

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY) to be held on 22 March 2012

Q

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.	24 - 28 North Street Keighley West Yorkshire - 11/05770/FUL [Approve] – page 1	Keighley Central
2.	Copperwaite Fleet Management Parkside Works Parkwood Street Keighley West Yorkshire BD21 4PJ - 11/05545/FUL [Approve] – page 9	Keighley East
3.	Land North Of Longlands Skipton Road Steeton With Eastburn West Yorkshire - 11/04068/FUL [Approve] – page 23	Craven
4.	Warehouse Bridge Bar Lane Riddlesden Keighley West Yorkshire - 11/04306/MAF [Approve] – page 36	Keighley East
5.	240 - 242 Oakworth Road Keighley West Yorkshire BD21 1RB - 11/03998/FUL [Refuse] – page 52	Keighley West

Julian Jackson
Assistant Director (Planning)

Report Contact: Mohammed Yousuf
Phone: 01274 434605

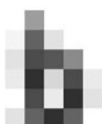
Email: Mohammed Yousuf@bradford.gov.uk

Portfolio:

Change Programme, Housing and Planning

Improvement Committee Area:

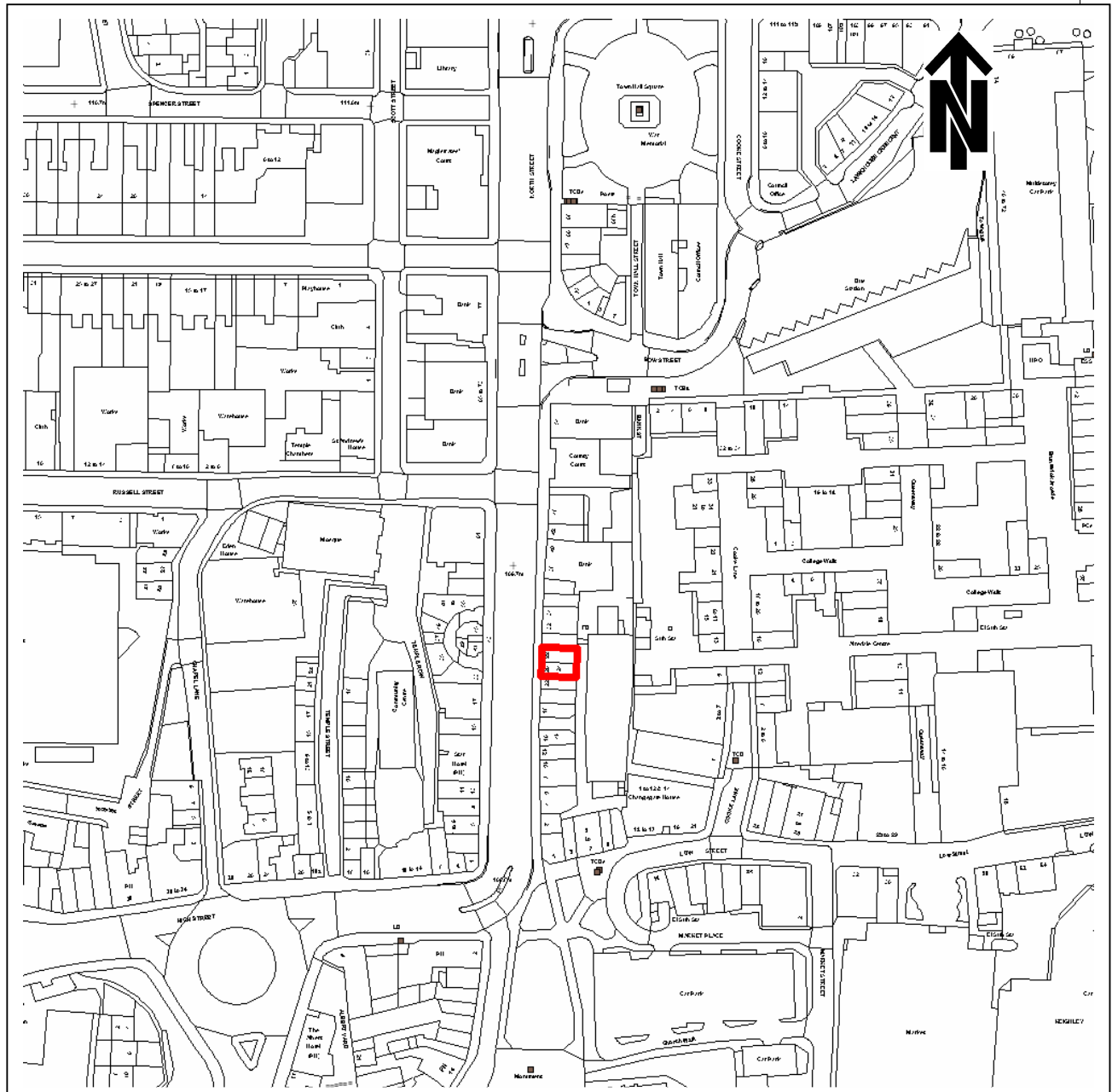
Regeneration and Economy



Area Planning Panel (Keighley)

11/05770/FUL

22 March 2012



© Crown copyright 2000. All rights reserved (SLA 100019304)

ITEM NO. : 1

LOCATION:
24 - 28 North Street
Keighley

22 March 2012

Item Number: 1
Ward: KEIGHLEY CENTRAL
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
11/05770/FUL

Type of Application/Proposal and Address:

Change of use of ground floor from Beauty Salon/Nail Bar (A1) to (A5) takeaway with ancillary seating for eating on the premises and extract fan ducting to rear elevation at 24-28 North Street, Keighley BD21 3SE.

Applicant:
Mr G Rasool

Agent:
Mr Kevin B. Ratcliffe

Site Description:

The properties are part of a prominent three storey row of commercial properties in the town centre that contains flats in upper floors and is within the Keighley Town Centre Conservation Area and Keighley Townscape Heritage Initiative area. Within this, Heritage Lottery funding is available as part of a wider initiative for regeneration.

The site comprises two small retail units to the ground floor, one is empty the other occupied by a beauticians business, at first floor level is a barbers shop and storage with residential flats at second floor level. The premises are located on the eastern side of North Street. Along this side of the street is a wide range of retail and financial services uses. There are banks and solicitors offices and a number of empty shops. A bus stop is sited immediately outside the premises.

A narrow service road extends to the rear shared by commercial premises.

Relevant Site History:

11/03748/FUL - Change of use from two retail units A1 to A3 restaurant including internal works and installation of extract fan ducting to the rear elevation – Refused – 07.10.2011

Replacement Unitary Development Plan (RUDP):

Allocation
Conservation Area

Proposals and Policies

UR3 – The Local Impact of Development
D1 – General Design Considerations
BH7 – New Development in Conservation Area
TM2 – Impact of Traffic and its Mitigation
TM19A – Traffic Management and Road Safety

The Draft National Planning Policy Framework (DNPPF):

The Draft National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Draft Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Keighley Town Council recommends the application for refusal on highway safety concerns, referring to a bus stop directly outside the premises.

Publicity and Number of Representations:

The application has been publicised by way of neighbour notification letters, site notice and advertisement in the local press, with an overall expiry date for comments to be received of 16.02.2012.

No public representations have been received relating to the application.

A Ward Councillor is in support of the application and has requested it be heard at Area Planning Panel should the officer recommendation be for refusal.

Summary of Representations Received:

None received.

Consultations:

Highways DC – A5 takeaways are predominantly a car borne use, this would result in vehicles slowing down and stopping on the main carriageway. Although there are waiting restrictions on North Street, customers could be tempted to illegally park.

Conservation Officer – Information regarding the shop fronts is vague and can see no benefit to the character or appearance of the building and conservation area from this proposal.

Drainage – Drainage serving kitchens in commercial premises should be fitted with a grease separator complying with BS EN 1825-1:2004 or other effective means of grease removal.

Environmental Protection - Residential accommodation above the proposed development is not tied to the business and in such cases I am not minded support the proposal.

Whilst it has been pointed out that the extraction system will be sited away from residential units i.e. to the side, there is no acoustic data provided to confirm that the WHO (World Health Organisation) guidance for maximum noise levels in habitable rooms (i.e. 30dBa) can be met to avoid sleep disturbance and loss of amenity. There would be other noise sources from within the business, such as the impact noise from cooking utensils and staff /customer movements/voices. The proposed hours of operation are somewhat vague. This would also require clarification for an informed opinion to be reached.

Summary of Main Issues:

- Principle of the use
- Impact on Conservation Area
- Impact on neighbouring residential amenity
- Impact on Highway Safety/Parking

Appraisal:

The application is a resubmission following a recent refusal (11/03748/FUL) of an application for a restaurant. Since then plans have been amended and the applicant's intentions have been clarified. It is confirmed that the proposal would be for a hot food takeaway rather than a restaurant although the premises would have seating inside for customers to eat.

Principle of the use:

The premises are located on North Street, in Keighley Town Centre, the character of which is informed by a mix of uses including various financial and legal offices and banks along this side of the street. There are a few small shops interspersed with vacant units, and as a whole the street appears underused and presently lends very little to the attractiveness or viability of the wider town centre, despite being on a main thoroughfare through the town. There are presently no other restaurants or takeaways on this side of the street. The Star Public House is across the road

The premises are within the Keighley Town Centre Conservation Area and North Street is included in the Keighley Townscape Heritage Initiative area where Heritage Lottery funding is being made available as part of a wider initiative for regeneration of this historic part of the town centre.

Above a number of the shop units along North Street are residential flats, with the application premises themselves having flats to the 2nd floor and storage/hairdressing use to 1st floor. These are served by an independent stair access.

Although in the Town Centre, the street does not comprise part of the Primary Shopping Area of Keighley and as such retail uses are not protected by specific policy.

Concerns have been raised that a takeaway proposal might not add as much vitality and viability throughout the day as an A1 retail use. However, given the diverse mix of uses along North Street, it is doubtful that such an argument could be used to justify refusal. It is generally accepted that both restaurant and takeaway uses are appropriate to town centre locations and generally support the overall function of the retail centre. Indeed, takeaways and restaurants are both normal features of such commercial areas.

In this instance, the applicant has no specific end-user of the premises. Hence the scheme appears as a “hybrid” scheme, with the plans showing both a takeaway counter and space for seating for dining inside the premises. It is considered that such a scheme would play a part in adding to the vibrancy of this part of North Street and the applicant does not accept that the final user would be aimed solely at late night trade. This area of Keighley has a number of business offices so the premises could appeal to lunchtime diners - thus ensuring it contributes to the vibrancy and attractiveness of the street during the day as well as in the evening.

It is important to secure a viable use for these two disused or underused shop units and to encourage the investment that such a use would bring in the upkeep and improvement of the property. In this respect PPS4 and the draft National Planning Policy Framework have been given appropriate weight in the assessment of this proposal.

Whilst alternative uses such as retail might be preferred for North Street, on balance, it is considered that the proposed use is preferable to the existing situation whereby the units are amongst a number of run down and vacant shop units. It is considered that promoting re-use would support the Heritage Lottery initiative by bringing currently vacant ground floor premises in the town centre back into use. In principle, the proposal is therefore considered appropriate to this part of the town centre.

Impact on Conservation Area:

The buildings are part of a very prominent row within the Keighley Town Centre conservation area. The Conservation Area Appraisal identifies them as key unlisted buildings.

Although the Council’s Conservation Officer has raised concerns about possible changes to the shop front and new signage, it should be pointed out that, at this stage, the only external alterations which are proposed as part of this application relate to the extraction flue to the rear of the premises.

At this stage, the applicant is seeking permission solely for the principle of the takeaway use. Following meetings, it is apparent that he is well aware of the need for a separate planning application in respect of any subsequent alterations to the shopfronts and is aware of the need to seek appropriate design advice through the Townscape Heritage Officer or the Council’s Conservation Team. But that will be dependent on securing permission for the use he wants and securing an actual end-user.

The rear of the building faces onto an enclosed access in front of some large commercial premises (Laycock’s) and is not visible from any public areas. The installation of a flue to the rear elevation would be a reversible change that would not be seen and is not considered to have any significant impact upon the character of the conservation area.

Whilst reservations about possible future alterations to the shopfront and signage are understood, these would have to be considered on their merits as part of a future application(s). The proposed change of use is considered appropriate to the character and context of this locality and meets the requirements of Policy BH7 of the RUDP.

Impact on amenity of neighbouring occupants:

The previous refusal expressed about potential conflicts between the operation of a restaurant business on the ground floor and the residential use above. The specific reason

for refusal refers to a “lack of information” with regard to noise generation. However, since that refusal, the applicant has clarified that the residential flats above the premises are actually at 2nd floor level - with an independent access via steps from North Street. The ground floor use and 2nd floor flats are separated by a hairdresser's and storage uses at 1st floor level. These intervening uses will result in a takeaway having a significantly lesser impact in terms of noise and disturbance than was originally supposed. The newly submitted layout plans and a site visit/meeting by a Planning Officer has confirmed that the flats are indeed at 2nd floor level – above the level of the proposed takeaway. This separation will mean that the flats are less vulnerable to noise and disturbance from ground floor activity and kitchen areas than is perhaps assumed by the Environmental Health officer.

Further concern has been raised by the Environmental Health officer with regard to the proposed extraction flue and potential noise and vibration during its operation. However, clarification with respect to the internal layout of the building has demonstrated that the window adjacent to the proposed flue serves only a landing/stairwell giving access to the flats rather than any habitable room.

It is considered that a condition could be imposed to secure further details of the extraction system to ensure that Environmental Health requirements in respect of odour dispersal and noise/vibration are met.

In addition, it is considered that, in view of concerns about impact on residential amenity (including the possible deterrent that a late night takeaway operation may pose to future residential conversions of upper storeys along this row), that the hours of opening of the takeaway be restricted by planning condition to between 07.30 hrs and 1200 midnight.

