

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 27 October 2011

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 Moor Lane Addingham LS29 0PS - 11/00636/FUL [Approve] (page 1)	Craven
2.	60 Victoria Avenue Ilkley LS29 9PN- 11/02327/FUL [Approve] (page 10)	Ilkley
3.	8 Browfield View Keighley BD22 6LQ - 11/03534/HOU [Approve] (page 19)	Keighley West
4.	HGV Testing Station 51 Steeton Grove Steeton With Eastburn BD20 6TT - 11/03129/FUL [Approve] (page 24)	Craven
5.	Scrap Yard Castle Mills Becks Road Keighley BD21 1SP - 10/04672/OUT [Refuse] (page 29)	Keighley West

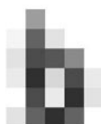
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Portfolio:
Environment and Culture

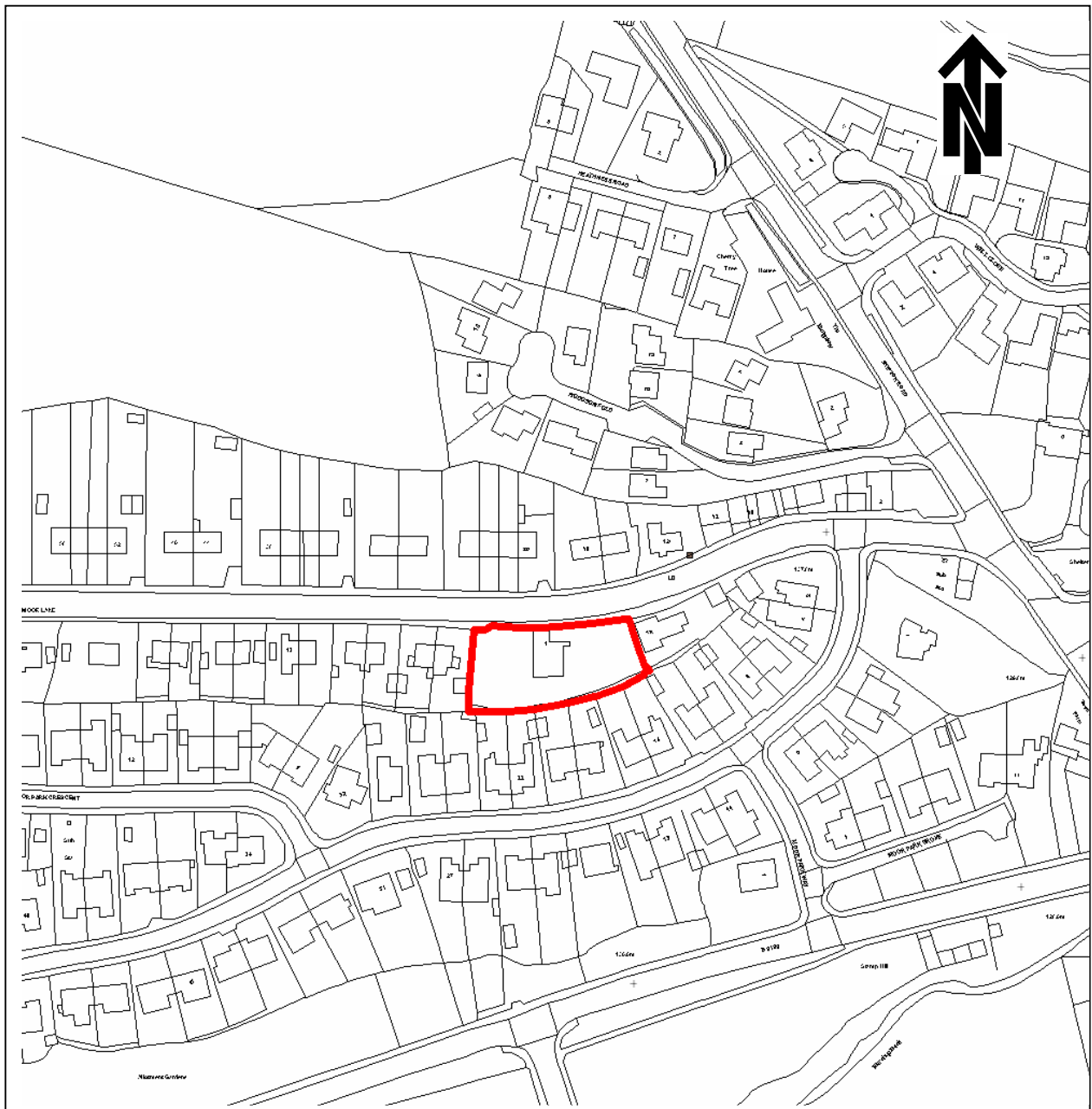
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley)

11/00636/FUL

27 October 2011



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ITEM NO. : 1

LOCATION:

**1 Moor Lane
Addingham**

27 October 2011

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

Application Number:
11/00636/FUL

Type of Application/Proposal and Address:
Full application for the construction of five dwellings and demolition of the existing dwelling at 1 Moor Lane, Addingham.

Applicant:
Mr Ian Silverthorne

Agent:
Mr Andrew Coates, AGC Design

Site Description:
The site consists of a large existing stone built detached dwelling and its curtilage. The surrounding area is entirely residential with a variety of housing styles in the vicinity of the site. There is a modern detached house at the eastern end of the site. The houses along Moor Lane are primarily 1930s stone semis with hipped roofs and to the rear (south) of the site are bungalows. The Addingham conservation area is located to the east of the site at the junction of Skipton Road and Moor Lane. However, the site is sufficiently distant from the boundary of the conservation area for it to have no material effect upon its setting. A number of trees are located to the rear of the site and mixed vegetation is found within the site itself. There are no tree preservation orders within the site boundaries. A small watercourse run along the run boundary of the site. Access to the site is directly from Moor Lane.

Relevant Site History:
10/04390/FUL: Demolition of existing house and garage and construction of 7 dwellings (withdrawn 18.11.2010).

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated

Proposals and Policies

UDP1	Promoting Sustainable Patterns of Development
UDP3	Restraining Development
UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
TM2	Impact of Traffic and its mitigation
TM12	Parking standards for residential developments
TM19A	Traffic management and road safety
D1	General design considerations

H7	Housing density
H8	Housing density (expectation)
NE4	Trees and woodland
NE5	Protection of trees on development sites
NR16	Surface Water Run Off and Sustainable Drainage Systems
NR15B	Flood Risk
NE10	Protection of natural features and species
NE11	Ecological appraisals

National policy

Planning Policy Statement 1:	Achieving Sustainable Development
Planning Policy Statement 3:	Housing
Planning Policy Statement 9:	Planning for the natural environment
Planning Policy Guidance Note 13:	Transport

Parish Council:

Addingham Parish Council

Publicity and Number of Representations:

The application has been publicised by individual notification letters and site notice - expiry date of the publicity period was 18 March 2011. Following amendments to the scheme received in September 2011, the application was republished with additional individual notification letters. The parish council and local councillor were also informed of the revised plans. The expiry date of the second period of public consultation is 14 October 2011. The first period of publicity resulted in 20 letters of objection in addition to an objection from both Addingham Parish Council and a local ward councillor. The second period of publicity has resulted in a further 6 letters of objections being received and the original objections submitted by the parish council and local ward councillor being repeated.

Summary of Representations Received:

Objections:

1. Adverse visual impact of the development on the street scene
2. Overdevelopment of the site, overbearing nature of the development on surrounding properties
3. Highway safety implications
4. Lack of consultation about the scheme
5. Culverting of the watercourse to the rear of the site leading to increased flood risk
6. Drainage issues
7. Parking problems and emergency access
8. Loss of the stone wall to the frontage of the site
9. Adverse impact on protected species at the site (bats)
10. Loss of trees on the site and loss of Oak tree to the front of the site
11. Flood risk at the site
12. The excavations required for the new development would undermine the existing properties on Moor Lane

Consultations:

Highways: No significant concerns raised over the latest amended plans received on September 23 – boundary walls should be lowered to 900mm.

Trees: No objections (informal consultation).

Drainage: No objections provided the culvert is not stooped up.

Environmental Protection: No objections.

Minerals and waste: No significant concerns expressed – site located within 250 metres of former landfill site, but this has not been restored to agricultural land.

Biodiversity officer: No comments received.

Environment Agency: No objections provided the watercourse is not culverted (the revised scheme confirms this will be the case).

Summary of Main Issues:

1. Principle
2. Visual impact
3. Residential amenity
4. Highway safety
5. Trees
6. Drainage and flood risk
7. Protected species
8. Comments on other representations received

Appraisal:

1. Principle

The site is unallocated by the Replacement Unitary Development Plan but the principle of development for residential purposes is considered acceptable provided site specific constraints can be overcome and providing the character of the area can be maintained. The site is private garden curtilage, but is of modest scale and its development would not harm the wider objectives of the development plan. The amendments to Planning Policy Statement 3 : Housing published by Government in 2010 removed gardens from the definition of previously developed land but did not prohibit all development on such areas or provide any opinion that such development is unacceptable. Given the individual site circumstances, the principle of development is considered acceptable. Given the site area of about 1,150 sq. metres, a density of approximately 43 dwellings/ha is achieved which is considered acceptable in this location making an efficient use of the site.

