

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 14 November 2012

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	Hairdressing Salon 22 Lawcliffe Crescent Haworth Keighley West Yorkshire BD22 8RD - 12/03668/FUL [Approve] (page 1)	Worth Valley
2.	Land At Grid Ref 413149 441415 Otley Road High Eldwick Bingley West Yorkshire - 12/03010/FUL [Approve] (page 9)	Bingley
3.	Wilsden Medical Centre 2 Lingbob Court Wilsden Bingley West Yorkshire BD15 0NJ - 12/03177/FUL [Approve] (page 18)	Bingley Rural

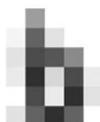
Julian Jackson
Assistant Director (Planning)

Report Contact: Mohammed Yousuf
Phone: 01274 433950

Email: mohammed.yousuf@bradford.gov.uk

Portfolio:
Change Programme, Housing and
Planning

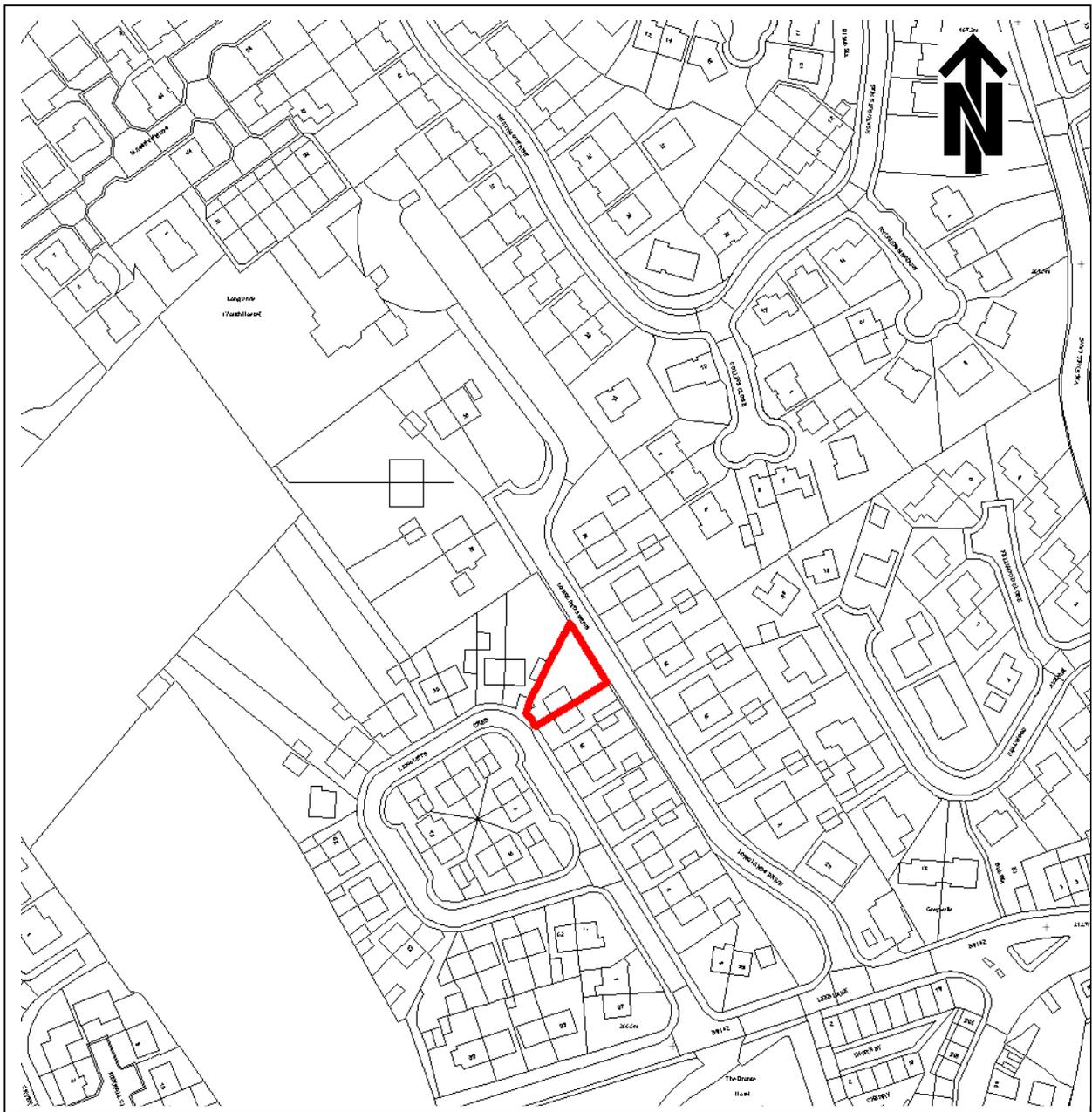
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley & Shipley)

12/03668/FUL

14 November 2012



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<p>ITEM NO. : 1</p>	<p>LOCATION: Hairdressing Salon 22 Lawcliffe Crescent Haworth Keighley</p>
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14 November 2012

Item Number: 1
Ward: WORTH VALLEY
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
12/03668/FUL

Type of Application/Proposal and Address:
Full planning application for the change of use of an existing attached garage to form a hairdressing salon 22 Lawcliffe Crescent, Haworth, Keighley BD22 8RD

Applicant:
Miss Samantha Horsfield

Agent:
Mr Jack Slater

Site Description:
Lawcliffe Crescent is a residential street and number 22 is a semi detached house located in a corner plot where the road bends at almost 45 degrees. It has an attached garage to the side which is the subject of the planning application. There are a few parking lay-bys located outside residents' properties further along the same street and each house has a driveway. The hairdressing salon is located in the garage of the property and is already operating. This is a retrospective planning application to attempt to regularise the situation.

Relevant Site History:
No previous application history

Replacement Unitary Development Plan (RUDP):
Allocation

The site is unallocated in the RUDP.

Proposals and Policies

UDP3 – quality of built and natural environment
TM2 - Impact of traffic and its mitigation
TM19A - Traffic management and road safety
TM11 – Parking standards for non residential developments
D1 - General design considerations
UR3 - The local impact of development
UR2 – Promoting sustainable development

The National Planning Policy Framework (NPPF):

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

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

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

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

Parish Council:

Haworth, Cross Roads & Stanbury Parish Council – would like representations from neighbours to be given full consideration.

Publicity and Number of Representations:

The proposal has been publicised with neighbour notification letters and a site notice the overall expiry date for representations is 26 October 2012.

Summary of Representations Received:

9 Objections received from people at 6 separate addresses
1 email from a ward councillor querying publicity.
1 letter of support

Neighbours concerns can be summarised as follows:

- There is insufficient parking in the area and customers cars which are often inconsiderately parked cause a nuisance to other residents and raise highway safety issues.
- A previous application for development on this street has been refused on highway grounds.
- Neighbours have concerns about how the scale of the business can be monitored.
- The applicant should have checked whether planning permission was required prior to setting up the business particularly as the deeds state it is not permitted.
- The use is not in keeping with a residential area.
- The deeds prevent uses other than as a private dwelling house.

One email from a Ward Councillor raised concerns that the publicity had been done incorrectly and was late.

Comment : The site notice was put up later than the letters were sent out to 9 near neighbours as this is the responsibility of the case officer who receives the file after letters have been sent. The publicity expiry date has been adjusted accordingly. It is not considered that local residents have been denied an opportunity to comment on the application.

A letter of support has been received which can be summarised as follows

- There has always been a parking problem in the street even before the business started. The business will operate during the day when the street is quieter and will not bother other residents and the applicant is trying to balance work with childcare responsibilities.

Consultations:

Council's Highways Officer – No objection to a small, scale single person business as there is parking within the curtilage along with available parking on street. But would not want to see a general salon operating. Suggests a personal permission.

Summary of Main Issues:

1. Highway safety and parking issues
2. Impact on residential amenity
3. Impact on the character of the surrounding area

Appraisal:

Background

The application is for the change of use of part of the applicant's property (the garage) into a hairdressing salon. It is understood that the business has been operating since about May 2012 and has been the subject of complaints and an enforcement investigation.

The supporting information from the applicant can be summarised as follows:

The applicant is self employed and would like to be able to continue to work part time from home so that she can also look after her young child.

The proposal will be a small scale business as the premises are only large enough to serve one client at a time.

The garage where the business has been set up was never used for parking and there is parking available on the drive in front for two to three cars.

