

**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 15<sup>th</sup> May 2008**

**AB**

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**SUMMARY STATEMENT - PART TWO**

**Applications recommended for approval**

The sites concerned are:

9 Stockinger Lane, Addingham, Ilkley  
Land to West of 61 Calton Road, Thwaites Brow, Keighley  
Land off Colne Road, Church Street, Oakworth  
1 – 5 Bolton Road, Silsden

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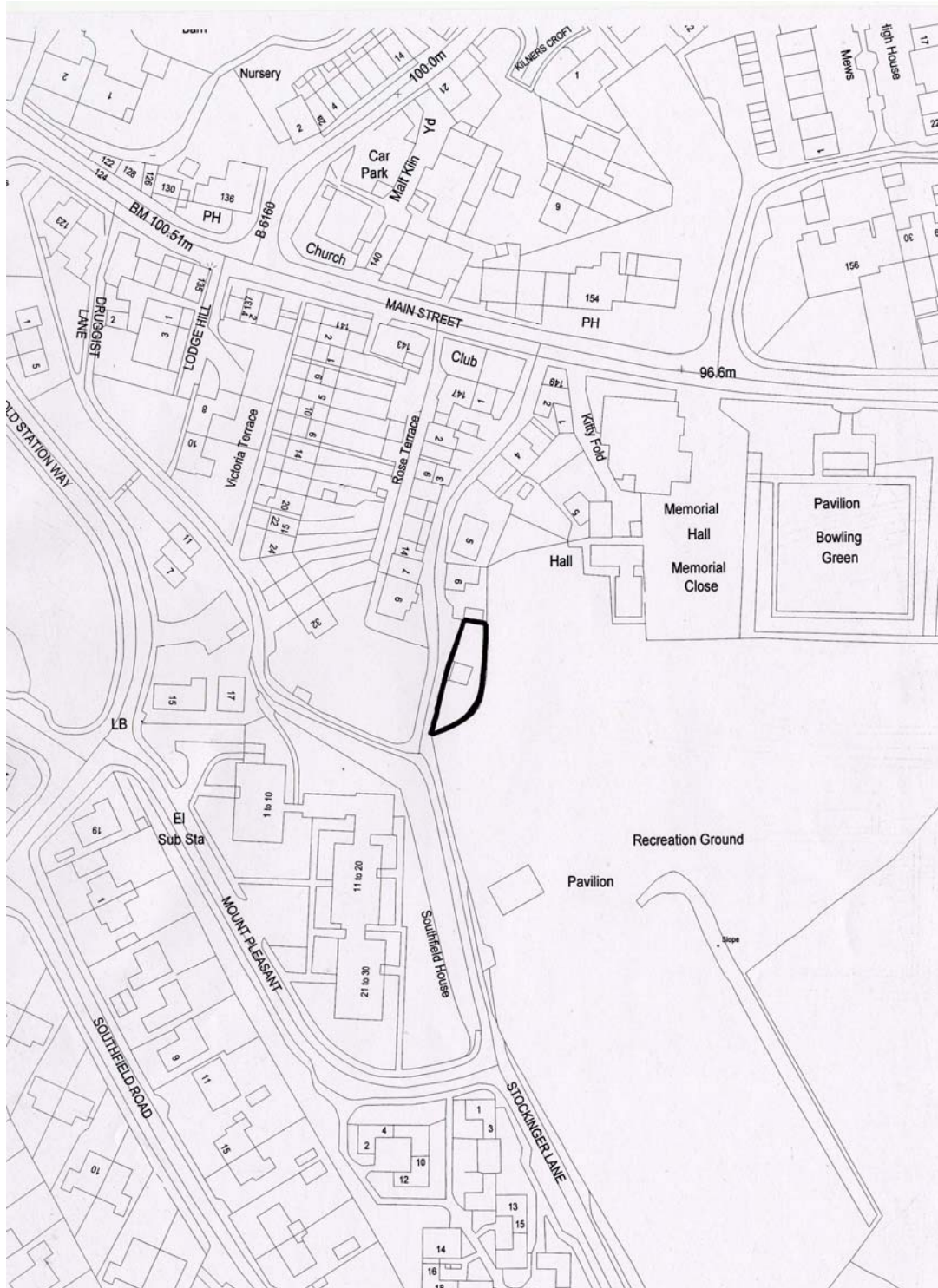
Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL

# Area Planning Panel (Keighley)

15<sup>th</sup> May 2008



ITEM NO.

**11**

LOCATION

**9 Stockinger Lane, Addingham, Ilkley**



**DATE:** 15 MAY 2008  
**ITEM No:** 11  
**WARD:** CRAVEN  
**RECOMMENDATION:** TO GRANT PLANNING PERMISSION  
**APPLICATION No:** 07/09737/FUL

**Type of Application/Proposal & Address**

Full application for construction of a new detached dwelling and a new garage on land opposite 9, Stockinger Lane, Addingham LS29 0ND

**Site Description**

This small site is in Addingham Conservation Area and comprises an enclosed garden partly occupied by an existing garage. It is bounded on one side by Stockinger Lane and on the other by part of the Addingham Recreation ground. This land is at a higher level than the site. Stockinger Lane is a narrow, adopted highway heading south from Main Street. It is lined by a number of stone cottages, including the applicant's house at No. 9, the garden of which is immediately across the lane. Just south of the site Stockinger Lane is joined by Druggist Lane.

**Relevant Site History** : None relevant.

**Replacement Unitary Development Plan (RUDP) Proposals & Policies**

UR3 - local planning considerations  
UR4 – sequential approach to land release  
TM12 – car parking in residential development  
TM19A - road safety  
D1 - design criteria  
BH7 - development in conservation areas  
BH10 – protection of open land in Conservation Areas.

Site is within Addingham Conservation Area

**Parish Council** : Addingham Parish Council recommends refusal. The site is narrow and this build is over development of a very narrow lane. There would be disruption while building occurred.

**Method of Publicity and Number of Representations**

Publicity by site/press notice expiring 27 December 2007 and letters sent to 3 immediate neighbours.

1 objection received + 1 comment from Addingham Civic Society.

The objector acknowledges that the amended drawings show improvements but continues to oppose the application.

Addingham Civic Society considers the application generally acceptable but wish to ensure that natural materials are used appropriate to the Conservation Area.

**Summary of Representations Received**

1. The RUDP says development should be focussed on the urban areas of the District and Policy UR4 sets a sequential approach to development, saying that in the rest of the District, including Addingham, development should only be permitted if it meets a local need. The applicant has not indicated that there is a local need and so the proposal should be regarded as contrary to the provisions of the Development Plan.

2. The objector disputes whether the site is previously developed land as defined in PPS3 on 'Housing' and so it is not suitable for housing.
3. Stockinger Lane is narrow, especially adjacent to the application site. Parking presently causes obstructions. The objector doubts if the parking/garaging can be accessed easily bearing in mind the narrowness of the lane, and could lead to more parking pressure on the highway.
4. There is concern about blockage of the lane during the construction period.
5. There is concern that the detached garage will be used for business purposes which would also increase parking pressures.
6. The proposal is for an unduly large, modern 4-bedroom house that is out of scale with this small, constrained site and does not reflect the character of Addingham conservation area.
7. The house lacks adequate garden and useable recreation/amenity space.
8. The new house will overlook and dominate the garden and property on the opposite side of Stockinger Lane (32, Victoria Terrace) due to its height and overlooking windows. It would affect views, overshadow and cause lack of open aspect from this property contrary to Policies UR3 and D1 of the RUDP.
9. If local need can be established, a more modest 2-storey house with safe access/egress and no overlooking of the nearby property should be proposed.

