley

CT5 – Within the Keighley primary shopping area

BH4 – Alteration, Extension or Substantial Demolition of Listed Buildings

Parish Council:

Keighley Town Council recommends refusal: the proposal would be out of keeping with the rest of Cavendish Street.

Publicity and Number of Representations:

Publicised by neighbour notification letters and site/press notice expiring 4 November 2010. No representations received in connection to the LBC application but 3 have been received on the corresponding full application.

Summary of Representations Received:

1. The proposed use is going to cause more pollution and noise for residents of Cavendish Street, especially in the evenings.
2. The extractor system for the existing takeaway already cause noise
3. It will destroy the character of the street and the listed buildings.
4. There will be increased illegal parking on the yellow lines near the site.
5. Back Cavendish Street already has problems with rubbish, vermin and litter. Some of this is caused by the existing takeaway. This additional hot food use will only make these problems worse and attract vermin.
6. There are enough takeaways in the area.

A Ward Councillor has requested referral to Panel which will ensure that the interests of the applicant and the public at large are best served.

Consultations:

Council's Design and Conservation Team:

The property forms part of the long row of listed buildings on Cavendish Street. It is an elegant and well know feature of the town.

The use potentially might have a detrimental impact on the long term viability of retailing on the parade by discouraging retail customers and shopping activity.

The existing condenser unit on the rear does not have Listed Building Consent. The back elevation is prominent from Sainsbury's car park and the additional clutter from new air cooling equipment and kitchen extract flues etc would have a detrimental impact on the listed buildings. The kitchen extraction system indicated appears insufficient for its purpose and no projecting or full height extraction flues or equipment will be acceptable here. Details of bin storage are not adequate.

As submitted the additional air cooling equipment, likely kitchen extractor and other additions required for the operation of a takeaway use would have an adverse effect on visual amenity and will not maintain the special interest of the listed building and is contrary to Policy BH4 of the RUDP.

Environmental Health Department:

I can confirm that I have some reservations with this application.

From my observations it appears there are residential dwellings directly above and above to the left and right of the application address. The supporting documentation indicates the proposed condenser units (to be installed at the rear) each emit a noise level of 53dB(A). Two units running together will therefore produce 56dB(A). Due to the close proximity to habitable rooms there will be little if any attenuation due to distance and I suspect the noise generated may well be clearly audible inside dwellings if tenants choose to have any windows open. I believe this would be particularly noticeable late at night and in the early hours when ambient noise levels are at their lowest. The random on/off nature of the units operation will also draw attention to the noise which will be present day and night.

The proposed final outlet is situated at ground floor level, again below what appear to be the windows of habitable rooms. There is no detail provided regarding noise levels for the extract system. In locations such as this I would prefer to see a traditional extract flue venting at high level (preferably at roof height) to aid adequate dispersion of any cooking odour. However, I am well aware that this may not be an option from a planning perspective in this particular location.

The supporting documentation indicates the proposed use of an Extechnology UV unit to minimise cooking odours venting to atmosphere. The manufacturers claim it will remove up to 85% odour. UV odour control units are a relatively recent innovation as a method of odour control and this Department's limited experience has indicated that they are sometimes less effective than anticipated. However, it is generally accepted that no odour control system is 100% effective and there may well be some residual odour affecting nearby residents even if the manufacturers claims are met.

Summary of Main Issues:

Effects on the character and setting of the listed building

Appraisal:

Effects on the character and setting of the listed building

All the shops within the Cavendish Street parade are Grade II listed buildings, protected for their special architectural and historic interest.

As stated in the Consultation section of the report, the Council's Conservation Officer has expressed concerns about the potential adverse impact of this takeaway use on retail activity on the rest of the parade and its subsequent character and viability. In addition there is specific concern about the specified and unspecified alterations and additions to the back of the building that would be required to facilitate the takeaway use.

The two condensers indicated on the submitted drawings are not acceptable due to the impact they have on the appearance of the back elevation which is prominent from Sainsbury's car park.