They do not anticipate a large number of vehicles as a result of the business due to the limitations on how many customers can be dealt with at any one time and because many customers are from the local area.

The physical alterations to the property are internal only and will have no effect on the appearance of the house.

The applicant did not realise planning permission was required as there have been no external works.

The neighbouring objectors are principally concerned about the highway safety implications and nuisance due to the limitations of car parking in the area. They question whether this is an appropriate use within a residential area. Residents say that since the business started in May 2012, it has had an adverse impact on neighbours due to the increased competition for parking and also may have implications for highway safety.

Reference by objectors to the restrictions in the property deeds are not material to consideration of this application on its planning merits.

The National Planning Policy Framework is a material consideration in planning decisions and encourages planners to adopt a positive approach to the start up of businesses to help to build a strong competitive economy. It states that investment in business should not be overburdened by the combined requirements of planning policy expectations. This has to be balanced against local impact, in this case the impact on the residential character or the area, the amenity of surrounding residents and highway safety.

Parking and Highway Issues

Neighbours' comments relating to parking problems in the area are acknowledged. Lawcliffe Crescent is a narrow residential street and No. 22 is on a corner plot where the road bends at almost 45 degrees. However, there are parking lay-bys located within the street outside some residents' properties that allow parking clear of the flow of traffic and each house has a driveway - including the applicant's house. Parking in the area is largely unrestricted by TRO and therefore visitors and residents can park where they want to in the street.

There were some parked cars in the street at the time of the case officer's visit which was a Friday morning. However, photographs taken at different times of day have been provided by a neighbour and these show significantly more on street parking at other times. Some local residents are concerned that a business use will add to the parking problems in the street. The applicant does not agree that parking problems have been made worse by the commencement of the hairdresser's business as only the applicant is working at the premises and on a part time basis. No other, non-resident staff are employed and only one customer will be served at a time due to the size of the facility.

However, there is likely to be some overlap between appointments so it is possible that two customers could be at the premises at any one time.

The Council's Highway Officer has no objections as he considers that there is sufficient parking provision for a small scale, one chair operation employing only the applicant - but a general salon use of the property would not be appropriate. The Highway Officer suggests that a personal permission be issued. This will be considered below.

Some objectors point out that planning permission for an additional house in the garden of a property (no. 5) on this same street was refused on highway grounds in 2006. However, it is considered that the trip generation characteristics and parking demand arising from a completely new house would be different than from this small business – as long as it remains operated by the existing resident. In any case, the circumstances of that previous proposal are different and the current proposal needs to be dealt with on its own merits and with regard to current planning guidance now in the NPPF.

Impact on Residential Amenity

It is not considered that the proposal will result in a loss of privacy or amenity for neighbours subject to it remaining small scale and the use being operated by the applicant only with restricted operating times. Conditions could be applied to restrict the use, and to restrict the hours so that, as far as is feasible, additional visitors to the business are not arriving or departing late in the evening or at quiet periods of the weekend.

Implications for the character of the area

No external alterations are proposed so the property will retain a domestic appearance. It is considered that if the business remains on a small scale, operating restricted hours and is staffed only by the resident of the property there will be no significant adverse impact on the amenity of neighbours or the residential character of the street.

The comments relating to covenants in the deeds which prohibit business uses are noted. However this is a private legal issue which would need to be pursued separately by interested parties. Planning permission if granted would not override any other legal restrictions on the property.

Conclusion

Officers have taken into account the views and comments of neighbours and have also considered the needs of the applicant and the objectives of the NPPF not to stifle opportunities for small businesses. On balance, it is considered that the proposal can be permitted subject to planning conditions to limit the nature and scale of the business so that it will not have a significant adverse impact on the amenity of people in the surrounding area or on highway safety.

Most importantly it is necessary to link the business to the occupation of the dwelling and to prevent it being transferred and operated by someone who is not also resident at 22 Lawcliffe Crescent. Although the Council's Highway Officer has recommended granting a "personal permission", restricting the business use so it can only be operated by persons who are resident in 22 Lawcliffe Crescent is considered to be a more appropriate way of preventing use of the business independently of the dwelling.

Secondly, it is recommended that planning permission be granted subject to restricted opening hours.

The applicant has asked for permission to allow the business to operate on Saturday mornings 0930 to 1300 and on weekdays from 09.30 until 20.00 hours in the evening. It is considered that during weekdays there will be fewer cars parked in the street as people will be out at work or elsewhere. The comings and goings associated with the business would be less likely to cause disturbance to neighbours and competition for parking space until say 17.00. However, it is felt that operating the business in the evening would coincide with times when neighbours are more likely to be at home and when parking congestion will be most acute and when the business is more likely to impact on residents. Such hours are likely to cause the most difficulties in terms of competition for parking.

A compromise has to be reached between the needs of the applicant and protecting the amenity of the other residents of the street, allowing for viability of the business whilst avoiding periods likely to cause most harm to amenity and safety.

Therefore it is recommended that the salon shall only operate between the hours of 9.30am and 5.00pm on Monday to Friday. To give some degree of flexibility and allow the business to provide a service to those who cannot attend during the working week, it is accepted that the request to operate 9.30 – 13.00 on Saturdays can be permitted, but that no customers should be served during the rest of Saturday or at any time on Sundays or bank holidays.

Thirdly, it is proposed to restrict the use of the premises to a hairdressing salon and not any other purpose within the same Class A1 Use Class (such as a retail shop).

Finally, it is also recommended that a condition be imposed that the business operates on an appointment only basis with only one client at a time served during any single appointment period and that there shall be no other staff or trainees operating from the premises.

Subject to these conditions the use is considered acceptable.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance quality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

Subject to the imposed conditions to restrict opening hours and limit the operation of the business by the occupant of the dwelling only, the small scale of the business is such that it will have no significant adverse effects on local amenity or the amenity of neighbours through the creation of unacceptable noise, smell, safety, health impacts or excessive traffic generation and parking demand. The development is therefore considered to comply with Policies UDP3, UR2, UR3, TM11 and TM19A of the Bradford Replacement Unitary Development Plan and approval is considered in accordance with the National Planning Policy Framework (2012).

Conditions of Approval:

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

Drawing number 40/70 dated August 2012

Received by the Council on 5 September 2012

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

2. The use of the premises for purposes of a hairdressing business hereby permitted shall only be carried out in connection with and ancillary to the occupation of the existing dwelling at 22 Lawcliffe Crescent and shall at no time be severed and occupied as a separate independent unit by persons not resident at that dwelling.

Reason: To prevent the undesirable establishment of a separate independent unit in the interests of amenity and highway safety and to accord with Policies UR3 and TM2 of the Replacement Unitary Development Plan.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any subsequent equivalent legislation, the premises shall only be used for purposes of a hairdressing salon and for no other purpose (including any other activity within Class A1 of the Order).

Reason: In order that the Local Planning Authority retains control over future changes of use with particular regard to the amenity of neighbouring occupiers and in view of the availability of parking facilities at the site and to accord with Policies UR3 and TM11 of the Replacement Unitary Development Plan.

4. The premises shall not be used as a hairdressing business and no customers shall make use of the premises outside the hours of 0930 to 1700 Mondays to Fridays, 09.30 to 1300 hours on Saturdays and not at all on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of neighbouring residents and highway safety and to accord with Policies TM19A, TM11, TM2 and UR3 of the Replacement Unitary Development Plan.