2. Visual impact

The scheme was originally submitted for 7 much larger houses (10/04390/FUL), but now consists of five dwellings (originally 6 dwellings on submission of this application). Revisions have been made to the original scheme including design changes to enable the scheme be more sympathetic to the street scene. It is proposed to construct three separate buildings on the site, these taking design cues from the surrounding properties. Moor Lane itself is a fairly typical residential street scene with semis being the main built form, however, towards the junction with Skipton Road the nature of the street scene changes to a more random pattern with detached properties becoming more dominant. As part of the scheme it is now proposed that much of the existing dry stone wall will remain to the frontage of the site with the exception of the areas to be removed for the driveway access points. It is considered that the overall design, scale and materials proposed for the development allow it to relate sympathetically to the street scene and would not significantly harm its character or appearance.

3. Residential amenity

All of the proposed units maintain sufficient distances to the site boundary to prevent significant overlooking. A distance of 10.6 metres is achieved as a minimum where rears facing habitable room windows are proposed. Where the two sets of semis are proposed, part of the buildings approach closer to the boundary, however, the habitable rooms on these parts of the building are served by rooflights preventing direct overlooking – this is considered acceptable. Facing distances to the properties on the opposite side of Moor Lane are in excess of the required 21 metres. There will be limited impacts on the amenities of the dwelling adjoining the site due to there being no habitable room windows on the side elevations of these properties.

4. Highway safety

The development will be accessed directly from Moor Lane via private driveways. Each dwelling will also accommodate an integral garage. It is therefore considered that the required level of parking in accordance with the RUDP standards has been achieved. A condition will be imposed to ensure that the boundary wall is limited to a height of 900 mm within the required visibility splays. Given the satisfactory access and parking arrangements, it is considered that no significant highway safety implications would result from the proposed development.

5. Trees

There are a number of trees within the site, many of which are poor immature specimens and have no significant amenity value within the street scene. Most of the trees within the site will require removal to allow for the development to take place. However, few of the trees offer any significant amenity value and it is considered that their loss is acceptable. T1 (as identified in the tree survey) is more significant within the street scene due to its height and prominence, however, this tree will be retained and may require minor works to allow construction of the detached dwelling. This tree is situated on third party land. The remaining vegetation on the site is limited in terms of its amenity value and at present creates a discordant feature within the street scene. Some replanting may be possible to the rear section of the site once the development is complete to allow additional tree cover within the street scene.

6. Drainage and flood risk

The site lies with flood zone 1 as defined by the Environment Agency and given that the site area is less than 10,000 sq. metres (1 ha), no flood risk assessment is required. The original proposal involved blocking up the culvert on the watercourse to the rear of the site – the Environment Agency objected to this due to increased risk of flooding to surrounding properties during extreme wet weather if this were to occur. This revised proposal will keep the culvert open to allow free draining and it is considered that the development would not present a significant flood risk. Full details of the method and discharge rates of surface water runoff management will be controlled by conditions to prevent the watercourse being overwhelmed during wetter periods of weather.

7. Protected species

A protected species survey has been carried out in July and August 2011 following on from the roost potential survey in February and assessed both the house and the site for potential for bat roosts. The conclusion of the report was that there were possibilities that the existing house could provide appropriate roosting potential for bats. The surveys conducted concluded that the house and site were being used by a small number of bats (Pipistrelle), however, the site was unlikely to support larger roosts or populations of bats and that there is unlikely to large roosts close to the site. Given this, it is considered prudent to condition the method of demolition of the existing dwelling and also to require a scheme within the new development to encourage bat roosts and bat foraging within the site.

8. Comments on other representations received

The following issues were raised in representations received and are appraised below:

Adverse visual impact of the development on the street scene

See appraisal under 'visual impact'

Overdevelopment of the site, overbearing nature of the development on surrounding properties

See appraisal under 'residential amenity'

Highway safety implications

See appraisal under 'highway safety'

Lack of consultation about the scheme

The application has been advertised during two periods as a result of amended plans being received. Any consultation carried out by the applicant is not the responsibility of the local planning authority; however, such consultation is encouraged.

Culverting of the watercourse to the rear of the site leading to increased flood risk

The watercourse is no longer to be culverted. All aspects of the proposed drainage system will be the subject of control by conditions

Drainage issues

As above.

Parking problems and emergency access

Sufficient parking is provided on site, however, access by emergency vehicles will not be impeded by the proposed development given that such vehicles access the site from Moor Lane.

Loss of the stone wall to the frontage of the site

The wall will not be completely removed by the proposal. Gaps will be created in it to allow for driveway access points, however, the remaining sections will be maintained.

Adverse impact on protected species at the site (bats)

See appraisal under 'protected species'

Loss of trees on the site and loss of Oak tree to the front of the site

See appraisal under 'trees'. The Oak tree to the front of the site has been recently felled; however, permission for this was not required given that it is not protected by a tree preservation order.

Flood risk at the site

See appraisal under 'flood risk'

The excavations required for the new development would undermine the existing properties on Moor Lane

There is no evidence of unstable land at the site and it is considered that the structural safety of the build would be covered under the relevant building regulations.

Community Safety Implications:

None significant.

Reason for Granting Planning Permission:

The principle of residential development of this site is considered acceptable given its small scale and reasonably sustainable location. No significant adverse effects are considered to result in terms of impacts on highway safety, visual amenity, and residential amenity. The loss of trees at the site is considered acceptable given their low collective amenity value, however, replanting may be possible to the rear of the site. Demolition of the existing house can be controlled by planning conditions to prevent significant impacts on protected species. The proposal therefore complies with policies UR2, UR3, D1, TM2, TM12, TM19A, H7, H8, NE5, NE6, NE10, and NE11 of the replacement Unitary Development Plan.

Conditions of Approval:

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

Amended sections plans (06)
Amended elevations (05)
Amended elevations (03)
Amended elevations (04)

Received by the Council on September 9, 2011

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

2. Notwithstanding any details shown on the permitted plans, the development shall not begin until arrangements have been 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.

3. 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 the commencement of the development.

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

4. If during construction any watercourse, culvert or land drain is encountered, details for maintaining the integrity of that watercourse, culvert or land drain shall be submitted to and approved in writing by the Local Planning Authority. The approved detail shall be implemented prior to the development first coming into use.

Reason: To ensure proper drainage of the site and to accord with Policy UR3, D1 and NR17A of the Unitary Development Plan.

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

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

6. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered (01) 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. 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 Classes A to G of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To protect the amenity of the surrounding residential properties and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

8. Before any works of demolition of the existing dwellinghouse commence on site, full mitigation measures for protection and creation of bat roost features, as specified in the bat emergence survey BE-R-0896-02 dated August 2011, shall be undertaken by a suitably qualified person and shall result in the submission of a conformation report for the written approval of the Local Planning Authority.

Reason: To ensure the protection of important species and their habitats in accordance with policies NE10 and NE11 of the replacement Unitary Development Plan.

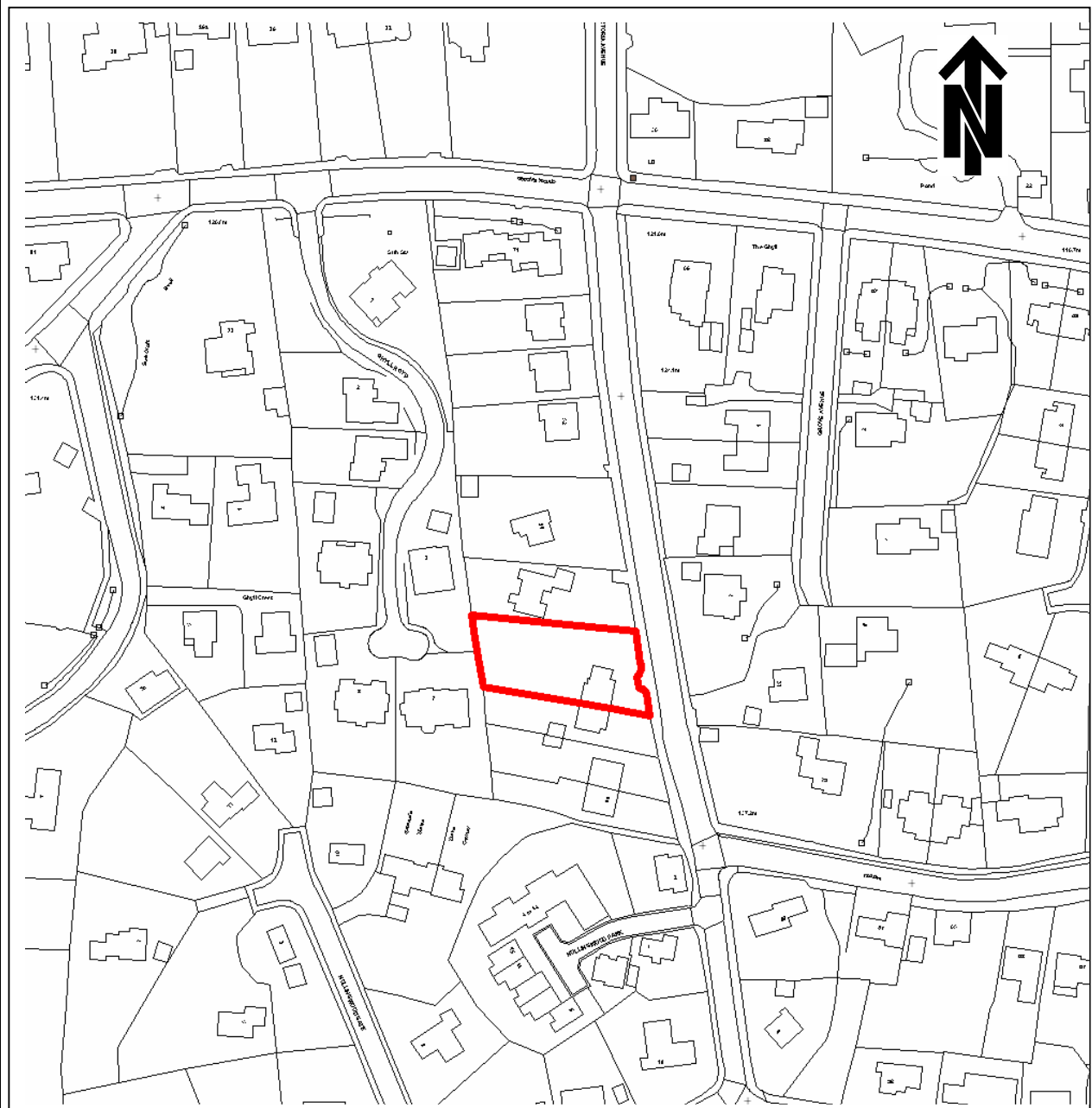
9. The bedroom rooflights located on the rear elevation of plots 2 and 3 at first floor level hereby permitted shall be installed such that there is a minimum internal sill height above finished floor level of 1.8 metres

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

Area Planning Panel (Keighley)

11/02327/FUL

27 October 2011



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ITEM NO. : 2

LOCATION:

**60 Victoria Avenue
Ilkley**

27 October 2011

Item Number: 2
Ward: ILKLEY
Recommendation:
TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:
11/02327/FUL

Type of Application/Proposal and Address:
Full application for the construction of one detached dwelling in the garden of 60 Victoria Avenue, Ilkley LS29 9PN.

