

REPORT TO AREA PLANNING PANEL (KEIGHLEY)

REPORT OF THE STRATEGIC DIRECTOR OF REGENERATION TO THE MEETING OF
THE AREA PLANNING PANEL (KEIGHLEY) TO BE HELD ON 15th May 2008

AA

SUMMARY STATEMENT - PART ONE

Items include

- ◆ Applications subject to approval under Section 106 Agreement of the Town and Country Planning Act 1990
- ◆ Applications with Petition
- ◆ Decisions by the Secretary of State
- ◆ Miscellaneous Items

The sites concerned are:

1 – 4 Back Nelson Road, Ilkley
14 Oakbank Drive, Keighley
Riverside, Dalton Lane, Keighley
13 – 15 Lawkholme Lane, Keighley
57 Thornhill Road, Steeton
1 Halsteads Way, Steeton
14 Perry Close, Keighley
Ridings House, 31 Leeds Road, Ilkely
16 Pepper Hill Lea, Keighley
46 – 48 Kirkgate, Silsden

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Area Planning Panel (Keighley)

15th May 2008



ITEM NO.	LOCATION	
1	1 – 4 Back Nelson Road, Nelson Road, Ilkley	

DATE : 15 MAY 2008
ITEM NO: 1
WARD: ILKLEY
RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO A S.106 AGREEMENT
APPLICATION NO: 08/01629/COU

Type of Application/Proposal and Address:

Change of use of 2 workshop units to form 2 residential units and refurbishment of remaining units as workshops/studios at
Units 1 – 4, Back Nelson Road, Nelson Road, Ilkley LS29 8HW.

Site Description:

The site comprises a row of old, stone-built, 2-storey buildings currently in use for workshops and storage facing an unmade yard to the rear of a row of Victorian stone terrace houses on Nelson Road. The site is close to the centre of Ilkley and within Ilkley Conservation Area. A 3.3m wide unmade access leads to the site and also serves the backs of the Nelson Road houses. The buildings were apparently built as stables to service a nearby steam laundry that is long-gone. Some of the buildings have stone slate roofs and there are interesting loading doors at 1st floor level. The back wall of the buildings contains no openings and abuts another unmade lane serving the rear of properties on Victory Road. To the north, along Nelson Road is the Victoria Hall auction salesroom. A free standing double garage unit stands in front of the end unit and is used as storage by a newspaper delivery business. There is on-street parking along Nelson Road associated with the residential properties, the salesroom and the town centre.

Relevant Site History:

06/07018/FUL: Change of use of workshop units to form 4 residential units. Refused 8th March 2007. Appeal dismissed 20th September 2007.

Replacement Unitary Development Plan (RUDP): *Proposals and policies*

There are no proposals for the site on the RUDP Proposals Map except that the site is in Ilkley Conservation Area.

The following policies of the RUDP are applicable:-

- UR3 – local impact of development
- TM19A – traffic management and road safety
- TM11/TM12 – car parking standards.
- BH7 – criteria for new development in conservation areas.
- D1 – general design considerations.

Town/Parish Council: Ilkley Parish Council recommends approval.

Publicity and Number of Representations:

Publicity by neighbour letters and Conservation Area site/press notice expiring 17/4/08.
17 objections received.

Summary of Representations Received:

1. The access is very narrow and turning for service vehicles is difficult.
2. Concerns that the proposed parking for the 2 houses will further compromise the already restricted turning area and car parking spaces for the remaining workshops, other businesses and existing residents, as well as emergency access.

3. Nelson Road is already a very congested road with a lack of parking space. As only 2 parking spaces can be provided for the houses, and none for the retained workshops, safety and amenity problems and will be made worse.
4. The proposed houses are too close to the back windows of houses in Nelson Road and would cause overlooking of existing houses. The existing workshops do not because they have been required to have obscure glass at 1st floor. Creation of new windows in the elevation facing Victory Road will have a significant impact on privacy of occupiers of these houses.
5. Opposition is expressed to relocation of a boundary wall adjacent to the access behind No. 3 Nelson Road which will make it harder to turn vehicles and gain access to the backs of houses on Nelson Road.
6. There will be disruption to residents during building work.
7. The buildings are in the Conservation Area and some of the last remaining small workshops in town. Conversion to houses will deprive Ilkley of a valuable amenity – much needed premises for small businesses, artists and trades people. Ilkley will be poorer for losing such premises. Small trades people and artists are being squeezed by the high cost of a dwindling supply of small business premises.
8. Other comments are received protesting at the loss of cultural assets from Ilkley - premises occupied by artist and a potter. There are said to be no alternative artist's workshop premises like these in Ilkley.
9. Conversion to houses would substantially change the character of the buildings and require rebuilding of substantial elements of the structure.

Consultations:

Highways DC : As with previous application, acknowledge that this is a restricted site but consider that residential use will generate fewer vehicle trips than the alternative of industrial/business uses of the two workshops. 100% parking is acceptable but requested amendments to ensure the parking does not obstruct other turning movements or access to the remaining workshops.