For the reasons noted above, it is considered that unacceptable noise and disturbance resulting from the operation of the ground floor premises would be adequately diffused by the intervening 1st floor uses of hairdressers and storage. Further the extraction system proposed would not affect habitable areas and as such the proposal is considered to meet the requirements of Policy UR3

Impact on Highway Safety/Parking:

The previous application for a restaurant use was not refused on highway grounds. However, the Councils Highways DC section has now raised concerns about this revised proposal which proposes a takeaway use - specifically with reference to what is perceived as a greater likelihood of vehicles stopping and/or parking outside the premises to collect takeaway meals.

Given the location of the premises in Keighley Town Centre, the Local Planning Authority would not ordinarily require off street car parking to be provided for a wide range of town centre uses. Unrestricted on street parking is available nearby across North Street in Russell Street and in the public car parks around the town centre. In addition, the premises are very close to public transport services from the bus station.

As the premises are in a town centre location, it is more likely that a significant proportion of customers would be on foot. Also the fact that significant internal seating areas are shown suggests a hybrid takeaway/restaurant operation and as such the trip generation characteristics are likely to be different to a normal takeaway that features just a serving

counter and is in suburban area. It would therefore seem unrealistic to refuse a takeaway proposal on grounds of lack of off street parking.

In addition, while North Street is an important and busy through route, it is a wide street and the section of road outside of the premises is partly a bus stop and is marked with Traffic Regulation Orders to prevent parking immediately outside the site and in the wider vicinity.

Keighley Town Council's concerns regarding the presence of a bus stop outside the premises are fully appreciated. However, the TRO "NO Parking" restriction runs across the bus stop zone and the Highways DC Officer confirms that any parking that did take place here would be illegal and could be enforced by Parking Enforcement officers. In these circumstances it is considered that parking problems on North Street would be effectively deterred by the existing Traffic Regulation Orders and could be enforced under other legislation, thus making refusal of a planning application on such grounds unsustainable.

Whilst the Highway Officer has raised concerns regarding the potential for illegal parking, it would be unreasonable to refuse an application on grounds of potential illegal parking where there is legislation and powers to prevent such activity already in place.

Notwithstanding the comments of the Councils Highways Officer the proposal is considered to be acceptable in such a town centre location and is not considered to conflict with Policies TM2 or TM19A of the RUDP.

Community Safety Implications:

There are no apparent community safety implications.

Reason for Granting Planning Permission:

It is considered that the proposed development is acceptable in terms of its impact on the Keighley Conservation Area, amenity of neighbours, vitality and viability of the retail offer in the town centre and traffic safety and acceptably accords with the provisions of the Replacement Unitary Development Plan and Policies BH7, CT5, UR3, D1, TM2 and TM19A.

Conditions of Approval:

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

Elevations and Floor Plan Layout Drawing
Proposed Ground Floor and Basement Floor Plans.

Received by the Council on 20 December 2011.

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

2. The premises the subject of this decision shall not be open for business between the hours of 24.00 and 0730 and no customer/client shall make use of the premises between these hours.

Reason: In order to safeguard the amenity of nearby residents, to accord with Policy UR3 of the Replacement Unitary Development Plan.

3. Prior to the commencement of the use hereby approved, details of the extraction system to be installed shall be submitted to an approved in writing by the Local Planning Authority. These shall include acoustic data to confirm that the WHO (World Health Organisation) guidance for maximum noise levels in habitable rooms (i.e. 30dBa) can be met to avoid sleep disturbance and loss of amenity in the adjacent residential accommodation. Thereafter, the extraction system shall be installed and maintained in accordance with the approved details.

Reason: In the interests of residential amenity and to meet the requirements of Policy UR3 of the Replacement Unitary Development Plan.

22 March 2012

Item Number: 2
Ward: KEIGHLEY EAST

Recommendation:

THE APPLICATION CONSTITUTES A DEPARTURE FROM THE REPLACEMENT UNITARY DEVELOPMENT PLAN, AND IS PRESENTED TO PANEL FOR ITS VIEWS. IF MEMBERS ARE MINDED TO ACCEPT THE RECOMMENDATION OF APPROVAL, THE REPORT WILL NEED TO BE PRESENTED TO THE REGULATORY AND APPEALS COMMITTEE AS WELL AS BEING REFERRED TO THE SECRETARY OF STATE

Application Number:

11/05545/FUL

Type of Application/Proposal and Address:

Full planning application for change of use of land to serve as extended service yard area for manoeuvring and parking of customer vehicles at Copperwaite Fleet Management Parkside Works Parkwood Street Keighley West Yorkshire BD21 4PJ.

Applicant:

Mr David Avison

Agent:

J O Steel Consulting

Site Description:

This site comprises an area of rising open land (0.12ha) on the south side of Parkwood Street. It is within a predominantly industrial area although to the west are terraces of residential properties. The site forms a buffer between these dwellings and the industrial uses further to the east. The site is tree-covered and forms part of a wider wooded area that extends up the valley side to the south and is designated as "Urban Greenspace on the RUDP Proposals Map.

The proposed use would be to provide additional off road parking and manoeuvring space for the HGV servicing and testing station housed in industrial workshop buildings to the east.

Relevant Site History:

07/05325/FUL - Five industrial units to be used for B2 or B8 use and associated car parking and turning facilities. Granted 24.01.2008.

11/03073/FUL - Change of use of land to serve as extended service yard area for manoeuvring and parking of customer vehicles. Refused 26.08.2011 for the following summarised reasons:

1. The proposed development would have a significant detrimental impact on the openness, character and visual appearance of the Greenspace and would result in the loss of a substantial number of trees contrary to Policies OS1, UR3 and NE4 of the Replacement Unitary Development Plan.

2. The proposed development would result in the loss of an important area of Greenspace that presently serves as a valuable buffer zone between a residential area and nearby B2 industrial activity contrary to policy UR3 of the Replacement Unitary Development Plan.
3. Lack of justification under Planning Policy Statement (PPS) 4. Economic benefits of the proposal are, in this instance, considered to be far outweighed by the unsustainable consequences of the development for the environment and the local community.
4. Insufficient information as to how the application was going to address the means by which the excavation of this steeply sloping site would be managed, either in terms of containment of mud, slurries or dust.

Replacement Unitary Development Plan (RUDP):

Allocation

Allocated as urban greenspace on the RUDP Proposals map
Adjacent land to the north and east of the site allocated as employment zone.

Proposals and Policies

UDP1 – Promoting sustainable patterns of development
UDP3 – Quality of built and natural environment
UDP4 – Economic regeneration
UR3 – The local impact of development
D1 – General design considerations
D4 – Community safety
D5 - Landscaping
OS1 – Urban greenspace
NE4 – Trees and woodland
NE5 – Retention of trees on development sites
NE6 – Protection of trees during development
NE9 – Other sites of landscape or wildlife interest
NE10 – Protection of natural features and species
NE11 – Ecological appraisals
NE12 – Landscape and wildlife enhancement
TM2 – Impact of traffic and its mitigation
TM11 – Parking standards for non-residential developments
TM19A – highway safety and traffic management
NR16 – Surface water run off and sustainable drainage systems
P5 – Development close to former landfill sites

The Draft National Planning Policy Framework (DNPPF):

The Draft National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;

- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Draft Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Recommended for approval although double yellow lines are required on the junction of Parkwood Street.

Publicity and Number of Representations:

The application was advertised by means of a site notice and individual neighbour notifications. Eighty letters of objection have been received.

A large petition was received against the previous application 11/03073/FUL. This petition was not resubmitted in respect of this resubmission although the various objectors raise similar grounds of objection.

Summary of Representations Received:

The objections of third parties to the proposal are summarised as follows:

1. The land was given to the people of Keighley by the Duke of Devonshire in trust for recreation and as green space for all Keighley and the Council have no rights morally or legally to sell this land and if the application is approved this would mean that any land the Duke of Devonshire has given the people of Keighley means absolutely nothing and will no longer be protected.
2. Petition of over 1000 people submitted against the previous application 11/03073/FUL stills stands.
3. Approval of this application would set a precedent and lead to further erosion of the wood in the future for other uses / developments (possibly housing) and have wider district wide implications for the destruction of more areas of unique landscape and wildlife.
4. The site is adjacent a Bradford Wildlife Area (BWA) and a Site of Ecological or Geological Importance (SEGI) but scant attention has been paid by the applicants to the impact on wildlife. This development will adversely impact on wildlife, including bats and nesting birds and their habitat.
5. Loss of trees will adversely impact on the visual amenities of the immediate area surrounding the site and landscape views from more distant parts of Keighley. The loss will also negatively impact on air quality and the mental health, physical and spiritual well-being of the community and lead to increased noise levels and an increased risk of surface water runoff and flooding.
6. Development will be contrary to policies in Airedale Plan, the Leeds Regional Development Plan, Bradford's RUDP and Keighley's Town Plan. Specific mention is given to policy OS1 of the RUDP.
- 7, The business should not have taken it for granted that they would be allowed to develop on adjacent land and should have located somewhere more appropriate in

- the first place - possibly with Council assistance. Copperwaite should have thought about their own development needs before they used part of their site to build industrial units on, which they now let out. CFM should look to accommodate their business on their existing site where there are currently several empty units that could be used or taken down to accommodate the MOT station. The location of the business should not dictate their ability to redevelop adjacent land.
8. Loss of leisure land. The land is especially valuable as recreational space as local residents do not have individual gardens and provides safe playing out space for children to play out in.
 9. Adverse impact of HGV traffic associated with the development on the inadequate surrounding road network, local residents, children, nearby schools / nursery, elderly pedestrians and animals.
 10. The development would erode the buffer between industrial and residential land uses and adversely affect the amenities of users of the wood and residents living close by both during and after construction due to overshadowing, loss of privacy, impact on primary views from dwelling, increases in traffic, noise, fumes, dirt, pollution and lighting levels and consequently a decrease in their living standards.
 11. Loss of right and public access. There is an orienteering post near the site and an ancient right of way across the land concerned.
 12. Potential oil pollution issue for a watercourse.
 13. Adversely affect the character of a conservation area, ancient woodland, setting of listed building, SSSI SSI, green belt, historical value of the wood and no special circumstances and inappropriate in Special Landscape Area.
 14. Detrimental affect on property values in the area. Will owners be compensated?
 15. The economic benefits put forward to justify harm to the wood are questioned.
 16. The development would lead to the loss of substantial amounts of soil from the hillside and there is concern over the number and routing of lorry movements required to move the excavated soil and the impact this will have on safety of the residents.
 17. Inadequate drainage.
 18. Inadequate parking provision.
 19. Inappropriate design choice of materials.
 20. Lack of information on matters of ecology, drainage and minerals – all or any of which could result in disruption and potential expense borne by Bradford or Keighley Councils.
 21. There is an offer to reinstate the public right of way across the site however no doubt the maintenance of it will fall to local authorities which is unacceptable. Also its reinstatement can not be guaranteed.
 22. Wheel washing facilities may not prove adequate.

Consultations:

Forestry Commission: The area of the application falls outside any Ancient Semi Natural Woodland (ASNW) designation, this area if under woodland cover will act as a buffer to the adjacent ASNW, significant change to or reduction in extent of this buffer area would be likely to impact on the robustness and habitat value of the ASNW.

Trees Team: The proposal as originally submitted would have lead to the loss of trees within this urban green space without sufficient mitigation measures. However, following site meetings the applicant has sought to address the tree issues.

Minerals Team: The volume of excavation arising from the development would lead to some environmental disturbance during excavation, transportation and disposal.

Although the project has been significantly scaled down it would still lead to environmental disturbance during construction and would result in the loss of soil resources from the adjacent hillside. It should be considered whether these adverse impacts contrary to Council's adopted Sustainable Design Guide SPD, Policy UDP8 of the RUDP and PPS10 would be counterbalanced by the claimed economic benefit of the project for the adjacent business.

Drainage Services Unit: The developer's must submit details of their proposed surface water drainage scheme together with details of how oil pollution is to be treated, to the Council for approval, prior to works commencing on site. Also the development must be undertaken in such a manner so as not to change the overland surface water flow patterns to the detriment of adjacent landowners.

West Yorkshire Ecology: Concerned that this application will erode the margins of Park Wood a Bradford Wildlife Area to the immediate north of the proposal site. The Service recognises that the tree cover on the site and adjacent area to the west may not be of high landscape value, but it is likely to provide good habitat for woodland edge birds. The application will result in the loss of part of this semi-natural habitat which is likely to fall within the UK Biodiversity Action Plan definition of Lowland Mixed Deciduous Woodland. They accept that this is not part of the nearby ancient woodland, but it does contribute to the buffer zone around it. The loss may be acceptable provided that sufficient mitigation can be provided. They would be looking for a native planting scheme on the land to the west of the proposal site and a standard maintenance condition.

Council's Biodiversity Team: Concur with the comments of West Yorkshire Ecology (WYE) already submitted (although it should be noted that the designated wildlife area of Park Wood lies immediately to the south of the development site, not the north as stated by WYE).

They would support additional planting to mitigate the loss of tree cover on the remaining Council land and this could be subject to a management agreement. The Council's Woodland Management team currently manage the site and their input into any agreement would be important.

A network of public footpaths (Keighley 78, 79 and 80) runs to the south of the site and it may be that improvements to these could also be considered.

Rights of Way Team: No recorded public rights of way abutting or crossing the site.

There are however a number of informal routes abutting the site and these can be accessed via wooden stiles off Parkwood (currently overgrown) and from stiles off Quarry and Kendal Street. From looking at the plans it does not appear that any of these routes or access is affected by these proposals.

As the routes are not recorded the Rights of Way Team will not object to the proposals.

Environmental Health: having viewed the supporting documentation and undertaken a site inspection, have no concerns or objections to raise in respect of the development.

LDF Team: The Replacement Unitary Development Plan (RUDP) for the Bradford District Adopted October 2005 allocates the proposal site as Urban Greenspace under Policy OS1. The proposed site also adjoins a Bradford Wildlife Area and an Employment Zone indicated in the RUDP.