Applicant:
Mr D Chary

Agent:
Halliday Clark Architects

Site Description:
The site forms a small parcel of land in the garden behind 60 Victoria Road. No 60 is a white rendered semi detached house in a suburban area to the west of Ilkley. It is not in Ilkley conservation area, but the properties to the west and those on the opposite side of Victoria Road are in the conservation area. The land is surrounded by residential dwellings on all sides. The property to the north (58 Victoria Avenue) is a detached dormer bungalow 1 ½ storeys high set well back into the site. The property behind the site to the west is a detached modern 2 storey house with its side wall and garage facing towards the site.

Relevant Site History:
00/00758/FUL: Single storey extension to rear and conversion of garage. (Application withdrawn).

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated.

Proposals and Policies

UDP1	Promoting Sustainable Patterns of Development
UDP3	Restraining Development
UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
TM2	Impact of Traffic and its mitigation
TM12	Parking standards for residential developments
TM19A	Traffic management and road safety
D1	General design considerations
BH10	Setting of the conservation area

National policy

Planning Policy Statement 1: Achieving Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Guidance Note 13: Transport

Parish Council:

Ilkley Parish Council

Publicity and Number of Representations:

The application has been publicised by individual notification letters expiring 22/06/11. To date 7 objections to the proposals have been received including objections from one of the local Ward Councillors (a request to refer the application to Area Planning Panel has been made).

Summary of Representations Received:

Objections:

1. The house is too big for the plot and does not compliment the area or surrounding properties. It represents overdevelopment of the site.
2. This is backland/infill development that should be discouraged as it detracts from the layout of gardens in the surrounding area.
3. The proposed house will have a very small garden and poor outlook.
4. It is too close to the existing house.
5. It is out of character with the area.
6. The tree adjoining the site entrance will be adversely affected by the excavations for the driveway access.
7. Drainage has always been a problem in this area and a house of this size will cause additional problems. Concerns that changes to levels will affect the water table.
8. The development will adversely affect the adjoining dwelling at 58 Victoria Avenue due to the impact of traffic movements to the new dwelling and due to overlooking and overshadowing of windows in that dwelling.
9. Parking is not adequate and there is insufficient space for a vehicle to turn around inside the site.
10. Concerns about impact on properties to the west (Ghyll Royd) due to overshadowing and overlooking.
11. No site notice as been posing regarding the application.

Consultations:

Highways: Gradient of driveway should not exceed 1 in 20, sufficient turning space within the site should be demonstrated

Trees: The driveway is likely to damage root system of protected tree to the front; latest amended plans are acceptable

Drainage: No objections subject to conditions

Ilkley Civic Society: Objections raised on the basis of overdevelopment of the site, too close to existing dwellings and is out of keeping with the area

Ilkley Parish Council: Object on the basis of overdevelopment of the site, drainage problems.

Summary of Main Issues:

1. Principle
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Impact on the protected tree
6. Comments on representations received

Appraisal:

1. Principle

The site is unallocated by the Replacement Unitary Development Plan but the principle of development for residential purposes is considered acceptable provided site specific constraints can be overcome and providing the character of the area can be maintained. The site is private garden curtilage, but is of modest scale and its development would not harm the wider objectives of the development plan. The amendments to PPS3 : Housing published by Government in 2010 removed gardens from the definition of previously developed land but did not prohibit all development on such areas or provide any comment on the acceptability of such development . Development of private residential curtilage can be considered acceptable if the development maintains the character of the environment and the relevant local policy to apply to assess this is Policy D1 of the RUDP.

2. Visual amenity

The proposed house would be positioned well back from Victoria Avenue and although two storeys in height would be a relatively low structure. It will not be particularly noticeable or dominant when seen from any vantage points in the public domain or from points within the conservation area. In this instance the garden makes no significant contribution to the appearance of the area as it is largely hidden from view by the existing house.

The dwelling will consist of two rectangular forms linked by a central single storey hallway. This ensures that the height is kept reasonably low and comparable with the height of the dormer bungalow to the north (58 Victoria Avenue). A contemporary approach has been taken to the appearance. Materials will be white render and red clay tiles for the roof - both reflect the materials of the existing dwellings surrounding the site. Windows are modern style with aluminium frames.

The design, height and mass of the proposed dwelling are considered acceptable. The surrounding area is characterised by a variety of house designs reflecting varied eras of building. The existing semi is a predominantly rendered house with 1920s features while the dwelling at 58 Victoria Avenue reflects its construction probably in the 1960s and the property to the rear on Ghyll Royd is an entirely stone built house built in the 1990s. The individual design proposed for the site is considered to be an acceptable addition to this existing variety. The scale, form and materials are not unduly imposing or out of keeping and accord with Policy D1 of the RUDP and the limited views of the dwelling from surrounding viewpoints further reduce any visual impact.

As far as possible existing mature vegetation along the site perimeters would be retained to provide a mature setting for the house and this would further reduce its prominence and impact on the local scenery.

3. Residential amenity

The proposed dwelling is located in close proximity to the adjacent property (no 58) approaching with 4.5 metres of its gable side elevation walls, however, the relatively low bulk and height of the dwelling results in little significant overshadowing or overbearing of this property or its amenity area despite the proposed dwelling being located to the south. The proposed dwelling is also separated from the existing house at no 60 by a minimum of 12 metres, protecting outlook from this dwelling and present only a blank wall to it. The scheme has been slightly amended to incorporate an oriel window to the first floor bedroom of the proposed dwelling on its side wall facing no 58 to prevent direct overlooking toward this property. No windows are located on the western elevation of the proposed dwelling. It is therefore considered, given the above, that no significant amenity issues will result from the proposed development. Permitted development rights will be removed to prevent additional windows being inserted without the control of the local planning authority.

4. Highway safety

The new dwelling will be accessed via a private driveway leading off Victoria Avenue. The access will need to a parking area to the front of the dwelling and will be entirely independent of the existing property. The drive will provide sufficient space for a vehicle to turn and enter onto Victoria Avenue in a forward direction – this can be achieved at two separate points on the access drive. Provision is available for two vehicle spaces within the site plus an additional visitor space closer to the site entrance. It is therefore considered that there will be no significant highway safety implications as a result of the development.

5. Impact on the protected tree

The position of the proposed driveway access has been amended since the original submission of the scheme. There is now a minimum distance from the protected Birch tree of 5.8 metres. This is considered sufficient to prevent significant adverse implications for the root structure of this tree, particularly as level changes will be required and that tree roots will be forced to grow further into the site due to the retaining wall on the highway boundary. All new excavation for the access will be well outside the root protection area of the tree.

6. Comments on other representations received

The following other issues have been raised in representations received and are appraised below:

The house is too big for the plot and does not compliment the area or surrounding properties. It represents overdevelopment of the site

See appraisal under 'visual amenity' – the dwelling is considered to be in scale with the surrounding pattern of development

This is backland/infill development that should be discouraged as it detracts from the layout of gardens in the surrounding area.

Planning Policy Statement 3 does not state that garden development is unacceptable – see appraisal under principle of development.

The proposed house will have a very small garden and poor outlook.

The provision of amenity space to the dwelling is considered sufficient given its scale and outlook will be reasonable and acceptable.

It is too close to the existing house.

See appraisal under 'residential amenity'

It is out of character with the area

See appraisal under 'visual amenity'

The tree adjoining the site entrance will be adversely affected by the excavations for the driveway access

See appraisal under 'impact on the protected tree'

Drainage has always been a problem in this area and a house of this size will cause additional problems. Concerns that changes to levels will affect the water table

The site is located with flood risk zone 1 and as the site is less than 1 ha in area, no flood risk assessment is required. The proposal is modest in scale and not considered to result in any significant flood risk – conditions are considered appropriate to control the final method and systems for foul and surface water management.

The development will adversely affect the adjoining dwelling at 58 Victoria Avenue due to the impact of traffic movements to the new dwelling and due to overlooking and overshadowing of windows in that dwelling.

See appraisal under 'residential amenity'

Parking is not adequate and there is insufficient space for a vehicle to turn around inside the site

See appraisal under 'highway safety'

Concerns about impact on properties to the west (Ghyll Royd) due to overshadowing and overlooking

See appraisal under 'residential amenity'

No site notice as been positing regarding the application

It is not necessary to advertise this type of minor proposal by press and site notice. Instead neighbours have been informed by direct letters in accordance with the Council's Publicity Code of Practice and the revised General Development Procedure Order 2011. Sufficient people have commented to confirm that the existence of the application is well known by local residents.