Design and Conservation Team : No objections in principle, and indeed the Conservation Officer is supportive of the change of use to 2 dwellings as it will restore the whole row to full beneficial use. The conversion now retains the character of the 1st floor openings and will have a positive impact on the conservation area. Details of timber sash windows, glazing and doors need to be agreed and reclaimed stone slates should be used.

Summary of Main Issues

Loss of space for small businesses and cultural uses.

Impact on the character and appearance of Ilkley Conservation Area.

Impact on amenity of adjacent occupiers.

Highway safety issues, vehicle manoeuvring and car parking.

The previous application proposal and planning appeal

The new scheme

Appraisal:

These buildings are interesting remnants of old Ilkley and worthy of conservation. Ilkley Civic Society says they date from 1886 onwards and served as stables. There are signs that little investment has gone into them for many years and they provide space for tradesmen and local artists – a function that is valued by the local community. Some units are rented by local joiners, others are used as storage and workspace by two local artists, and the free standing garage unit is used by a newspaper delivery business. Although

existing in very close proximity to residential properties, there is little evidence that the long established light industrial uses have had significant adverse effects on local residents.

The previous application proposal and planning appeal

The applicant is the owner of the buildings and previously sought approval for change of use of all the workshop buildings to 4 dwellings under 06/07018/FUL. Elevation and plan details were submitted to show how the buildings might be subdivided and included more significant modifications than the current scheme in that several essential features of the buildings were to be modified. There was significant local community opposition to loss of the use of the workshops by small businesses and artists.

The Council refused to grant planning permission for 4 dwellings because

1. The design detail of the intended conversion was unsympathetic, inaccurate or vague and failed to reflect the character of the buildings.
2. There was no evidence that wholesale conversion of the workshops to housing was the only solution to their restoration and their loss to residential use would reduce their interest and appeal as part of a varied conservation area environment.
3. A lack of information about the highway impact and the inadequacy of the proposed parking arrangements.
4. Insufficient standards of separation between the buildings and windows in existing houses on Nelson Road resulting in overlooking.

In considering the subsequent appeal, the Inspector acknowledged that the buildings are a pleasing element of this part of the conservation area and criticised the proposed loss of original openings on the principal elevation, particularly loading/taking in doors at 1st floor level, the loss of which would unacceptably harm the conservation area. He made further criticism of inconsistencies and lack of precision in the application drawings. The second reason for dismissing the appeal was that the premises are, in places, located 14m to 17m from the back windows of existing houses on Nelson Road and so there would be unacceptable overlooking of these occupants.

The Inspector did not fully support the objector's arguments about loss of space for the existing small businesses and artists, noting that Planning Policy protection in the RUDP was not relevant because the site is not part of an Employment Zone - although he did say that loss of these artisan workshops "*would undoubtedly diminish the pleasing intrinsic interest and character of this part of Ilkley*".

The new scheme

The applicant now presents a compromise solution, retaining 2 of the workshops for their existing business/studio use with two to be converted to dwellings. The layout has been improved to achieve a better parking arrangement and minimal changes are now proposed to the external appearance of the buildings; all the 1st floor loading/"taking-in" doors and other features of character are retained. The proposed dwellings would be close to houses on Nelson Road but the workshops selected for conversion are the ones furthest away that would cause the least overlooking. Through a partial residential conversion, the applicant hopes to secure value that then can be channelled into the long overdue repair and refurbishment of all 4 workshop buildings.

The loss of space for small businesses and cultural uses.

As noted by the Inspector, the site is not allocated for employment purposes on the RUDP and is not part of an Employment Zone. While the RUDP talks about the importance of retaining existing employment land and buildings in the free standing towns of the District,

RUDP Employment Policy E3 only protect sites of more than 0.4 hectares in size. The application site is 0.04 hectares so there is no RUDP Policy protection for this site.

In respect of retention of buildings in community or cultural uses, the Community Facilities Policies (eg CF5 and CF7) of the RUDP only provide protection of such uses in rural areas or in defined Community Priority Areas, none of which is relevant to Ilkley. The RUDP contains no other policies in relation to protecting buildings or space for artists or for cultural purposes in general. Nevertheless, the strong local community feeling about the loss of facilities for local craftspeople and artists is noted, as is the Inspector's support for the Council's previous concern to retain a mix of residential and commercial/cultural uses as being in the best interests of the area.

However, it also has to be recognised that these buildings are in a poor state of repair and while in use for a degree of economic or cultural activity, the amount of that activity is very low key. The buildings are not being used to their full potential, there has been a lack of investment and the physical and visual appearance of the buildings is poor.

