

## Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 23 June 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.	1 Good Wood Ilkley LS29 0BY - 11/01536/HOU [Approve] (page 1)	Ilkley
2.	2 Southlands Grove Riddlesden Keighley BD20 5HA - 11/01291/FUL [Approve] (page 6)	Keighley East
3.	Fieldhead House Highfield Close East Morton Keighley BD20 5SG - 11/00648/FUL [Approve] (page 12)	Keighley East
4.	34 Albert Yard Church Street Keighley - 11/01684/VOC [Refuse] (page 25)	Keighley Central

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Julian Jackson  
Assistant Director (Planning)

Report Contact: Ian Wilson  
Phone: 01274 434605

Email: [ian.wilson@bradford.gov.uk](mailto:ian.wilson@bradford.gov.uk)

**Portfolio:**  
Environment and Culture

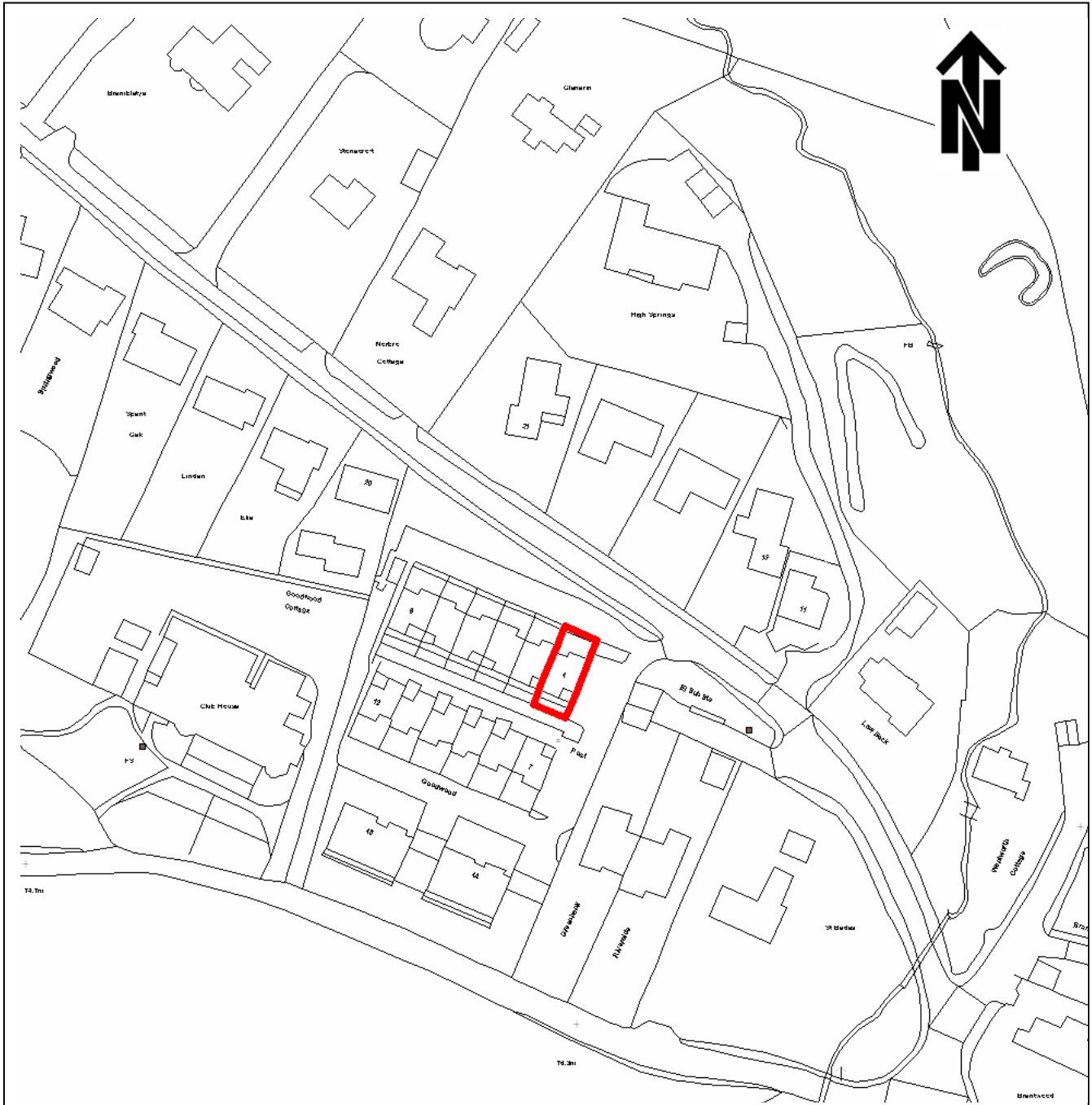
**Improvement Committee Area:**  
Regeneration and Economy



Area Planning Panel (Keighley)

11/01536/HOU

23 June 2011



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LOCATION:

ITEM NO. : 1

**1 Good Wood  
Ilkley**

**23 June 2011**

**Item Number:** 1  
**Ward:** ILKLEY  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
11/01536/HOU

**Type of Application/Proposal and Address:**

A full application for the placing of 20 photovoltaic panels on a solar mounting system onto existing upper flat roof at 1 Good Wood, Owler Park Road, Ilkley, LS29 0BY.

**Applicant:**

Mr Andrew Broughton

**Agent:**

Not applicable.

**Site Description:**

The application dwelling is an end terrace property of distinctive modernist and split-level design constructed of brickwork and surmounted by two flat felt roofs. The application dwelling is one of a terrace of 6 properties, with a further terrace of 6 dwellings located parallel to the south at a lower level, which together form the residential development of 'Goodwood'. The application site has a decrease in land level of approximately 3 metres from the north-east boundary to the south-west boundary. The staggered appearance of the application dwelling and the terrace row within which it sits is designed to address the site topography as well as take advantage of the elevated position of the site with the dwelling incorporating extensive glazing to the south-west elevation. The surrounding area is predominantly residential consisting of large detached properties set within extensive plots.

**Relevant Site History:**

None.

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

**Allocation**

Unallocated.

**Proposals and Policies**

UR3 – Local Impact of Development;  
D1 - General Design Considerations  
NR12- Renewable Energy

**Supplementary Council and National Planning Guidance**

Additional supplementary planning guidance is contained in the Council's approved revised policy document on House Extensions (2003).

National Planning Policy Statement 22: Renewable Energy is also relevant.

It is also noted that the installation, alteration or replacement of solar photovoltaic equipment on a dwelling house is permitted development (Class A, Part 40, Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008) subject to conditions.

**Parish Council:**

Ilkley Parish Council: Object on the grounds that the photovoltaic units could set a precedent for the siting of further units. The parish council also consider that the units would harm the visual appearance of the property and surrounding area. Refer to panel.

**Publicity and Number of Representations:**

The application was publicised by neighbour notification letters. The expiry date for comments in connection with the application was 2 May 2011. Three letters of objection were received in connection with the application, one of which was from a local Ward Councillor who refers the application to Panel if recommended for approval

**Summary of Representations Received:**

Material planning objections are summarised as follows:

- The proposed photovoltaic units will harm views across the valley as well as into and out of the Ilkley Conservation Area.
- Properties on Owl Park Road will be subjected to a mechanical roof vista more conducive to an industrial area than a traditional pitched roof homes scene.
- The application would set a precedent for such development on properties at Goodwood and the cumulative impact of this would have a significant visual impact.

**Consultations:**

None undertaken or required.

**Summary of Main Issues:**

Renewable energy guidance and policy.

Visual Amenity.

Residential Amenity.

