

## Agenda for a meeting of the Area Planning Panel (Keighley & Shipley) to be held on Wednesday 2 September 2015 at 1000 in the Council Chamber, Keighley Town Hall

### Members of the Panel - Councillors

CONSERVATIVE	LABOUR	THE INDEPENDENTS
Miller	Shabir Hussain (Chair)	Naylor
M Pollard	Abid Hussain (DCh)	
	Bacon	
	Farley	

### Alternates:

Conservative	Labour	Green
Ellis	Pullen	Love
Sykes	Ross-Shaw	
	Shaheen	
	Lee	

### Notes:

- This agenda can be made available in Braille, large print or tape format.
- Refreshments will be provided for Members of the Panel only.
- **A briefing for all Member groups will be held at 0930 on the meeting day in the Council Chamber, Keighley Town Hall.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Panel may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Panel will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, one representative of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.

### From:

Suzan Hemingway  
City Solicitor

Agenda Contact: Adam Backovic

Phone: 01274 431182 Fax: 01274 433505

E-Mail: [adam.backovic@bradford.gov.uk](mailto:adam.backovic@bradford.gov.uk)

### To:



## **A. PROCEDURAL ITEMS**

### **1. ALTERNATE MEMBERS** (Standing Order 34)

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

### **2. DISCLOSURES OF INTEREST**

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

*Notes:*

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

### **3. INSPECTION OF REPORTS AND BACKGROUND PAPERS**

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page

of the report. If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Adam Backovic – 01274 431182)

#### 4. PUBLIC QUESTION TIME

(Access to Information Procedure Rules – Part 3B of the Constitution)

To hear questions from electors within the District on any matter which is the responsibility of the Panel.

**Questions must be received in writing by the City Solicitor in Room 112, City Hall, Bradford, by mid-day on Friday 28 August 2015.**

(Adam Backovic – 01274 432457)

### **B. BUSINESS ITEMS**

#### 5. PLANNING APPLICATIONS AND OTHER MATTERS

The Panel is asked to consider the planning applications and other matters which are set out in the following documents:

(i) **Document “E”** – relating to items recommended for approval or refusal:

The sites concerned are:

- |    |   |                |                             |
|----|---|----------------|-----------------------------|
| 1. | 38 Main Street, Burley in Wharfedale Ilkley (page 1)        | <i>Approve</i> | <b><u>Wharfedale</u></b>    |
| 2. | Cemetery Lodge, Bailey Hills Road, Bingley (page 9)         | <i>Approve</i> | <b><u>Bingley</u></b>       |
| 3. | Former Site of 31 Church Street, Addingham (page 21)        | <i>Approve</i> | <b><u>Craven</u></b>        |
| 4. | Steeton Hall, Station Road, Steeton with Eastburn (page 32) | <i>Approve</i> | <b><u>Craven</u></b>        |
| 5. | Unit 1 and 2A Station Plaza, Ilkley (page 41)               | <i>Approve</i> | <b><u>Ilkley</u></b>        |
| 6. | 1 Chatsworth Street, Keighley (page 51)                     | <i>Refuse</i>  | <b><u>Keighley East</u></b> |

(Mohammed Yousuf – 01274 434605)

(ii) **Document “F”** – relating to miscellaneous items:

- 7 -16. Requests for Enforcement/Prosecution Action (page 56)
- 17- 21. Decisions made by the Secretary of State - Dismissed (page 76)

(Mohammed Yousuf – 01274 434605)



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# Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 02 September 2015

**E**

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## 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.	38 Main Street Burley In Wharfedale Ilkley LS29 7DN - 15/02293/HOU [Approve] (page 1)	<b>Wharfedale</b>
2.	Cemetery Lodge Bailey Hills Road Bingley BD16 2RJ- 15/02149/FUL [Approve] (page 9)	<b>Bingley</b>
3.	Former Site Of 31 Church Street Addingham LS29 0QS - 15/02065/FUL [Approve] (page 21)	<b>Craven</b>
4.	Steeton Hall Station Road Steeton With Eastburn BD20 6RY - 15/02467/FUL [Approve] (page 32)	<b>Craven</b>
5.	Unit 1 And 2A Station Plaza Ilkley LS29 8DE - 15/02416/FUL [Approve] (page 41)	<b>Ilkley</b>
6.	1 Chatsworth Street Keighley BD21 4JA - 15/02206/FUL [Refuse] (page 51)	<b>Keighley East</b>

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Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

**Portfolio:**  
Housing, Planning & Transport

Report Contact: Mohammed Yousuf  
Phone: 01274 434605

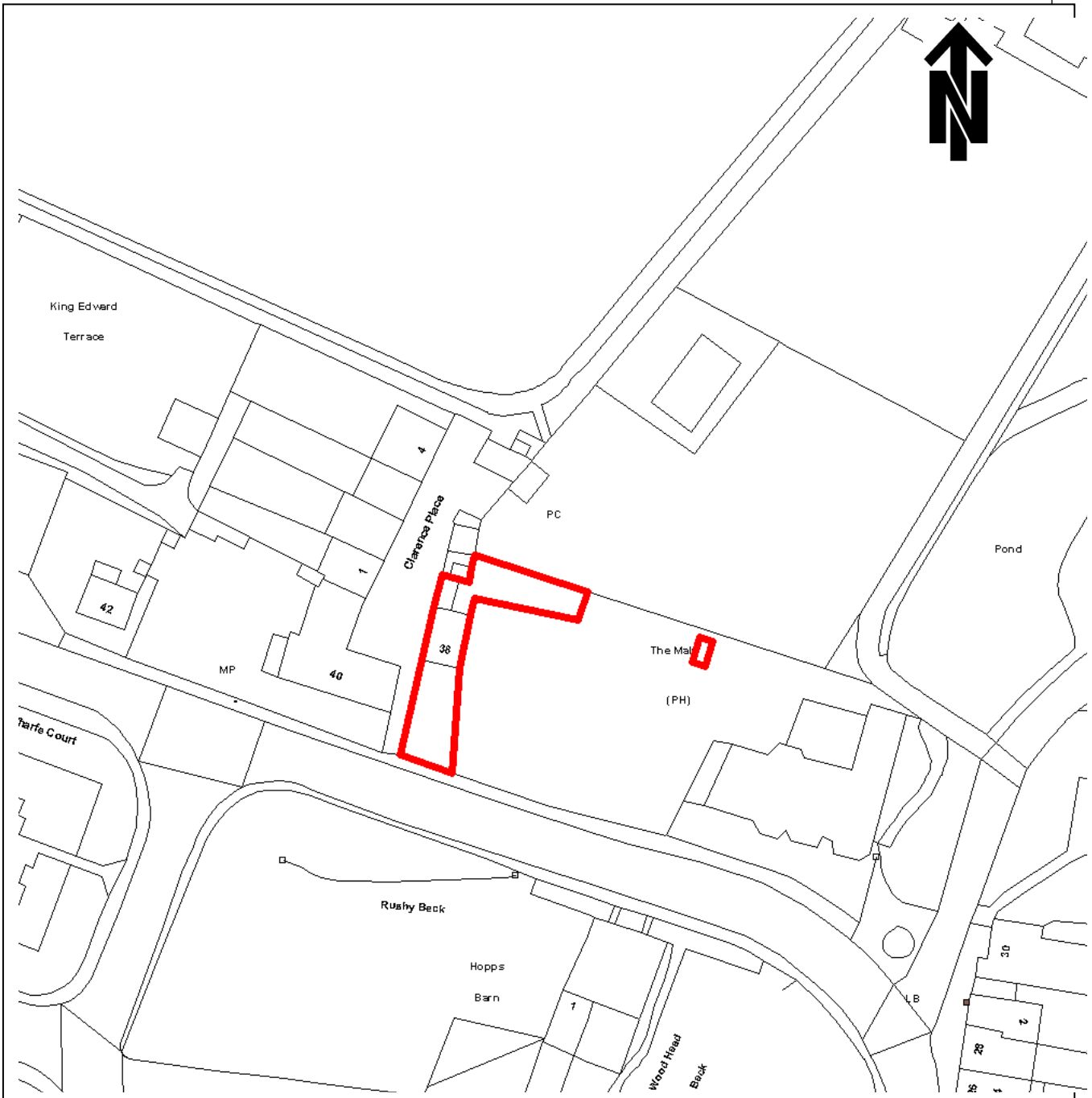
**Overview & Scrutiny Committee Area:**  
Regeneration and Economy

Email: mohammed.yousuf@bradford.gov.uk

Area Planning Panel (Keighley/Shipley)

15/02293/HOU

2 September 2015



LOCATION:



ITEM NO. : 1	<b>38 Main Street Burley In Wharfedale Ilkley</b>
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**2 September 2015**

**Item Number: 1**

**Ward: WHARFEDALE**

**Recommendation:  
TO GRANT PLANNING PERMISSION**

**Application Number:**

15/02293/HOU

**Type of Application/Proposal and Address:**

Householder planning application for a porch extension to front and two storey extension to the rear, with associated internal alterations at 38 Main Street, Burley in Wharfedale, Ilkley, LS29 7DN.