### **Consultations**

Planning Service Local Development Framework Team : Has expressed the view that Policy UR4 should not be afforded much weight in respect of small infill development and that this proposal for a single dwelling should not be considered contrary to either Policy UR2 or UR4 of the RUDP.

Conservation Officer : No objections in principle to the development of the site but sought amendments to achieve a simpler design reflecting traditional cottages. The amendments now proposed can now be supported provided all rooflights are of the conservation type.

### **Summary of Main Issues**

1. The principle of development.
2. Design : Impact on the character and appearance of the conservation area
3. Access and parking arrangements
4. Impact on the amenity of occupants of adjoining properties and land.

### **Appraisal**

The applicants propose a replacement garage with storage above to be retained for themselves, and a new detached house with an integral garage.

#### The principle of development

The objector has made detailed comments regarding conflict with Policy UR4 of the RUDP which seeks to steer a sequential release of land across the Metropolitan District, concentrating development in the built up area and settlements with good public transport connections, and promoting release of previously developed land before green field sites. Although separated from the applicant's house by Stockinger Lane, this land is used as part and parcel of the house and is presently occupied by a garage. It forms a curtilage that is previously developed land using the definition in PPS3 Annex B.

It is acknowledged that Addingham is not part of the built up area or a settlement with favourable public transport links. One of the strands of Policy UR4 states that

“On unallocated previously developed sites (including sites under 0.4 ha) in the rest of the District, only development which meets a local need will be permitted.”

The Council has not defined what is meant by “local need”, but the Senior Planning Officer in the Council’s LDF Team advises that UR4 should not be applied inflexibly to small infill proposals in the District’s villages because such small housing developments (of up to 3 houses) are unlikely to cause demonstrable harm to the District-wide objectives of Policy UR4. It would be unrealistic, and contrary to meeting local needs for new housing to deny all opportunities for small scale infill development like the single house proposed here, in the villages. In addition, Policy UR4 was designed to reflect guidance in PPG3, but the Government’s revised PPS3 on “Housing” places greater emphasis on improving supply of housing land overall in both urban and rural areas. Paragraph 68 of PPS3 states that Local Planning Authorities should regard Policies in PPS3 as material considerations which may supersede the policies in existing Development Plans, and the Council’s Housing supply targets are to be significantly increased through the Regional Spatial Strategy, making a ban on any housing in the small villages increasingly unrealistic.

PPS3 now stresses the need for a flexible, responsive approach to the supply of housing land, including in rural settlements, not the blanket ban advocated by strict interpretation of UR4. For this reason, on 22<sup>nd</sup> April 2008, the Council’s Executive approved a recommendation that Policy UR4 (and several other RUDP policies, the relevance of which has been superseded) shall not be included on the list of “saved” Policies pending adoption of the Local Development Framework. As from October 18<sup>th</sup> 2008, Policy UR4 will cease to be part of the Development Plan. Whilst UR4 is acknowledged to be a policy of the adopted Development Plan, the Council Executive resolution of 22<sup>nd</sup> April not to “save” it, means that very little weight should be attached to it and the more up to date Policies of PPS3 should take precedence. The view of the Council’s LDF Team is that the application is not contrary to Policies UR2 or UR4.

### **Impact on the character and appearance of the conservation area**

#### **A. Loss of open space from within the conservation area**

Policy BH10 of the RUDP seeks to protect open spaces important to the character and appearance of conservation areas, and Policy OS8 seeks to protect small parcels of open land important to the character, visual amenity and local identity of settlements including Addingham. However, this small garden is dominated by the existing poor quality garage and is not very prominent due to the landform. It does not make an important contribution to local character sufficient to warrant its protection under these policies.

#### **B. Building form and setting**

The architect has designed the house and the separate garage in a series of staggered compartments following the slope of the site so that the form of development responds well to the levels changes rather than imposing itself on the site. The buildings would be set below the level of the recreation land to the east and below the level of the garden across the Stockinger Lane to the west. Although the objection letter criticises the height and massing of the building, the height is neither exceptional nor inappropriate to the site context. The height to ridge would be 8.7 metres which is the height of a conventional 2 storey house, and the effects of massing are reduced because much of the building would be set below adjacent land levels, as is shown on the amended drawings. The ridge height of the house is lower than that of the existing dwelling at No.6 Stockinger Lane.

The houses further down Stockinger Lane are of varied design and, it should be noted, of significant height. Viewed from Stockinger Lane, the new house would be seen against the existing cluster of houses further down the lane which crowds forward towards the highway. The house and the garage would fit well with the landform and the 'grain' of existing development and it is difficult to accept that the height of the proposed house is out of scale with the existing buildings or unduly imposing. The available vantage points are limited due to the confines of the lane and the effects of the levels and if traditional stone and slates are used, the development will fit in with no adverse impact on the character or appearance of this part of Addingham Conservation Area.

### C. Design/Materials

The character of existing houses along Stockinger lane and the surrounding area is quite varied with consistency created through use of natural materials. The proposed 4-bedroom, pitched roof house has been simply detailed to reflect the local vernacular with breaks in walling and roof to create visual interest. Natural stone and slate are proposed to harmonise with nearby buildings, and the architect has responded positively to criticisms from the Conservation Officer about the fussy roof arrangement and lack of symmetry to the window arrangements as was originally proposed. The amended plans show a simpler, less complicated house more sympathetic to the character of nearby buildings. The large unsightly dormer proposed at the rear has been omitted and conservation style rooflights are now shown facing the road frontage.

The separate garage intended for the applicant's use is 5.6 metres high which is not exceptional. This is also to be built in natural materials. The terrace between the garage and the house would be set well back from the frontage of the property and although not a traditional feature, would not be visible. It is an acceptable means of achieving an external amenity space given the constraints of the site.

The Council's Design & Conservation Officer is now happy with the design. Remaining concerns can be dealt with by a Condition to require that all rooflights be the Conservation type that fit flush with the slates.

### Access and parking

The Highway Officer does not consider that a single house will present any significant problems in terms of the capacity of Stockinger Lane or its admittedly restricted junction with Main Street. It is acknowledged that the lane suffers from congestion due to on street car parking which is why, in this case, it has been deemed necessary to provide a higher ratio of car parking spaces than the maximum standards that might be advocated by RUDP Policy TM12 - to avoid residents or visitors worsening the on street congestion referred to by the objector. The objector's concerns about the inadequacy of garaging arrangements have been considered, but the garages are to be set well back from the limits of the highway with ample room for manoeuvring in and out. The Highways DC Officer considers that safe and workable parking arrangements are provided for the new house and there are no particular problems with the orientation of either of the garages.

Although, concerns by the objector and Parish Council about blockage of the lane during construction are noted, these are not matters which could be used to refuse a planning application. It would seem feasible to construct such a small scale development from within the site.

### **Impact on the living conditions of occupants of neighbouring properties**

The new house would be sited an acceptable distance up hill from the nearest house at 6, Stockinger Lane and, being set back from the street, would cause no loss of outlook or privacy to that property. The objector's house at 32 Victoria Terrace is about 31 metres from the proposed house - well in excess of normal minimum separation distances, so overlooking or dominance of habitable rooms in the house would not be significant. Also, the new house would be set below the level of the objector's house which would reduce any perceived dominance.