**Appraisal:**

**Renewable energy guidance and policy**

The installation, alteration or replacement of solar photovoltaic equipment on a dwelling house is permitted development subject to various conditions and limitations. In this case, planning permission is required because the equipment being installed would be 'higher than the highest part of the roof (excluding any chimney)'.

In considering the impact of the proposal it should be noted that national planning policy and legislation is in favour of encouraging the use of renewable energy sources. In particular, PPS 22: Renewable Energy identifies that positive planning which facilitates renewable energy can contribute towards the Government's sustainable development strategy. This is reflected in local RUDP policy NR12 which encourages the use of renewable energy resources providing that there is no significant conflict with other relevant policies in the plan. Therefore, and whilst the development might be considered to be acceptable in principle, it needs to be balanced against any impacts on visual and residential amenity.

### **Visual Amenity**

In terms of visual amenity the proposed photovoltaic units and solar mounting system are considered to be acceptable. The submitted plan indicates that the units and mounting are to be positioned on the upper flat roof of the application dwelling. Each of the proposed units is to measure 1.4 metres by 1.6 with a height of 250mm. The total area covered in the development would be 45.6 sq m. Each panel is to be tilted at an angle of 10 degrees facing to the south-east in order to achieve optimum sun exposure. The roof of the dwelling is surrounded by a parapet of approximately 85mm in height and therefore the photovoltaic units will protrude above it by approximately 165mm. It is considered that the proposed photovoltaic units and mounting system would result in a uniform layout on the roof of the property that would not be excessive in terms of coverage, nor unduly prominent in siting. It is not considered that the proposed units would detract to any significant degree from the visual amenity of the application dwelling or the immediate and wider vicinity.

Due to the elevated position of the application site the property is visible from the south in long distance views from the Ilkley conservation area and in particular from the A65. The modernist design of the Goodwood development means that it is prominent amidst more suburban surrounding development. As noted above, the cells and mountings are not considered excessive or unduly prominent. In light of this and the long distances involved (approximately one mile from the A65) it is considered that the proposal would have any significant or material impact on views from the conservation area or of the surrounding landscape.

It is considered that the development would accord with RUDP policy D1.

### **Residential Amenity**

The proposed photovoltaic units are considered to be of an appropriate scale and design in the context of the application site. The development would protrude modestly above the parapet of the existing dwelling by approximately 165mm. Residential properties to the north, across Owler Park Road, are elevated above the application site and are a minimum of 37 metres away. In light of this separation distance and the modest height of the photovoltaic units, it is not considered that there would be any adverse residential amenity implications. Development would therefore comply with RUDP policy UR3.

With regard to precedent, each application is dealt with on its individual merits. This application proposes 20 units and has been considered on that basis. The cumulative impact of any similar photovoltaic panels on appearance and amenity of the surrounding area would – if they were not permitted development - form a material planning consideration in assessing the impact of any future application for photovoltaic panels.

### **Community Safety Implications:**

There are no apparent community safety implications.

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

The proposed photovoltaic units and solar mounting system are considered to relate satisfactorily to the character of the existing dwelling and surrounding street scene. The impact of the development upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significantly adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with policies UR3, D1 and NR12 of the Replacement Unitary Development Plan and the Revised House Extensions Policy.

**Conditions of Approval:**

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

Drawing No.202/SK10- Existing Floor Plans, Elevations and sections with new PV Panels- dated Feb 11.

Received by the Council on 4 April 2011

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 materials as specified on the submitted plan drawing No. 202/SK10- Existing Floor Plans, Elevations and sections with new PV Panels- dated Feb 11 and to the specification detailed on the 'Sunmount Specification Data Sheet' received by the council on 4 April 2011.

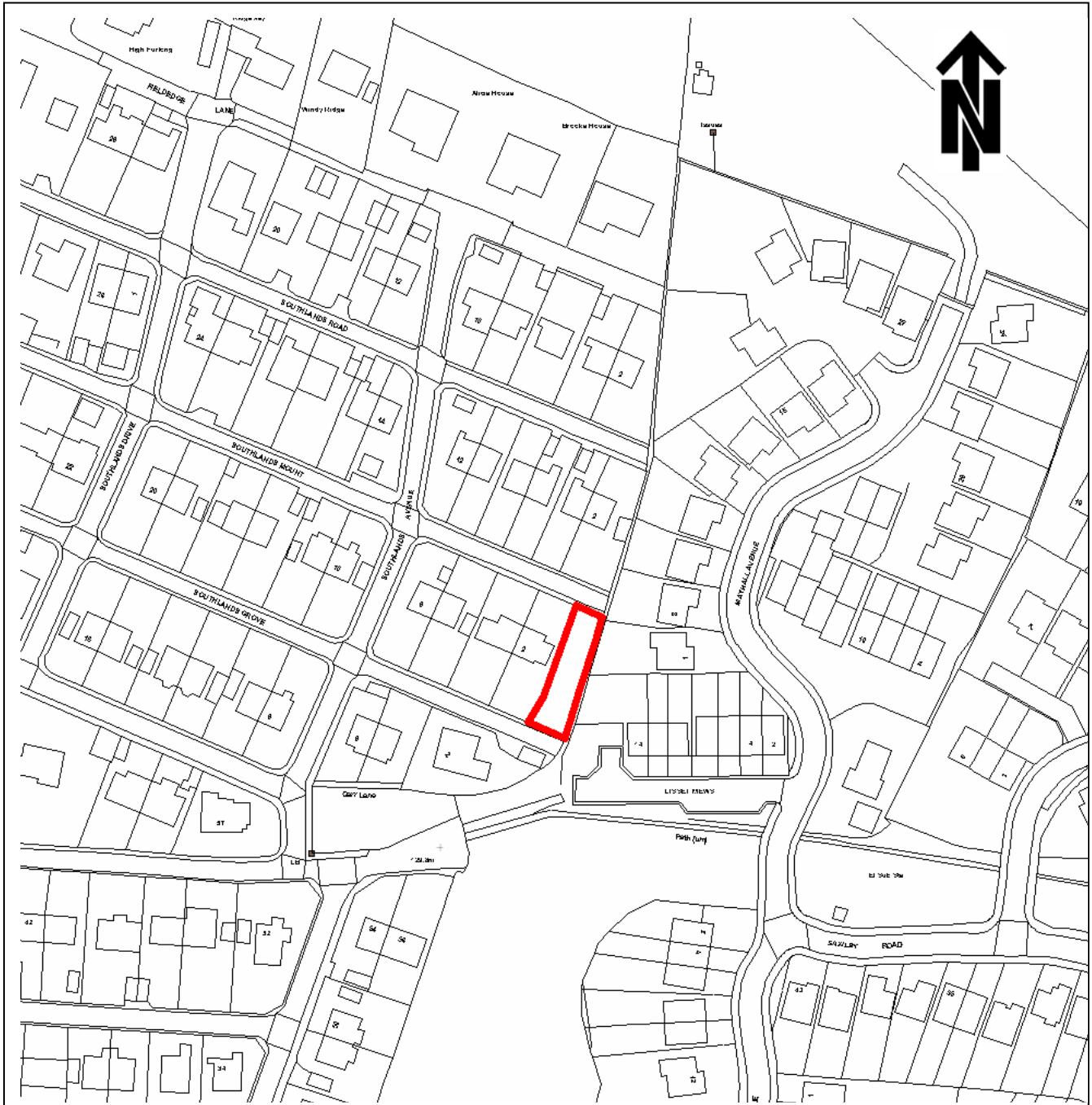
Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

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**Area Planning Panel (Keighley)**

**11/01291/FUL**

23 June 2011



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**ITEM NO. : 2**

**LOCATION:**

**2 Southlands Grove  
Riddlesden  
Keighley**

**23 June 2011**

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

**Application Number:**  
11/01291/FUL

**Type of Application/Proposal and Address:**

A full application for the erection of a new detached dwelling. Land at 2 Southlands Grove, Riddlesden BD20 5HA

**Applicant:**  
S Bottomley

**Agent:**  
A Kaminski

**Site Description:**

This site comprises the side garden of an existing semi-detached dwelling at the eastern terminus of a residential cul de sac called Southlands Grove in Riddlesden. The cul de sac is surfaced but is unadopted and does not have a proper turning head. The garden runs through to Southlands Mount to the north. The east boundary of the site is contiguous with the rear garden boundaries of more recently constructed detached dwellings that front onto Mayhall Avenue, an estate road some 30 metres to the east. The rear elevation of the nearest dwelling on Mayhall Avenue is some 10 metres from the application site boundary. Further semi detached dwellings line Southlands Grove and are built in stone and render with rosemary red clay tiled hipped roofs.