**Applicant:**

Mrs Jane Thompson

**Agent:**

Mr Haydn Jones - MAS Design Consultants

**Site Description:**

The application property is a detached 19<sup>th</sup> century cottage on the north side of Burley Main Street set back around 14 metres from the road, behind a stone wall and garden. The cottage is built in stone with a slate roof and is within Burley in Wharfedale conservation area close to a number of listed buildings. Dial House (40 Main Street) is the neighbouring property to the west of the application site and is a Grade II listed building. The former Malt Shovel public house to the east is also Grade II listed building. It has recently been renovated and converted to residential with a row of new houses built on its former car park to the west of the application site. The property is alongside a private access serving houses on Clarence Place to the west of the site. There is a gated pedestrian access to the front door from Clarence Place. Work to repair and renovate the house has begun.

**Relevant Site History:**

15/01100/HOU - Form car parking to the front, porch extension, internal alterations and rear two storey extension - Withdrawn

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

Burley Conservation Area

***Proposals and Policies***

UR3 The Local Impact of Development

D1 General Design Considerations

BH7 – New Development in Conservation Areas

TM2 Impact of Traffic and its Mitigation

TM12 – Parking standards for residential developments

TM19A Traffic Management and Road Safety

### **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:**

Burley Parish Council supports the application but wished to see the rear storey extension reduced to one storey because of impact on adjacent neighbours.

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

Publicised by neighbour notification letters, site notice and advertisement in the local press. Expiry date for comments was 16 July 2015.

Letters/emails of objection have been received from 9 separate addresses.

### **Summary of Representations Received:**

1. The scale of the extension is overdevelopment and would be harmful to the conservation area. Clarence Place is a unique old cobbled courtyard with a number of beautiful old cottages, including Dial House, a Grade 11 listed building dated 1690.
2. The 2 storey extension would remove significant light from neighbouring property and would result in unacceptable overlooking
3. The proposed extension would seem to be rather out of proportion and over developed.
4. It has also been previously confirmed that there is no vehicular access for this house via Clarence Place.
5. It would be very sad to fill the last space letting light into the courtyard (Clarence Place).
6. A single storey extension would be much more sympathetic to the surroundings and needs of the neighbours in the area.



**Consultations:**

**Highways Development Control Officer** – No objections to the proposed development.

**Design and Conservation Officer** – The proposal is considered to accord with saved Policy BH7 of the RUDP subject to careful and comprehensive attention to detailing of materials and finishes.

**Summary of Main Issues:**

Principle of Development.

Conservation Area/ Visual amenity considerations.

Impact on neighbouring residential amenity.

Highways and Parking.

**Appraisal:**

A previous application proposed similar extensions to this house but also included proposals to demolish part of the stone wall to the garden in order to create new off street car parking spaces. These modifications were opposed by the Council's Conservation Officer as they would have harmed an important local feature of the conservation area. This application was withdrawn and the new application has omitted the proposal to demolish and modify the stone wall.

**The Proposals**

The application seeks permission for a two storey extension projecting 4.4 metres to the rear of the original house and the addition of a 1.8m x 2.4m porch to the front. The 1<sup>st</sup> floor part of the two storey extension would create a 3<sup>rd</sup> bedroom.

Proposed internal alterations are also shown on the plans - including extending the kitchen into an existing outbuilding that abuts Clarence Place and adapting and slightly enlarging a second outbuilding to the north to form a utility room and wc. The internal changes would not need planning permission. Renovation of the existing outbuilding to the rear would include the addition of a roof lantern, but this would be screened by a parapet wall.

Although the objectors have called for the extension to be reduced to single storey, this application remains for a two storey rear extension and should be considered on its merits.

**Impact on the Conservation Area**

The property is a detached 19<sup>th</sup> century cottage on the north side of Main Street. It is set back behind a stone wall and garden. It is in Burley in Wharfedale conservation area and close to a number of listed buildings such as Dial House (40 Main Street) - the neighbouring property to the west. As objectors have pointed out, the cobbled access to Clarence Place is a part of the village with strong character.

Porch: The Council's Conservation Officer has no objections to the proposed porch on the front elevation. It will be a small and subordinate feature proposed in natural stone coursed to match the main house. The design and form of the porch are in keeping with the character and appearance of the house.

Extension: There is already an assortment of single storey extensions and a flat roofed stone outbuilding (housing the kitchen) projecting off the rear elevation of the property. The stone wall to this outbuilding already forms the building line along Clarence Place and continues the west wall of the house. The outbuilding would be kept single storey in height and would form an enlarged kitchen.

The two storey extension would be built off the rear elevation but would sit inside the existing flat roofed outbuilding. It would not directly abut Clarence Place. The proposed materials for the extension are natural coursed stone and natural blue slates.

The Conservation Officer considers that that whilst the rear extension is two storeys in size, it would be an unobtrusive addition and would not have any detrimental impact on the conservation area due to the close presence of other buildings and the limited public views of the property obtained from the rear. The drawings show the two storey extension projecting 4.03 metres off the back wall and the ridge would be set lower than the roof of the main house. It therefore maintains a subordinate form and the conservation officer has no objection to it, subject to the conditions to control the quality of materials and details such as windows, doors and rooflights.

The report suggests imposition of a condition requiring samples of facing and roofing materials to be inspected and approved, and that a sample panel of walling stone be constructed on site will ensure that stone matching the course depth and finish of the existing house is employed. Pointing should be recessed and discrete and the rooflights should be a conservation type fitting flush with the roof slates. Full details of the appearance and method of opening for windows will also be required by condition.

Subject to the imposition of conditions, as advised by the Councils Conservation officer, the proposal is considered to accord with saved Policy BH7 of the RUDP.

#### **Impact on residential amenity of neighbours**

The proposed porch extension is small and within the enclosed front garden area. It would not have any impact on neighbouring properties.

Objections from local residents are to the size of the proposed two storey rear extension expressing concerns are about overshadowing and overlooking that might arise from it. This includes objections from residents on Clarence Place and occupiers of the new houses now built on the car park of the former Malt Shovel public house to the east. These houses, known as 5-9 The Malt, have rear elevations facing towards the application property and their rear gardens extend to the side wall and back garden of the application property.

However, the relationship of the extension to the garden has been carefully considered. The gardens to 5-9 The Malt are of good size and the extension would be placed to the north of these houses. It would only have any possible material effects on No 9 The Malt. However, the extension would be sited around 14 metres from the back wall of this closest house which is a reasonable degree of separation. It is not accepted that the extension would significantly harm the amenity, outlook or daylight from within the house or its garden.

There were some concerns about privacy because, originally, the side elevation of the extension facing east included a 1<sup>st</sup> floor window to the new bedroom. This raised concerns regarding potential overlooking of the rear garden area of No 9 The Malt. However, an amended drawing Revision C has been received which has moved the bedroom window to the northern gable end elevation to avoid the overlooking. The window would now look towards open land to the north of the property.

