

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 20 April 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.	11 Moor Lane Addingham West Yorkshire LS29 0PS - 11/00154/HOU [Approve] – page 1	Craven
2.	117 Bocking Cross Roads Keighley West Yorkshire BD22 9AP - 11/00758/FUL [Approve] – page 7	Worth Valley
3.	30 Beverley Rise Ilkley West Yorkshire LS29 9DB- 11/00472/HOU [Approve] – page 11	Ilkley
4.	Gordon Halton Homes Colletts Yard Dalton Lane Keighley West Yorkshire BD21 4LJ - 11/00676/FUL [Approve] – page 17	Keighley East
5.	Land At Grid Ref 404089 441307 North Dean Avenue Keighley West Yorkshire - 10/06230/MAR [Approve] – page 29	Keighley West
6.	Land East Of Dale View 60 Hollins Lane Keighley West Yorkshire - 10/04216/OUT [Approve] – page 44	Keighley Central
7.	9 Moor View Grove Long Lee Keighley West Yorkshire BD21 4RR - 11/00840/FUL [Refuse] – page 55	Keighley East

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Portfolio:
Environment and Culture

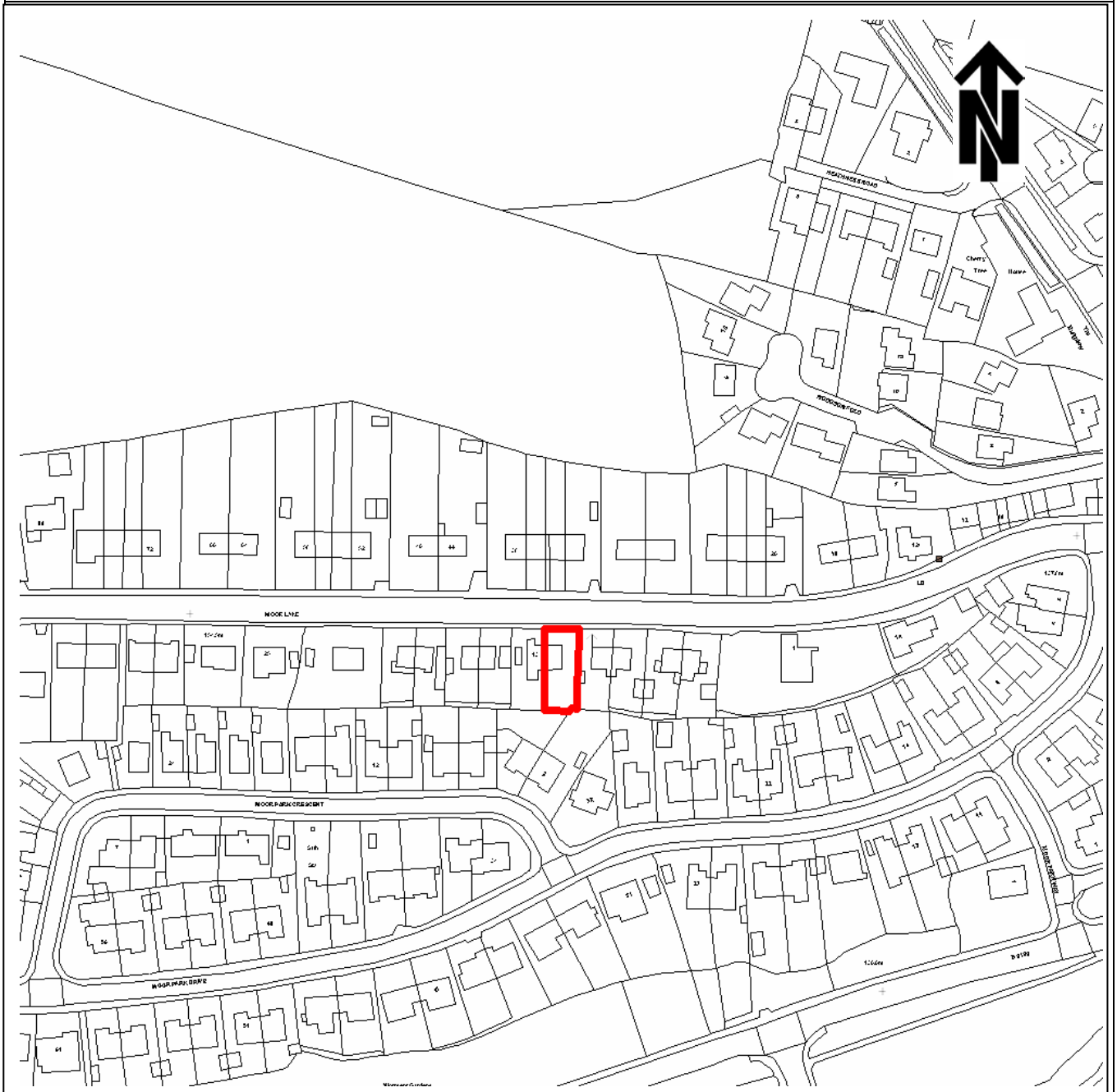
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley)

11/00154/HOU

20 April 2011



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ITEM NO. : 1

LOCATION:

**11 Moor Lane
Addingham**

20 April 2011

Item Number: 1
Ward: CRAVEN
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
11/00154/HOU

Type of Application/Proposal and Address:
Householder application for two storey extension to the side and two storey and single storey extensions to the rear of 11 Moor Lane, Addingham.

Applicant:
Sarah Griffin

Agent:
Mr Andrew Coates

Site Description:
11 Moor Lane is a semi detached house dating from about 1950 with a coursed stone front and rendered side and rear walls. The hipped roof is in natural blue slate. The gardens to the property slope down to the rear. To the east at a slightly lower level is 9 Moor Lane with a driveway and garage alongside the boundary. The adjoining semi at No. 13 has a two storey extension and conservatory to the rear. The boundary to the south is a hedge which separates the property from a pair of extended semi detached bungalows, 2 and 4 Moor Park Crescent which are at a lower level.

Relevant Site History:
10/05172/HOU Construction of two storey side and rear extension including single storey rear extension – withdrawn 14.12.2010.

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated

Proposals and Policies
UR3 – Local Impact of Development
D1 – General Design Considerations

Supplementary planning guidance contained within the Council's Revised House Extensions Policy 2003 has also been afforded weight.

Parish Council:
Addingham Parish Council objects to the proposal and requests that the application be referred to the Area Planning Panel.

Publicity and Number of Representations:
The application was advertised by neighbour notification letters with an expiry date of 9th February 2011. Six letters of objection have been received together with a request for the application to be referred to the Area Planning Panel from a Ward Councillor.

Summary of Representations Received:

Six letters have been received objecting to the proposal on the grounds of:

- overshadowing,
- overlooking,
- loss of privacy,
- disproportionate size, being larger than other extensions on Moor lane,
- lack of subservience,
- encroachment,
- side- elevation missing from drawings (a point now remedied),
- concerns regarding future maintenance and structural integrity of the building,
- impact on surface water inspection chamber, impact on drainage, flooding, stream, culvert;
- current hedge is an insufficient screen,
- traffic and pedestrian safety, traffic congestion,
- loss of view, loss of visual amenity,
- visual intrusion and
- precedent.

Consultations:

Highways DC : has no objections to the proposed development.

The Minerals and Waste team has no comments to make about the proposal.

Summary of Main Issues:

1. Impact on amenity of neighbouring occupants.
2. Impact on the local environment.

Appraisal:

The application proposes a two storey extension down the side of this semi detached house and a two storey extension at the rear. A further single storey section of extension would extend toward the boundary with the neighbouring semi.

Impact on neighbouring occupiers

Although involving a significant degree of extension, and despite the public comments, it is not agreed that the proposal will have any significant adverse affects on the occupiers of any adjacent properties.

The immediately adjoining semi detached house is 13 Moor Lane. This has its own two storey extension to the rear with a conservatory extension projecting beyond this extension. There is a frosted glass window at ground floor between the two storey extension and the boundary with the application property. This is understood to serve a bathroom which is classed as a non habitable room. It is not considered that the rear extensions proposed by this application could be refused on grounds of adverse impact on this obscure glazed window. In any event, the two storey element of the rear extension does not break a 45 degree line drawn from the closest edge of this window. The element of this application proposal that is closest to the boundary with the 13 Moor Lane is single storey in height and the roof has been hipped to reduce the impact on the occupants of No. 13. The amended plans include the missing elevation and show the extension set 15 cm away from the boundary with No. 13 in order to accommodate the guttering wholly within the site boundary, thereby avoiding the feared encroachment.

No. 9 Moor Lane is the house situated to the east of the application property and is positioned some distance away from the common boundary - with a driveway and garage separating this house from the proposed 2-storey side extension. The west elevation of 9 Moor Lane has a solid door in an entrance porch at ground floor level; a small window to the side of this appearing to serve a storage area; and two first floor windows that appear to serve a landing and bathroom and are not therefore habitable room windows. It is not considered that the side extension would have a significant impact on the amenity of occupiers of No. 9. A ground floor window would be introduced to the side elevation of the application property - serving the stairs and a hallway area. A first floor side window would serve the top of the stairs. As the top of the stairs is located in the centre of the house, the first floor window is not considered to give rise to a significant degree of overlooking.

The proposal does not break a 45 degree line drawn from the edge of the ground floor windows to the rear of 9 Moor Lane. It would therefore accord with normal policy requirements set out in the adopted House Extensions Policy. (It is judged that if the 2 storey extension does not encroach beyond a line drawn at 45 degrees from the edge of the nearest ground floor windows, the extension would not have a significant impact on daylight to that room.)

The properties to the rear are 2 and 4 Moor Park Crescent. These are noted to be set at a lower level than the application property. The proposed rear extension would project to within 9.6 metres of the boundary with these properties, but is designed to avoid windows at 1st floor level. The view from ground floor and basement windows towards 2 and 4 Moor Park Crescent would be screened by a boundary hedge of between 2.5 metres and 3 metres high. The ground floor and basement level windows in the extension are therefore considered acceptable as they give no direct views of the properties to the rear. The first floor is served by roof windows. These will be situated 1.7 metres above finished floor level, and so are not considered to give rise to potential overlooking. It is proposed to impose a condition to ensure that the roof windows are positioned at this level to avoid any direct overlooking in this direction. Overshadowing of the two properties on Moor Park Crescent is not considered to be a significant issue as the proposal is located to the north and at a sufficient distance away.

It is proposed to impose a condition on any approval to remove permitted development rights to subsequently add further windows that may impact on privacy of neighbours but, as proposed, the extensions are considered to be designed to overcome any significant problems that would justify refusal.

Impact on the local environment

The application property is one half of a pair of semi detached properties on the south side of Moor Lane. There are a number of identical or similar pairs of semis along the same street and a number of properties nearby have been extended to the side in a similar fashion. Examples of previous two storey side extensions are at Nos. 5, 7, 17 and 19 Moor Lane. The application proposal is considered to be in keeping with the character of the street scene. The side extension achieves an appropriate degree of subordination to the original house and would incorporate a matching hipped roof and the necessary 1 metre set back to the 1st floor to avoid a "terracing effect". The rear extension has a hipped roof to reduce the degree of dominance of the original house and maintain a degree of subservience. The materials would match the existing house and details proposed all accord with the Council's House Extensions Policy. It is not considered that refusal on grounds of impact on the street scene or the character of the area could be sustained.

Other issues

Two car parking spaces are to be provided within the site boundary and it is not considered that there is any adverse impact on highway safety. This is confirmed by the Highway officer consultation.

Loss of a private view is not considered to be a matter with much weight as a material planning consideration. It is not considered that the proposal will have a significant adverse affect on visual amenity from public viewpoints. Structural integrity and drainage are matters that will properly be considered by the building inspector. It is not considered that the proposal will set a precedent as each application is dealt with on its own merits in the light of published policy.

Community Safety Implications:

There are no apparent community safety implications.

Reason for Granting Planning Permission:

The proposed two storey and single storey extension is 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:

location plan
existing site and roof plan and elevations
proposed basement and ground floor plan
proposed site plan and first floor plan
proposed elevations
received by the Council on 12th January 2011

amended proposed ground and first floor plan rear elevation and side elevation
received by the Council on 3rd March 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no further windows, including dormer windows or other openings shall be formed in the extension without prior written permission of the Local Planning Authority.

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

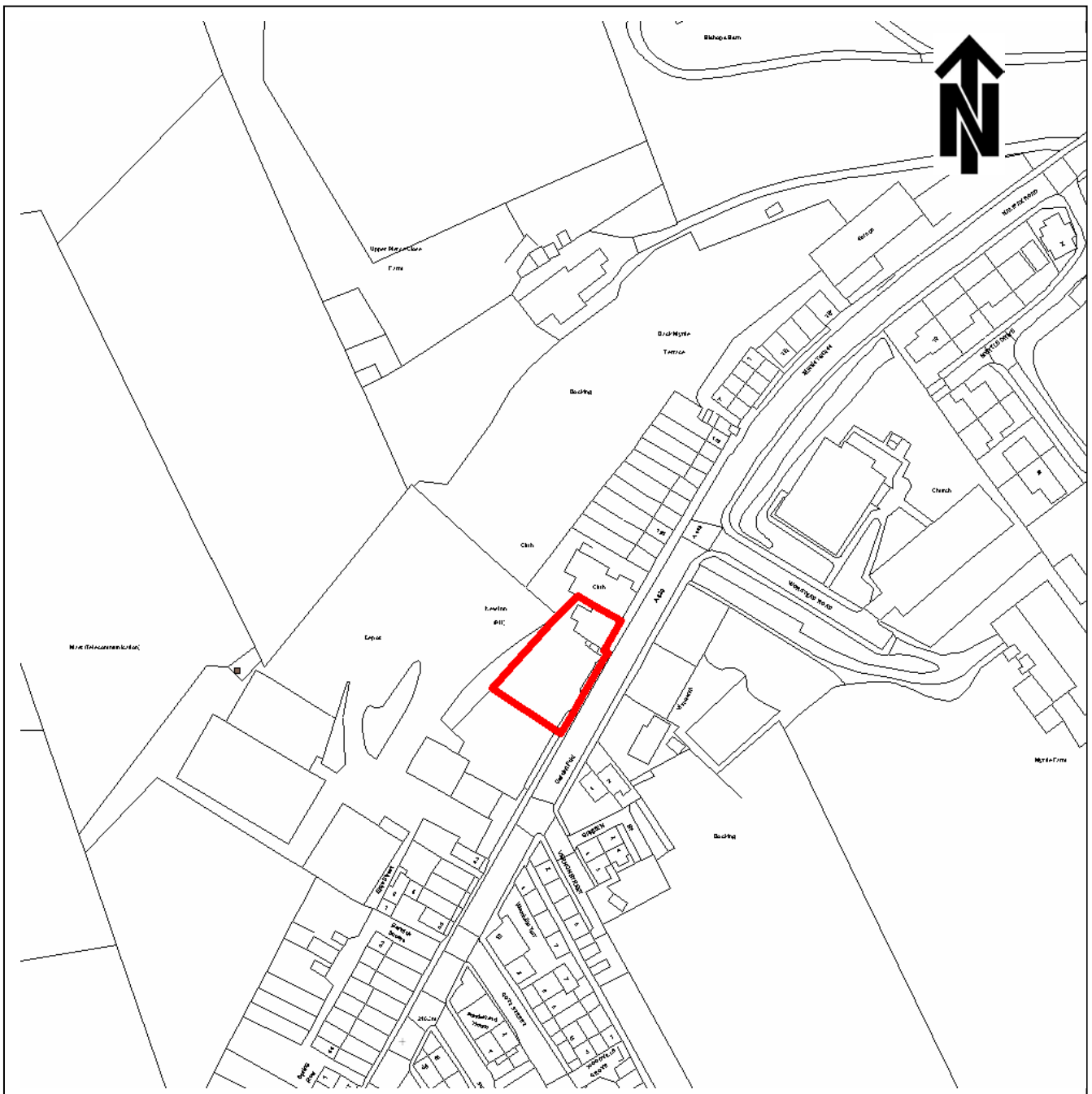
5. The roof windows in the extension hereby permitted shall be situated at a level not less than 1.7 metres above finished floor level.