The new house would be close to the edge of part of the garden to 32, Victoria Terrace where this abuts the lane. The boundary of the garden here is presently open in part and for this reason the agent was asked to reduce the number of windows looking across onto the objector's garden – especially by deleting the dormer windows originally shown facing onto the neighbour's land. The ground floor windows would not cause any significant effect on privacy because they would be looking at the retaining wall to the lane. The first floor windows as amended are mainly to non-habitable landings and a bathroom. The sole bedroom window at 1<sup>st</sup> floor level would be level with a conifer hedge inside the objector's land and so views into the rest of the garden here are screened. The roof lights now proposed at 2<sup>nd</sup> floor level instead of the dormers would not allow direct views into the neighbour's land. The objector acknowledges that the degree of overlooking has been reduced but maintains that the 3-storey building would still cause unacceptable overlooking, overshadowing and interruption of views. However, these effects on living conditions have been carefully considered but the amendments secured; the relative levels of the site in relation to the objector's garden and house, the presence of the intervening public highway and the distance of the development from the objector's house are all such that the proposal is considered acceptable. Subject to compliance with the amended drawings, it is not accepted that the living conditions of the occupants of 32, Victoria Terrace would be significantly harmed.

It is suggested that a condition be imposed withdrawing permitted development rights to install more windows in the west elevation without permission.

### **Other Planning Issues : Amenity space provision**

The objector has commented that this 4 bedroom family house lacks sufficient garden/amenity space. However, it is part of the inherent character of central Addingham that many of the older houses are on limited sites, often fronting the street and without large gardens. The Council has no adopted policy requiring a certain amount of amenity space for certain types of housing. The waste storage and handling needs (ie bin storage) of this development can be met within the site and the raised terrace provides a small private sitting out area. PPS3 Para 17 does stress the importance of taking the needs of children into account by providing private gardens, play areas and informal play space to accompany family housing. But the PPS is making a general point about providing for children's play rather than saying that every house must have a garden. In this instance, the new house would adjoin a public recreation ground and is in sight of an equipped children's play area. It would be difficult to argue that the needs of children for play space could not be met with these local facilities on the doorstep.

### **Business use of the additional garage**

The applicants have said that the roofspace above the free standing garage will be used for their domestic storage and it is unlikely that the limited space available would support the operation of commercial activity on any significant level over that supported in PPG4. However, in view of the concerns expressed, it is proposed to impose the Council's standard condition restricting use of the garage to purposes incidental to the use of the dwelling house.

### **Reasons for Granting Planning Permission**

The proposal will cause no material harm to the objectives of Policy UR4 of the Replacement Unitary Development Plan (RUDP) given that it is for a single dwelling. Greater weight has been given to the need to adopt a more flexible and responsive approach to housing supply in rural areas as advocated in PPS3. The proposed house, as amended, is considered to be sympathetically related to the surrounding pattern of development and to be appropriately designed to respect the landform and context of the site and the character and appearance of this part of Addingham conservation area. Amendments to the drawings have overcome concerns regarding the design of the development and its impact on the amenity of neighbours. It is not considered that a single dwelling would have any significant highway safety implications, and parking and access arrangements are considered satisfactory. The proposed development is considered to meet the requirements of with relevant Policies TM12, TM2, TM19A, D1, BH7 and UR3 of the RUDP.

### **Conditions of approval**

1. Commencement of development within 3 years.
2. Compliance with the amended drawings received on 7 February 2008 showing adjustments to height and design and omitting various windows and dormer windows affecting the neighbouring property.
3. Samples or walling and roofing materials shall be submitted and approved prior to commencement of development.
4. Notwithstanding what is shown on the approved drawings, all rooflights in the development shall be conservation type rooflights.
5. Remove permitted development rights allowing installation of further windows to the west elevation.
6. The indicated parking/garaging is to be provided prior to occupation of the dwelling.
7. Remove permitted development rights to convert the garage space to accommodation.
8. The separate garage shall not be used for business purposes.



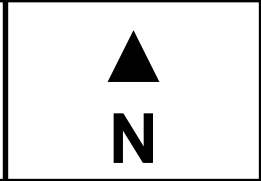
# Area Planning Panel (Keighley)

15<sup>th</sup> May 2008



ITEM NO.  
**12**

LOCATION  
**Land to West of 61 Calton Road,  
Thwaites Brow, Keighley**



**DATE:** 15 May 2008  
**ITEM No:** 12  
**WARD:** KEIGHLEY EAST  
**RECOMMENDATION:** TO GRANT PLANNING PERMISSION SUBJECT TO  
CONDITIONS  
**APPLICATION No:** 07/08455/FUL

**Type of Application/Proposal & Address**

Full planning application for construction of dwelling with integral double garage, parking and turning area at Land to the West of 61 Calton Road Thwaites Brow Keighley West Yorkshire.

**Site Description**

The site is an irregular triangle in shape and has an area of 350m<sup>2</sup>. Domestic garden with partially completed double garage situated within it. Garage accesses onto Calton Road via Larkfield Terrace, an unmade private street serving a terrace of domestic properties and detached garaging. The land split into two levels, the portion furthest from Larkfield Terrace being at a higher level than Larkfield Terrace. To the south and west of the site a public footpath lies adjacent the site separated from the site by a stone wall and fencing. The wider surrounding area the site is situated within is residential. A mature tree off site overhangs the site.

**Relevant Site History**

98/00055/OUT – Construction of dwelling with garage turning area and site access at Land to the West of 61 Calton Road Thwaites Brow Keighley. Refused 05.02.1998.

98/CLE – Certificate of Lawfulness for use of land as garden and domestic curtilage. Refused 02.09.1998.

98/02960/FUL – Construction of garage and terrace with drive access at Land to the West of 61 Calton Road Thwaites Brow Keighley. Granted 23.12.1998. In process of being implemented.

99/00186/OUT – Construction of dwelling with garage, turning area and access at Land to the West of 61 Calton Road Thwaites Brow Keighley. Refused 23.04.1999. Dismissed on appeal.

05/02828/PMI & 06/02704/PMI - Construction of dwelling/bungalow with garage, turning area and access at Land to the West of 61 Calton Road Thwaites Brow Keighley. Objections raised in responses.

06/06703/FUL - Construction of bungalow with garage, turning area and access at Land to the West of 61 Calton Road Thwaites Brow Keighley. Refused 13.11.06.

**Replacement Unitary Development Plan (RUDP) Proposals and Policies**

UDP1 Promoting Sustainable Patterns of Development

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development

UR4 The Sequential Approach to Accommodating Development

H5 Residential Development of Land and Buildings not Protected for Other Purposes

H7 Housing Density - Expectation  
H8 Housing Density - Efficient Use of Land  
TM2 Impact of Traffic and its Mitigation  
TM9 Protection of Routes  
TM12 Parking Standards for Residential Developments  
D1 General Design Considerations  
D4 Community Safety  
NE4 Trees and Woodlands  
NE5 Retention of Trees on Development Sites  
NE6 Protection of Trees During Development  
There are no proposals on the adopted RUDP map.

### **Town/Parish Council**

Follow Planner's Guidelines. The access is very poor and the site crowded but work is already under way.

### **Publicity and Number of Representations**

The application was publicised by site notice and individual neighbour notification letters. Publicity expired 16 November 2007. 9 representations received including one from a Keighley Town Council Councillor.