With regard to the effects on houses on Clarence Place, as noted, the rear extension would largely sit behind the existing outbuilding which already forms a high boundary wall to the communal access or courtyard. The two storey element is therefore set off the boundary to Clarence Drive by around 2.5 metres and does not include any 1<sup>st</sup> floor windows looking into Clarence Place. A gap of 10-11 metres is maintained between the two storey part of the development and the houses facing it from across Clarence Place.

As such the additional storey would not result in significant overshadowing of properties along Clarence Place and, following amendment of the position of the 1<sup>st</sup> floor window, it is not accepted that the proposal would have a harmful impact on the amenity of occupiers of the new homes at The Malt. The development satisfies policies D1 and UR3 of the RUDP and general design principles of the Householder SPD.

A planning condition should be attached removing permitted development rights to prevent further windows being inserted to the upper floors of the rear extension to maintain privacy for adjoining property.

#### **Highway and parking issues**

There are no longer any proposals to amend the existing access or parking areas as part of this proposal and as such no highways safety or parking issues are foreseen.

The Council's Highway Officers support the scheme and the proposal would be considered acceptable and meet with requirements of Policies TM2 and TM19A.

#### **Other Issues**

Objections received includes concern regarding adverse impact on daylight and overlooking, also that the proposal will have a harmful impact on the conservation area and raises question regarding whether the extension could be constructed without accessing neighbours land. The objectors' comments are duly noted but for the reasons in the preceding report and following support for the scheme by the Councils Conservation section the development is considered to be acceptable.

With regard to objectors saying the construction of the rear extension requires access onto neighbouring land, this is a private legal issue involving Party Wall Act agreements to be negotiated between the interested parties.

#### **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 equality 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 development is considered to relate satisfactorily with the existing street scene and is not considered to result in any significant loss of residential amenity or significant harm to highway safety or the conservation area within which the site is located. As a result the proposal is considered to comply with Policies BH7, UR3, D1, TM2, TM12 and TM19A. of the Replacement Unitary Development Plan.

**Conditions of Approval:**

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

**Reason: To ensure the use of appropriate materials in the interests of visual amenity and to safeguard the appearance of the Burley Conservation Area in which it is located and to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.**

- 2. Concurrently with the inspection of the materials, a sample panel of the proposed natural stone walling materials showing the method of coursing and the pointing shall be constructed on site and inspected and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the coursing and pointing details so approved and retained thereafter.**

**Reason: In the interests of the local character and visual amenity and to accord with Policies BH7, UR3 and D1 of the Replacement Unitary Development Plan.**

- 3. All new windows in the development shall be timber framed with a painted finish New doors shall be timber with a painted finish. Details of the thickness and profile of the joinery, the pattern and method of opening of windows shall be submitted to and approved in writing prior to the commencement of development and installed in accordance with the details so approved.**

**Reason: To ensure that replacement windows are appropriate to the character of the building, in the interests of visual amenity and to accord with Policies D1 and BH7 of the Replacement Unitary Development Plan.**

- 4. The rooflights to be used in the extensions shall be conservation-type rooflights fitted flush with the roof slates as specified on the approved drawings.**

**Reason: To safeguard the character of the listed building in accordance with Policy BH4/BH7 of the Replacement Unitary Development Plan.**

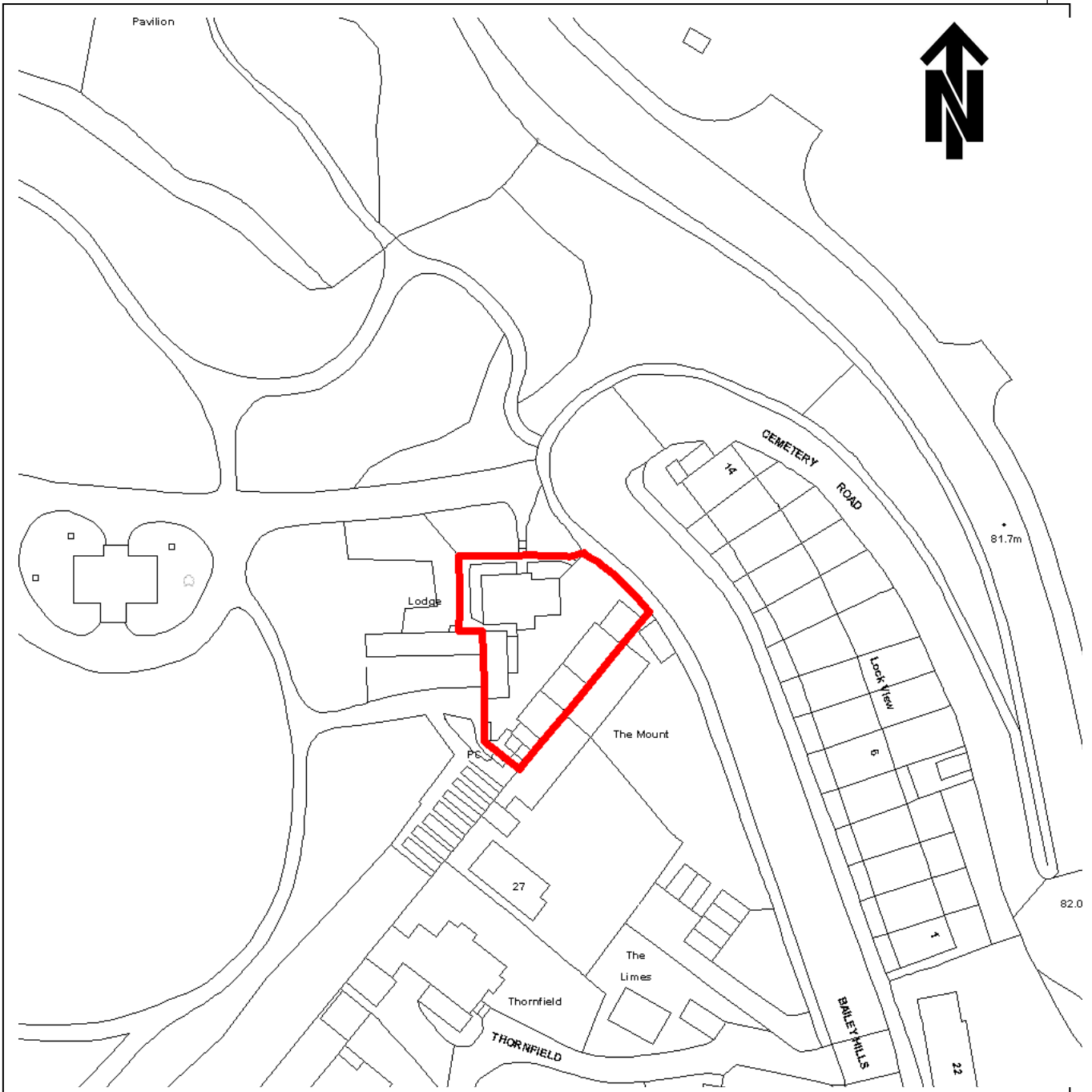
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the east and west facing side elevations of the rear extension without prior written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy UR3 of the Replacement Unitary Development Plan.

**Area Planning Panel (Keighley/Shipley)**

**15/02149/FUL**

2 September 2015



<p>ITEM NO. : 2</p>	<p>LOCATION: <b>Cemetery Lodge Bailey Hills Road Bingley</b></p>
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**2 September 2015**

**Item Number: 2**

**Ward: BINGLEY**

**Recommendation:  
TO GRANT PLANNING PERMISSION**

**Application Number:**

15/02149/FUL

**Type of Application/Proposal and Address:**

Demolition of existing mono pitched outbuilding and construction of a new detached dwelling at Cemetery Lodge, Bailey Hills Road, Bingley, BD16 2RJ.