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

Area Planning Panel (Keighley)

11/00758/FUL

20 April 2011



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<p>ITEM NO. : 2</p>	<p>LOCATION: 117 Bocking Cross Roads Keighley</p>
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20 April 2011

Item Number: 2
Ward: WORTH VALLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
11/00758/FUL

Type of Application/Proposal and Address:
Full application for subdivision of first floor accommodation into two flats at 117 Bocking, Cross Roads, Keighley.

Applicant:
M. Brook and D Ellis

Agent:
GTK Projects Ltd

Application is referred to Panel due to applicants' connections with a member of Council

Site Description:
This building comprises a former public house (the New Inn) located on the west side of the A629 Halifax Road, Keighley. The public house use ceased approximately 2 years ago and the building was vacant for some time until a hardware retail use took up occupation during May 2010. This change was permitted development that did not require planning permission. The premises include a large unmade car park that extends to the south parallel to Halifax Road and this is screened along its south and west flanks by well established evergreen hedges. The surrounding area is a mix of residential properties and commercial uses including a large HGV depot to the immediate west. This depot is at a very much lower level than the application property since land levels fall steeply to the west with the valley side. Halifax Road is a busy main road.

Relevant Site History:
None relevant

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated on RUDP Proposals Map

Proposals and Policies
UDP3 – quality of built and natural environment
UR3 – local impact of development
D1 – design considerations
TM2 – mitigation of highway impact
TM12 – residential parking
TM19A – highway safety

Parish Council:
Haworth and Cross Roads Parish Council has no objections.

Publicity and Number of Representations:

Publicised by neighbour letters and site notice – expiry 30 March 2011

Summary of Representations Received:

No representations have been received

Consultations:

Highways Development Control: No objections

Drainage: No comments to make.

Summary of Main Issues:

1. Principle of the development
2. Impact on local amenity/surrounding environment
3. Highway safety considerations

Appraisal:

Principle of the development

This former public house, now used for retail sales, originally had a manager's flat in the upper floor. The proposal now before the Council involves the subdivision of that 1st floor accommodation to form two smaller flats. This accommodation (one x 1-bedroom flat, and one x 2-bedroom flat) are likely to be relatively cheaper properties and so the proposal would be of assistance in meeting burgeoning demand for this type of accommodation. Although situated outside the main urban area of Keighley, the site is on a bus route and is well located in relation to both the services of Keighley town centre and more local facilities and services in Bocking/Cross Roads. Accordingly the flats are considered acceptable in principle.

Impact on local amenity/surrounding environment

The premises are located adjacent to the A629 Halifax Road and, by virtue of steeply falling levels down the flanks of the Worth Valley, are set a good deal higher than the Nelson's Transport yard that extends to the west.

The occupation of the flats proposed here would, of itself, have no implications for local amenity or the street scene since no outward changes to the building would be discernible other than the re-opening of a pre-existing doorway on the front elevation.

The operation of the HGV yard to the rear would be unlikely to give rise to significant disturbance for occupiers in view of, in particular, the substantial fall in levels from the property to the yard.

There is no private garden space available to the flats. However, this type of accommodation does not always require a garden. There is ample space behind the building for storage of refuse bins.

The proposals are therefore acceptable in light of Policies UDP3, UR3 and D1 of the RUDP.

The applicants have requested that as part of the conversion of the flats they be permitted to remove the existing, and attractive, stone slate roof and replace it with Marley Modern concrete interlocking tiles. They have been advised that this change would require planning permission since it would have a material impact upon the appearance of the building and no Permitted Development Rights exist for flats.

Highway safety considerations

The former pub car park is available for occupiers. It is a substantial size and would provide more than enough parking for the flats and the retail use. The retail use within the ground floor would not generate parking demand during the evening when residential occupiers are most likely to require parking spaces. The proposed use would be unlikely to give rise to any issues in terms of highway safety or the free flow of traffic. The Council's Highway Officer raises no objections to the proposals and consequently Policies TM2, TM12 and TM19A of the RUDP are considered to be satisfied.

Community Safety Implications:

None

Reason for Granting Planning Permission:

The proposed subdivision of the upper floor of this former public house for residential purposes would have no adverse implications for local amenity or the street scene. The premises have adequate off-street car parking to serve the proposed use and no implications would arise for highway safety or the free flow of traffic along the A629 Halifax Road. Accordingly the proposals are considered acceptable in the light of Policies UDP3, UR3, D1, TM2, TM12 and TM19A of the Replacement Unitary Development Plan for the Bradford District.

Conditions of Approval:

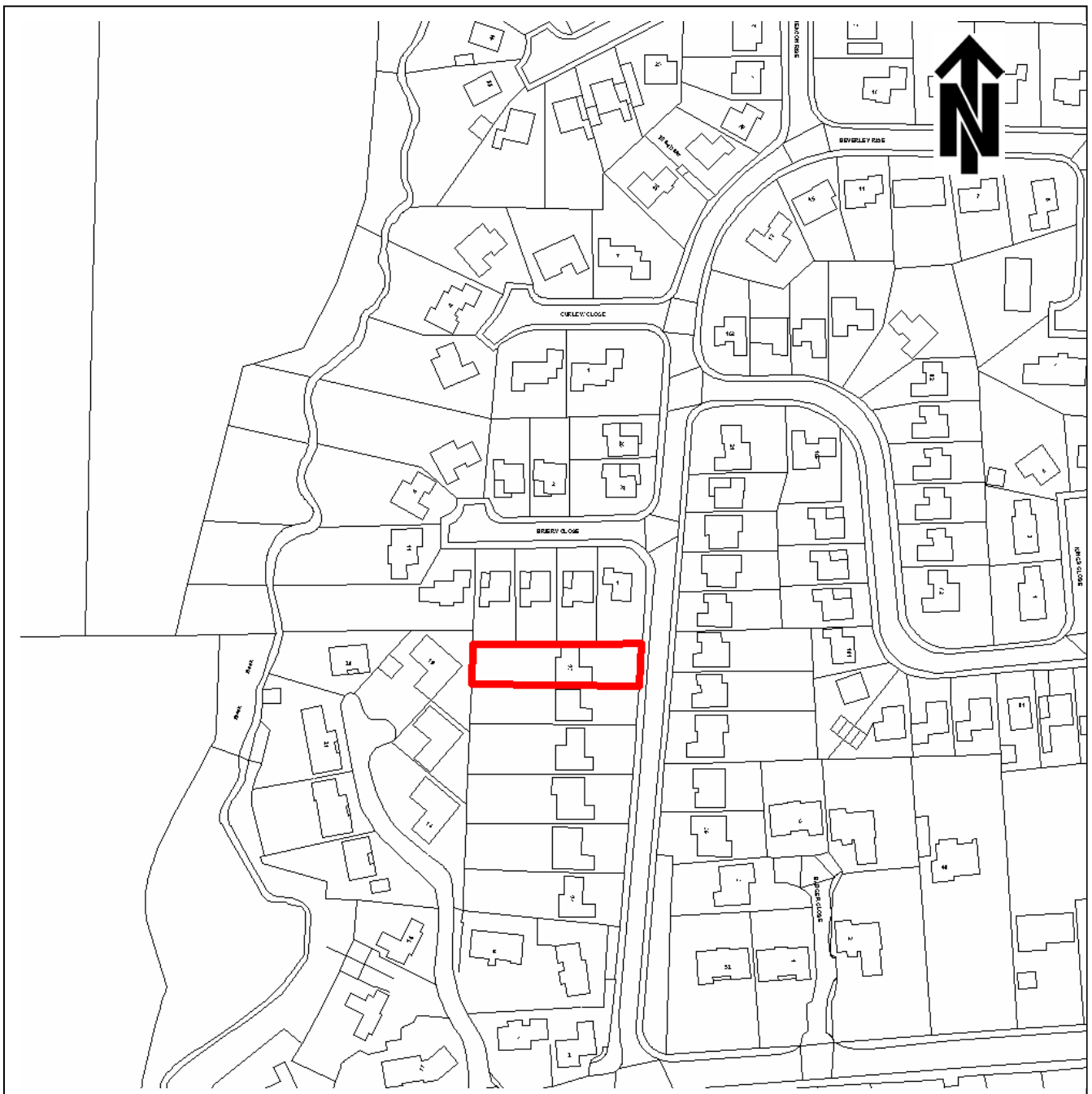
1. The development hereby approved shall only be carried out in accordance with the approved drawings referenced 143/05, 143/06 and 143 07 and the accompanying edged red OS Sitemap received by the Council on 18 February 2011.

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

Area Planning Panel (Keighley)

11/00472/HOU

20 April 2011



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ITEM NO. : 3

LOCATION:

**30 Beverley Rise
Ilkley**

20 April 2011

Item Number: 3
Ward: ILKLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
11/00472/HOU

Type of Application/Proposal and Address:

The application relates to the construction of a two storey porch extension, two-storey rear extension, the raising of the existing roof in order to create loft conversion and a front boundary wall and gates at 30 Beverley Rise, Ilkley, LS29 9DB

Applicant:

Mrs Marilyn Peckett

Agent:

Mr Andrew Teece

Site Description:

The site (No30 Beverley Rise, Ilkley) is located in a residential area comprising of predominately detached houses.

The dwelling itself is a detached property and is constructed from rendered block work and natural stone walls under a grey concrete tiled roof incorporating white UPVC frames

Relevant Site History:

96/01363/FUL Approved 20/06/1996 - Extensions and alterations to form enlarged kitchen, new utility and breakfast room at ground floor and dressing room with en-suite bathroom at first floor.

PD rights removed

Replacement Unitary Development Plan (RUDP):

Allocation

N/A

Proposals and Policies

D1 General Design Considerations
UR3 The Local Impact of Development
TM19A Traffic Management and Road Safety
D4 Community Safety

Parish Council:

Ilkley Parish Council

Publicity and Number of Representations:

The application was advertised by Neighbour notification letters. Expiry date 4th March 2011. Eight representations were received.

Summary of Representations Received:

1. Design and character
2. Loss of privacy
3. Overshadowing
4. Overbearing, dominating and oppressive
5. Precedent

Consultations:

Ilkley Parish Council recommended refusal: Overdevelopment of the site; the front wall railings and gates are obtrusive and out of character in the street scene; the rear chimney is overbearing; the rear extension is overbearing; low velux windows would lead to loss of privacy for neighbouring properties. It was noted that the site plan was inaccurate in relation to neighbouring properties.

The committee request the application be determined at area planning panel.

Trees Team have no objections but it is important that no materials etc are stored in the lawn to the front to protect roots of the magnificent oak. If approving the trees team request the following condition is attached.

1. The development shall not be begun, nor shall any demolition, site preparation, groundworks materials or machinery be brought onto the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted to and approved by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

Summary of Main Issues:

1. Impact on Local Environment
2. Impact on Neighbouring Occupants.
3. Impact on Highway Safety.
4. Community Safety Implications

Appraisal:

The application relates to the construction of a two-storey porch extension, two-storey rear extension and raising of existing roof in order to create loft conversion

Impact on Local Environment:

This proposal is to be constructed from materials (rendered block work and natural stone walls, grey concrete tiles and white UPVC frames) that are considered in-keeping with the existing property and sympathetic to the wider surrounding area.

The rear extension projects 4145 mm from the existing dwelling rear (west facing) elevation. The overall appearance of this proposal is considered to be acceptable. Its scale is not considered to be excessive when measured against the mass of the parent building or the

scale of the wider surrounding properties and this proposals siting is not considered to be detrimental to the character of the wider street scene.

It is proposed to raise the existing dwellings roof to create a loft conversion. The additional height is not considered to harm the existing buildings overall appearance and when viewed from within the street scene, the property is anticipated to appear harmonious and not oppressive. The overall appearance and scale of this proposal is considered to be subordinate to its host and its overall design is considered to be successful.

The proposal incorporates a new front boundary wall and access gate. The overall appearance of these additions are not considered to be alien to the character of such a residential location and are considered favourable to either fencing or a hedgerow of which could be sited to the front of the property without the need of planning consent.

In terms of visual amenity, this proposal is considered compliant with policy D1 of the Replacement Unitary Development Plan (2005) and Guidance contained within the councils Revised House Extensions Policy (2003) as the two-storey porch extension, two storey rear extension and raising of existing roof are not considered to cause significant harm to the appearance of the existing building or character of the wider surrounding area

Impact on Neighbouring Occupants:

It is noted that the two-storey rear extension part of this proposal extends some 4145 mm from the original dwellings rear (west facing) elevation.

The two-storey rear extension part of this proposal does not project beyond a 45 degree line taken from the edge of the nearest habitable window of the neighbouring dwelling. (In accordance with policy 5B of the councils Revised House Extensions Policy (2003).

When consideration is given to the suns movement across the site, the incorporation of the corner splay into the rear extensions design and the distance (1200 mm) and orientation from the neighbouring property No32 Beverley Rise it is considered that on-balance, the overall scale and siting of the two-storey rear extension part of the proposal is such that it is anticipated not cause any significant overshadowing / loss of light and the outlook of the surrounding dwellings would be essentially unaffected.

None of the window/door openings incorporated into this proposal are anticipated to alter the existing amenity/privacy levels currently experienced by the neighbouring dwellings to an unacceptable level. The site has sufficient boundary screening to the rear boundaries (consisting of a 1.8 metre high timber fencing and mature hedges) to alleviate concern relating to the proposed ground floor widows. The window opening incorporated into the two-storey porch extension (east facing) is set a sufficient distance from the residential dwellings opposite. As such it is considered that as a result of this proposal there would be no concerns relating to overlooking.

Whilst the two-storey rear extension incorporates first floor windows/Juliet balcony, these are not anticipated to unacceptably reduce the levels of privacy currently experienced by the surrounding dwellings occupants. It is acknowledged that the overall size of the Juliet balcony opening/window is greater than a standard sized window, however this would not alter the usage of this window and given that the room it serves is a bedroom and not a high usage habitable room such as a living room, it is reasonable to assume that the opening would not significantly alter existing amenity levels.

It is worth noting the presence of a tree to the rear of which limits views from this window/opening.