### **Summary of Representations Received**

All object on the following summarized grounds:

1. The building of a dwelling here would cause the adjacent public footpath to be used by vehicles, during building and afterwards. It is a pedestrian way and not wide enough for vehicles.
2. The dwelling would be inaccessible to emergency vehicles such as a fire engine and also refuse vehicles.
3. Above the density for dwellings required for this area by the RUDP.
4. Entrance to Larkfield Terrace, joining Calton Road, has not altered since the appeal was dismissed in 1999. The site line is still restricted and the entrance has been made worse by the builder of the new houses on Calton Road bringing the curb line nearer to the junction with Larkfield Terrace, so the traffic comes nearer to the entrance to Larkfield Terrace increasing the hazard.
5. Larkfield Terrace is an untarmaced road that joins Calton Road very steeply.
6. No turning facilities on Larkfield Terrace.
7. Visibility of junction of Larkfield Terrace and Calton Road restricted by parked cars on Calton Road.
8. Congestion of Larkfield Terrace caused by on street parking restricting Larkfield Terrace to single track. If vehicles are displaced or there is no room they park on Calton Road increasing congestion here.
9. Construction traffic will cause further unacceptable congestion to the residents of Larkfield Terrace.
10. Maintenance issues of Larkfield Terrace, an unadopted road, both due to construction traffic and on going after development has finished.
11. Overlooking / loss of privacy with distances between the dwelling and dwellings on Larkfield Terrace being less than 21 metres.
12. Loss of privacy to numbers 49 to 51 Calton Road. An infringement of human rights?
13. Size of dwelling too big and too high for plot.
14. Concerned about affect on exposed stream on Larkfield Terrace properties. Where will it be diverted to?

15. Application includes some of 18 Larkfield Terrace's land.
16. Land acts as a soakaway in periods of heavy rain – concerned about where water will go if this land is built on.
17. Inconvenience to existing residents who park and put their wheelie bins on Larkfield Terrace.
18. Flooding risk, noise, dirt, disruption and structural damage from construction traffic.
19. Dwelling will lead to an increase in vehicles using Larkfield Terrace.
20. Visually not in keeping with surrounding properties.
21. Overlooking problems for the occupants of the new dwelling from the adjacent footpath.
22. High level of parking for the new dwelling will lead to an increase in noise levels in an enclosed area like Larkfield Terrace.
23. They believe the width of Calton Road has remained the same, the road markings show the increase in width is for parking. As far as they are aware the highways authority wished it to remain that way to reduce confusion to motorists, if the road width kept changing.
24. Work currently being carried out without planning permission and fences over six feet high have been erected.
25. Poor width entry, radius and carriage width of Larkfield Terrace caused by parked cars.
26. No pavements, road grates, street lighting on Larkfield Terrace.
27. To room on Larkfield Terrace for two cars to pass when cars parked up.

### **Consultations**

**Drainage Services Unit:** Recommends condition pertaining to disposal of surface water using soakaways.

**Police Architectural Liaison Officer (case conferenced):** Height of boundary to footpath should be 1.8m in height.

**Rights of Way Officer:** Keighley Public Footpath 79 abuts the site but lies outside the current development boundary. Originally commented that it may be worth considering specific secure by design principles that apply to new developments especially with footpaths that pass to the rear. He went on to talk about surveillance from windows, improvements to street lighting and the unacceptability of increasing the height of the wall fronting the footpath. He concluded by suggesting informatives for any permission. Following a site meeting with the applicant further comments were received from the Rights of Way Officer which suggested he was now happy with the fencing / wall boundary treatment to the footpath.

**Highways Development Control Section:** On the basis of the amended plans:

The development site has previously had a planning dwelling refused for the construction of a detached dwelling and a subsequent appeal dismissed.

The site does however benefit from an approved application for the construction of a freestanding garage.

Part of the Inspectors reasons for dismissing the appeal were that a) there is a lack of a formal turning area at the end of Larkfield Terrace and b) the construction of a dwelling would generate more vehicular trips than the use of the approved garage.

The applicant is now willing to provide a formalized turning area at the end of Larkfield Terrace, which would be of benefit to all users.

It appears that two of the existing dwellings on Larkfield Terrace have now been converted to form one dwelling. Therefore whilst there has been no material change in the visibility splays achievable at the junction of Larkfield Terrace and Calton Road, the construction of an additional dwelling would no longer lead to an overall increase in the 'total' number of dwellings being served off Larkfield Terrace. Consequently the perceived total number of vehicle trips is unlikely to increase.

Road Traffic Accidents over the last 5 years have been investigated the results of which were 0 accidents.

The amended plans include a turning area at the end of Larkfield Terrace which, subject to it operating independently from the parking areas for the new dwelling and being kept available for the public to use at all times, is acceptable and there are no highway objections subject to conditions.

**Trees:** Further to discussions with the applicant's agent and the receipt of amended plans the Council's Arboriculturalist considers the revised proposals as shown on drawing numbers 1266/01C and 02A to be acceptable on arboricultural grounds. Please attach condition TA03R2 (Tree protection during works) to any consent.

### **Summary of Main Issues**

1. Principle
2. Density
3. Design and external appearance
4. Trees
5. Residential amenity
6. Traffic flow and highway safety
7. Comment on representations

### **Appraisal**

Appraisal carried out on amended drawing numbers 1266/01C and 02A dated April 2008 and received by the Council on the 8<sup>th</sup> April 2008 showing scheme layout and scheme elevations.

#### **1. Principle**

Brownfield land within the defined urban area of the District and within the built up area of Keighley. No objection in principle to development of this land for housing. Proposal will accord with Policies UDP1, UR2, UR4 and H5 of the RUDP.

#### **2. Density**

Policy H7 of the RUDP stipulates that appropriate density of development for development sites within the district. Appropriate density for this location, not located on a ten-minute bus route or within 800 metres of a railway station would be a minimum of 30 dwellings per hectare, which on this site equates to a minimum of one dwelling. The proposal therefore accords with Policies H7 and H8 of the RUDP.

### **3. Design and external appearance**

A bungalow styled dwelling with double garage set below living accommodation, making use of the sites levels, and potential living accommodation in the roof space in the form of two rooms. The dwelling is of a size as to allow for a reasonably sized garden and being bungalow in style and dug into the rising ground would not dominate the surrounding area. It is not considered, due to its detached nature and isolated nature that a bungalow surrounded by two storey dwellings would appear to be out of keeping.

The dwelling is to be finished in artificial stone and concrete tiling with UPVC windows and pipe work. The area is mixed in terms of the materials used on developments and subject to agreement of samples the proposed materials would be acceptable.

It is considered that the proposal will accord with Policies D1 and UR3 of the RUDP in terms of its design and external appearance.

### **4. Trees**

There is an existing mature tree located off site (covered by a Tree Preservation Order) next to the footpath some of whose branches overhang the site. The Council's Arboriculturalist is happy that the scheme as shown on the amended plans and subject to condition TA03R2 (Tree protection during works) will not adversely affect this tree and therefore the development will accord with Policies NE4, NE5 and NE6 of the RUDP.

### **5. Residential amenity**

The frontage of the proposed dwelling facing the existing terrace on Larkfield Terrace is dimensioned as being 20 metres away onto Larkfield Terrace and 13 metres to the sites boundary onto Larkfield Terrace, which is adequate to ensure no undue overlooking or loss of privacy between habitable room windows, to the garden at 18 Larkfield Terrace or no overshadowing of the front elevations of the existing properties on Larkfield Terrace or the garden at 18 Larkfield Terrace from the proposed dwelling.

The proposed dwellings elevation facing the rear of the Properties on Calton Road is blank apart from the bay window return, which would invade the privacy of 61 Calton Road's very end portion of garden. It is not considered that there will be any loss of amenity for the dwellings on Calton Road due to overlooking.

The dwelling is dimensioned as being set 0.8 metres off its boundary with the properties fronting Calton Road. The minimum distance between the blank side elevation of the proposed dwelling and the rear elevations of Calton Road properties would be 21.8 metres. It is considered that this distance combined with the single storey nature of the dwelling when observed from the Calton Road dwellings (5.2 metres from ground level to ridge) is sufficient not to cause undue overshadowing of the Calton Road residences. Given that the proposed dwelling is sited to the west of the existing Calton Road dwellings it is considered that it may lead to some shade cast of part of the Calton Road back gardens in the afternoon or evening, but not sufficient to warrant refusal of the application.