**Relevant Site History:**

None recorded on this site.

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

***Allocation***

Unallocated on the RUDP Proposals Map.

***Proposals and Policies***

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

**Town Council:**

Keighley Town Council recommends for refusal. This proposal is overdevelopment. There is a very narrow access. This proposal will not fit with the street scene.



**Publicity and Number of Representations:**

Neighbour letters and site notice – expiry 20 April 2011.

Five objection letters have been received.

**Summary of Representations Received:**

1. Increase in traffic and parking demand would cause problems and conflict
2. Parking provision should be limited to one car.
3. Parking along Southlands Grove is already oversubscribed.
4. House design and materials are out of keeping with neighbouring properties.
5. Dwelling would be over-bearing for neighbour and would reduce natural light.
6. Loss of privacy in habitable rooms of neighbouring properties. Toilet window facing onto neighbouring garden is not appropriate.

**Consultations:**

Highways Development Control : Application is generally acceptable, but has required amendments to layout of car parking to ensure drivers can turn in and out of southlands Grove without difficulty. This has required widening the spaces from 5m to 6m to cater for the narrow width of Southlands grove itself. This amendment this would alleviate concerns of Highways Development Control.

Building Control (Drainage) : Separate system required within site boundary. If the intention is to discharge foul and surface water to existing mains, the developer will be required to show that the system is hydraulically and structurally suitable.

**Summary of Main Issues:**

1. Principle.
2. Local amenity considerations.
3. Highway issues.

**Appraisal:**

**Principle**

The development of existing residential curtilages and a resulting increase in development density was, for some time, supported by Governmental planning policy in the form of PPS3 (Housing). This advice sought the more efficient use of urban land for housing purposes and regarded existing residential garden space as 'brownfield' and therefore appropriate for new housing development – subject to all other material planning considerations being satisfied.

However the coalition government has introduced changes to PPS3, in that garden space cannot now be classified as 'brownfield' land and thus suitable as a matter of broad principle for new housing provision.

It appears that this change in policy may arise at least in part from a perception that new dwellings within the curtilage of existing properties results in poorly conceived and cramped layouts. Clearly this will not arise in all cases and there will remain many examples of existing garden space that are suitable for new residential development.

Given the available space and general arrangement of surrounding dwellings the erection of a new dwelling on this site would be acceptable subject to the proposed development satisfying all material planning considerations, which are addressed below.

### **Local Amenity Considerations**

The application site comprises garden space associated with the end semi detached house on this short cul-de-sac. The proposals involve the subdivision of the overall garden area to release a strip of ground some 30 metres in length and varying in width between a minimum of 7.2 metres and a maximum at the front of 11.5 metres. The proposed house would be 6.15 metres wide and so the width of the plot is of satisfactory size to accommodate it with space to either boundary.

In terms of the general effects upon the street scene, whilst the concerns of neighbouring residents are acknowledged, it is not considered that any significant impact would accrue that would justify a refusal of planning permission here. The scale, form and character of the dwelling are considered reasonably balanced with the proportions of the site and the height and scale of the existing semi.

The eastern boundary of the site is delineated by a stone wall beyond which are the garden areas associated with more recent dwellings on Mayhall Avenue to the east (this is part of the Swine Lane development). Clearly the site already comprises garden space as part of the curtilage of 2 Southlands Grove and its continued use as garden space, albeit associated with a different dwelling would have no significant implications for the amenities of any nearby occupiers.

The proposed dwelling would not give rise to loss of light or overshadowing of neighbouring amenity space and would not introduce windows that result in loss of privacy given the existing arrangements in the vicinity. It is designed to have only obscure glazed non habitable room windows facing towards the gardens of houses on Mayhall Avenue. It would be set well back from the front and rear plot boundaries and so would not cause any significant overlooking to properties to north or south. The proposed dwelling would be of conventional 2 storey height and would not unduly dominate or overshadow any of the neighbouring properties or their gardens.

The proposed dwelling would be sited at the eastern end of a cul-de-sac that is fronted on the north side by semi-detached dwellings occupying an elevated and sloping site facing south towards Keighley. The existing dwellings along Southlands Grove are of a uniform design with rendered walling, the dwellings on the north side having red clay tile roofs whilst dwellings to the south side have blue slate.

Initially, the agent proposed to construct the dwelling in artificial stone. However, it was considered essential that the design and appearance should reflect the character of the existing semi detached houses that predominate along Southlands Grove. The agent has therefore amended the proposed appearance of the dwelling to incorporate render and red roof materials to match those of the existing semi detached houses and so retain the character of the street. The proposal here involves a new detached dwelling of limited scale and designed to match nearest neighbouring properties in terms of materials, texture and colour.

Overall therefore the proposed development would be in general accordance with Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

### **Highway issues**

This section of Southlands Grove comprises a short length of highway terminating at a stone wall. It presently provides vehicular access to three pairs of semi-detached and one detached dwellings. It has no turning head. Users rely on turning within private drives.

However, the surface is in good condition and the short length of the roadway is such that vehicle speeds are very low. It carries very limited traffic at present.

The Council's Highway Engineer has raised no objections to the proposed development of an additional dwelling being served from Southlands Grove subject to the proposed off-street parking to serve the development being of sufficient width to enable ease of use.

An amendment to the proposed scheme has addressed this issue of the parking layout and a supplementary drawing has demonstrated that cars would be able to manoeuvre in the space available and as a consequence there are no highways related grounds for resistance to the proposal.

Subject to the off-street parking (as amended) being made permanently available prior to first occupation of the proposed dwelling, the development would accord with Policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

### **Community Safety Implications:**

There are no apparent community safety implications.

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

The proposed dwelling would make more efficient use of land within the built up area for housing. The proposed dwelling is considered to be of appropriate design and scale and it is considered that it will have no significant adverse effects on local amenity or the amenity of occupiers of neighbouring properties. The scheme has been amended to ensure satisfactory arrangements for car parking within the site and the scale of development proposed is considered within the capacity of the surrounding highway network. The development is considered to comply with relevant saved Policies D1, TM19A and UR3 of the Replacement Unitary Development Plan for the Bradford District (2005).

### **Conditions of Approval:**

1. Development to be begun within 3 years of the date of the permission.
2. Development to comply with the approved (amended) drawings 1036.01 Revision A and 1036.02 Revision A.
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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2005 (as amended) (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To accord with Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

5. 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.

6. Before the development is brought into use, the off street car parking facility shall be laid out and surfaced in permeable materials within the curtilage of the site in accordance with the approved drawing 1036.02A. 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 sustainable drainage to accord with Policies UR3 and TM12 of the Replacement Unitary Development Plan.

