

# Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 19 May 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.	45 Tufon Street Silsden BD20 0PN - 11/00848/HOU [Approve] (page 1)	Craven
2.	Crossfield 132 Skipton Road Silsden BD20 9AA - 10/04140/FUL [Approve] (page 5)	Craven
3.	Lyon House Farm Lyon Road Steeton With Eastburn BD20 8UY - 11/00715/FUL [Approve] (page 19)	Craven
4.	Red Holt Drive Grove Mills Ingrow Bridge South Street Keighley - 11/00939/MAF [Approve] (page 33)	Keighley East

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**Improvement Committee Area:**  
Regeneration and Economy

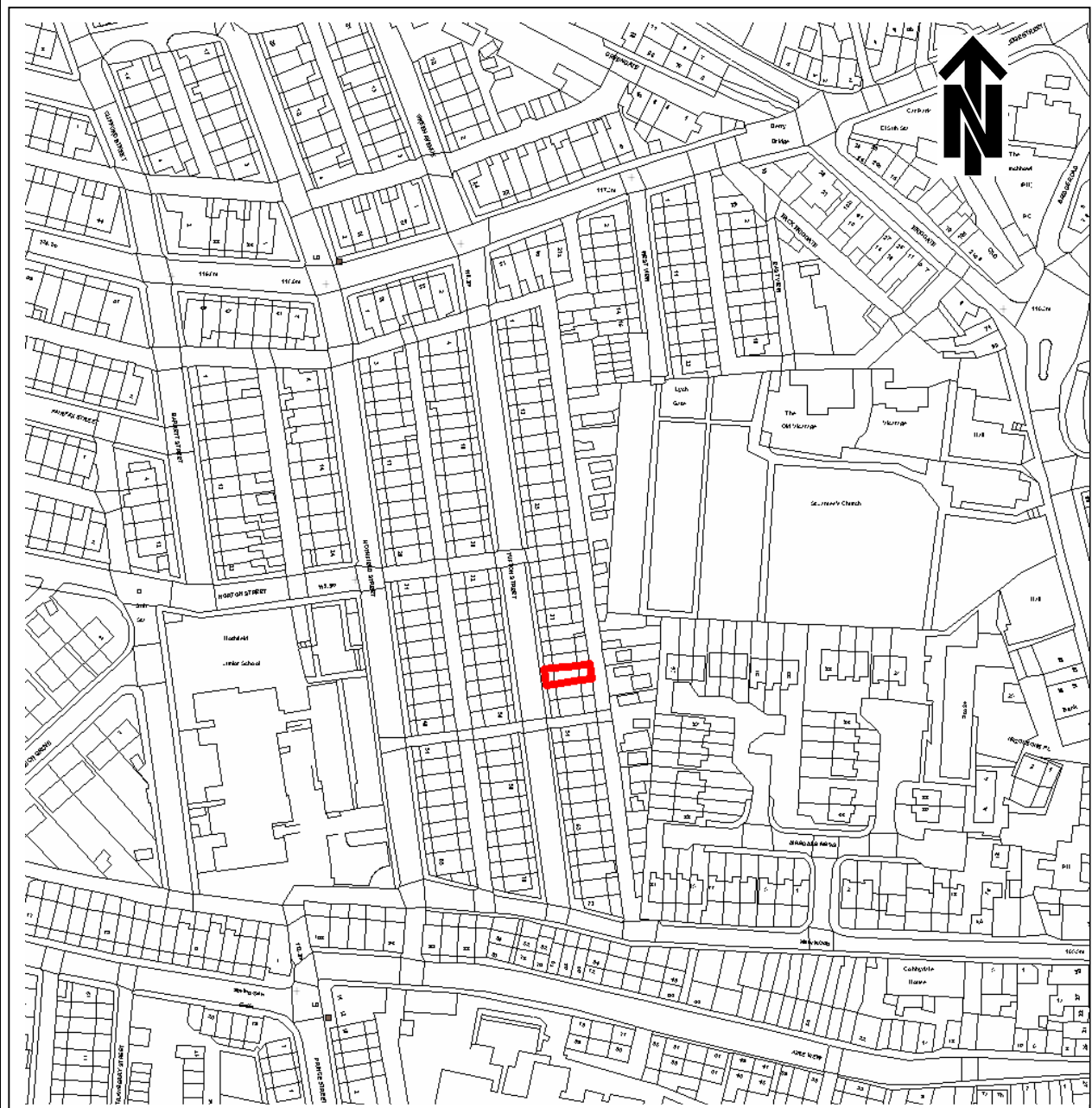
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### Area Planning Panel (Keighley)

11/00848/HOU

19 May 2011



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ITEM NO. : 1	LOCATION: <b>45 Tufton Street Silsden</b>
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**19 May 2011**

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

**Application Number:**  
11/00848/HOU

**Type of Application/Proposal and Address:**  
Kitchen extension to rear and dormer windows to front and rear at  
45 Tufton Street, Silsden, West Yorkshire BD20 0PN

**Applicant:**  
Mr Max Kopasz

**Agent:**  
Mr Andrew Walbank

**Site Description:**  
The property is a mid terraced house dating from about 1900 constructed from stone under a slate roof. There is a small rear yard abutting an access road to the rear of the terrace and on the opposite side of this access road are gardens with some garages. A number of other properties in this terrace have dormer windows to the front or rear elevations and a couple of properties have rear extensions which occupy almost the whole of the rear yard area.

**Relevant Site History:**  
None recorded.

**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) and Dormer Windows Policy (1994).

**Parish Council:**  
Silsden Town Council has no objections to the proposal.

**Publicity and Number of Representations:**  
The application was advertised by neighbour notification letters with an expiry date of 31.03.2011

**Summary of Representations Received:**  
None received.

**Consultations:**

None deemed necessary.

**Summary of Main Issues:**

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

**Appraisal:**

**Impact on Local Environment:**

Dormers to front and rear

It is noted that a number of other properties further along this terrace have box-type dormers to the front and back elevations.

The front dormer window proposed at No. 45 has been designed with a pitched roof, and whilst wider than traditional types of pitched roof dormer, the almost triangular design of the window would result in a steep roof pitch and only very small dormer cheeks. Although the triangular design of the dormer window is unusual, it will be less intrusive than a conventional boxed-roof dormer and more appropriate to this older terraced property. It is considered acceptable when measured against the Council's Dormer Windows Policy (1994).

The box style dormer window shown on the back elevation is of a size that would be permitted development under the Town and Country Planning (General Permitted Development) (Amendment No 2) (England) Order 2008 and is in accordance with the Council's Dormer Windows Policy (1994).

Kitchen Extension to rear

The single storey kitchen extension proposed on the back wall of the house incorporates walls of natural stone. The original submission proposed a flat roof with a balcony on top, but this balcony would have allowed overlooking of a number of neighbouring gardens and allowed invasive views back into windows of adjoining houses. After negotiation this feature has been removed from the amended plans and a blue slate lean-to roof is now shown instead.

Whilst the proposed extension occupies the whole of the small rear yard area, the yard is so small that it is of little practical use. Whilst no provision is left within the yard for storage of waste bins, space for bin storage is available in the detached garden owned by the applicants on the other side of the rear access road. It is therefore not considered that the proposal conflicts with Policy 8 of the House Extensions Policy relating to the retention of garden/amenity space.

It is noted that other properties on Tufton Street have had extensions and conservatory-type structures built on the rear. It is considered that the revised proposal at No. 45 is in keeping with the character, scale and design of the existing house and with the character of the street scene.

**Impact on Neighbouring Occupants:**

Following amendments to remove the balcony the proposed rear extension is not considered to have any significant adverse affect on the occupiers of the neighbouring properties and the degree of projection from the back wall and the relationship with windows in the properties on either side would accord with the guidance contained in the Council's House Extensions and Dormer Window Policies.

The dormers are sufficiently separated from adjoining properties and are not considered to cause any significant loss of amenity to occupiers of neighbouring properties. In any case, as previously stated, the rear dormer could be built under permitted development rights.

**Community Safety Implications:**

None.

**Reason for Granting Planning Permission:**

The proposed single storey rear extension and dormer windows to the front and rear of the property are considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the proposal upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significant adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with Policy 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 Revised House Extensions Policy 2003 and the Dormer Windows Policy 1994.

**Conditions of Approval:**

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

Amended plans omitting the balcony from on top of the rear extension.

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

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

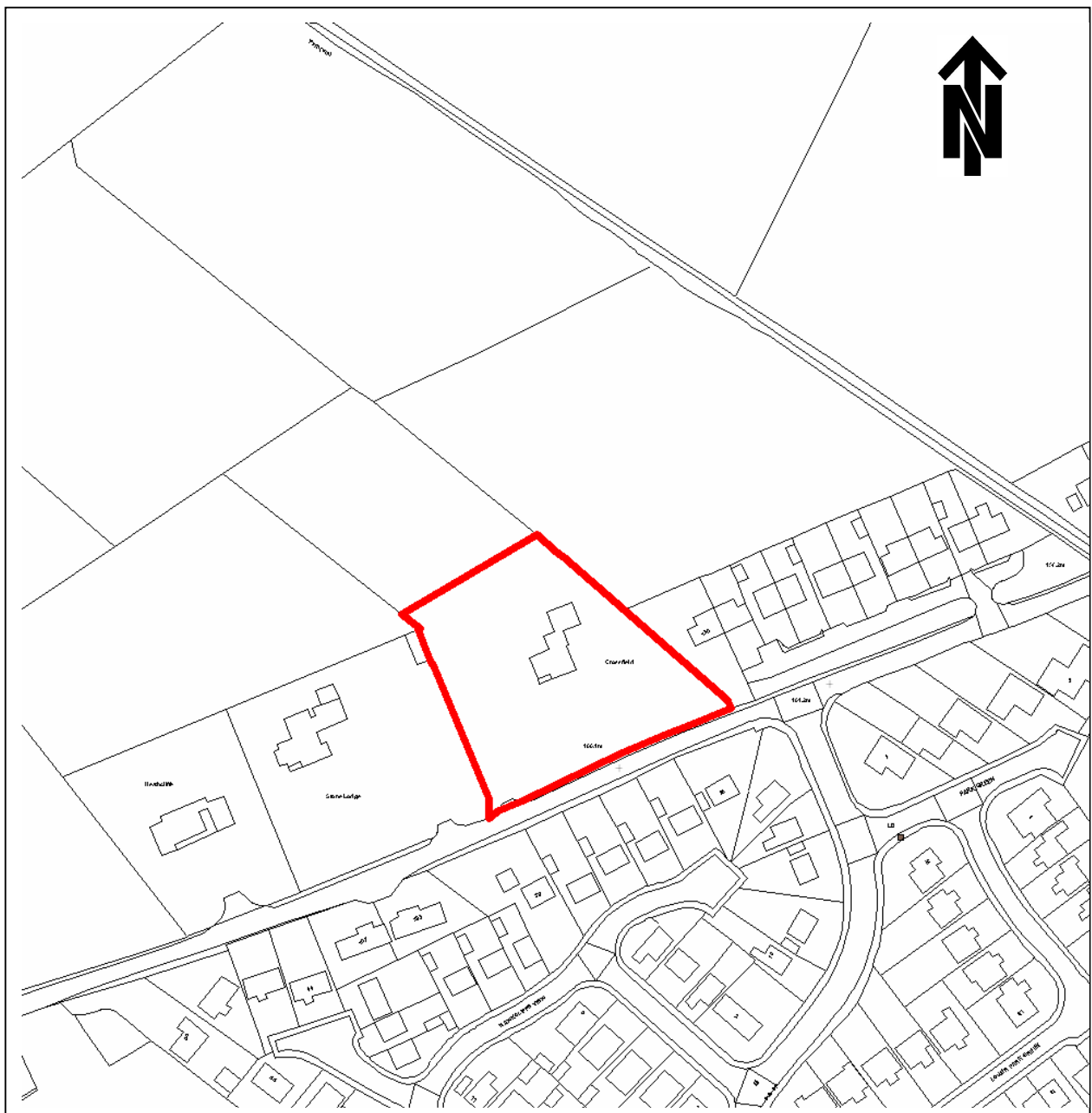
Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