The south elevation of the proposed dwelling has habitable room windows in it facing down the rear garden of the new dwelling. This elevation will be 20 metres away from the nearest existing dwellings boundary due south. It is considered that this is sufficient distance to prevent any loss of privacy, overlooking or overshadowing.

The west elevation of the proposed dwelling faces west across a side garden towards the footpath and thence onto the rear gardens of dwellings on Spring Avenue and Spring Grove. The west elevation of the proposed dwelling at the narrowest point would be sited 2.5 metres off the boundary shared with the public footpath and this elevation has a window at first floor level looking across to the footpath which although not shown as such is capable of being a habitable room window. The boundary between the site and the public footpath is formed by a stone wall on which rests a wood fence. The first floor window would be able to see over the boundary and across to the vegetation, which forms the boundary of the gardens on Spring Avenue. There maybe some overlooking of the very long gardens of the properties on Spring Avenue but it is not considered that this would stop enjoyment of the gardens and be to a degree that would warrant refusal of the application. It is considered that overshadowing would not form a problem to the rear gardens of the dwellings on Spring Avenue.

The privacy of the new dwelling from the public footpath will be safeguarded by the existing wall / fence.

In conclusion for the reasoning laid out above it is considered that the proposal would accord with Policies D1 and UR3 of the RUDP in terms of its impact on residential amenities.

#### **6. Traffic flow and highway safety**

The proposed dwelling will benefit from a double garage which will ensure off road parking complies with Policy TM12 of the RUDP.

The Council's Highway Development Control Section has not objected to the amended plan, which has been the result of discussions between them and the applicant.

In conclusion it is considered that the proposal now accords with Policies TM2, D1 and UR3 of the RUDP in terms of its impact on traffic flow and matters of highway safety.

#### **7. Comment on representations**

Density, design and external appearance, size and height of dwelling, overlooking/loss of privacy and matters of highway safety have been discussed in the proceeding report.

The proposal does not mention vehicular access from the adjacent footpath.

Maintenance of Larkfield Terrace is a private matter and whereas ownership of the access is not a material planning consideration other land owners are required to be notified and with the requisite ownership notice being completed in the application form. It is now noted that the ownership certificate in the application form and also the red edge have been amended to reflect access via Larkfield Terrace and the fact that the applicant is not the owner of all of Larkfield Terrace.

Surface water drainage can be controlled by a condition attached to any approval.

There will be a certain disruption during construction of the dwelling, which although it cannot be fully alleviated, can to a certain extent be controlled by condition.

Construction is for a temporary period and does not form a reason for refusal.

With regard to the suggestion that a high level of parking for the new dwelling will lead to an increase in noise levels in an enclosed area like Larkfield Terrace the site already has permission for the siting of garaging on it. The proposed dwelling and alternatively the proposed garaging both provide for two off road parking spaces. There is no difference between the two developments in the level of parking to be provided and therefore the noise generated by that parking.

It is understood that work on fencing facing the public footpath has not led to an increase in height of the existing means of enclosure above its previous height. Planning permission would therefore not be required for the works.

### **Community Safety Implications**

The proposal provides for secure defensible private amenity space for the development. It is considered that the proposal will lead to no community safety issues and will comply with Policy D4 of the RUDP.

### **Reasons for Granting Planning Permission**

The principle of redevelopment of this brownfield land at the density proposed is acceptable. The design and external appearance of the proposal is acceptable. The affect of the proposal on the surrounding area, including impact on trees, residential amenity, community safety and traffic flow and highway safety has been assessed and is considered to be acceptable. As such the proposal is considered to accord with Policies UDP1, UR2, UR4, H5, H7, H8, TM2, TM12, NE4, NE5, NE6, D1, D4 and UR3 of the Replacement Unitary Development Plan.

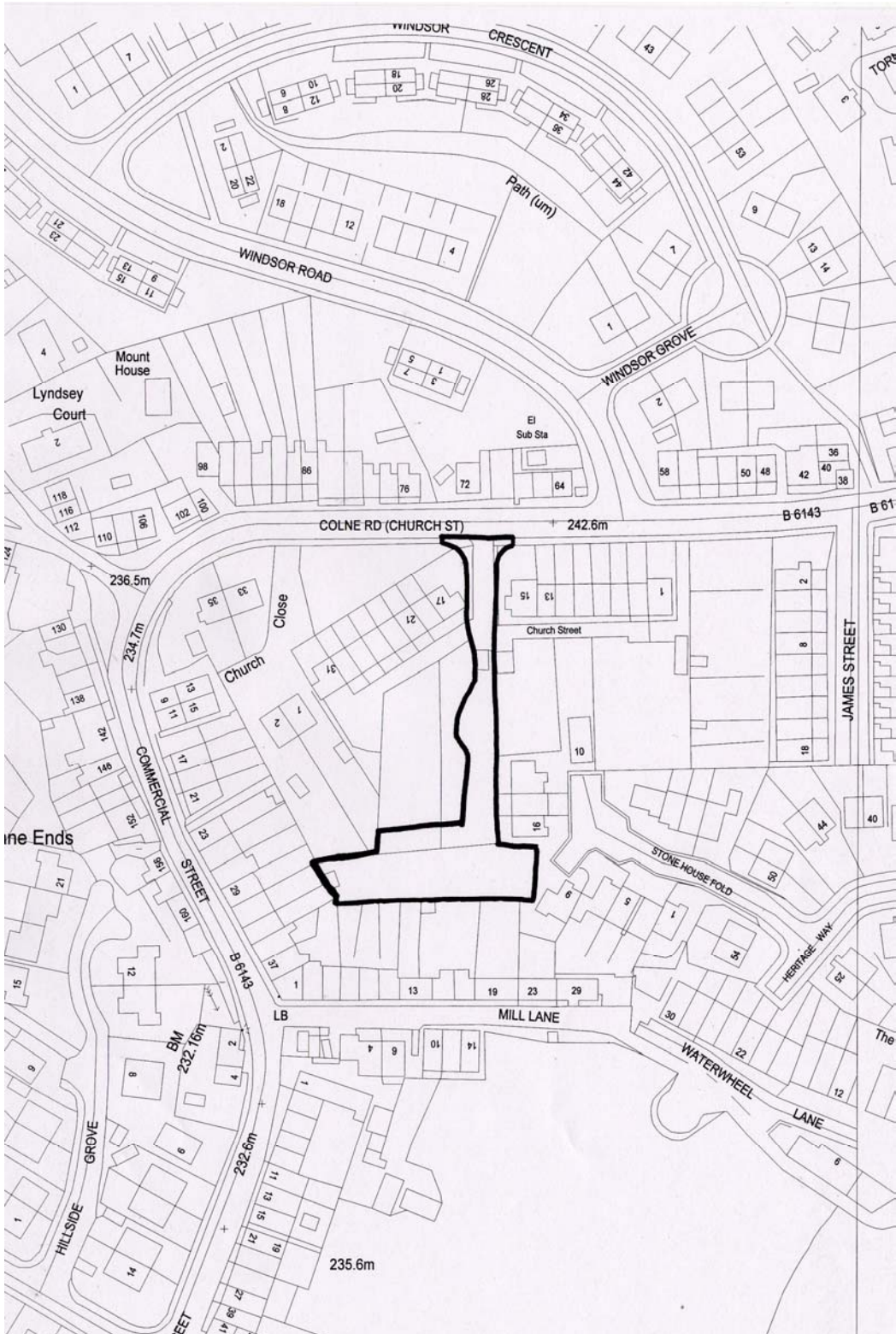
### **Conditions of Approval**

- Time Limit 3 Years
- Full permission amended plans
- Construction plan details to be submitted and approved by the lpa prior to commencement
- Hours of building work and scheme of demolition to be included in a construction plan
- Trees Protection during works
- Turning area to be provided before use
- Provision of domestic parking before use
- Soakaway to BRE 365
- All facing and roofing materials to be agreed in writing by lpa
- Permitted development rights removed for further windows
- Height of boundary fence to footpath to be 1.8m and retained



# Area Planning Panel (Keighley)

15<sup>th</sup> May 2008



ITEM NO.