Whilst the first floor side window incorporated into the rear extension (north facing) is considered as being an acceptable distance from the neighbouring properties (north of the site), given the concern raised by the surrounding occupants relating to overlooking issues, a condition can be attached to ensure obscure glazing is incorporated into this window.

The proposal is deemed acceptable when measured against policy UR3 of the Replacement Unitary Development Plan (2005)

Impact on Highway Safety:

Whilst the proposal incorporates a new front boundary wall and access gate, when the appearance of the existing site is compared against the site as it is proposed, it is considered that the visibility levels, sight lines, are not impacted upon.

Therefore this site maintains its original sight line/visibility level and as such it is considered unreasonable to refuse this application given this proposal (specifically the wall and gate) have no impact on the sites highway safety levels

Community Safety Implications:

There are no apparent community safety issues.

Other Matters:

Drawing Number 05 B Date Dec 2010 shows the incorporation of a number of roof lights. None of the roof lights are considered to have an adverse impact on the visual or residential amenity levels and as such are considered as being acceptable..

Reason for Granting Planning Permission:

The two storey porch extension, two storey rear extension and raising of existing roof in order to create loft conversion is considered to relate satisfactorily to the character of the existing dwelling and wider surrounding area. The impact of this development upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significantly adverse effect upon their residential amenity or on highway safety. As such this proposal is considered to be in accordance with Policy UR3, D1 and TM19A of the Replacement Unitary Development Plan (2005).

Conditions of Approval:

1. Time Limit 3 Years On after
2. The development hereby approved shall only be carried out in accordance with the approved plans listed below:
 1. DRG.NO. 05 B Date Dec 2010 - Proposed Elevations – Received 01/02/2010
 2. DRG.NO. 03 B Date Dec 2010 – Proposed Floor Plans and Site Plan – Received 01/02/2010

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 materials as specified on the approved 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 (2005)

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

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy UR3 of the Replacement Unitary Development Plan (2005)

5. The development shall not be begun, nor shall any demolition, site preparation, ground works materials or machinery be brought onto the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted to and approved by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the construction phase of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the construction phase of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

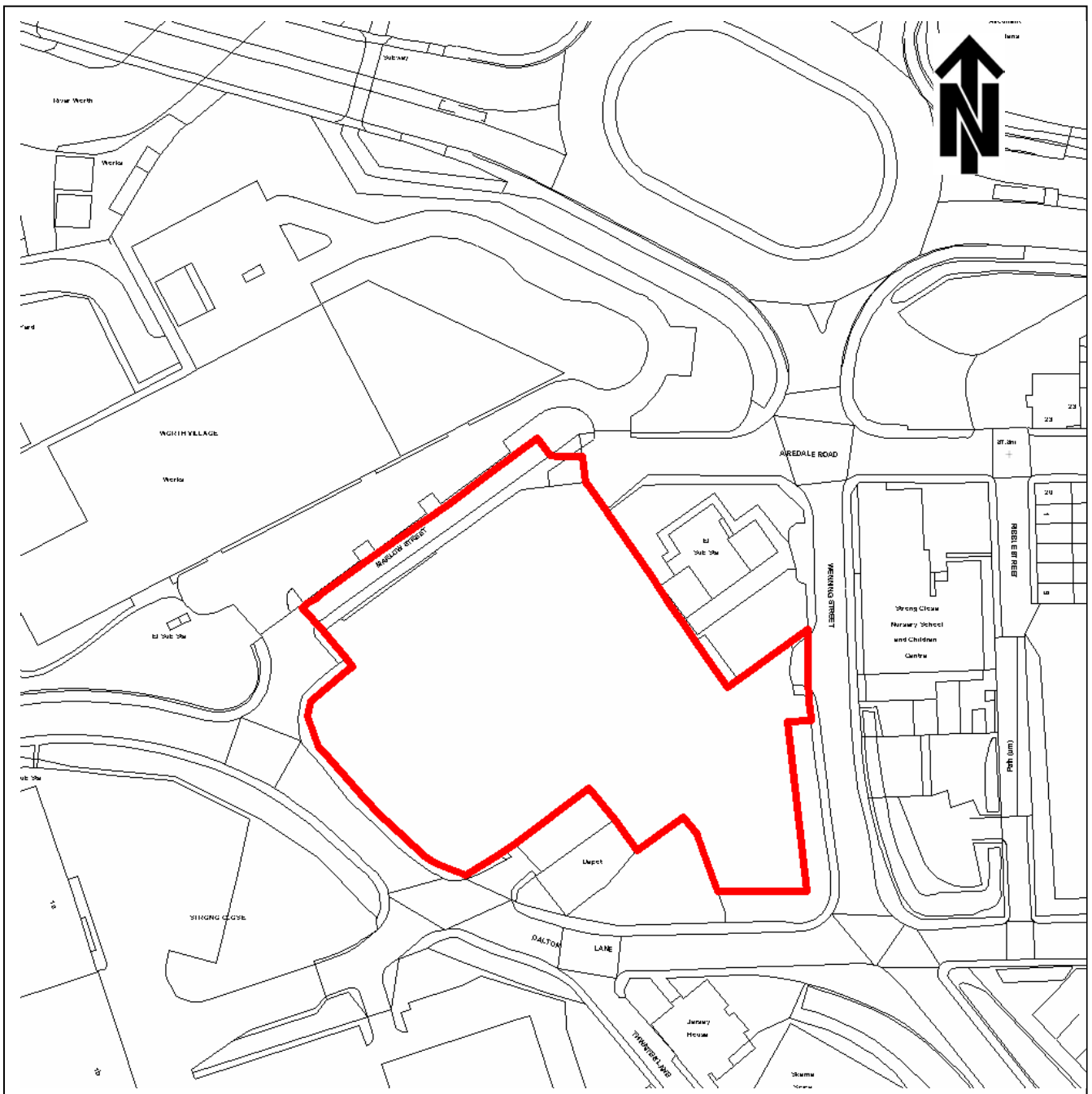
6. The window(s) in the north facing elevation of the two-storey rear extension hereby permitted shall be glazed in obscure glass prior to the first occupation of the building/extension and thereafter retained.

Reason: To prevent overlooking or loss of privacy to adjacent occupiers and to accord with Policy UR3 of the Replacement Unitary Development Plan (2005)

Area Planning Panel (Keighley)

11/00676/FUL

20 April 2011



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<p>ITEM NO. : 4</p>	<p>LOCATION: Gordon Halton Homes Colletts Yard Dalton Lane, Keighley</p>
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20 April 2011

Item Number: 4
Ward: KEIGHLEY EAST
Recommendation:
TO APPROVE SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT

Application Number:
11/00676/FUL

Type of Application/Proposal and Address:

A full application for the renewal of extant planning permission 08/02382/FUL: Construction of employment units (B2 use), provision of access, parking and turning areas at Colletts Yard, Dalton Lane, Keighley.

Applicant:

Gordon Halton Homes,

Agent:

J O Steel Consulting

Site Description:

The application site is allocated as an employment site (K/E1.13) and is located within Worth Village employment zone (K/E6.3) as identified in the Replacement Unitary Development Plan). The Proposals for Keighley Constituency identify the site as a new Brownfield site located within the urban form, within walking distance of Keighley town centre and surrounded by existing industrial uses. The site is in the Airedale Corridor and in a location where employment provision would support the 2020 Vision.

The 0.76-hectare site is currently an open area of land with no buildings upon it as the previous industrial units have been demolished. The site is largely flat and is located adjacent to the junction of Dalton Lane with Wenning Street, on the north side of Keighley in close proximity to the by-pass. There are currently two accesses to the site - one via Airedale Road and one via Dalton Lane, the latter of which is identified in the Replacement Unitary Development Plan as a transport corridor and part of the national and local cycle network.

The area surrounding the application site is mixed. The allocation of this employment zone also extends to the south west along the whole of Dalton Lane and ends at Lawkholme Lane, at the periphery of Keighley town centre and as such the type of development in this location is of a variety of employment uses. The A650 (T) Aire Valley road passes close by the northern boundary of the site. To the west of the application site, on the far side of Wenning Street is Strong Close nursery school.

Relevant Site History:

Application 08/02382/FUL was granted for the construction of employment units (B2 use), provision of access, parking and turning areas on 30 July 2008 subject to conditions.

Replacement Unitary Development Plan (RUDP):

Allocation

Within the Proposals for the Keighley Constituency of the Replacement Unitary Development Plan, the site is identified as being a specific proposed employment site identified under reference S/K1.13. The following policies are relevant:-

Proposals and Policies

UDP1 – Promoting sustainable patterns of development
UDP2 – Restraining development
UDP3 – Quality of build and natural environment
UDP4 - Promoting economic regeneration in sustainable locations
UDP7 - Reducing the need to travel/sustainable transport choices
UDP8 – Use of Natural resources and renewal energy
UDP9 - Management of pollution, hazards and waste
UR2 - Sustainable development
UR3 – The local impact of development
UR6 - Use of conditions or S106 agreements to resolve obstacles to planning permission
E1 - Protecting Allocated Employment Sites
E2 - Protecting large employment sites
TM1 - Transport Assessment
TM2 - Impact of Traffic and its Mitigation
TM10 – The national and local cycle network
TM11 - Parking standards for non-residential developments
TM13 - On-street parking controls
TM18 - Parking for People with disabilities
TM19A – Traffic Management and road safety
D1 - General Design Considerations
D4 - Safe and secure environment/reduction in the opportunities for crime
D6 - Appropriate links for pedestrians
D7 - Appropriate links for cyclists
D7A - Meeting the needs of public transport through design
D10 - Positive contribution of development along transport corridors
D14 - External lighting
NR16 - Surface Water run off and sustainable drainage systems
P1 - Air Quality

Regional Spatial Strategy (RSS):

Policies

E1 – Creating a successful and Competitive Regional Economy
E3 – Land and Premises for Economic Development
E4 – Regional Priority Sectors and Clusters
YH2 – Climate Change and Resource Use
YH3 – Working together
YH4 – Regional Cities and Sub-Regional Cities and Towns
YH5 – Principal Towns
YH6 – Local Service Centres and Rural and Coastal Areas
YH7 – Location of Development

Additional documents – The Airedale Master Plan

Published in March 2005. The Airedale Master plan identifies this site and general area as a large employment area where there are many underused and redundant sites that can be

assembled to create a large zone for commercial and industrial buildings in an accessible location supplied by a skilled workforce which is trained locally.

Keighley Town Council:

Defer as no plans to make a comment.

Publicity and Number of Representations:

Site notices were displayed at the site and individual neighbourhood notifications were also carried out with the statutory period of expiry date for comments being 14 April 2011. No representations have been received to date. Any representations which may be received after the publication of this report will be reported orally at the planning panel.

Consultations:

Local Development Framework – As this proposal is for an employment use on an allocated employment site within an employment zone, combined with the fact this is a renewal of a previously approved scheme, there are no planning policy issues evident.

Highways (Development Control) Section – Highways concerns were met on the previous application and the comments and recommended conditions provided HDC for the previous approval are therefore still applicable.

Yorkshire Water – the original comments and recommended conditions still apply for this renewal of this development proposal. Conditions 11, 12, 13, 14, 15, 16, 17 and 19 of the existing permission shall be attached this any permission granted.

Environmental Protection (noise) – Comments on this renewal application have not yet been received and will be reported orally to the Panel. Original permission comments were - no objections in principle on the grounds of potential nuisance.

Environmental Protection (Contamination) – Comments on this renewal application have not yet been received and will be reported orally to the Panel. Original Permission comments - A phase 2 intrusive site investigation and sampling for contamination and ground gases are not necessary due to the proposed commercial/industrial end use of the site. Recommend that the results of the soil gas monitoring are reviewed once this has been carried out.

Environment Agency – No comments to make on this application.

Drainage Section – The original comments and conditions details on the decision notice for the existing permission still apply (conditions 12, 13, 17 and 19).

Design Enabler – No comments to make.

Tree Section - No comments

Summary of Main Issues:

- (a) Principle of development
 - Replacement Unitary Development Plan allocation and Airedale Master plan strategy
 - type and extent of uses proposed
 - Sustainability
- (b) Impact of development
 - Design/appearance
 - Amenities of the locality/neighbouring properties/uses

- Other impacts: contamination
- (c) Highway Safety
- (d) Community Safety Implications
- (e) Terms of Section 106 Legal Agreement

Appraisal:

1. Members should note that this is a renewal application and as such the details of the application, the proposed conditions and the Heads of Terms of the newly proposed S106 legal agreement deliver the same development as the current extant planning permission reference 08/02382/FUL.

2. Principle

The application site is allocated in the Replacement Unitary Development Plan for development for employment uses and forms part of the wider employment zone which expands out to the north west of Knightly town centre. It is a large site to be developed fully in accordance with policy E1 of the Replacement Unitary Development Plan. The Airedale Master plan also identifies the site as an opportunity to reestablish commercial uses on this former industrial site. As such, a development of the site with B2 office uses is considered appropriate in principle.

3. The application seeks permission for the development of 19 x two storey B2 industrial units which range in size from 154 sqm to 436 sqm. The units are located in terraces around the site and units 9 and 10 are positioned at the corner of the site with Dalton Lane and Wenning Street in order to provide a frontage to this visible part of the site. In total 5010 sqm of floor space is proposed with 80 car parking spaces (5 disabled) and cycle stands are provided within the proposed units.

4. At national level, Policy EC10 of Planning Policy Statement 4 (PPS4) informs Local Planning Authorities that they should adopt a positive and constructive approach towards planning applications for economic development. Furthermore, Planning Policy Statement 1(PPS1) advises that planning should facilitate and promote sustainable development and inclusive patterns of urban and rural development by:

- (i) making suitable land available for development in line with economic , social and environmental objectives to improve people’s quality of life, and;
- (ii) ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

PPS1 also advises that 'where the development plan contains relevant policies, applications for planning permission should be determined in line with the plan, unless material considerations indicate otherwise'.

5. At the regional level, the Regional Spatial Strategy (RSS) seeks to promote plans, strategies and investment decisions which will create a more successful and competitive regional economy. In order to deliver these strategies focus is given to investment in locations where it will have:

- maximum benefit and secure competitive advantage,
- improved links between job opportunities, skills development and business investment,
- provide a modern manufacturing sector and the modernisation of manufacturing industries,
- Provide/support a knowledge driven economy, by supporting the potential of higher

and further education institutions, hospitals and research institutions and other knowledge-intensive industrial, including links with the provision of incubator units, science parks and innovation centres.

6. The locational requirements of business and industry usually fall into one of the following categories:

- Local companies seeking larger or more efficient premises close to their existing location ensuring ease of access to customers and their existing workforce;
- Local companies seeking expansion but preferring a location that offers large site development opportunities with ease of access to good road and motorway connections, and;
- Inward investing companies who require high quality accommodation, with good communications, high quality environment and access to centres of population for recruitment purposes.

The Aire Valley fulfils most of these locational requirements and as such this site is allocated in the Replacement Unitary Development Plan (reference K/E1.13) as a well located employment site.

7. The land shown for employment on the Proposals Maps of the Replacement Unitary Development Plan allows for a range of business and industrial uses in a variety of location. However, because it should be noted that because there is a limited supply of suitable land in the District, it is crucial that the best use is made of the Plans allocations and the job creation potential is realised.