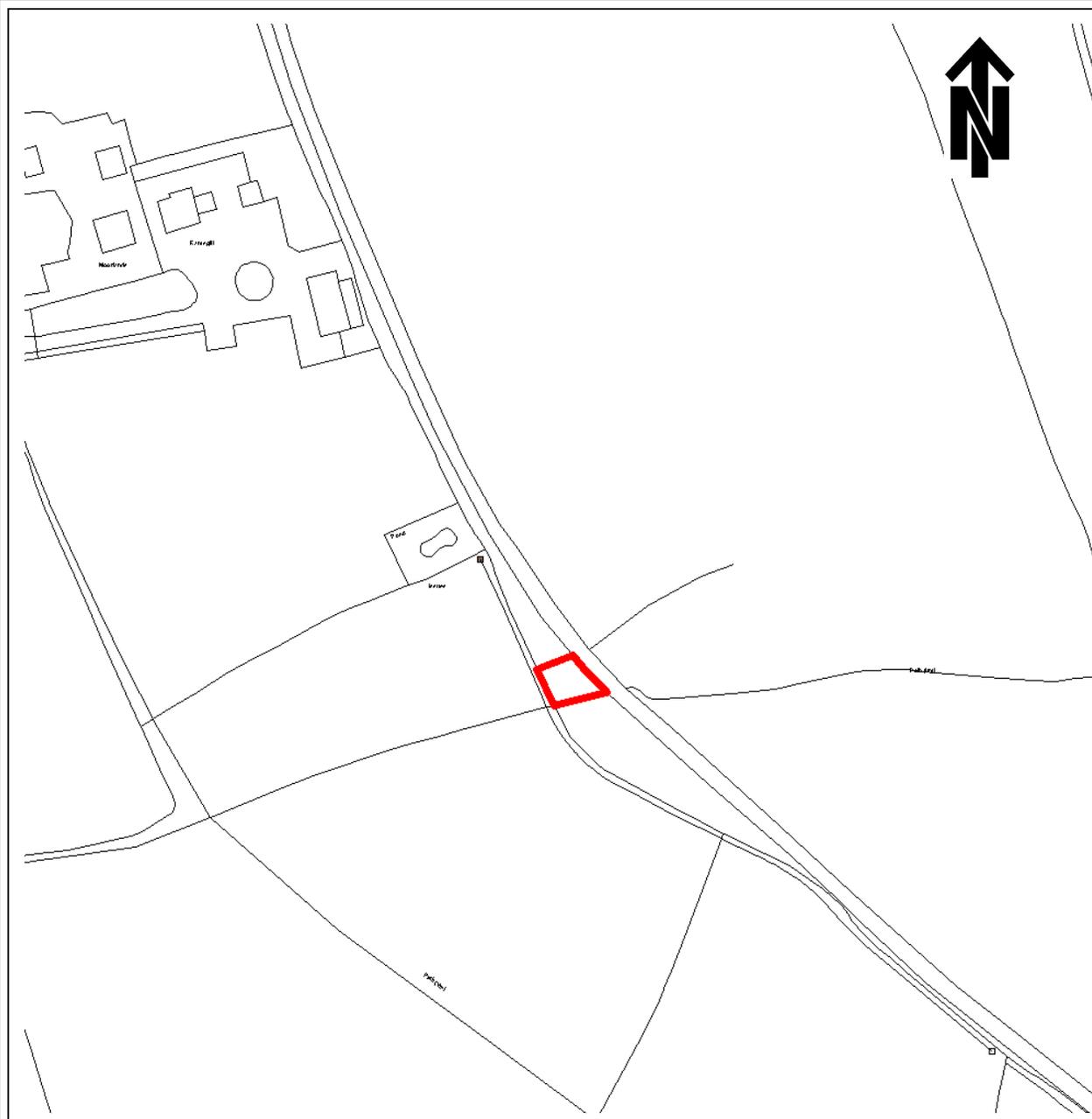
5. The hairdressing business hereby approved shall be operated on an appointment only basis with only one client dealt with during any appointment period. Other than the occupier of 22 Lawkholme Crescent, there shall be no other staff or trainees, paid or unpaid, employed or working on the premises at any time.

Reason: In the interests of the amenities of neighbouring residents and highway safety. To maintain the residential character of the dwelling house and to accord with Policies D1, TM19A, TM11, TM2 and UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley & Shipley)

12/03010/FUL

14 November 2012



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ITEM NO. : 2

LOCATION:

**Land At Grid Ref 413149 441415
Otley Road
High Eldwick
Bingley**

14 November 2012

Item Number: 2
Ward: BINGLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
12/03010/FUL

Type of Application/Proposal and Address:
Installation of 1 x 18m (hub) high wind turbine, approximately 26.5m high to the tip.
Land At Grid Ref 413149 441415 Adjacent to Ramsgill Otley Road, High Eldwick, Bingley
BD16 3BD

Applicant:
Mr Brendan Hudson

Agent:
Mrs Rebekka Hill

Site Description:
The site comprises the corner of an open and gently sloping field in High Eldwick. A small cluster of buildings comprising a farm complex and residential properties lies to the north.

The site lies within the green belt and Rombalds Ridge Landscape Character Area. The area is rural in character with land rising to the north towards Otley Road. There is a network of public footpaths in the area.

Relevant Site History:
09/04148/FUL - Construction of one 6 kW wind turbine on a 15 metre mast. Refused
28.10.09

This was subsequently allowed on appeal (APP/W4705/A/09/2118825) with planning permission being granted by the planning Inspector on 11.5.10

Replacement Unitary Development Plan (RUDP):

Allocation

In the Green Belt
Rombalds Ridge Landscape Character Area

Proposals and Policies

GB1 – presumption against inappropriate development in the green belt
GB2 – location of development in the green belt
UR3 – local planning considerations
D1 – design considerations
NE3/NE3A – landscape character areas

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

None for this area.

Publicity and Number of Representations:

The application has been publicised by way of neighbour notification letters and a site notice, with an overall expiry date for comments to be received of 10.08.2012.

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

Summary of Representations Received:

Concern has been raised with regard to the visual impact of the proposed wind turbine on the landscape.

Comment is also made with respect to cumulative impact in the light of the fact that a number of recent wind turbines have been installed in the area.

The turbine would have a detrimental impact on the residential amenities of occupiers of surrounding land.

Harmful impact on local wildlife

It will be prominent and intrusive for users of nearby footpaths

There are no special circumstances to justify this larger wind turbine over that previously approved.

Concerns have been raised regarding the impact of the wind turbine on the safety of horses and their riders using the adjoining training gallops (Craiglands Farm)

Consultations:

None.

Summary of Main Issues:

- Whether the proposal would constitute inappropriate development in the Green Belt.
- Its impact on the openness of the Green Belt.
- If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- Significance of the impact on Green Belt.

- The effect of the proposed development on the character of the Rombalds Ridge Landscape Character Area.
- Impact on residential amenity.
- Implications of the proposal for the safety of horses and their riders on the training gallops of Craiglands Farm Racing

Appraisal:

The Proposal/Site History

The application seeks permission for a single 75kW wind turbine on Green Belt land adjacent to Ramsgill, Otley Road, High Eldwick, Bingley, West Yorkshire, BD16 3BD.

Planning permission has previously been granted for a smaller 6kW 15 metre high wind turbine (reference: 09/04148/FUL) in the same location. Although initially refused by the Council, this permission was granted by a planning inspector following an appeal. It is valid until May 2013. The wind turbine now proposed would be in the same position as that allowed on appeal but it would be 3.0m taller and have a different configuration of blades – with the blades having a radius of 8.5 metres.

The 6kW wind turbine would have been installed on a 15 metre tower when measured from the ground to the hub. The current application seeks permission for a larger structure 18 metres to the hub. The overall height to the tip of the blades of the proposed wind turbine would be 26.5 metres.

Energy outputs for the previously proposed 6kW turbine were not provided, but this larger 75kW turbine would generate significantly more power from a renewable source than the previously approved turbine.

Whether the development is appropriate development within the Green Belt:

The National Planning Policy Framework states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 88 of NPPF says that. “When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”.

Saved Policy GB1 of Bradford’s RUDP reflects this approach and restricts development within the green belt to those needed for the purposes of agriculture and forestry, essential facilities for outdoor sport and outdoor recreation, cemeteries; or other uses of the land which preserve the openness of the green belt and which do not conflict with the purposes of including land in it.

The wind turbine therefore represents inappropriate development in the Green Belt. Substantial weight should be attached to the harm to Green Belt that might be caused and it is necessary to show that there are very special circumstances sufficient to outweigh the harm to openness and the purposes of including the land in the Green Belt.

Impact on openness:

The site lies at the southern end of an open pasture field to the south of the applicant's dwelling which is known as Ramsgill. The introduction of a single turbine, with associated base, mast and rotating blades would result in some loss of openness of the Green Belt. Openness is not defined in planning guidance but can be taken to mean the lack of visible development or urbanising features. On the other hand, if wind energy is to be harnessed, this will often need to be done in rural areas where wind speeds are suitable. Whilst it would be a noticeable feature and have an impact on landscape character, the slim profile of a single wind turbine tower is such that its effects on openness would not be as significant or "urbanising" as permanent buildings.