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**Area Planning Panel (Keighley)**

**10/04140/FUL**

19 May 2011



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ITEM NO. : 2

LOCATION:

**Crossfield  
132 Skipton Road  
Silsden**

19 May 2011

**Item Number:** 2  
**Ward:** CRAVEN

**Recommendation:**  
**TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS  
AND SUBJECT TO A S.106 AGREEMENT**

**Application Number:**  
10/04140/FUL

**Type of Application/Proposal and Address:**  
Full planning application for construction of 8 new houses, retention/conversion of the existing house, new access road, new footway and associated highway works at Crossfield, 132 Skipton Road, Silsden, Keighley BD20 9AA

**Applicant:**  
Mr Tim Wilson

**Agent:**  
Mr John Steel

**Site Description:**  
The site is 0.37 hectares in size and is the garden of Crossfield – an existing 1930s stone built house with a hipped slate roof. The original house has large 2 storey extensions at the rear and a lawned garden running down to the frontage with Skipton Road. This frontage is about 80 metres long and is defined by a tall mixed hedge and trees. The site is presently served by a 3-4 metre wide tarmac drive at the western end of the frontage. The garden of the existing house is well maintained and is set 1-2 metres above the level of the road at the top of a steep embankment. The site adjoins green belt fields to the rear (north) and to the west is a similar large house called Stone Lodge, set in an extensive garden. To the east is a line of 1950s semi detached dwellings set in a line a significant distance back behind Skipton Road along an independent access road running parallel with the highway but at a higher level. Across Skipton Road are the back elevations of houses on Hawkcliffe View.

**Relevant Site History:**  
09/00809/FUL : Full planning application for modification of existing house and construction of 8 new houses, access road and footpath at Crossfield. Withdrawn.

**Replacement Unitary Development Plan (RUDP):**  
**Allocation**  
Unallocated on the RUDP Proposals map

**Proposals and Policies**  
UR3 – local planning considerations  
H7 – Housing density  
NE5/6 – retention and protection of trees on development sites  
NR16 – surface water run-off  
D1 – design considerations

D5 – use of landscape features in layout  
TM2 – transport impact and mitigation  
TM19A – traffic management and road safety

**Parish Council:**

Silsden Town Council objects to the development as it is out of keeping with the area, materials not in keeping, overdevelopment of the site and impact of extra surface water in an area already troubled with excess water run-off. It has concerns about extra traffic that would be generated. Town Council is aware of, and supports the objections from neighbours.

**Publicity and Number of Representations:**

Publicised by neighbour notification letters and site notice expiring March 2009.  
Petition signed by 89 local residents received objecting to the proposals.  
10 individual representations of objection were received.

**Summary of Representations Received:**

**PETITION OF OBJECTION:**

- The development will have a very strong negative impact on the quality of life in the area. Local residents will be left to cope with the effects of higher density when the applicant has left.
- The scheme will create a precedent for similar schemes and now is the time to draw the line.
- There is no local demand for houses of the type proposed.
- Skipton Road is a narrow, well used and at times busy lane used by commuters, farm traffic, buses, cyclists and pedestrians. The construction of these houses would make it even more congested
- The proposed road narrowing will make the road unusable by farm traffic and buses.
- More traffic will be entering and leaving Skipton Road at busy times creating safety problems on a road where the 30mph limit is already ignored by most users.
- There will be more noise and light pollution, especially for those with gardens backing onto Skipton Road,.
- Removal of the existing hedge and destruction of trees will affect wildlife. The new hedge will take a long time to establish.
- Residents backing onto the site will be overlooked from the new houses The submitted plans do not show these houses and the effects on privacy – only their garages
- At times surface water flows down Skipton Road from the fields. Several houses have had to have barriers built to prevent flooding from run-off. This development with additional tarmac areas will further contribute to this problem

**LETTERS OF OBJECTION:**

- Poor and unsuitable vehicular access leading onto a narrow country lane with poor visibility and along which drivers regularly drive above the speed limit.
- It will be very difficult for commercial/service vehicles to gain access to the development.
- There are objections to the proposed priority road build out. It will be confusing for pedestrians.
- Skipton Road at this point is a narrow country lane and more traffic will worsen conditions for other users of the road including pedestrians, cyclists, horse riders.
- Specific objections received from local farmer regarding the need to maintain access for local farm traffic including full articulated lorries.



- There is a lack of satisfactory drainage in the area. This area of Skipton Road floods regularly when it rains heavily. More development will mean less chance for rainwater to drain away naturally.
- Concerns about increased sewage.
- Loss of privacy and visual intrusion. Houses will be elevated above adjoining houses on the other side of Skipton Road (Hawkcliffe View) and will cause overlooking.
- There are already plenty of properties like this on the market in Silsden.
- Inappropriate to the character of the area due to greater number of houses.
- Impact on the landscape and the ambience of the area due to removal of the trees and hedge fronting the site.
- This hedge removal will also affect wildlife.
- There will be inadequate car parking in the site. These 4 bedroom houses will each require more than 1 space and a garage.

**Consultations:**

**Yorkshire Water:**

Site to be developed with separate foul and surface water drainage systems. Details of drainage proposals should be submitted for approval. Initially, Yorkshire Water expressed concern that the site is remote from the nearest sewer and it was not known whether the existing site drains to the public combined sewer or the watercourse downstream.

However, further to meetings with the applicant's agent, and in the light of agreement with the Council's Drainage Section, Yorkshire Water now resolves that it has no objection in principle to

- the proposed systems of drainage on and off site as shown on drawing LS10115/D2 revision P2 dated 04.04.11;
- the proposed amount of domestic foul water to be discharged to the public foul/combined sewer;
- the proposed point of discharge of foul water to the public foul/combined sewer.

The submitted drawing shows surface water to be drained to watercourse via 3 storage tanks within the site with controlled/restricted rates of discharge to 3 litres per second.

**Building Control Drainage Services:**

Advise that the agents have undertaken surveys of the existing drains and have outlined proposals for drainage on drawing LS10115/D2 Revision P2. A preliminary CCTV survey reveals that the stone culver downstream is in poor structural condition and parts need to be adequately assessed by further survey. The developer has indicated a willingness to upgrade the downstream culvert to bring it up to an acceptable standard prior to any piped discharge of surface after being accepted into it from a development. Subject to a condition to require this upgrade, the proposed development is acceptable.

**Trees Team:**

Arboricultural justification for removal of protected tree T16 was considered sketchy and further clarification of the root protection measures to T4 and arrangements to remove the retaining wall under T4 were requested. These are now agreed (see appraisal). There will be no damage to T4 if the existing retaining wall is left mostly intact and backfilled to allow future root expansion.

It is accepted that the proposed traffic calming works should not harm T4.

The slight encroachment of development into RPAs elsewhere I the site and the tree protective fencing proposal as shown on tree plans is acceptable.

Removal of the small protected groups of trees near the centre of the site will not significantly affect amenity.

Tree Officer opposes removal of the hedge as it will affect character of Skipton Road, and opposes removal of T16, although it is accepted that this tree does have a health problem that will affect its stability in the long term.

**Highways Development Control:**

The applicant has now agreed a suitable traffic management scheme for Skipton Road with the Council's local area traffic team to reduce speeds on the approach to the site access and suitable visibility splays have been shown.

Whilst the principle of the development is acceptable, the current proposal is for eight dwellings and therefore the access and internal road layout, including drainage and street lighting, will have to be constructed to meet the Council's adoption standards irrespective of whether the applicant intends to offer it up for adoption or not once it has been completed.

If it is not offered up for adoption then the applicant will be required to enter into a Private Maintenance Agreement between the Council and the applicant. This will require the applicant and the successors in title to maintain the internal highway and turning area in perpetuity. The agreement shall be provided as part of a Section 106 Agreement.

The proposed access and internal layout has now been amended to achieve acceptable standards in terms of its design, width, turning area and alignment.

Visibility splays stated on the submitted plans are appropriate but it is noted that a tree is shown retained within the westward splay. However since the applicant is proposing to provide traffic calming/kerb build out measures, which if implemented, will help to reduce vehicle speed levels, and the build out to the west of the site entrance would mean vehicles approaching from the east would be on the opposite side of the road and vehicles approaching from the west would have to move to the opposite side of the road to get round the build-out. The point at which the 'X' distance is measured can therefore be taken from a point further forward on Skipton Road and not from the point shown on the plan. Therefore the tree is unlikely to cause a major obstruction to visibility.

On the basis that the proposed traffic calming scheme and footway can be satisfactorily implemented, the highway officer accepts that adequate visibility could be achieved at the site entrance and can see no highway reasons for refusal.

**Summary of Main Issues:**

1. Principle of development on the site.
2. Highway issues
3. Design and materials.
4. Impact on adjoining properties.
5. Trees/landscaping
6. Drainage

**Appraisal:**

This proposal is for retention and conversion of the existing house; the demolition of its rear extension and the construction of 4 pairs of semi detached houses within the garden. The 9 dwellings so created will be served by a new shared surface cul de sac entering the site from Skipton Road. In order to create an appropriate pedestrian linkage towards Silsden, a new footway is proposed to be added to that section of Skipton Road to the east of the new access. To facilitate this and ensure traffic speeds are lowered along Skipton Road, the applicant has, in consultation with the Council's Traffic Engineers, proposed a gateway traffic calming scheme incorporating kerb build outs and a new priority system. The provision of the footway would also require removal of a mature tree and the existing hedge along part of the site frontage.

**Principle of development on the site.**

The site is the garden of an existing house and so is no longer classed as previously developed land within the definition in PPS3 on "Housing". Whilst the Government has changed this definition, it has not introduced any policy presumption against the development of garden space providing other planning criteria are satisfied. There is still a need, expressed within PPS3 and the RUDP, to make more effective use of land in the built up area for housing but this should maintain the character of the area in accordance with Policy D1 of the RUDP. Provided this can be achieved and other planning constraints can be successfully overcome it is considered that residential development on this site would be appropriate.

Taking account of retention of the existing dwelling the site achieves a density of 24-25 dwellings per hectare. This is below the level of 30-50 dwellings per hectare that would be expected under Policy H7 of the RUDP but is appropriate given the need to maintain the spacious character of the surrounding area and a degree of set back from the road frontage.