Impact on the character and appearance of Ilkley Conservation Area

The new application shows conversion achieved with minimal changes to existing openings and restoring and preserving intact the key features of the building such as the 1st floor 'taking-in' doors. Details of surface materials for the vehicular areas and car parking are given and details of boundary treatment are shown - all of which are considered appropriate and would positively enhance the setting and appearance of the site. The Council's Design and Conservation Team now supports the proposals as they would restore the buildings and so have a positive impact by enhancing the character and appearance of this part of the conservation area.

Officers fully acknowledged the benefits of the premises being used by tradesmen and artists. This makes a positive contribution to the conservation area, and loss of such a mix of use would invariably reduce their interest and appeal. However, the buildings are not used to their full potential. They are in need of a new lease of life if they are to survive and PPG15 on "Planning and the Historic Environment" recognises that the key to the preservation of buildings of conservation interest is to facilitate their productive use. Investment, possibly considerable, will be needed to fully conserve and restore the buildings and it is felt that this sympathetic scheme for 2 out of 4 to be converted to dwellings will permit retention of some workshop/cultural uses while allowing the owners to secure the value needed to finance the upgrading of all the buildings and their surroundings to the benefit of neighbours and the conservation area.

Highway safety issues, vehicle manoeuvring and car parking

It is acknowledged that significant congestion occurs on Nelson Road due to parking for residents and other uses, including the nearby auction house. As objectors have highlighted, the access and parking arrangements in the restricted yard are not ideal. However, if it is accepted that these buildings should be saved and restored, generally speaking, partially restoring to residential use would generate fewer trips and so present fewer potential problems for existing residents and businesses than upgrading all the buildings solely for continued business uses which could generate more significant amounts of traffic and commercial vehicles and activity than occurs at present.

The scheme also creates two extra car parking spaces on the site of the large unsightly garage building. These are not there at the moment. The Highways DC Officer considers 100% car parking provision to be acceptable given the location and the size/character of

houses being created. In addition, the proposed surfacing of the turning area in front of the Units would be of benefit to servicing arrangements.

In response to concerns expressed by objectors, the proposed layout has been amended so that the car spaces are pushed further into the site and do not encroach on any part of the turning area presently available in front of the garage. The amended plan also omits any mention of erecting the boundary fence that objectors feared would obstruct access to the back road behind Nos. 3 and 4 Nelson Road. The existing access and turning arrangements seem to be safely negotiated by vehicles gaining access to the existing workshops and these would not now be diminished by the amended proposals.

The Highways DC Officer considers that turning two workshops over to residential use would reduce the potential traffic movements in the yard area compared with what may arise with a restoration scheme that solely introduced new business uses. The historic constrained nature of the site is such that there are no easy solutions to the lack of space for vehicles but, on balance, it is felt that the provision of the additional parking and the surfacing of part of the access would satisfactorily mitigate the highway impact of the development in accordance with RUDP Policies TM19A and TM2.

The bin storage arrangements of the two houses have now been highlighted on the submitted drawings and design issues relating to servicing, waste handling are also satisfactory in terms of meeting Policy D1 of the RUDP.

Impact on amenity of adjoining occupants

The application buildings are situated between 17.5m and 14m of the rear elevations of houses fronting Nelson Road. Overlooking at ground floor level is mitigated by the ground floor extensions to the existing properties which have blank walls facing the site. The Nelson Road houses have a number of bedroom windows at 1st floor level that would be viewed from 1st floor bedrooms in the proposed new houses. As the buildings have not previously been in residential use their conversion to residential use will produce a degree of overlooking from this level and the standards of separation at 17 metres are less than would be desirable in a conventional residential layout.

However, the two workshops selected for conversion to houses are those with the more generous separation between 1st floor windows of 17 metres (rather than 14m) and where the overlooking at ground floor is less significant. This is an area of close knit development, for example at the front of the houses, the separation between houses across Nelson Road is 16 metres. The overlooking from the two proposed houses would be mitigated by the relatively lower height of the small end dwelling and because the size of 1st floor windows in the larger workshop is to be reduced in size compared with the windows that are there at the moment.

In addition, weight has been given to the benefits to residents of a reduced level of activity compared with what might occur if the workshops were fully utilised as business premises. The larger Unit also faces partly onto the communal access and the whole of this back yard has a degree of communal character rather than being an entirely private space. The concerns of the affected residents are acknowledged, but the degree of overlooking from the two houses that will be caused has been considered against the desire to secure a productive use for the buildings. Balancing all these factors, it is not considered that the overlooking problem is so significant as to justify refusal.

Comments have also been made by residents on Victory Road where a number of bathroom windows would be installed in the back wall of the houses. This is currently a blank wall only about 8 metres from windows in the backs of these houses. However, the applicant has acknowledged that these windows must be fitted with obscure glass and it is proposed to impose a Planning Condition insisting on this and the retention of obscure glass along this elevation.

Other Issues

This building may have bats/bat roosts present and a bat survey should be required if permission is granted.

The hawthorn tree overlapping the southern end of the building from an adjoining garden will require some pruning to permit works to the end unit but the Council's Tree Officer previously had no particular concerns as hawthorns respond well to pruning.