The proposal to turn this area of land into a service yard for the adjoining commercial business constitutes a departure from the Plan. Policy OS1 states that development will only be allowed if it retains the open and green character of the site. Although the proposal only affects a small proportion of a much larger Urban Greenspace it would lead to a change in character of the land by removing part of the site to alter the level of the area, remove a number of trees and open up of the site up to allow vehicular access.

Policy OS1 also requires that where developments are permitted they make a positive contribution to the character and amenity of the area. Allowing this development would lead to a negative impact on the openness and green character of the proposed site. Although the proposals do not include built development of any particular height they do propose alteration to the level of the land and surfacing of an undeveloped area which will impact on openness and take away the green character of the existing land.

The Policy advises that development adjacent to Urban Greenspace will be expected to contribute to maintaining their green character, particularly through a high standard of landscaping. The Council is particularly concerned to prevent, the piecemeal 'nibbling' away of areas of Urban Greenspace by the construction of individual new buildings.

It is not the Council's intention to prejudice the interests of owners of properties located on the edge of Urban Greenspace in carrying out reasonable development associated with existing use by applying Policy OS1. If the Council feels this is the case and considers the proposal to be reasonable development by way of openness then the development should contribute to the character and amenity of the area by ensuring high quality design and landscaping. In this case the proposal should meet the requirements of Design Policies D1 and D5

The proposal is located in an open area of land which currently separates the industrial area from the residential area and although the proposals would not lead to the joining of these two different uses they would bring them closer together. If this development is allowed then the Council will need to discourage future applications for developments which may further decrease the area of green land separating these two different uses. If this proposal is recommended for approval would it be possible to include a condition requiring a firm and permanent boundary to the proposal with high quality landscaping including the planting of mature trees to discourage future applications which may further encroach on the Urban Greenspace and reduce the area of land separating residential use from industrial/commercial use.

The SHLAA referred to by some third parties is not a proposal's document but merely a technical assessment of land across the District which could be viable for residential use. No decisions have yet been taken as to whether any of the sites identified in the study which are protected in the RUDP proposals reports by policy including urban Greenspace will continue to be protected until these documents are replaced by the Allocations DPD.

Asset Management: Confirms that they received an enquiry to purchase this land by Copperwaite Fleet Management Ltd in April 2010. This land is part of the Parkwood recreation ground which had remained unused for many years, and had become overgrown and had also attracted fly tipping. The intention of the prospective purchasers was to expand their VOSA Heavy Goods Testing Station which they had just been awarded, and would expand the business to employ a number of additional staff, and would be the only testing station of its type within 20 miles. It was considered that creation of off street parking would alleviate a parking problem on Parkwood Street which is within a short distance of a school, and that this would increase road safety.

The Council holds the land in trust. It was a free grant or gift from the Chatsworth Trust and the Council has no financial interest in the land; proceeds of sale will be divided between the Chatsworth Trust and the Charities Commission. They have approached both beneficiaries who are quite happy for a sale to proceed.

The original planning application attracted local opposition, most of it surrounding the potential loss of public space even though it was obvious the land had not been used for its intended purpose for many years.

The latest, modified planning application offers a very constructive compromise which should allay the fears of local residents as it achieves the additional parking required by the Testing Station yet uses only around one third of the area of land originally needed. It also retains a 'buffer zone' between the houses on Quarry Street and the proposed car park and in addition they understand the applicants have offered to implement a planting scheme to 'firm up' the buffer zone, which will further minimise any disruption.

On reflection they feel that, taking all of the above factors into account, the new planning application should be granted.

Asset Management confirm that they were advised by the Council's Property Law Team that the Council was the correct organisation on which to serve notice (*under the ownership certificate requirement for a planning application*), and that there are no other owners or leaseholders who should have been notified.

They also confirm that the Council has no objection to the applicants carrying out a tree planting scheme under Council control to the area currently outside the red edged area of the application, if planning permission for the development were to be granted.

Highways Development Control Section: Was concerned that articulated vehicles be able to enter and leave the site in a forward motion and given the large volume of soil which will be transported off site that a wheel wash facility should be provided to prevent any mud, dirt or debris being carried onto the adjoining highway. These concerns have been addressed by the submission of amended plans showing a wheel wash facility being provided and a swept path drawing demonstrating that articulated vehicles could enter and leave the site in forward motion.

Summary of Main Issues:

Principle
Local Amenity
Highways

Appraisal:

The applicant company considers it necessary to use the open land adjoining its existing service yard to allow for additional parking of wagons and improved turning to support its business. Supporting information describes how the company has recently taken on a role for VOSA in testing HGVs. This follows the closure of testing facilities at Steeton. It is the only testing facility for businesses in the Aire valley.

Supporting information from a local property consultant describes how the company has been unable to find alternative premises for the business for its necessary expansion.

The current submission follows the refusal of a planning application in 2011 which sought to utilise a much larger area of Park Wood for manoeuvring and parking of HGVs being serviced by the applicants business. The current application reduces the extent the parking area will intrude into Park Wood and provides mitigation measures to overcome the environmental impact of the proposal on Park Wood including additional planting to thicken up the wooded buffer between the housing and commercial use and provision of formal entrance to Park Wood. It is envisaged that these mitigation works will be carried out by the applicant in conjunction with the management of the area by the Council's Woodland Officer.

The amount of land to be taken into use by the revised proposal would be 18 metres deep and about 50 metres long.

Impact on the urban greenspace

The land onto which the company proposes to expand its service yard and parking is allocated as Urban Greenspace under Policy OS1 of the RUDP. The proposed site also adjoins a Bradford Wildlife Area and an Employment Zone indicated in the RUDP. It is not subject to any of the other designations (such as green belt) raised by third parties.

The proposal to turn this area of land into a service yard for the adjoining commercial business. Policy OS1 states that :

WITHIN URBAN GREENSPACES DEFINED ON THE PROPOSALS MAPS
DEVELOPMENT WILL NOT BE PERMITTED UNLESS IT:

- (1) RETAINS THEIR OPEN AND GREEN CHARACTER AND
- (2) THROUGH DESIGN MAKES A [POSITIVE CONTRIBUTION TO THE CHARACTER AND AMENITY OF SUCH AREAS. DEVELOPERS AND LANDOWNERS ARE ENCOURAGED TO PREPARE MANAGEMENT PLANS FOR THE IMPROVEMENT AND UPKEEP OF THE URBAN GREEN SPACE, AS PART OF DEVELOPMENT PROPOSALS WHICH ARE ACCEPTABLE UNDER THE POLICY.

The Council is concerned to prevent the piecemeal 'nibbling' away of areas of Urban Greenspace and careful consideration should be given to the current land use and allocation and the implication on future decisions of allowing change of use of the land allocation. It is not, however, the Councils intention to prejudice the interests of owners of properties located on the edge of Urban Greenspace in carrying out reasonable development associated with existing use by applying Policy OS1.

The applicant has submitted an economic case to support their application and as special consideration for a departure from policy OS1 stating that the proposal is important in that it forms a continuation of substantial investment in the business and is required to

1. Eliminate the need for lorries to park on the adjoining public highway, which would assist with improving highway safety,
2. Use the existing capacity of the business effectively and allow the business to grow and employ additional people,
3. Make the small employment units on the site more attractive to potential clients (who would employ additional people) by removing on site congestion,
4. Support the continuation of a HGV testing facility that serves local businesses without the need to travel considerable distances, thus supporting sustainability principles.

The company has also put forward various measures by the way of reinforcing boundaries, additional new areas of planting and the formation of a formal entrance to Park Wood that will assist in the enhancement of this community facility and substantially reduce the impact of the parking area on the remaining surrounding urban green space and nearby residential dwellings including those on Quarry Street. The mitigation scheme will assist with consolidating the character of the remaining area viewed both locally and from more distant views and in particular the provision of the entrance feature and its linkage to formal footpaths contained within the wood will enhance use of the facility providing a focal point and help to safe guard the remaining wooded area from further encroachment by enhancing the function of this part of the wood.

Balancing the need for retaining the openness and greenness of the urban greenspace with the need to support sustainable economic development, which arguably this is, and taking account of the minimal incursion into the urban green space and the mitigation the applicant is proposing to minimise the impact of the proposal and enhance the remaining urban greenspace in the locality of the development it is recommended that an exception to policy OS1 could be accepted here without prejudicing future developments requiring to be assessed against policy OS1.

Impact on local amenity

The reduced area of the current proposal will mean that a buffer zone of at least approximately 50 metres will exist between the nearest part of the parking facility and the nearest residential curtilage on Quarry Street. The proposal will use the levels of the site so that the base of the parking area will be 2m below the level of the woodland adjacent to it. This difference in levels combined with retention of woodland and the additional planting to strengthen the wood buffer would diminish the impact of parked HGVs on the residential amenities of local residents, including loss of privacy.

With regard to the impact of the proposal on the amenities of the wider area raised by third parties the provision of the parking area of itself would not lead to the intensification of amenity problems that third parties have raised as these are issues that exist already because of the close proximity of potentially incompatible uses in the form of residential properties and a HGV MOT station.

It also needs to be noted that Environmental Health having viewed the application have not raised any objections to the proposal or the need to condition the timing of the construction works associated with the development.

Loss of Trees

The proposed site contains a number of trees. The trees provide a break in the landscape from the commercial use to residential use of the area and although this would not be altogether removed the proposal would decrease the impact of this break. The proposals also impact on other trees beyond the red boundary of the application site. Therefore, if minded to recommend approval the requirements of Policies NE4 and NE5 regarding Trees should be addressed.

However, the trees affected comprise largely scrub vegetation which was planted in the 1980s as part of an environmental improvement scheme. The trees are generally in need of better management and thinning out. A considerable number of existing trees would be retained on the land and additional tree and hedge planting is offered by the applicant that will assist with screening the parking area from views from Parkwood Street. The formation of the entrance to Park Wood, reinforcement / additional tree and hedge planting would assist in enhancing the visual amenities of this area of wood in accordance with policies D1, UR3, D5, NE4, NE5 and NE6 of the RUDP.

Third parties have raised concerns about the loss of wildlife and their habitat, and in particular several objectors have expressed concern about the impact of the development on bats, a protected species. The woodland affected by the proposal is young woodland of limited wildlife value itself. However the advice of West Yorkshire Ecology and the Council's Biodiversity Team have been taken on board and the applicant is now proposing better defined mitigation measures including additional tree planting that will reinforce the woodland habitat in the vicinity of the site. With regard to bats they may forage in the area but are unlikely to roost here. Any approval should make the developer aware of the presence of bats and nesting birds and their legal obligations by way of informatives on any approval.

In conclusion it is considered that the proposal will accord with policies D1 and UR3 of the RUDP in terms of its impact on local amenity, including residential amenity.

Highway issues

The proposal to introduce additional off road parking next to a busy highway are to be welcomed in enhancing highway safety in the area and therefore in this respect the proposal is considered to accord with policies TM2, D1 and UR3 of the RUDP subject to condition of the provision of a wheel washing facility during the construction phase.

Community Safety Implications:

The parking / manoeuvring area would be separated from Park Wood by 2m high fencing. The existing yard it would serve would be secured when not in use by metal gates. The proposed parking / manoeuvring area would be defensible and therefore accords with policy D4 of the RUDP.

Reason for Granting Planning Permission:

The proposal has been assessed as being an acceptable incursion into urban green space. Whilst contrary to policy OS1 of the Replacement Unitary Development Plan the degree of incursion is justified having regard to the need to support sustainable economic development, the minimal nature of the incursion and the mitigation measures that will be carried out to minimise the impact of the development on the urban green space and enhance the remaining urban green space in the locality of the development. The impact of the development on local visual and residential amenity, trees, highway safety and community

safety has been assessed as being in accordance with policies D1, D4, D5, UR3, NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

Conditions of Approval/Reasons for Refusal:

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

Approved Plan Details:

Drawing number CFM/1026B-01A dated 21.02.12 showing Site plan and sections as proposed

Un numbered and dated drawing showing Typical section permacrib model 750

Un numbered and dated drawing showing Typical section permacrib model1050

Received by the Council on 24 February 2012

Drawing number CFM/1026B-Sk.02 dated February 2012 showing Site plan for proposed entrance to Park Wood

Received by the Council on 28 February 2012

Rev A Location plan dated 01.03.2012

Drawing number 11116 TPS dated 23.02.2012 showing Tree planting scheme

Received by the Council on 2 March 2012

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

2. The development hereby granted shall not be begun, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until the details of the new entrance to Park Wood indicated on drawing number CFM/1026B - Sk.02 have first been agreed in writing by the Local Planning Authority and the approved scheme for the new entrance to Park Wood together with the additional planting shown on drawing ref no. 11116 TPS have been carried out in their entirety.

Reason: To ensure the greenness of the urban green space is retained and enhanced and to accord with policies OS1, D1, D5 and UR3 of the Replacement Unitary Development Plan.

3. Before any development commences on site, full details of arrangements for wheel cleaning of construction vehicles and equipment, including the location of such a facility in relation to the highway and arrangements for disposal of contaminated surface water shall be submitted to and approved in writing by the Local Planning Authority. The details and measures so approved shall be installed, maintained in good operational condition and used for wheel cleaning whilst ever construction or delivery vehicles are leaving the site.

Reason: To prevent mud being taken on to the public highway in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

- 4, The development shall not begin until details of a scheme for surface water drainage for the parking area formed as a result of this permission (including details of how oil / petrol spillage is to be contained and disposed off) have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the use being established on site.

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

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

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

The development shall not be begun, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted in the Tree Protection Plan as approved by the Local Planning Authority. The temporary Tree Protective Fencing shall be driven at least 0.6m into the ground and remain in the location as shown in the approved Tree Protection Plan and shall not move or be moved for the duration of the development.