Community Safety Implications:

None significant.

Reason for Granting Planning Permission:

The principle of residential development of this site is considered acceptable given its small scale and sustainable location. No significant adverse effects are considered to result in terms of impacts on highway safety, visual amenity, and residential amenity, or impacts on the protected trees at the site. The proposal therefore complies with policies UR2, UR3, D1, TM2, TM12, TM19A, H7, H8, NE5, NE6, NR15B and NR16 of the replacement Unitary Development Plan.

Conditions of Approval:

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

Amended sections plans (06)
Amended elevations (05)
Amended elevations (03)
Amended elevations (04)

Received by the Council on September 9, 2011

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

2. Notwithstanding any details shown on the permitted plans, the development shall not begin until arrangements have been 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.

3. 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 the commencement of the development.

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

4. If during construction any watercourse, culvert or land drain is encountered, details for maintaining the integrity of that watercourse, culvert or land drain shall be submitted to and approved in writing by the Local Planning Authority. The approved detail shall be implemented prior to the development first coming into use.

Reason: To ensure proper drainage of the site and to accord with Policy UR3, D1 and NR17A of the Unitary Development Plan.

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

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

6. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered (01) 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. 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 Classes A to F of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To protect the amenity of the surrounding residential properties and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

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

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

9. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 575.01 (01) 11 and completed to a constructional specification approved in writing by the Local Planning Authority.

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

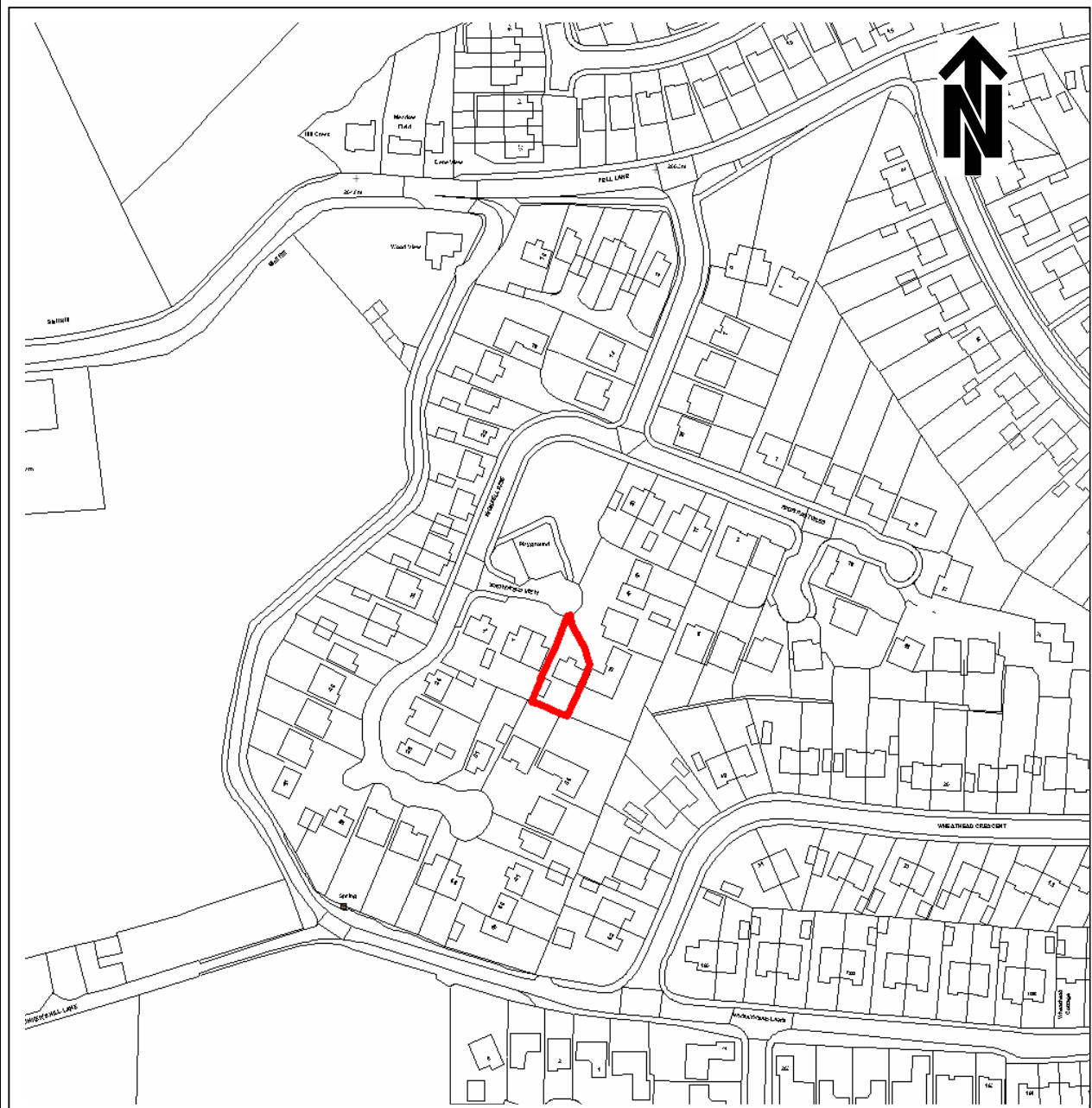
10. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing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

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

Area Planning Panel (Keighley)

11/03534/HOU

27 October 2011



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ITEM NO. : 3

LOCATION:

**8 Browfield View
Keighley**

27 October 2011

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

Application Number:
11/03534/HOU

Type of Application/Proposal and Address:

Householder application for proposed development at 8 Browfield View, Keighley BD22 6LQ, comprising the construction of a two storey extension to the side and a conservatory to the rear.

Applicant:
Mrs Zoe Bower

Agent:
Rone Design Ltd

Site Description:

The existing property is a modern detached house with an artificial stone finish and a blue tiled roof. It is situated in a small residential cul-de-sac off Highfell Rise and Fell Lane. Surrounding residential development comprises semi detached and detached houses all grouped around streets and cul de sacs and of similar design and appearance. The property is not listed and is not situated within a conservation area.

Relevant Site History:
No relevant site history for this property.

Replacement Unitary Development Plan (RUDP):
Allocation
The site is unallocated on the RUDP Proposals Map

Proposals and Policies

Relevant policies are:
UR3 - The local impact of development
D1 – General design considerations

Additional supplementary guidance is contained in the Council's approved, revised policy documents on House Extensions.

Parish Council:

Keighley Town Council object to the development on grounds of the property being served by a very narrow turning circle and due to it being very close to next door and will overshadow. The Town Council has referred the application to the Area Planning Panel.

Publicity and Number of Representations:

The application was publicised by letter to occupiers of adjacent premises. Expiry date for comments was the 26th August 2011.

2 representations of objection have been received from neighbours.

Summary of Representations Received:

1. The extension will protrude forward of the building line to the front and rear overshadowing neighbouring property.
2. The extension is within close proximity to the boundary with 6 Browfield View.
3. Access to rear of property will be reduced creating the possibility of a short cut though the neighbouring driveway.

Consultations:

Keighley Town Council (see above)

Summary of Main Issues:

The main issues for consideration relate to:

- i) impact on the local environment;
- ii) impact on neighbouring occupants;
- iii) impact on highway safety; and
- iv) community safety implications

Appraisal:

This application seeks to enlarge the present dwelling through the addition of a two storey extension to the side and a conservatory to the rear. The proposals have been amended since submission to ensure that the side extension does not project forward of the front wall of the existing house and to set the roof slightly lower to achieve greater subordination. This change produces a better balanced extension and also reduces the impact on the neighbouring property.

The proposed side extension is 3565mm in width and 7630mm in depth to the western side of the parent dwelling. It would make an existing garage behind the property redundant for parking. This becomes a "garden room". The ground floor of the extension will incorporate a new integral garage. The first floor of the side extension will incorporate a double bedroom with en-suite and a family bathroom. There are two windows proposed in the extension; a bedroom window to the front elevation at first floor level, and a bathroom window to the eastern elevation at first floor level.

Impact on Local Environment:

The materials of the side extension would match the existing house and it would have a similar roof form and overall design. The amendments have ensured that the scale and form of the extension are suitably subordinate and that the front elevation of the side extension does not protrude forward of the parent dwelling - as was originally proposed. The side extension has a lower roof line to ensure the subordinate nature of the development. The design and materials of the development are considered acceptable having regard to Policy D1 of the Replacement Unitary Development Plan.

Impact on Neighbouring Occupants:

The proposal is not considered to significantly affect the amenity of occupiers of the two adjoining properties. Two objections have been received from occupiers of neighbouring dwellings concerning overshadowing, access to the rear of the property and proximity to boundary.

With respect to overshadowing, due to the orientation of the development, most shadow from the extension would be cast onto the blank gable wall of the neighbouring property of 6 Browfield View and the applicant's front driveway. The amended plans propose a slightly lower roof form which would assist in reducing any perceived dominance and it is considered that the proposals now overcome any perceived overshadowing issues for occupiers of either No 6 or No 10 Browfield View.

It has been noted that the proposal is to be built almost abutting the boundary with the neighbouring dwelling at No 6 Browfield View. However, access to the back garden remains around the other (eastern) side of the house or through the new integral garage. Access rights are a private legal matter.