In considering the appeal in respect of the proposed 15 metre high wind turbine on the same site, the Planning Inspector opined that the degree of harm to openness would only be modest and that it needed to be set against the wider environmental benefits associated with increased production of energy from renewable sources. The impact of the proposed taller turbine on openness would continue to be mitigated by its setting on ground that rises to the north, and by the presence of some pylons and overhead lines in the same landscape. The turbine would stand in a landscape characterised by scattered trees and existing traditional buildings.

It is not considered that the taller turbine would add significantly to any sense of urban sprawl and, as was considered to be the case with the previous scheme, it would continue to have only a limited impact on openness or landscape character.

Whether there are Very Special Circumstances

In this instance a key material consideration is that the site has extant planning permission for a 15 metre turbine allowed at appeal and the clear view of the Planning Inspector that the benefits of sustainable energy production from that were considered to outweigh the harm to green belt.

The turbine now proposed would be 18 metres to the hub and so have a greater visual presence. However, any additional harm to openness as a result of the larger turbine proposed here would not be so significant as to justify refusal and also material in the determination of whether there are very special circumstances are those other strands of Government policy which give positive encouragement to increasing energy production from renewable sources. Policies of the Council's RUDP and the Regional Spatial Strategy also encourage strategies to reduce greenhouse gas emissions and meet renewable energy targets. Renewable energy is given support subject to certain criteria by policies of the RUDP (Policy UDP8 and NR12/NR13) and is supported by RSS and elsewhere in NPPF.

If they are to be supported it is inevitable that wind turbines will be sited in upland landscapes with greatest exposure to the wind and they will be features of rural areas rather than urban areas. There is a degree of inevitability about their location in the green belt. The question will be steering them to the most suitable locations.

Officers therefore consider that, as with the previous proposal, the benefits of sustainable energy production from this slightly taller structure are considered to constitute very special circumstances that are sufficient to outweigh the potential harm to the Green Belt by reason of inappropriateness.

Significance of the impact on openness

The view of Officers is that although the turbine will have a degree of impact on the openness of the green belt and the purposes of including the land in it, this impact is not significant - having regard to the sensitivity of the landscape and the nature of the proposals, including the height, and also by comparison with the previously approved turbine on the same site.

In terms of assessment against the Town and Country Planning (Consultation) (England) Direction 2009, officers consider that the turbine would not have a significant impact on the openness of the Green belt by reason of its scale or nature or location. However, if members consider the impact would be significant but that they would still be minded to grant because of the very special circumstances identified in this report, then the application will need to be referred to the Regulatory and Appeals Committee.

Consideration of cumulative Impact

The objectors have referred to another wind turbine that has been installed following at Toils Farm to the west of the application site (towards the Dick Hudson public house). This 15m turbine turbine was granted under permission 11/02765/FUL.

It is important to consider the cumulative impact of separate turbine proposals on the Green Belt and landscape character. However, the applicant argues that as the proposed application represents only a very modest upgrade to a turbine that already has planning permission, the issue of cumulative impact (or effect) on openness should not be given the same weight as might be the case with a completely new turbine proposal.

The applicant also says that only the very tip of the consented turbine at Toils Farm will be visible from Ramsgill - above the tree line to the north of the site. It is therefore unlikely that both turbines would be viewed simultaneously from this point and the introduction of a slightly larger turbine to replace the existing model that has been approved would not drastically increase the cumulative effect. In other views it is considered that the relatively small scale of both the Ramsgill and Toils Farm turbines would further help to mitigate against severe cumulative impact and the landscape and green belt would still by no means be dominated by turbines. Overall, the small area of view taken up by both machines is minimal and is well absorbed by the landscape.

These opinions of impact set out in the applicant's submission are accepted. The degree of separation of the proposed turbine at Ramsgill and the turbine in place at Toils Farm have been considered but it is not considered that there will be a significant cumulative harm to openness given that the proposed turbine would only be 3 metres taller than that with an extant permission granted at appeal.

Impact on Landscape Character :

The site lies within the Rombalds Ridge Landscape Character Area, and is classified as comprising a "mixed upland pasture landscape" type. It is also appreciated that a network of footpaths criss-crosses the area including links to the Dalesway.

In giving approval for a smaller turbine, the inspector stated that the introduction of a single turbine would not adversely affect the particular character of the Rombalds Ridge Landscape Character Area or have any other unacceptably harmful landscape effects. He considered that the turbine would not be unduly conspicuous from any key, long distance vantage points, and noted that when viewed from footpaths to the south, the wind turbine would be stood on an opposing slope to observers, against a backdrop of rising ground containing a number of buildings (including Ramsgill itself) and trees.

Account has been taken of the setting of the larger wind turbine in the landscape. The additional height of the supporting tower would only be 3 metres, and it is acknowledged that the blades would be larger than was previously proposed. Nevertheless, the wind turbine would be in the same position similarly set against the rising ground that slopes away to the south. The Inspector was of the opinion that the landscape and the pattern of open fields and scattered buildings and trees would remain dominant in all of the key views from vantage points roads and public footpaths. This would remain the case with the new proposal.

The Inspector also noted the presence of two large trees and various man made structures in the same landscape - such as telegraph poles, pylons and buildings. The Inspector concluded that the 15 metre wind turbine would not be viewed as an incongruous feature in the landscape and it would be sited sufficiently close to Ramsgill for observers to understand its function as a renewable energy device serving the needs of that domestic property. He did not agree that it would adversely affect the particular character or appearance of the Rombalds Ridge landscape Character Area or have any other unacceptably harmful landscape effects.

Any additional impact over and above that previously approved, by reason of the increased scale of development is not considered so significant as to justifiably provide a sustainable reason for refusal particularly when weighed against the significant increase in energy generation being produced by the 75kW model. It is considered that the turbine would not be unduly dominant of the landscape compared with what could be built under the Inspector's permission.

Impact on neighbouring residential amenity

The proposed turbine would be sited in the same location as that previously approved at appeal and would be over 100 metres from the nearest residential property.

A noise assessment report has been submitted which demonstrates that the turbine proposed would not result in any noise levels above those commonly considered acceptable. It is also accepted that the nearest residents are unlikely to experience significant shadow flicker effects. In considering the appeal, the planning inspector did not raise concern that the turbine would have any harmful impact for occupiers of any nearby properties. Whilst this application considers a larger turbine, the increased scale is not so significant as to raise any new issues with regard to residential amenity. Given the relatively modest increase in scale and the submitted reports from the applicant, it is not considered that the proposal would result in any significant harm with regard to the residential amenities of neighbours.

Other issues:

Safety of Horses and their Riders

An objection has again been received regarding the impact of the proposed turbine on a nearby horse training facility to the east of the site. The concern is that introduction of a new, alien and moving feature that could cast shadows close to the gallops on the adjoining land and so could spook the horses and present a hazard to horses and riders. This issue was previously raised at the planning appeal and considered as a material planning consideration by the planning inspector.

It is acknowledged that the adjoining business is an important local enterprise employing a number of people in the training and racing of thoroughbred racehorses. 60 horses a day are said to use the gallops and the objector says the turbine would be directly in front of the horses as they approach a bend.

However, in assessing the previous wind turbine, the Inspector did not consider that this would represent a reason for refusal as no convincing evidence had been put forward that turbines would adversely affect horses. The Inspector commented that if there was a tangible and unacceptable risk of horses being frightened by horses it is likely that this would have been raised elsewhere and that it would therefore have been addressed in national planning policy guidance.

The Inspector also noted that there would be a 30 metre separation between the turbine and the gallops. The intervening gap is largely open landscape and the turbine would be visible for some distance from the adjacent gallop - whether the horses were approaching it from the north or the south. The Inspector considered there to be little likelihood that there would be a sudden appearance of the turning blades in the horses' sight lines. He did not consider that serious problems with shadows would arise and in any case there was little evidence that this would adversely affect horses. Consequently, the Inspector concluded that the proposal for the 15 metre turbine would not present an unacceptable risk to the safety of horses and their riders on the training gallops of Craiglands Farm Racing.

The objector considers that the increased scale of the turbine would result in a more severe impact. However, and notwithstanding the concerns raised, there is still a lack of evidence with regards to incidents that might have arisen elsewhere with horses as a result of turbines. Whilst the fears of the neighbouring business are understood, it has not been proven through evidence, either that the Inspector came to the wrong conclusion on this issue, or that the changes to the scheme, such as the structure being 3 metres higher, would make a material difference to those conclusions.