7. Any gates to be constructed as part of the development shall not open over the highway.

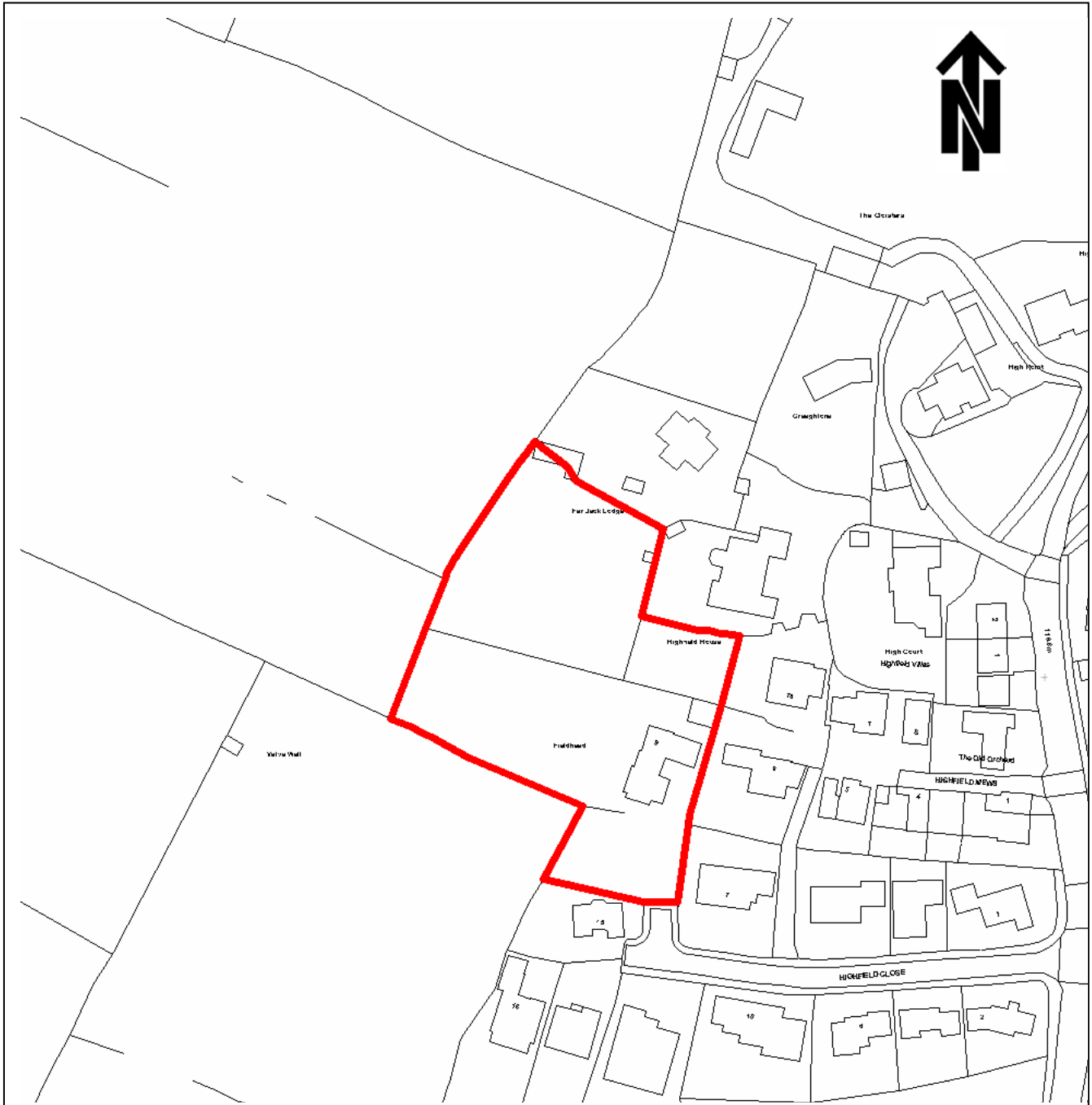
Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

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**Area Planning Panel (Keighley)**

**11/00648/FUL**

23 June 2011



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**ITEM NO. : 3**

**LOCATION:**

**Fieldhead House  
Highfield Close  
East Morton Keighley**

**23 June 2011**

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

**Application Number:**  
11/00648/FUL

**Type of Application/Proposal and Address:**

Full application for the construction of twelve houses, access and parking areas and revisions to the design of one house approved by 09/01914/FUL at Fieldhead House, Highfield Close, East Morton, Keighley, BD20 5SG.

**Applicant:**  
Mr Paul Duxbury

**Agent:**  
Mr J O Steel

**Site Description:**

The site is positioned on the western margin of the settlement of East Morton, to the north of the centre of the village close to the far end of Highfield Close, a short residential cul-de-sac of 12 houses which is accessed from Street Lane. The land to the west of the development site is designated as Green Belt. The site has been assembled from land which currently comprises residential curtilage to three properties, Highfield House, Fieldhead House and 7a Highfield Close which are all in the ownership of the applicant. Mainly given over to manicured lawns, the site benefits from several mature trees, some of which are protected by TPO's and some of which are large conifers not suited to the edge of countryside location. Running through the middle of the site is a mature beech hedge. Drystone walling defines the boundary between the site and the agricultural land to the west and south west whilst to the east are a number of large detached properties, in a variety of styles and designs on a scattered building pattern which lacks a coherent character. The properties on Highfield Close are modern detached suburban style dwellings on a conventional estate style layout.

**Relevant Site History:**

**91/04688/OUT** Construction of detached house as amended plans dated September 1991 Highfield Close East Morton Keighley GRANT 15.04.1992

**92/02848/FUL** Construction of detached house  
Off Highfield Close East Morton Keighley GRANT 27.08.1992

**93/01666/FUL** Amendments to siting design and external appearance of previously approved application Highfield Close East Morton Keighley GRANT 03.08.1993

**01/02981/FUL** Construction of a new bungalow and garage GRANT 12.11.2001

**03/00361/FUL** Amended scheme for residential development of 19 units and garages with access road and off site highway works REFUSE 04.02.2005

**06/02401/FUL** Amended design for bungalow GRANT 21.06.2006

**06/03046/FUL** Divide existing detached house into two separate dwelling houses GRANT 27.06.2006

**06/05761/FUL** Four detached houses and new access road REFUSE 05.03.2007

**09/01914/FUL** Construction of detached bungalow and garage GRANT 19.06.2009

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

***Allocation***

Unallocated.

***Proposals and Policies***

UR3 The Local Impact of Development  
UR2 Promoting Sustainable Development  
UR6 Planning Obligations and Conditions  
H7 Housing Density Expectation  
H8 Housing Density Efficient Use of Land  
TM2 Impact of Traffic and its Mitigation  
TM12 Parking Standards for Residential Developments  
TM19A Traffic Management and Road Safety  
D1 General Design Considerations  
D2 Energy Efficiency and Sustainable Design  
D4 Community Safety  
D5 Landscaping  
NE3 Landscape Character Areas  
NE3A Landscape Character Areas  
NE4 Trees and Woodlands  
NE5 Retention of Trees on Development Sites  
NE6 Protection of Trees during Development

National Planning Guidance:

PPS3 Planning Policy Statement 3 "Housing"

**Parish Council:**

Recommend refusal. The proposal has a very bad access with a single width road. We would like TPO's on all the trees. If officer recommendation is for approval the application should be referred to the planning panel for a decision.

**Publicity and Number of Representations:**

Neighbour notification letters were sent out on the 09.03.2011 and following suggestions that some of these had not been received they were re issued on the 04.04.2011. A site notice was also posted and an advert placed in the Keighley News. The overall expiry date for representations was 25.04.11. 11 letters of representation have been received.