Objectors have included a number of photographs depicting the effects of the proposal for sunlight into their conservatory in the early morning. These photos have been assessed but it is not considered that the sunlight will be significantly affected by the extension as the proposed roofline would slope back away from the track of the sun and is not a full gable as depicted by the objector on one of the photos. This conservatory is also in full sun for the remainder of the day. Loss of light would not be significant enough to justify refusal.

The proposal has been carefully assessed and is considered acceptable and would not have a negative impact the amenity of the occupants of neighbouring dwellings. The windows of the proposal are not considered to overlook any neighbouring properties as they look over the private rear garden of the parent dwelling and the public highway to the front. The proposed conservatory is fully enclosed within the applicant's rear garden and does not overlook or overshadow any neighbouring property.

The proposal complies with guidance contained in the Revised House Extensions Policy Document and policy UR3 of the Replacement Unitary Development Plan.

Impact on Highway Safety:

The existing means of vehicular access to and from the site is not altered by this proposal. Parking arrangements will be reduced by one space compared with the existing number of spaces available. However, adequate space is being retained on site for the parking of 2 vehicles clear of the street which is sufficient and would accord with normal requirements for this type of family property. The Town Council's comments regarding the small size of the turning circle in the cul de sac could not be sustained as a reason for refusal of a house extension.

Community Safety Implications:

The proposal poses no apparent community safety implications and is considered to accord with Policy D4 of the Replacement Unitary Development Plan.

Reason for Granting Planning Permission:

The proposed development, as amended and subject to appropriate conditions, would relate satisfactorily to the character of the existing dwelling, adjacent properties, and the wider vicinity. The impact of the development upon the occupiers of neighbouring properties has been assessed and it is considered that there would be no significant adverse impact on their residential amenity. Nor would the development result in any unacceptable highway or pedestrian safety issues. The development is therefore considered to comply with Policies UR3 and D1 of the Replacement Unitary Development Plan and the Supplementary Planning Guidance contained within the Council's Revised House Extension Policy.

Conditions of Approval/Reasons for Refusal:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

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

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

Location plan, drawing number 2284-07, dated July 2011

Existing plans and elevations, drawing number 2284-03, dated May 2011

Received by the Council on 29 July 2011

Proposed plans and elevations, drawing number 2284-06A, dated May 2011

Received by the Council on 19 September 2011

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

3. The extension hereby approved shall only be carried out in accordance with the amended plan received by the Council on 19 September 2011 showing the two storey side extension flush with the front elevation of the parent dwelling.

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

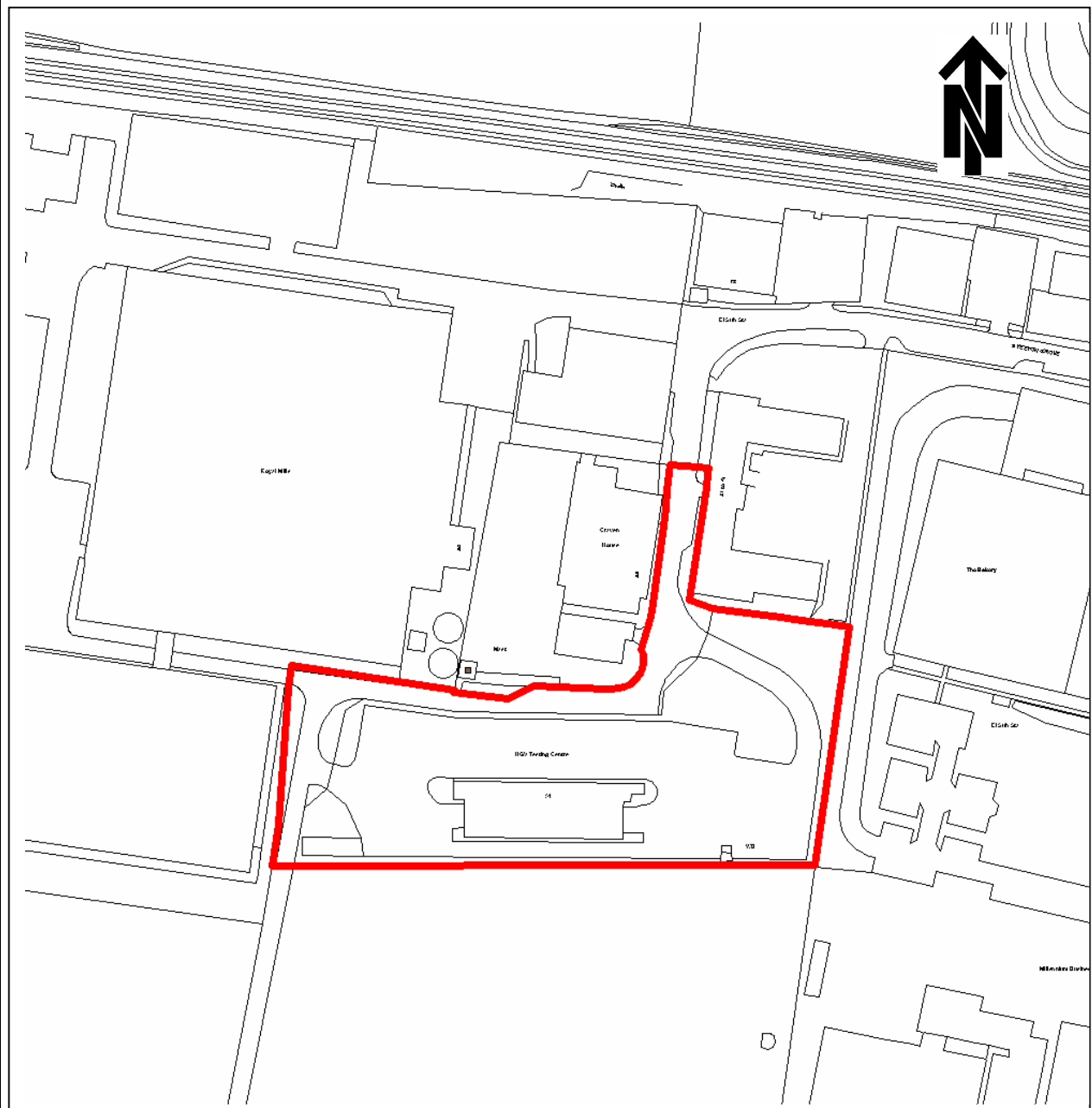
4. The development hereby permitted shall be constructed of facing and roofing materials to match the existing building as specified on the submitted plans.

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.

Area Planning Panel (Keighley)

11/03129/FUL

27 October 2011



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ITEM NO. : 4

LOCATION:

**HGV Testing Station
51 Steeton Grove, Steeton With Eastburn**

27 October 2011

Item Number: 4
Ward: CRAVEN
Recommendation:
TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:
11/03129/FUL

Type of Application/Proposal and Address:

Full application for demolition of portal framed LGV testing sheds, and part demolition of the remaining single storey masonry building, plus external and internal refurbishment of the remaining building to provide a driving test centre. Development to incorporate one car module, two for motorcycles and one for LGV testing at 51 Steeton Grove, Steeton, Keighley BD20 6RW

Applicant:
Driving Standards Agency

Agent:
EC Harris LLP

Site Description:

The site is an established LGV testing centre occupying a set of buildings located within an industrial estate on the west side of the Keighley/Skipton railway line. The site and buildings are enclosed by security fencing and gates. Access is via Steeton Grove which leads off a junction with Station Road close to the Aire Valley trunk road roundabout. This access from Station Road also serves a number of industrial uses and the car park for Steeton railway station. The site abuts the Thornhill Road housing site to the south.

Relevant Site History:
None relevant.

Replacement Unitary Development Plan (RUDP):

Allocation

Allocated as Employment site K/E1.2 on the RUDP Proposals Map

Proposals and Policies

UR3 – local impact of development

TM2 – highway mitigation

TM19A – traffic management and road safety

Parish Council:

Steeton with Eastburn Parish Council - Objection. Development will cause traffic congestion and the drainage proposals are contrary to policy. Assurance sought that development will not cause problems for users of cycle/pedestrian route to railway station.

The Parish Council has sought determination of the application by Area Planning Panel.

Publicity and Number of Representations:

Neighbour letters and site notice – expiry 15 September 2011
One objection letter received

Summary of Representations Received:

Development will cause traffic congestion and danger for road users.

Consultations:

Highways Development Control - No objections subject to introducing some directional signage.

Environmental Protection - No objections.

Minerals - No comments to make.

Summary of Main Issues:

Principle
Impact on local amenity
Highway safety

Appraisal:

Principle

This allocated Employment site has previously operated as an LGV testing centre run by the Driving Standards Agency. It presently provides MOT testing facilities for a variety of LGV vehicle types as well as LGV driver testing and employs two permanent members of staff.

The Driving Standards Agency seeks to change the use from an LGV driver/vehicle testing centre so it is solely a driver testing centre. In addition to testing LGV drivers, the centre will serve as a test centre for car drivers and motorcycle riders. The centre would employ 8 permanent members of staff comprising 3 carrying out LGV driver tests, 3 examiners working on car tests and 2 carrying out Module 2 motorcycle testing. The applicant says that the redevelopment of the Steeton site would enable the relocation of staff from the nearby test centre at Keighley which closed in November 2010 for health and safety reasons. The proposed works are therefore important to allow continuation of local driving test facilities serving the Keighley area.

Approval is also sought for alterations to the existing buildings at the site. The scheme includes the demolition of a sizable portal framed shed formerly used for vehicle testing which would be surplus to requirements and the demolition of approximately half of a brick built single storey office building. A number of minor changes would be made to the remaining half of this building involving doors and fenestration so as to provide a better facility for staff and customers waiting to be tested.