**13**

LOCATION

**Land off Colne Road, Church Street,  
Oakworth**



**DATE: 15 MAY 2008**  
**ITEM No: 13**  
**WARD: WORTH VALLEY**  
**RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO**  
**CONDITIONS**  
**APPLICATION No: 08/00759/FUL**

**Type of Application/Proposal & Address**

Full application for construction of 3 terraced dwellings on land off Colne Road/Church Street, Oakworth.

**Site Description**

A sloping area of open land located within the Oakworth Conservation Area and, generally between Colne Road/Church Street at higher level to the north, and Mill Lane to the south.

Access to the site would be taken from a short length of presently unmade track leading from Colne Road/Church Street, and leading through an area of land that was recently the subject of planning permission for the erection of 7 dwellings under planning permission 06/08964/FUL. The proposed access would lead to the loss of one of those previously approved dwellings in order that the proposed access road may be accommodated.

The land is effectively surrounded by existing residential properties of varying age ranging from 18<sup>th</sup>/19<sup>th</sup> century cottages along Mill Lane, to new dwellings located off Stone House Fold and Heritage Way.

The land is seen from nearby and more distant viewpoints to the south and southwest, and is regarded as being an area of open land that has a bearing on the character and appearance of the Conservation Area.

**Relevant Site History**

None on the application site, although the proposed access is taken through land subject of planning permission 06/08964/FUL referred to above

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

The site is located within a Conservation Area

Policies:

H5/H7/H9 - housing

BH7 - conservation

TM2/TM12/TM19A - highways

UDP3 - quality of built and natural environment

UR3 - local impact of development

E1 - protecting allocated employment sites

TM2 - impact of traffic and its mitigation

TM12 - parking standards for residential developments

TM19A - traffic management and road safety

D1 - general design considerations

D4 - community safety

- H5 - residential development of land not protected for other purposes
- H7 - housing density expectations
- NE4 - trees and woodlands
- NE5 - retention of trees on development sites
- NR15B - flood risk
- P4 - contaminated land

### **Keighley Town Council**

No objections

### **Publicity and Number of Representations**

Advertised by neighbour letters, press and site notices. Expiry 28 March 2008.  
6 objection letters received.

### **Summary of Representations Received**

1. Development of this site will lead to flooding of properties on Mill Lane.
2. Flooding has already resulted from recent work on the site so that residents have to use sandbags
3. Existing sewers are old and already overloaded.
4. Access from Colne Road/Church Street is hazardous.
5. Work on site must be monitored to ensure compliance with plans
6. The local school is oversubscribed and utilities cannot cope with more development
7. Development will result in loss of wildlife habitat
8. Development would result in loss of important greenspace

### **Consultations**

Yorkshire Water – The presently submitted details relating to site drainage are not acceptable to Yorkshire Water. Details must show how it is proposed to connect to the public sewer system, and must show the drainage details on and off site to the agreed point of discharge to sewer.

The site must be drained with separate systems on and off site in accordance with details to be submitted and approved. Discharge to be to 305mm public sewer in Mill Lane approximately 115 metres from the site. An off-site sewer may be required, to be installed at developer's expense.

These matters may all be dealt with by condition, requiring approvals prior to any development commencing, and completion of the drainage works in accordance with an agreed timescale.

Environment Agency – No comment

Minerals and Waste – No comment

Trees Team – No objections. Conditions recommended concerning tree protection works during construction phase.

Highways – No objections subject to conditions

## **Summary of Main Issues**

Principle

Layout/design/local amenity

Highways

Conservation Issues

Representations

## **Appraisal**

Principle

This area of land is located within the Oakworth Conservation Area, although it is not identified as a key area of open space in terms of its contribution to the quality and character of the area.

The proposal here involves an increase in the number of new dwellings to be constructed on this land, by way of an enlargement of a recently approved development site immediately to the north, which is accessed from Colne Road/Church Street via a short length of presently unmade roadway.

That existing recent approval, under planning reference 06/08964/FUL, gave approval for 7 dwellings as a terrace of 5 units and a pair of semi-detached units.

The proposals here involve the omission of one of those 7 previously approved dwellings, to enable an additional section of roadway to be constructed to serve this additional development, and the construction of 3 new units. This would represent an increase in the overall number of dwellings from 7 to 9, although the development involves an overall reduction in residential density as a result of the increased net area of land taken up by the development. The originally approved scheme represented 40 dwellings per hectare, whilst the proposal here takes that figure down to 36 dwellings per hectare. This figure however meets the requirements of Policy H7 of the Replacement Unitary Development Plan, and having regard to site levels and the need for a road into the site it is unlikely that the density figure could reasonably be increased.

Accordingly, and having regard to material planning considerations addressed below the proposals are acceptable as a matter of principle.

## **Layout/Design/Local Amenity**

The form, materials, scale and massing of the proposed dwellings are the same as for those recently approved on land to the immediate north, incorporating a stepped roofline that gives further visual interest. The addition of chimneys and the control of materials used in the construction of the dwellings would form the subject of conditions of any planning permission to ensure that in design terms the proposals are acceptable in their Conservation Area context.

Accordingly the proposals are acceptable in light of Policies UDP3, UR3 and D1 of the RUDP.

The orientation of the units is such that there would be no direct overlooking of neighbouring properties, or intervisibility between habitable rooms. The siting is such that

no significant impact would arise for the outlook from, or levels of natural light to, nearest neighbouring properties and therefore the proposals would in general terms satisfy Policy UR3 of the RUDP.

A condition removing Permitted Development Rights would further preserve the amenities of the dwellings along Mill Lane, and the prevention of additional windows being inserted in the gable closest to those neighbouring units would be appropriate.

Tree planting would assist in breaking up the appearance of the development when viewed from more distant viewpoints to the south and south west and this would be required by way of condition. Again, good quality landscaping would serve to satisfy Policies UR3, BH7 and NE4 of the RUDP.

### Highways

The proposals involve an increase in the number of vehicles using the access from Colne Road/Church Street.

However, in view of the previously approved works to improve visibility at the junction of the access with the main road, which involve the incorporation of parts of neighbouring gardens into visibility splays, it is not considered that the proposals here for a net increase of two new dwellings on the land would lead to a significant impact upon highway safety. However this opinion is formed on the basis that these junction improvement works are carried out as a first phase of the development and completed to adoptable standard prior to first occupation of the dwellings.

The layout within the site, involving a new spine road that would in effect replace one of the previously approved units, is considered to be acceptable and in line with current highway design standards. The gradient of a section of the spine road, at 1 in 8, is steep but would still be of an adoptable standard particularly since no accesses are taken from this section of the roadway.

The roadway includes passing and service vehicle turning facilities, and meets off-street car parking provision requirements.

Accordingly the proposals are considered to be acceptable in light of Policies TM2, TM12 and TM19A of the RUDP subject to completion of access improvements and all detailed highway/parking arrangements.

### **Conservation Issues**

The site is located within the Oakworth Conservation Area, although it is not identified as an area of open space that is of intrinsic value to the character or visual quality of the Area.