The site is on the periphery of the town of Silsden and at the moment it is poorly connected to the centre and various facilities of the settlement due to its distance and the poor pedestrian linkages. The objectors have rightly pointed out that there are no footways along this section of Skipton Road and vehicle speeds seem quite high. The localised narrowing of the road makes walking in the shared surface of Skipton Road between hazardous. There is a bus route (Ilkley-Keighley bus service) that joins further down Skipton Road but to reach the stop requires walking down the shared surface road.

To be considered appropriate for additional residential development the applicant was advised that the problems of poor pedestrian connections to the rest of Silsden and the local traffic safety problems would need to be addressed by localised improvements to the road network that must be undertaken at the developer's expense as part of the development – in accordance with Policy TM2 of the RUDP. Proposals for a new footway along the site frontage and an associated traffic calming scheme incorporating a "gateway" traffic priority system and carriageway build-outs have been presented as part of the package of measures comprised in this application.

It is considered that these measures are essential to securing an acceptable development and there will be a need for a S.106/S.278 Agreement to secure their delivery by the developer.

### **Highway issues**

The scheme proposes closure of the existing drive serving Crossfield and creation of a new access in the centre of the site frontage. This new access will be a 5.5m wide shared surface road and has been redesigned to meet requirements of the Highway officer with an appropriately sized turning head and visibility splays at the entrance of 2.4m x 43m. The Council's Highway Officer is satisfied with the design arrangements for parking, access and turning provided within the site. Conditions to secure delivery of these are proposed.

Skipton Road varies in width but is typically 5.0-5.5 metres wide along the site frontage but there are no footways beyond the junction with Woodside Road. Consequently, Officers were concerned about the suitability of the site for new housing because of the lack of safe connection for pedestrians to the rest of Silsden and its facilities, and to the bus stops in Woodside Road. In addition it was known that despite the 30mph speed limit, vehicle speeds are high, making use of Skipton Road by pedestrians unsafe (a point made strongly by the objectors) and giving rise to concerns about the adequacy of the achievable visibility splays.

The application proposes visibility splays of 2.4m x 43m at the new site access. This would accord with advice in Manual for Streets for a junction with a road with a 30mph speed limit. This assumes that traffic is not exceeding 30 mph, and the applicant has not submitted any speed surveys to counter claims by local residents that traffic passing the site exceeds that limit. However, in order to provide a footway link towards to better connect the site to the rest of Silsden and bus stops in Woodside Road, the applicant has proposed the traffic calming scheme that will have the effect of lowering speeds to around 20 mph.

It is noted that a tree (T4) is retained within the westward visibility splay. This would ordinarily act as an obstruction to visibility but the highway officer is aware that the proposed traffic calming measure and associated build out of the kerbs alongside the entrance would have the effect of moving east-bound traffic onto the other side of the carriageway and so the tree would not obstruct views of oncoming vehicles. In addition, vehicle speeds would be lowered. Subject to implementation of the traffic calming scheme, the Council's Highway officer accepts that visibility at the site entrance will be acceptable.

### **Traffic Calming/Priority and footway scheme**

The proposed traffic calming measures are detailed on drawing 10/141/DE/100/001 Revision E and have been developed by the applicant's consultant in consultation with the Council's Traffic Engineers. Its purpose is to allow introduction of a footway linking the site with footways to the east, allowing safer crossing point, and a general lowering of speed on this entrance/exit from the town to address the safety problems highlighted by the objectors. Without the traffic calming scheme it would not be possible to provide a safe footway link from the site to Silsden for non car users. The scheme involves kerb build-outs to create a priority system, with appropriate signage and carriageway markings along a length of Skipton Road well beyond the site. As described above, it will also have the effect of creating appropriate visibility splays at the site entrance.

The Council's Traffic Engineer has considered objections regarding whether the traffic calming scheme would cause difficulties for buses and farm vehicles but does not agree. If the kerb build outs are constructed correctly and maintain the 3.5m width of carriageway shown on the scheme drawing then it will not result in access problems for buses or local farm traffic.

The delivery of this traffic calming scheme would have to be secured via a S.106/S.278 Agreement. Delivery would be subject to separate procedures under the Highway Act.

### **Layout, design and materials**

It is proposed to remove the 2 storey extensions behind Crossfield and to restore the original house as a centrepiece of the site. The 8 new houses would comprise 4 pairs of hipped roof semis. All would be in similar style, six with integral garages. The proposed materials are artificial stone to external walls, slate roof, wooden doors and upvc windows. The pairs would be scattered around the site with their positions dictated by the retention of the attractive existing house.

The house designs are unremarkable, but the hipped roof form and general appearance accords with the character of the older semis to the east. The conventional two storey height and degree of setback from the road would mean the development is not unduly imposing. A variety of materials is in evidence in the surrounding area. An appropriate artificial stone and slate roof would be compatible with the area and with the existing dwelling and it is considered that design and appearance of the dwellings is in general accordance with this mixed locality and meets the requirements of Policy D1 of the RUDP.

### **Impact on adjoining properties**

Although neighbours are concerned about the impact on adjoining properties it is not accepted that these effects will be significant. Although some buildings extend close to side boundaries, the houses will not be unduly high (maximum 7.8m to ridge) and there is still ample separation between the proposed development and the dwellings to east and west.

A number of objections on grounds of overlooking have been made by residents of Hawkcliffe View which is across Skipton Road to the south. The back elevations of these face the site but are separated by about 35 metres from the closest of the proposed semis. Objections on this point have been carefully considered but it is not accepted that any significant adverse impact on privacy, outlook or living conditions of neighbours on Hawkcliffe View would arise.

### **Trees/landscaping**

Trees within the centre of the site are of no merit and can be removed without detriment to the area. However, the trees and hedges forming the site boundaries are valuable to the character of the locality – especially the hedge and trees along the Skipton Road frontage which are strong visual features that, as objectors point out, significantly add to the rural character of this road into Silsden. In order to introduce the new footway and introduce the traffic calming measures, it will be necessary to remove a significant length of the hedge and remove a mature ash tree (T16).

The applicant's Arboricultural consultants argue that the hedge is of poor quality and it is proposed to replace the planting with an equivalent mixed native hedge relocated behind the proposed highway works. The applicant's consultant has established that T16 has a large amount of dead wood and shows two patches of fungal decay at the base. As the tree has what the applicant's consultant considers are "significant defects", and overhangs the highway, it is suggested that it would be good arboricultural practice to remove it on safety grounds and replace it with a new container grown ash tree and a container grown oak tree to maintain the tree cover. While the Council's Tree Officer does not necessarily accept that the tree needs to be removed immediately, it is accepted that the condition of T16 does add

weight to the case for its removal and replanting. Similarly, whilst the hedge does provide a prominent “green” feature to the road, closer inspection does show that the hedge is intermittent, interspersed with conifer planting and individual plants are of low quality.

It is accepted that removal of the hedge and T16 would cause short term detriment to the character of the area but is justified in order to facilitate the additional housing on the site, and subject to the replacement hedgerow and tree planting proposed because in the long term, it should be possible to restore the green edge to the site and so maintain local character.

The Council’s Tree Officer has also expressed concern regarding the impact of the scheme on a mature oak tree also growing on the site frontage. This is T4. The Council’s Tree Officer confirms that the proposed kerb build outs and other highway works will not impact on tree roots of T4 as the root system will be at a higher level. However, it will be essential that there is no grading of earth between the tree stem and road and the practical details regarding implementation of the required visibility splay towards T4 remain ambiguous. It is considered that despite concerns about removal of the hedge, this is justified to secure housing development but there must be conditions :

To secure the replacement planting of a native deciduous hedge along the back of the newly aligned highway and two new container grown specimen trees to compensate for loss of T16.  
To secure protective fencing to retained trees.

To require a further arboricultural method statement and further details in respect of intended levels changes associated with access works in the vicinity of T4.

Subject to these the development is considered to accord with Policies NE4, NE5, NE6 and D5 of the RUDP.

### **Drainage**

Several objectors and the Parish Council have referred to existing drainage problems. The Council’s Drainage Section and Yorkshire Water raise no concerns regarding disposal of foul water but have sought clarification of the proposals for surface water drainage. There have been further meetings between the agents and the Council’s Drainage Officers and CCTV investigation of the off site culvert.

The applicant has now set out proposals for surface and foul water drainage on drawing LS10115/D2 Revision P2. These comprise a scheme of on site storage tanks to retain surface water and release it at a controlled flow of 3 litres/second to the off site watercourse and culverts. The cellular storage tanks would be designed with capacity to accommodate the 1 in 100 year flood with 20% surplus storage to cope with climate change.

The existing house already discharges surface water to the small watercourse on the edge of the site. This is then taken under Skipton Road in a combination of pipes and a stone culvert before heading off between 3 and 4 Park Green and re-emerging as an open watercourse in the garden of 6 Park Green. Tests have confirmed that the watercourse down to Skipton Road and the sections of culvert and watercourse below Skipton Road can accommodate the anticipated surface water discharge from the proposed development but CCTV investigation confirms that the section of stone culvert under Skipton Road is damaged. Further investigation of the extent of the damage is needed but the applicant accepts that the section of culvert under the highway needs to be brought up to an acceptable standard at the developer’s expense and has indicated a willingness to undertake the further investigation

and carry out whatever improvement and repair work proves necessary. It will be necessary for the developer to enter into a S.106 agreement to secure the upgrading of the surface water system prior to any additional development discharging to it.

Subject to these further investigations and upgrades of the existing surface water system, and implementation of the on site storage and flow balancing scheme the Council's Drainage Engineers and Yorkshire Water have confirmed that the proposed means of surface water disposal via the existing route is acceptable and the development can be accommodated without worsening local flooding problems.

Yorkshire Water stresses that the submitted drainage proposals are only acceptable in principle and have not been approved for purposes of adoption or diversion under S.104 and 185 of the Water Industry Act, 1985. Yorkshire Water would retain detailed technical control of the necessary adopted sewers under an adoption agreement.

**Community Safety Implications:**

None.

**Reason for Granting Planning Permission:**

The proposal will secure more effective use of land within the built up area for housing. 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 the new footway and traffic calming measures to be secured via a S.106.S.278 Agreement, the scheme is considered to achieve an appropriate degree of mitigation. Proposals for satisfactory drainage of the development have been presented including the upgrading of the downstream culvert. The proposal is considered to accord with Replacement Unitary Development Plan Policies UR3, D1, NE5, NE6, NR16, TM2, TM12 and TM19A.

Heads of Term of a S.106 Agreement

1. To secure delivery within the adopted highway of the new traffic calming/gateway feature, new footway, associated signage and road markings works as shown on drawing 10/141/DE/100/001 Revision E or such amended details as may be agreed in writing.
2. To secure implementation at the developer's expense of a scheme to upgrade and repair the existing culverted watercourse downstream of the site prior to any surface water from additional development being discharged to it. Details of the extent of such works to be submitted to, and approved by the Local Planning Authority following further detailed investigation prior to commencement of development.

**Conditions of Approval:**

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

Proposed Site Layout Drawing 2712/039 Revision F\_  
Existing Site Plan and Elevation Drawing 2712/045 Revision A  
Proposed Site Plan and Elevation 2712/046 Revision A  
Existing and Proposed Sections Drawing 2712/047 Revision A  
Existing and Proposed Sections drawing 2712/048 Revision A  
Existing Site Survey Drawing 2712/101 Revision A

Details of House Types B, C and D : Drawings 2712/041A; 042A; 043A; 051; 052;  
053; 054; 055; 056; 057;

and drawings showing proposals for conversion of the existing house 058; 059; 060;  
061; 062; 063 and 064.