The objector acknowledges the conclusions of the Inspector but calls for a "precautionary" approach given the safety concerns. However, there remains a lack of convincing evidence that the new proposal for a taller turbine with an admittedly different configuration of blades would present an unacceptable risk to the safety of horses and their riders on the training gallops on the adjoining land.

Community Safety Implications:

None foreseen

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance quality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

The proposed wind turbine would constitute inappropriate development in the green belt but in this instance the Local Planning Authority considers that they would not have a significant impact on the openness of the green belt given that planning permission has already been granted for a wind turbine at the site. It is also considered that the wider environmental benefits associated with the increased production of energy from renewable sources would outweigh any additional harm to openness arising from the taller structure. Very special circumstances are therefore considered to exist to justify granting of planning permission. The proposed development is also not considered to have any significant impact on landscape character, residential amenity, highway safety or local wildlife or habitats. Consequently the proposal is considered to comply with Policies UDP8, UR3, GB1, GB2, D1, NE3, NE3A, NE10, NE11, NR13, TM2 and P7 of the Replacement Unitary Development Plan for the Bradford District, and with the National Planning Policy Framework.

Conditions of Approval:

1. Within 6 months of the wind turbine hereby permitted ceasing to be used for the generation of electricity, the apparatus hereby approved shall be permanently removed from the land and the site restored to the condition it was in prior to the development taking place.

Reason: In the interests of visual amenity and the green belt and to accord with Policy GB1 and UR3 of the Replacement Unitary Development Plan.

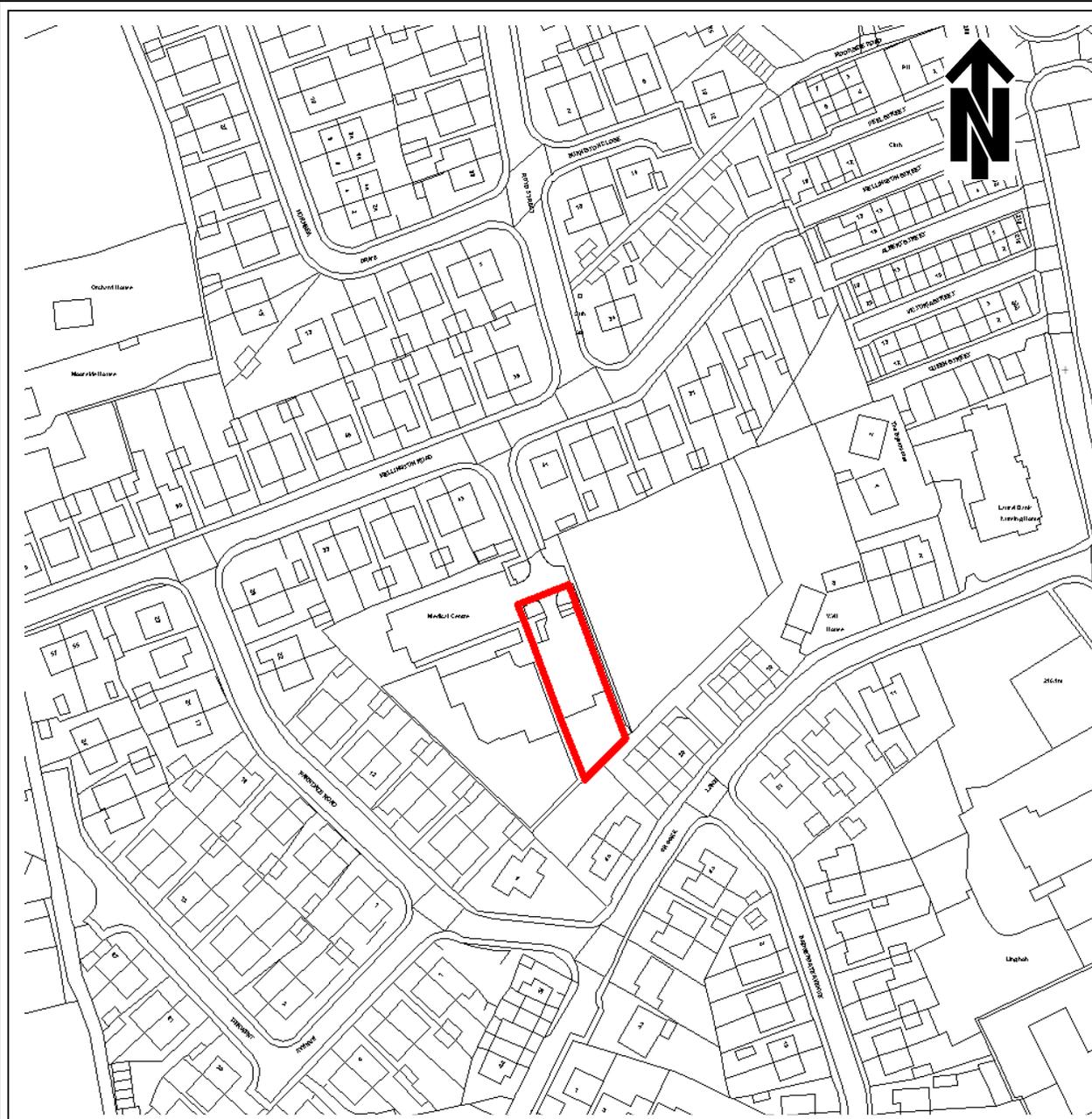
2. All electricity and transmission cables between the wind turbine hereby permitted and Ramsgill shall be laid underground.

Reason: In the interests of visual amenity and the green belt and to accord with Policy GB1 and UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley & Shipley)

12/03177/FUL

14 November 2012



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ITEM NO. : 3

LOCATION:

**Wilsden Medical Centre
2 Lingbob Court
Wilsden
Bingley**

14 November 2012

Item Number: 3
Ward: BINGLEY RURAL
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
12/03177/FUL

Type of Application/Proposal and Address:
Full planning application for construction of a pharmacy and alterations to the car park. All ancillary to the existing Medical Centre at Wilsden Medical Centre 2 Lingbob Court Wilsden Bingley West Yorkshire BD15 0NJ.

Applicant:
Mr Tim Downs

Agent:
Mr Scott Smith

Site Description:
This application relates to a grassed knoll and part of the car park (875m sq in area) attached to the Wilsden Medical Centre situated just off Wellington Road. Along the western side of the car park is a paved public right of way connecting Crooke Lane with Wellington Street. To the west of the footpath behind a fence approximately 1.5m high is an uncompleted residential development site on which work has stalled. The car park part of the Medical centre site is level and benefits from lighting by columns positioned along the public right of way.

The Wilsden Medical Centre opens from 0800 to 1800 hours Monday, Wednesday and Friday, 0730 to 1800 hours Tuesday and Thursday and is closed on Saturdays and Sundays.

Relevant Site History:
98/02317/OUT - Erection of new medical centre Land At Wellington Road Wilsden. Granted subject to Section 106 in connection with highways works and a TRO 02.07.1999.

99/00100/REM - Erection of part two storey and part single storey medical centre with car parking and access road At Wellington Road Wilsden. Granted subject to Section 106 in connection with highways works and a TRO 02.07.1999.

The medical centre that was subsequently built was not subject to opening time restrictions by reason of any planning conditions.

06/09350/FUL – Full planning permission for refurbishment of barn to form 1 dwelling and construction of 10 new dwellings granted 09.03.2007. Developers state that work on developing the site commenced prior to expiration of the planning permission.

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated

Proposals and Policies

D1 General Design Considerations
D3 Access for People with Disabilities
D4 Community Safety
D5 Landscaping
UR3 The Local Impact of Development
TM11 Parking Standards for Non-Residential Developments
TM19A Traffic Management and Road Safety
CR3A Small Shops
CR4A Other Retail Development

Planning for Crime Supplementary Planning Document

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

Wilsden Parish Council: Resolved not to support the application for the following reasons:

There are existing pharmacies within the village centres of Wilsden and Harden that serve the needs of the people whether or not they are using the Wilsden Medical Centre. This application only has merit in terms of possible increased convenience for those attending the Medical Centre.

The application does not provide any evidence of additional need for a pharmacy over and above that already available as required under policy CR4A(1) of the RUDP. The proposed pharmacy is inaccessible by public transport and a significant distance from the main shopping centre making this application contrary to Policy CR4A(5) & (6). The inaccessibility of the location to anyone without access to the car is evidenced by the fact that the Parish Council has had to organise a Volunteer Car Scheme to enable such local residents in Wilsden and Harden to access the Medical Centre.