8. The location of the site as an employment site is well established through the Unitary Development Plan process. Planning permission has already been granted for this development under application reference 08/02382/FUL and this application is merely a process in which it is proposed to keep this permission alive for a further 3 year period. As such, it is considered that the development of the site in the manner proposed is considered appropriate economic development.

Sustainability

9. The approach to planning for sustainable development is set out in Planning Policy Statement 1 (PPS1). The key principles of this documents are that are that good quality, carefully sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community; maintains or enhances the local environment; and does not conflict with other planning policies. Accessibility should be a key consideration in all development decisions. Most developments that are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking or cycling. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the overall aim is to protect the countryside for the sake of its character and beauty and the diversity of its landscapes.

10. With regard to this site, it is considered that the proposed development is acceptable in terms of sustainability issues. Indeed, the site is located within the existing built up area of Keighley in close proximity to sustainable transport choices e.g. bus routes, adjacent to the bypass and pedestrian and cycle routes.

Impact of development

11. The site is presently open, although fenced, and gives the impression of significant dereliction at a point very close to the roundabout with feeds into the Dalton Lane employment area. The site surface is level, although broken up by the vestiges of foundations from previous buildings, as is becoming overgrown by self-seeded young trees and scrub. As such it is considered important the development should take place not only in order to improve the general visual amenity of the area but also to ensure that the presently poor impression granted by visitors to this important employment zone is addressed. Development here should therefore contribute significantly not only to the Employment Zone but also to wider regeneration objectives by improving the approach into the zone and raising expectations for visitors.

12. The impact of the development is considered acceptable and appropriate, bearing in mind the amount of floor space proposed. The design of the buildings themselves is functional and modern. It is proposed to use materials of profiled metal panel cladding and brickwork/stone plinths. Surface materials are to tarmac. A condition requiring samples of materials to be submitted is retained for this current application to ensure that the details of all material are submitted to and approved in writing by the Local Planning Authority prior to commencement of development on the site.

13. The surrounding locality comprises industrial/commercial premises, a school further to the north and residential properties beyond the school. It is considered that no under impacts or loss of amenity will be created on the established properties/premises the north and south boundaries of the site.

14. The proposals include a degree of boundary landscaping in order to further improve the appearance of the site, although clearly the greater emphasis has been on most efficient use of land for employment purposes. The layout has also been dictated by the means of access and circulation/maneuvering/parking space but since the proposed buildings do not relate directly to any nearby built form the layout is wholly acceptable in visual as well as functional terms.

15. For the above reasons, the proposals are acceptable and accord with policies UDO3, UR3 and D1 of the Replacement Unitary Development Plan.

Other issues

16. Contamination

An appropriate desk top study was submitted with planning application 08/02382/FUL. BMDC specialist officers concur with the recommendations laid down in the submitted information and it is recognised that no phase 2 site investigations will be required prior to construction work commencing on the site.

Highway Safety

17. The site is located immediately adjacent to the main arterial truck road linking Keighley with Bradford and the Aire Valley and as a consequence the location is ideal in transportation terms. The proposal involves the closure of the two disused access points, with improvements being made to the entrance that is shared with the neighbouring industrial site.

18. The Highway Section has not raised any objections to this renewal application and seeks to ensure that the agreed plans, conditions and requirement for a TRO are the same as the previous permission (08/02382/FUL). Overall, the means of access to the site is considered to be acceptable. Sufficient parking has been proposed at the site and pedestrian linkages

have been proposed which will facilitate those employees arriving by public transport. Several may also choose to cycle.

19. A Traffic Regulation Order is proposed to be undertaken to ensure that vehicles generated by this development do not park along the surrounding in order that highway safety is not compromised. All appropriate works can be carried out under the auspices of s106 and s278 agreements that could ensure that the aims of policies UDP7, TM2, TM13 and D7A of the Replacement UDP are met.

Community Safety Implications:

20. In terms of secure by design, the proposal is considered acceptable providing a condition is attached to any permission granted to ensure that the 'through' route for pedestrian to enable ease of access for employees to the bus stops to the east is appropriately gated.

S.106 agreement

21. As advised in the highway section of this report, a traffic regulation order is required by the highways section to limit on street parking and thus protect sight lines. As such, in line with policy UR6 of the RUDP it is considered appropriate that the developer should enter into a suitable broad legal agreement to address the above issue:-

- The funding of a Traffic Regulation Order to provide a scheme to prevent parking on the adjoining road in order to ensure sightlines to and from the development are not compromised (the usual contribution of £5000 is requested)

Reason for Granting Planning Permission:

In granting permission for this development the Council has taken into account all material planning considerations including those arising from the comments of many statutory and other consultees, public representations about the application and Government Guidance and policy as detailed in the Planning Policy Guidance Notes and Statements, and the content and policies within the Supplementary Planning Guidance and The Development Plan consisting of the Regional Spatial Strategy and the Replacement Unitary Development Plan for the Bradford District 2005.

The Council considers that the following matters justify the grant of planning permission:

The development of this site with B2 employment uses is considered a beneficial use of a prominent, well-located site that gives the opportunity to provide a sustainable pattern of development within the existing urban fabric of Keighley. The proposals will provide for development of a visually unattractive derelict site with an appropriate employment redevelopment which builds upon the aspirations the Airedale master plan has for the Airedale Valley corridor. There are no substantive material changes in circumstance since planning permission 08/02382/FUL was granted and as such is recommended for development of the site in the manner proposed subject to the provision of the s.106 legal agreement outlined within the text of this document and the following conditions: -

Suggested 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 proposed development shall only be carried out in accordance with the following approved plans ***:

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

3. Samples of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority before the development commences, and the development shall be constructed in the approved materials

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

4. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of construction work, including any works of demolition;
- iii) hours of delivery of materials;
- iv) location of site management offices and/or sales office;
- v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- vi) car parking areas for construction workers, sales staff and customers;
- vii) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- viii) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- ix) temporary warning and direction signing on the approaches to the site

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

5. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered AL (0)001 Rev F and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

6. Before the development is brought into use, the adoptable visibility splays hereby approved on plan referenced AL(0)001 Rev F shall be laid out, hard surfaced, sealed and drained within the highway.

Reason: In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

7. The proposed pedestrian access to the site from Wenning Street shall be gated so as to prevent unauthorised access to the development during the hours of darkness. The management of site security shall be the subject of details to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In the interests of site security and to accord with Policy D4 of the Replacement Unitary Development Plan.

8. Any external illumination within the site hereby approved shall be installed so as to prevent light shining onto the public highway.

Reason: In the interests of highway safety in accordance with Policies TM2 and TM19A of the Replacement Unitary Development Plan

9. Concurrently with the carrying out of the development and prior to it being brought into use, other vehicular accesses to the site shall be permanently closed off in accordance with the approved plan numbered AL(0)001 Rev F.

Reason: In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

10. Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan numbered AL(0)001 Rev F and retained whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

11. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 metres of the centre line of the water main that crosses the site.

Reason: In order to allow access to underground services and to accord with Policy UR3 of the Replacement Unitary Development Plan

12. 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.

13. Surface water from the vehicle parking and/or manoeuvring area shall be drained using petrol/oil interceptors which shall be installed before the development is brought into use.

Reason: To ensure proper drainage of the site and in the interests of pollution prevention and to accord with Policy UR3 of the Replacement Unitary Development Plan.

14. Any tanks used for the storage of fuels, oils or chemicals either during the construction phase or subsequently installed by occupiers of the development hereby approved, shall be sited within an impervious compound whose capacity shall be at least 110% of the volume of the largest tank stored within it. All filling points, vents, gauges, pipework and sight glasses shall be sealed to prevent discharge of fluids to land, underground strata, surface or groundwaters. All pipework and associated fittings shall be protected from accidental damage.

Reason: In the interests of pollution prevention in accordance with Policy UR3 of the Replacement Unitary Development Plan

15. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 4.0 metres of the centre line of the 915x610mm and 610mm sewers that cross the site.

Reason: In order to allow access to underground services and to accord with Policy UR3 of the Replacement Unitary Development Plan

16. Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 metres of the centre line of the 305mm and 230mm sewers that cross the site.

Reason: In order to allow access to underground services and to accord with Policy UR3 of the Replacement Unitary Development Plan

17. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is adequately drained and to prevent pollution of ground or surface waters in accordance with Policy UR3 of the Replacement Unitary Development Plan

18. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no building shall be occupied prior to the completion of the approved foul drainage works.

Reason: In the interests of pollution prevention in accordance with Policy UR3 of the Replacement Unitary Development Plan.

19. The development hereby approved shall only be carried out in accordance with the amended plan referenced AL(0)001 Rev F dated December 2007 and received by the Council on 27 June 2008 showing the omission of a proposed taxi office and amended car parking arrangements.

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

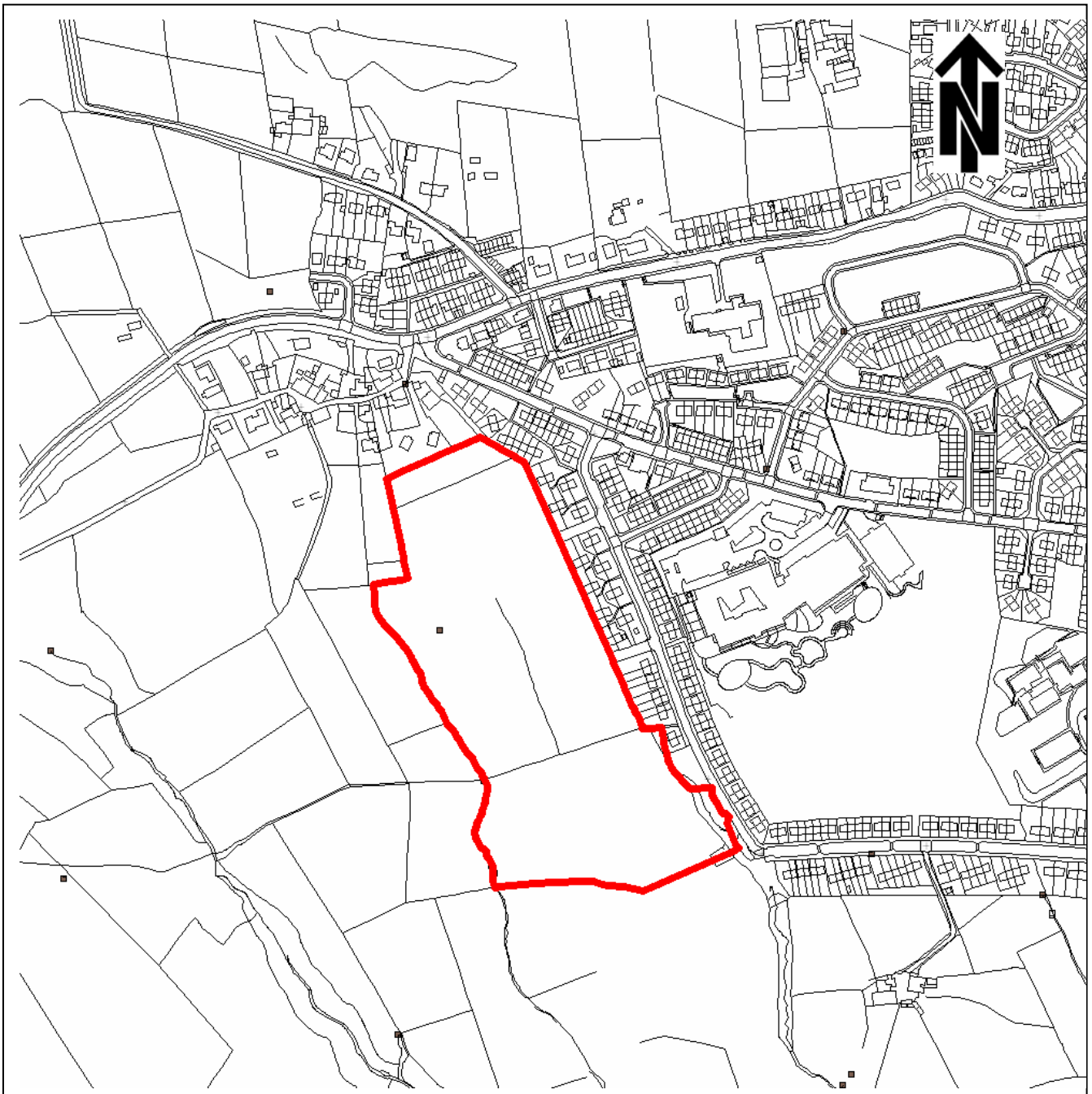
Head of Terms of a S106 legal agreement

- The funding of a Traffic Regulation Order to ensure the sightlines to and from the site are protected in order to ensure highway safety is not compromised (a contribution of £5000 is requested);
-

Area Planning Panel (Keighley)

10/06230/MAR

20 April 2011



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<p>ITEM NO. : 5</p>	<p>LOCATION: Land At Grid Ref 404089 441307 North Dean Avenue</p>
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20 April 2011

Item Number: 5
Ward: KEIGHLEY WEST
Recommendation:
TO APPROVE RESERVED MATTERS SUBJECT TO CONDITIONS

Application Number:
10/06230/MAR

Type of Application/Proposal and Address:

A reserved matters application for residential development of 190 dwellings and provision of highways, landscaping, open space and associated works at Land At Grid Ref 404089 441307, North Dean Avenue, Keighley. Matters to be considered are appearance, landscaping, layout and scale pursuant to outline planning permissions 09/03062/OUT.

This is an application with a petition against it.

At the Planning Panel on 24th March 2011 Members resolved to defer this application for the following reasons:

- (1) To enable the applicant to submit for the Panel's consideration details of an underground water storage system or other system to deal with surface water from the development.
- (2) To enable the applicant to submit for the Panel's consideration an amended and more appropriate design.

Applicant:
Barratt David Wilson Yorkshire West

Agent:
Jonathan Dunbavin, ID Planning

Issues of Deferment

The early part of this report will deal with the issues of deferment and how these issues have been, or can be appropriately, addressed. The original report follows on from the discussion of the deferment actions and starts with the paragraph noted 'site description'. It should be noted that the original report has also been updated in certain areas e.g. list of plan revised plan numbers etc.

Actions to resolve (i) Consideration of underground water storage system or other system to deal with surface water drainage

A senior officer from the Councils drainage section will be attending Panel to address the specific concerns of Members. It is clear that the disposal of surface water is an important consideration in the determination of new planning proposals. Most development, such as the application proposals, reduce surface permeability by replacing vegetated ground with tarmac and paved areas. This decreased the amount of water soaking into the ground and increases run-off. Traditional drainage systems are designed to carry water off site as quickly as possible, therefore altering the natural flow patterns which can lead to problems elsewhere in the river catchment, particularly the risk of flooding downstream. Increased flow rates may also cause erosion and damage water and water side habitats. Water quality may

also be affected as a result of pollutant from built up areas being washed into watercourses or groundwater.

The protection of rivers and groundwater requires changes to the design of drainage systems from traditional piped systems to those, which mimic natural drainage processes. Flood risk and other environmental damage can be managed by minimising changes in the volume and rate of surface run-off from development sites through the use of sustainable drainage systems which control surface water run-off as close to origin as possible.