In addition, the Environmental Health Officer has suggested that the kitchen extraction system is unlikely to deal adequately with the cooking fumes from the use. To extract fumes and disperse them away from habitable room windows of flats elsewhere along the row, there would need to be a much more significant flue, perhaps up to roof level. This would have a substantial impact on the listed building.

The applicant was asked to provide further detail regarding the extraction but none has been received. Some additional details of bin storage have been received.

It is considered that the proposed use and the specific alterations at the rear of the building would harm the special architectural and historic interest of 6-8 Cavendish Street and the setting of the whole row. This would be contrary to Policies BH4 and BH4A of the RUDP.

Community Safety Implications:

There are no apparent community safety implications.

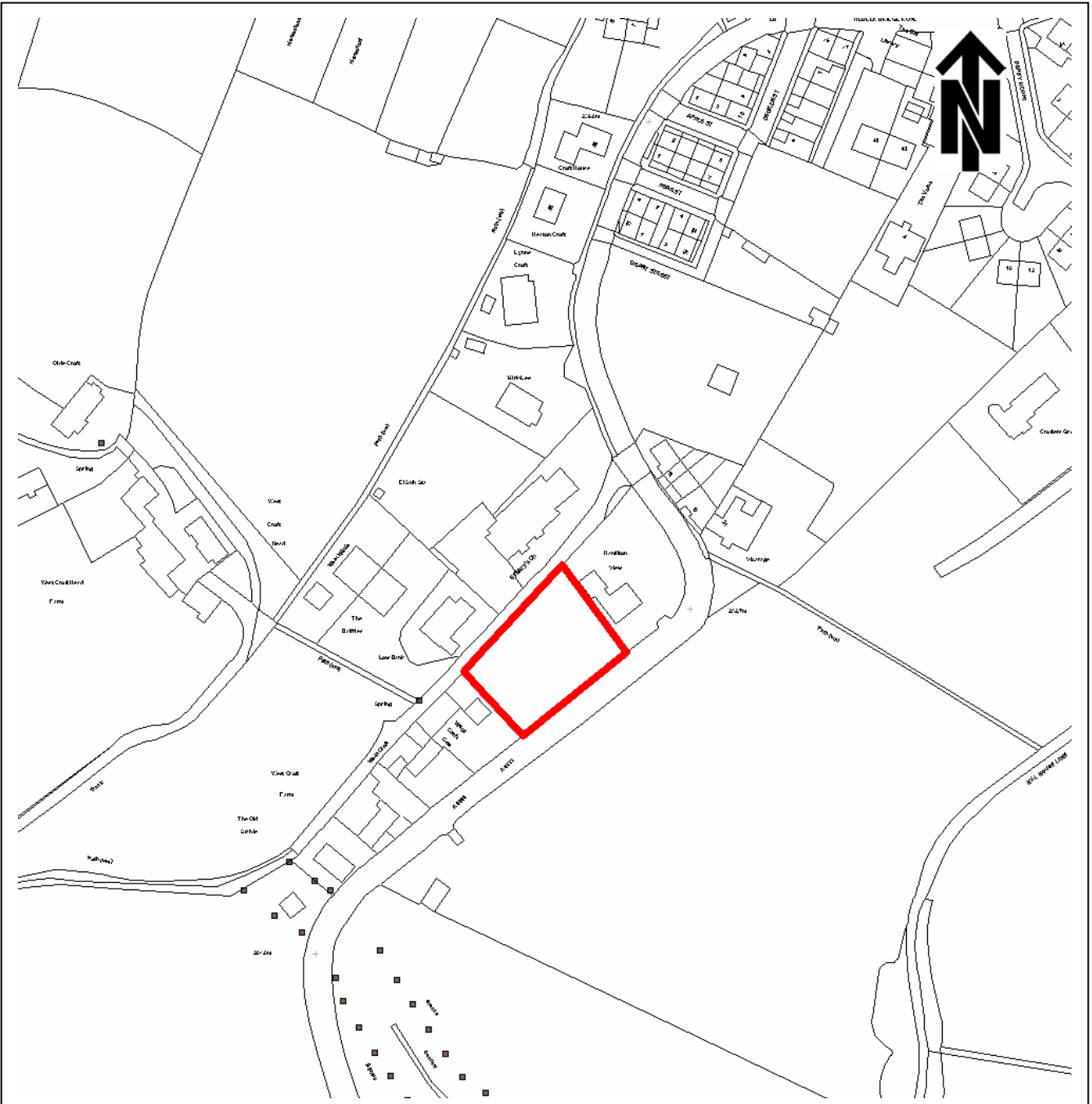
Reasons for Refusal:

The proposed development would have an adverse effect on the special architectural and historic interest of the listed building due to the impact of the air conditioning/ condenser units on the rear elevation. In addition, there is inadequate information submitted with the application to demonstrate that the proposed kitchen extract system would effectively disperse cooking odours and that the A5 use could be introduced without the necessity for additional intrusive flues or ducting having to be fixed to the building. This would adversely affect the special architectural and historic interest of the listed buildings comprising the application premises and the rest of Cavendish Street and would be contrary to Policies BH4, BH4A and D1 of the Bradford Replacement Unitary Development Plan.

Area Planning Panel (Keighley)

10/05859/FUL

23 February 2011



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LOCATION:

**Land South West Of Hamilton View
Hebden Bridge Road
Oxenhope**

ITEM NO. : 6

23 February 2011

Item Number: 6
Ward: WORTH VALLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
10/05859/FUL

Type of Application/Proposal and Address:
Full application for the construction of a detached house and double garage on land to the south west of Hamilton View, Hebden Bridge Road, Oxenhope.

Applicant:
Mr Stephen Addis

Agent:
Graham Dickinson Associates

Site Description:
An open field fringed by a number of protected trees. The site is located on the outskirts of Oxenhope between the Hebden Bridge Road and a narrow unmade road known as West Croft Head. The Grade II Listed, St Mary's Church is beyond West Croft Head. The site is within the Oxenhope Upper Town Conservation Area. Boundaries to the site are natural stone walls with a gated access located adjacent the entrance for the car park serving St Mary's Church. The site affords important views of the church from Hebden Bridge Road which are highlighted in the Conservation Area Appraisal. To the north east is a detached bungalow and to the south west a row of terraced dwellings. An operational Yorkshire Water pumping station is located to the north eastern corner of the site.

Relevant Site History:
85/6/06434 – Erection of 2 dwellings – Refused 1986 Reasons : Detrimental to character and appearance of the conservation area and setting of a listed building, highway safety and impact on trees.

Appeal against refusal of 85/6/06434 was dismissed.

90/6/08264 – Construction of detached dwelling – Refused. Reasons : Detrimental to character of conservation area and setting of Listed Building, loss of village green space, highway safety and impact on trees.

05/04551/FUL – Construction of 2 detached dwellings with car parking – Refused: Detrimental to character of conservation area and setting of Listed Building, loss of village green space, highway safety and impact on trees.

09/02063/FUL - Full application for the construction of a detached house and double garage – Refused 26th June 2009.

Appeal against refusal of 09/02063/FUL was dismissed on 3rd February 2010.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is within the Oxenhope Upper Town Conservation Area.

Proposals and Policies

BH7 - New development in Conservation Areas

BH10 - Open space within or adjacent to Conservation Areas

OS8 – Protection of small areas of open land in villages

UR3 – Local impact of development

D1 – General design considerations

NE4 – Trees and woodlands

NE5 – Retention of trees on development sites

NE6 – Protection of trees during development

TM2 – Impact of traffic and its mitigation

TM19A – Traffic management and road safety

Parish Council:

Oxenhope Parish Council:

Object to proposal on the following grounds

- Loss of open space identified within the Oxenhope Village Design Statement (VDS) as “Village Green Space”.
- The proposal would be detrimental to setting of the Grade II Listed Building St Mary’s Church. Although the Parish Council acknowledges that the angle of the proposed house has been turned away from Hebden Bridge Road, it would not improve the views of the church which would still be obstructed by the new house.
- The proposal would be detrimental to character and appearance of the Uppertown Conservation Area
- Dangerous vehicular access onto small narrow lane
- Reference by the applicant to an approval at Church Street is not relevant as it is some distance from the site.