The proposals also involve the introduction of a new parking layout and waiting arrangements plus new arrangements for the existing hard surfaced areas to lay out designated manoeuvring areas where LGV drivers will be tested on reversing and parking, including reversing and coupling/uncoupling trailers.

Impact on local amenity

The buildings are of decidedly functional appearance and are situated well away from the site boundaries. The demolition/dismantling and related works would have no significant visual implications or for wider amenity given its context within the existing Steeton Grove industrial estate. The works would leave a relatively small single storey office building in the centre of the site around which would be parking and manoeuvring areas, including space for off-road examination of manoeuvring techniques/abilities.

The removal of the large functional buildings would reduce the overall visual presence of the facility, albeit that its location within an industrial estate is not particularly sensitive in any event. The Design and Conservation Officer also confirms that the development would have no implications for the Steeton Conservation Area or for the setting of the Grade II listed Steeton Hall – both of which are a significant distance away.

Better facilities for parking and manoeuvring on the ground would be informed by new white lining and safety issues would be addressed by the erection of low-level steel crash barriers around the site periphery but again these are of no significant consequence for the visual amenities of the area.

The Parish Council raises objections partly on the basis that drainage from the site which is to be taken to the mains sewer would be contrary to policy. However, there are effectively no changes to surface water drainage since the site is already hard-surfaced. No additional areas of the site would be surfaced and existing drainage arrangements will be unchanged.

Overall the proposed development would satisfy Policies UDP3, UR3 and D1 of the RUDP.

Highway safety

The submitted information suggests that the level of staff at the centre would increase from 2 to 8 and that up to 47 tests per day would be carried out at the centre comprising 35 car/motorcycle tests and 12 vocational LGV tests. In the summer the number of tests would increase to up to 60 per day comprising 45 car/motorcycle tests and 15 vocational LGV tests per day. The maximum trip generation is likely to be 240 vehicle movements per day.

The access to the vehicle testing facility is all taken from Station Road, via a junction whose geometry and general arrangement is capable of carrying the projected traffic flows. It is noted that the initial section of the access road serves the car park for Steeton railway station and on-street parking takes place as overspill from that car park.

Notwithstanding this, the road adequately serves the industrial estate and has capacity to meet the needs of the proposed development here.

One objection letter has been received, in which concern is expressed that the driving test centre would result in learner drivers, and driving tests, causing congestion on the local road network. The Parish Council also objects to the development on the basis that the development would cause highway difficulties.

The Highway Engineer acknowledges an absence of adequate pedestrian facilities on the unadopted section of the access road, but observes that the proposed development of a driving test centre is most unlikely to result in significant pedestrian activity.

It is acknowledged that there is an RUDP Proposal to form a cycle route across the Thornhill Road housing site towards Steeton Station. Members of panel will have encountered this proposal in its consideration of previous applications for Thornhill Road. The cycle route would pass along the eastern boundary of the Vehicle Testing site and join Steeton Grove. The Parish Council seems concerned that extra vehicles associated with the testing centre could affect the safety of users of this link.

However, the level of traffic likely to be associated with the testing centre is not significant and notwithstanding the objections referred to above, the Highway Engineer considers that, subject to adequate directional signage being provided, the proposed development would not result in highway problems and raises no objections.

Accordingly the proposals are deemed to satisfy Policies TM2 and TM19A of the RUDP.

Community Safety Implications:

No apparent community safety implications.

Reason for Granting Planning Permission:

The removal of buildings from the site would have no significant implications for the visual amenities of the area. The proposed use of the site as a driving test centre would have no local amenity implications and the means of vehicular access to the site is capable of accommodating projected traffic without harm to highway safety or the free flow of traffic. Accordingly the proposed use is acceptable in light of Policies UDP3, UR3, D1, TM2 and TM19A of the Replacement Unitary Development Plan for the Bradford District.

Conditions of Approval:

1. The development hereby approved shall only be carried out in accordance with the approved plans referenced 001; 002; 003; 004 and 005, received by the Council on 9 July 2011

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

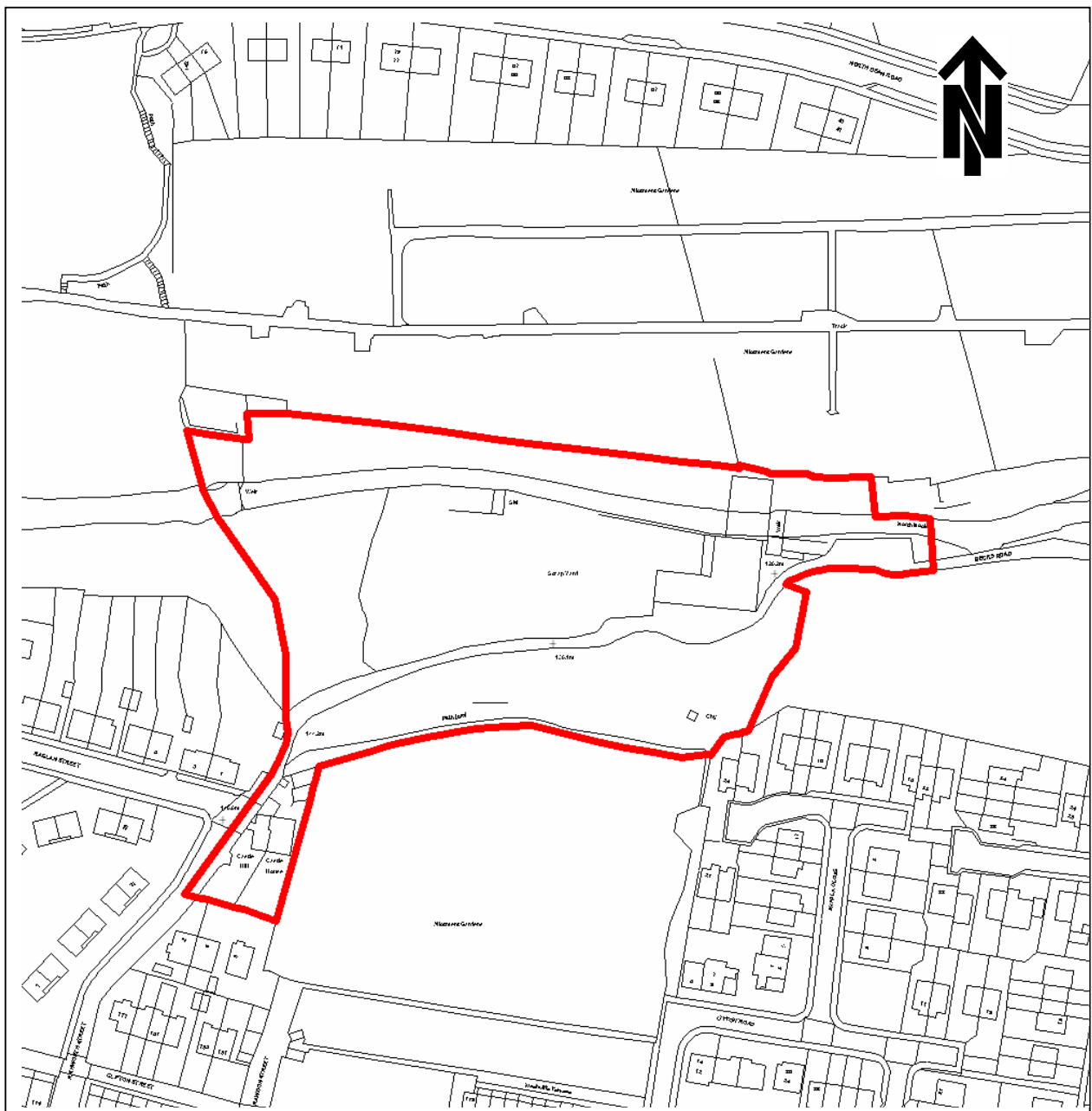
2. Prior to the commencement of the use hereby permitted, directional signage associated with the test centre shall be erected along the route to the site from Station Road in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The signage so erected shall thereafter be retained in place whilst the approved use subsists.

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

Area Planning Panel (Keighley)

10/04672/OUT

27 October 2011



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ITEM NO. : 5

LOCATION:

**Scrap Yard Castle Mills
Becks Road, Keighley**

27 October 2011

Item Number: 5
Ward: KEIGHLEY WEST
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
10/04672/OUT

UPDATE ON THE APPLICATION

This planning application was referred to the Area Planning Panel meeting in Keighley on December 9 2010. The resolution made at that meeting was for outline planning permission to be granted subject to the completion and sealing of a Section 106 agreement to secure the following contributions required in connection with the development in accordance with RUDP Policies:

Education contribution: £67,663 (primary and secondary education)

Contribution to public open space in lieu of on site provision: £104,172

Affordable Housing: Provision of 15% net developable area at 35% discounted off the open market value

In addition, it was resolved at the meeting that a contribution to the upgrading of an existing bus shelter close to the site and the provision of a metro card scheme for future residents would be provided and made a requirement of the section 106 agreement.

Since the resolution was made, the applicant has failed to sign the section 106 agreement drafted by the Council's Legal Officers. Discussions have taken place over a long period of time with the applicant and his agent and this has resulted in the submission of a unilateral undertaking by the applicant in March 2011, later amended to include the Metro contributions as outlined above. The unilateral undertaking submitted is unacceptable in terms of its content clauses and does not comply with the advice given by the Council's legal department. Such an approach is also contrary to the resolution made by members of the Area Planning Panel committee on December 9, 2010. The applicant has also attempted to enter into negotiations to vary the terms of the section 106 agreement and adjust the financial contributions agreed by Panel members. However, no financial appraisal of the development was submitted with the application to demonstrate that the scheme would become unviable with the level of financial contributions being sought and there is no indication of what reduced contributions would be offered by the applicant and no justification has been presented to show that a reduced level of contributions would meet the requirements of normal RUDP planning policies.