**Applicant:**

Mr and Mrs M Stone

**Agent:**

Eric Breare Design

**Site Description:**

The Cemetery Lodge is a Victorian house that faces onto the main access into Bingley cemetery. The side of the lodge faces into an enclosed yard that is a separate parcel of land with its own access through a gate off Bailey Hills Road. The property is in Bingley Conservation Area and, apart from the cemetery, the surrounding area is residential in character. Bailey Hills Road has two-way working, but traffic from it is prohibited from continuing into Cemetery Road. Parking on street between 6 am and 12 noon on Sunday is restricted to permit holders.

The application relates to a single storey outbuilding alongside Cemetery Lodge, facing across the back yard. The outbuilding has a mono pitched roof and is attached to the blank rear wall of a row of residential properties known as The Mount. The Cemetery itself borders the site to the west and north.

The Cemetery Lodge has recently been restored to residential use, having previously served as offices for the Council's park ranger service. It is understood that the outbuilding which is the subject of this application was used for the storage and garaging of vehicles and equipment by the Council's park ranger service and, before that, was used for storage connected to the maintenance of the cemetery.

**Relevant Site History:**

97/02524/REG: Change of use from residential and registrars office to office and kitchen facilities for the park ranger service. Granted 19.09.1997.

11/00613/REG: Change of use from offices to residential. Granted 28.03.2011.

12/02968/FUL: Demolition of existing mono pitched outbuilding and building a new pair of semi detached dwellings. Application withdrawn.

13/00837/FUL: Demolition of existing outbuilding and construction of a pair of semi detached dwellings. Refused 26.04.2013. A planning appeal against this refusal was subsequently dismissed.

13/00838/CAC: Demolition of existing outbuilding and construction of pair of semi detached dwellings Refused 26.04.2013.

14/01091/FUL: Demolition of existing mono pitched outbuilding and construction of detached dwelling. Refused 07.05.2014.

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

Unallocated.

Site is inside Bingley Conservation Area.

***Proposals and Policies***

UR3 – Local Impact of Development

D1 – General Design Considerations

BH7 – Bingley Conservation Area

NE10 – protected species

TM19A – traffic management and road safety

TM12 - car parking standards

**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:**

Not applicable.

**Publicity and Number of Representations:**

Advertised by neighbour notification letters and site notice to 17 July 2015. Nine neighbour representations have been received all objecting to the development.



**Summary of Representations Received:**

1. The outbuildings are not derelict, they are still in use and the design of the proposed replacement building makes no attempt to fit in with its surrounding properties. It would not preserve or enhance this Conservation Area.
2. Any new dwelling will be of modern construction and not fit in with existing buildings. The Lodge (built c1870) and adjacent Lock View terrace (built c1897) form part of the Bingley conservation area which would in no way be enhanced by either the demolition of the existing out-buildings nor indeed the proposed further construction of additional dwellings.
3. The proposed development will be wholly out of keeping with such an area. It will be an unsympathetic build in a historical conservation area.  
  
It will not be appropriate to build next to the cemetery. The Cemetery Lodge grounds border a grave yard set aside for infants.
4. With the small amount of space available it will have to be squashed on. The existing Cemetery Lodge will have its outside space reduced.
5. The gate posts should not be moved as they are a part of Bingley Cemetery and of this Conservation Area.
6. It will have poor access issues and an extra house will add to local traffic issues, adding more congestion. Parking on Bailey Hills Road makes it already a congested street. The plan demonstrates an inability to provide safe, adequate off-road parking for the traffic, which the resulting dwelling will generate.
7. Turning for vehicles will be inadequate resulting in cars struggling in or out of a narrow gateway onto a road close to a dangerous blind bend. There will be no space for parking and most people have at least one car these days. Parking becomes increasingly difficult when neighbours have visitors over or if people park on the road to visit the cemetery. It would not be possible to accommodate more cars on the street.
8. As the proposed dwelling will have three bedrooms, I assume it will be aimed at a family. It has no garden or play space for children as the majority of the outdoor space given over to parking. There will be little space for parking, play and other external services needed for a family home.
9. This plan is out of place for the area. The house will be too cramped and poorly related to the character of the area as a whole.
10. The development will cause considerable disruption during the construction period in terms of traffic and there is already limited access to the road.

**Consultations:**

Council's Design and Conservation Section – The proposed development is considered as being capable of maintaining the character of the conservation area and according with BH7, UDP3 and D1.

Biodiversity (Countryside Officer) – The Bat Survey should be amended to address the omissions. If it is deemed that the application should be approved, a condition should require a detailed Method Statement to be submitted and agreed should be imposed before any work can proceed.

Drainage section – development to be drained with separate foul and surface water drains.

Highways Development Control Officer – No objections, but recommends conditions.

**Summary of Main Issues:**

Background.

Impact on the character and appearance of the Bingley Conservation Area.

Impact on the amenity of occupiers of adjoining and neighbouring properties.

Parking and highway issues.

Bats.

**Appraisal:**

**Background**

The applicant has previously made unsuccessful applications. These include application 13/00837/FUL, which proposed to demolish and replace this outbuilding with two dwellings.

Officers have never opposed demolition of the outbuilding, which is of no architectural or historic merit, but were concerned about the intensity of development and the cramped conditions within the site and lack of space for turning and car parking. There was not considered to be sufficient space to meet the needs of two additional dwellings as well as the existing Cemetery Lodge. The concern was that lack of space for turning would result in vehicles having to reverse out of the narrow drive access into Bailey Hills Road. In addition, the cramped arrangements for turning and parking would have resulted in a poor outlook from ground floor windows in the new and existing dwellings. Cars were shown having to be parked right up against several of the windows and the new homes had no outside amenity space.

The appeal against refusal of 13/00837/FUL was dismissed. The Planning Inspector agreed that the proposal would not provide adequate parking and manoeuvring space and would result in inadequate living conditions for existing and future residents to enjoy. As such the proposal was agreed to be contrary to Policy D1 of the RUDP which requires all development proposals to make a positive contribution to quality of life through high quality design, layout and should not harm the amenity of prospective or existing users.

Another application 14/01091/FUL was then submitted to attempt to address these issues by reducing the number of new dwellings to one, but the revised layout was still unsatisfactory. Although reduced to one dwelling, the proposed replacement building was made larger so that the space available for private amenity space, servicing arrangements and vehicles was still diminished and the undeveloped land within the plot would have had to be almost entirely devoted to parking and vehicle access. The lack of adequate garden or amenity space within the site for the new dwelling was felt to result in a poor standard of living and a negative impact on the amenity for future occupants, contrary to Policy D1 of the Replacement Unitary Development Plan.

The 2014 application also lacked an up to date bat survey, so the proposal could not be fully assessed in relation to Circular 06/2005 (Biodiversity and Geological Conservation) and local planning policy in Policy NE11 of the adopted Replacement Unitary Development Plan.

### **New Proposal**

The applicant again proposes to replace the existing outbuilding with a dwelling facing onto the shared courtyard at the back of the Cemetery Lodge. The front wall of the new dwelling would be on the same alignment as the front wall of the existing outbuilding, but the footprint would extend further to the south west and would be reduced in length from the north east, producing a slightly shorter building. This allows retention of some land for amenity. The existing mono pitch roof would become a dual pitched roof so that a first floor could be added. Despite the proposed addition of a second floor, the maximum height of the new cottages would remain well below the height of the adjoining dwellings at The Mount.

The proposals now include an internal manoeuvring space and a small garden for the new dwelling.

### **Impact On The Character And Appearance Of Bingley Conservation Area**

Despite comments of local objectors that demolition should be opposed, the existing outbuilding is of little aesthetic or historic interest. It has an unassuming presence, being subordinate to both Cemetery Lodge and The Mount, and it is not prominent from the street. It adds little to the setting or character of the area and is of low conservation importance. The Council's Conservation Officer is of the view that its demolition would not have any detrimental impact on the character and appearance of this part of Bingley Conservation Area - subject to the replacement structure enhancing the character.

In considering the previous planning appeal the Planning Inspector also had no objections to its demolition.