**Summary of Representations Received:**

- This is one of the worst examples of "garden grabbing".
- Were Fieldhead house and Highfield House in the ownership of a third party, there would be an outcry about the effect of the development on these properties
- Where will the potential 29 children play?
- The extra traffic will generate noise pollution.
- The inspector concluded that previous proposals did not comply with policy UR4 of the rUDP as local need had not been demonstrated.
- Previous applications for fewer houses have been turned down. How could this be viewed more favourably?
- The site has previously been deemed "unsustainable" due to the limited provision of public transport, shops and services. Since then the situation has got worse as the post office/convenience store has closed.

- The development of this site for housing in advance of more suitable sites would lead to a high reliance on the private motor car.
- We are concerned that the local sewer system is inadequate to cope with the extra demands the development would create.
- The response from highway officers is that the development “does not meet minimum standards”. The access is inadequate as is the internal road layout.
- All the refuse bins would have to be left on Highfield Close for collection.
- The extra vehicles will create serious dangers on Highfield Close, which is a modest cul-de-sac.
- The junction with Street Lane, which is blind on the approach side, will be a danger for the extra traffic, increasing the likelihood of accidents.
- If you exclude the land occupied by the current dwelling the proposed density is 28DPH, this in comparison with 10 on Highfield Close.
- The planning authority has previously indicated that it would accept a development of 4 houses. The applicant should accept this as drainage, highway and neighbour concerns could then be more easily overcome.
- We strongly object to any more trees or bushes being chopped down and burned.
- The development is totally out of character with its surroundings.
- East Morton Primary School is already full to capacity.
- Further buildings will further urbanise the area with stresses on the environment including wildlife habitat.

#### **Consultations:**

##### **LDF Policy Team**

At 20DPH the density is considerably lower than that required under policy H7 of the rUDP. However, considering the sites proximity to green belt, the character of the area and the protected trees, the density in this specific development is considered acceptable.

##### **Highways Development Control**

The application as submitted in its current form does not meet minimum highway safety requirements. Therefore I would not be able to support the proposal unless the following issues are addressed:

##### **Access**

The current access arrangement shown on plan is sub-standard in terms of layout. The proposed access road is off a cul-de-sac that currently forms a turning head to Highfield Drive. The layout fails to show the existing footways around the turning head and how these tie into the proposed. The access arrangement does not also conform to recognised standards; it is unclear whether it is a shared surface road or a traditional estates road. Current guidance recommends that the road should be designed as a shared surface road, 5.5m wide with a ramp at the site entrance. Past the ramp, the footways from Highfield Drive should merge into 0.6m wide service margins around the perimeter of the road. Past the turning head to Yard One, the proposed access road appears to be designed as a private drive serving the remainder of the development. Current standards recommend that private drives should serve not more than 5 dwellings. The bends in the initial stretch of the road do not afford for good forward visibility. Sightlines should be shown and protected, bends widened and passing places provided.



#### Turning Facility/Servicing/Waste Disposal

If the court yard arrangements are to be retained full turning heads should be provided. In any revised submissions, vehicle swept paths should be used to demonstrate how a refuse vehicle is able to enter and exit the site in a forward gear. Manual for Streets recommends that an 11.6m long refuse vehicle should be catered for.

#### Parking (Drive & Garage Dimensions)

Although parking is provided at 200% for many of the units, the sizes of the spaces and garages are substandard. Current standards recommend that driveways are at least 3m wide or 3.3m where the drive provides the main pedestrian access into the dwelling. Driveways and forecourts to garages should be at least 5.6m long. Where tandem parking is proposed they should be 11m long. Intermediate lengths would encourage parking 2 cars on short drives thereby leading to vehicles overhanging the footways or service margins. This should be avoided. For the garage sizes, current standards recommend that garages have at least 3m x 6m internal dimensions with at least 5.6m long drives or forecourts. Thus the general layout arrangement should be revised to show these standards and recommendations.

#### Visitor Parking

The 3 spaces provided for visitors are concentrated at the entrance adjacent to plots 1-3. Good practice advises that these should be evenly distributed across the site to allow room for visitors to other sections of the site. Visitor parking should be made in the form of lay-bys parallel to the access road to ensure that they form part of the adoptable highway. Lay-bys should be in multiples of 6m (i.e. two 6m long lay-bys OR 12m long lay-by). Longitudinal and Sections Long and cross section through the centreline of the proposed road should be submitted showing the existing and proposed roads (and ground levels).

Amended plans were received, and the highway officer was of the opinion that the only outstanding matter was the bin collecting area for plots 4-7 and 10 to 12 which was located on the proposed private drive and about 50m from the adoptable shared surface road. This matter too has now been resolved.

#### Design Enabler

This is in general an excellent set of proposals. The roof to plot 7 should be amended. The stone work should be in continuous regular courses (such as 100/125/150mm) with no jumpers and no random rubble walling. The quoins should be of the same material and should not have a sawn face. They should "jump" two courses and be random lengths with a 100mm return (if that's the width of the outer leaf) Pointing should be more or less flush. Cills and heads should be sawn. Finally; the hard paving should be simplified and informalised.

#### Landscape Design Unit

There is a very large amount of hard surfacing within the scheme. There are obviously important highways and maintenance issues to consider but ideally this would be softened. The developer may wish to consider the use of reinforced grass or gravel with sett detailing, or a combination.

The size of the gardens space in relation to the size of the buildings and in particular the garden to Fieldhead House itself, seem very small.

### **Metro**

Metro support the provision of MetroCards at this development. The new scheme requires these to be provided to 60% of the total number of units over a 3 year period on a first come first served basis. If the council considers MetroCards are appropriate this should be secured via a s106 agreement.

### **Conservation and Design**

The application does not affect any heritage assets.

The design is well thought out and makes good use of the site, given the constraints of the trees and the topography. The proposed courtyard layout is designed to be a modern interpretation of an agricultural holding and provides a well defined edge to the built up area. The layout provides good permeability and allows views and vistas through the development.

The types and finishes of the areas of hardstanding should be given careful consideration and the use of several different finishes could give an untidy appearance that would undermine the overall uniformity of the style and detailing.

The scale form and mass of the buildings appear appropriate to the style of the development. They are well detailed and avoid “tacked on” architectural features that could result in a pastiche appearance. The use of natural materials is appropriate in this location.

Details regarding the finish of the timber windows, the choice of materials etc should be secured by condition.

### **Drainage**

The closest public sewer is located in Street Lane; connecting to this will require an off site sewer. If it is proposed to discharge flows to an outlet other than the public sewer system than that outlet must be proved both hydraulically and structurally adequate.

The site must be investigated for its potential for the use of sustainable drainage systems for the disposal of surface water. Only in the event of such techniques proving impractical should other methods be considered.

No development should take place until all drainage details have been submitted and approved.

### **Trees**

Whilst the body of the survey itself to the relevant British Standard (BS5837) the original site layout plan showing the RPA's of the trees did not tally up with the survey.

Subsequently the arboricultural information submitted was not strictly to the BS. The Trees Team cannot support the application until the development is shown to comply with tree protection minimum distances. Notwithstanding this, at least plot 6 and proposed hardstanding would appear to be within the RPA of T12 which would be unacceptable. There may be other issues which cannot be ascertained at present due to the lack of meaningful arboricultural information.

There has been a large spoil heap/hardstanding piled under the trees to the rear of the site which is affecting roots of protected trees.

Following amendment to the plans the RPA is still shown as offset to show the house in a more tree friendly position. There is no provision to offset the RPA as per BS5837 because the tree cannot be defined as being open grown.

If this development is approved there are likely to be issues with tree roots within the existing bund/spoil heap which is being flattened. The has existed for a number of years albeit has grown over the years. It is likely that there will be roots within the bund as the tree has tried to compensate for changes in grade. Therefore if the bund is dug by hand (via method statement) and structural roots found it would be impossible to reduce the bund further without significantly damaging the tree. Therefore can a condition can be imposed that the bund between house 6 and car parking spaces should only be removed completely with approval in order to safeguard roots if they are found?