Members are asked to consider the following two options to resolve surface water drainage issues at the site

A. Option 1 (submitted drawings P10:4323:01 Rev E and 102 Rev C): the provision of a sustainable drainage system in the form of a detention basin which will ensure that sustainable drainage is provided for the site in accordance up to date standards. A plan detailing the depth of the detention storage pond at certain storm events will be presented to Members of the Panel. Essentially, for a 2 year storm event there will be equivalent volume of 355 cubic metres in the detention basin which will take approximately 6 hours to empty (not including the water retained in the wetland). The maximum water depth of the pond in this scenario is 0.652m. In a 30 year storm event (+30% climate change) there will be an equivalent volume of 1220 cubic metres in the detention basin which will take approximately 20 hours to empty (not including the water retained for the wetland) and will have a maximum water depth of 1.23metres). Finally, in a 100 year sort event (+30% climate change) there would be a volume of 1701 cubic metres of water in the detention basin which would take 28 hours to empty and have a maximum water depth of 1.508m.

The amended scheme for Members to consider proposes a post and rail fencing around this part of the site which will be reinforced by a densely planted hedge comprising a variety of native species. These landscaping elements are subject to the landscaping management plan for the site.

B. Option 2 (submitted drainage P10:4323:01 Rev F and 102 Rev D): the removal of the detention basin and the provision of underground storage tanks. A post and rail fence with native hedge species will define this area from the edge of the built form of the proposed housing estate.

Recommendation

It is the recommendation of the Assistant Director of Planning, Highways and Transportation that option 1 of these drainage proposals forms part of any permission which may be granted on the site.

Actions to resolve: (2) to submit for the Panel's consideration an amended and more appropriate design.

To accord with the wishes of Members, revisions have been made to 94 of the proposed dwellings in terms of their elevational treatments. Properties on key focal points also have changes in materials to provide for a more interesting sense of place within the development. Street scene elevations will be presented to Members at the planning panel.

Site Description:

A 6.15 hectare rectangular shaped parcel of Greenfield land that is located at the far edge of the Town of Keighley.. The site is comprised of a number of fields to the south and west of properties on the west side of North Dean Avenue that are used for grazing and as open

pasture. It slopes markedly from the North West down towards the south/south east and is located to the south east of Braithwaite Conservation Area. Public footpath identified as Keighley Footpath 21 crosses the southern part of the site linking the fields with North Dean Avenue. The site is allocated in the Replacement Unitary Development Plan as safeguarded land for longer term development.

There is no vehicular access to the site at present. Pedestrian access to the fields is via Keighley Footpath 21.

The site adjoins residential properties along most of its eastern boundary and along its northern boundary. The western and southern boundaries abut green fields which are allocated as greenbelt within the Replacement Unitary Development Plan. To the north/north west of the site lies Braithwaite Village Conservation Area.

Relevant Site History:

A. Outline planning permission 09/03062/OUT to the site from North Dean Avenue was granted on appeal by the Secretary of State in May 2010 for residential development on the site. Access to the site was approved as part of this outline permission and a S106 legal agreement offered: - affordable housing (15%), £309,837 towards education provision, £60,000 towards play space provision in the vicinity of the site, £25,000 towards off site play pitch provision, to pay a bus stop contribution of £6,000 and a footpath contribution of £5,000 and to supply a Metro travel card for the first occupier of each residential unit for a period of 12 months.

The appeal was granted because the Council could not provide a 5 year supply of housing land and the Inspector considered that it was therefore acceptable to bring this safeguarded site forward for development now instead of in the near future. It was also considered by the Inspector that bringing forward this parcel of land for housing would not prejudice the strategy of the Council which seeks to locate development in sustainable area in the first instance.

B. the Local Planning Authority had originally refused application 09/03062/OUT in September 2010 for residential development of the site for the following reasons:-

1. The site is allocated as safeguarded land in the Replacement Unitary Development Plan. The proposed development of the site is therefore considered unacceptable in principle in that it is contrary to Planning Policy Guidance Note 2 (Annex B) and policy UR5 of the Replacement Unitary Development Plan. Any development of this site at this point in time would prejudice the locational strategy of the Council which seeks to produce a sustainable pattern of development which secures urban and rural renaissance and minimises the development of Greenfield sites; as such, the proposal is considered to be contrary to policy UDP1 of the Replacement Unitary Development Plan.
2. The proposal fails to provide suitable means of access to the site in terms of the lack of provision of a second access within the development site, failure to make appropriate provision for pedestrians, and failure to provide details of how access to the site can be achieved in a satisfactory manner with regard to the levels of the site (including how the stream will be culverted); as such, the proposal is considered contrary to policies TM2 and TM19A of the Replacement Unitary Development Plan.
3. The application as submitted provides an inaccurate and inconsistent red line boundary to the development site as the location plan markedly differs from the indicative layout

plan. The identified inaccuracies mean there is conflicting and misleading information which prohibits the proper consideration of the application by the Local Planning Authority.

Reasons for refusal 2 and 3 were withdrawn from the appeal due to the submission of accurate drawings and details showing a suitable means of access to the site.

C. Planning permission 90/06/02187 was granted for residential development on this parcel of land on 24th May 1991 when it comprised an allocated housing site. This permission was never implemented and the land has subsequently been allocated as safeguarded in the Replacement Unitary Development Plan.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is allocated as safeguarded land in the Replacement Unitary Development Plan and identified as site K/UR5.26 in the Proposals for the Keighley Constituency. Relevant policies include:

Proposals and Policies

UDP1 – Promoting sustainable patterns of development
UDP3 – Quality of build and natural environment
UDP7 - Reducing the need to travel/sustainable transport choices
UR2 - Sustainable development
UR3 – The local impact of development
UR5 - Safeguarded land
UR6 - Use of conditions or S106 agreements to resolve obstacles to planning permission
H7 - Housing Density
H8 - Housing Density
H9 - Provision of affordable housing
TM2 - Impact of Traffic and its Mitigation
TM8 - New pedestrian and cycle links
TM9 - Protection of routes
TM12 - Car Parking Provision
TM19A – Traffic and road safety
D1 - Positive contribution of the Environment
D4 - Safe and secure environment/reduction in the opportunities for crime
D5 - Landscaping
BH7 - New Development in or affecting the setting of Conservation Areas
CF2 - New housing proposals resulting in increased demand for educational facilities
OS5 - Provision of recreation open space and playing fields in new development
NE3 – Landscape Character Areas
NE3A – Landscape Character Areas
NE4 - Trees and Woodland
NE5 - Retention of trees on development sites
NE6 - Protection of trees during development
NE10 - Protection of natural features and species
NR15B - Flood Risk
NR16 - Surface Water run off and sustainable drainage systems

Town Council:

Keighley Town Council – Recommend refusal – there is a lot of drainage and surface water, a risk of flooding near the beck, the sewer is already inadequate, there will be problems with the highway, could be more than 200 cars from the housing estate, education, schools are already full, there is no play area, the sewer should be moved in order to allow a more sensible entrance, a public consultation is needed. We would like this proposed to go to Area Planning Panel if approved.

Publicity and Number of Representations:

The application has been advertised by individual neighbour notifications and the display of site notices around the site. The statutory period of expiry of the publicity is 12 March 2011. A petition with 12 signatures (from 8 households) objecting to the scheme has been received and seven representations have been received (note that these are from 7 different persons as some residents have written in several different letters on various issues). The contents of the representations are summarised below.

Summary of Representations Received:

- The proposed access road is to be positioned directly opposite nos 10 and 12 Northdean Avenue in the existing lay-by which is at present used as a passing point of traffic using the narrow road;
- The new road will cause issues with road safety and endanger pedestrians
- If the access is positioned here it will mean the felling of substantial oak and other species of tree which are the home of bats and other species.
- Loss of on street parking for existing residents – the new access road should be amended to ensure that the entrance of the development is located at the junction of Northdean Avenue and Northdean road
- The development of 190 houses is not welcomed by the residents whose lives are going to be affected. If residents are to be affected the points raised in objection to the development must be acted upon to allow the minimum effect upon the quality of life and loss of value to existing properties.
- Issues regarding the integration of the development into the existing community because of limited access to the site
- The loss of protected oak trees – inaccuracies in the arboricultural report
- Keighley is not designed for modern traffic which at times becomes almost grid locked. The current proposal will add to this
- Undue noise and disturbance and light pollution to properties if the access is positioned where it is currently proposed
- Where will existing cars park – what provisions are being made for residents to park outside our properties.
- Road safety will be compromised – there will be a danger of collision and there is excessive speeding. The new access to the site should be via the farmers field
- The area proposed for development is crossed by streams and underground water courses – this is a potential to create flooding in Keighley
- Why has the previously identified County Park been dropped
- Fundamentally opposed to any development of this Greenfield site and feel that any acceptance of building proposals is an utter disgrace as there are plenty of brown field sites across Bradford District
- This development will add to the already substantial volumes of water that flows down into Keighley
- Need assurances that the preservation of current walls, hedges, trees and wildlife habitats is considered.

- Drainage need to have sufficient space capacity to deal with anticipated future requirements and the traffic assessment needs to take account of the volumes of traffic on the junction of West Lane and Oakworth Road where the major peak hour traffic problem currently exists.
- There is no provision of additional shops, recreation/play areas
- During construction work there will be issues of noise, dirt, heavy plan both on site and using Northdean Avenue for access and egress
- The information regarding drainage and flooding is incorrect as there are approximately 12 springs within the site,
- The outflow and run off water from the site will create flood problems not only in Keighley but in Riddlesden, Bingley, Cottingly etc.
- The results in the FRA are inaccurate as they took place during the summer of 2009 after a period of significant drought
- Concerns relating to the existing wild life in and around the area – this will be significantly impacted by any development
- The area is getting more and bogger and the water table has significantly changed in the last few years.

Consultations:

Conservation/Heritage Section - The archaeological report appears thorough and comprehensive, and the conclusions would seem reasoned and accurate.

The site is within proximity of the conservation area of Braithwaite, but is separated from the built, tight-knit form of the historic core of the settlement by both later peripheral buildings and small open pastures. Sections have been provided indicating that the closest areas of new housing will not be intrusive to views from the eastern part of the conservation area due to topography. Areas of the development which will be visible from the southern edge of the conservation area and the track, Bank Lane will be as oblique views, partly tempered by reinforced buffer planting.

The height and form of the dwellings on the northern and north-west edge of the site is considered acceptable and should enable integration into the landscape.

The residential development will impact on longer distance views of Braithwaite from the south, although the buffer planting and separation result in the conservation area retaining some distinction and not being swamped in suburban expansion. The buffer planting around the perimeter of the site will reinforce existing boundaries and soften the edges of the new development. It further assists in the physical separation of the development from the conservation area.

To further integrate the development, it is considered essential that Plots 179-182 and 124-128 are constructed in natural stone with quality artificial Welsh slate roofs. These properties are those likely to be apparent in views from the conservation area and the quality materials will assist in integration. The choice of materials for the wider development will govern its success in achieving contextual relevance and a sense of place, and may result in further use of natural stone.

In summary, whilst the development does impact upon the setting of the conservation area and compromise that setting in long distance views, the built form and landscaping has been developed to mitigate this. The impact of the development on the prevailing character within the conservation area will be negligible. The effect of development on this allocated housing

site has been mitigated as far as possible, and the character of the conservation area maintained.

Landscape Design – Revised Scheme – Comments awaited and will be reported orally. No issues in principle to both the hard or soft landscaping and the trees and shrubs species specified are generally acceptable for this proposed scheme. A comprehensive and long term landscape management specification is required.

Local Development Framework – The LDF Group do not wish to raise any strategic planning concerns

Highway Section – Revised comments awaited and will be reported orally. It should be noted that the access to the site is not being considered as part of this scheme (only internal road layout) because the access to North Dean Avenue was formally approved by the Secretary of State as part of outline application 06/09190/OUT.

Rights of Way Section - Keighley Public Footpath 21 crosses the site and will be retained on its historic line and improved as part of the development. Footpath 21 should be improved to adoptable standards and surfaced to a width of at least 2m. It is noted that £5,000 is to be contributed as part of a S106 agreement toward the cost of doing these works. Would also like to improve Keighley 22 (outside the application site).

Tree Section - no objections to this development. There is a hedgerow being removed and some impact on generally sporadic low value trees to the west boundary (some other trees are also affected) but their loss/development impact is mitigated by the landscaping proposals

The large trees to the proposed access should remain fairly unaffected as there is a gap in the tree canopy. Some of the trees here are worthy of a TPO (others not due to condition). Trees Team will be placing a TPO on the worthy trees in due course but this should not affect the proposals as they currently stand.

Please note that the large area of fields to the immediate south of the proposals site contains woodland and significant trees and would be much more difficult to develop in accordance with trees policies.

A condition regarding tree protection during construction should be attached to any permission granted.

Design Enabler – (Members should note that although comments on several aspects of the scheme have been made only those relating to specific design issues have been discussed here).

Original Comments: No objections in principle. A building for Life Assessment has been undertaken which is broken into 4 sections. The development scores 9 out of 20. Would like 80% of the dwellings to be constructed in natural stone.

Revised comments: No objections in principle and the Bfl score has been revised to 13. Any additional comments will be reported orally at the planning panel.

Yorkshire Water – No objections in principle

Drainage Section – No objections subject to conditions

Environment Agency – No objections in principle subject to a condition regarding surface water run-off. Land Drainage Act consent is required for the culverting of a watercourse.

West Yorkshire Ecology – Original Comments - It is noted the retention of a number of features around the margin of the site, but little substantive mitigation has been included for the loss of an extensive areas of green field land which includes wet grassland reported to be used by curlew and which botanical surveys indicate may support species such as common spotted orchid and cuckoo flower. Sadly the ecological report does not provide sufficient detail to quantify these losses in detail.

This is a large housing scheme and under the requirements of PPS9 we would expect to see more substantive mitigation and enhancement for these losses. We recognise that the developer has left a considerable buffer zone between the houses and the Lower Holme House Wood SEGI and North Beck, but we can find no evidence that this land, which is within the control of the developer has been used to mitigate or enhance the proposal for biodiversity.

We would like to see measures introduced which would enhance this area for biodiversity either by enhancing wet grassland for wading birds such as curlew and snipe or by extending the area of woodland using locally native tree planting. Provision should also be made for its on-going management under an agreed management plan.

There are also references to a detention basin being constructed to the south of the proposed housing to cope with flood water and provide for “amenity”. We can see no reference to biodiversity enhancement proposed for this wetland, and we would not see it being adequately covered by the term “amenity” used in the application.

Summary of Main Issues:

Principle

Design – appearance, landscaping, layout and scale

Residential amenity

Highway/pedestrian safety

Other issues: flooding/drainage, biodiversity, contamination

Community Safety Implications/Secure by Design

Comments on the letters of representation received.

Appraisal:

1. This proposal is for the development of residential development on a 5 hectare site (net). The development consists of 190 houses in a mix of styles and range from 2 storey dwellings to 2.5 storeys to a few three storey units. The proposal uses the contours of the site to provide a scheme which cascades down the valley. A range of housing sizes has been proposed along with a mix of elevational details. Materials are of Cromwell fine faced pitched buff/brown artificial stone, render and artificial roof slate. The eight properties in close proximity to the Braithwaite conservation area are to be built in natural stone. A palette of these materials will be available for members to view at the planning panel.