Conclusion

While the previous application would have resulted in all 4 workshops being lost to residential use, and modified in a way that harmed their character, the current scheme retains 2 buildings as workshop/studios with minimal external change and, importantly, would enable the owner to recoup investment income from the sale of these to invest in the refurbishment and repair of the remainder so that they might remain as assets of the Conservation Area and house a more vibrant level of activity. The buildings are presently under utilised and in poor repair. The current application presents compromise on the part of the applicant to secure value needed for the upgrade and repair of the workshops through a partial conversion of the workshops furthest from the houses and where car parking and servicing arrangements can be better planned.

As well as the suggested conditions, it is proposed that the applicant be required to enter into a S.106 agreement with the Council to ensure that the improvement of all 4 units is carried out simultaneously as part of a comprehensive conservation enhancement and ensure that the value created through permitting two houses is channelled into the restoration of the remaining workshop units, and that this remains a genuinely mixed use development.

S106 AGREEMENT : HEADS OF TERMS

- That the conversion of the two workshops to dwellings and the restoration of the remaining two workshops for the existing purpose as business/studio space shall be carried out simultaneously as one comprehensive development scheme.
- That the new dwellings shall not be occupied until the restoration/refurbishment of the remaining workshops is completed to a standard to be agreed in writing with the Council.
- That the 2 remaining workshops be retained in Class B1 office/light industrial use or as artist's/craft studios as proposed in the application.

Community Safety Implications: None.

Reasons for Granting Planning Permission:

Subject to the Conditions and S.106 Agreement, the development represents an acceptable and appropriate mixed-use development that will secure the future restoration and retention of these valuable conservation area buildings in a manner sympathetic to the character and appearance of this part of Ilkley Conservation Area. The proposals, as amended, achieve satisfactory arrangements for access and parking, and the impact on neighbours is considered to be outweighed by the other advantages of restoring the

buildings and reducing the potential for generating traffic and disturbance. The proposals are considered to strike an acceptable balance in meeting the requirements of Policies UR3, BH7, D1, TM12, TM19A of the Replacement Unitary Development Plan.

Conditions of approval

1. Permission to be implemented within 3 years.
2. Compliance with the amended layout modifying proposals for the parking and hard surfaced areas to improve parking and avoid restricting manoeuvring space.
3. Unit 2 shall be re-roofed in natural slate, samples of which shall be submitted for approval prior to commencement of development.
4. No development shall commence until a structural report establishing the extent of demolition and rebuilding required to external walls and roof areas of all the Units has been submitted to and approved in writing by the Council. Development shall proceed in accordance with the structural report.
5. Sample panel showing details of coursing and pointing to all areas of rebuilt walling to be inspected and agreed in writing by the Council.
6. All new windows to be timber framed with painted finish, details of the pattern and method of opening of windows shall be submitted to and approved in writing prior to commencement of development. New doors shall have a painted timber finished.
7. The parking and vehicle turning areas indicated on the approved drawings shall be implemented (including demolition of the existing garage) and made available for use before the dwellings are occupied.
8. The 2 parking spaces created shall not be obstructed by external storage etc.
9. The bin storage areas indicated on the approved drawings shall be created and made available for use before either of the dwellings is occupied.
10. All windows in the west (rear) elevation of the building shall be installed with obscure glazing as shown on the approved drawings. Thereafter, this type of glazing shall be retained throughout this elevation.
11. No development shall be begun until details of materials to be used in all external areas within the development site, including arrangements for surface water drainage of such areas, have been submitted and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
12. Requirement for a bat survey prior to commencement of development.

Area Planning Panel (Keighley)

15th May 2008



ITEM NO.	LOCATION	
2	14 Oakbank Drive, Keighley	

DATE: 15 May 2008
ITEM No: 2
WARD: KEIGHLEY WEST
RECOMMENDATION: TO REFUSE PLANNING PERMISSION
APPLICATION No: 08/00267/FUL

Application with petition.

Application referred to Panel at the request of a Councillor

Type of Application/Proposal & Address

Full application for demolition of a single garage and erection of a detached dwelling at 14 Oakbank Drive, Keighley, BD22 7DX. The proposal also involves the creation of a replacement car parking area for the existing dwelling.

Site Description

The site is a plot of land adjacent to 14 Oakbank Drive, which is currently a garden and driveway within the curtilage of the parent dwelling. The parent dwelling is a detached bungalow with a render finish and concrete tiles to the roof. The site is 0.018 hectare in area and slopes up steeply at the western end of the piece of land. The land to the west of the site slopes up to a height of approximately 3 metres above the ground level of the proposal to a higher road level. The remainder of the site is level with the existing dwelling.

Relevant Site History

92/02372/FUL – Erection of a conservatory – Granted.

Replacement Unitary Development Plan (RUDP) Proposals & Policies

The site is unallocated.