If approving please also condition tree protection, tree planting and method statement to be approved.

### **Department of Children's Services**

The nearest primary schools are Crossflatts and East Morton CE which are both full. The closest secondary school is Bingley Grammar and this too is full. Therefore the following contributions are sought from the developer:

Primary = £19,569  
Secondary =£18,271  
Total = £37,840

### **Recreation**

A contribution in lieu of on-site recreational provision is requested, totalling £13,186.

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

- Principle of the proposal.
- Local and residential amenity.
- Highway Safety.
- Trees.
- Drainage.
- Social Contributions.

### **Appraisal:**

#### **Introduction**

The scheme proposes a development of 12 houses on land to the east of Fieldhead House and amendments to a previously approved application for a detached bungalow on land to the south of the parent dwelling, adjacent to 15 Highfield Close. The proposed layout is configured around three yards creating a farmstead style layout to reflect the rural character of the surroundings. The initial portion of the access road from Highfield Close, up to and including the turning head, will be constructed to adoptable standards whilst the remainder becomes a private shared surface with a further turning facility in yard 3. The existing mature trees are to be retained as is a portion of the beech hedge, which will be incorporated into the new layout.

### **Principle**

The site forms a residential curtilage in a predominately residential area on the edge of the Green Belt. Under the terms of the most recent revisions to Planning Policy Statement 3 (PPS 3) in June 2010, garden sites are no longer classified as previously developed land. However, this revision to PPS 3 does not fundamentally alter the circumstances in which the site may or may not be considered acceptable for development and also makes no statement that the development of private gardens areas is unacceptable in principle and should not be permitted. Each application must be assessed on its merits in relation to its impact on local character.

The location of the site is considered to be moderately sustainable; it is located within 300 metres of a bus route which offers services to Crossflatts with further access to Bingley and the larger centres of Leeds and Bradford by a regular train service. It is therefore felt that, despite the topography of the area with steep access from Carr Lane/Street Lane, access to a wider range of services and facilities is obtainable for most users without reliance on the private car.

Objectors have cited policy UR4 (the sequential approach to accommodating development) in objection to the principle of development. This policy has been used as a previous reason for the refusal of planning consent for development at this site (e.g. 06/05761/FUL) and this was upheld by an Inspector at the subsequent appeal. However, at that time an adequate 5 year housing land supply could be demonstrated. This is no longer the case and in light of this all suitable sites should be carefully considered to assist in housing delivery.

Policy UR4 was not one of the policies that was “saved” by the Secretary of State in 2008 and is therefore no longer part of the development plan. Given the above, it is considered that the site is moderately sustainable and that in principle, the proposal is acceptable.

### **Density**

The density of development (if one includes the existing dwelling) would equate to approximately 20 dwellings/ha, slightly more if the land on which Fieldhead House stands is excluded. As highlighted by the LDF team this is considered appropriate in this location given the character of the surrounding area and the site constraints in terms of trees, access and topography.

### **Residential amenity**

The proposed layout of the scheme provides sufficient separation distances between existing properties and those proposed to prevent significant harm to amenity through overlooking or overbearing. Within the development, the separation distances between primary habitable room windows are also sufficient. No issues regarding overlooking or overshadowing are therefore foreseen.

The application proposes some amendments to the previously approved application (09/01914/FUL) for a construction of a detached dwelling on land to the south of Fieldhead House. These make the dwelling slightly longer but slightly narrower, move it a meter or so further from the adjacent dwelling at 15 Highfield Close, and proposes some very minor changes to the design. Overall they do not significantly alter the impact that this dwelling will have in terms of overlooking, overbearing or appearance and are considered acceptable.

### **Visual amenity/design**

The design of the scheme differs significantly from the appearance of the immediate area, attempting to reflect the historic context of the village of East Morton rather than the very standard suburban developments which abound in the area. The site is not particularly prominent from public views, being located at the end of a small cul-de-sac on the edge of open countryside. Overall, the proposed scheme is considered to make a positive contribution to the area and to be a welcome contrast from the modern appearance of the surrounding developments. The design enabler, the conservation officer and the landscape design team have noted that proposal is of a high quality which reflects the vernacular architecture of the area without straying over into pastiche. The layout will create interesting and varied views and vistas as one walks through the development, and it is considered to be an appropriate style for the edge-of-green-belt location. The details of the proposed hardstanding areas have been amended to simplify the palate and a notation added to the drawing to clarify which areas are hard and which soft, which helps to allay concerns that there was an over predominance of hard surfacing. The design of the roof to the central three storey feature block has also been amended in light of the comments of the Design Enabler.

The one weakness of the scheme is the size of the remaining garden for the parent dwelling, Fieldhead House, which will be very small for what is a large family home. A scheme to divide this dwelling into two was approved in 2006 under application 06/03046/FUL. This has lapsed but the applicant has indicated that this would be the intended future for the dwelling. However, be it one large family home or two smaller ones, the fact remains that they will retain very little outdoor amenity space.

### **Trees**

The site benefits from a number of mature trees, particularly to the site boundaries and with thin cover within the main part of the site. There is a tree preservation order which covers a number of individual trees, such as those labelled T8 (oak) and T12 (sycamore) on the submitted site plan, along with small group to the north-western boundary of the site. T8 is located in the centre of the site within a mature beech hedge running from east to west. It will be protected and retained to form a pleasing landscaped focus in the middle of the development. Two groups of Lawson Cypress along the southern boundary will be removed to be replaced with more suitable native species, details of which must be secured by condition.

The tree officer raised some concerns about the information submitted and the proposal, which showed plot 6 and proposed hardstanding within the RPA of T12, as well as the removal a spoil heap which has been located at the base of this tree for a number of years. There are concerns that there may now be structural roots growing within this bund. Plot 6 had been moved slightly to better accommodate the RPA of T12 and the tree officer is content that details of the bund removal method and hardstanding construction can be left to condition.

### **Highway safety/Parking**

Fieldhead House is accessed via a short 15m driveway from the turning head at the end of Highfield Close, which links to the local highway network via Street Lane, approximately 110m to the west. The junction with Street Lane has good visibility to the south, whilst the visibility to the north is somewhat limited by the rising topography and a large hedge. The objectors have raised concerns about the safety issues that the extra traffic generated by the development would cause along Highfield Close and at its junction with Street Lane. The highway officer does not share these concerns and has raised no fundamental objections to the proposal. The matters regarding the internal layout highlighted in the initial consultation response have been satisfactorily overcome; sight lines have been demonstrated, as have the turning facilities, parking spaces increased in size, arrangements for the pavement at the entranceway improved etc and it is now considered that the proposal will not result in conditions prejudicial to highway safety. The initial length of road up to the first yard/turning area will be constructed to adoptable standards; this will leave 7 dwellings to be served from the private shared surface access. Whilst this is more than the recommended 5 the proposed layout makes an interesting and innovative use of the site which would be compromised if this limit were to be slavishly adhered to. For this reason it is considered acceptable in this instance.

### **Drainage**

Concerns have been raised by neighbours about the suitability of the local drainage and sewer system to cope with the extra demand that would be created by the development. This is essentially a practical issue that will be appropriately dealt with under the building control regulation. The drainage officer has advised that the site must be investigated for its potential to be drained by sustainable methods and that details of the drainage scheme should be secured by condition.

### **Social contributions**

The following social contributions are to be secured via a s106 agreement:

Primary education £19,565

Secondary education £18,271

Recreation/open space £13,186

The development falls below the minimum threshold of 15 dwellings and therefore a contribution to affordable housing would not be requested.

Whilst Metro would support the provision of Metro Cards at this development the developer has not been requested to provide these as it was considered more important to secure contributions towards education and recreation.