Indeed the previous informal uses of the site had left it somewhat unattractive and untidy and as such it made no positive contribution to the appearance of the Conservation Area. Earth stripping by the developer in preparation for the implementation of the existing consent has further affected the site, and indeed has led to complaints from residents along Mill Lane to the south, primarily in respect of alterations to surface water run-off.

The proposals here would result in a form of development that makes best use of the available land and would serve to preserve the visual quality and appearance of the surrounding Conservation Area in accordance with Policies D1 and BH7 of the Replacement Unitary Development Plan.

Landscaping and tree planting would further benefit the appearance of the area and is to be required by condition.

### **Representations**

The question of drainage from the development including from the new roadways, and the potential for increased run-off rates, requires appropriate measures to be incorporated at an early stage. This issue has been raised by a number of objectors, and it is important that appropriate measures are incorporated to prevent adverse effects on neighbouring properties at lower level to the south along Mill Lane.

These measures will be required to be submitted and approved in writing prior to any development taking place on site and it is intended that an appropriate condition be imposed on any grant of planning permission thus satisfying Yorkshire Water and the Council's Drainage Engineer.

Further representations relate to the capacity of local infrastructure to accommodate the development and the harm arising from loss of greenspace.

With regard to infrastructure, Yorkshire Water Plc is content that the drainage system is adequate provided that the developer installs a system both on and off site to link with the main sewer in Mill Lane.

The question of loss of greenspace is acknowledged, but subject to the completion of landscaping and tree planting on the site it is considered that the impact of the development would be ameliorated to an acceptable degree.

### **Community Safety Implications**

There are no community safety implications

### **Reason for Grant of Planning Permission**

The proposed development would make best use of unallocated land for the provision of new housing, and would have no significant implications for neighbouring land uses. Accordingly the proposals are considered to be acceptable in light of Policies UDP3, UR3, D1, D4, H5, H7, TM2, TM12 and TM19A of the RUDP.

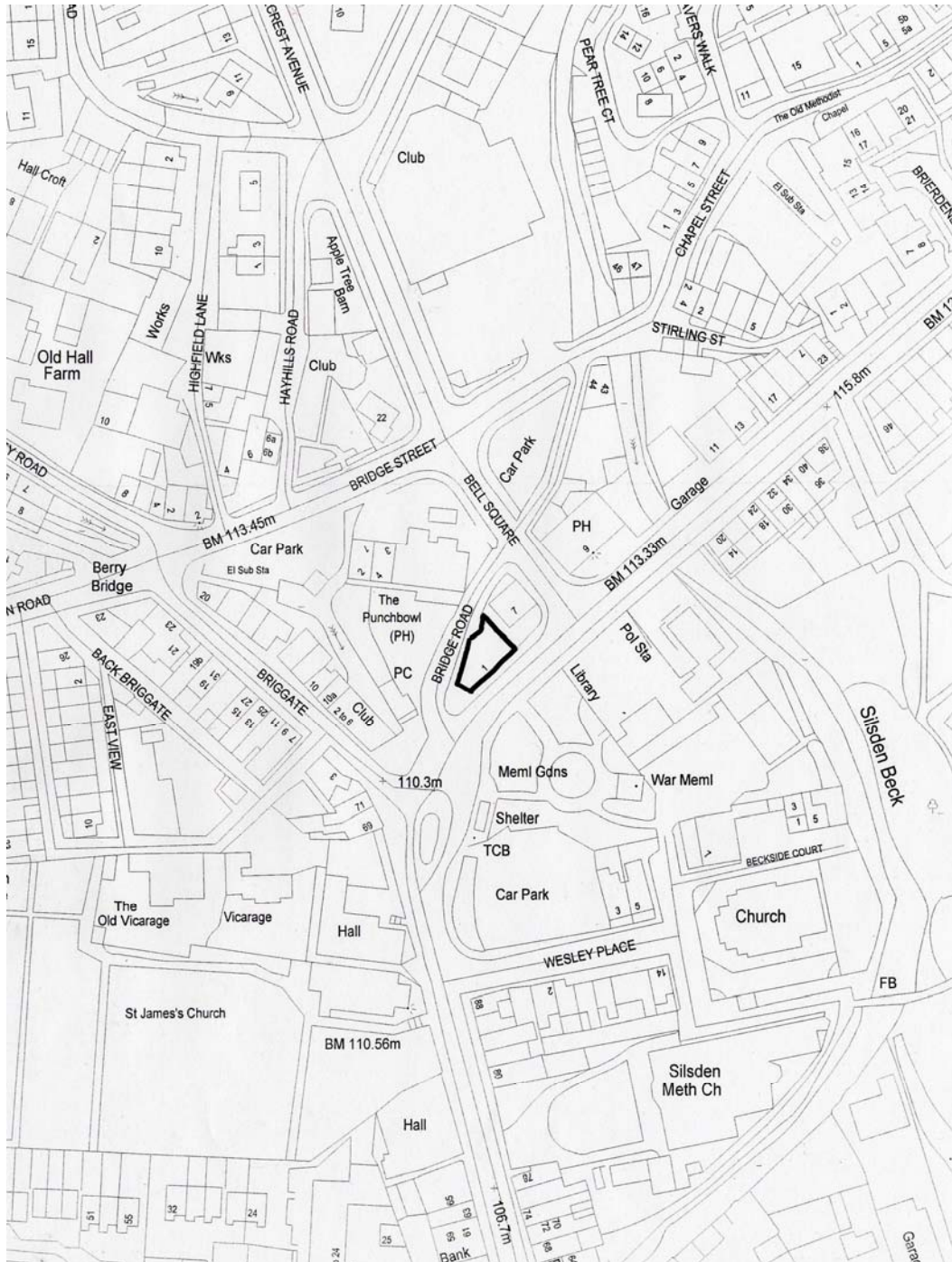
### **Conditions**

1. The development to be begun not later than the expiration of three years beginning with the date of this notice.
2. Construction site details to be submitted and approved prior to commencement
3. Form visibility splays before first occupation
4. Details of street lighting to be submitted to and approved in writing by the LPA prior to commencement of development

5. Form car parking prior to first occupation
6. Detail boundary treatment prior to commencement of development
7. Landscaping scheme required prior to commencement
8. Samples of materials incl natural stone sills/lintols/jambs prior to commencement
9. Details of doors/windows prior to commencement
10. Notwithstanding plans, dwellings to have chimneys. Details required prior to commencement.
11. Drainage details required, together with timescale or phasing prior to commencement
12. Pointing of masonry to be recessed
13. Remove Permitted Development Rights including new windows/dormers etc

# Area Planning Panel (Keighley)

15<sup>th</sup> May 2008



ITEM NO.

**14**

LOCATION

**1 – 5 Bolton Road, Silsden**





**DATE: 15 MAY 2008**  
**ITEM No: 14**  
**WARD: CRAVEN**  
**RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO**  
**CONDITIONS**  
**APPLICATION No: 08/01559/FUL**

**Referred to Panel at the request of Ward Councillor**

**Type of Application/Proposal & Address**

Full application for change of use from Use Class A1 retail to a mixed Use Class A5 hot food takeaway, and A1 retail use  
1 – 5 Bolton Road, Silsden BD20 0JY

**Site Description**

This site comprises a short, stone built two storey terrace formerly comprising residential properties but which have been in retail use for some years. The premises are located between Bolton Road to the south facing frontage, and Bridge Road to the immediate rear and are within the core of the village of Silsden.

To the immediate east of the site is an existing restaurant; whilst to the rear is a public house. To the west are retail and other commercial properties as well as a Conservative Club. The locality of the site is therefore essentially commercial in character, with little in the way of residential occupancy nearby.