Received by the Council on 19 August 2010.

AND in accordance with

The Proposed Traffic Calming Scheme shown on Bryan G. Hall drawing  
10/141/DE/100/101 Revision E and Drainage Proposals drawing LS10115/D2  
Revision P2 or subsequent revisions that may be approved in writing by the Local  
Planning Authority.

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

2. No development shall be begun until the proposed traffic calming scheme shown on drawing 10/141/DE/100/001 Revision E, or such variations to that scheme as may be agreed in writing by the Local Planning Authority, have been implemented.

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

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

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



4. The development shall not be begun, nor shall any demolition, site preparation, groundworks, construction materials or machinery be brought on to the site until temporary Tree Protective Fencing has been erected around the Root Protection Areas of the trees within the site and along the boundaries of the site. The Tree Protective Fencing shall be to a minimum standard as indicated in BS 5837 (2005) "Trees In Relation To Construction". The position of the temporary Tree Protective Fencing will be outside Root Protection Areas (unless otherwise agreed with the Local Planning Authority). It shall be fixed in position and mounted on poles driven at least 0.6m into the ground and shall not move or be moved for the duration of the development.

The Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing and have confirmed in writing that it is erected in a satisfactory position and to a satisfactory specification.

No development, excavations, engineering works and storage of materials or equipment shall take place within the protected areas 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 and NE5 of the Replacement Unitary Development Plan.

5. 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 and the new footway adjoining Skipton Road shall be constructed in accordance with the approved site layout drawing 2712/039 Revision F 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.

6. Before any part of the development is brought into use, the visibility splays hereby approved on the approved site layout drawing shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

7. Before any part of the development is brought into use, the vehicle turning areas within the site shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved site layout drawing 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 Policy TM19A of the Replacement Unitary Development Plan.

8. Before the development is brought into use, the off street car parking facility for each of the dwellings 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. In the first planting season following the completion of the development, or as may otherwise be agreed in writing by the Local Planning Authority, the replacement hedge and new tree planting shall be implemented along the re-aligned frontage of the site with Skipton Road, in accordance with the approved site layout drawing 2712/039 Revision F and the submitted Arboricultural Method Statement (amended version) dated 1st March 2011.

This landscaping shall comprise native deciduous species and shall include the replanting of the large containerised oak and ash trees to the sizes indicated on the drawing. Full details of the intended size and species of other plants and trees comprising the indicated landscaping 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 comprising the replacement hedge and new planting 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.

10. No works forming part of, or ancillary to the approved development, shall be carried out on the site until a further Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority.

This additional Arboricultural Method Statement shall include details of levels changes associated with the construction of the site access and the formation of the indicated visibility splay for that access, together with full engineering details of all associated works within the Root Protection Area of the tree identified as T4 on the approved plans.

The works shall then be carried out in accordance with the Arboricultural Method Statement so approved.

Reason: The submitted proposals contain vague or inadequate detail of these works and their impact on T4, and to ensure the future sustainability of the trees being retained on the site in the interests of visual amenity and to accord with Policies UR3 and D5 of the Replacement Unitary Development Plan.

11. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

12. The development shall be drained using separate foul sewer and surface water drainage systems which shall be provided to a common manhole prior to discharge into the combined sewer.

Reason: In the interests of pollution prevention, to ensure a satisfactory drainage system is provided and to allow for future connection to separate sewers and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

13. Surface water from the development site shall be drained to the existing watercourse via the on site attenuation features shown on drawing LS10115/D2 Revision P2 and discharged at a rate of 3 litres/second, or as otherwise approved in writing by the Local Planning Authority.

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

14. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to any of the dwellings on the site being occupied.

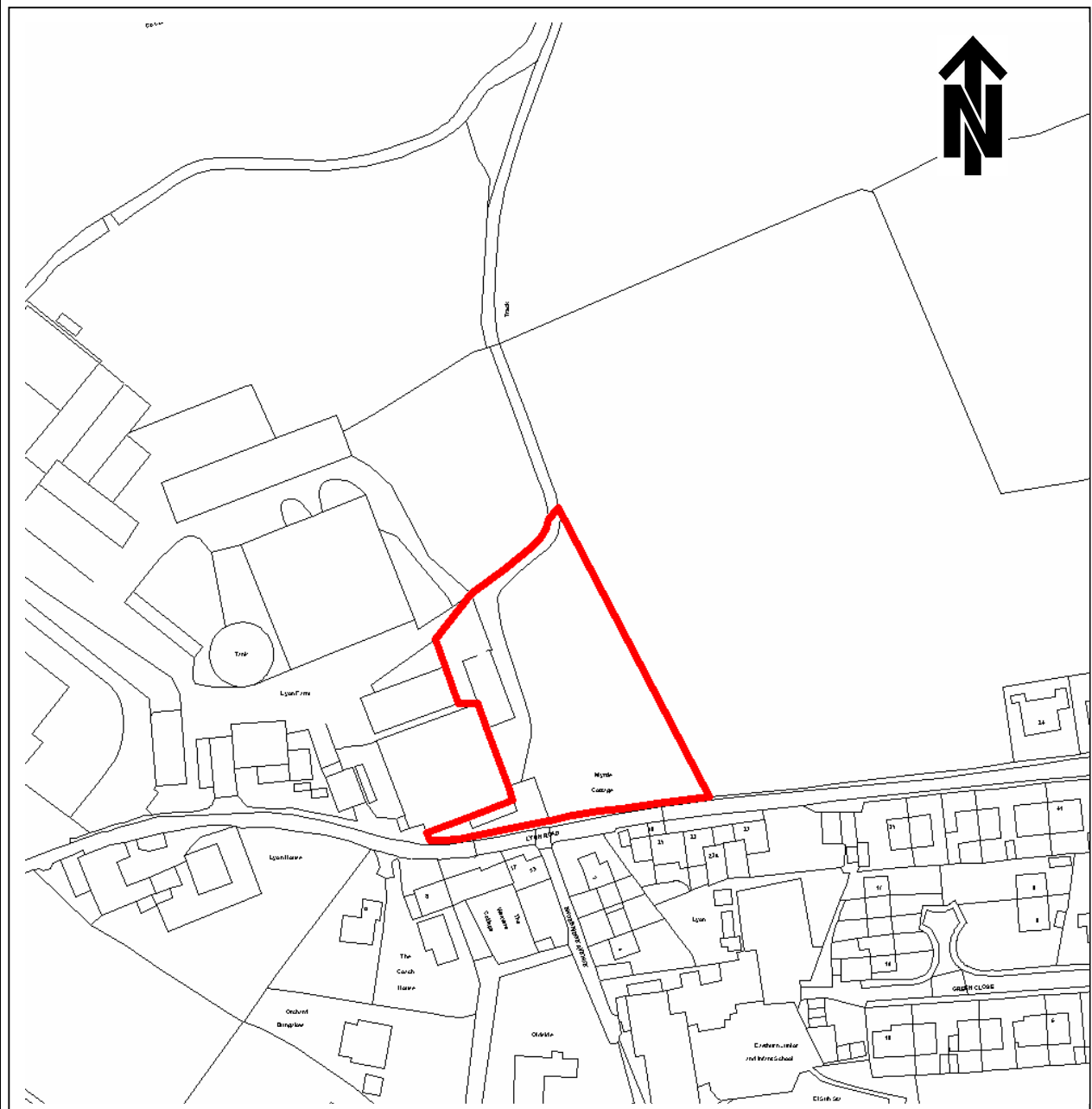
Reason: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

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**Area Planning Panel (Keighley)**

**11/00715/FUL**

19 May 2011



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ITEM NO. : 3

**LOCATION:**

**Lyon House Farm  
Lyon Road  
Steeton With Eastburn**

**19May 2011**

**Item Number: 3**  
**Ward: CRAVEN**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
11/00715/FUL

**Type of Application/Proposal and Address:**  
Full major application for rotary milking parlour and cattle housing building at Lyon House Farm Lyon Road Steeton with Eastburn West Yorkshire BD20 8UY.

**Applicant:**  
Mr Harry Raw

**Agent:**  
Mrs Caroline Sunter

**Site Description:**  
Lyon Farm is an existing working dairy farm lying to the north of the Airedale village of Eastburn between the A629 Keighley by pass and the B6265 Skipton Road within the Airedale Landscape Character Area and just within the edge of the 'floodplain pasture' Landscape Character Type. It is accessed from Skipton Road by Lyon Road with the existing complex of farm buildings lying on the northern side of the highway. Lyon Road is narrow with a narrow footway down one side only. On the opposite side facing the development site are existing dwellings, these mainly comprising traditional cottage style terraces. To the west is an existing factory occupied by the tool manufacturer Cinetic Landis. The frontage with Lyon Road is bounded by a traditional dry stone wall and in front of numbers 8-15 overgrown and rather obtrusive tree planting. The site of the proposed building slopes away gently from Lyon Road towards the north and is presently improved grassland. On the horizon are a belt of trees with rolling hills beyond. Whilst much of the farm is within flood risk zones 2 and 3, the site of the proposed building is within flood risk zone 1.

**Relevant Site History:**  
02/02286/FUL Construction of general purpose agricultural building REFUSE 14.11.2002  
98/01649/FUL Extension to dairy GRANT 13.07.1998  
97/00942/FUL Construction of agricultural building GRANT 16.05.1997  
82/04723/FUL Ext to Cubicle Hse  
Lyon Road Eastburn Keighley GRANTED 15.09.1982  
80/64222/FUL Milking Parlour-Holding Pens  
Lyon Road Eastburn Keighley GRANTED 17.12.1980  
80/63666/FUL Lean to Implement Shed  
Lyon Road Eastburn Keighley GRANTED 15.10.1980  
78/04693/FUL Agriculture Silage Store  
Lyon Lane E Eastburn Keighley GRANTED 01.11.1978  
77/01060/FUL Agricultural Buildings  
Lyon Lane Eastburn Keighley REFUSE 25.05.1977

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

***Allocation***

The existing farm yard is located on “safeguarded land” (site ref K/UR5.41) whilst the proposed building is within the designated Green Belt.

***Proposals and Policies***

The following RUDP Policies are relevant:

UR3 The Local Impact of Development

D1 General Design Considerations

D5 Landscaping

GB1 New Building in the Green Belt

GB2 Siting of New Building in the Green Belt

NE3 Landscape Character Areas

NE3A Landscape Character Areas

TM2 Impact of Traffic and its Mitigation

TM19A Traffic Management and Road Safety

NR15B Flood Risk

NR16 Surface Water Run Off and Sustainable Drainage Systems

National Planning Guidance:

PPS25 Planning Policy Statement 25 Development and Flood Risk

PPG02 Planning Policy Guidance 2 Green Belts

**Parish Council:**

Steeton With Eastburn Parish Council:

The parish council indicated it would support the decision of the planning officer subject to the following comments and queries:

- Has the applicant provided an adequate justification for the retention of the existing buildings on the site which necessitates the utilisation of a large area of greenbelt to build the new milking parlour? Could some of the space currently occupied by existing buildings be used to build part of the new milking parlour?
- Concerns were expressed about the over-intensification of the site which will increase the volume of traffic accessing the site down a narrow country lane.
- The council did welcome any economic benefits that the site may provide to the area.