### **Community Safety Implications:**

There are no apparent community safety implications.

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

#### **Head of Terms of s106 Agreement**

#### **Recreation contribution:**

The sum of £13,186 (subject to RPI increase) will be paid to the Local Planning Authority for the purpose of maintaining the existing recreational facilities and playing pitches in the vicinity of the site. (Officer contact: Nanette Metcalf)

**Education contribution:**

The sum of £37,863 (subject to RPI increase) will be paid to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure in the vicinity of the site.  
(Officer contact: Helen Latka)

**Conditions of Approval:**

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

6767 001 – Site Location Plan  
6767 101 Rev. B – Site Layout Plan  
6767 102 – Topographical Survey  
6767 201 – Plots 1, 2 and 3 Plans and Elevations  
6767 202 – Plots 4, 5 and 6 Plans and Elevations  
6767 203 Rev. A - Plots 7, 8 and 9 Plans and Elevations  
6767 204 – Plots 10, 11 and 12 Plans and Elevations  
6767 205 – The Lodge Plans and Elevations  
6767 206 – Double Garage Plans and Elevations

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (as amended) or any subsequent equivalent legislation, no development falling within Class(es) A to E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To accord with Policy D1 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. 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:

1. Levels changes associated with the construction of the development and the removal of the existing spoil heap around T12. This area must be dug by hand and suitable proposal forwarded to deal with any structural roots which may be found growing in this area.
2. Full engineering details of all associated works within the Root Protection Area of the tree identified as T12 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 T12, 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.

6. Before any part of the development is brought into use the proposed means of vehicular access and the vehicle turning area hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plans and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access and a suitable turning facility is made available to serve the development in the interests of highway safety and to accord with TM19a policies of the Replacement Unitary Development Plan

7. 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.

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



8. 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 submitted shall include details of sustainable drainage arrangements for surface water or a technical explanation of why such techniques are not suitable on this site. The scheme so approved shall thereafter be implemented prior to the occupation of the development.

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

9. The development shall not begin until a scheme of hard and soft landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. This shall feature a predominance of locally native species as listed on the Natural History Museums Postcode Plants Database.

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.

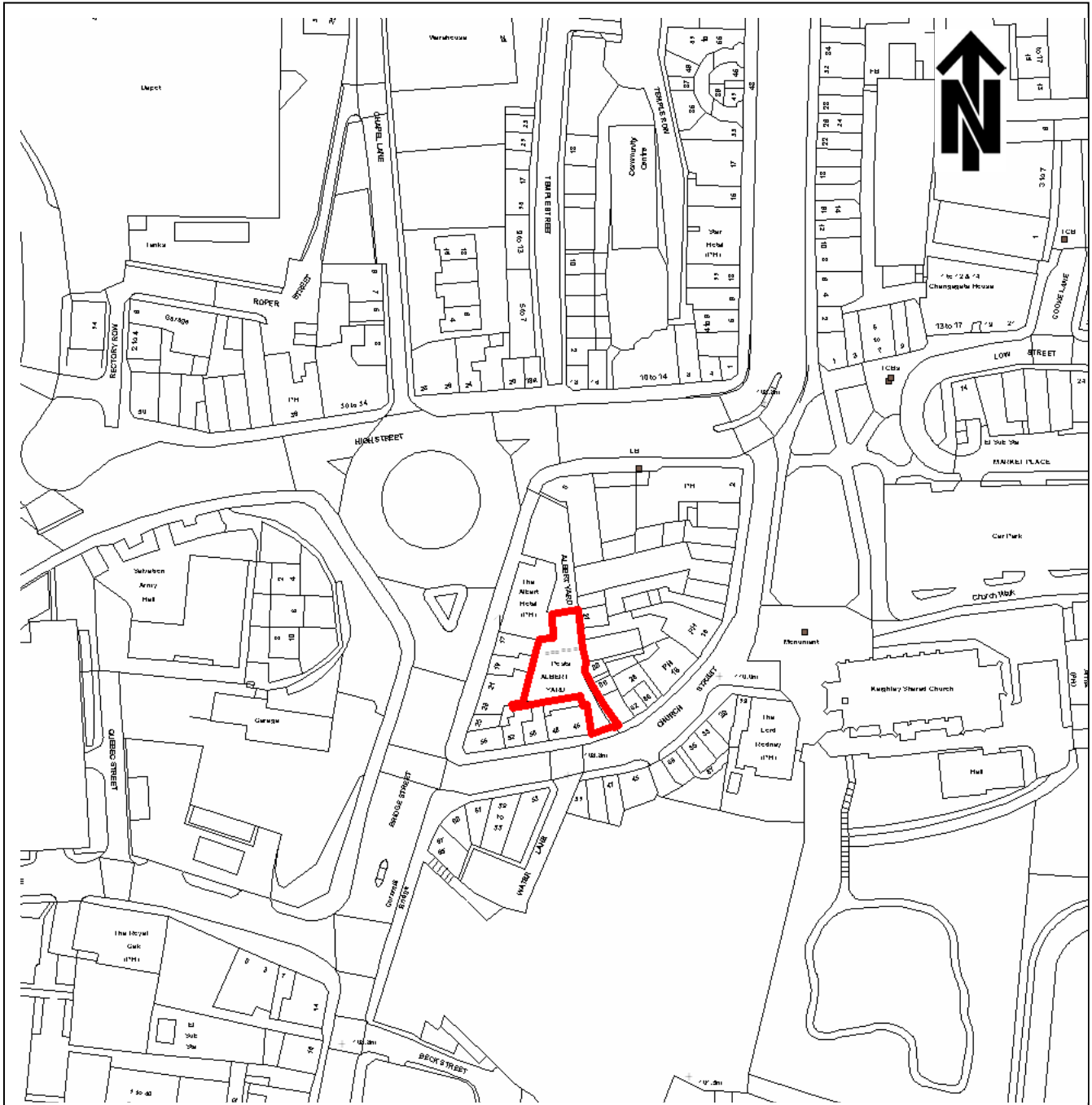
Reason: In the interests of visual amenity and to accord with Policy D5 of the Replacement Unitary Development Plan.

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## Area Planning Panel (Keighley)

11/01684/VOC

23 June 2011



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ITEM NO. : 4

LOCATION:

**34 Albert Yard  
Church Street  
Keighley**

**23 June 2011**

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

**Application Number:**  
11/01684/VOC

**Type of Application/Proposal and Address:**

Application for removal of condition 2 attached to planning permission 07/02235/COU to allow the existing private hire booking office to attract visiting customers and to allow use of the premises as a waiting room, at 34 Albert Yard, Church Street, Keighley BD21 5HS.

Condition 2 states: "The private hire booking office hereby permitted shall be used only for the telephone and radio arrangement of the private hire business and shall not operate so as to attract visiting customers, or as a waiting room in connection with the business".

**Applicant:**  
Azad Yousuf

**Agent:**  
Not applicable.

**Site Description:**

This property comprises a small, terraced former cottage located on the east side of Albert Yard, a small and intimate space between buildings on the north side of Church Street and within the Keighley Town Centre Conservation Area. The property is not listed.

Access to the premises is taken from Church Street, a one-way and width-restricted highway linking Bridge Street and High Street, Keighley. Church Street is subject to significant traffic flow and on-street parking demand associated with the variety of commercial and residential uses along its length. Church Street has also undergone further works at its eastern end in connection with an upgrading of the Church Green area of public open space.

**Relevant Site History:**

07/02235/COU – Private hire booking office. Granted by an Inspector on appeal subject to conditions including condition 2 which this application seeks to remove.

08/00593/COU – Private hire waiting room. Refused and appeal dismissed.

09/03205/FUL – Drivers' rest room. Refused and appeal dismissed.