With regard to the replacement development, it is essential that the strong and cohesive visual identity of this area is not disrupted by unsympathetic or discordant new development. Any new building must be discrete, subordinate and not intrusive. The proposed building would meet these objectives. As now, the new building would be set back from the street behind the boundary wall enclosing the site. It would not have any significant impact on the street scene.

Though the mono pitch is to be changed to a dual pitch roof, the ridge would not project above the height of the eaves of the neighbouring dwellings to the rear. The scale of the proposed building is suitably subservient to the scale of The Mount and Cemetery Lodge. The pitched roof form and general appearance are sympathetic to the surrounding area.

A traditional appearance is shown to the windows and use of coursed natural stone proposed to all walls with natural blue slate for the roof. This would be compatible with the roof materials on Cemetery Lodge and Lock View. Although objectors say the proposed building is not in keeping, the Council's Conservation Officer does not agree and considers that as long as control is maintained over the choice of proposed natural stone walling and natural blue slate roofing materials, the scale, shape, design and materials are sympathetic and in keeping with the character and appearance of the Bingley Conservation Area.

It is noted that the Conservation Officer is strongly opposed to any alteration of the existing gate opening. Saying "Reduction in the height of the boundary wall and removal of the gatepiers would have an unacceptably intrusive impact on the streetscape. The impact of the intended development will only be acceptable if the existing access can be maintained unchanged."

The Conservation Officer considers uPVC windows to be unacceptable and that windows must have painted timber frames and be either sliding sash or side hung casements set 125mm into reveals to ensure good shadow around the frames. If approved, a requirement for use of timber frames could be imposed by a condition and details of windows and gutters could be reserved by condition.

Subject to conditions insisting on use of timber windows and submission of samples of walling and roofing materials, it is considered that the proposal is to be in keeping with the surrounding area and the Bingley Conservation Area and therefore not harmful to visual amenity. The proposal is therefore considered to comply with Policies BH7, UR3, UDP3, TM19A and D1 of the RUDP.

There are no listed buildings affected by the development.

**Impact on Neighbouring Occupants:**

The proposal is designed to have windows mostly facing internally onto the enclosed courtyard within the site. Two windows are proposed facing across Bailey Hills Road. However, despite objections from residents of Lock View across the road, there is a substantial separation between the proposed building and dwellings across this thoroughfare and the intervening stone wall. It is not considered that the proposal would significantly affect the amenity of any neighbouring occupiers through overlooking or other impacts on amenity.

There are no openings in the back wall of the adjacent cottages against which the new building would be set. The rear of Cemetery Lodge is within close proximity to the proposed dwelling. However, it is situated at an angle to the new dwelling and therefore no direct overlooking of that property is considered to occur.

No overshadowing will occur due to the position and orientation of the dwelling in relation to surrounding buildings. It is therefore considered that the proposal will have no adverse affect on the residential amenity of neighbours. The proposal is therefore considered to comply with Policy UR3 of the RUDP.

Note is made of comments regarding the impact on the cemetery. However, the site is already developed and was in use for storage and maintenance in the past, and the Cemetery Lodge is a much more imposing dwelling. The relationship of the proposed dwelling to the cemetery plots has been carefully considered but it is not accepted that the dignity of mourners or the ambience of the cemetery will be adversely affected by use of this adjoining and separate plot of land as an additional dwelling.

**Impact on Highway Safety:**

One modestly sized additional dwelling would be unlikely to generate significant extra traffic along Bailey Hills Road. The site once served as a depot for the park ranger service but has been quiet for a number of years. It is appreciated that in the past there have been traffic management problems on Bailey Hills Road - presumably due in large part to the Sunday car boot sales on the nearby Bingley auction market site. The street has a no entry restriction to prevent vehicles exiting down Cemetery Road onto Keighley Road and parking restrictions are in place preventing non residents parking on Sunday mornings.

Nevertheless, it is not considered that the proposed use of the site as only one additional dwelling would generate a significant increase in traffic or adversely affect the flow of traffic on Bailey Hills Road.

The gate and the shared yard area would serve only the proposed dwelling and the future residents of Cemetery Lodge. Four off street parking spaces have been proposed, giving two per dwelling. This accords with normal requirements and is sufficient for this type of development. The swept vehicle path diagram submitted shows that domestic vehicles can turn within the site and exit in a forward direction. The layout is sufficient to enable a vehicle to enter the site and turn without compromising the allocated parking spaces within the site.

Local residents say that on street parking on Bailey Hills Road is already at capacity during evenings when residents return home, and at weekends. They say parking on Lock View is over-subscribed and that, while there is a residents' permit system, this only applies on Sunday mornings. The residents say the corner of Cemetery Road/Lock View is dangerous and additional traffic will make this even more so. The street also accommodates parking by visitors to the cemetery.

However, the site now makes provision for an appropriate level of off street car parking for the existing and proposed dwellings. The reduction of the building footprint compared with previous proposals would improve the space available for vehicles. It is unlikely that there will be significant overspill of residents' parking into the public highway.

The existing access to the proposed dwellings is via a narrow opening between two stone gate piers. Widening it to 4 metres had been suggested on initial plans but this is opposed by the Conservation Officer as it would disrupt the presence of the wall as an important heritage feature. The Conservation Officer advises that reduction in the height of the boundary wall and removal of the gatepiers would have an unacceptably intrusive impact on the conservation area and the impact of the intended development will only be acceptable if the existing access can be maintained unchanged. Local objectors also call for no change to the gate opening.

The site makes adequate provision for vehicles to turn within the site and there seems little likelihood of vehicles entering the site would need to reverse out due to the improvements in the turning facility within the site. On balance, it is considered that conservation objectives outweigh the gains that might be derived by widening the gate opening to permit two way working. As the use of the site is not very intensive, such gains are likely to be modest. The vehicle movements associated with the proposal would be far less significant than in the past when park maintenance vehicles were regularly using the access, seemingly without significant road safety problems arising.

It is considered that the parking and servicing arrangements within the site will be sufficient to prevent additional on street parking in the vicinity. It is not accepted that one additional dwelling replacing the existing outbuildings would significantly affect local road safety conditions. The proposals accord with Policies TM12 and TM19A of the RUDP.

### **Bats/Ecology**

The Council's Countryside Officer has had concerns about the possible presence of bats at the site and the previous application was refused due to the absence of a Bat Survey. This new application is accompanied by a Bat Survey which confirms that the applicant has carried out a summer bat activity of the outbuildings at Cemetery Lodge to establish the likelihood of them being used by roosting bats ahead of proposed work. The activity survey was undertaken at a time of year which is considered optimal for bat occupancy and aimed to establish the likelihood of bats using the building by looking for evidence and noting potentially suitable roosting cavities.

The surveyor notes that the stone roof has been recently turned and lined with a breathable membrane. The activity survey did not record bats emerging from the survey site and, overall, the outbuilding was considered by the surveyor to be of low roost potential. The applicant's surveyor considers that demolition of the outbuildings and replacement with a two storey dwelling is unlikely to impact any bat roost and will not cause loss of, or fragmentation of habitat.

However a bat roost was found located in the The Mount – the adjacent building that the outbuildings back onto. Around 12 bats were recorded emerging from behind fascia boards very high up at roof level on the adjacent building. Given the height and location of the roost in relation to the outbuilding and the height of the proposed dwelling, it is unlikely that the proposed development will have an impact on the roost. The gable walls have some gaps which may be of interest to bats and there is a gap between the outbuildings and the adjacent building that may offer some opportunities for bats to hibernate. The Countryside Officer therefore considers that it will be necessary for work to proceed with care and that a condition for a further Methodology Statement to be submitted and agreed should be imposed before any work can proceed on site.

This Methodology Statement should give recommendations to ensure that:-

- Work is carried out outside summer activity period for bats.
- The possibility of a hibernation roost should be investigated before demolition and the Method Statement should make appropriate provision.
- A permanent restriction should be imposed on any Velux windows or roof lights in the roof that might increase light levels around the bat roost above.