UR3 – Local Impact of Development

H5 – Residential Development of Land not Protected for Other Purposes

H7 – Housing Density

D1 – General Design Considerations

TM2 – Impact of Traffic and its Mitigation

TM12 – Parking Standards for Residential Developments

D4 – Community Safety

Town/Parish Council

Recommended for refusal.

Publicity and Number of Representations

Neighbour notification letters – Expiry date 10th March 2008.

Seven letters have been received, all objecting to the proposal.

A petition of twenty six signatures, from seventeen households has been received objecting to the proposal. The seven households that sent in individual letters of representation also signed the petition.

Summary of Representations Received

Issues relating to parking, access and turning of vehicles (general highway safety) on Oakbank Drive.

Affect on mains water supply.

Access for vehicles whilst building is in progress.

Will other dwellings services be disrupted during the proposed construction?
Affect on sewerage and drainage systems.
Proposal described as bungalow but is two storey dwelling.
Overlooking and overshadowing to number 12 Oakbank Drive.
Proximity to neighbours – foundation details/structural safety during construction.
Alterations to boundary fence and restricted visibility.

Consultations

Drainage – Separate drainage system required within the site boundary.

Highways – There are concerns regarding the position of the proposed new access and parking area for the existing dwelling, number 14 Oak Bank Drive. Located at the end of Oak Bank Drive the repositioned access is unable to make use of the access road (Oak Bank Drive) to undertake turning and reversing manoeuvres. The alignment of the access will result in awkward multi-point turns, or undesirable overly long reversing manoeuvres along Oak Bank Drive, likely to result in conditions prejudicial to highway and pedestrian safety. It is considered that the inconvenience of the proposed off street parking provision is likely to lead to vehicles parking on street with possible access and servicing problems for neighbouring properties.

Whilst in principle there are no concerns with the construction of an additional dwelling the proposed access and parking arrangement for the existing dwelling is unacceptable. It is suggested that the applicant considers alternative access arrangement but this may involve reducing the size of the proposed new dwelling.

It was observed that the existing property is at a lower level than Oak Bank Drive. Any revised layout should include a long section of the driveway/parking area, the gradient of which should be no steeper than 1:15.

Summary of Main Issues

1. Principle
2. Housing Density
3. Impact on Local Environment
4. Impact on Neighbouring Occupants
5. Impact on Highway Safety
6. Community Safety

Appraisal

Proposal

The proposal is for the demolition of a single garage and erection of a detached dwelling house to the south of 14 Oakbank Drive, Keighley. A new car parking area is to be created for No 14 Oakbank Drive to the north of the existing dwelling.

Principle

The site was previously developed as the garden for 14 Oakbank Drive and is therefore brownfield land. The proposed development is therefore appropriate on this site.

Housing Density

The proposal will achieve a density of 55 dwellings per hectare. This complies with the site density required in policy H7 of the RUDP, therefore this density is considered to be appropriate.

Impact on Local Environment

The proposed development is not considered to be out of character with the surrounding buildings in terms of its design, however, in terms of its position within the built environment and the street scene it is considered to be out of character.

The proposed dwelling is to be situated within a very small but prominent corner site therefore appearing cramped in relation to neighbouring dwellings and the street scene as a whole. The addition of the proposed dwelling will create a cramped and over-developed appearance on this corner location and as such is considered to have a material and detrimental impact on the existing open character of the street scene.

The proposal is therefore considered contrary to Policies UR3 and D1 of the RUDP.

The proposed domestic dwelling incorporates design arrangements giving sufficient garden area to the side. However, space for waste handling, recycling and storage appears to be limited. Bins will have to be kept in the parking areas to the front of the proposal, as there appears to be no proposed bin storage area provided.

Impact on Neighbouring Occupants

The proposed development is not considered to significantly affect the neighbours' amenities.

The proposal is not considered to overlook 12 Oakbank Drive, as there are no windows in the elevation looking towards this dwelling. The proposal may slightly overshadow part of the rear and side of 12 Oakbank Drive, but no habitable room windows exist on the facing elevation and overshadowing to the rear garden is considered to be minimal.

The parent dwelling of 14 Oakbank Drive is proposed to be adapted to remove habitable room windows that will be overshadowed by the proposal. It is therefore considered that no overshadowing will occur to the parent dwelling. No overlooking will occur to 14 Oakbank Drive as the only window looking towards this parent dwelling is a high level dining room window.

As the proposed dwelling is a significant distance from the detached and semi detached dwellings to the west and south to the opposite side of Oakbank Drive it is considered that these properties will not be overshadowed or overlooked.

Impact on Highway Safety

The proposals involve the creation of two hardsurfaced car parking bays for the existing and proposed dwellings. There is no objection to the parking arrangements proposed for the new dwelling although if the application were to be approved the proposed boundary fence would have to be lowered at the site entrance to improve visibility. However, it is considered that the proposed means of access to and from the parking for the existing dwelling will give rise to conditions prejudicial to highway and pedestrian safety. This is due to the location and alignment of the access onto the highway which will result in awkward multi-point turns, or undesirable overly long reversing manoeuvres along Oak Bank Drive. The potential manoeuvring required to use the car park area could result in vehicles being parked on the highway creating access problems for neighbouring properties.