**Publicity and Number of Representations:**

The application was advertised by individual neighbour notification, by the display of a Major Development site notice and by a notice in the Keighley News with an overall expiry date of 14.04.11

Nine representations have been received from 8 different addresses, 1 in support and 8 raising concerns.

**Summary of Representations Received:**

Comments in Support

- There will be a reduction in noise pollution. Chiller fans and the milking parlour generators will be located further away from residential housing. Existing chiller fans and the milking parlour generator emit unacceptable noise levels. Bradford Environmental Health are aware of the issue.
- Lyon Road will be cleaner due to livestock no longer accessing milking parlour via Lyon Road

- With farm vehicles no longer needing to park on the roadside outside the existing milking parlour congestion along Lyon Road will be alleviated. Houses opposite will have improved access to their driveways.
- It will improve animal welfare. The new milking parlour will be better for the cows as it will not be so crowded and uncomfortable for them while they are waiting to be milked.
- As a frequent user of Lyon House Road I can appreciate the improvements that are to be brought about by the changes to the traffic and parking arrangements
- Vehicles are always parked (with 2 wheels on the pavement) by farm workers / vets / visitors in front of The Weavers Cottage which makes turning on to and leaving the cottage forecourt very tight and tricky. This should be alleviated by the creation of new parking spaces

#### Comments in Objection

- All the houses facing the proposed building face north and have very small windows restricting the amount of light entering the houses. The proposed building is at an angle and should not prove to be an obstruction in itself but care should be taken in siting trees along the road. Whilst screening the building is a good idea something smaller would be more appropriate.
- The current trees obliterate light in the summer and, being deciduous; offer no screening in the winter.
- The proposed landscaping should be extended along Lyon Road to hide as much as possible of the derelict vehicles, rubbish and dilapidated buildings in the existing farmyard.
- In the unfortunate event that this application is approved, the existing trees need to be either much reduced in height or, preferably, removed altogether and replaced with a continuous high evergreen hedge planted to screen the buildings all year round.
- The farmer should be required to keep the building in a good condition so it does not become an eyesore.
- I appreciate new buildings are sorely needed but surely, farm buildings nearer Lyon House Farm could be removed, the proposed new building relocated and the farm generally tidied up.
- It appears from the plans that there are other options for siting the new parlour and although some of it is on the flood plain not all of it is.
- A temporary parlour could be erected whilst the old one is replaced.
- We are not against the application per se but why build it so close to our houses? We request the planning department to consider the proposed development being relocated to another area which does not have the same impact on the locality.
- The rolling curtain system will obviously be much less effective in keeping unacceptable animal noise and smells within the building. Because of the proximity to residential buildings, these should be replaced by solid walls and forced ventilation to control the temperature and to supply fresh air. The animals will have a plentiful supply of fresh air, but the neighbours will be unable to open their windows to receive the same benefits.
- As the farm has expanded, so has the number of vehicles and the smell and filth
- I expect there will be more noise from machinery and the newly calved cows bawling for their calves when the calves have been taken off their mothers who have to go back into milk production.
- This development is ill considered and unnecessary and will result in little "green" left in this green belt area
- I am concerned about noise levels from the feeder wagons, milk tankers, delivery vehicles etc etc driving past the cottage and turning. The traffic noise will be constant.

- There has always been an opportunity to easily provide off-street parking instead it would appear that the applicant has deliberately chosen not to do so and to cause as much annoyance as possible to his neighbours. This should not be used as an argument for the proposed development.
- There appears to be insufficient space in the proposed car park to turn around a large HGV
- Neighbours who have been suffering from the existing excessive noise from the dairy may be in favour of its relocation. However, the excessive noise will only be relocated to annoy a different group of neighbours on Lyon Road
- The 10+ milk delivery vehicles that will be both loading and unloading during the early hours of the morning will result in an unacceptable noise level
- One of the benefits of living on Lyon Road has been the uninterrupted views of the countryside. This will end if you approve this application in its present form.
- Would any lights be kept on permanently during the night?
- The welfare of the all the stock is paramount as this has obviously been an issue for some time, however, if permission is granted and milking time is therefore reduced to 2 hrs, is their ultimate aim to milk these cattle 3 times per day?
- The proposal will not increase the number of jobs, just the number of cattle, the noise, the smell and the profits of Lyon House Farm.
- It would be useful to know the overall height of the proposed building relative to the height of Lyon Road
- The application seems to suggest that Lyon Road will be cleaner because the livestock will not be paraded down Lyon Road several times a day. I therefore assume that, because the milking capacity will be more than doubled, this will also be a corresponding increase in the number of milk cows.
- This will inevitably mean a large increase in the numbers of the animals blocking the Lyon Road several times a day. In addition, any increase in the herd size will also require extra housing will there be additional planning applications to extend the farm buildings yet further along Lyon Road in the future?
- The proposal is contrary to several RUDP Policies;
- We fail to see how this proposal “preserves the openness of the green belt” or is in an “unobtrusive position”
- How does the development “make a positive contribution to the environment and quality of life”?
- The existing facility is an open green field, so how can the development “be well related to the existing character of the locality in terms of design scale massing and materials “
- The proposed development certainly does not “retain and where appropriate enhance important ecological and landscape features”. It totally obliterates them for the neighbours
- For the neighbouring properties, the proposed development most certainly does “intrude on prominent sky lines”.
- The proposed development does not in any way “relate to existing natural and built features, landmarks or views that contribute to the area”

**Consultations:  
LDF Policy Team**

The proposal appears to be compliant with Policy GB1 of the Replacement Unitary Development Plan, due to the fact the development is in support of agriculture.



### **Highways Development Control**

Initial comments on the original plans:

The proposal is to provide on site parking and a turning area which is likely to remove some on street parking from Lyon Road and therefore improve pedestrian and highway safety on this road. However the site access location is not ideal being on a bend with poor visibility in both directions. Therefore applicant should provide a visibility splay of 2.4m x 33m at the site access. There should be no obstruction to visibility exceeding 900mm in height above the level of the adjacent highway within the splays so formed. The areas between the back edge of the existing footways and the splay lines should preferably be dedicated as highway. A lorry turning area is shown on plan however this should have a 26m diameter circle or 20m square, the proposal provides approximately 14m. Therefore the applicant should provide a larger turning area or if an alternative turning area is to be provided then an annotation should be added to indicate this and swept paths should be shown to demonstrate the turning manoeuvre. Some concern is expressed about how vehicles (particularly large vehicles) enter/exit the site from/to Lyon Road in a forward gear when travelling from/to the eastern direction via Green Lane. Therefore the applicant should show vehicular swept paths on the drawing to demonstrate this. Details should be provided as to the proposed number and maximum size of vehicles likely to visit the site on a daily basis.

These comments were relayed to the agent and amended plans submitted which are to the satisfaction of the highway officer. Suitable conditions were requested;

Visibility splays: 900mm height limit

Turning area to be provided before use

Provision of car park before development brought into use

Preventive measures: mud on highway

Control of external lighting

### **Landscape Design Unit**

The proposed site of the building lies within the Airedale Landscape Character Area and just within the edge of the 'floodplain pasture' Landscape Character Type, as described in the Landscape Character SPD Volume 1: Airedale.

While this proposal is clearly agricultural in nature, it would nonetheless disturb the balance between settlement, tree cover and pasture, and in principle this could be considered as contrary to the policy of Volume 1 of the Landscape Character Supplementary Planning Document. However, in the context of this particular site, it may be considered that any negative impact on the landscape character could be offset by other improvements to the existing farm complex.

It is assumed that other options for constructing the new buildings on the site of existing buildings have been investigated and for good reasons are not possible. The demolition of existing visually unappealing buildings should be an essential part of the development of the farm complex. This would help to ensure that the scale and density of buildings within the farm group does not become disproportionate and overpowering, particularly in view of the close proximity of the small scale dwellings nearby.

The Unit concurs with the Design and Access statement in that the negative landscape impact would not be as great in the proposed location as it would have been in a more open position, due to the fact that it is just beyond the edge of the Eastburn settlement and hence adjacent to existing urban form, including a very large scale industrial building 150 metres away along Lyon Road.

The revised plan supplied with the application shows a hawthorn hedge alongside Lyon Road, with an access road, car parking, a yard and lorry turning area between this hedge and the proposed building. It is suggested that the screening could be improved by increasing the width of the planted area. The car parking and lorry turning would be better accommodated within the area presently occupied by the buildings that are to be demolished, and well within the farm curtilage. This would reduce the negative visual and environmental impact that the car parking and lorry turning areas would have on properties along Lyon Road.

In summary, my preference would be for constructing the building on the site of existing buildings which are to be demolished, but given that there may be good reasons why this is not possible, there are mitigating measures that can be put into place in order to minimise negative impact upon the landscape character. These measures include the demolition of some of the existing farm buildings and the planting of screening trees and/or hedging. It is suggested that the majority of vehicular movement and car parking should be contained within the area to the west of the proposed building rather than south of it next to Lyon Road, which would also enable the planted area to be wider.

### **Drainage**

It is the developer's intention to dispose of surface water using soakaways. This is acceptable subject to the developer providing the results of percolation tests.

### **Environment Agency**

Whilst the wider farm area lies within flood risk zone (FRZ) 2 and/or zone 3 on the EA flood map, we are happy that the development proposal lies within FRZ 1. If the building were to be moved farther back from the road into FRZ 2 a sequential test and a flood risk assessment would be required, in line with the requirements of PPS25.

### **Environmental Health**

This proposal will remove the residual noise generated from the existing compressors and chillers and vacuum pump serving the milking parlour away from the nearest properties in Lyon Road but may move the problem further along the road where there is currently not a noise issue. As no details have been provided regarding the exact location and noise levels of any equipment it is difficult to predict the effect that any fixed plant and equipment noise may have.

In principle, this Department has no objection to the application from a noise perspective. However, I would request that if the application were to be approved it be made a condition of any consent that the siting and noise levels generated by any fixed plant associated with the milking parlour shall be agreed with this Department prior to the dairy being brought into use to ensure that any residents of Lyon road do not suffer any nuisance or significant loss of amenity.

The revised plans show the building positioned slightly further away from existing residential neighbours. In principle this is welcome. However the proposed collection point for the local milk delivery vehicles is opposite existing residential premises in Lyon Road. There are consequently some concerns that noise generated in this area very early in the mornings from engine noise/voices/shouting and impact noise from loading crates etc may well be perceived as a problem to residents not previously affected by these operations. Some form of acoustic screening may assist but to be really effective at first floor levels at nearby housing it would be too high to be practicable.

**Summary of Main Issues:**

1. Principle of the Proposal
2. Agricultural Justification
3. Impact on local and residential amenity
4. Design, Scale, Materials and Location
5. Impact on Landscape Character
6. Highway safety/Parking
7. Flood Risk
8. Landscaping

**Appraisal:**

**Introduction**

Lyon House Farm is a working farm with a herd of 330 Holstein Friesian dairy cows which are milked twice a day. The farm operates a closed herd system which means that a further 300 heifer calves of various ages can also be on the farm as these are bred as replacements. The cows calve all year round and the majority of male calves are also retained on the farm and fattened for beef. At any one time there can therefore be 300 male calves on the farm ranging from newborn to 16 months.