2. A tree/shrub shelter belt is to be provided to the northern and western boundaries of the site with a mix of native woodlands and low buffer mix of species. Along with southern boundary a large landscape buffer/green space which varies in depth from between c. 12m to c. 30m is to be provided.

3. Principle of development

Outline planning permission 09/03062/OUT has been granted for residential development.. As such the principle of a residential development of 190 houses has already been established at this site under the above outline application. Means of access to the site was also considered as part of the outline application and as such, this reserved matters applications are now only considering appearance, landscaping, layout and scale.

4. Design

Policy D1 of the Replacement Unitary Development Plan states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposal are assessed and includes, amongst others, proposals should be well related to the existing character of the locality in terms of design, scale, massing height and materials.

5. The layout of the scheme is considered acceptable and has been designed to take advantage of the natural and existing ground levels, the character of existing development in the locality and to take advantage of the views over the adjoining open countryside. The site is within proximity of the conservation area of Braithwaite, but is separated from the built, tight-knit form of the historic core of the settlement by both later peripheral buildings and small open pastures. Sections have been provided indicating that the closest areas of new housing will not be intrusive in views from the eastern part of the conservation area due to topography. Areas of the development which will be visible from the southern edge of the conservation area and the track, Bank Lane will be as oblique views, partly tempered by reinforced buffer planting.

6. The height and form of the dwellings on the northern and north-west edge of the site is considered acceptable and should enable integration into the landscape.

7. Whilst the residential development will impact in longer distance views of Braithwaite from the south the buffer planting and separation result in the conservation area retaining some distinction and not being swamped in suburban expansion. The buffer planting around the perimeter of the site will reinforce existing boundaries and soften the edges of the new development. It further assists in the physical separation of the development from the conservation area.

It should also be noted that the layout of the site has had to accommodate the rights of access though the site and drainage easement but still creates an attractive, interesting layout which is compatible with the locality.

8. The layout of the parking bays ensure that the majority of the spaces are in- curtilage and those that are not specifically in curtilage are located in parking courtyards which are overlooked by surrounding houses.

9. In terms of appearance and scale, the application proposes a range of residential units both in terms of size, amount of floor space and height. These housing types have been placed to provide good design features at focal points of the residential layout and provide a wide variety of units which take advantage of the differing levels throughout the site.

10. In terms of landscaping, the scheme has been amended to ensure the development incorporates appropriate tree/hedge buffers (shelter belts) to the western, northern and southern boundaries in accordance with the landscape strategy contained within the Landscape Character Supplementary Planning Document adopted by the council. These

boundaries will be planted with native species. The buffer and all open space areas on the site will be part of a management plan agreement and private gardens will be formed beyond the buffer. A post and rail fence is proposed between the private residential gardens and the tree buffer.

11. Whilst landscaping is provided throughout the development, in addition to the strategic shelter belts along the boundaries it is proposed to retain as many of the trees as possible fronting North Dean Avenue. Clearly because access to the site is via this area, some of the trees are to be felled however the developer has stated it is their intention to retain as many trees as possible around this location in order to minimise the impact of development on existing residents in North Dean Avenue.

12. Residential Amenity/Street Scenes

Policy D1 of the Replacement Unitary development Plan states that all development proposals should make a positive contribution to the environment and quality of life through high quality design and layout. It contains a number of criteria against which development proposals are assessed and includes, amongst others, the criterion that proposals should not harm the amenity of prospective or existing users and residents.

13. Residential properties exist along the eastern and northern boundaries of the site. It is considered that the provision of a development in the manner proposed will not create any undue detrimental impact in terms of loss of amenity, loss of privacy nor would it create any adverse overlooking.

14. Highway issues

Planning permission has already been granted for the main access to the site and as such this access remains acceptable in principle. Various highway consultations have been made with regard to development of this site and there are two key issues which have been raised: traffic calming (outside the site) and the layout within the site.

Amended plans have been submitted which are considered to satisfactorily resolve all the internal highway issues previously raised. Outside the site along North Dean Avenue the applicants have agreed (despite the fact that access to the site has already been established by the outline planning permission) to widen North Dean Avenue in the vicinity of the main access to the site to ensure highway conditions remain as safe as possible whilst still allowing on street parking for the existing residents who reside along North Dean Avenue. Traffic calming measures are also proposed along North Dean Avenue and in order to provide these measures a deed of variation to the existing S106 legal agreement is to be carried out.

15. Other issues

Flooding/Drainage – the principle of development has already been established. The Environment Agency, Yorkshire Water and the specialist drainage team at Bradford Council all consider that the proposed development is acceptable subject to appropriate conditions to demonstrate that surface water drainage will be adequately dealt with. In this resubmission back to Panel this issue is more extensively dealt with in the deferment paragraph of this report which is at the front of this agenda item.

Biodiversity – Amended landscaping plans which propose additional biodiversity measures as required by condition 9 of the outline planning permission will be tabled to Members at the Panel.

Rights of Way – the existing right of way through the site is to be retained on its original line and upgraded to adoptable standards. As such, it is considered that this measure is in accord with policy TM8 of the Replacement Unitary Development Plan.

16. Community Safety Implications

Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime.

17. In terms of secure by design, it is considered that there are no objections in principle to the scheme. Indeed, the scheme defines each area and each plot and suitable boundary treatments are proposed. Open areas are appropriately overlooked and car parking is located in suitable places, mainly in curtilage, throughout the layout.

18. Comments on the letters of Representation

A petition and several letters of representation have been received to the development of this site in the manner proposed. The majority of issues have been addressed in the above report. Whilst the principle of development has already been established it is clear that residents remain concerned with regard to several issues but especially drainage/flooding and highway details.

Specialist advice has been sought from the Environment Agency, Yorkshire Water and the Councils own drainage section regarding drainage and flooding on the site. Each of these consultees considers that the site is capable of development providing the correct measures are put in place. Conditions are attached to any permission granted to ensure that these measures are put into place and that flooding will not occur.

The main highway access to the site has already been granted planning permission. Nevertheless the highway department has requested that additional measures are put in place to ensure the safety of both highway and pedestrian users. Whilst this required is outside the scope of this planning application, it has been conveyed to the applicant to see if these additional required measures can be incorporated into any scheme. It is considered that the internal highway layout has been adequately addressed and will not compromise highway or pedestrian safety. An updated plan showing this situation will be presented to Members at the Planning Panel.

Reason for Granting Planning Permission:

Outline planning permission has already been granted for the principle of residential development and the position of the means of access to this site. It is considered that this reserved matters application provides for a development of this site with a well conceived residential scheme which closely follows the up to date design guidance offered in Manual for Streets, is considered a good opportunity to provide a sustainable pattern of housing at the edge of the urban fabric of Keighley. The effect of the proposal on the surrounding locality and the adjacent neighbouring properties has been assessed and is acceptable. Parking provision has been made to accord with the location of the development. As such, the proposal is in conformity with the principles outlined within the Replacement Unitary Development Plan and subject to appropriate conditions it is considered that the proposal complies with policies UDP3, UR2, UR3, H7, H8, H9, TM2, TM12, TM19A, D1, D4 and D5.

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby approved shall only be carried out in accordance with the following plans:-

104323 01:- Rev E (Rev F if option 2 of the drainage proposals is granted) , 02, 03, 04, 05 Rev A 06, 10 Rev C, 11 Rev B, 12 Rev B, 13 Rev B, 14 Rev A, 15 Rev B, 16 Rev B, 17 Rev B, 18 Rev B, 19 Rev B, 20 Rev A, 21 Rev A, 22 Rev B, 23 Rev A, 24 Rev A, 25 Rev B, 26 Rev A, 27 Rev B, 28 Rev A, 29 Rev A 30 Rev B, 31 Rev A, 32 Rev A, 33 Rev A, 34 Rev B, 35 Rev A, 36 Rev A, 37, 38, 39, 40, 41, 50, 101 Rev C, 102 Rev C (Rev D if option 2 of the drainage proposals is granted), 103 Rev A, 11/540/5386A (if option 2 of the drainage proposals is granted).

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

3. Surface water from vehicle parking and hard standing areas shall be passed through an interceptor of adequate capacity prior to discharge to the public sewer. Roof drainage should not be passed through any interceptor

Reason: To ensure proper drainage of the site and in the interests of pollution prevention and to accord with policy UR3 of the Replacement Unitary Development Plan

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any subsequent equivalent legislation) no development falling within Class(es) A to E of Part 1 of Schedule 2 of the said Order shall be carried out at plots 23, 24, 25, 54, 55, 56, 57, 63, 91, 92, 93, 94, 95, 123, 124, 125, 126, 127, 128, 129, 147, 1148, 149, 160, 161, 162, 163, 164, 180, 181, and 182 without the prior written permission of the Local Planning Authority.

Reason: To accord with Policies UR3, NE3A and D1 of the Replacement Unitary Development Plan.

5. The development shall not be begun, nor shall any demolition, site preparation, ground works, materials or machinery be brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2005) approved by the Local Planning Authority. The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan or any variation subsequently approved, and remain in the location for the duration of the construction phase of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan

6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with Policies UR3, D1 and D5 of the Replacement Unitary Development Plan.

7. Notwithstanding the details shown on the approved plans, plots 127, 128, 129, 130, 179, 180, 181, 182 shall be constructed in natural stone, samples of which shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These plots shall be constructed in the approved materials.

Reason: To ensure the use of appropriate materials in the interest of visual amenity and to safeguard the appearance of the Braithwaite Conservation Area and associated vista points and to accord with policies UR3, BH7 and D1 of the replacement unitary Development Plan.

8. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

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

9. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered P10:4323:01 Rev E (or Rev F if option 2 of the drainage proposals is granted); and completed to a constructional specification approved in writing by the Local Planning Authority.

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.

10. Prior to commencement of development on site, calculations and design details must be submitted to demonstrate the above and below ground surface water storage proposals are adequate.

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

11. Prior to commencement of development details to demonstrate the watercourse on the Western boundary is both hydraulically and structurally suitable to drain the proposal, from point of connection to outfall.

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

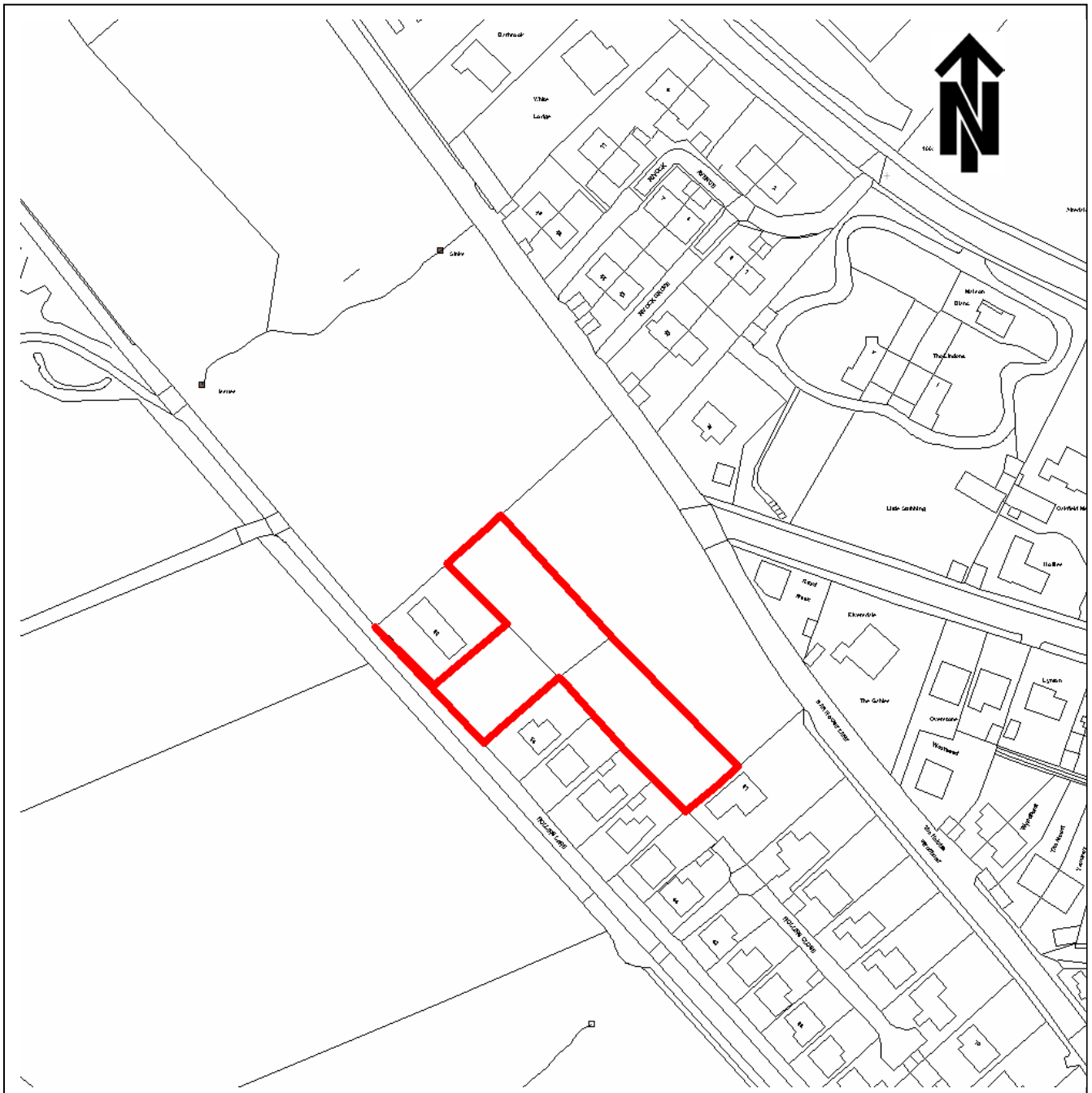
12. The development hereby permitted shall not be commenced until such time as a scheme to manage surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to accord with policies UR3, NR15B and NR16 of the Replacement Unitary Development Plan

Area Planning Panel (Keighley)

10/04216/OUT

20 April 2011



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<p>ITEM NO. : 6</p>	<p>LOCATION: Land East Of Dale View 60 Hollins Lane Keighley</p>
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20 April 2011

Item Number: 6
Ward: KEIGHLEY CENTRAL
Recommendation:
TO GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 AGREEMENT

Application Number:
10/04216/OUT

Type of Application/Proposal and Address:

Outline application for Construction of 5 detached houses and formation of access at land to the east of 60 Hollins Lane, Keighley.

The application seeks permission only for matters of layout and means of access.

Applicant:

M and C Micklethwaite

Agent:

Mr Duncan Hartley

Site Description:

The site comprises garden land to the side of a detached dwelling at 60 Hollins Lane and a larger area of open land extending behind it and to the east as far as the rear of 48 Hollins Lane. No. 60 is a circa 1960s detached property on the northern side of Hollins Lane with open countryside beginning beyond it. The application site is set below the level of Hollins Lane with the proposed access point to be formed across the large side garden area between 60 Hollins Lane and 54 Hollins Lane. The majority of the application site is sloping overgrown grassland. Hollins Close is located to the south eastern part of the site and a small wooded area lies on the steeply sloping hillside below and to the north east of the application site.