The proposed access and parking arrangement for the existing dwelling is therefore unacceptable as it is contrary to Policy TM2 of the RUDP.

Community Safety Implications

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

Comments on Representations Received

Issues relating to parking, access and turning of vehicles (general highway safety).

- The highway safety aspect of this application has been addressed in the above report.

Affect on mains water supply.

- There are no issues raised from consultees on this matter.

Access for vehicles whilst building is in progress.

- It is the developers responsibility to ensure that the highway is not blocked for other road users.

Will other dwellings services be disrupted during the proposed construction?

- It is the developers responsibility to ensure that the services of other residents are not affected by the development.

Affect on sewerage and drainage systems.

- There are no issues raised from consultees on this matter.

Proposal described as bungalow but is two storey dwelling.

- It is made clear on the submitted plans that the application is for a bungalow style dwelling with rooms in the roof space.

Overlooking and overshadowing to number 12 Oakbank Drive.

- The proposal is not considered to overlook 12 Oakbank Drive – the only window to the rear of the new dwelling is a velux rooflight to a bathroom. Privacy between windows can be ensured by the use of obscure glazing to this window. The proposal may slightly overshadow part of the rear and side of 12 Oakbank Drive, but no habitable room windows exist on the facing elevation and overshadowing to the rear garden is considered to be minimal.

Proximity to neighbours – details of foundations /structural safety.

- These matters will be considered as part of the building Regulation process.

Alterations to boundary fence and restricted visibility.

- The proposed 1.8m timber fence to the boundary with 12 Oakbank Drive is considered to restrict visibility for vehicles entering Oakbank Drive from the new dwelling and no.12.

Reasons for Refusing Planning Permission

The proposed dwelling would be contrary to Policy UR3 of the Replacement Unitary Development Plan, as the proposal is considered to be over development of a constricted site, resulting in a loss of openness to the detriment of the character and appearance of the street scene.

The proposed parking area for the existing dwelling lacks adequate turning facilities within the site and would result in vehicles manoeuvring within a restrictive area of Oak Bank Drive to the detriment of vehicular and pedestrian safety. The proposal for this reason would be contrary to Policy TM2 of the Council's Replacement Unitary Development Plan.

Area Planning Panel (Keighley)

15th May 2008



ITEM NO.

3

LOCATION

Riverside, Dalton Lane, Keighley



DATE: 15 MAY 2008
ITEM No: 3
WARD: KEIGHLEY CENTRAL
RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO
CONDITIONS
APPLICATION No: 07/08261/FUL

Type of Application/Proposal & Address

Full application for industrial building extension at Riverside, Dalton Lane, Keighley. BD21 4JP

APPLICATION WITH PETITION

Site Description

An industrial building, with profiled sheet cladding, located within an allocated Employment Zone on the west side of Riverside, a road of mixed character leading from Dalton Lane to the north, serving an estate of some 40 terraced dwellings and this industrial site as well as providing access to the northern end of a large former foundry. The former foundry is partly derelict and partly in use by a number of smaller industrial and commercial operators.

The building is surrounded by open storage areas, vehicle parking and a number of trees that are protected by TPOs.

The site faces a terrace of dwellings across Riverside to the east, although views are to a degree restricted by boundary planting of trees and shrubs along the frontage.

Relevant Site History

77/06/05854 – six industrial units - Refused

79/06/00939 – industrial units - Approved

81/06/01931 – workshop - approved

Replacement Unitary Development Plan (“RUDP”) Proposals & Policies

Allocated Employment Zone

Flood Zone 3

Policies:

UDP3 - quality of built and natural environment

UR3 - local impact of development

E1 - protecting allocated employment sites

TM2 - impact of traffic and its mitigation

TM19A - traffic management and road safety

D1 - general design considerations

NE4 - trees and woodlands

NE5 - retention of trees on development sites

NR15B - flood risk

P4 - contaminated land

Town/Parish Council

No Objections

Publicity and Number of Representations

The application was advertised using neighbour letters. The advertisement expired on 4 February 2008

Three letters from one resident and a letter containing a petition of 12 signatures from 8 households have been received.

Summary of Representations Received

1. When the existing building was approved in early 1980's there were assurances that this site would not be developed further.
2. Additional traffic would increase danger to pedestrians
3. Extension would affect views from neighbouring houses
4. Possible loss of trees
5. Development would reduce parking space on the site leading to parking in the street
6. Increased noise would be caused
7. Human Rights would be infringed
8. Site is already littered with machinery and other rubbish
9. Loss of parking and servicing on site would result in parking and loading on the public highway

Consultations

Trees Team – No objections following amendments. Conditions recommended re protection of trees during construction.