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

No development, excavations, engineering works and storage of materials or equipment shall take place within the Root Protection Areas for the duration of the development without written consent by the Local Planning Authority.

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

6. The Development shall not begin until a plan showing the design and materials of boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in full prior to the first occupation of parking area hereby approved and shall thereafter be retained.

Reason: In the interests of amenity and to accord with Policies OS1, D1, D5 and UR3 of the Replacement Unitary Development Plan.

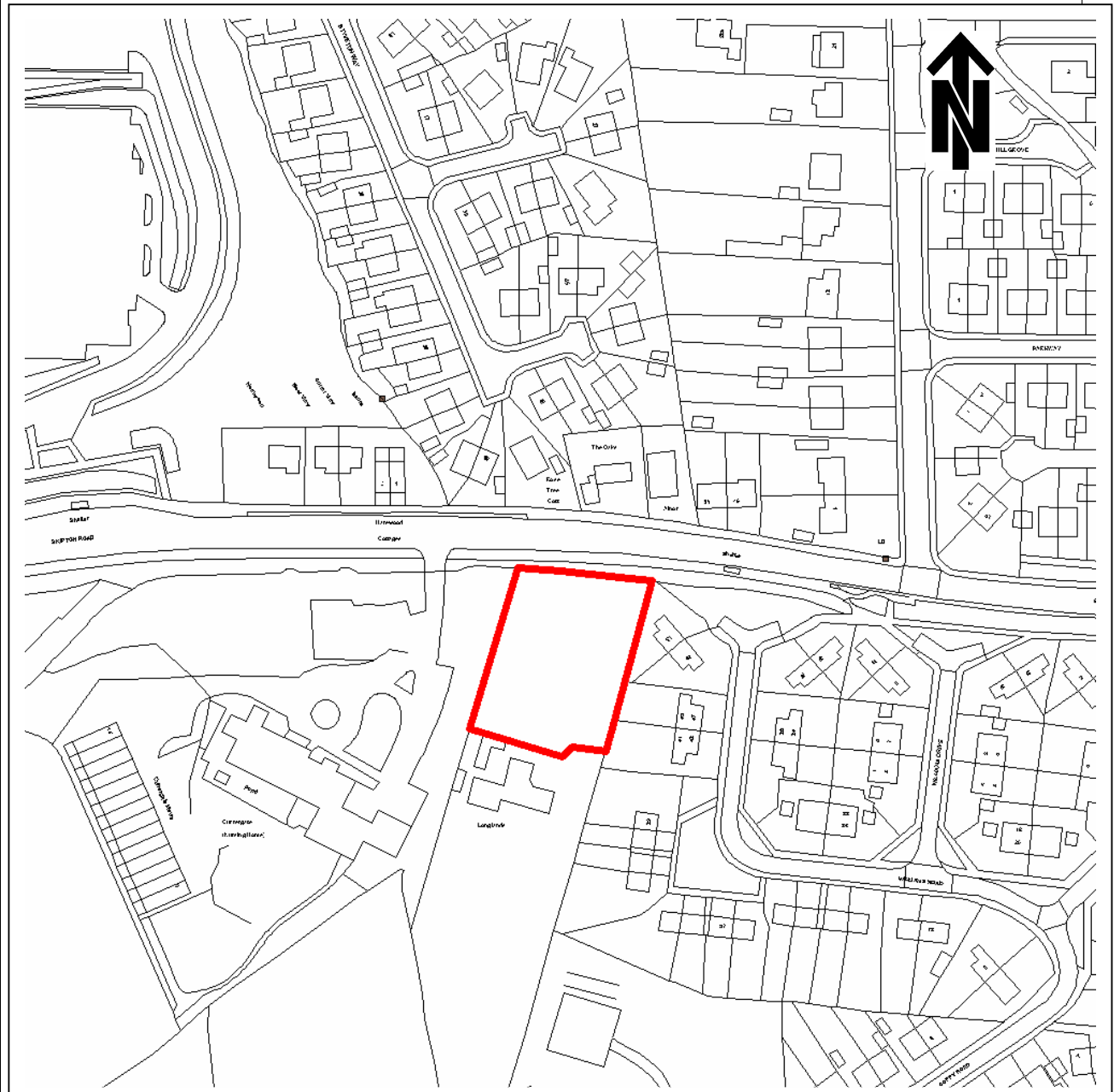
FOOTNOTE: The developer should be aware of the possible presence of bats in the surrounding area. Bats and their roosts are protected under the Wildlife and Countryside Act, 1981 and works that affect them would require separate consent.

FOOTNOTE: The developer should be aware of the possible presence of nesting birds in the surrounding area. Nesting birds are protected under the Wildlife and Countryside Act, 1981 and works that affect them would require separate consent.

Area Planning Panel (Keighley)

11/04068/FUL

22 March 2012



© Crown copyright 2000. All rights reserved (SLA 100019304)

ITEM NO. : 3

LOCATION:
Land North Of Longlands
Skipton Road, Steeton With Eastburn

22 March 2012

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

Application Number:
11/04068/FUL

Type of Application/Proposal and Address:
Full planning application for development of convenience store at Land North of Longlands, Skipton Road, Steeton with Eastburn.

Applicant:
Croft Building Ltd

Agent:
Mr Clive Brooks

Site Description:
The site 0.2ha in area forms what was originally the front garden area of Longlands, a large stone walled dwelling in substantial grounds adjacent to and with access to Skipton Road. The Currergate nursing home, a grade II listed building, borders the site to the west, with the Council built estate at Williams Road to the east. The site is long and thin with avenues of mature trees (protected by Tree Preservation Order 0859) running along the east and west boundaries and an unprotected conifer hedge running along the sites northern boundary. The site is set up from Skipton Road and rises up slightly towards Longlands.

Relevant Site History:
There have been residential schemes approved for residential development in the past on this site, including some for residential apartments but apart for the 2010 outline listed below these permissions have now expired.

08/06274/COU - Change of use from single domestic dwelling to house in multiple occupation for Longlands. Granted 26.02.2009 and implemented.

10/05863/FUL - Conversion of part of Longlands from HMO back to separate dwelling. Granted 20.01.2011

10/04025/OUT - Outline application for the principle of development of 9 new dwellings at Longlands Skipton Road Steeton with Eastburn. Granted 25.10.2010. Has until 25.10.2013 to submit the reserved matters.

Replacement Unitary Development Plan (RUDP):
Allocation

Unallocated but access onto Skipton Road which is designated as part of the national and local cycle network.

Proposals and Policies

UDP1 Promoting sustainable patterns of development
UDP6 Continuing vitality of centres
UR2 Promoting sustainable development
UR3 The local impact of development
CR2A Areas of deficiency
TM2 Impact of traffic and its mitigation
TM10 National and local cycle network
TM11 Parking standards for non residential developments
TM19 Cycle parking
TM19A Traffic management and road safety
D1 General design considerations
D3 Access for people with disabilities
D4 Community safety
D5 Landscaping
BH4A Setting of listed buildings
NE4 Trees and woodlands
NE5 Retention of trees on development sites
NE6 Protection of trees during development

The Draft National Planning Policy Framework (DNPPF):

The Draft National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Draft Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Recommends refusal of the application due to the following concerns:

- Traffic – an increase in traffic movements and the disturbance of traffic flow on an already congested road, Skipton Road.
- Negative impact for local residents due to noise and delivery vehicles attending outside normal hours.
- The design of the building that necessitates delivery vehicles to access the site at unsociable hours due to the constraints of the site.
- Highways – the proposed design would impact on the alterations planned for the junction of Thornhill Road and Skipton Road.

The Council supports, in principle, the provision of a convenience store within the parish but questions the location of this site as suitable for a retail development.

The Council requests that if the Planning Officer recommends approval of the application it is determined at the Keighley Area Planning Panel where a member of the parish council will attend.

Publicity and Number of Representations:

This application has been advertised by means of site and press notices and individual neighbour notification letters. The Council has received 2 written representations.

Summary of Representations Received:

Both representations object to the development. Grounds of objection :

1. The development is for a mini supermarket rather than a corner shop. The need for it is questioned and the impact it will have on the survival of independent shops that currently serve Steeton.
2. The massive visual impact it will have on the character of Steeton.
3. The development directly opposite their home will cause them a lot of noise and nuisance.
4. Youths congregating around the store will make them feel unsafe in their home.
5. The development will cause the objectors a loss of privacy because of its location to the objector's property.
6. Despite the control of on street parking by means of residents only restrictions users of the development will abuse these restrictions when the stores on site car park is full causing inconvenience to the objectors whose only form of parking is on street due to a lack of driveway.
7. The development will increase the traffic congestion already experienced on Skipton Road to the detriment of access to and from Airedale hospital.
8. Removal of trees covered by Tree Preservation Orders.
9. Will destroy what is presently a green and pleasant environment.

Consultations:

Environmental Health Pollution Team: the development appears viable in that there is adequate scope, due to the topography of the land, for screening and enclosing some of the potential sources of disturbance. The main issues which can lead to loss of amenity in respect of convenience stores are deliveries at anti social hours of the day and poorly designed and located chiller/cooling units. Both of these, they would suggest, can be overcome with careful planning.

They would recommend that a robust condition prohibiting deliveries between 2300 hrs and 0700am (at least) be applied and similarly that details of cooling/ extraction systems (including predicted noise levels) be supplied up front.

Drainage Unit: Had reservations regarding drainage when the application was first submitted but the applicant has worked to overcome their concerns / issues and the Drainage Service have most recently commented that the additional drainage details indicated on Drawing 6927/001 Rev D & the Design Synopsis together with the Micro Drainage calculations demonstrate the developer's drainage proposals are acceptable for this development.

Trees Team: there have been tree issues with the proposal but the amended plans resolve these by amending proposals for car parking and proposing tree protection methodology.

Highways Development Control: The site is currently the front garden of a large residential property and has extant outline permission approval (10/04025/OUT) for 9 new dwellings. The site is accessed from Skipton Road via a private drive.

The proposal is to replace the approved residential development with a convenience store (372GFA), with 14 car parking spaces including two disabled spaces. The existing site entrance is to be retained and upgraded to adoptable standards.

A Transport Statement has been submitted with the application which indicates that the proposal will not result in a material increase in traffic flow on Skipton Road. They are satisfied that the proposal will have minimal impact on the local highway network.

The majority of pedestrian demand will be from the east, which will increase significantly with the proposed Thornhill Road residential development. A pedestrian crossing facility on Skipton road is therefore required to the east of the site. Whilst the Thornhill Road development will provide pedestrian crossing facilities as part of the Thornhill Road / Skipton Road junction improvement, which would be adequate to serve this development, there is no guarantee the Thornhill Road development will be delivered. The applicant is therefore proposing to provide a pedestrian refuge crossing facility to the east of the site which would be removed when the Thornhill Road scheme is implemented. This is acceptable.

A Section 278 Agreement will be required for implementation of the proposed improvements to the site entrance and the pedestrian refuge.

They recommend highway conditions for any approval covering construction of the access before commencement, the car parking, turning area and service vehicle area to be provided before use.

Design and Conservation Officer: The application site is located outside of Steeton conservation area. The adjacent property, Currergate, (now care home) is a Grade II listed building. They have no objections in principle to the proposal. The site is currently open and mature trees surround the boundaries. These trees, along with the boundary walls make a positive contribution to the streetscape and create an effective screen between the site and Currergate, maintaining the sense of privacy and enclosure around the listed building. They are satisfied that the proposal will have a limited impact on the setting of Currergate.

The design of the proposed store seems appropriate and will still allow views across the top of the structure to Longlands, which is set on a higher plateau of land to the rear of the site. Longlands is undesignated but is an attractive property that adds interest to the streetscape and character of the area.

If the above advice is followed the proposal would have a neutral impact on the designated and undesignated heritage assets around the site and therefore would accord with Policy BH4A of the RUDP and the principles of PPS5.

Planning LDF Team: In principle, that this application can be supported. Steeton and Eastburn are settlements that do not have a defined retail centre. Consequently, they are covered by RUDP Policy CR2A for small scale developments (like the proposal) and CR4A for larger scale developments. Given the amount of residential properties near to the site, a development of the scale proposed would seem appropriate. It is recommended that should development take place a controlled pedestrian crossing be provided near the shop across Skipton Road to maximise connectivity with the residential properties to the north and that any approval is conditioned to limit the upper limit of floor space, which is the maximum floor space that would be considered appropriate under policy CR2A.

Summary of Main Issues:

Principle of retail development

Impact on trees

Design and external appearance including impact on the setting of a listed building

Impact on the surrounding area, including residential amenity

Highway safety issues

Appraisal:

Principle of retail development

The main thrust of the Council's retail policy has been to concentrate it within the city centre, town, district or local centres as defined by the RUDP to support their viability and vitality.

Steeton and Eastburn are settlements that do not have a defined retail centre and consequently, they are covered by policy CR2A of the RUDP for small scale developments. This policy seeks to tackle retail deficiency, particularly for shops that meet daily needs, particularly for food, in areas lying 500m beyond defined shopping areas. The policy states that the size of the development must be appropriate in size of the residential area, cumulatively must not adversely affect the vitality or viability of the city centre or any other named town, district or local centre, should locate shops in close proximity to each other to provide focuses for communities and in locations served by sustainable transport.

Existing shops in Steeton and Eastburn are dispersed in nature with no focal point and therefore siting of the store to help build a focused centre for Steeton or Eastburn would not be possible.

Steeton and Eastburn are linear in nature and the development will be situated centrally next to the main transport thoroughfare well served by public transport, Skipton Road that connects both settlements. The site is located near the more intensively built up areas of Steeton with a housing estate to the west of the site and private development to the north of the development. In addition the site lies close to a large extent housing development on Thornhill Road. Connectivity to the existing and proposed residential properties to the north of the site and divided from it by Skipton Road is to be improved by the formation of a crossing point across Skipton Road as part of the development. Given the amount of residential properties near to the site, a development of the scale proposed would seem appropriate to meet daily shopping needs. In conclusion it is also considered that the location of the store is acceptable, its central position in relation to built up residential areas maximising the number of people it can serve and its position next to a main public transport bus link maximising the sustainability of the development.