The Parish Council also consider the threat this development poses to the existing pharmacies within Wilsden and Harden would be on contradiction of section 28 of the NPPF referring to the retention of local services and community facilities within the villages.

Harden Parish Council: Although outside the Parish Council area, the Council is responding because it believes that the proposed new pharmacy would have an adverse effect on the facilities in Harden. The Parish Council therefore objects to this application as it is contrary to planning policy CR4A criteria as follows:

1. the developer has not demonstrated a need for extra retail space for pharmaceuticals
2. the development would be likely to have an adverse effect on the vitality and viability of the pharmacy in the local centre of Harden
3. access to the proposed development for customers reliant on forms of transport other than the private car is not good. The shortest walk requires the use of a muddy path between houses in Crook Lane and an undeveloped building site. The alternative on Royd Street is steep and longer. The pharmacy in Harden is located immediately adjacent to a bus stop
4. If the existing pharmacy in Harden were to close, the development would lead to an increase in the need to travel to Wilsden (also potentially threatened by the proposed development) or Bingley.

Publicity and Number of Representations:

This proposal was publicised by means of a site notice and individual neighbour notification letters. 31 representations of objection have been received and one letter of support from Wilsden Medical Centre.

Summary of Representations Received:

Support

The Medical Centre Practice writes that a shared site may enhance the co-ordination of services between the pharmacists and their practice and it is perceived that the development may be of direct benefit to some of their patients. They have been assured that there will be very little impact as it is envisaged that the pharmacy will be visited by very few customers who are not patients already visiting the surgery. They trust the Council will look upon the application favourably.

Objections

Prior to an anonymous pamphlet being hand delivered to properties in the vicinity of the site encouraging people to send objections to the Council, only one letter of representation had been received by the Council. The pamphlet stated that

1. The new pharmacy creates a 17.4m passage between the east wall of the pharmacy and existing fence which will be an ideal refuge for undesirable people using the pharmacy.
2. Services offered by this late night pharmacy (opening hours 7am – 11pm) will include: supervision of methadone consumption and needle exchange programme.
3. Pedestrians walking from south to north on the public footpath could be in danger from traffic exiting the new pharmacy.

The grounds of objection from the 31 objectors are summarised below:

1. The need for an additional pharmacy in Wilsden is questioned. Objectors say no evidence exists to support the need for another, or to support the statement that the pharmacy will be used by very few out of practice patients.

2. The need for the supervised methadone consumption facility and needle exchange programme in Wilsden is questioned. Objectors don't want further damage to or theft from their property by drug dependent people using the late night pharmacy and such a facility is inappropriate in a residential area where there are families and a high percentage of vulnerable elderly people. It is undesirable and will put them in danger / will put fear in to every day life.
3. The pharmacy would attract undesirables from outside the village. The pharmacy could create a meeting place for drug addicts and introduce impressionable youths / young adults to a culture they have not been used to.
4. Improperly disposed of drug using equipment (e.g. needles) will be a safety risk to people, particularly the elderly and young, especially those using the public footpath beside the pharmacy and also animals such as dogs.
5. The need for the pharmacy to open between the hours of 7am and 11pm is questioned and it is implied that this need may have something to do with the supervision of methadone consumption and a needle exchange programme. If approved it is considered opening times should be conditioned to those of the Medical Centre.
6. Late night opening in this isolated location is inappropriate and would provide opportunity for loitering and unsocial behaviour, particularly as the proposals will be addressing drug addiction. Late night opening in a quiet residential area will cause agitation and anxiety to people in the area, particularly the elderly.
7. It is considered there needs to be further notification before the proposal is taken any further. The degree of and type of neighbour notification used to publicise the planning application involving the supervised methadone consumption facility and needle exchange programme is queried as being inadequate.
8. The proposal will lead to undesirable people roaming the streets from 7am to 11pm increasing crime problems that now usually happen at night. Policing of isolated areas is already inadequate in Wilsden and this development will only exacerbate the problem.
9. The passageway created between the pharmacy and fence to the stalled residential development will be an ideal refuge for undesirable people, drug takers and dealers and unsocial meetings of teenagers.
10. Creation of the passageway would be intimidating for other users of the footpath and crime prevention would be better served by the pharmacy being relocated and forming an extension to the existing medical centre.
11. Traffic - The pharmacy could endanger pedestrians from traffic exiting the pharmacy and would cause extra vehicular traffic into Lingbob Court and Farndale Road late into the night annoying local residents and possibly causing accidents.
12. The pharmacy will lead to more pedestrian traffic using the footpath from Crooke Lane with increased disturbance to nearby residents.
13. The existing pharmacy on Main Street allows better access to more people than the proposed one which is in an isolated position with no public transport to or near the site which limits access to it apart from car borne users.
14. The proposal will lead to a decline in house prices in the area.
15. Parking problems would increase as the existing car park is insufficient for present needs.
16. There have been past issues with the car park being used illegally after the doctor's closing time which resulted in the barriers being fitted.
17. The application lacks adequate information in terms of scales, written dimensions, sections to allow for its proper consideration.

18. The buff coloured brick and concrete tiles are not considered appropriate materials and it is suggested that high quality artificial stone and artificial roofing slates be insisted upon.
19. Loss of landscaping contrary to Policies D1 and D5 of the RUDP. Resiting the pharmacy as an extension of the existing medical centre would minimise loss of landscaping.
20. The development would lead to loss of sunlight and outlook to the proposed residential development on the adjoining site.
21. The pharmacy in its proposed location would limit the redevelopment of the adjoining stalled housing site and not make resumption of building work more viable.
22. Highways need to confirm that the siting of the pharmacy will not interfere with access to the adjoining housing site.

Consultations:

Drainage Section: Separate foul and surface water sewers exist adjacent to this site, the development shall therefore be drained on a totally separate system.

In order to keep the impermeability of the development to a minimum the applicant should investigate the use of porous materials in the construction of the new car parking and vehicle manoeuvring areas.

Rights of Way Section: Public footpath 183 Bingley abuts the site. No objection to the proposals but ask for standard informatives to be attached to any approval.

Highways DC Section: Originally objected to the proposal as its location would have interfered with the access into the adjoining future housing site. The application has relocated the position of the pharmacy and the Highway Officer has confirmed that there are no objections to the reposition of the pharmacy. Query whether the applicants have considered constructing pharmacy on the medical centre side, as then patients wouldn't need to cross road and there would be no dog leg at access junction.

West Yorkshire Police Architectural Liaison Officer:

The 'National Planning Policy Framework' makes clear that a key objective for new developments should be that they create safe and accessible environments where crime and disorder or fear of crime does not undermine quality of life or community cohesion. Design and access statements should demonstrate how crime prevention measures have been considered.

The footpath link from Croke Lane to the proposed development whilst an established 'right of way' appears to offer good natural surveillance along the length of the car park, however footpaths should in addition be at a near level height in relation to the car park and surrounding area, not concealed by any landscape design. They should be well lit and wide enough to accommodate pedestrians using it without compromising their personal space.

It appears that access from the footpath into Croke Lane is overgrown with vegetation reducing its visibility in this area to an unacceptable level, the adjacent landscape banking due to its height also contributes to this and should be addressed. There is further vegetation at the proposed car park entrance to the pharmacy which should be removed or taken to below 900mm and managed.

Remote car parking facilities are often used by offenders for all types of criminal and antisocial behaviour, in particular when businesses are closed. There should be strict access control over this area which could be achieved by means of a lockable gate.

The pharmacy building itself should have a monitoring alarm system installed (NSI / NACOSS approved) and include external shuttering to doors and windows to LSP 1175 (SR2). All windows should be certified to BS 7950 Windows of Enhanced Security, (BS 4873 for aluminium). Any ground floor windows are vulnerable and should in addition contain a minimum of 6.8mm laminated glazing to one side.

Whilst West Yorkshire Police do not object in principle to the application, they ask that the proposed development is compliance with Policy D4 and the above recommendations are met with by imposing conditions.

Summary of Main Issues:

1. Principle of development
2. Design and external appearance
3. Impact on residential amenity
4. Highway safety and parking
5. Community safety implications
6. Other concerns raised by third parties

Appraisal:

Principle of development

The NPPF gives national guidance on supporting a prosperous local economy and looks for plans to promote the retention and development of local services and community facilities in villages. There is an existing pharmacy in Wilsden but this has limited ability to expand and has poor access for disabled users. This proposal will allow for the development of an improved range of services pharmacy services to be provided to the local community. In this respect the proposal would accord with section 3 the NPPF.