Environment Agency – New build development is below 250 sq metres in floor area. The proposals must therefore meet flood protection measures that are set out in current guidance. In this case this involves either constructing the new floor level 300mm higher than the local flood level, or incorporating flood barriers to external doorways.

Environmental Protection – No objections subject to conditions.

Highways - No objections subject to conditions.

Minerals – The site is 190 metres and 225 metres respectively from two former landfill sites. It is noted that the site investigation report concludes that contamination on or in the site would not pose a risk to human health or other environmental receptors.

Summary of Main Issues

Principle
Local Amenity and Trees
Highways
Sustainability

Appraisal

Principle

This proposal involves enlargements to an existing industrial building that is in light engineering use and which is located within the Employment Zone identified by the RUDP.

Given the zoning, the proposals would be acceptable in principle having regard to Policy E1 of the RUDP subject to matters of detail and to effects upon the local environment.

In this respect it is acknowledged that the site is adjacent to an area of terraced residential properties, whose presence adds greater sensitivity to this part of the Employment Zone. However, despite objections from residential occupiers it is considered that provided adequate noise attenuation measures are applied in the construction of the extensions to this engineering works, the proposals remain acceptable in principle.

The question of the effects of the proposed extension upon manoeuvring space, car parking and servicing arrangements within the site are addressed below and, in view of the representations received concerning on-street car vehicle parking, the question of a pre-existing request by neighbours for a 'residents-only' parking scheme has also been considered.

Layout/Design/Local Amenity

The building would be most substantially enlarged at its southern end to create additional storage and working space, whilst a smaller extension would also be added to its northern elevation to further enlarge floorspace. These alterations would enable the business to expand within the existing site and it is anticipated that another 2 to 3 jobs would be created to the benefit of the local economy and regeneration objectives.

The arrangement of the southern extension has been subject to a minor amendment in order to avoid potential damage to, or pressure on, the protected trees that occupy part of the site.

In terms of design, the proposed extensions are functional additions to the existing building and are of a massing and detailing that would not give rise to significant harm by way of visual intrusion either for nearest neighbouring occupiers or the street scene generally.

The extensions to the main building are sufficiently far from nearest sensitive neighbouring property such that no adverse impact would arise, and adequate noise suppression is required by way of condition.

Further, the site is to an extent screened by frontage planting and a hedgerow that would remain in place and which would require protection during the development phase.

In overall amenity terms, the proposals are therefore acceptable and are in accordance with policies UDP3, UR3 and D1 of the RUDP.

Highways

The proposed extensions to the building would be sited on land that is presently informally used for storage and occasional manoeuvring. The proposals include details of a

rearrangement of existing car parking and the spaces to be provided are identified on the submitted plans. The changes are in effect a rationalisation of the parking and manoeuvring arrangements, and loading or unloading of materials and or equipment would continue to take place within the site since an overhead gantry crane is available within the existing building, specifically for this purpose.

The proposed new building would be used for storage as well as for the carrying on of the engineering business. As such it is likely that the extensions would assist in the improvement of the appearance of the site by providing properly covered storage for materials and equipment.

The effects on the available manoeuvring space for servicing vehicles, and in particular for HGVs, has been assessed by the Highways Development Control Officer, whose opinion is that the proposals are acceptable on the basis that adequate space remains for HGVs to manoeuvre. The level of car parking to be provided meets current standards for this type and scale of industrial use and enables employees to park on site.

On this basis the engineer is content with the proposals and raises no objections to them.

Accordingly the proposals are considered to comply with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

Flood risk

The proposed extension comprise less than 250 sq metres of new floor area, which in terms of flood risk is regarded as being of a low order of concern.

Present Environment Agency guidance requires either that the floor level be set 300mm higher than that of the existing building, or that flood barriers be incorporated into the design.

In this case the applicant indicates that flood barriers would be the preferred option for addressing the issue of flood risk. Indeed, the alternative of having raised floors within the new extensions would be unattractive to the company. Clearly any unnecessary ramps may interfere with efficient or safe operation of fork lift or other equipment.

In view of the above the proposals meet the requirements of PPG25 and are acceptable in light of Policy NR15B of the RUDP.

Representations

Following publicity for the proposals, individual objections and a petition containing 12 signatures have been received. The objections refer to highway conditions in the vicinity of the site and the concerns expressed relate to the perceived loss of parking space on the site resulting from the new buildings that are proposed.

Further, the petition refers to alleged existing problems of on-street loading or unloading of HGVs, which the signatories consider is likely to increase as a result of the proposals.

In this respect the applicant indicates that the business does not undertake loading or unloading operations in the public highway, since these activities normally require the use of an on-site fixed gantry type crane that is available within the building.

The concerns regarding loss of car parking are acknowledged but in view of the proposed rationalisation of the parking and manoeuvring space on site, it is not considered that any adverse effects would accrue for highway conditions along Riverside, or for local amenity.