Relevant Site History:

09/02941/OUT - Construction of 5 detached houses and formation of new access –
Withdrawn - 19.08.2009

03/03294/FUL - Construction of four detached houses and garages – Refused - 22.01.2004

02/03340/FUL - Construction of four new houses in garden of property – Refused -
12.02.2003

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated on the Unitary Development Plan (2005) (RUDP).

Proposals and Policies

UDP1 – Promoting Sustainable Patterns of Development

UR2 – Promoting Sustainable Development

UR3 – The 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
TM12 – Parking standards for Residential Developments
TM19A – Traffic Management and Road Safety
H7 – Housing Density - Expectation
H8 – Housing density – Efficient Use of Land

Parish Council:

Keighley Town Council: Recommend for refusal – Poor access with a steep drive and would obstruct existing houses in Hollins Lane.

Publicity and Number of Representations:

This has been done via neighbour notification letters and site notice with an overall expiry date of 06.10.2010.

The Council has received 6 letters of representation objecting to the proposal.

Summary of Representations Received:

1. Not in accordance with the Development Plan as some of the land is green field and not garden land.
2. Poor unsuitable access. Stated visibility splays cannot be achieved.
3. Traffic and pedestrian safety : Hollins Lane is not a lightly trafficked lane it is used as a rat run for schools and the hospital in the morning and afternoon peaks and carries agricultural traffic.
4. Additional traffic will pose a disproportionate risk on what is a country lane.
5. Absence of a proper footway southwards of No 60 poses a risk to pedestrians.
6. The development will cause visual intrusion.
7. Site is not a sustainable or accessible location. Descriptions in the supporting information about accessibility is misleading. Adverse affect on wildlife. There are bat roosts at Whinburn and the application will remove feeding grounds.
8. Impact on landscape
9. Inadequate parking
10. Loss of residential amenity to adjoining houses
11. Loss of trees
12. The proposed replanted trees are too close to walls
13. Loss of visual amenity
14. The area is subject of flash flooding.

Consultations:

Highways Development Control

The submitted speed survey shows that a 2.4m x 45m visibility splay to the left would be acceptable rather than the 2.4m x 60m splays depicted on the submitted drawings.

A footway should be provided across the site frontage. In view of the small number of pedestrians likely to use the footway at this location, a sub standard width footway around 1.2m would be acceptable.

Discussion has taken place regarding the use of grass verge opposite to the site to create a footway to tie into the existing footway on that side. However, it is acknowledged that this would be complicated due to impact on trees. Discussions have also led to inclusion of the provision of a 'gateway' traffic calming feature to be implemented in conjunction with the vehicle actuated speed sign. This should be provided at the applicant's expense.

Trees Team

Raised objection regarding notation on the original drawings stating that two protected frontage trees were to be removed. Plot 5 is close to woodland trees to the rear of the site and might result in future pressure to lop or fell. Details are required regarding the construction of the access to minimise the impact on tree roots.

Amended plans have been received to clarify that the 2 protected frontage trees are to be retained.

West Yorkshire Ecology

Records suggest that Badgers and Brown Hare are located in the surrounding area.

Council's Drainage Engineer

Separate drainage system required within the site boundary, car parking areas are to be drained using road type gullies. Details regarding sustainable drainage are required and overland surface water flow patterns should not be altered to the detriment of adjoining landowners.

Minerals and Waste Planning

Request that details be provided regarding alteration of ground levels and volume of material to be removed from the site. Detailed site sections are required along with details of the number of vehicle movements involved in the transportation of the material.

LDF Team – The proposal is unallocated on the replacement UDP and in principle development of housing in this area is acceptable.

Summary of Main Issues:

1. principle of releasing the land for development,
2. density and impact on local character
3. impact on trees,
4. impact on amenity of occupiers of surrounding properties,
5. traffic and highway safety issues.

Appraisal:

Two previous planning applications for residential development on this land were refused in 2003/2004 on the grounds that the development was taking place on a "green field" site; that density was too low; there were concerns about impact on neighbouring properties; concerns about the suitability of the mean of access and concerns about the impact of highway improvements being proposed at that time on trees.

This new proposal seeks outline permission for 5 detached dwellings. Permission for the means of access and the layout of the 5 dwellings is being sought. Details of appearance, landscaping and scale are reserved for consideration at a later stage although submitted illustrative material suggests that the 4 dwellings to the rear of the site would have to be split level due to the sloping topography.

Principle of releasing the land for development

The previous applications on this site were refused on the grounds that the proposed residential development was of a previously undeveloped greenfield site which is poorly related in locational terms to local shops and services and to means of transport, other than the private car. At that time Government policy in PPG3 on "Housing" advocated a sequential approach to new housing development, with the presumption that previously developed land should be developed before green field sites. Also, back in 2003, the Local Planning Authority considered that it had an adequate supply of alternative previously

developed sites or green field sites specifically allocated for housing and consequently, because of this, it was said there was no need to release the application land for residential purposes. Both circumstances have now changed.

Firstly, Policy UR4 of the RUDP which supported the sequential approach to land release has not been “saved” and so no longer forms part of the Replacement UDP. There is therefore no longer a policy presumption that previously developed land should be developed before green field or garden land. Secondly, the Council lost a recent planning appeal because it can no longer rely on having a 5 year supply of deliverable housing land. Consequently, refusal of an application on the grounds that the site is not previously developed land and that the Council has sufficient previously developed or allocated housing land available elsewhere in the District would no longer be capable of being sustained against current planning policies. Instead the application needs to be determined on its merits against saved RUDP policies such as D1 and having regard to the suitability of the site for housing, the appropriateness of the submitted scheme to local character and whether local planning constraints are overcome.

It is acknowledged that the part of the site to the rear of 54 to 48 Hollins Lane is neither part of a garden nor previously developed land. However, this point by the objectors has largely been superseded by changes to PPS3 introduced in June 2010 when gardens were removed from the definition of previously developed land. The changes to national planning policy in PPS3 have not imposed a ban on “garden grabbing” or on the development of green field land but have given Local Planning Authorities a better ability to ensure that housing development appropriately reflects local character.

Although it is open land, it is not considered that the application site makes any significant contribution to local character because it is largely unseen from any public roads or other vantage points. There would seem no intrinsic planning reason why it should be safeguarded from housing development provided the site constraints can be overcome and provided a density, design and layout of development that is appropriate to the character of the surrounding area can be secured.

The consultation response from the Council’s LDF planners therefore states that there is no objection to the principle of development of the site for housing. It is considered that additional dwellings within this established residential area would conform to surrounding uses.

Accessibility of the site

Local objectors have made strong criticisms of the submitted planning statement regarding the accessibility of the site to local facilities. It is fully acknowledged that there are relatively few local services and amenities in this part of Keighley and the site has limited access to regular public transport. Policy UDP1 of the RUDP encourages a sustainable pattern of development focussed on the urban areas of the District including the Principal Town of Keighley.

However, while perhaps not ideally placed, the application site is nevertheless located on the edge of Keighley and within an established residential area. Because of its position within the Keighley urban area the release of the site is considered to be in general accordance with the RUDP location strategy and in any case the relatively small scale of the development is unlikely to undermine the Council’s overall strategy. As such, the principle of development is considered to be acceptable against Policies UDP1 and UR2 of the RUDP.

Density and impact on local character

The density of the development would be around 16 dwellings per hectare. This falls below the density expectation set by Policy H7 of the RUDP and the previous applications were refused because they failed to hit the 30 dwellings per hectare target. However, changes to PPS3 in June 2010 have removed reference to a national minimum density for housing giving Local Planning Authorities greater discretion to seek densities that better reflect prevailing character where appropriate. Having regard to the prevailing density and character of development in the area around Hollins Lane and given the sloping nature of the site and proximity to surrounding properties, a density of 16 units per hectare is considered to be in keeping with, and appropriate to the character of the area. It allows the proposed layout shown on the submitted plan to correlate closely with the arrangement of existing houses immediately around the site and thus reflect local character. A refusal on low density grounds could no longer be sustained as a reason for refusal given policy changes that allow more attention to be given to ensuring that new housing development responds more positively to the local context.

The application site is surrounded on two sides by existing housing development and the majority of the site is not visible from within Hollins Lane. Subject to careful consideration of design and scale at the reserved matters stage it is considered that an appropriate development could be secured that would be well related to the existing character of the area in terms of design, scale, massing, height and materials, and would provide a quality setting for the development and retain important landscape and ecological features in accordance with RUDP Policy D1.

Impact on trees and wildlife

The site has a number of protected trees to its frontage with Hollins Lane, one of which to the south east corner is a diseased sycamore that has consent for removal subject to two replacement trees being planted. The position of these replacement trees is shown on the amended drawing. The Council's Tree Officer had raised concern regarding the impact of development on two remaining mature protected trees to the front of No 60, to the west of the intended access point. However, amended plans have confirmed that there is space to provide the access without significant impact on the nearest tree and the amended plan confirms that there is no intention to remove them.

There is an area of dense woodland on the steeply sloping hillside to the north east of the site. This is set at a lower level to the site as it slopes steeply away towards Bar House Lane. The Council's Tree Officer raised some concerns with regards to the proximity of Unit 5 to this woodland area and whether it is likely to result in future requests to prune or fell adjacent woodland trees due to shading issues. The relationship of Plot 5 to woodland has been assessed on site but it is not accepted that the degree of overshadowing would be especially severe. It may be necessary to take account of the presence of the wooded area in the detailed design of Unit 5 and in any case, the trees are protected and any proposal to work on them would require the consent of the local authority. It is not considered that the proximity of the dwellings to the woodland below the site could form a reason for refusal. It is noted that the proposal also makes provision for a new area of planting to the north corner of the site.

Local residents have referred to wildlife using the site and West Yorkshire Ecology confirms the presence of wildlife (eg bats) in the broader area. However, the site itself is part cultivated garden and part overgrown open land. It is not doubted that wildlife uses the open ground for foraging but there are no trees or features that are of intrinsic worth to wildlife and no evidence of wildlife habitat on the land itself. In these circumstances it is not considered that

resisting development on grounds of harm to wildlife would be reasonable. Although the development may remove some foraging ground for local wildlife, the area involved is a small fraction of the available ground available given that open countryside extends several miles westwards and woodland remains to the north.

Impact on the amenity of occupiers of surrounding properties

The application seeks only consideration of layout and access. From the layout details provided, it is considered that the development could be undertaken without having a significant impact on the amenities of occupiers of surrounding properties.

Access and turning areas are suitably separated from existing properties to protect the occupiers of No 60 and No 54 against significant noise and disturbance from traffic. In this respect the access arrangement is similar to the vehicular access known as Hollins Close which passes to the side of No. 44 Hollins Lane lower down the road.

The proposed layout shows that the new dwellings would all be located at least 21 metres away from the back of neighbouring properties along Hollins Lane. This meets the normal separation standard from habitable room window to habitable room window. The fall in levels would also help ensure that the proposed dwellings would not give rise to any unacceptable degree of overlooking of the rear of homes on Hollins Lane and further control over detailed design can be secured at the reserved matters stage when the precise orientation of windows would be determined.

The gable end of plot 5 would be situated 2 metres from the boundary of the house to the south east of the site. It is acknowledged that the agent has mistakenly identified this house as 32 Hollins Close on the plan - when it is in fact 31 Bar House Lane. The wall facing the application site is the side wall, and would be 5 metres from Unit 5. With appropriate design and, if necessary, no habitable room windows being allowed to this side of Unit 5, it would be possible to ensure that the design and scale of this dwelling would not cause significant harm to the residential amenities of the occupiers of the neighbouring property.

Appearance, scale and landscaping of development are not under consideration at this outline stage. The Council is satisfied however that there is adequate space on the site to allow a development to be designed which would preserve the amenities of the neighbouring occupiers and accord with the Policies D1 and UR3 of the RUDP.

Traffic and Highway Safety Issues

The proposal would introduce a new vehicle access into the site from Hollins Lane via the side garden of 60 Hollins Lane. Its design has been dictated by the changes in levels, position of protected trees and the nature of Hollins Road at the point where the access would be taken. The proposal has been amended during the course of the application to address a number of highway design concerns.

First, as objectors pointed out, the 2.4m x 60m visibility splay towards Keighley proposed on the original scheme drawing was acknowledged to cut across a small portion of neighbouring garden land which is outside of the applicant's control. The occupiers of the adjoining property have signalled an intention to raise the boundary abutting Hollins Lane to 1.8 metres in height which would impede the indicated splay.

However, the applicants argue that a lower visibility standard was appropriate. Council Highway Officers advised the agent to commission a speed survey to demonstrate that lower visibility splays were acceptable and safe. The results of this survey have satisfied the

Council's Highway Officer that should the 2.4m x 60m visibility splays crossing 3rd party land be impeded by changes to garden boundary treatments, a shorter splay of 2.4m x 45m is still achievable and this lower splay is acceptable in this location as traffic speeds in the vicinity are shown to be generally low.

Secondly the applicant is now proposing a number of highway safety improvements which would further reduce vehicular speeds for the benefit of all properties and users of this section of Hollins Lane. The proposals now include a gateway traffic calming feature within the adopted highway. This would clarify and reinforce the change in speed limits on entering the 30 mph limit to the south east of the site. Further reinforcement of the speed limits would be provided by a vehicle actuated speed sign. These features would assist in reducing vehicle speeds further when approaching the residential area from the south west. The Council's highway Officer considers that subject to the implementation of the above measures, the application proposals are acceptable.

Objectors have pointed to the lack of pedestrian footways in this section of Hollins Lane and initially, it was suggested that the scheme ought also to incorporate a new footway on the side of Hollins Lane opposite the site. This would tie into the existing footway that terminates opposite No 46 Hollins Lane. Whilst this would provide a better pedestrian linkage towards the rest of Keighley, the construction of a footpath within this section of verge would require levelling of the grass embankment and result in the damage and loss of the avenue of mature trees located in the field adjacent to the verge. The Council's Tree Officer is strongly opposed to the suggested construction of this footway and Planning Officers accept that as the trees contribute substantially to the tree lined character of Hollins Lane and mark the edge of the built up area the footway should not be pursued. It is noted that the applications in 2003/2004 included provision of a footway here and potential loss of the trees formed a further reason for the refusal of those applications.

Instead, the proposal does include a small footway across the frontage of the site which has been accepted by the Highway engineer as being of appropriate width in view of the small number of pedestrians likely to use the footway at this location. While this is obviously not as effective as the suggested footway on the other side of Hollins Lane, it does provide some additional safety for future pedestrian users of the site commensurate with the relatively small scale of additional development being proposed.

Two parking spaces per dwelling are provided within the layout plus 2 visitor parking spaces. This parking provision meets the required standards. The proposed vehicle turning heads provided are also considered to meet the necessary design standard.