The planning case report submitted with the application, in particular section 5.0, examines the impact of the proposal on retail provision in this locality including its impact on the vitality or viability of the nearby town, district or local centres. The report looks at the situation now and projected over a five year period and concludes that given the dispersed patterns of shopping already presented by the communities of Steeton and Eastburn and the scale of the additional retail proposed (279sqm) this proposed retail store will not have a significant adverse impact on any of the identified centres. Having read the report there is agreement with its conclusions. Third party comments have referred to the impact of the development on existing local shops within Steeton and Eastburn. Some of the existing shops are specialist such as hairdressers or post office and therefore are unlikely to be affected by the new store. Also it is the dispersed nature of the existing retail provision will limit the impact of the new store on the existing shops each of which will tend to serve the most immediate locality.

In conclusion for the reasoning laid out above it is considered that the principle of re-developing this site is acceptable being in accordance with policies UDP1, UDP6, UR2 and CR2A of the RUDP.

Impact on trees

The development will open up views into the site from Skipton Road with the loss of a conifer hedge running along the sites northern boundary. The conifer hedge is not protected adds nothing to the visual amenity of the street scene because it is of alien plant species. It not considered that its loss would be detrimental. It is proposed that two heavy standard trees will be planted along the northern boundary, which together with the existing retained street tree will appropriately compensate and break up views into the site.

The important trees to retain within the site are the lines of mature trees (protected by Tree Preservation Order 0859) running along the east and west boundaries of the site. These trees frame the site and separate and distance the site from Currergate, a Grade II listed building to the west, protecting its setting. The developers have worked with Council officers to produce a set of amended plans that will allow for the retention of all but one of the protected trees. In essence the access and detailing of the access road to the development have been amended to minimise land re-grading; the proposed car park has been amended to pull it away from the trees with no dig methods being used for development close to trees where detailed in the revised arboricultural method statement.

The proposal will retain a green aspect to the Skipton Road frontage and retain important trees within the site in accordance with policies D1, D5, UR3, NE4, NE5 and NE6 of the RUDP.

Design

The store will be a rectangular single storey flat roofed building with a flat roofed two storey element to the rear of the building closest to Longlands and a canopy on its northern elevation. Apart from a personnel door to a secure service yard all openings are located on the stores front elevation facing Skipton Road.

Design and external appearance of the store have respected the need to reduce its impact on Currergate. The proposed store has been designed to a modern functional standardised template. This has the advantage of being of low profile. It also reflects the form of buildings at Airedale Hospital and allows it to accommodate the particular constraints of the site such

as the need to retain protected trees and respect the setting of the adjacent listed building. The development has made use of the rise of levels across the site from Skipton Road and set the building back into the site to produce a tiered form of development reflecting topography and to minimise its impact on the visual amenities of Skipton Road.

The area surrounding the site includes an eclectic palette of building materials, the closest and most related building being Longlands, a traditional stone built structure. The proposed building frontage and part side elevation to the retained access to the residential land to the rear of the proposed store will be finished in a coursed stone which will blend into a grey, flat profile, composite panel wall. The eaves arrangement will use a profile and guttering to ensure the cap appears as a simple cap to the modular building blending with the wall panelling. The roof will be a single ply membrane system, again grey to match the wall panelling.

The service areas / retaining walling facing the non public area of the proposals / western boundary will have a buff coloured brick finish and artificial stone copings. The service yard will be concrete, the car park black tarmac with path and steps having buff coloured, non slip stone effect paving, the ramp being tampered concrete finish and car park retaining walling being coursed stone finish with stone copings. The exact details of materials would need to be controlled by condition requiring approval of samples.

Subject to detailed control of materials the design and external appearance will have a neutral impact on the Grade II listed Currergate Nursing Home and therefore would accord with Policies D1, UR3 and BH4A of the RUDP and the principles of PPS5.

In reaching this conclusion account has been taken of the Conservation Team's comments on signage, which is not for consideration here and will be subject to separate control. The Conservation Officer suggested a sedum roof. As the roof is effectively flat little of it will be seen from the surrounding area and therefore it is not considered important to insist on a sedum roof. A materials sample condition can be used to prevent a roof material that is either too light or reflective.

Impact on the surrounding area, including residential amenity

Objections from local residents are noted. The proposed store will be situated within a predominantly residential area. The tree screens and Skipton Road have the affect of distancing the store from existing neighbouring residential uses. Whilst Environmental Protection have confirmed that the store should not have a negative impact on residential amenities in principle there is a need to impose conditions prohibiting deliveries between 2300 hrs and 0700am and a condition requiring the prior approval of any details of cooling/ extraction systems (including predicted noise levels) prior to them being installed to ensure the proposals impact on the surrounding area, including residential amenity will accord with policies D1 and UR3 of the RUDP.

Highway safety issues

The site will access onto Skipton Road, a busy main road through Steeton, using an upgraded entrance to adoptable standards. The modified access could eventually serve the proposed store, Longlands and residential development to the rear of Longlands and has been assessed on this basis.

A Transport Statement has been submitted with the application which indicates that the proposal will not result in a material increase in traffic flow on Skipton Road and the Council's Highways Section are satisfied that the proposal will have minimal impact on the local highway network.

The majority of pedestrian demand for the store will be from the east, which will increase significantly with the proposed Thornhill Road residential development. A pedestrian crossing facility on Skipton Road is therefore required to the east of the site and is shown on drawing number 6927/001 Rev H which forms part of the current submission. Provision of the crossing in highway land can be facilitated by means of a Grampian condition. If the Thornhill Road development precedes this crossing could be removed as junction improvements in connection with that scheme would then provide pedestrian crossing facilities.

Subject to conditions covering construction of the access before commencement, the car parking, turning area and service vehicle area to be provided before use it is considered that the proposal will not have a detrimental impact on matters of highway safety contrary to policies TM2, TM19A, D1 and UR3 of the RUDP.

The proposal shows the store being served by 13 car parking spaces including two disabled spaces and four cycle loops. The site is situated on a sustainable transport corridor and within walkable distance of many potential customers so the level of customer parking is considered to be acceptable in this location and to accord with policies TM11, TM9 and D3 of the RUDP. The level of on site car parking combined with on street restrictions should prevent on street parking however disregard for on street parking restrictions is a matter for parking enforcement and would not form a reason to refuse planning permission in this instance.

Community Safety Implications:

Access to the store is limited to the front and a personnel door accessing onto a secure service yard and does not possess ledges for climbing onto or windows other than in the store front facing onto the car park all of which are deterrents to crime. The car parking and cycle parking for the store are located either between the store and Skipton Road in full view of passers by or near the store entrance where footfall would be a deterrent to thieves trying to break padlocks off cycles. With regard to youths congregating around the store there is no indication from the neighbourhood police team that antisocial behaviour is a problem at the moment in Steeton and in the future it would be a matter for the owners / operators of the store to deal with if it arises. The site boundary is approximately 19m across the Skipton road from the objector who raised the concern about youths. It is not considered that the proposal raises community safety issues and accords with policy D4 of the RUDP.

Reason for Granting Planning Permission:

The convenience store of the size proposed, in the central sustainable locality proposed would assist in addressing the retail deficiency Steeton and Eastburn currently experience. The design and external appearance of the proposed store and its impact on the surrounding area, including trees, residential amenity and the setting of a listed building and its impact on matters of parking and highway and community safety have been assessed as being acceptable. As such it is considered that the proposal will accord with policies UDP1, UDP6, UR2, CR2A, D1, D3, D4, UR3, TM2, TM11, TM19, TM19A, D5, NE4, NE5, NE6 and BH4A of Bradford's 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:

Approved Plan Details:

Un numbered and dated site plan received by the Council on 21 December 2011.

Approved Plan Details:

Drawing number 1340/101 Rev C dated 29.07.11 General arrangement retail unit proposed plans and elevations

Drawing number 1340/102 Rev D dated 28.07.11 General arrangement retail unit proposed streetscapes and site sections

Drawing number 1340/100 Rev H dated 20.02.12 General arrangement retail unit proposed site plan

Drawing number 6927/001 Rev H dated 22.02.12 Engineering strategy

Drawing number 1843/10 Rev A dated 11.08.11 Detailed landscape proposals: northern area

Drawing number 1843/9 Rev B dated 11.08.11 Trees in relation to development northern area

Received by the Council on 24 February 2012.

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 to protect the setting of Currergate a grade II listed building and in the interests of visual amenity and to accord with Policies BH4A, UR3 and D1 of the Replacement Unitary Development Plan.

3. No deliveries to the store hereby permitted shall take place between the hours of 2300 hours to 0700 hours Mondays to Sundays.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policies D1 and UR3 of the Replacement Unitary Development Plan.

4. Prior to any cooling or extraction systems being installed in the building hereby approved details of the cooling or extraction systems (including details of their predicted noise levels) shall have been submitted to and approved in writing by the Local planning Authority. only the approved cooling and / or extraction

systems shall be installed in the approved building and they shall thereafter be retained in their approved form.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policies D1 and UR3 of the Replacement Unitary Development Plan.

5. Before any works towards construction of the development commence on site, the proposed means of vehicular and pedestrian access hereby approved including the pedestrian refuge on Skipton Road shall be laid out, hard surfaced, sealed and drained within the site to base course level in accordance with the approved plan numbered 6927/001 Rev H 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 Replacement Unitary Development Plan.

6. Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan numbered 6927/001 Rev H and retained whilst ever the development is in use.

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

7. Before any part of the development is brought into use, the vehicle service area for loading/unloading, including the turning and manoeuvring space, hereby approved shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan(s) numbered 6927/001 Rev H. It shall be retained for that purpose whilst ever the development is in use.

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

8. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered 6927/001 Rev H and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policies TM11 and D3 of the Replacement Unitary Development Plan.

9. Before any part of the development is brought into use, the proposed cycle parking spaces shall be provided within the curtilage of the site in accordance with the approved plan numbered 1843/9 Rev B and further details of the stands that have been provided to and approved in writing by the Local Planning

Authority. The cycle parking so approved shall be kept available for use while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policy TM9 of the Replacement Unitary Development Plan.

10. The car parking area shall be surfaced using porous materials details of which have first been submitted to and approved in writing by the Local Planning Authority. the surface of the car park shall thereafter be retained in its approved form.

Reason: To prevent undue surface water run off and to accord with policies NR16, D1 and UR3 of the Replacement Unitary Development Plan.

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

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

12. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.

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

13. The development shall be carried out in accordance with the tree protection details shown on drawing number 1843/9 Rev B and the Arboriculturalist Method Statement received by the Local Planning Authority on 24 February 2012.

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

The development shall not be begun, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted in the Tree Protection Plan as approved by the Local Planning Authority. The temporary Tree Protective Fencing shall be driven at least 0.6m into the ground and remain

in the location as shown in the approved Tree Protection Plan and shall not move or be moved for the duration of the development.

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

No development, excavations, engineering works and storage of materials or equipment shall take place within the Root Protection Areas for the duration of the development without written consent by the Local Planning Authority.

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

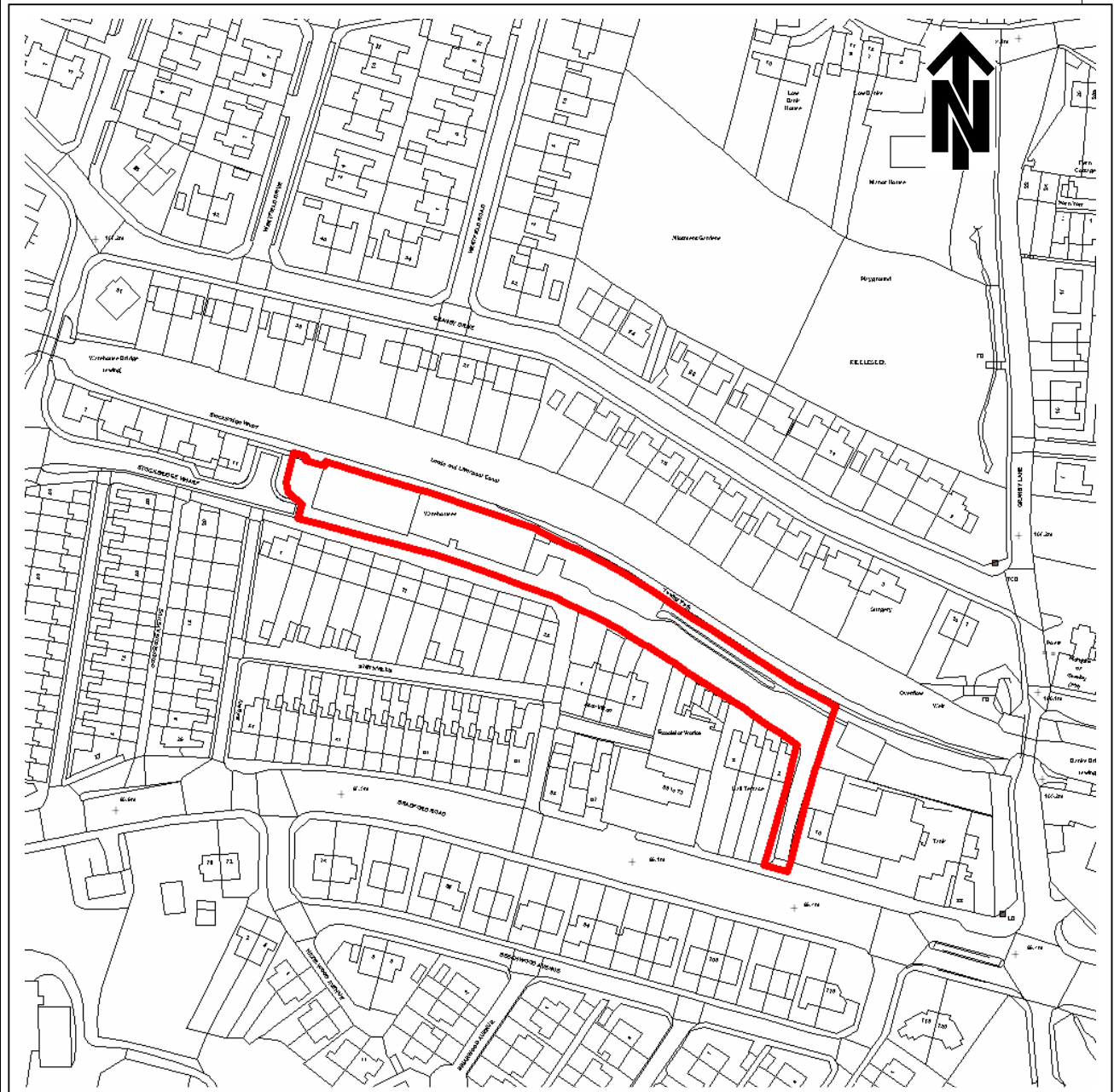
14. The foul and surface water drainage shall be carried out prior to the commencement of the development in accordance with the details on drawing number 6927/001 Rev H unless otherwise first agreed in writing by the Local Planning Authority.