- No external security lighting should be installed on the roof for the same reason.
- Written confirmation signed by both the consultant and the applicant should be submitted to verify that all the work has been carried out in accordance with the Method Statement before the condition can be discharged.
- Permanent winter bat tubes should be incorporated into the proposed building to improve roosting opportunities.

Subject to an appropriate planning condition to require these further investigations and restrictions, the proposal is considered to appropriately protect bats and bat habitat in accordance with Policy NE10 of the RUDP and the NPPF. In addition a condition to require installation of bat tubes on the building is recommended.

A footnote should also be included to advise the applicant that Natural England should be consulted to ensure whether a Protected Species Licence is required.

**Community Safety Implications:**

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

**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 development is considered to relate satisfactorily to the character of the Bingley Conservation Area and adjacent properties. The impact of the proposal upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significant adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with Policies UR3 (The Local Impact of Development), D1 (General Design Considerations) and BH7 (New Development in Conservation Areas) of the Replacement Unitary Development Plan 2005.

**Conditions of Approval:**

1. Before work towards construction of any parts of the walls of the new dwelling commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to safeguard the appearance of the Bingley Conservation Area in which it is located and to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.

2. Window frames in the new development shall be painted timber sliding sash or side hung casements and must be set at least 125mm into reveals and be maintained as such.

Reason: To maintain appropriate materials in the interests of visual amenity and to maintain the character of the Bingley Conservation Area and to accord with Policies BH7, UR3 and D1 of the Replacement Unitary Development Plan.

3. Prior to commencement of any development, including demolition, a further Methodology Statement shall be submitted to and approved in writing by the Local Planning Authority. This Methodology Statement should give recommendations to ensure that:-

- Work is carried out outside summer activity period for bats, if necessary, to protect bats in the adjoining building.
- The possibility of a hibernation roost should be investigated before demolition proceeds and the Method Statement should make appropriate provision.
- A permanent restriction should be imposed on any Velux windows or roof lights in the roof that might increase light levels around the bat roost above.
- No external security lighting should be installed on the roof for the same reason.

Written confirmation signed by both the consultant and the applicant should be submitted to verify that all the work has been carried out in accordance with the approved Method Statement before the condition can be discharged.

Reason: To ensure that mitigation measures will be in place to satisfactorily safeguard European Protected Species at the site and to ensure that the LPA has had regard for the European Habitats Directive in respect of Regulation 9(5) and in accordance with the Conservation of Habitats and Species Regulations 2010 as well as Policy NE10 and NE11 of the Replacement Unitary Development Plan and the national planning guidance contained in the NPPF.

4. At least one permanent winter bat tube should be incorporated into the proposed development to improve roosting opportunities.

Reason: To ensure that the mitigation measures will satisfactorily safeguard and provide alternative habitat for the European Protected Species at the site and to ensure that the LPA has had regard for the European Habitats Directive in respect of Regulation 9(5) and in accordance with the Conservation of Habitats and Species Regulations 2010 as well as Policy NE10 and NE11 of the Replacement Unitary Development Plan and the national planning guidance contained in the NPPF.



5. 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.

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

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

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

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

8. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E to Part(s) 1 of Schedule 2 of the said Order shall be carried out to the new dwelling without the prior written permission of the Local Planning Authority. This includes the insertion of any rooflights.

Reason: To accord with Policies TM12, NE10 and D1 of the Replacement Unitary Development Plan.

**Area Planning Panel (Keighley/Shipley)**

**15/02065/FUL**

2 September 2015



Elwyn  
Ivanhoe  
Chatsworth  
Cottage

ITEM NO. : 3

LOCATION:

**Former Site Of 31 Church Street  
Addingham**

**2 September 2015**

**Item Number: 3**

**Ward: CRAVEN**

**Recommendation:  
TO GRANT PLANNING PERMISSION**

**Application Number:**

15/02065/FUL

**Type of Application/Proposal and Address:**

Full planning application for the construction of a three bed terrace house with car parking and external works and remediation of existing party wall on the site of 31 Church Street, Addingham, LS29 0QS.

**Applicant:**

Mrs Ros Wilson

**Agent:**

Mr Haydn Jones - MAS Design Consultants

**Site Description:**

The application site is a vacant plot within Addingham conservation area. It fronts onto Church Street and is between the gable wall of 29 Church Street and the access drive to St Peter's Parish Church. To the rear of the site the Town Beck flows in a channel below the level of the land. Nearby there is a footbridge carrying a public footpath over the beck. The site was previously occupied by a two-storey timber workshop which was in poor condition and was finally removed approximately 10 years ago, leaving a rather untidy gable end to the adjoining house (29 Church Street). The adjoining dwellings, 25, 27 and 29 Church Street are traditional stone built properties and are key unlisted buildings in the conservation area. Along with the nearby cottages, they form an attractive group around Town Beck. Across Church Street is a modern cul de sac estate of detached houses on Sycamore Drive.

**Relevant Site History:**

None.

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

Unallocated.

In Addingham Conservation Area.

***Proposals and Policies***

UR3 – The Local Impact of Development

D1 – General Design Considerations

BH7 – New Development in Conservation Areas

TM2 – Impact of Traffic and its Mitigation

TM12 – Parking standards for residential developments

TM19A – Traffic Management and Road Safety

NR15B – Flood Risk

**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:**

Addingham Parish Council has no objections. It welcomes the removal of the eyesore which the area has become and considers the design a considerate and appropriate use of this piece of land. The Parish Council is confident that Building Regulations will ensure that the repairs to the party wall will resolve some of the issues experienced by the neighbouring attached properties.

**Publicity and Number of Representations:**

Publicised by neighbour notification letters, site notice and advertisement in the local press. Expiry date for comments was 2 July 2015.

Letters of representation have been received in connection with the application with objections from six separate addresses.

**Summary of Representations Received:**

The application describes remedial works to the gable wall but the wall will need completely rebuilding.

The building should not compromise the stability of other cottages to which it would be attached.

The red line boundary is not accurate. The boundaries and curtilage of the application, according to the drawing are in dispute.

A kitchen window in the gable of 29 Church Street would be blocked up by the proposal.

The access would be hazardous for highway safety given the location of the site on a bend in the road.

The development would result in increased flood risk if run off is channelled into the adjacent Beck.

**Consultations:**

**Highways Development Control** – No objections raised. Suggests conditions be attached regarding provision of off street parking spaces prior to the development being brought into use and that no gates that are part of the development should open over the highway.

**Environment Agency – Initial response** – Concerned that the proposed development falls within a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located.

**2<sup>nd</sup> response** – Confirmed that the initial objection was based on an understanding that the site was designated Flood Zone 3b. However, the EA withdraws this original objection as further investigation has highlighted that the Council's Strategic Flood Risk Assessment suggests the site to be in Flood Zone 3ai.

As such the EA objection in principle is no longer applicable. However, the EA requests that the measure(s) detailed in the Flood Risk Assessment submitted with this application should be implemented and secured by way of a planning condition to ensure that the development permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by the Flood Risk Consultancy Limited dated 19/05/2015, document reference 2015-035A.

Any new outfall into Town Beck will require a Flood Defence Consent.

**Drainage** – The Council's Drainage team as lead local flood authority has been consulted as to the suitability of any surface water management schemes from the site. The Drainage section has considered the Flood Risk Assessment Ref 2015-035A, and raises no objections to the application. The development must be designed and constructed in compliance with the recommendations and executive summary of the submitted Flood Risk Assessment.

**Yorkshire Water** – No objections raised, suggest that condition be attached requiring details.

**West Yorkshire Archaeology** – The WYAAS recommend that archaeological investigation is carried out immediately prior to the development of the site. These works can be secured by the inclusion of an archaeological condition on any grant of planning permission awarded by the Bradford Metropolitan District Council.