Policy TM2 of the RUDP requires that improvements considered necessary to overcome any adverse impact of the proposal on the highway network should be secured by legal agreement or undertaken as part of the development. In this instance, it is considered that implementation of the proposed traffic calming gateway feature and associated 30mph signage, together with a new vehicle activated sign on the existing verge (position, size and specification to be agreed) plus the creation of a short section of footway along the site frontage would be commensurate with the scale of this development. These measures would appropriately overcome concerns regarding highway safety. Subject to securing delivery of the off site traffic measures by S.106/S.278 Agreement, the proposal is considered to accord with RUDP policies TM2, TM12 and TM19A.

Drainage

Although drainage is an issue raised by objectors, the Council's Drainage Engineers have raised no objections in principle to development of the site. A detailed foul and surface water drainage scheme will be a matter more appropriately required at the reserved matters stage.

Community Safety Implications:

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

Reason for Granting Planning Permission:

The proposal will secure release of land within the built up area for housing. It is not considered that previous reasons for refusal on grounds of principle and density are sustainable given changes in planning policy. The relationship of the development to adjoining dwellings and the impact on trees has been carefully assessed but, subject to the attached conditions, it is considered that the proposed development is acceptable. The implications of the development for local road safety have been considered but subject to implementation of measures to be secured via a S.106/S.278 Agreement, the scheme achieves an appropriate degree of mitigation. The proposal is considered to accord with Replacement Unitary Development Plan Policies UR3, D1, NE5, NE6, TM2, TM12 and TM19A.

Conditions of Approval:

Heads of Terms of S.106/278 Agreement

To secure delivery of works within the adopted highway in respect of the new traffic calming/gateway feature, associated signage and road markings; and a new vehicle speed activated sign to a specification and at a position within the highway to be agreed in writing.

Suggested Conditions

1. The development hereby approved shall only be carried out in accordance with the approved plan(s) listed below:

House Plans and Sections: Drawing Number: 2137 'G'

Received by the Council on 28th March 2011

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended)

3. The development hereby permitted shall begin not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

4. Before any development is begun plans showing the:
- i) appearance
 - ii) landscaping,
 - iii) and scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4)

must be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out as approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended)

5. No development shall be carried out until an Arboricultural Method Statement that complies with industry best practice has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall define tree root protection areas and measures for tree protection during construction in accordance with BS5837 "Trees In Relation To Construction" and indicate all grade changes likely to affect root protection areas. It shall show how the development is to proceed without interfering with tree protection measures and agreed root protection areas and shall provide, at least, the following information:

- (a) A Tree Constraints Plan to BS 5837
- (b) A Tree Protection Plan to BS 5837
- (c) Identification of the position of all new sewers, drains, electrical, gas and other service trenches, which shall be outside the root protection areas;
- (d) Details of any ground level changes that would affect root protection areas;
- (e) Method of construction of road and access arrangements where root protection areas are affected;
- (f) Timing of operations

The development shall be carried out in accordance with the details so approved.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4 and NE5 of the Replacement Unitary Development Plan.

6. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access and the associated vehicle turning area and visitor car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered 2134 G and to a specification to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

7. In the first planting season following the completion of the development or as may otherwise be agreed in writing by the Local Planning Authority, landscaping and new

tree planting shall be implemented around the perimeters of the site in accordance with the planting proposals shown on the approved site layout drawing 258/10A.

This landscaping shall comprise native deciduous species selected from the Postcode Plants Database. Full details of the intended size and species of plants and trees and their proposed positions shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of development and the planting carried out in accordance with the approved details.

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

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

8. 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.

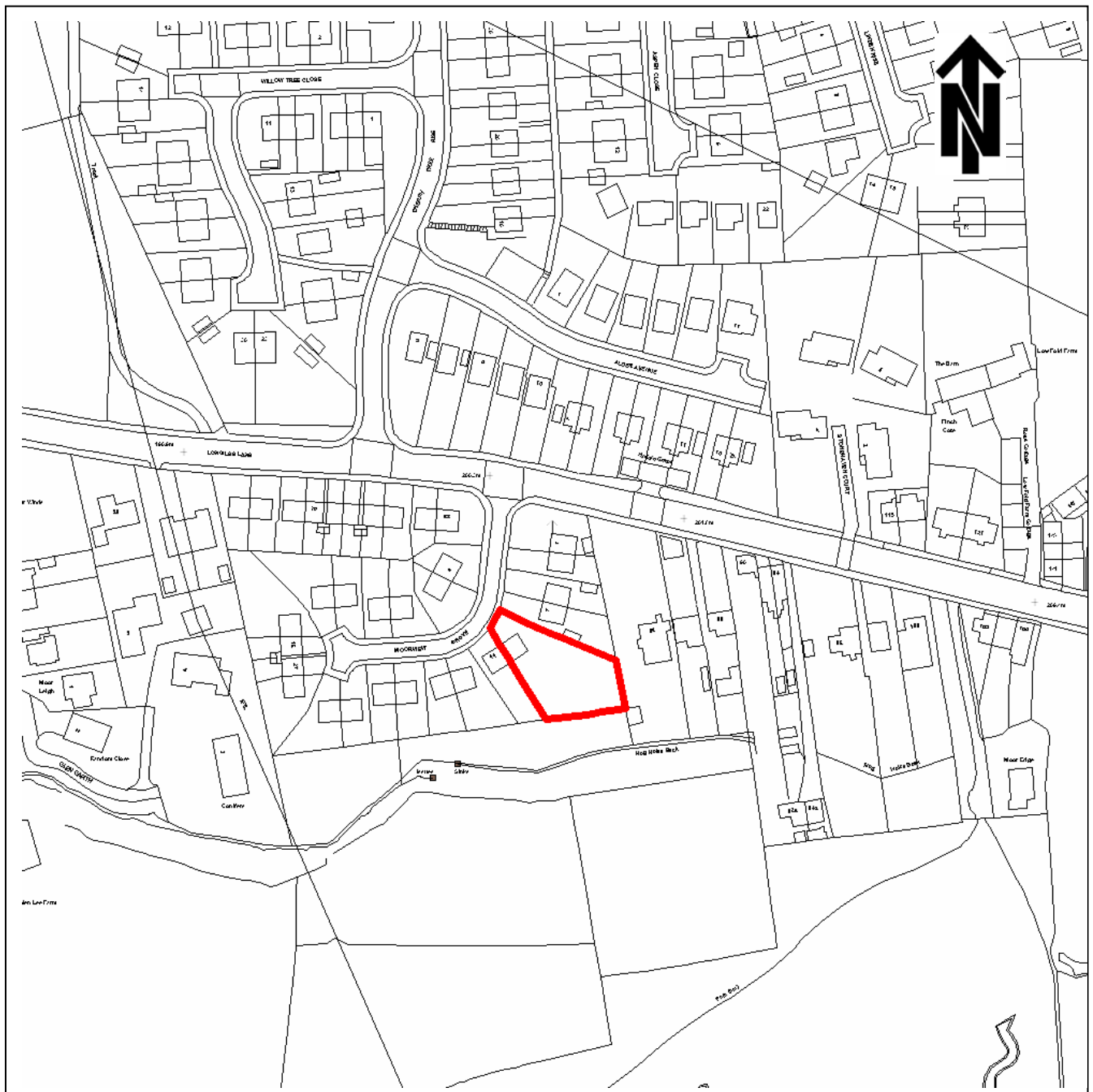
9. Details of the means of disposal of foul and surface water drainage required for the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and no buildings shall be occupied prior to completion of the approved drainage works.

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

Area Planning Panel (Keighley)

11/00840/FUL

20 April 2011



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ITEM NO. : 7

LOCATION:

**9 Moor View Grove
Long Lee
Keighley**

20 April 2011

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

Application Number:
11/00840/FUL

Type of Application/Proposal and Address:
Application for renewal of planning permission for erection of detached dwelling
Land at 9 Moorview Grove, Long Lee, Keighley BD21 4RR

Applicant:
Mr S. Wells & Mrs M. Wells

Agent:
N/A

Site Description:
A rear garden associated with a rendered semi-detached dwelling on the south side of Moorview Grove. Access to the garden is via the driveway which already serves the existing house. The garden area rises in level towards the south such that it is elevated above the existing dwelling and its neighbour. Land levels beyond the garden to the south continue to rise over rough open land towards more rugged crags that define the southern skyline. To the immediate east of the site is the garden of 84 Long Lee Lane. There is a group of cherry trees long this edge of the site.

Relevant Site History:
07/08885/FUL – Construction of one and a half storey dwelling in garden. Granted 18 March 2008 (Area Planning Panel)

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated on RUDP Proposals Map

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
TM19A – traffic management and road safety
D1 – design

Parish Council:
Parish Council: Keighley Town Council – recommends refusal

Publicity and Number of Representations:
By neighbour letters and site notice – expiry 30 March 2011
4 representations have been received.
A Ward Councillor has asked for referral to Panel.

Summary of Representations Received:

The new house would be overbearing and affect outlook of neighbouring homes, including views of the moors.

It would affect daylight to neighbouring properties.

It will take away privacy of adjoining homes.

The proposed house is very large. There is no other development remotely near the size of this one in Moorview Grove. It is not in keeping with the surrounding area.

There are 23 houses on Moorview Grove with 28 cars needing to park along it. It is a very busy street where children play. An additional house would cause more parking on street which is already like an "obstacle course" for emergency vehicles due to the parking.

Only 2 car parking spaces are shown but the available manoeuvring/turning space is extremely restricted. It is unrealistic to expect anyone to turn in the space so vehicles would have to reverse into the already congested cul de sac.

Any building work would cause disruption and distress to local residents - many being elderly.

There is a local flooding problem and this development would increase run-off from the site.

Consultations:

Highways DC – To be reported verbally.

Summary of Main Issues:

1. Principle
2. Impact on local character
3. Impact on amenity of adjoining occupiers
4. Highway safety/parking issues

Appraisal:

Principle

The application proposes renewal of permission granted in March 2008. This approved details of a 5 bedroom detached dwelling that was single storey to the front and two storeys to the back. The materials proposed were render for the walls and a grey concrete tiled roof. Access is only available along the route of the existing drive from Moor View Grove.

Although planning permission for this dwelling was granted in 2008, the use of garden land for new residential development was subject to review by the new Government in its re-issue of PPS3 in summer 2010. This has resulted in garden land no longer being regarded as 'brownfield' or previously developed land within the definition contained in PPS3. The rationale behind this revision appears in the main to turn on the perception that poorly conceived, or cramped new developments have resulted from what the Minister described as 'garden grabbing', and that some of these have been to the detriment of the character and appearance of residential areas.

The revisions to national policy have not imposed a blanket policy ban on development of gardens and the physical characteristics of the application site and its context have not

changed since 2008. Nevertheless, the amendment to PPS3 represents a change in emphasis that would allow for a review of the suitability of this site for infill development.

On balance, and for the reasons considered below, it is considered that the planning permission here should not be renewed.

Impact on local character

The proposed dwelling would be sited on rear garden land behind the existing house which is a conventional and fairly modest semi detached property. This “backland” arrangement would be contrary to the character of the area – there being no similar dwellings in back gardens elsewhere along the street. The design of the dwelling would also be alien to the character of the area. It utilises an asymmetric roof arrangement in order to reduce to a degree the overshadowing of the existing garden areas. However, this is not a design arrangement that pays any respect to the prevailing character of dwellings around the site.

The previous report on 07/08885/FUL commented on the large expanse of roof to the front elevation which would not be in keeping with the other dwellings on Moor View Grove which are conventional hipped roof semis. That report concluded that, although it was different, the new dwelling would not form a discordant feature in the street scene due to it being set behind the existing house.

The ground that comprises the application site rises behind the existing house and its neighbours. Although it would not address Moorview Grove directly, the new house would therefore be quite visible in the immediate vicinity. On balance, and subsequent to changes to PPS3, and with regard to the significant difference in design and scale compared with the prevailing house types on Moorview Grove, officers now consider that the proposed house would appear as an incongruous intrusion into the pattern of development around the site. The scale and design would emphasise its discordant nature. The revisions to PPS3 have changed the emphasis away from the attainment of higher density and an automatic presumption that garden land is suitable for development. In this instance, it is considered that greater weight should now be given to Policy D1 of the RUDP and the commitment within PPS3 (para 16) to ensure that development relates well with its surroundings and is well integrated with, and complements the neighbouring buildings and the local area more generally in terms of scale, density layout and access.

For these reasons, and notwithstanding the previous grant of planning permission, the proposal is unacceptable in light of Policies UDP3, UR3 and D1 of the RUDP, and unacceptable against PPS3.

Impact on amenity of neighbouring occupiers

The proposed dwelling would be dug into the rising ground with its principal two storey elevation facing towards the open land at the back of the site, and the single storey front elevation towards the drive and the flank wall of the adjoining semi at No. 7 Moor View Grove. This wall in the neighbouring semi contains only landing and bathroom windows and a kitchen door and so, although there have been objections on grounds of overlooking, it is not considered that refusal on these grounds would be justified. There would be a degree of mutual overlooking between the new house and the applicant’s existing property although, given that the house would be single storey at the front, this could be remedied using appropriate screen fencing.

The impact on the adjoining property at 84 Long Lee Lane was considered in the assessment of application 07/08885/FUL. Due to the distances of separation, and the proposal to set the

new house lower into the site, it was considered that it would not have a significant impact on daylight or appear unduly dominant to that neighbouring house. It is considered that this analysis was correct.

Although objections on grounds of the overbearing impact of the house, its effects on light and privacy to neighbours and the disruption to the area during construction, it is not accepted that these would constitute reasonable grounds for refusal.

Highway/parking issues

The proposed development would be accessed via the driveway that presently serves 9 Moorview Grove and through a narrow gap into what is now the back garden. The drive would continue to serve the existing house as well as the new dwelling. Clearly this would be likely to result in conflict between competing users of the driveway and could lead to increased on-street car parking along Moorview Grove. It is acknowledged that the street is congested by existing on street parking and is narrow. In places, vehicles are parked obstructing the footway due to the restricted width of the carriageway.

The new dwelling would occupy existing parking and garage space for the existing dwelling. It is proposed to introduce car parking space in the front garden of the house to meet the needs of its future occupiers. However, parking arrangements for both the new and existing houses are considered contrived and poorly designed. It is highly likely that additional parking overspill would occur on the street and worsen existing problems. It is acknowledged that local residents have significant concerns about this issue.

The sharing of driveways is not an arrangement that is encouraged in new housing schemes and, notwithstanding the previous approval the proposals here are considered contrary to local highway safety and unacceptable in light of Policies TM2, TM12 and TM19A of the RUDP.

Community Safety Implications:

None

Reasons for Refusal:

1. The proposed development would result in a substantial dwelling being introduced onto garden land behind the existing house. This arrangement is cramped and awkward, and the resulting development would be poorly related to its surroundings and out of keeping with the design, layout and massing of development characterising the surrounding area. It would not retain a quality setting for the development or make a positive contribution to the local environment. The proposals are therefore contrary to Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan and contrary to government planning guidance in PPS3 on "Housing".
2. The proposed sharing of a single driveway between two dwellings would be likely to result in conflict between vehicles and to an increased incidence of on-street car parking, and reversing manoeuvres that would be detrimental to local road safety and contrary to Policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.