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

Area Planning Panel (Keighley)

11/04306/MAF

22 March 2012



© Crown copyright 2000. All rights reserved (SLA 100019304)

ITEM NO. : 4

LOCATION:
Warehouse Bridge
Bar Lane, Riddlesden
Keighley

22 March 2012

Item Number: 4

Ward: KEIGHLEY EAST

Recommendation:

TO GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 AGREEMENT

Application Number:

11/04306/MAF

Type of Application/Proposal and Address:

Full planning application for demolition of warehouse building 'C' and construction of fourteen 3 and 4-bedroom houses, access road and parking areas on the site and the adjoining undeveloped land to the east at land and warehouse at Bar Lane, Keighley.

Applicant:

LCD Yorkshire Ltd

Agent:

J O Steel

Site Description:

An elongated site abutting the Leeds Liverpool canal. It is in two sections stretching a total of 185 metres along the canal towpath. The western part is occupied by a large multi-storey canal warehouse abutting the Leeds Liverpool canal. It is not listed but is a key unlisted building in the Leeds Liverpool canal conservation area. Unusually for the Keighley area, the warehouse is built in brick and has an asbestos sheet roof. Across the canal to the north are gardens of semi detached houses on Granby Drive. Set below the warehouse to the south is a row of 1950s town houses at Smithville with a rear access serving these that runs adjacent to the access serving the warehouse.

The eastern part of the site is open, undeveloped land serving as an access to some industrial workshops and a chandlery and serving four lock-up garages and the backs of 4 houses on Hall Terrace. Vehicular access is via an unmade drive from Bradford Road. The open land continues along the back of houses on Altar Villas which are set slightly below the level of the site. A smaller warehouse/workshop stands at the eastern end of the open land and is retained by British Waterways.

Relevant Site History:

Canal Warehouse

01/02962/FUL – Conversion of warehouses to form flats and houses and construction of new houses and formation of access roads. Granted 11.4.03

08/01304/FUL – Conversion of warehouse into 42 residential apartments. Granted 10.4.08

11/00604/MAF - Renewal of permission 08/01304/FUL dated 10/04/2008: Conversion of warehouse into 42 residential apartments. Granted 21.11.11

Land to rear of Hall Terrace

09/04930/FUL – Construction of 5 townhouses. Application withdrawn.

10/03401/FUL – Construction of 3 dwellings. Refused 2.11.10

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated on the RUDP Proposals Map

Proposals and Policies

UDP1 – Promoting sustainable patterns of development

UDP3 – Quality of build and natural environment

UDP7 - Reducing the need to travel/sustainable transport choices

UR2 - Sustainable development

UR3 – The local impact of development

UR6 - Use of conditions or S106 agreements to resolve obstacles to planning permission

TM2 - Impact of Traffic and its Mitigation

TM12 - Car Parking Provision

TM19A – Traffic and road safety

D1 - General Design Considerations

D4 - Community Safety

D5 - Landscaping

BH7 - New Development in Conservation Areas

BH11 - Space about buildings in Conservation Areas

BH20 - The Leeds and Liverpool Canal

CF2 - Educational contributions in New Residential Developments

OS5 - Provision of recreation Open Space and Playing Fields in New development

NE9 - Other sites of Landscape or wildlife interest

The Draft National Planning Policy Framework (DNPPF):

The Draft National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Draft Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Keighley Town Council recommends approval as long as highway conditions are met.

Publicity and Number of Representations:

Advertised as major development and development in a conservation area and publicised by neighbour notification letters expiring 10 November 2011.

87 objections received.

23 letters/emails of support received.

Summary of Representations Received:

Representations of support

1. Residents of Smithville will be pleased to see the domineering warehouse demolished and replaced with housing as it towers over our rooftops and makes us especially vulnerable (to crime).
2. The warehouse is desolate, overgrown, unkempt and the proposals to replace it would breathe new life into Riddlesden. Residents support an application such as this which would get rid of the redundant warehouse building that has not been used for years, has no benefit to the local community, is a great eyesore and whose removal will vastly improve the area. It will no longer become a playground for local youths.
3. These residents are concerned that the planning applications are opposed by people who live in other parts of the country and are having a say about what happens on the doorstep of Riddlesden people.
4. The proposed plans for 14 residences offer a high standard of living accommodation much needed in this area. There are many existing waterside dwellings along the Leeds/Liverpool canal which have already been developed from rundown and unsightly buildings and which have created a desirable lifestyle and much improved community.
5. The houses would be more in keeping with the newer buildings on the other side of bridge. This proposal would be a visual improvement to the canal - the warehouse looks very rundown and a blight on the area.
6. The new houses would totally have a positive impact in every aspect, visually, new homes created, local jobs, plus the warehouse will be gone.
7. The development of 14 houses would have less impact in terms of the amount of cars using Bar Lane than existing plans that are approved for conversion of the warehouse to 42 flats.

Representations of objection

1. Inappropriate design that is totally out of keeping with the character of the conservation area and surrounding housing.
2. The road system through the site will develop into a rat run to avoid the canal swing bridges on Bar Lane and Granby Lane and avoid the Bar Lane/Bradford Road junction. The drop down bollards will not work and the road will become a rat run as the owners of the houses will have control over them and can choose which entrance/exit they want.
3. Previous applications for houses taking access to Bradford Road were rejected due to poor visibility. Access to Bradford Road is dangerous.
4. Overlooking of properties from proposed roof terraces. The balconies and windows on the houses will result in overlooking of neighbouring houses and gardens, including those across the canal on Granby Drive.
5. At the eastern end the scheme will affect existing business called Puffer Parts which is one of the only true chandleries on the Leeds Liverpool canal. It will cause difficulties of access, deliveries and parking for customers and prevent access to existing

- garaging/storage and no provision is made for customer parking. Small businesses are struggling already at the moment.
6. The new steps enclosed within a brick wall, further restrict the views of the Chandlery business to boaters. As a condition of getting planning approval, the developer should erect a sign of agreed design alerting canal users to the existence of the business and giving directions to it.
 7. Loss of canal mooring spaces and likely conflicts between canal barges and new residents due to close proximity to the towpath. The development will leave space for only three moorings clear of housing, discouraging boaters from stopping and visiting local shops and attractions such as East Riddlesden Hall. There are few similar moorings in the area, where services and shops are so close at hand, and a reduction in such moorings could have an adverse effect on leisure use of the canal in this area.
 8. The canal towpath will be narrowed, made darker by the solid wall of the new housing and will become less pleasant to use. Lack of width will increase conflicts between towpath users. The width of the towpath should be maintained.
 9. The scheme causes encroachment and excavation towards the canal bank and the implications of this are not covered in the submitted material. The plans show the towpath being narrowed which could weaken the canal walls and cause breaching and flooding.
 10. Concerns about disruption to residents during construction work.
 11. Obstruction of access to house on Hall Terrace and the adjacent garages at Excelsior Works. There is no provision for residents of Hall Terrace to park anywhere. The road will be so narrow – how will emergency vehicles gain access? Access will be restricted for even basic tasks such as unloading shopping.
 12. Stockbridge was an important canal centre, with extensive warehousing. The current proposals do not reflect this, especially as it is proposed to demolish the brick warehouse which will take away another part of the waterways heritage
 13. The drawings are misleading.

Consultations:

Council Conservation Officer : The warehouse is one of two brick warehouses in this part of Riddlesden. It is a key unlisted building in the conservation area providing historic evidence of the past transport function of the canal. Conversion would be the preferred approach, but the Conservation Officer acknowledges that this is unlikely to be realised for the substantial future. Loss of the warehouse is regrettable but is offset by a new development that has architectural merit and has built form appropriate to its location. The contemporary design approach taken by the scheme architects is supported. The form of the new housing has interest and variety when viewed from all aspects. Alternative building forms would have a greater adverse effect or would be unsympathetic. The merit of the proposal is sufficient to offset the harm arising from loss of the warehouse and the character and appearance of the conservation area will be maintained by the quality of the new housing development.

Highways DC : No objections are raised. Conditions should be imposed on any approval to secure implementation of the indicated means of access, turning area, parking provision and to remove permitted development rights to convert integral garages.

British Waterways : Considers the new application to overcome its objections to application 10/03401/FUL which failed to preserve or enhance the character of the canal corridor and also restricted access to the towpath. However, the scheme has potential impacts on the structural integrity of the canal and it notes that the footprint of the houses to the east end

(Units 7-14) encroach into the canal embankment. British Waterways confirms this land was sold in 2003 subject to covenants requiring a developer/owner to meet various BW requirements should any work be carried out near the canal. However, the originally submitted material contained insufficient detail of excavation works and foundations to determine the likely impact of the scheme on the canal infrastructure.

Council's Structural Engineer

Further to the receipt of additional information on the 17th February regarding the temporary support to the canal during the proposed construction I make the following comments:- The principal of using sheet pile construction to provide support to the canal is an accepted procedure providing British Waterways have no objections. Conditions would need to be attached to any approval requesting site investigation reports and detailed design of the sheet pile retaining wall to be submitted for comments prior to work commencing on site. The site investigation report should include a Coal Authority report to clarify the position of the mineshaft although this is anticipated to be in the vicinity of the means of access not the buildings.

Yorkshire Water : Drain using separate systems of drainage for foul and surface water. Details of proposed means of foul and surface water drainage including details of balancing works and off site works need to be approved.

Drainage Services : Separate foul and surface water drainage; protection of sewer crossing end of site; car parking to be drained using road type gullies.

Department of Children's Services

Request contributions of £24,039 (Primary) and £22,445(Secondary) (Total £46,486) towards Primary and Secondary educational resources as all schools serving this area are now full.

Department of Sport and Leisure

In lieu of public open space provision on the site, the developer should contribute £14,622 to be used towards provision and enhancement of recreation facilities in the vicinity of the site.

Metro

Developer should fund Bus Only Travel cards for each property at current price of £5890.50.

Summary of Main Issues:

1. Principle of development on the site and history of applications on the land.
2. Impact on character and appearance of Leeds Liverpool Canal conservation area.
3. New Housing – scale design and materials
4. Impact on amenity of occupiers of adjoining properties
5. Impact on the canalside and canal businesses
6. Highway safety access and parking issues
7. Structural integrity of the canal
8. Bats
9. S106 infrastructure contributions

Appraisal:

1. Principle of development on the site/previous applications.

The site is previously developed land and, as can be seen in the site history, there is an established planning permission for conversion of the existing warehouse building for

residential purposes. The 2008 permission approved its conversion to 42 apartments and the period for implementation of this permission was extended in 2011.

The vacant land between the canal and the chandlery and houses on Hall Terrace has a history of recent refusals due to the physical and highway constraints to developing this site in isolation. It was considered that this would be piecemeal development of a cramped plot but encouragement was given to the applicant to consider using the open land he had acquired in conjunction with the scheme for the conversion of the adjacent warehouse.

In principle, development of the land for residential purposes would be compatible with the surrounding area providing infrastructure constraints can be overcome, the amenity of adjoining residents is protected and the character and appearance of the conservation area is maintained.

2. Impact on the character and appearance of the Leeds Liverpool Canal Conservation Area

Demolition of the warehouse

The warehouse is one of two brick warehouses in this part of Riddlesden. It is a key unlisted building in the conservation area providing historic evidence of the past transport function of the canal. Planning permission has previously been granted for its conversion to 42 apartments. Of great significance is the fact that the other brick warehouse along the canal to the west was converted to apartments some years ago. The applicant argues that this has met any demand in Riddlesden for apartments and that bringing 42 more apartments onto the limited local market would be unviable. The Council's Conservation Officer says that conversion of the warehouse would have been the preferred approach, but the applicant's points about the viability of such a scheme are fully appreciated. Quite simply, the agent argues that there is no demand for further apartments on the canal side and any other uses for the building would be unrealistic or unacceptable due to the cramped nature of the site.

The Council's Conservation Officer therefore acknowledges that conversion to housing is unlikely to be realised for the substantial future and that other forms of re-use of such a large, awkwardly located building would be also be unrealistic. The proposal for demolition of the warehouse is regrettable but is offset by a new development that has architectural merit and a built form appropriate to its location. The merit of the proposal is considered sufficient to offset the harm arising from loss of the warehouse and the character and appearance of the conservation area, although changed locally, will be maintained by the quality and visual interest of the new housing development.

In addition there is significant local support to demolition, particularly from the occupiers of houses on Smithville whose homes are dominated by the imposing mass of the brick warehouse. These residents argue that the warehouse has been deteriorating for some years and presents an eyesore to their houses and the canalised. This is accepted as a strong additional factor in favour of permitting demolition.