Sustainability

The proposals would ensure that a local employment resource is maintained, and is given the opportunity for minor expansion, in the interests of the local economy and regeneration of the town.

The building extensions should be constructed to the appropriate standards with regard to thermal insulation and should be insulated to contain noise.

Community Safety Implications

There are no community safety implications

Reason For Grant of Planning Permission

The proposed development involves new industrial development within an allocated employment zone and as such is acceptable as a matter of principle in light of Policy E1 of the RUDP.

The proposals would have no significant impact upon nearest neighbouring properties either in terms of additional disturbance or visual impact and are therefore acceptable in light of Policies UR3 and D1 of the RUDP

Conditions of Approval

1. Commence within three years
2. Amended plans dated 6 February 2008
3. Samples of roofing and walling materials to be approved prior to commencement
4. Car parking spaces to be formed and marked out prior to first occupation of extensions
5. No external illumination shall shine towards nearby residential properties or onto the public highway
6. No outdoor storage of materials, goods, containers, machinery or equipment to take place within areas identified as being for parking, servicing or manoeuvring space.
7. Building to be sound insulated in accordance with details to be approved
8. Trees to be protected in accordance with the latest British Standard at the time of any excavation or construction operations
9. No materials, goods or vehicles to be placed or operated beneath the crown spreads of any trees within the site.
10. Drainage to be on separate systems.
11. No loading or unloading of goods shall take place in a location that would interfere in any material way with the use of Riverside as a public highway
12. Prior to commencement of development, a report outlining the landfill-gas protection measures to be incorporated in the building shall be submitted to and approved in writing by the Council. The measures so approved shall be incorporated in the building.

13. No construction or related activities outside the hours of 07.30 – 18.00 Monday to Friday, 07.30 – 13.00 Saturdays and no activity other than emergency repairs on Sundays or Bank Holidays. No piling activities to be carried out other than between 08.30 and 16.00 Monday to Friday.
14. There shall be no burning of any materials on the site
15. Landscaping condition required to be submitted and approved prior to commencement of development, for implementation during first planting season following completion of construction works

MISCELLANEOUS ITEM

APPEAL DECISIONS BY SECRETARY OF STATE

ITEM NO: 4
WARD: KEIGHLEY WEST
SITE: 13-15 LAWKHOLME CRESCENT, KEIGHLEY
APPLICATION NO: 07/02881/FUL
PROPOSAL: FITTING OF SECURITY SHUTTERS
DECISION: DISMISS

ITEM NO: 5
WARD: CRAVEN
SITE: 57 THORNHILL ROAD, STEETON, KEIGHLEY
APPLICATION NO: 07/05268/FUL
PROPOSAL: TWO STOREY EXTENSION FO FORM STORE, UTILITY, WC AND KITCHEN TO GROUND FLLOR AND EN-SUITE BEDROOM TO FIRST FLOOR
DECISION: DISMISS

ITEM NO: 6
WARD: CRAVEN
SITE: 1 HALSTEDS WAY, STEETON, KEIGHLEY
APPLICATION NO: 07/03934/FUL
PROPOSAL: TWO STOREY SIDE EXTENSION
DECISION: DISMISS

ITEM NO: 7
WARD: KEIGHLEY WEST
SITE: 14 PERRY CLOSE, KEIGHLEY
APPLICATION NO: 07/05971/FUL
PROPOSAL: CONSTRUCTION OF 2 NO. 3 STOREY TOWN HOUSES
DECISION: ALLOW

ITEM NO: 8
WARD: ILKLEY
SITE: 31 LEEDS ROAD, ILKLEY
APPLICATION NO: 07/09756/ADV
PROPOSAL: TWO SIGNBOARDS SITED EITHER SIDE OF FORECOURT
DECISION: DISMISS

ITEM NO: 9
WARD: KEIGHLEY WEST
SITE: 16 PEPPER HILL LEA, KEIGHLEY
APPLICATION NO: 07/07301/FUL
PROPOSAL: CONSTRUCTION OF CONSERVATORY TO REAR OF THE PROPERTY AND FOR A GARDEN TOOL STORE
DECISION: ALLOW

ENFORCEMENT ITEM

Date: 15 May 2008

Item Number: 10

Ward: Craven

Recommendation: That the report be noted.

Enforcement number: 06/00452/ENFADV

Site Location: 46-48 Kirkgate, Silsden.

Alleged breach of planning control: Failure to comply with a condition requiring submission, agreement and application of a colour finish for the shop front.

CIRCUMSTANCES:

The owners failed to comply with a condition attached to a planning permission granted by the Secretary of State for Communities and Local Government requiring details of a painted finish for the shop front to be submitted, approved and applied. The owners failed to comply with this requirement within the approved timescale.

On 12th November 2007 an enforcement notice was served.

The owners have now complied with the terms of the notice. A colour has been submitted and agreed and applied to the shop front.

No further action is required.