Publicity and Number of Representations:

By neighbour notification letters, site notice and advertisement in the local press with an overall expiry date of 13.01.2011

The Council has received 6 letters objecting to the proposal.

A Ward Councillor has sent a representation in support and has requested referral to Area Planning Panel.

Summary of Representations Received:

- Harmful to the Setting of a Listed Building
- Harm to Character of Conservation Area
- Loss of important open space. Site should stay as green space.
- Proposed house is very high and wide.
- Land ownership issues
- Inadequate access/highway safety. Poor access that already serves 7 properties.
- Overlooking of nearby properties
- Impact on protected trees

Consultations:

Design & Conservation – The proposal will have a harmful impact on the character and appearance of the conservation area. The development will substantially alter the character of an important area of open space within the conservation area. The proposed dwelling is substantial in size and form and even relocated (compared with the previously refused scheme) it will impact significantly on the character of the land and its sense of openness. This part of Oxenhope Upper Town conservation area is characterised by its rural setting, dispersed houses and open spaces between and around them. The development of this key space will be harmful to its character.

The proposal will also impact on the setting of St Mary's church; a grade II listed building, by limiting an important view of the church from Hebden Bridge Road. The house has been repositioned within the site to allow for a greater view of the church than was previously proposed but the change will not significantly improve the situation compared with the previous scheme. The currently open nature of the land allows for a key view of the church and the restriction of this view, particularly when approaching along Hebden Bridge Road from the southwest will be harmful to the setting of the listed building and therefore the special interest of the heritage asset.

The proposal therefore does not accord with Policies BH7 or BH10 of the RUDP or the principles of PPS5, particularly Policy HE9. The proposal would have a negative impact on the character and appearance of Upper Town Conservation Area and on the setting of a listed building – St Marys Church.

Highways Development Control – Not able to support this application due to the highway safety implications it would raise, if this were to be approved.

The proposed development is proposed to take access from West Croft Head. Though this road is adopted it is currently sub-standard in terms of the following.

- The junction arrangement fails to meet an acceptable level of safety;
- Visibility to either side of the junction is poor;
- The narrow road width (with no passing places) is below current standards;
- The road surface conditions are poor;
- There are no formal turning facilities along its length.

West Croft Head and its junction with Hebden Bridge Road are already substandard and the proposed development will only serve to intensify the use of this access road. The proposal fails to meet an acceptable level of safety to meet the intensification of use in terms of substandard junction layout, visibility, width and lack of a turning area.

Trees Team – There are large protected trees on this site. The younger trees are protected by the conservation area status. The plans do not accurately show the trees.

Trees team do not support this application due to a lack of information, non compliance to NE4, NE5 and NE6.

Drainage Section – The site must be investigated for its potential use of sustainable drainage in disposing of surface water drainage.

Summary of Main Issues:

1. Impact on the character and appearance of Uppertown Conservation Area, with particular reference to the value of the site as open land
2. Impact on the setting of the Church of St Mary the Virgin as a Listed Building

3. Impact on trees
4. Impact on highway safety

Appraisal:

As can be seen from the site history, there have been 4 previous refusals of residential development on the site and 2 dismissed appeals. The last proposal was refused and dismissed at appeal as recently as February 2010. The current application attempts to address the most recently refused application (09/02063/FUL). However, as can be seen from the consultation comments, the changes to the scheme are insignificant and do not overcome fundamental objections to the principal of imposing development on this key area of open space and the adverse impact that will be caused to the conservation area and the setting of St Marys Church. It is opposed by the Council's Conservation Officer, Tree Officer, Highways Officer and Oxenhope Parish Council.

The changes made to this submission over that most recently refused include:-
The removal of a small single storey lean previously attached to the northern gable;
The deletion of a detached double garage from the north eastern end of the site;
A reduction in the extent of hard surfacing/ turning and parking areas, and;
Alteration to the alignment of the proposed dwelling to tilt it slightly away from the church.

Impact on the Oxenhope Upper Town Conservation Area.