3. Scale, design and materials of the 14 new houses

The proposal is for 14 linked houses built in two linear blocks of 7 following the back of the canal towpath. The height would be 2 and 3 storeys facing south towards Smithville and Altar Villas and the elevation abutting the canal would be two storeys rising to a height of 8.4 metres above the level of the towpath. Individual roof terraces would provide amenity space whilst adding to the visual variety and interest of the building blocks. Obscure glass panels

would screen views from these towards residents to the south. External walling would be natural stone, with proposed enclosure of external garden space also by stone walling. Mono-pitched roofs would be in natural blue slate.

Windows are shown on plans to be proposed in upvc with glass panels to upper storey balcony areas. The Conservation Officer advises that upvc is not an acceptable material and windows frames should be in aluminium. The success of the new development will depend on the quality of the materials and to this end, conditions are required to ensure use of appropriate stone walling and notwithstanding what is shown on the drawings to insist on use of aluminium window frames and downpipes.

Although some objectors have said the design is inappropriate and out of keeping, the Council's Planning and Conservation Officers disagree. The form of the new housing has interest and variety when viewed from all aspects and the design approach and strong contemporary design features employed by scheme architects is fully supported. Alternative more traditional building forms are likely to have less visual variety and appeal and would cause a greater adverse effect or would be unsympathetic to the conservation area. Instead, the variations in height add diversity to the canal and the contemporary design allows use of a mono-pitch roof that keeps the overall height of development down – with benefits to neighbouring residents and a less imposing impact on users of the canal towpath.

It is considered that the design of the houses is beneficial and appropriate to the character of the surrounding area and complementary to the character of the conservation area, satisfying requirements of policies D1 and BH7.

4. Impact on amenity of occupiers of adjoining properties

The new housing is substantially lower in height and of less physical mass than the existing canal warehouse. Submitted cross sections show that the new housing has a much less oppressive impact on adjoining properties on Smithville than would retention and conversion of the warehouse. In addition windows in the south facing elevations would be set some 8 metres further away from windows in Smithville than the windows in the warehouse, giving a separation of around 20 metres between habitable room windows. Along this western section of the site there will be significant benefits to the amenity, outlook, daylight and privacy of occupants of houses on Smithville and it is relevant that several letters of support have been received from these residents who are pleased with the proposals.

Although objections have been received against the proposals from occupiers of houses on Granby Drive whose gardens run down to the canal, a separation of around 19 metres is maintained between both habitable room windows and the roof terraces of the new dwellings and the nearest parts of the gardens abutting the north bank of the canal. The roof terraces forming an integral part of the design of the new houses are designed to provide amenity space for future residents. They would afford views across the canal but it is not accepted that they harm the privacy of occupiers of the properties on Granby Drive to any significant degree given that the canal and canal towpath separate the two and already allow views into these gardens from passers by.

Towards the eastern end of the site, one section of the row of new houses faces towards the back elevations of the houses forming Altar Villas. However, a separation of between 17 and 24 metres is retained between the new and existing properties and it is not considered that the new development would significantly affect the privacy or outlook of occupiers of these

houses. The proposed raised terraces providing amenity space would have obscure glass screens preventing views towards houses to the north, thus maintaining privacy.

The new housing stops short of the dwellings forming Hall Terrace so, unlike the previously refused proposal on this section of the site (10/03401/FUL) the scheme avoids any direct overlooking or dominance of the back elevation windows of these properties and it is considered that the amenity of occupiers of hall terrace is appropriately maintained.

5. Impact on the canalside and canalside businesses

A substantial number of the objections have been submitted on behalf of the Puffer Parts Chandlery business and by boat users on the canal. These objections are on grounds that the new housing would cut off access between the chandlery and the towpath, that the residential access would obstruct vehicular and delivery access to that business and that the number of usable moorings next to the towpath, which provide a useful stopping point for visitors to East Riddlesden Hall and local businesses, would be reduced.

These points are noted and it is accepted that the houses (Units 7-14) extending beyond the footprint of the warehouse will affect the present open aspect towards the canal. This is inevitable due to the narrow, linear nature of the site. However, the canalside includes a variety of environments including places where the towpath is unenclosed and others where it is hemmed in by buildings. Overall it is not accepted that further enclosure of the towpath at this locality would be unacceptable given the other benefits of the scheme. The impact is partly mitigated by the interesting and innovative building design that will be fronting the canal

It is also considered that amendments have addressed concerns about turning and delivery space to the garages and for the chandlery business.

Also to reduce the impact, amended plans have been tabled which retain a stepped access to the canal towpath and part of the existing grassed embankment abutting the towpath at the east end of the site. It has been suggested that sympathetic signage for the chandlery could be installed on this land. The housing scheme would certainly reduce the visibility of the chandlery to some extent but retention of a stepped access and preserving views of the chandlery from the east are considered to partly mitigate this impact. Given the other benefits of the scheme it is not considered that these impacts are so significant as to justify refusal of the proposals.

To address the Council's Landscape Architect concerns about the new steps opening directly onto the towpath and making pedestrians vulnerable to collision with cyclists, a short landing giving visibility in both directions is now incorporated on the amended layout plan.

6. Highway safety/access and parking

Although objections have been received on the grounds of highway impact, a scheme of 14 houses will clearly generate less traffic than the previous conversion scheme for 42 flats.

The means of access to the new development would be from Bar Lane via the recently constructed residential access serving new housing immediately to the west of the canal warehouse. Here there is an existing turning head. The access would be a shared surface access 4.8 metres wide between service margins. A turning head would be provided between Units 6 and 7. beyond this a private drive access of width varying between 3.7m and 5.7m would serve Units 7-14. The design of this access follows Highway officer advice.

The Highway officer was concerned not to create a two way through route between bar lane and Bradford Road so it is designed to permit only one-way traffic to exit the site towards Hall Terrace in a westerly direction. The proposals include a remotely operated drop down barrier/bollard to prevent the route becoming a “rat run” beyond Unit 7 as feared by objectors.

Each of the dwellings is provided with an integral garage and there are hard standings in front of 7 of the 14 houses with parking spaces alongside the access for the other 7 dwellings. There are also 6 spaces for visitors. This provision is in excess of the 150% parking that might be allowed, but an overprovision is justified and will be beneficial given concerns of local residents about congestion and the needs of the canalside businesses.

The Council’s Highway Officer has no objections in principle to the development and raises no objections to the design of the means of access or the parking provision. Standard conditions to secure provision of the access, turning and parking facilities are recommended, together with a need to reserve agreement of the details and signage of the proposed one-way system on the private drive.

7. Stability of the canal

As well as proposing to dismantle the existing warehouse which abuts the canal towpath, in order to accommodate Units 7-14 and the associated parking and turning facilities, the scheme involves removal of about 2-3 metres of the open section of embankment that supports the canal. While not opposed to this in principle, British Waterways and some residents expressed serious concerns about the absence of any detail from the applicant regarding how this would be carried out without weakening the canal retaining structure and causing a potential breach.

Consequently, the applicant was asked for further details to satisfy the Council’s Structural Engineer and British Waterways. A Methodology dated 13 January 2012 for dismantling the warehouse proposes measures to retain existing supporting structures to the canalside and explains how the walls to the new housing would then be constructed off the existing slab with the north wall and buttressing by party walls then forming the support to the canal. This Methodology has been subject to further clarifications and is acceptable to the Council’s Structural engineer.

A revised and more robust Methodology for excavation into the open canal embankment and for securing its stability through sheet piling has also now been received. The Council’s Senior Structural Engineer confirms that this will be an acceptable procedure providing British Waterways has no objections. Conditions need to be imposed requiring further site investigation reports and details of design of the piling, together with details of a scheme for monitoring the impact of piling during its execution.

The Council’s Structural Engineer has identified a need for further information regarding treatment of the stone retaining wall along the boundary with residential properties that would be adjacent to the proposed means of access, and to establish that a mine shaft indicated on historic maps will not present a problem to construction. It is considered that these matters can be dealt with by conditions.

The two Method Statements now deal appropriately with the stability of canal infrastructure. It is proposed to impose conditions to require work to proceed in strict accordance with the

approved methodology and to conditions to secure submission of further information as advised by the Council's Structural Engineer.

In addition, it is noted that British Waterways is able to enforce its own restrictive covenants imposed on the land and that the work will be subject to the Party Wall Act. These will be further safeguards to ensure canal stability.

8. Bats

The application is accompanied by a bat survey undertaken by a specialist consultant in July 2011 at an optimal time and in optimal conditions for detection of bat roosts. However, bats were found to be absent from the warehouse building. Nevertheless because bats are mobile mammals the report advises a precautionary approach to dismantling the warehouse roof and recommends enhancements to improve the suitability of the new development as habitat for bats such as providing 2 roost boxes - to be attached to the walls of the dwellings. Given the absence of bats, the proposals make adequate provision for safeguarding protected species and permission can be granted subject to a condition to require adherence to the mitigation methods and provision of roost boxes recommended in the consultants' report.

9. Section 106 Infrastructure Contributions

The new housing proposals would result in an increased demand for educational facilities that cannot be met by existing schools and colleges and no provision is made within the site to meet recreation open space needs in line with RUDP Policy OS5. Therefore in accordance with Policy UR6 of the RUDP, this development would require S.106 contributions towards new and extended school facilities; to the enhancement of nearby recreation space and towards a discounted Metro card scheme for future residents.

Consultation advice suggests contributions as follows:

Education contribution : £46, 484 (towards both Secondary and Primary Schools)

Recreation contribution : £14, 622

Metro Card Scheme : £5, 890. 50

Total : £66, 996. 50

Although initially presenting an undertaking to pay the Council's legal costs in respect of any necessary S.106 agreement, the applicant is now unwilling to make contributions claiming that due to economic reasons, most notably (i) the development constraints of the site which includes the warehouse demolition and canal retention works, (ii) the high quality design solutions proposed in order to protect and enhance the important canal side conservation, and (ii) current economic conditions, it is not financially viable to provide development contributions. A financial appraisal has been submitted justifying the case for making no infrastructure contributions.

A report to the Council's Regulatory and Appeals Committee on December 7th 2009 recognised the impact of S.106 obligations on scheme delivery in the recession. The potential advantages of the application proposal at Riddlesden, would be largely localised. The scheme does not fall within the types of development for which the Council might consider a complete waiver of S.106 contributions. Such exemptions would ordinarily only apply to major investment proposals such as those in the city centre or strategically acknowledged sites that would provide clear and 'catalytic' regeneration benefits for the economy. For other schemes, the Council's procedure for negotiating new obligations

recognises that there may be occasions when such requirements impact on viability. In these cases, the Council will require an independently verifiable development appraisal that may justify reduced or deferred payment of contributions.

Advice from the Council's Economic Development Service on the applicant's financial appraisal has been sought. It is argued that there would be a financial loss if the S.106 amounts are demanded by the Council. The Council's Economic Development Officer accepts that viability is doubtful even without the S.106 contributions, and further to the work to demonstrate the robustness of proposals for the canal, a detailed assessment of costs for works to canal structures has now been submitted. This demonstrates an element of exceptional development costs which supports the applicant's arguments regarding viability. It is accepted that to secure development of this site, S. 106 contributions would further diminish the economic viability of the proposals and make them less likely to be bought forward.

However, in accordance with RUDP policy and the Regulatory and Appeals Committee resolution, it is still considered that the applicant should make appropriate contributions towards infrastructure should economic conditions change and the scheme make a profit. To achieve this it is proposed that the applicant should enter into a planning obligation including an "overage agreement" whereby payments would be made towards the infrastructure in the event that the development returns a profit in excess of an agreed percentage. Any profits over this level should be offered to the Council to fund the suggested contributions.

If profits are secured above the agreed level an amount would be offered to the Council to fund the community infrastructure discussed in the above report. It is considered that precedent for such an approach was set on a site at Whitley Street, Bingley (Planning application 1003113/FUL) which is also alongside the Leeds Liverpool canal and where it was agreed that development contributions would only be paid if the Gross development Yield exceeds 20% of the final development costs. To establish this, the S106 Agreement required the developer to submit an Interim Financial Appraisal before completion of the development so that profitability could be assessed and appropriate contributions secured if Gross Development yield allowed. At Whitley Street it was considered that the regeneration benefits and innovative design of the scheme were the paramount considerations and the need to secure development of the site justified the overage agreement.

It is considered that a similar type of agreement at Stockbridge Wharf will allow the Council to support a scheme which will have a part to play in providing new housing and encouraging the regeneration of the conservation area and the enhancement of conditions for many local residents, whilst also ensuring that appropriate contributions towards education, recreation open space and/or Metro if financial circumstances allow whilst the development is being undertaken. It is proposed to also require contributions to become payable if the Gross development yield exceeds 20% of the Final Development Costs. It is considered that, provided an overage agreement is successfully concluded, the proposal is acceptable and will provide the opportunity to bring an important, highly visible and constrained canal side conservation area site into beneficial use with an appropriate housing scheme.

Heads of terms for Section106 Agreement

To secure recreation open space and education contributions and metro cards as set out above but subject to the Council covenanting that such contributions, or part thereof shall become payable by the developer only if the Gross Development Yield exceeds 20% of the

final development costs - to be established by submission of an Interim Financial Appraisal towards completion of the development. (An “overage” agreement).

Community Safety Implications:

None foreseen, though note is made of concerns of supporters regarding the present vulnerability of neighbouring properties to anti-social activity in the disused warehouse.

Reason for Granting Planning Permission:

The loss of the Heritage Asset comprising the canal warehouse is considered acceptable in view of the lack of realistic prospects for its conversion and the benefits that will be derived from alternative redevelopment of this site with an appropriately designed contemporary residential scheme. This will provide for the beneficial reuse of a vacant and visually unattractive site. The effect of the proposal on the conservation area, the surrounding locality and the adjacent neighbouring properties has been assessed and is acceptable, with the scheme protecting and enhancing the conservation area and the canal waterfront. The proposed means of access is appropriate and appropriate parking provision has been made. As such, the proposal is in conformity with the principles outlined within the Replacement Unitary Development Plan and, subject to appropriate conditions, with policies UDP1, UDP3, UDP7, UR2, UR3, TM2, TM12, TM19A, D1, D4, D5, BH7, BH20 and NE9.