Enforcement action and court proceedings to secure compliance with conditions of operation of private hire business.

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

The site is unallocated on the RUDP but situated within the designated Keighley Town Conservation Area.

**Proposals and Policies**

UR3 – local amenity

D4 – security

BH7 – Conservation Area

TM2 – highways

TM11 – highways

TM19A – traffic management and road safety

**Town Council:**

Recommended for refusal. The proposal will attract more taxis to the area and will create more traffic. If this proposal is to be recommended for approval the Town Council would wish for the matter to be referred to the Area Planning Panel.

**Publicity and Number of Representations:**

Advertised by neighbour letters and site notice with a target date for the receipt of representations being 9 June 2011. A number of anonymous letters have been received, some raising objections and others in support.

**Summary of Representations Received:**

In broad terms the objectors are concerned that there are already too many taxis in the street; that parking takes place on pavements; and that fares are already picked up in the street by this company.

Supporters refer to problems of large numbers of people congregating in Church Street in the late evening, and that a further taxi waiting room would speed up the process of getting people home.

**Consultations:**

Highways - Objection. The Planning Inspector, in granting planning permission on appeal for a private hire booking office, stated "the private hire booking office hereby permitted shall be used only for the telephone and radio arrangement of the private hire business and shall not operate so as to attract visiting customers, or as a waiting room in connection with the business". Two off street car parking spaces are offered. This is well short of the recommended minimum of five spaces or 1 space per 4 cars. As a result of this, private hire vehicles would have to park on Church Street whilst waiting to pick up customers from the waiting room. Since these premises were approved by the Inspector, and in conjunction with the existing private hire business in the vicinity of the application site, Church Street has become increasingly busy with increased traffic congestion. The current proposal will compound this situation due to significant increases in taxis waiting on Church Street. The associated stopping, parking and manoeuvring of vehicles would lead to conditions prejudicial to highway safety and further affect the free flow of traffic on Church Street. This is not acceptable from a highway point of view.

Drainage - No comment.

Design and Conservation - No external alterations are proposed. The proposal would not impact detrimentally upon the character and appearance of the conservation area. No objection.

**Summary of Main Issues:**

1. Principle.
2. Local amenity.
3. Highways.

**Appraisal:**

An existing taxi office, Metro Taxis, occupies premises on the south side of Church Street opposite the entrance to Albert Yard. This business formerly, and historically, occupied premises on the north side of Church Street but relocated across the road to take advantage of renovation works on Hattersley's Crescent. This relocation was on the basis of an agreement under s106 of the Town and Country Planning Act requiring that the original offices used by Metro Taxis permanently ceased use as a taxi office in view of the likely traffic problems that two such offices in this street would cause.

A private hire booking office in 34 Albert Yard was however granted planning permission on appeal on 15 November 2007 (ref 07/02235/COU). That permission was subject to conditions that included a restriction to ensure that the business operated as it had been described by the applicants, involving only a telephone and radio room. The Inspector, in applying this condition, sought to prevent taxis or customers attending the premises in the interests of local amenity and highway safety.

Following that grant of permission an unauthorised use commenced in the immediately neighbouring property 36 Albert Yard, providing a customers' waiting room to serve the new taxi booking office. Following enforcement enquiries, a planning application was made by the operators to regularise this waiting room use (ref 08/00593/COU). This planning application was refused and a subsequent appeal against the decision was dismissed.

A further planning application (ref 09/03205/FUL) for the use of the property as a drivers' rest room was also refused and the resulting appeal was dismissed.

**Principle**

As noted, the private hire business to which this application relates was granted planning permission on appeal. This appeal was lodged on the basis of non-determination, following a request on behalf of the applicants that the matter be referred to the Area Planning Panel, which clearly would result in a delay in any decision being reached.

Upon commencement of the operation of the business, difficulties in and around Church Street in respect of on-street parking of private hire vehicles, the alleged illegal plying for trade in the highway, and significant night time disturbance as a result of customers attracted to the booking office led to complaints. In turn these led to involvement by the Police and ultimately to Court proceedings.

These problems had been foreseen by the Planning Inspector considering the appeal for the first establishment of a radio and telephone booking office. Condition 2 of Planning Permission 07/02235/COU was applied by the Inspector to ensure that highway safety and local amenity were protected.

The condition was however breached, leading to the enforcement proceedings referred to above.

As a matter of principle it is considered that the removal of Condition 2 of planning permission 07/02235/COU would lead to an increased number of vehicles waiting in Church Street and Albert Yard. In these circumstances it is considered that the proposed change of use is unacceptable, being contrary to Policies UR3, TM2 and TM19A of the RUDP.

## **Highways**

Church Street is a one way thoroughfare linking Bridge Street and High Street. It is busy and includes limited on street parking to serve local businesses as well as the wider public.

Previous operations by this private hire business have led to excessive parking and obstruction resulting in the enforcement action referred to above.

Albert Yard, which the Planning Inspector considered was adequate to serve the parking needs of the radio/telephone operator is small and has limited space for manoeuvring. Its access from Church Street is most substandard with no effective visibility for emerging drivers to the detriment of both pedestrian and vehicular safety. It is also in constant use for parking by local businesses, residents and contractors in the area.

The Highway Engineer confirms that there is inadequate off-street car parking available to serve the taxi business in the event that customers were permitted to await collection at the premises or that private hire vehicles were permitted to attend the premises as the applicants propose.

The proposed removal of condition 2 would result in the attraction of additional cars into Church Street, a situation that the Highway Engineer states would be unacceptable and contrary to Policies TM2 and TM19A of the RUDP.

## **Local Amenity**

As noted above, the unauthorised attraction of vehicles and customers to the premises has already been shown to result in unacceptable effects upon road safety, amenity and general public order and that these problems led to legal action being taken by the Council.

In the circumstances the proposal considered here would be a retrograde step in terms of local amenity. The additional parking of cars on Church Street and Albert Yard would likely lead to problems for the servicing of existing local businesses including a public house whose arrangements involve the use of Albert Yard for deliveries and waste collections.

Representations from neighbouring residents point to disturbance from the attraction of customers and that the parking of cars along Church Street causes difficulties for residential occupiers in the vicinity.

It is clear that the intensification of vehicle related businesses in this part of the town centre, and the attraction of customers particularly in the late evening, will adversely affect local amenity as a result of noise and general disturbance. These problems were foreseen by the Planning Inspector when considering the original appeal (07/02235/COU). The planning condition that the applicants now wish to remove was imposed by the Inspector in order to address the very problems that arose following the condition being breached. To remove the condition would leave the Council with no planning enforcement control over the effects of the business on the local environment.

The proposed removal of Condition 2 of planning permission 07/02235/COU would therefore be contrary to RUDP policy UR3 in terms of the effects upon surrounding occupiers, existing businesses and the overall quality and appearance of this part of the Keighley Town Centre Conservation Area.

**Community Safety Implications:**

There are no community safety implications.

**Reasons for Refusal:**

Refuse for the following reasons:

1. The proposed removal of Condition 2 of Planning Permission 07/02235/COU would serve to increase vehicular activity in the local highway network to the detriment of highway and pedestrian safety, and would result in additional parking demand in an already busy town centre location where parking facilities fall well short of the required minimum. As such the proposals would fail to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.
  2. The additional parking demand arising from the proposed development would likely adversely affect local business servicing arrangements as a consequence of increased parking and potential obstruction of the highway. The proposals therefore are contrary to Policy UR3 of the Replacement Unitary Development Plan.
  3. The increased level of vehicular traffic in the local network of streets, particularly in the evenings, together with the attraction of customers, would have an adverse impact upon local residential amenity as a consequence of additional noise and general disturbance, contrary to Policy UR3 of the Replacement Unitary Development Plan.
-