**Design and Conservation Officer** – Supports this proposal as an appropriately designed and detailed dwelling that will not appear out of place. The design of the proposed dwelling is appropriate to this location. It follows the established grain and architectural style in the locality. The drawings present a traditional cottage with a vertical orientation to the fenestration. Subject to careful control of materials and details, the proposed cottage should sit comfortably within the streetscape and will preserve the character and appearance of the conservation area.

**Summary of Main Issues:**

Principle of Development.  
Impact on Conservation Area and Heritage Issues.  
Impact on neighbouring residential amenity.  
Flood Risk.  
Drainage.  
Highways and Parking.

**Appraisal:**

The application seeks permission for extension to end of terrace to construct an additional three bedroom end terrace property including car parking and external works including works to stabilise the existing party wall to 29 Church Street.

This is a vacant site which formerly housed a large workshop building attached to the adjacent row of cottages. An additional dwelling within what is an established residential area would conform to surrounding uses and would provide future occupiers with good standards of amenity and easy access to existing facilities in Addingham village. The principle of development is acceptable in principle.

**Heritage Issues and Design**

The site is in Addingham conservation area and is prominently positioned near the corner of Church Street and adjoining open land where the access to the St Peter's Parish Church and Church Hall cuts down from Church Street. The adjoining dwellings, Nos 25-29 Church Street are attractive traditional properties. They are key unlisted buildings in the conservation area and form an attractive group around Town Beck.

The scale and design of the proposed house are sympathetic to local character and distinctiveness. The drawings show a traditional cottage in stone and with a stone slate roof with a vertical orientation to the fenestration.

The Design and Conservation officer agrees that the house is appropriately designed and detailed. The Conservation Officer suggested that concerned the height of the proposed dwelling should be set below the level of the existing cottage and revised plans have been submitted which have shown this more subservient relationship.

The window proportions will match the adjoining cottages and the design follows the established architectural style in the locality. Subject to conditions to control choice of materials and details, the proposed cottage will sit comfortably within the streetscape and will preserve the character and appearance of the conservation area and will satisfy save RUDP Policy BH7 and BH10 of the RUDP and section 12 of the NPPF.

The site is not within a Scheduled Ancient Monument but is close to one. West Yorkshire Archaeology Advisory Service (WYAAS) has provided comments on the proposal due to the location of the site close to the south-west of the Anglo Saxon cemetery and later medieval manorial remains at St Peter's Church. This site is a designated heritage asset and scheduled ancient monument (National Heritage List for England No. 1021088 and West Yorkshire Historic Environment Record PRN 20790). WYAAS advise that archaeological investigation should be carried out immediately prior to the development of the site. These works can be secured by the inclusion of an archaeological condition on any grant of planning permission.

### **Impact on neighbouring residential amenity**

The proposed dwelling would be a continuation of the existing terrace and would present a front elevation onto Church Street and rear across Town Beck towards open land around St Peters Church. The development would be sufficiently remote from any nearby dwellings and orientated so that there will be no overlooking or overshadowing of any significance. It has a satisfactory relationship with surrounding property.

The existing exposed gable end of the adjacent cottage includes a small window. The owner has objected on grounds that the kitchen window is built into the party wall and no allowance has been made for this in the application. It would lose our right of light and render the kitchen very dark. The agent has also commented on this window from No 29 Church Street and suggests that it has no right to light as it was previously looked into the existing timber workshop and has only had a direct source of light since 2002 when the previous building was demolished which is less than the 20 year qualification period required to establish any rights. On balance, this window appears to be a secondary source of light and as such the development would not result in significant harm with regard to residential amenity.

The proposed development would not result in significant overlooking or loss of amenity for occupiers of neighbouring properties, therefore meeting with the requirements of Policies UR3 and D1 of the RUDP.

### **The Party Wall**

When the previous two-storey timber workshop was removed approximately 10 years ago, it left an untidy gable end to the adjoining house. The owner of the adjoining property says that due to the removal of the original wooden building in 2002, 29 and 27 Church Street Addingham have become structurally unstable due to them losing lateral restraint and exposing the foundations to the elements, no remedial work has ever been carried out by the applicant.

Therefore, the wall is possibly structurally unsound at present - such that there will be a need to rebuild the gable wall before the new dwelling is built against the unsound structure making access for repair impossible. New foundations will be required to help stabilise existing structures and take the loading from the proposed dwelling.

This would require private legal agreement between the developer and the adjacent owner and would be a private matter under the Party wall Act.

However, the stability of the adjoining property is also agreed to be a material planning consideration and it is agreed with objectors that the agent's description of "remediation" of the wall is probably understating what is required given available evidence. To address this issue, it is proposed that a condition be attached to require rebuilding and stabilisation works to be undertaken prior to construction of the new dwelling. This would be of benefit to the adjoining property and local amenity as well as addressing concerns regarding damage which has been caused due to the condition of the exposed gable end following removal of the workshop building.

### **Drainage and Flood Risk**

The application has been submitted with an accompanying Flood Risk Assessment due to the location of Town Beck immediately to the rear of the site. The Environment Agency has withdrawn its initial objection based on a misunderstanding of the correct Flood Risk Zone. It has now confirmed that its objection in principle is no longer applicable and has advised that the proposed development should follow the recommendations and measures set out in the Flood Risk Assessment.

These include specific measures as follows :

1. There is to be no ground raising or lowering within the site.
2. Finished floor levels are to be no lower than 600mm above the 1 in 200 Year Flood Event. This is identified in the FRA to be no less than 89.53m AOD.
3. Flood resilience measures as detailed in the FRA are to be carried out to a level no lower than 600mm above the Finished Floor Level. This is identified in the FRA to be carried to a level no less than 90.13m AOD.

It is noted that several objectors have referred to problems that may arise if surface water from the development is channelled into town Beck. However, the Environment Agency confirms that this is controlled under separate legislation – any new outfall into the beck requiring Flood Defence Consent. The Flood Risk Assessment also deals with this issue, and so would the suggested planning conditions requiring full details of a drainage scheme which would include measures to attenuate the rate of run off from the site to ensure flood risk is avoided.

The Councils Drainage section also confirms it has no objections to the development and that subject to the development being undertaken in accordance with the submitted Flood Risk Assessment and its recommendations it has no objections. It is proposed to require submission of details of surface water disposal for agreement prior to commencement to cover other points of concern. These would include details and calculations to demonstrate that surface water attenuation proposals are sufficient to contain flows generated in a 1:30 year event plus climate change within the underground system within the site boundary without affecting the proposed buildings or overflowing at an uncontrolled rate into the adjacent watercourse.

### **Highways and Parking**

The proposal includes vehicular access off Church Street and makes provision for two off street spaces on a driveway to the side of the proposed dwelling which meets the required standards for a modest three bed cottage

The Councils Highway section has not raised objection to the proposal. Standard conditions should be attached to require that prior to the development being brought into use, the proposed access, turning area and parking areas are provided in full and in accordance with the submitted details.

Some comment has been received regarding conflict between the proposed access and the access road to the church which lies to the east of the site. However, the proposal is a modest sized property and the parking arrangement is not considered likely to result in significant highway safety concerns.



Accordingly the proposed development would satisfy Policies TM2, TM12 and TM19A of the RUDP.

**Other Issues**

Objection comments have been received from neighbours regarding land ownership and inaccuracies in the red line boundary.

Revised drawings and land registry detail have been submitted to demonstrate that the proposal is within the applicant's ownership and does not encroach into privately owned garden areas.

**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 equality of opportunity between different groups and foster good relations between different groups. It is not however considered that that any issues with regard thereto are raised in relation to consideration of this application.

**Reason for Granting Planning Permission:**

The proposed development is considered to relate satisfactorily to the existing conservation area street scene and is not considered to result in any significant loss of residential amenity or highway safety or flood risk. As a result the proposal is considered to comply with Policies UR3, D1, BH7, TM2, TM12, TM19A, NR15b and NR16 of the Replacement Unitary Development Plan.