However, the premises themselves are undergoing conversion works that involve the formation of residential flats within the upper floors.

**Relevant Site History**

98/02779/COU – COU from residential to retail. Approved 24.12.98  
05/03499/FUL – Alterations to shop and formation of flats. Approved 1.7.05

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

Site located within Silsden Conservation Area.

Policies:

UDP3 – quality of development  
UR3 – local impact of development  
BH7 – Conservation Area  
CR1A – local centre  
D1 - design

**Silsden Town Council**

White UPVc windows and doors against the conservation area remit should be wooden sash type.

Extractor fan should be internal through the chimney stack – similar to

that of recent compliance by Lazee's Restaurant and takeaway also with the conservation area.

Bin stores inadequate for the property [ bearing in mind 05 saw approval of 3 flats above so now need to serve 3 flats and 3 shops], there also appears to be no screening for them

No space for any recycling bins as no provision for the residential bins which must be against BMDC's own environmental policies.

Signage information NOT acceptable, full description and how lit must be seen by this council to ensure in keeping with conservation area and no possibility of internally lit.

There is absolutely no parking provision; application states no vehicular movements at all! Contrary to the application this does not come under Town Centre Development [example of 1 Kirkgate being turned down as no parking and not Town Centre development].

Proximity of the Road junction causes hazard in terms of no parking facilities for a takeaway and concern of potential parking on the busy main road.

Traffic will increase dramatically in this area due to 3 shops and needs to be looked at closely by the highways department, preferably with a site visit.

Roller shutters shown on the plans are in breach of the conservation remit and this opportunity should be taken to insist they are removed.

Concerns raised by this TC on behalf of members of the public who attended the meeting are:-

Opening hours will encourage people to loiter around the area when the pubs close.

No provisions have been made for Litter bins and if provided would restrict the narrow pavements for disabled access and pushchairs.

It would have an adverse affect on the residential amenity.

Lack of parking, concern raised by landlord of the Punchbowl that people would use his car park, which would not be acceptable.

The council would also like to be assured that West Yorkshire police have no issues with this application.

### **Publicity and Number of Representations**

Advertised by Press/Site Notices; expiry date 25 April 2008, and neighbour notification letters; expiry 17 April 2008

1 objection letter received

### **Summary of Representations Received**

1. Takeaway customers will use the public house tables and other nearby locations for food consumption, leading to noise nuisance and litter in the area.
2. Other takeaways in the town already cause problems.
3. Extractor flue would cause visual harm.
4. Servicing would cause problems in Bridge Road
5. Silsden already has 7 takeaways and 2 chip shops
6. Insufficient bin storage facilities

## **Consultations**

**Environmental Protection:** The upper floors of the premises are being converted to flats, which do not appear to be tied to the proposed hot food takeaway use. Environmental Protection would have serious concerns regarding the takeaway use in these circumstances in view of likely night time disturbance and resulting complaints.

**Highways** – In view of existence of nearby car park, and short term stopping opportunities in nearby streets, there are no objections on highway grounds. Servicing arrangements for the development would reflect the arrangements for the pre-existing shops within this building.

## **Summary of Main Issues**

Principle  
Local Amenity  
Highways  
Conservation

## **Appraisal**

### **Principle**

This proposal involves the change of use of part of this building to hot food takeaway use which, as a matter of principle, may be acceptable subject to the potential impact upon local amenity, highway safety and the appearance and quality of the Conservation Area.

### **Local Amenity**

The Environmental Protection Officer notes that whilst the premises are not located in a particularly sensitive area, the upper floors of the building are being converted to flats, whose occupants may find that late evening activity attracted by the takeaway would be a source of nuisance. It would be preferred by the Environmental Protection Officer in these circumstances if the occupation of those flats was tied to the use of the proposed takeaway. This does not form part of the application, although adequate sound insulation would substantially address the issue of sound transmission through the building. In any event, the site is also located close to a public house and a restaurant, whose operations are equally likely to generate evening activity and localised disturbance.

Furthermore, the site is within the core of the town, which has a number of restaurants, takeaways and public houses and which is as a consequence relatively vibrant in the evening. Moreover, the main road passing the frontage of the site, the A6034 Bolton Road, is a well trafficked highway linking the Aire Valley Trunk Road with areas to the north, thus adding to the general levels of background noise.

The town centre is of mixed character with residential accommodation appears to occupy the upper floors of a significant proportion of the properties within the core.

It is considered unlikely that the proposed additional takeaway here would so substantially increase local disturbance that a refusal of planning permission would be justified, particularly since it would be located between a public house and a restaurant.

Consequently it is considered that with suitable safeguards, including adequate sound insulation, opening hours restrictions, adequate bin storage arrangements and acceptable exhaust flue location, the proposed takeaway would be an acceptable use in this location in terms of local amenity.

Accordingly the proposals satisfy Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan

### Highways

The operation of hot food takeaways is generally characterised by short period visits by customers, often involving short term parking of vehicles that can lead to adverse effects upon traffic safety or the free flow of traffic.

Moreover, in the event the takeaway operated a delivery service, this can also result in short term on-street parking by delivery vehicles, which would likely affect Bridge Road to the rear of the premises.

In this case, the existing double yellow lining would mitigate against parking on the frontage and there is a public car park on Wesley Place, opposite the application site beyond Bolton Road. This is considered to be sufficiently close to the site to provide for the needs even of short term visits to the takeaway.

In these circumstances, it is considered that there are no grounds to object to the proposals on highway grounds and the proposals would be acceptable in light of Policies TM2 and TM19A of the Replacement Unitary Development Plan.

### Conservation Issues

The site is located within the Silsden Conservation Area and, whilst the building is not listed as being of specific architectural or historic interest itself, it makes a positive contribution to the character of this part of the Area.

Proposals for hot food takeaways normally involve the installation of an exhaust flue for the dissipation of cooking odours. However, the installation of an external flue would in this location have a marked deleterious impact upon the attractiveness of this part of the Conservation Area.

Alternative arrangements involving an internal flue that exhausts from roof level would be the most appropriate way forward and the applicants have been requested to amend their proposals for the flue.

The amendment has brought the flue inside the building and its point of emergence is at roof level, which clearly is visually acceptable in this location.

Signage on the building would require Advertisement Consent and again, the Conservation Area setting requires care with the scale, material and illumination of any new signs. The applicants have been advised to seek approval for any signs before ordering or purchasing them so that the appropriate fixtures can be agreed and approved.

Subject to the internal flue arrangement, the proposals would have no visual implications for the Conservation Area and Policies UDP3, UR3, BH7 and D1 of the Replacement Unitary Development Plan are satisfied.

### **Community Safety Implications**

There are no community safety implications

### **Reason for Grant of Planning Permission**

The site is within an area that is predominantly commercial in character and as a consequence, the proposed use would have no significant implications for neighbouring occupiers and is therefore acceptable in light of Policies UDP3 and UR3 of the RUDP. There are adequate car parking facilities in the vicinity of the site, and the proposals would have no significant implications for highway safety or the free flow of traffic. As such the proposals are acceptable in light of Policies TM2 and TM19A of the RUDP. In terms of the effects upon the character and appearance of the Silsden Conservation Area, it is considered that the proposals are acceptable and that they satisfy Policy BH7 of the RUDP.

### **Conditions**

1. Start within 3 years
2. The hot food takeaway shall not be open to customers outside the hours of 17.00hrs to 12 midnight.
3. Prior to the commencement of the hot food takeaway use, adequate waste bin storage shall be provided and made available for use.
4. The colour of the existing shutters on the building shall be agreed with the Local Planning Authority