Paragraph 70 of the NPPF has also been referred to by third parties and is relevant in considering the principle of this proposal. The development of the new pharmacy would be a means of guarding against the loss of a valuable facility and its modernisation both through closer collaboration and proximity to the Medical Centre and ability to extend the range of facilities. As a result the pharmacy would be more sustainable in the long term - to the benefit of the community.

Pharmacies are in Class A1 (retail) as defined by the Use Classes Order. The floor area of this proposed pharmacy would be 112.725m sq which is less than the RUDP limit for small shops and in the words of paragraph 7.103 of the RUDP supporting Policy CR3A such a small size of retail unit would be “*unlikely to prejudice the overall pattern of shopping provision, or the support the Council wishes to give to the City, town, district and local shopping centres*”.

Assessing the proposal against Policy CR4A of the RUDP, the supporting information with the application makes it clear that the additional floor space is required to extend the range of facilities the pharmacy can offer and improve inclusive access to the facility. It is unclear whether alternative sites for the pharmacy on Wilsden's main shopping street have been investigated, but relocating the pharmacy next to the Medical Centre follows the advice contained in the Government's white paper "Our Health, Our Care, Our Say: a New Direction for Community Services" that forms the basis of a nationwide strategy for the health and well being of the country's population. The proposal is a small scale stand alone retail pharmacy unit which is unlikely to prejudice the overall pattern of shopping provision or have an adverse impact on the viability or vitality of the City, town, district and local shopping centres or undermine the retail strategy of the RUDP.

Lastly with regard to non car related accessibility, relocation of the pharmacy would place it further from bus routes on Main Street but whether this makes any material difference to local residents will depend where they live in the village. This is equally the case with the current location. The supporting information states that *"Rowlands (the existing pharmacy) have expressed their willingness to increase their free home delivery service to anyone who used to pick up repeat prescriptions from the Main Street shop who might find it less convenient to travel to the proposed new location. As a result there should not be anyone who will be disadvantaged by the planned relocation."*

In conclusion it not considered that the principle of the development is contrary either to NPPF policy or Policies CR3A or CR4A of the RUDP.

Design and external appearance

The pharmacy will have an external floor area of 112.725m sq. The building will be single storey, with a pitched roof, the ridge running north to south. The building will be 13.5m in length, 8.35m in width, and have an overall height of 4.55m. The entrance, including a shop window, will be on the west elevation facing the Medical Centre and there will also be a door and window on the south elevation. The pharmacy roof would be clad in smooth grey concrete tiles and the walls finished in a buff brick with rendered panels on the west and southern panels.

The design of the pharmacy in terms of scale, form and indicated materials reflect the bungalows on Wellington Road and the render and grey concrete roof tiles reflect the render and roofing used on the Medical Centre. The indicated materials (subject to approval of samples) will harmonise with the existing buildings in the locality and it is considered will not appear to be visually out of place. Unlike the stalled residential development adjoining this site, which is partially within Wilsden's Conservation Area, there are no special designations or heritage assets that would require the use of natural stone or high quality artificial stone materials on this development.

The proposal may lead to the loss of a small amount of landscaping but the contribution this makes to the visual amenities of the area is small compared to the benefits that will accrue to highway safety and community safety from its removal. The proposal does not contradict Policy D5 of the RUDP.

In conclusion it is considered for the reasoning given above that the proposal will accord with Policies D1 and UR3 of the RUDP in terms of its design and external appearance.

The proposed pharmacy would allow level access in accordance with policy D3 of the RUDP and would be an improvement to the access to 200 Main Street where access can not be improved to become more inclusive.

Impact on residential amenity

Although the application form states that opening hours are “unknown” the supporting information provided with the application states that

“It has been suggested that some people within Wilsden are under the impression that we will be developing the building for a pharmacist who will open for 100 hours a week. This is incorrect. The intention is for the proposed building to be operated by Rowland whose opening times will reflect those of the surgery as is currently the case. It is anticipated that there will be very few visitors to the pharmacy who are not patients visiting the GP’s at the medical centre. Therefore we do not believe that there will be any disturbance to the neighbours caused by the introduction of a pharmacy.”

In their current Main Street location Rowland’s opening hours are 0900 to 1800 hours Monday to Friday, 0900 – 1200 hours Saturday with no opening on Sunday. Although not identical, these hours are roughly to those of the Medical Centre and in the interests of preserving the residential amenities of the residents of the surrounding area in pursuance of Policies D1 and UR3 of the Replacement Unitary Development Plan it is considered that any approval should be restricted to these hours (with additionally no opening Bank Holidays or Public Holidays) by condition.

The position of the pharmacy and location of windows in its elevations are such that it would not overlook any surrounding residential properties.

In response to objections on this point, the proposed bin store for the pharmacy has been relocated to a position adjacent to where the Medical Centre currently has their bin store. The current bin store needs repositioning due to the extended car park. The bin stores would be formed of close boarded fence enclosures and be gated so they could be secured. It is not accepted that there are significant residential amenity issues arising from the position or design of the bin store areas.

The pharmacy will lie approximately 2.5m off the fence with the uncompleted residential development to the east of the site. The approved plans for that residential development indicate that the pharmacy will be adjacent to a residential garden. The height of the pharmacy closest to the common boundary will be approx. 2.45m from ground level to eaves rising to 4.55m at the ridge, which will be 5.86m away from the common boundary. Given the single storey nature of the pharmacy it is not considered that it will have an overbearing impact on the garden of the residential properties and any overshadowing of the garden area in the afternoon will be no more adverse than domestic permitted development. It is not considered that the proposal could be resisted on the grounds of the overshadowing effect it may have on the garden land of the adjoining residential site.

Subject to controlling the operating hours of the pharmacy it is considered that the proposal will accord with Policies D1 and UR3 of the RUDP in terms of its impact on residential amenities.

Highway safety and parking

The pharmacy will be located on part of the Medical Centre's present car park and the applicants are proposing to extend the car parking area towards Crooke Lane so that no parking spaces will be lost. The proposal will accord with the parking standards under Policy TM11 of the RUDP and no objections to the amount of car parking provided has been raised by the Council's Highway Section.

Vehicular access to the pharmacy would be off the access road leading from Wellington Road which currently serves the Medical Centre. The pharmacy has been repositioned to allow satisfactory access to the stalled residential development to the east of the application site. The Highways section has raised no highway safety concerns about vehicular access to the pharmacy.

Pedestrian access to the pharmacy can be gained via the public footpath from Crooke Lane and a pavement leading off Wellington Street. There will be pavement on the other three sides of the pharmacy and a zebra crossing from the Medical Centre entrance allowing pedestrian users safe access to the pharmacy in accordance with Policies D1 and TM19A of the RUDP.

Community Safety Implications:

RUDP Policy D4 requires that new developments incorporate the principles of secure by design, (SBD) and developers will need to ensure that crime prevention is considered an integral part of the initial design of the development. They will need to demonstrate how their development proposal has addressed the following issues in respect of designing out crime.

Natural surveillance of public and semi private spaces in particular entrances to a development, paths, play spaces, open spaces and car parking.

Defensible space and the clear definition differentiation and a robust separation of public, private and semi private space so that all are clearly defined and adequately protected in terms of their ownership and use.

Lighting in the development in particular streets and footpaths.

The design and layout of pedestrian cycle and vehicular routes into and within the sites including how they integrate with existing patterns.

Landscaping and planting, hiding places and dark secluded areas should not be created.

Despite the numerous strong objections to a "supervised methadone consumption facility and needle exchange programme" being set up at the site, it is not understood why local people have made the assumption that one is proposed. The application form makes no mention of the pharmacy including such a facility.

Supporting information provided with the application which states that

"Currently the limitation imposed by the restricted size of the existing pharmacy make it very hard for Rowlands to provide any enhanced services.

Given a new purpose built pharmacy adjacent to the Wilsden Medical Centre Rowlands have confirmed that they intend to provide as many enhanced services as they are able to. For example it may be possible to operate specialist clinics such as warfarin monitoring (ING) and obesity management services"

The website for Rowland's pharmacy group lists 'supervised methadone consumption facility and needle exchange programme' as two of the local services certain of the pharmacies in their group can provide (this service is provided at Cullingworth for example) and given more room it maybe that they would also choose to offer those facilities here. It is presumed that objectors have picked up on this possible aspect of the existing Rowlands pharmacy business from that website.