The Oxenhope Uppertown Conservation Area Assessment was adopted in November 2005. It identifies the features and characteristics that are important to the quality of the conservation area, describing the Conservation Area as having an open rural character which is defined by open fields and spaces which intersperse with the built form and which are integral to understanding the agricultural and early industrial settlement pattern of the area - as well as maintaining strong bonds between the old village and the surrounding countryside. The fields and open areas are described as key elements in vistas and as a setting for the buildings in Upper Town's Conservation Area as they form a vital backcloth.

The site in question is also specifically highlighted by the Conservation Area Appraisal as a "Key Open Space" within the Conservation Area that should be protected from development. Its importance is emphasised due to its relationship with St Mary's church. The Appraisal says :

"The elevated churchyard of St Mary's announces the entrance to West Croft Head, which is a grassy mound sitting above a stone retaining wall.... The grassed field between Hebden Bridge Road and the church allows the stepped profile of this Romanesque 'House of God' to be seen through the breaks in the trees. The same field is also important in giving the feeling that the built up area of the village is petering out and that the green spaces of the countryside are increasingly prevalent."

Consequently the site makes a significant contribution to the character of the Conservation Area and in maintaining important views within it. The site has been marked as an important area of open space within the Conservation Area Assessment. Policy BH10 of the RUDP seeks to protect such spaces from development.

In considering the appeal against the refusal of 09/02063/FUL, the Planning Inspector fully endorsed the Council's reasons for refusal on the grounds of harm to conservation area character and the setting of the church. In his appeal decision dated 3rd February 2010, the Inspector said:

“There is a history of refusals of planning permission on the site, the most recent being for two detached houses in 2005. The appellant contends that by reducing the scheme to a single dwelling and detached garage and leaving generous garden space, the open space value of the site would be maintained.

The criteria within policy BH10 refer the value of open spaces in providing an attractive setting for adjoining buildings; as being important to the historical form of the settlement and in providing vistas into and out of the conservation area. In my assessment the appeal site is of value in all those respects.

Although the retention of generous garden space, as proposed, would retain those qualities to some extent, I consider that the scheme would nonetheless result in a significant reduction in the value of the site within the Conservation Area, contrary to UDP policy BH10. I conclude on the first main issue that the proposed development would unacceptably affect the character and appearance of the Oxenhope Upper Town Conservation Area.

As noted in the recent Conservation Area appraisal, the settlement is characterised by many key open spaces. My additional concern is therefore that the grant of permission on the present site could undermine the Council’s ability to resist the development of other sites, leading to a cumulative erosion of the distinctive qualities of the area.” (APP/W4705/A/09/2116864 – 3rd Feb 2010)

The Parish Council points out that the site is also identified in the Oxenhope Village Design Statement as an open space that contributes significantly to the rural character and setting of this part of the village. In addition to development being contrary to conservation area policies within the RUDP, it is contrary to Policy OS8 which aims to protect small areas of open land in villages where they are important the character, visual amenity and local identity of a settlement.

The amendments to the scheme have been carefully considered. The key ones are a slight change to alignment of the dwelling and omission of the garage. It is not accepted that these are significant or overcome the harm that would be caused by loss of the open space. Oxenhope Parish Council and the Council’s Conservation Officer agree. The proposed dwelling would intrude into a valuable area of open space that contributes to the character and amenity of Uppertown. The proposal is still considered to fail requirements of Policy BH10 of the RUDP which aims to protect key areas of open space important in terms of preserving the character of the conservation area. It would be detrimental to the character and appearance of the conservation area and contrary to the general conservation area Policy BH7.

Impact on setting of a Listed Building:

As stated above, the site allows key views of the nearby Grade II Listed St Mary’s Church especially from Hebden Bridge Road. The church occupies an elevated position within the semi rural setting of Upper Town and is a distinctive and attractive landmark. The open field which rises from Hebden Bridge Road allows for important views of the Church and the proposed dwelling would introduce an intrusive and dominant element of built form that would significantly harm the setting of St Mary’s Church.

Whilst the alignment of the dwelling has been altered to turn it further away from Hebden Bridge Road and the detached double garage has been omitted, the dwelling would still restrict views across the site and would prejudice the important contribution which the field plays in affording views of the Church and at the same time adversely affecting its semi rural setting. The proposal is therefore considered to continue to compromise the views and setting of the Grade II listed church contrary to Policy BH4A of the RUDP.