Given the above, the application is now returned to the Area Planning Panel for further consideration in the light of the failure to sign the section 106 agreement. Without the applicant's commitment to provide the S. 106 contributions the scheme is contrary to a number of development plan policies. As the applicant's commitment to deliver the required social contributions has not been secured, the recommendation is that the application should now be refused. A formal resolution to that effect is made.

Reason for refusal of planning permission:

Given the failure of the applicant to sign the section 106 agreement, the application is now recommended for refusal for the following reason:

1. The proposal is of a type and scale that would normally require social contributions to be made due to the additional pressures placed on local infrastructure in relation to affordable housing, education infrastructure, public transport and recreation open space provision. The developer has failed to provide the level of financial contributions required through non-completion of the section 106 agreement. The proposed therefore fails to comply with policies UR6, H9, OS5 and CF2 of the Council's adopted Replacement Unitary Development Plan and supplementary guidance provided in the Planning Obligations Supplementary Planning Document.

Appendix 1: The Previous Officer's Report

The original officer's report is enclosed below for the assistance of Panel members and sets out the assessment of the original application upon which the resolution to grant outline planning permission was partly based.

Appendix 1: The Previous Officer's Report

9 December 2010

Item Number: 3
Ward: KEIGHLEY WEST
Recommendation: TO GRANT PLANNING PERMISSION
SUBJECT TO CONDITIONS AND A SECTION 106 AGREEMENT

Application Number:
10/04672/OUT

Type of Application/Proposal and Address:

An outline planning permission for the construction of 66 dwellings and associated works. All matters are reserved for later approval. This application is a resubmission of application 09/02864/OUT, refused on 18 March 2010.

Applicant:
Mr Gary Bennett

Agent:
Mr Michael Allinson

Site Description:

The site is located close to Keighley town city and covers an approximate area of 1.6 ha. It was formerly in use as a scrap yard until fairly recently, taking access from Becks Road. The site has begun to recolonise with vegetation to the large plateau area in the northern part of the site (the former use seems to have been concentrated on this part of the site). The remainder of the site consists of steep slopes, with increasing altitude to the south. To the northern boundary of the site is a woodland strip, designated as a wildlife area, with allotments further to the north beyond this tree belt. This tree belt is covered by a Tree Preservation Order (TPO). The wildlife area extends within the site also, covering the southern slopes, but does not cover the central plateau area where the previous scrap use was in operation (this portion of the site is unallocated). The site also contains the derelict building of Castle Mills, now with large portions of its roof missing and severe structure degradation evident. The chimney serving the mill complex still stands on the southern slopes of the site. It is proposed to convert the mill into residential use; however, this will be subject to a separate planning application and does not form part of these proposals. The site has been the subject of a previous planning application for residential development and conversion of the mill building in 2007 and a further outline planning application for residential development in 2009 (also for 66 units in principle). The site is located on the urban fringe, situated within a residential area to the south and open countryside to the west.

Relevant Site History:

09/02864/OUT: Residential site formerly known as scrap yard to 66 residential units (refused 18/03/2010 for the following reason; lack of information in terms of a ecological assessment, contrary to policies NE10/NE11)

07/00494/OUT: Refurbishment of mill to provide 15 flats and residential development comprising terraced housing and apartment blocks (refused 16//11/2007 for the following reasons; 1. Impact on wildlife area; 2. Inadequate landscaping works; 3. Impact and loss of trees; 4. Insufficient off-street parking provision, insufficient information of existing and proposed levels, measures to promote sustainable transport, scale parameters of the development, standards of highway design, crime prevention measures; 5. No social contributions to affordable housing, public open space and education infrastructure; 6. Impact on surrounding residential properties).

Replacement Unitary Development Plan (RUDP):

Allocation

Site of ecological and geological importance (part of the site only).

Proposals and Policies

UDP1	Promoting Sustainable Patterns of Development
UDP3	Restraining Development
UR2	Promoting Sustainable Development
UR3	The Local Impact of Development
H7	Density
H8	Density
H9	Affordable housing
TM2	Impact of Traffic and its mitigation
TM12	Parking standards for residential developments
TM19A	Traffic management and road safety
D1	General design considerations
D3	Inclusive access
D4	Secured by design
D5	Landscaping
E3	Protecting existing employment land and buildings in the Urban Area
NE4	Trees and woodlands
NE5	Protection of trees
NE9	Other sites of Landscape or Wildlife interest
NE10	Protection of Natural Features and Species
NE11	Ecological Appraisals
NE12	Landscape and Wildlife Enhancement
NE13	Wildlife corridor network
NR15B	Flood Risk
NR17A	Water Courses and Water Bodies
NR17	Groundwater Protection
NR16	Surface Water Run Off and Sustainable Drainage Systems
P6	Unstable Land
OS5	Provision of recreation Open Space and Playing Fields In New Development
CF2	Education Contributions in New Residential Development
H9	Affordable Housing

National policy

Planning Policy Statement 1:	Achieving Sustainable Development
Planning Policy Statement 3:	Housing
Planning Policy Statement 9:	Biodiversity and nature conservation
Planning Policy Guidance Note 13:	Transport
Planning Policy Guidance Note 14:	Development on unstable land
Planning Policy Statement 23:	Contaminated land
Circular 06/2005:	Biodiversity

Parish Council:

Keighley Parish Council: objection to the application.

Publicity and Number of Representations:

The application has been publicised by individual notification letters and site and press notices. Expiry of the publicity period is 2 December 2010. To date, three letters of objection have been received to the in addition to a letter of objection from Keighley Parish Council.

Summary of Representations Received:

1. Highway safety implications and increase traffic generation from the development.
2. Issues in terms of the safety of the proposed bus stop by Metro.
3. Rishworth Street should be made up to adoptable standards by the developer.
4. Concerns raised in regard to flood risk and the approval of previous developments in the immediate vicinity of the site.
5. Access from Rishworth Street is unacceptable.

Consultations:

Highways:	No objections to the scheme subject to conditions.
Drainage:	No objections subject to conditions.
Keighley Parish Council:	Objection to the application received.
Heritage management:	No objections or material impact on the setting of the listed building.
Trees:	Concerns raised in regard to potential tree loss to the woodland belt to the north of the site.
Environment Agency:	No objections subject to appropriate conditions and compliance with the flood risk assessment.
Minerals and waste:	Details of the volumes and type of materials imported to site to be submitted.
Structures:	Further site investigations are required to ensure the stability of the slopes when development takes place.
Trees:	Concerns raised in terms of tree loss to the woodland belt to the north of the site.
Environmental protection:	No comments to date.
LDF team:	No objection in principle, subject to the requirements of policy NE9.
Yorkshire Water:	No comments to date.
Design Enabler:	Poor building for life score noted.

Summary of Main Issues:

1. Principle.
2. Matters reserved.
3. Other issues/considerations.
4. Comments on representation received.

Appraisal:

Note: The application form has been amended to confirm that all matters are reserved on this application.

Principle

The central area of the site is unallocated on the replacement unitary development plan with the remainder being within a Bradford wildlife area (site of ecological and geological importance). Allocated allotments are located to the north of the site, but not with the red line of the application.

It is considered that the development of the site for residential use is acceptable; the former employment use is unlikely to be reinstated and the proposal would not be contrary to policy E3, given that the reinstatement of the former scrap yard use is unlikely to be economically viable and the adverse effect such a use has on the surrounding area being located close to residential properties. It is therefore considered that the discontinuance of the employment use is in line with criteria 8 of policy E3. The site is considered to be previously developed land owing to its former employment use and that physical signs of this use together with the mill building on the site mean that development is acceptable in principle in line with Planning Policy Statement 3. In addition, the principle of development was accepted on application 07/00494/OUT and by the inspector on the subsequent appeal in relation to the refusal of this planning application.

In terms of density, with an indicative layout showing 66 units, a density of 39 dwellings/ha is achieved, however, in reality the net density will be considerably higher given that the developable area of the site is considerably smaller than the extent of land within the red line of the application site owing to the constraints existing on the site. Although the site is located sustainably being close to the town centre and public transport routes and services, it is considered that the density of development is acceptable given the constraints on the site.

Matters not reserved

All matters are reserved on this application and therefore the information with the application should demonstrate that the siting of the development is acceptable with regard to all relevant material planning considerations. An assessment of each matter is given below, however, full details in respect of each matter will be considered as part of the assessment of any reserved matters application:

Access

Access to the development site is proposed from Raglan Street. The existing access into the site will be widened and formed to adoptable standards; this may require demolition of the existing property at the site entrance which is in the ownership of the applicant. The access is shown as 5.5 metres which is sufficient to allow two vehicles to pass each other and meets adoptable standards. In order to prevent/deter access onto Rishworth Street which is poorly drained and surfaced, a dropped kerb and rumble strip will be provided at its intersection with Raglan Street to prevent direct access by vehicles. It is considered that in principle the access point to the site would not lead to any significant highway safety considerations and that the level of additional traffic generated as a result of the development could be carried via Raglan Street without significant capacity issues.

Layout

Although the final layout of the development may be subject to change at reserved matters stage, it is considered that the indicative layout demonstrates that the development can be accommodated within the site without unacceptable impacts on the surrounding dwellings and buildings. All required separation distances are achieved within the site and to existing properties outside its boundaries, despite the significant differences in site levels. The general layout of the internal access road is considered acceptable as is the level of off-street parking provision indicated. Full details of the method of construction of the roads and internal layout will be reserved for later approval to ensure appropriate gradients for the access and internal roads.