Conditions of Approval/Reasons for Refusal:

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

L(P)001 - Existing Site Plan and Elevation
L(P)002 REVISION D dated 27/02/12 - Proposed Location and Site Plan
L(P)003 - Proposed Site Sections
L(P)004 REVISION A dated 30/11/11 - Proposed Canal Elevations - North
L(P)005 REVISION B dated 01/03/12 - Proposed Street Elevations - South
L(P)006 REVISION A dated 30/11/11 - Proposed End Elevations A&B
L(P)007 REVISION A dated 30/11/11 - Proposed End Elevations C&D
L(P)008 Proposed House Type - 3 Bed
L(P)009 Proposed House Type - 4 Bed
L(P)010 Proposed Visuals
sk090112 topographical drawing

Received by the Council on 14/09/11, 05/12/11, 27/02/12 and 01/03/11

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

2. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan 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.

3. Before any part of the development is brought into use, the vehicle turning areas shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan and retained whilst ever the development is in use.

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

4. Before development commences, details of signing arrangements for the proposed one way system for the private drive together with details of the remotely operated drop-down bollard mechanism indicated on the approved layout plan shall be submitted to, and approved in writing by the Local Planning Authority. The approved details and signage shall be installed before the dwellings are occupied.

Reason : To ensure that the means of ensuring one-way working is effective and clear to users. In the interest of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

5. Before the development is brought into use, the garaging and off street car parking facilities shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient of the parking spaces 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. The development hereby approved shall be constructed using coursed natural walling stone and natural blue roofing slates as specified on the approved drawings. 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 safeguard the appearance of the Conservation Area in which it is located and to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.

7. Notwithstanding details shown on the approved drawings, the windows for each dwelling shall be aluminium framed and finished in a colour to be agreed in writing by the Local Planning Authority prior to the commencement of development. The development shall be constructed in accordance with these approved details and all windows throughout the development shall be so retained.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to safeguard the appearance of the conservation areas in which the site is located and to accord with policies UR3, D1, BH7 and BH20 of the Replacement Unitary Development Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any subsequent equivalent legislation) the integral garages or carports comprised within the development shall be retained solely for vehicles and none shall be converted to habitable accommodation or used for storage purposes without the prior written permission of the Local Planning Authority.

Reason: To ensure that the development is provided with sufficient off street parking facilities in the interests of highway safety and the amenity of occupants of adjoining land and to accord with Policies TM12 and TM19A of the Replacement Unitary Development Plan.

9. 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.

10. The development shall not begin until details of a scheme for disposal of foul and surface water drainage, including details of any balancing works or off site works, 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.

11. The existing warehouse shall be demolished and temporary measures to ensure the stability of the canal and canal towpath adjoining it shall be implemented in strict accordance with the Method Statements by Paul Waite Associates dated 13 and 24 January 2012 and with the supplementary drawings/sections 11169-C-SK01A; SK02; SK03 and SK04 dated 24.02.12. Thereafter, the new dwellings shall be constructed in accordance with the proposals for final construction of the dwellings and canal retention as set out in the Method Statements.

Reason : To ensure structural stability of the canal infrastructure during the works and to ensure a robust wall to the towpath in the long term. To accord with Policies UR3, BH20 and P6 of the Replacement Unitary Development Plan.

12. Prior to commencement of development, site/ground investigation reports and full details of the design of the sheet piling retaining system to the canalside shall be submitted to, and approved in writing by the Local Planning Authority. These details shall include measures for vibration monitoring and appropriate mitigation measures to protect the canal and adjoining houses and commercial buildings.

The work shall then proceed in accordance with the details and methodology so approved.

Reason : To safeguard the structural stability of the canal and surrounding properties and their occupants in accordance with Policies UR3 and P6 of the RUDP.

13. Prior to the commencement of development, a site investigation report establishing the position of an historic mine shaft at the western end of the site, together with proposals for dealing with this feature as part of the development shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the mitigation measures so agreed.

Reason : In the interests of site stability to accord with Policy P6 of the RUDP.

14. Prior to the commencement of development, details of the level of the means of access in comparison with the low stone retaining wall along the southern boundary of the site with dwellings on Smithville and Altar Villas, together with measures to ensure the structural stability of this boundary wall shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the details and measures so agreed.

Reason : In the interests of site stability to accord with Policy P6 of the RUDP.

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

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

16. Development and demolition works comprising the approved development shall be carried out in accordance with the conclusions and recommendations contained in the submitted Bat Survey (reference 0102-11 Re 01) by BL Ecology Ltd. dated 12 August 2011. As recommended in that report, and unless otherwise agreed in writing by the Local Planning Authority, the demolition of the warehouse shall only take place in Autumn or Spring and in accordance with the precautionary approach and mitigation measures recommended in Section 5.4 of the survey report. Site enhancements, including the provision of 2 x roost boxes shall also be carried out in accordance with section 5.5 of the report prior to occupation of any of the new dwellings.

Reason : To safeguard bats and bat roosts that may exist on the site and to accord with Policy NE10 of the Replacement Unitary Development Plan.

22 March 2012

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

Application Number:
11/03998/FUL

Type of Application/Proposal and Address:

Change of use at ground floor from florists shop (Class A1) to Hot Food Take Away (Class A5) at 240 - 242 Oakworth Road, Keighley.

The use would provide three full-time and three part-time jobs and would operate from 10am to midnight seven days a week. The application includes the provision of an access ramp to the front door. This element of the proposal is retrospective.

The proposal has been revised since first receipt with a visually unsatisfactory external extract duct rising up the side gable (on Rydal Street) being omitted and a low level extract grill with internal filtration equipment being provided instead. External access arrangements to the small yard (Proposed to be used for bin storage) have also been changed to encourage access from Oakworth Road rather than Rydal Street.

The application has been referred to Keighley Area Planning Panel by the applicant's ward councillor.

Applicant:
Mr Zakar Khan

Agent:
AA Planning Services

Site Description:

A property fronting Oakworth Road situated between Oxford Street and Rydal Street within the small commercial centre at the junction with Fell Lane. Formerly a florist shop, the premises are two storeys plus attic with the ground floor retail premises being currently vacant. Upper floors are in residential use. There are a number of business and service outlets within this Local Centre, including a post office, fish shop, takeaway, butcher and private hire office. Otherwise the area is residential in character and characterised by dense terraced housing, generally only with small rear yards and no off street parking. The dwelling at 1 Oxford Street directly abuts the application property to the north, sharing a party wall. The application property has a small yard area to the side off Rydal Street and an open forecourt to the front with a disabled access ramp. There is no other external space. There is a signalised pelican crossing outside the site on Oakworth Road.

Relevant Site History:
None.

Replacement Unitary Development Plan (RUDP):

Allocation

The property is unallocated on the RUDP but within the designated Fell Lane/Oakworth Road Local centre. Oakworth Road is part of the National and Local Cycle Network.

Proposals and Policies

UR3 – The local impact of development

CR1A – Retail development Within Centres

TM2 – Impact of traffic and its mitigation

TM19A – Traffic management and road safety

D1 – General design considerations

The Draft National Planning Policy Framework (DNPPF):

The Draft National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Draft Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Keighley Town Council: "Recommend for refusal. There are highways issues with this proposal. Parking is extremely bad. There are too many hot food takeaways in this area".

Publicity and Number of Representations:

Advertised by site notice and letters to 11 adjacent neighbours with an overall expiry date for the receipt of representations of 17th October 2011.

Summary of Representations Received:

Six letters of objection have been received, five from local residents, one from an address in Leeds on behalf of a local resident.

- 1. The use will worsen local parking problems especially in Oxford Street.
- 2. Noise and disturbance from customers is feared - especially at night;
- 3. Smells from the kitchen and bins affecting residential amenity;
- 4. Noise transfer through a party wall affecting residential amenity;
- 5. Loss of privacy due to being overlooked at close quarters from kitchen staff using the back door;

6. Litter and rubbish would increase in the vicinity, attracting vermin; anti-social behaviour from customers; and
7. Light pollution to houses opposite late at night from the illuminated shop windows.

One letter of support has been received from a resident in Victoria Road who considers that the proposal would add to the vibrancy of the shopping parade, enable a small business to start up, create jobs, and would be a welcome addition to the community.

Consultations:

Environmental Protection Officer : Recommends refusal. EP were concerned about the original proposed ducting discharging close to neighbour's windows, specifically the dormer at the rear of 1 Oxford Street. Extracted air should discharge at least one metre above the roof ridge height of any building within twenty metres of the building housing the commercial kitchen. The revised plans show final extraction and ventilation of exhaust gases via a louvered grille on Rydal Street approximately 2.5 metres above ground level. This would be unacceptable because kitchen extraction exhaust gases would not be adequately dispersed. The EP Officer considers that unless some sort of chimney or flue can be attached to the building, allowing discharge above the eaves of nearby buildings, then an exceptionally high level of odour control will be required. Only a basic odour abatement system is proposed.

EP are also concerned about the siting of and access to waste bins in the yard on Rydal Street. There is a strong likelihood that the waste would contain food waste and packaging that has been in contact with raw meat and meat products. Poor management of the waste bins would lead to bad smells, flies breeding and may attract vermin to the area and this will affect nearby residential properties. Although access to the bin area is shown via Oakworth Road, EP have concerns over how this would work in practice because it would be more convenient for kitchen staff to access the bins via the door on the Rydal Street elevation. It is also likely that staff would use this door to access the outside toilet situated in the yard.

Proposed opening hours until midnight 7 days a week would also likely disturb nearby residents.

Highways DC: Oakworth Road (B6143) is a busy local distributor road. There is no off street parking. There is designated on street parking available along the frontage of an adjacent row of shop which is limited to 1 hour stay between 8am and 6pm. The pelican crossing and associated zig zag road markings outside the site are noted, as is the guard railing across the site frontage which should discourage parking immediately outside the premises for customers using the proposed takeaway. HDC conclude that the proposed change of use would be likely to generate short term parking only and, if officers are minded to approve, then consideration should be given to removing any permitted development rights so that the site can not be converted to A3 use (restaurant and cafes) which would be more likely to lead to longer term parking on the surrounding highway network with highway safety implications likely to arise.

Summary of Main Issues:

Acceptability of use in principle;
traffic and parking issues;
visual amenity impact;
residential amenity issues.

Appraisal:

In principle, the location of the proposed takeaway use within a commercial frontage is generally appropriate. The use proposed would not, by itself, occupy so large a frontage so as to detract from the shopping character of the area, nor adversely affect its attractiveness to shoppers. Neither is the location of the development unduly prominent.

There are no issues with the ramp that has been built to serve the front door.

Officers were concerned initially about the incongruous appearance of a proposed kitchen extract duct on the west gable of the premises on Rydal Street. The duct would have been very prominent from Oakworth Road and would have harmed the visual amenity of the wider vicinity. This duct has been removed, removing the visual concern, and alternative internal extract/filtration measures are proposed.

Despite concerns by local residents about car parking, Highway Development Control does not object to the proposed hot food takeaway use (their comments are summarised above). They advise that such use would tend to attract short stay parking which would likely be less problematic than a café/restaurant use (where visitors would likely stay longer) and recommend that, if permission is granted, permitted development rights allowing a change in use from A5 to A3 be imposed via condition.

However, there are particular problems due to the proximity of the proposed takeaway to the close knit area of terrace housing immediately behind the shop. There are significant Environmental Protection concerns relating to odour extraction; facilities for waste bin storage and hours of operation. These problems are of particular concern due to the proximity of the adjacent close knit terrace housing and the fact that the back of the application property directly abuts No. 1 Oxford Street.

Initially, the external duct (in addition to its poor appearance) was proposed too close to neighbours' windows. Its removal has helped the visual appearance but the Environmental Protection Officer considers that the low level extract proposed instead would require an exceptionally high level of odour control to avoid emitting fumes that would affect the amenity of neighbours. Only a basic odour abatement system is proposed. Permission could be conditioned to require an improved internal odour abatement system, but that would require continuous management to work effectively and success can not be guaranteed. This is a serious concern.

Additionally, there are limited options for storing waste bins with only a small external yard being available. This is directly adjacent to dwellings and would likely mean that residents face odour nuisance from the type of refuse created by a takeaway and the noise and disturbance from staff accessing the bins, especially at night. Bin access could be conditioned so that it is only via Oakworth Road and within specific times, but the practicalities of ensuring and enforcing compliance with such controls would be difficult.

Imposing a condition to restrict opening until midnight would accord with normal practice. Nevertheless, the EP Officer considers that, due to the immediately adjacent terraced housing, it is likely that residents would be disturbed by customers and staff using the premises until midnight. Also, without sound-proofing to the party wall between the premises and 1 Oxford Street, the occupier of that house would likely be affected by noise transference – particularly from kitchen areas.

On balance, and in conclusion, it is considered that the position of the premises directly adjacent to dwellings together with the absence of suitable and adequate space for bin storage, mean that the proposal should be resisted on grounds of harm to the living conditions of the adjoining residents.

Objector's other concerns (anti-social behaviour and light pollution) are noted but it is not considered that the use would necessarily - or solely – lead to such problems.

Community Safety Implications:

No adverse community safety implications would be expected.

Reasons for Refusal:

1. The proximity of the premises to adjacent and nearby dwellings and its physical relationship with them, together with the lack of suitable and adequate space for bin storage, mean that the proposed use would likely lead to conditions prejudicial to the residential amenity of neighbours resulting from odour nuisance, disturbance from noise and activity associated with the use, and direct overlooking and disturbance of the adjoining dwelling when accessing the kitchen from Rydal Street. The proposal would therefore conflict with policy UR3 of the Replacement Unitary Development Plan.
-