There has been no official clarification either way whether the applicant proposes such a facility or would want to include these specialist pharmacy services at some time in the future. However, the consideration can only be given as to the appropriateness of the proposed pharmacy in land use planning terms. If such a facility was provided it would be just a part of the wider range of pharmacy services provided. The pharmacy would not operate exclusively for this purpose and fears that such a facility would attract anti social activity or "undesirable" people from outside the village cannot be substantiated and in any event are such fears are not directly relevant to consideration of the appropriateness of the pharmacy use in planning terms particularly given its proximity to the existing medical centre.

It is appropriate to deal more generally with 'secured by design' matters. In this respect the site already lighting columns providing illumination for the site of the pharmacy and signage informing users of the site of cctv cameras operating in the area. The other part of the car park is gated and there is no reason why this can not be done to the car parking area that would serve the pharmacy - in the interests of crime prevention and preventing anti social behaviour – should problems arise.

The bin store for the pharmacy has been relocated along with the Medical Centre's bin store to a position where the Medical Centre currently has their bin store. The current store needs repositioning due to the extended car park. The bin stores would be formed of close boarded fence enclosures and be gated so they could be secured. There are no community safety issues arising from their position or design.

The objectors are concerned that the passageway between the pharmacy and fence to the residential development will be used by undesirable people to loiter. This "passageway" is actually the existing public footpath which will be adjoined by a 13.5m long back wall to the pharmacy building. However, the footpath will be 2.5m wide which is wide enough to allow two people to pass and straight enough to allow people using it to see from one end to the other. It will be lit by the existing car park lighting columns. The Police Architectural Liaison Officer does not agree that it would cause a significant problem.

The rear elevation of the pharmacy will be approx. 2.45m from ground level to eaves rising to 4.55m at the ridge. Given the single storey nature of the pharmacy it is not considered that it will have an overbearing impact on the footpath or the users of the footpath. Where the footpath proceeds towards Crooke Lane, the grassy knoll will be removed with the provision of the additional car parking and this would further open up the area to view.

The overgrown nature of the high hedging overhanging the footpath is an existing problem that people using the footpath are aware of and presumably take account of when using the footpath. The only way to resolve the issue in safety terms would to be to trim back or remove the hedging and it is not clear who owns the hedge and it would be more appropriate to deal with this existing issue under Rights of Way legislation. The footpath is not the only or even main way to get to the pharmacy and it is considered that the lack of ability to resolve this existing issue should cause the application to be resisted. It is not considered that the pharmacy will have a negative impact on the footpath or users of the footpath.

Third parties have expressed concerns about the alleged opening times of the pharmacy and their impact on crime. To protect residential amenity and help allay concerns with regard to the pharmacy forming a focus for anti social people late at night it is recommended the pharmacy hours should be limited to those presently operated at the existing pharmacy on Main Street so that the premises shall not be used outside the hours of 0900 to 1800 Monday to Friday, 0900 -to 1200 Saturday and not at all on Sunday, Bank or Public Holidays.

The West Yorkshire Police Architectural Liaison Officer was aware of the 31 objections and residents' concerns regarding a possible 'supervised methadone consumption facility and needle exchange programme' prior to making his comments. The concerns and fear of crime and anti social behaviour have been taken on board in the consultation response. The police have not singled out such aspects of pharmacy use as being unacceptable in this location and this adds weight to the view that this would not be a sound planning reason for resisting this proposal.

Other requirements of West Yorkshire Police can be achieved by condition to ensure the proposal accords with Policy D4 of the Replacement Unitary Development Plan.

Other concerns raised by third parties

The proposal was publicised by means of individual neighbour notification letters and a site notice on a lamp post on the line of the public footpath in line with the Council's planning application publicity protocol. It is not accepted that persons who might be interested are unaware of the application, and the number of objections received is testament to this.

The impact of the proposal on house values is not a material consideration in determination of this application.

The application contains written information, plans and elevation drawings sufficient to allow for its determination by the Council and the plans and elevation drawings are either dimensioned or can be accurately scaled off.

Third parties have mentioned repositioning of the proposed pharmacy either up against the fence to the stalled housing development or next to the Medical Centre. The position of the pharmacy building as submitted has been assessed as being acceptable and therefore these alternatives have not been pursued with the applicant.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance quality of opportunity between different groups and foster good relations between different groups. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

The proposed pharmacy has been assessed as being acceptable in terms of principle, its design and external appearance, including inclusive access and landscaping and its impact on residential amenity, parking and highway safety and community safety issues and therefore accords with Policies CR3A, CR4A, D1, D3, D5, UR3, TM11, TM19A and D4 of the Replacement Unitary Development Plan, the Planning for Crime Supplementary Planning Document and paragraphs 28 and 70 of The National Planning Policy Framework.

Conditions of Approval:

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

Approved Plan Details:

Drawing number 01 REV A dated 25.09.12 showing location and site plan
Drawing number 02 REV A dated 25.09.12 showing proposed plan and elevations

Received by the Council on 04 October 2012

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

2. The premises shall not be used outside the hours of 0900 to 1800 Monday to Friday, 0900 -to 1200 Saturday and not at all on Sunday, Bank or Public Holidays.

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

3. Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing (brick and render) and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

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

4. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered 01 REV A. The car park so approved shall be kept available for use while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policies D1 and TM19A of the Replacement Unitary Development Plan.

5. The works shall not begin until details of the bin storage indicated on the approved plan has been submitted to and approved in writing by the Local Planning Authority. These items shall then be provided in accordance with the approved details prior to the pharmacy first being used and thereafter retained in their approved form.

Reason: In the interests of visual amenity and to accord with policies D1 and UR3 of the Replacement Unitary Development Plan.

6. The pharmacy building shall have installed:

- 1) a monitoring alarm system installed (NSI / NACOSS approved),

- 2) coloured, powder coated pinhole external shuttering to doors and windows to LSP 1175 (SR2) with shutter housing (coloured and powder coated) flush with the external elevations it is mounted within,
- 3) windows certified to BS 7950 Windows of Enhanced Security, (BS 4873 for aluminium),
- 4) windows containing a minimum of 6.8mm laminated glazing to one side

and these features shall be retained in their approved form.

Reason: To prevent crime and to ensure the proposal accords with Policy D4 of the Replacement Unitary Development Plan.

7. Prior to the pharmacy first being used a lockable gate/s and /or lockable parking posts shall be installed at the entrances to the Medical Centres car parks in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved gates and /or posts shall be locked in a position to prevent egress of the car parks outside the opening times of the Medical Centre and Pharmacy and retained in their approved form.

Reason: To prevent antisocial vehicle based behaviour and to accord with Policy D4 of the Replacement Unitary Development Plan.

8. The area north of the pharmacy between the pharmacy and the access road to Lingbob Court shall be hard surfaced and have no landscaping on it and retained in this form.

Reason: To prevent crime and accord with Policy D4 of the Replacement Unitary Development Plan.

9. The development shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

Footnote : The applicant should be aware of the need to adhere to the following standard requirements to protect the adjacent public right of way during the period of any work on site:

- 1) The affected public footpath must not be obstructed by any plant, materials or equipment. Even the temporary storage of materials on the public right of way is not permitted. Any obstruction of the route would constitute an offence under the Highways Act 1980 and will be pursued accordingly.
- 2) If works mean that the public footpath cannot be kept open because of safety hazards, a temporary diversion or closure order must be obtained. Please contact Mr David Greenwood on (01274) 432046 for details.
- 3) Even if planning permission is granted, no new stiles, gates, barriers or other structures can be erected on or across a public right of way without prior approval from the Council's Rights of Way Section. The requirements of the Disability Discrimination Act must also be considered.

- 4) If works alongside the public footpath present a danger to path users the affected section should be fenced off with safety netting
- 5) The surface of the public footpath should not be disturbed, however, if development works causes damage to the public footpath it must be promptly repaired by the applicant at their expense. If any changes are proposed that would affect the surface in any way, these must be approved, in advance by the Rights of Way Section.
- 6) If building works remove features that would enable users to find the public footpath, the line of the public footpath must be clearly indicated by some other means, as this will help to minimise conflict and difficulties on site.

Footnote: In order to keep the impermeability of the development to a minimum the developer should investigate the use of porous materials in the construction of the new car parking and vehicle manoeuvring areas.