Appearance

The indicative layout shows four groups of dwellings together with three apartment blocks on the plateau of the site to the north. Full details of the final design, features and materials will be reserved for later assessment; however, it is considered that the apartment blocks will be screened to a large extent by the drop in levels on the site. This is assisted by the height of the apartment blocks shown as limited to three stories. It is considered that a satisfactory scheme can be achieved with careful consideration of design matters at reserved matter application stage.

Scale

Indicative scale parameters are shown on the submitted plans – full details of building heights and any changes in site levels will be shown on the reserved matters application. The site is not particularly prominent in the street scene and changes in levels assist in reducing the impact of any future development on the site.

Landscaping

Details of proposed planting and landscaping works are not shown on the plans; however, as this matter is reserved, full details of any landscaping can be controlled. It is important that a standoff distance is achieved to the woodland and wildlife area to the north of the site and appropriate planting/soft landscaping is used to soften the impact of the development. In addition, replacement tree planting may be beneficial to the woodland belt to the north to replace any trees lost during construction of the development.

Other considerations

Trees

There is a lack of mature tree cover on most of site, however, to the northern edge is woodland cover running down to the watercourse. This area is also within the wildlife area designation which also extends to the southern half of the site. In terms of the layout of the buildings, there appears to be sufficient distance between the protected trees and future building. The proposed parking areas are located much closer to the trees, however, it is considered that the parking areas can be surfaced in such a way to allow protection and water to flow to the trees. Some trees are indicated for removal on the site plan and submitted tree survey; however, as on the previous application (09/02864/OUT), it is considered that conditions can adequately control the impact of the development on these protected trees with full control over the final layout of the scheme being possible at reserved matters stage. A condition is considered appropriate to provide full details of all trees to be removed/retained as part of the development, notwithstanding the details shown on the site plans. This will ensure the all trees of high amenity value will be retained on the site.

Biodiversity and protected species

A number of surveys have been carried out in this respect; a phase I habitat survey, a bat survey and invertebrate survey. In general, the surveys conclude that most of the site has a generally low ecological value containing habitats and species found commonly in the UK on urban fringe sites. However, the woodland area to the north has the potential for rarer species. It is considered with a suitable standoff distance from the development and new species rich planting that the biodiversity of this part of the site could be improved or at least maintained. A condition, as specified above together with landscaping conditions would ensure suitable replanting in this location.

There is also the possibility of a hibernating roost in the existing mill chimney on the southern part of the site (at the top of the steep slope). Further roosts are possible in the mill building itself; however this does not form part of this application and would be assessed as part of a planning application to convert this building to residential use. The chimney is located close to a public right of way and requires demolition on safety grounds – it is considered that such demolition should be supervised in the presence of an ecologist to minimise disruption to bird and bat roosts/nests.

Given the findings of the various protected species surveys, conditions are considered appropriate to ensure mitigation measures are employed prior to and during construction on the site. Details of a full method statement for the demolition of the chimney would be required and any mitigation measures for the relocation of species encountered. In terms of the potential affect on species within the woodland wildlife area, conditions already identified for landscaping and tree works would be appropriate to mitigate against any loss of species habitat.

Contamination

There are several potential sources of contamination which could affect the site. There is also a possibility of disturbance of contamination when the site is excavated for the development and levels are changed. However, as previously concluded, there are clear remediation solutions to this and it is considered that conditions requiring full details of all remediation measures together with a verification report to be submitted and approved as acceptable and appropriate to address this issue.

Flood risk

Part of the site is located within flood zones 2 and 3 (the level area of the site to the north of the mill chimney), however, the Environment Agency have not raised objections to the scheme provided appropriate discharge of surface water can be achieved and limited to acceptable runoff rates (greenfield rates). All development must also be carried out in accordance with the submitted flood risk assessment. Given this, it is considered that conditions would be adequate to control drainage issues and the location of suitable pumping equipment owing to the changes in levels at the site.

Land stability

Part of the site contains very steep slopes (exceeding 45 degrees in places). There are therefore potential implications for slope stability during the construction of dwellings on the site in this location. Under the terms of Planning Policy Guidance Note 14 (PPG 14), it is primarily the responsibility of the developer to ensure the stability of the slopes and to employ any measures required to achieve this, irrespective of cost. A geotechnical survey has been submitted with the application; however, it is limited in terms of its assessment of the ground conditions on the steep slopes of the site. In view of this, it is considered essential to require a full stability survey and report to be submitted to the LPA prior to commencement of any development on the site. This is considered reasonable to enforce by a condition.

Social contributions

The following financial contributions are requested in respect of the scheme, based upon the indicative level of development of 66 dwellings:

Education contribution:	£67,663 (primary and secondary education)
Public open space:	£104,172
Affordable housing:	Provision of 15% net developable area at 35% discounted off the open market value

The applicant has signalled agreement to the above contributions in principle and these will be enforced by a section 106 agreement. It is suggested by the applicant that the requirement for affordable units on the site may not be possible due to the viability of the scheme; any supporting evidence for this claim can be assessed independently at reserved matters stage and if deemed appropriate a deed of variation of the section 106 agreement could be requested.

Comments on representations received

The following issues have been raised following the receipt of representations – these are appraised below:

1. Highway safety implications and increase traffic generation from the development.
The development is not considered to generate significant additional traffic; the access via Raglan Street is considered sufficient to serve this development.
2. Issues in terms of the safety of the proposed bus stop by Metro.
See above.
3. Rishworth Street should be made up to adoptable standards by the developer.
Access is not proposed from and will be restricted via Rishworth Street.

4. Concerns raised in regard to flood risk and the approval of previous developments in the immediate vicinity of the site.
Although part of the development site is located in flood zones 2 and 3, provided surface water discharge rates are controlled to the standards required by the Environment Agency, the risk of flooding further to the east of the site is considered to be acceptable.
5. Access from Rishworth Street is unacceptable.
Access to the development will not be taken from Rishworth Street.

Community Safety Implications:

None significant.

Reason for Granting Planning Permission:

The principle of residential development at this site is considered to be acceptable in principle; the site is classified as previously development land and the existing employment use is unlikely to be reinstated at the site. No significant implications are foreseen in terms of highway safety, visual and residential amenity, impact on protected species, contamination and trees. The proposal is therefore considered to comply with policies UR2, UR3, D1, D4, TM2, TM12, TM19A, H7, H8, NE4, NE5, NE6, NE9, NE10, NE11, NR15B, NR17 and E3 of the replacement Unitary Development Plan.

Conditions of Approval:

1. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

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

2. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

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

3. Before any development is begun plans showing the:
 - i) access,
 - ii) appearance
 - iii) landscaping
 - iv) layout,
 - v) and scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4) must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

4. The development shall not begin until details of a scheme for separate foul and surface water drainage, including any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme so approved shall thereafter be implemented in full before the first 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.

5. Surface water from the vehicle parking and/or manoeuvring areas shall be drained using trapped road type gullies which shall be installed before the development is brought into use.

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

6. 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 the commencement of the development.

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

7. Prior to commencement of development on the site, a full ground stability report in compliance with Planning Policy Guidance Note 14, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in strict accordance with the recommendations of the ground stability survey.

Reason: To ensure the safe construction of the development and safety of surrounding land and to accord with policy P6 of the replacement Unitary Development Plan.

8. Any application for reserved matters shall include full details of a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:

- i) Position of trees to be felled, trees to be retained, 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) Proposed topsoil depths for grass and shrub areas.
- iv) Types of enclosure (fences, railings, walls).
- v) Types of hard surfacing (pavings, tarmac, etc).
- vi) Regraded contours and details of changes in level

Reason: In the interests of visual amenity and to accord with Policies D5 and NE9 of the Replacement Unitary Development Plan.

9. Prior to development commencing a detailed scheme for the proposed new junction of the estate road with Raglan Street shall be submitted to and approved in writing by the LPA. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, street lighting, white lining, signing, surface finishes and treatment of junction/forward sight lines together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the LPA all of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: in the interests of highway safety and to accord with policies TM2 and TM19A of the replacement Unitary Development Plan.

10. Prior to development commencing, a detailed scheme for the proposed estate roads shall be submitted to and approved in writing by the LPA. These details shall include full sections, traffic calming, drainage works, street lighting, white lining, signing, surface finishes and the treatment of junction/forward sight lines, together with an independent Safety Audit covering all aspects of the work. All of the agreed works shall be completed, or as otherwise agreed in writing by the LPA, before any part of the development is brought into operation/dwellings first occupied.

Reason: in the interests of highway safety and to accord with policies TM2, P6 and TM19A of the replacement Unitary Development Plan.

11. Prior to commencement of development on the site, a scheme to address the risk of contamination on the site to include the following shall be submitted to and approved in writing by the Local Planning Authority:

(a) A preliminary risk assessment to identify potential contaminants associated with previous uses of the site and potential unacceptable risks arising from contamination at the site.

(b) A site investigation scheme, based on the above, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(c) The site investigation results and the detailed risk assessment based on the above, and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are undertaken.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: In the interests of groundwater protection and to accord with policies NR17 of the replacement Unitary Development Plan.

12. Prior to development commencing on the site, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent groundwater pollution and to accord with policy NR17 of the replacement Unitary Development Plan.

13. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the written consent of the Local Planning Authority.

Reason: To prevent groundwater pollution and to accord with policy NR17 of the replacement Unitary Development Plan.

Heads of terms of Section 106 Agreement

- Affordable housing: 15% of the net developable area at 35% discount off the open market value.
 - Financial contribution to public open space: £104,172.
 - Financial contribution to education infrastructure: £67,663 (primary and secondary education).
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