80% of the milk produced on the farm is also processed there before being delivered in glass or plastic bottles to customers in the surrounding areas. The farm has 8 full time and four part time employees as well as providing employment to the applicant and his two sons.

The proposed building will house a new rotary milking parlour with associated collecting pen, segregation pen and handling facilities, the dairy processing unit including milk storage and refrigeration, individual calving pens and transitional cow housing. It is required to provide modern facilities at the farm for the purpose of improved animal welfare. The size of the herd and the intensity of the agricultural activities at the site will not increase as a result of the development.

As part of the scheme several redundant buildings adjacent to Lyon Road will be removed including the existing milking parlour, the dairy and the calving pens. Details of the buildings to be removed are shown on drawing No. P1330/0014. The removal of these buildings frees up space for vehicles to drive into the site and for new parking and turning facilities to be developed. A landscaping scheme is proposed comprising a traditional mixed hedge along the site frontage and running north – south alongside the proposed building; the existing unpopular trees on the Lyon Road frontage will be removed. The proposal has been amended to accommodate the comments of the highway officer and to try to address the comments of local residents.

### **Principle of the Proposal**

The site is within the designated Green Belt. The building is clearly designed for an agricultural purpose and does not, therefore, represent “inappropriate development” as defined by policy GB1 of the RUDP and the national planning guidance in PPG2. The principle of such development in this green belt area is therefore acceptable.

### **Agricultural Justification**

The applicant has submitted a detailed and robust agricultural appraisal in support of the application which outlines how the farm enterprise operates at present, what the issues and problems are and how the scheme has been developed to alleviate these and meet the requirements of modern farming and animal welfare standards. For example, the present milking parlour is small and inefficient each milking takes between 4 and 5 hours, meaning that the cattle spend a large proportion of each day standing waiting to be milked, and the herdsmen must concentrate on this task to the detriment of others, such as monitoring the health of the stock. The new milking parlour will improve efficiency and animal welfare, with the stock able to spend less time standing waiting to be milked and more time in their lying and foraging areas with easy access to drinking water.

The new dairy will improve the working conditions of the employees and quality of the end product. The existing dairy to be demolished and the new dairy located further from the residential neighbours. The existing dairy has compressors and generators which have resulted in nuisance noise for these neighbours. The replacement dairy will have quieter equipment which will alleviate these problems. It is accepted that there is a strong business case for this substantial new building.

### **Impact on local and residential amenity**

The proposed single storey building will be located on the far side of the road opposite the existing residential properties on Lyon Road. The submitted sections show the topography of the site falling away gently from the road. The building will be slightly dug into the land with the floor level approximately 3m below the level of the street. Whilst the building will be clearly visible by the residents it will not have an overshadowing or overbearing impact and is not considered that the visual effect will be so significantly detrimental as to warrant refusal of the application. The proposed building is a functional agricultural building which will be “read” as being part of the existing group of such buildings at the site.

Three existing buildings along the frontage with Lyon Road will be removed along with the existing trees which were planted some years ago in an attempt to screen them from view. As can be seen in the comments from the neighbours, these trees are not popular as they restrict the light reaching the houses and cause problems in the autumn when they drop their leaves. Removing these buildings and trees will tidy up this area and provide space for a more appropriate hawthorn mix hedge to be planted. It is considered that this will have positive benefits for local and residential amenity.

It was not considered that the position of the building as originally proposed would result in significant detrimental impacts on residential amenity. However, following the comments from the neighbours very serious consideration was given to the prospect of re siting the building much further to the north on the other side of the existing farm track adjacent to building number 14 (as shown on drawing No. P1330/0014). As this area is within Flood Zone 2 advice was sought from the Environment Agency (EA) as to the flood risk implications of this proposal. The EA confirmed that the site has flooded in recent years and that a sequential test and a flood risk assessment would be required in line with the national planning policy in PPS25. The first step in the sequential test would be the developer providing evidence to the Local Planning Authority that there are no other reasonably available sites which could be considered as being suitable and appropriate. Whilst the proposed site may not be the preferred location of the residents it is considered that, as the effect it will have on their amenity is acceptable, the site can reasonably be considered as being suitable and appropriate. Therefore whilst serious and careful consideration was given to this proposal, for sound planning reasons it was deemed unacceptable.

Whilst the wholesale repositioning of the building was not considered feasible efforts have been made by the agent and applicant to minimise the impact of the building in so far as is possible in response to the wishes of their neighbours. The submitted constraints plan, showing the boundary of the flood risk zone and the position of a larger sewer crossing the site demonstrates that there was little room to work within. However, as the building is multifunctional it has been possible to re arrange the layout and thus the shape and position. The calving pens have been moved to the north east corner of the building, the internal layout has been rearranged and the footprint of the building pushed farther back into the site. This will help to alleviate concerns about the visual impact of the building and the noise from the calving pens as well as creating more space for the parking, turning and landscaping areas and provide an overall increase in the physical distance between the building and the residential neighbours.

The Environmental Health Officer has raised some concerns regarding the revised location of the new collection point for the milk delivery vehicle which is opposite existing residential properties on Lyon Road. There are concerns that noise generated in this area may be perceived as a problem to residents not previously affected by these operations and that acoustic screening which could alleviate the noise would need to be too tall to be a practical solution.

Currently the milk delivery tanker stops on the road directly outside No's 6 and 8 Lyon Road. In its proposed position the new collection point would be opposite No's 19 and 21, thus potentially affecting different residents further down the street. It will, however, be set back 25m or so from the road and these concerns must be weighed against the obvious highway safety improvements accrued from providing safe off road parking and turning facilities for the tanker. The new hedge when mature will also provide some natural acoustic screening. On balance therefore, whilst the new collection point may affect different neighbours it is considered that the impact will be less than at present and that this coupled with the improvements to highway safety renders the proposal acceptable.

The Environmental Health officer has suggested a condition to require details of the new fixed plant to be submitted to and approved by the local planning authority in order to prevent previous problems regarding noise from refrigeration equipment etc reoccurring.

The highway officer has also suggested that details of the lighting scheme be submitted for approval, as well as ensuring drivers are not dazzled, the lighting scheme should be the minimum level of lighting required for the minimum amount of hours per day to protect the amenity of neighbours and to reduce the impact on wildlife.

Overall it is considered that the position, size, and visual appearance of the building is acceptable and that concerns regarding noise arising from the functions of the building, deliveries, traffic etc are outweighed by other factors. The scheme is considered to comply with policy UR3 of the rUDP.

### **Design, Scale, Materials and Location**

The single storey building has been purpose designed as a functional agricultural structure with concrete panels, timber boarding, brown steel sheets and a sheet concrete roof. It is well grouped in with the existing agricultural buildings at the site in a functional position. Overall the location, design, scale and materials are considered appropriate and the scheme is considered to comply with policies D1 and GB2 of the RUDP.

### **Impact on Landscape Character**

The proposed site of the building lies within the Airedale Landscape Character Area and just within the edge of the 'floodplain pasture' Landscape Character Type, as described in the Landscape Character SPD Volume 1: Airedale. The landscape design unit raised some concerns with the proposal and suggested that the demolition of existing visually unappealing buildings and an increase in the width the planting area could help to mitigate this. Whilst the majority of the buildings on the site are to be retained as they are still in functional use three small buildings adjacent to the road are to be removed and the landscaping area has been extended and thickened as suggested. The building is on the edge of the settlement adjacent to existing agricultural and industrial buildings, not in an undeveloped or exposed position in the landscape. The scheme will help to support the ongoing viability of the agricultural enterprise. The loss of working farms and the consequential fragmentation of agricultural units can itself have negative impacts on landscape character. Overall it is not considered that the proposal will have a significant detrimental impact on the Airedale Landscape Character area and the scheme is considered to comply with policies NE3 and NE3a of the rUDP.

### **Highway Safety/Parking**

The current layout and configuration of the farm means that vehicles, including HGV's, visiting the farm are forced to park on the road, partially blocking it to other traffic. The milk delivery wagon visits up to four times a week and due to the position of the bulk tank it has to completely block Lyon Road for up to half an hour each time. Both it and the feed delivery wagon (which visits fortnightly) have to reverse back up Lyon Road as there is presently no turning facility. This current situation has significant detrimental impacts on highway safety. The application addresses both the parking and the turning problems; the arrangements have been altered and improved following the initial comments of the highway officer. The scheme now includes a suitably sized HGV turning area, 7 parking spaces and suitable sight lines and overall it is considered that the scheme offers significant benefits for highway safety and that it complies with policies TM2 and TM19a of the RUDP.

### **Flood Risk**

The agents land lies within flood risk zones 1, 2 and 3. The proposed building is located on land lying within flood risk zone 1 and the Environment Agency has confirmed that they have no concerns with the proposal. Relocation of the building to the north would, however, give rise to significant flood risk issues.

### **Landscaping**

A suitable landscaping scheme is indicated on the submitted plans and further details of the planting scheme can be secured by condition. It is proposed that the newly planted hedge will comprise a suitable "wildlife mix" predominantly of hawthorn but with other species such as blackthorn and holly etc. This will extend along the side of the building and the frontage of the site and will replace the existing trees. This will be appropriate to the rural location and will provide enhanced wildlife habitat at the site.

### **Conclusion**

The proposed development will support the ongoing viability of the agricultural enterprise, providing modern facilities, improved animal welfare and suitable parking and turning arrangements. Whilst the impact on visual and residential amenity of the scheme as originally proposed was considered acceptable the agent and application have made efforts to amend the proposal to respond to the comments received. These changes have resulted in the building being set farther back into the site. The removal of the existing frontage trees and the old calving pens, dairy and parlour will improve the visual appearance of the site; this will be further improved by the planting of a new hedge. Noise generating activities such as refrigeration and calving will also be move further away from residential neighbours. The scheme is considered to comply with policies UDP3, UR3, D1, D5, GB1, GB2, NE3 and NE3a, TM2, TM19a and NR15b of the Replacement Unitary Development Plan and the national planning guidance contained within PPG2 – Green Belts and recommendation is for approval.

### **Community Safety Implications:**

None apparent

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

The development will have no significant adverse effects on local amenity, the amenity of neighbours or the character of the local environment and the agricultural use is appropriate to the Green Belt location. The design is considered sympathetic to its setting in terms of design, scale, height, massing and materials. The development has positive benefits for highway safety through the provision of improved parking and HGV turning facilities and for the amenity of neighbour due to the removal of the existing boundary trees and their replacement with an appropriate landscaping scheme. The proposal complies with Policies UDP3, UR3, D1, D5, GB1, GB2, NE3 and NE3a, TM2, TM19a and NR15b of the Replacement Unitary Development Plan and the national planning guidance contained within PPG2 – Green Belts.

### **Conditions of Approval:**

1. 3 year time limit.
2. List of approved plans.

3. The development shall not begin until a detailed scheme of hard and soft landscaping for the site has been submitted to and approved in writing by the Local Planning Authority.