Impact on residential amenity

The positioning of the dwelling would not allow direct overlooking into the windows of neighbouring properties and the outside areas it may overlook are a driveway and garaging area. While neighbour objections on this point are acknowledged, it is not considered that the proposal would have an impact so significant in terms of its detriment to residential amenity of neighbours that could justify a refusal on these grounds.

Impact on Trees

The site includes a number of protected trees and the Council's Trees Team cannot support the proposal. The application fails to provide detailed tree survey information and the trees shown on the submitted plans are not plotted accurately. The trees add to the environmental quality of the site and contribute to local amenity and therefore the character of the conservation area. Notwithstanding the lack of information required, the Council's Tree officer has stated that he is unable to support the proposal due to its potential impact on trees. The proposal therefore is considered to fail against Policies NE4, 5 and 6.

Highway Safety

The site is accessed via West Croft Head. The Council's Highway Officer has stated that though the access road is adopted it is currently sub-standard in terms of its junction arrangement fails to meet an acceptable level of safety due to the deficiencies and for the reasons listed above in the Highway Officer consultation. Comments from objectors also reinforce this view. West Croft Head and its junction with Hebden Bridge Road are already substandard and the proposed development will only serve to intensify the use of this access road. The proposal cannot provide an acceptable level of safety to meet the intensification of use in terms of junction layout, visibility, width and lack of a turning area and fails when measured against RUDP Policies TM2 and TM19A.

Other Matters Raised

The applicant has made reference to a planning permission for housing granted elsewhere within Uppertown Conservation Area. However, the site referred to is in a different part on the conservation area to the north of the site and has no direct impact on any listed buildings. The impact of that development on conservation area character was fully addressed in the Officer Reports relevant to that application. That development considered on its own merits. It is not accepted that another decision on a different site should create a precedent for harmful development on the application site.

Community Safety Implications:

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

Reasons for Refusal:

1. The development by reason of its siting, layout, scale, size, massing and design will introduce an intrusive building in a prominent location and result in the loss of an open space identified in the Conservation Area Assessment as a key open space. The open space provided by the site is considered to make a significant contribution to the character and appearance of the Upper Town Conservation Area, providing an attractive setting for the buildings within it, being of importance to the historical form and layout of the settlement and affording the opportunity for important vistas into and out of the Conservation Area. Consequently it is considered that the development will adversely affect the character and appearance of Upper Town Conservation Area contrary to Policies BH7, OS8 and BH10 of the Bradford Replacement Unitary Development Plan (2005) and national guidance in PPS5.

2. The development will introduce an intrusive building in a visually prominent location and will result in the loss of an open space considered to make a significant contribution to the setting of the nearby Grade II listed building St Mary's Church and which affords the opportunity for important vistas of the church from Hebden Bridge Road. The development will dominate views of the listed church from Hebden Bridge Road and will adversely affect its semi rural setting. Consequently it is considered that the development will adversely affect the special interest and setting of the Grade II listed St Mary's Church contrary to Policy BH4A of the Bradford Replacement Unitary Development Plan (2005) and PPS5.

3. The development is considered to provide insufficient information to demonstrate that it will not harm the tree roots of mature trees on the site that are of significant visual amenity value, these trees are an integral part of the setting of a listed building and contribute to the character and appearance of Oxenhope Upper Town Conservation Area. The plans are not considered to accurately plot the siting and size of the trees within the site and insufficient information has been submitted to properly assess the effect of the development on the trees. The potential for an adverse impact on trees is contrary to Policies UR3, NE4 and NE5 and NE6 of the Bradford Replacement Unitary Development Plan (2005).

4. West Croft Head and its junction with Hebden Bridge Road are already substandard and the proposed development will intensify the use of this access road. The proposal fails to meet an acceptable level of safety to meet the intensification of use due to the substandard junction layout, visibility, width and lack of a turning area and so the development would be contrary to Policies TM2 and TM19A of the Bradford Replacement Unitary Development Plan (2005).