In the first planting season following the completion of the development or as may otherwise be agreed in writing by the Local Planning Authority, the landscaping shall be implemented in accordance with the approved details.

Any trees or plants comprising the approved 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/plant.

Reason: In the interests of visual amenity and to accord with Policy D5 of the Replacement Unitary Development Plan.

4. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered ^IN; shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

5. 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 ^IN; 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 Policy TM19A of the Replacement Unitary Development Plan.

6. Before development commences on site, details of the type and position of all proposed external lighting fixtures to the buildings and external areas (including measures for ensuring that light does not shine directly on the highway or is visible to highway users) shall first be submitted to and approved in writing by the Local Planning Authority. The lights so approved shall be installed in accordance with the approved details and maintained thereafter to prevent the light sources adversely affecting the safety of users of adjoining highways.

Reason: In the interest of highway safety, residential amenity and to limit the impact on wildlife in accordance with policies UR3 and TM19A of the Replacement Unitary Development Plan.



7. Prior to the building being brought into operation details of the siting and the predicted noise levels generated by any fixed plant associated with the milking parlour and dairy with satisfactory measures to ameliorate any disturbance that may be caused to occupiers of properties in the vicinity of the development site shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall then be implemented during the construction phase of the development accordance with these approved details and thereafter retained.

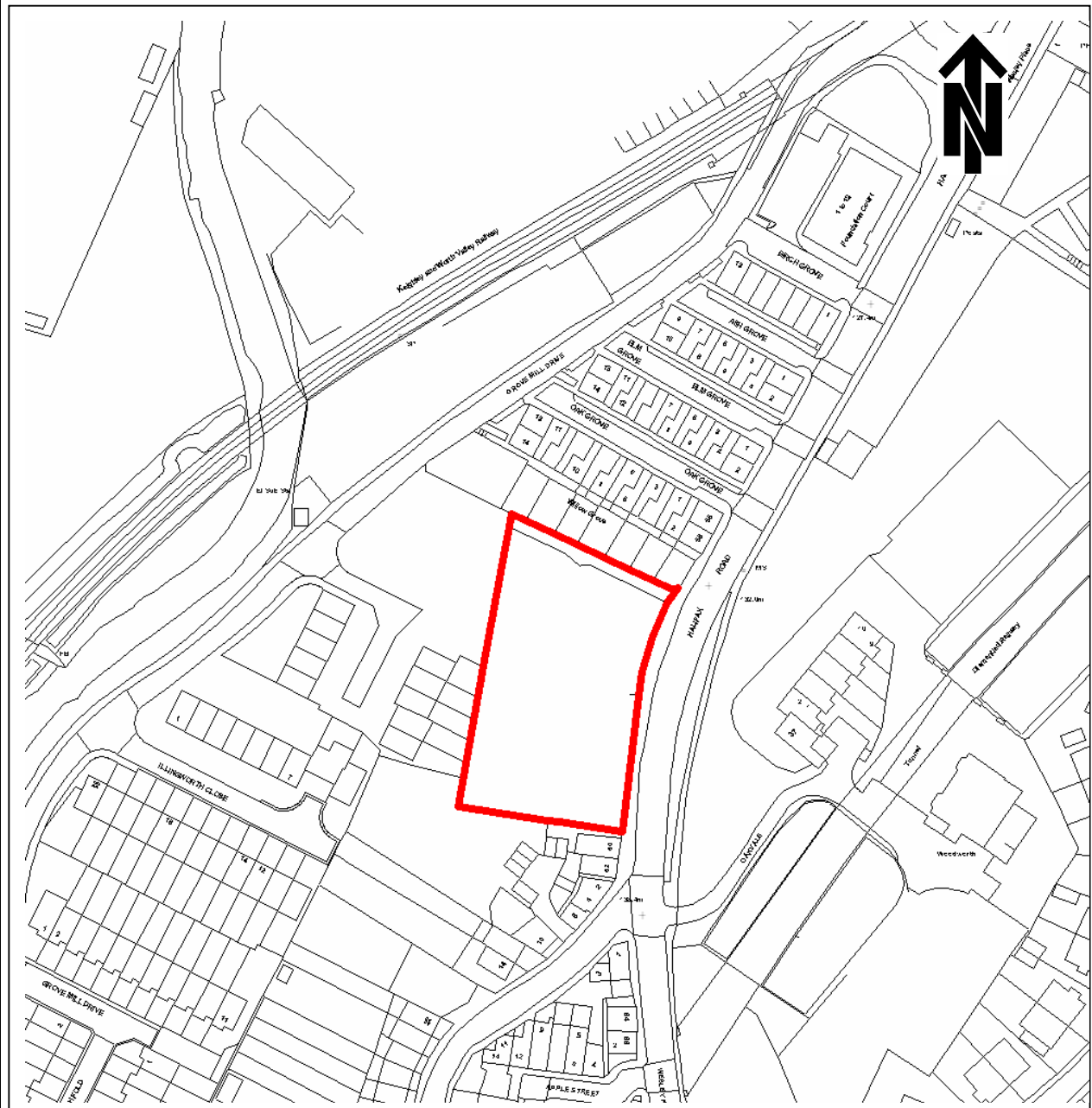
Reason: To protect the amenity of adjacent residential neighbours in accordance with policy P7 of the Replacement Unitary Development Plan.

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**Area Planning Panel (Keighley)**

**11/00939/MAF**

19 May 2011



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ITEM NO. : 4

**LOCATION:**

**Red Holt Drive  
Grove Mills Ingrow Bridge  
South Street Keighley**

**19 May 2011**

**Item Number: 4**  
**Ward: KEIGHLEY EAST**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION WITH CONDITIONS**  
**SUBJECT TO A S106 LEGAL AGREEMENT**  
**APPLICATION WITH A PETITION**

**Application Number:**  
11/00939/MAF

**Type of Application/Proposal and Address:**  
A full application for construction of 12 dwellings and formation of an access road on land south east of Red Holt Drive, Keighley.

**Applicant:**  
Skipton Properties Ltd

**Agent:**  
Mr J Steel, J O Steel Consulting

**Site Description:**  
This unallocated rectangular shaped application site comprises 0.25 hectares in extent. The site slopes markedly from the south to the north and has frontages to both Halifax Road (southern boundary) and to the end of the cul-de-sac which forms part of the Grove Mills development (which is now known as Knowle Close). Trees line the Halifax Road frontage. The site lies within the mixed use area of the Worth Valley.

Aside from the existing trees the site is open grassland with no buildings currently upon it. An attractive stone boundary wall exists along Halifax Road. There is currently no vehicular access to the site.

The general locality on this part of Halifax Road is residential. To the north, along Red Holt Drive and beyond lies the remainder of the former Grove Mill site which is currently being redeveloped for residential use. To the south across Halifax Road lies another residential housing site (not constructed but with an extant planning permission) along with a variety of residential units) and to the west and the east terraced residential properties. Halifax Road itself is a national and local cycle network which runs down to Keighley Town Centre where there are connections to District wide buses and the trains at Keighley Station. The Keighley and Worth Valley Railway runs through the area and has passenger stations at Ingrow and Damens (at weekends and holidays only).

**Relevant Site History:**  
There is no recent development history for this site. The site was formally used as a school but the buildings have since been demolished and the site left vacant for a considerable number of years.

Planning application 99/00647/REG for the construction of dwellings on the site was withdrawn from determination.

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

***Allocation***

The site is Brownfield and is unallocated within the Replacement Unitary Development Plan. The site forms part of the large expanse of the mixed use area of the Worth Valley

***Proposals and Policies***

UDP1 – Promoting sustainable patterns of development  
UDP2 – Restraining development  
UDP3 – Quality of built and natural environment  
UDP7 – Reducing the need to travel  
UR2 – Promoting sustainable development  
UR3 – The local impact of development  
H7 – Housing Density  
H8 - Housing Density - Efficient Use of land  
H9 – Affordable housing  
TM2 – Impact of traffic and its mitigation  
TM12 - Residential parking  
TM19A – Traffic management and road safety  
D1 – General design considerations  
D4 – Community safety  
CF2 - Education contributions in new residential development  
OS5 - New Open space provision  
NE4 - Trees and Woodland  
NE5 - Retention of trees on development sites  
NE6 - Protection of trees during development  
NR16 – Surface Water Run off and Sustainable Drainage Systems

**Parish Council:**

Recommended for approval.

**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 28 May 2011. A petition objecting to the scheme with 12 signatures (10 different households) has been received.

**Summary of Representations Received:**

- Concern about the construction of 12 dwellings in between Knowle Close and Halifax Road
- The close would be used as the only means of access to the construction site
- Only no. 12 has been notified by letter even MHA 2 who own all Knowle Close have no knowledge of the scheme

**Consultations:**

Highways (Development Control) Section – **Original Scheme** – although the principle of development is generally acceptable amendments are required to ensure that highway safety standards are met in terms of access and parking arrangements. **Amended Plans** – comments awaited and will be reported to the Panel orally. Suggest conditions are attached to any permission granted.

Yorkshire Water – No objections in principle subject to conditions regarding foul and surface water drainage being attached to any permission granted.

Environment Agency – Do not wish to make any comments

Drainage Section – No objections in principle. Suggest conditions to be attached to any permission granted regarding surface water drainage.

Landscaping Section – if the proposed housing scheme is to proceed it is important that the existing boundary walls are retained and repaired and the existing trees of merit are retained and augmented with additions planting as stated in the Design and Access statement. Care and attention will be required in relation to retaining existing trees as there is an intention to install a retaining feature below a graded embankment immediately beyond the Halifax Road boundary.

Tree Section – Comments awaited and will be reported orally.

Design – No comments.

Metro - Future residents should all be offered one years free public transport travel cards. The new scheme requires the applicant to provide discounted tickets to 60% of the total number of units on the site over a 3 year period on a first come first served basis.

Education Section – There is a need to request a contribution towards primary educational resources.

The required contribution is £19,569 which is derived by the provision of 2 children x 7 year groups x 12/100 houses x £11,648 = £19,569

Parks and Landscaping Section – In lieu of on site public open space and to meet demand in the areas we would request that an off site recreation contribution of £13,884 is sought from the developer which will be spend in the near locality on the provision or enhancement of recreation facilities.

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

- Principle of development/ density of housing proposed
- Highway and pedestrian safety
- Impact on the amenities of the nearby properties and the surrounding location
- Other impacts:- flooding/drainage
- Use of planning conditions/ S106 legal agreements/Contributions
- Comments on representations made
- Community Safety

### **Appraisal:**

1. Full planning permission is sought for the erection of the following development: -
  - (i) Two x two storey terraces each comprising 6 dwellings (all 3 bedroom properties) which form a small cul-de-sac. One terrace will back up to the proposed retaining structure onto Halifax road whilst the other will back onto rear gardens in Willow Grove following the new built form already in evidence in Knowle Close, and;
  - (ii) provision of new access road to the site from Red Holt Drive via Knowle Drive.

2. The design of each of the dwellings proposes pitched roofs and gables which reflect the existing terraces (both established and those newly built as part of the Grove Mill development site). Materials are of artificial stone and roof slates to match those in the Grove Mills development currently under construction. The existing boundary walls along the Halifax road frontage of the site along with the former gate posts are to be retained.

#### Principle of development

3. The site is currently a vacant parcel of open, grassed land situated within the urban area of Keighley. Within the Replacement Unitary Development Plan (RUDP) for the Bradford District the site is unallocated but sited within the mixed use regeneration area of the Worth Valley. Policies UR7A and H7 of the Replacement Unitary Development Plan policies are particularly relevant in the context of this application.

4. Policy UR7A advises that within the areas designated as mixed use areas (such as the application site) proposals will be permitted in accordance with the provisions set out in the constituency volumes of the plan. The uses which are considered acceptable in this regeneration area are noted as business (B1), general industry (B2) and dwelling houses (C3). As such, the proposal for residential dwellings is considered acceptable in principle. Furthermore, policy H7 advises that proposals for residential development will be acceptable in principle provided the site is developed for a suitable density. The proposal is to develop 12 houses on a site of 0.25 hectares which equates to a density of 48 dwellings per hectare. As such, in terms of policy H7, it is considered that the principle of housing development on this site at the proposed density is acceptable and the expectations of PPS1 and PPS3, each of which promotes to use land effectively and efficiently.

#### Highway Safety

5. The application seeks to provide a highway access to this parcel of land via Knowle Close leading off Red Holt Drive. There is no objection in principle the provision of an access in the manner proposed. Indeed, originally there were over 400 dwellings proposed at the Grove Mill regeneration site (many in the form of flats), however, it should be noted that the current proposals for housing development on the regeneration site as a whole are substantially less than the originally proposed 400+ figure. As such the principle of the proposal and its use of the main access from Halifax Road accords with policies TM2 and TM19A of the Replacement Unitary Development Plan

6. The internal geometry of the highway and parking courts has now been amended and members will be updated orally as to the amendments accord with standards for highway and pedestrian safety within the application site itself. Conditions are recommended to be attached to any planning permission to ensure that suitable parking provision is provided.

Effects on the amenities of the surrounding properties and locality

7. It is considered that the development of the site in the manner proposed is entirely in accord with the established pattern of development for this location. Indeed, the surrounding locality is primarily residential in character. It is considered that the proposal will not unduly detract from the amenities of this locality in terms of the provision of 2 two storey terraces of residential properties within this established urban site. The dwellings take full advantage and work effectively with the steep topography of the site without being overbearing or obtrusive in the street scene. It is proposed to retain some existing trees which currently front Halifax Road whilst supplementing them with new planting behind a suitable retaining structure. A condition protecting the roots of these existing trees should be attached to any permission granted.

8. In terms of the layout of the proposed scheme, it is considered appropriate that two terraces are formed which respect the spatial distances required between new and established dwellings. As such no undue overlooking or loss of privacy is envisaged from the new properties. Furthermore, due to the differences in the levels between existing properties (which are at a lower level) and the proposed new terrace block at the back of properties in Knowle Close, the scheme has inserted the private road at this level on the site in order to establish a suitable spatial distance.

9. Vehicular access to the site is via Knowle Close and it is considered that the extension of the road for an additional 12 houses would not create any undue noise and disturbance. Overall, the scheme is considered to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

Other impacts: - flooding/drainage

10. Both Yorkshire water and the drainage section consider the development to be satisfactory in principle. Conditions to ensure appropriate surface water mitigation and drainage measures are carried out are suggested for any permission granted.

Use of planning conditions/ S106/278 agreements/contributions

11. To accord with policy UR6 of the Replacement Unitary Development Plan, development such as the one proposed should provide the necessary obligations for the provision of social infrastructure such as recreational provision, education contributions, and public transport encouragement (in this instance the provision of metro cards).

12. Policy OS5 of the RUDP requires that new residential development make appropriate provision of or equivalent commuted payment for recreational open space. No formal recreational space (with children's play facilities) is provided within the development and as such there is a requirement for a commuted sum of £13,884 in lieu of on site play and formal recreational provision which will be spent in the near locality enhancing the existing facilities.

13. Policy CF2 of the RUDP requires that new housing proposals, which result in an increased demand for educational facilities which cannot be met by existing schools, shall provide a contribution towards new or extended facilities. The education sum required for this development is £19,569.

14. Metro cards have not been requested in this instance as it is considered that the site is not located on a 10 minute frequent bus route. As such, it is considered that the priority for spending available financial contributions is on recreational and education facilities in this locality.

15. In light of the above policies and the requirements requested by consultees, it is considered necessary for the developer to enter into a S106 legal agreement that will address the above issues in detail. Head of Terms of any agreement should include: -

- Payment of contribution of £44,146 towards the provision or enhancement of education infrastructure within the wards of Keighley;
- Payment of contribution of £13,884 towards provision of recreation in the nearby vicinity of the site.

#### Comments on representations made

16. Material issues raised in representations have been addressed in the appraisal to this report above. Whilst the loss of this informal open grassed space is regrettable, the site lies within an established regeneration area for the Worth Valley wherein there is a policy requirement to use land within the urban area as effectively and efficiently as possible. Highway/parking details are in accordance with the Councils adopted standards and as such it is considered that highway safety will not be compromised by the proposed development (Members will be updated within the amended plan details orally at the Panel). Whilst construction traffic will be accessing the scheme via Knowle Close, this will be for the limited time of the construction of the development. A condition requiring construction only to be carried out between 0730-1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays (unless specifically agreed otherwise in writing by the Local Planning Authority).

#### **Community Safety Implications:**

17. There is no objection in principle from a community safety point of view. A condition is proposed to be attached to any permission granted to ensure the boundary treatments are appropriate.

#### **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 Yorkshire and Humber Plan - regional Spatial strategy 2008 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 a suitable residential scheme is considered a beneficial reuse of a vacant site that gives the opportunity to provide a sustainable pattern of housing within the existing urban fabric of Keighley. The effect of the proposal on the surrounding locality and the adjacent neighbouring properties has been assessed and is considered acceptable. The provision of an access in the manner and location proposed is appropriate and parking provision can be made to accord with adopted standards. As such, the proposal is considered acceptable in that it allows for an appropriate redevelopment of former school site in a sustainable location. Overall, it is considered that the provision of a scheme in the manner proposed is in conformity with the principles outlined within the Replacement Unitary Development Plan and policies UDP1, UDP3, UDP7, UR2, UR3, H7, H8, TM2, TM12, TM19A, D1, D4, CF2, OS5, NE4, NE5, NE6 and NR16.



**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 following plans: 1183.31 rev A, 1183.98, 1183.138, 1183.139, 1183.140, 1183.141 Rev A.

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

3. The facing and roofing materials for each plot shall be in artificial stone to match the existing development in Knowle Close and Russells Grampian dark grey slates. The development shall be constructed in the approved materials or as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the use of appropriate materials in the interests of visual amenity in this elevated highly visible location and to accord with policy UR3 of the Replacement Unitary Development Plan.

4. The development shall not begin until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme in particular shall show full details of the proposed retaining structure and additional planting in the area between the retaining structure and Halifax Road in addition to the following details on the site as a whole:

- i) Proposed trees and defined limits of shrubs and grass areas.
- ii) Numbers of trees and shrubs in each position with size of stock, species and variety.
- iii) Types of enclosure (fences, railings, walls).
- iv) Types of hard surfacing (pavings, tarmac, etc).

Reason: In the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan

5. 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 and D1 of the Replacement Unitary Development Plan.

6. In the first planting season following the occupation of any residential unit, or as otherwise specified by the Local Planning Authority, the trees to be planted between Halifax road and the proposed retaining structure shall be planted in accordance with the approved tree planting scheme.

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

No other tree shall be removed from the site except with the written consent of the Local Planning Authority. Any replacement tree or trees specified in such written consent shall be planted as soon as reasonably practicable and in any event during the first available planting season following such removal.

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

7. A management plan/maintenance agreement for the long term management/maintenance of area between the retaining structure and Halifax Road, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of any residential unit. The management plan/maintenance agreement shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped communal area in the interests of amenity and to accord with Policies UR3 and D5 of the Replacement Unitary Development Plan.

8. The development shall not commence until a plan showing the positions, design and materials of boundary treatments for the development has been submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in full prior to the first occupation of that phase and shall thereafter be retained. It should be noted that the wall and gateposts along Halifax Road should be retained and made good as part of any scheme

Reason: In the interests of amenity and privacy and to accord with policies UR3, D1 and D5 of the Replacement Unitary Development Plan.

9. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

10. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access between Knowle Close and the development site and within the development site itself hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 1183.141 rev A (unless otherwise agreed in writing by the Local Planning Authority) 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.

11. Before the occupation of each dwelling, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of each dwelling in accordance with the approved drawings.

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

12. Prior to construction commencing, a schedule of the means of access to the site for demolition/construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for demolition/construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. Unless otherwise agreed in writing by the Local Planning Authority, all construction arrangements shall be carried out in accordance with the approved schedule through the period of construction of the relevant phase.

Reason: To ensure the provision of proper site construction facilities in the interests of highway safety and amenities of the surrounding environment and its occupants and to accord with policy UR3 of the Replacement Unitary Development Plan.

13. Prior to the occupation of any residential unit, full details of the proposed bin stores shall be submitted to and approved in writing by the Local Planning Authority. The provision of the bin stores on the site shall be implemented and retained for the duration of the use as approved

Reason: In the interests of visual amenity of the site, to ensure that appropriate facilities are provided for each dwelling for the disposal of waste and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

14. 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.

15. No dwelling shall be occupied until details of the proposed means of disposal of foul water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. No buildings shall be occupied or brought into use prior to completion of the approved foul drainage works

Reason: To ensure that the development can be properly drained, to ensure that no foul water discharges take place until proper provision has been made for its disposal and to accord with policy UR3 of the Replacement Unitary Development Plan.

16. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the application site prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal, to ensure that the site is properly drained and to prevent overloading of the local sewerage network and to accord with policy UR3 of the Replacement Unitary Development Plan.

17. The development shall not be begun, nor shall any demolition, site preparation, ground works, materials or machinery be brought on to the site until a until a Tree Protection Plan showing Root Protection Areas and location of temporary Tree Protective Fencing has been submitted to and approved in writing by the Local Planning Authority.

The Tree Protection Plan shall be to a minimum standard as indicated in BS 5837 (2005) Trees In Relation To Construction Recommendations and show the temporary Tree Protective Fencing being at least 2.3m in height of scaffold type construction and secured by chipboard panels or similar. The position of the temporary Tree Protective Fencing will be outside Root Protection Areas (unless otherwise agreed with the Local Planning Authority) as shown on the Tree Protection Plan.

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 in the Tree Protection Plan as approved by the Local Planning Authority. The temporary Tree Protective Fencing shall be driven at least 0.6m into the ground and remain in the location as shown in the approved Tree Protection Plan and shall not move or be moved for the duration of the development.

The Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing and have confirmed in writing that it is erected in accordance with the approved Tree Protection Plan.

No development, excavations, engineering works and storage of materials or equipment shall take place within the Root Protection Areas 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 and NE5 of the Replacement Unitary Development Plan.

**Heads of Terms of the S106 legal agreement**

- Payment of contribution of £44,146 towards the provision or enhancement of education infrastructure within Keighley East or adjoining wards;
  - Payment of contribution of £13,884 towards provision of recreation within Keighley East or adjoining wards.
-