**Conditions of Approval:**

1. Prior to the commencement of development, a structural report confirming the condition of the adjoining gable wall to 29 Church Street and proposing methods of making this wall sound through stabilisation and rebuilding shall be submitted to an approved in writing by the Local Planning Authority. Prior to the commencement of any works towards construction of the new dwelling, the gable wall with the adjoining property shall be rebuilt, repaired and made structurally sound in accordance with this approved methodology.

Reason: (i) In the interests of the amenity of occupiers of the adjoining dwelling and to safeguard the continued stability of this conservation area building to accord with Policies D1, UR3 of the Replacement Unitary Development Plan. (ii) To secure these objectives, it is necessary to ensure that such work as is shown to be necessary is completed before any work towards construction of the new dwelling commences.

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

Reason: (i) To ensure the use of appropriate materials in the interests of visual amenity and to safeguard the appearance of the Burley Conservation Area in which it is located and to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan. (ii) Due to the sensitivity of the site it is necessary to secure these details prior to commencement.

3. All new windows in the development shall be timber framed with a painted finish. New doors shall be timber with a painted finish. Details of the thickness and profile of the joinery, the pattern and method of opening of windows shall be submitted to and approved in writing prior to the commencement of development and installed in accordance with the details so approved.

Reason: To ensure that replacement windows are appropriate to the character of the building, in the interests of visual amenity and to accord with Policies D1 and BH7 of the Replacement Unitary Development Plan.

4. Pointing should be undertaken using a lime based mortar and have a flush or slightly recessed finish. A sample panel should be provided for approval prior to works starting.

Reason: To ensure the use of appropriate pointing in the interests of local character and visual amenity and to accord with policies D1 and BH7 of the Replacement Unitary Development Plan.

5. 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.

6. The development should not begin until details of a scheme for foul and surface water drainage, including any balancing and off site works have been submitted to and approved in writing by the Local Planning Authority.

The developer must also submit details and calculations to demonstrate any surface water attenuation proposals are sufficient to contain flows generated in a 1:30 year event plus climate change within the underground system together with details and calculations to demonstrate flows generated in a 1:100 year event plus climate change will be contained within the site boundary without affecting the proposed buildings, safe egress and access or overflowing into the adjacent watercourse.

Reason: (i) To ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan. (ii) Due to the location of the site in relation to the watercourse it is necessary to secure agreement to such details before work begins.

7. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) prepared by the Flood Risk Consultancy Limited dated 19/05/2015, document reference 2015-035A and the following mitigation measures detailed within the FRA:
1. There is to be no ground raising or lowering within the site.
  2. Finished floor levels are to be no lower than 600mm above the 1 in 200 Year Flood Event. This is identified in the FRA to be no less than 89.53m AOD.
  3. Flood resilience measures as detailed in the FRA are to be carried out to a level no lower than 600mm above the Finished Floor Level. This is identified in the FRA to be carried to a level no less than 90.13m AOD.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with the National Planning Policy Framework and Policy NR15B of the Replacement Unitary Development Plan for the Bradford District.

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

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

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

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

10. No development to take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: (i) To facilitate an appropriate archaeological and architectural record to accord with Policy BH19 of the Replacement Unitary Development Plan. (ii) To prevent possible destruction of archaeological evidence it is necessary to complete such recording before work below ground begins.

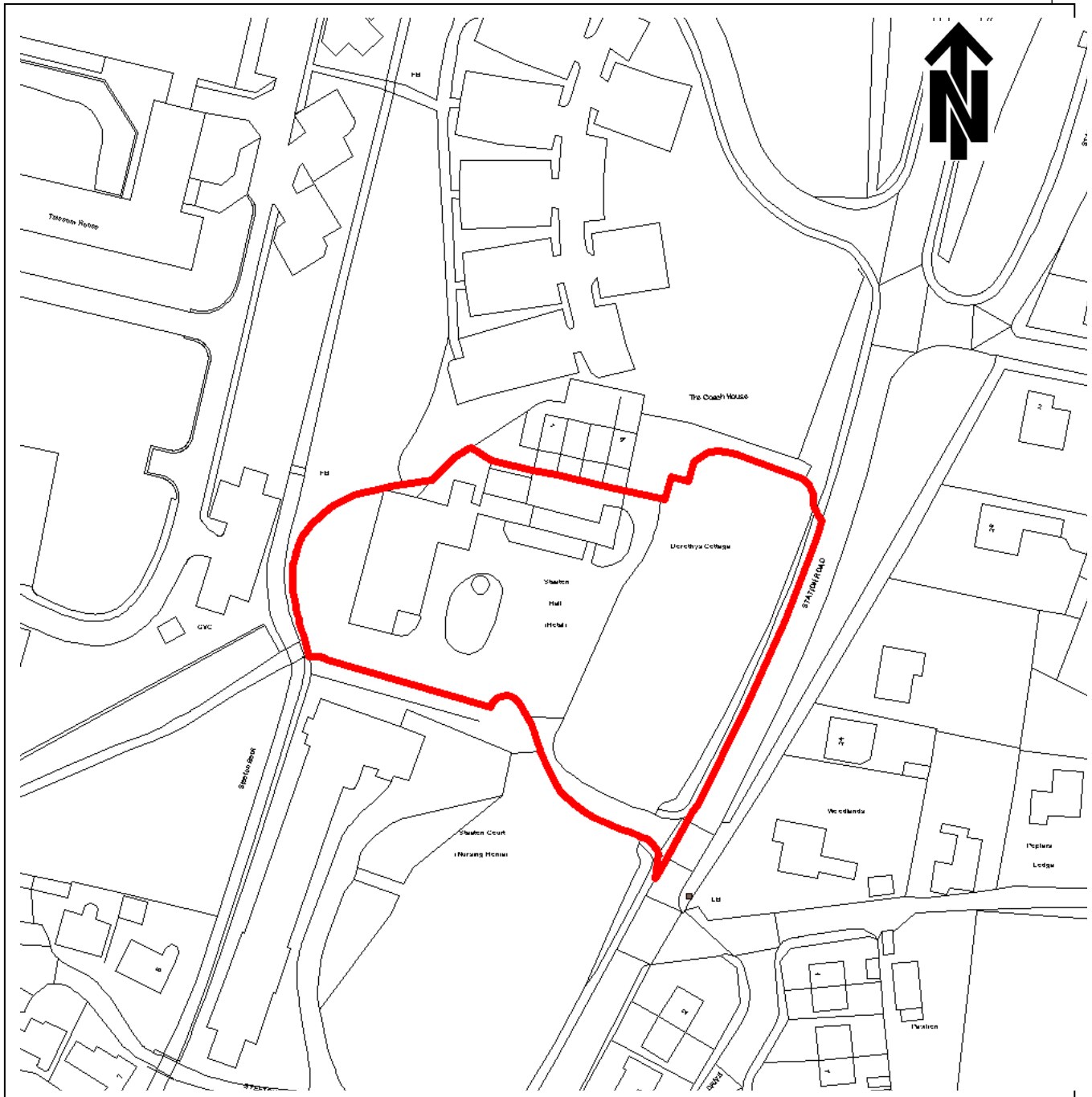
11. Any gates to be constructed as part of the development shall not open over the highway.

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

**Area Planning Panel (Keighley/Shipley)**

**15/02467/FUL**

2 September 2015



ITEM NO. : 4

**LOCATION:**

**Steeton Hall Station Road  
Steeton With Eastburn**

**2 September 2015**

**Item Number: 4**

**Ward: CRAVEN**

**Recommendation:  
TO GRANT PLANNING PERMISSION**

**Application Number:**

15/02467/FUL

**Type of Application/Proposal and Address:**

Full planning application for a smoking shelter and a band stand at Steeton Hall, Station Road, Steeton With Eastburn, BD20 6RY.

**Applicant:**

Mr Andrew Armitage

**Agent:**

Mr Oliver Barker

**Site Description:**

Steeton Hall is a Grade II listed building and within Steeton Conservation Area. It is a large detached building primarily of 19th century character, although incorporating some 17th century fabric. The building is currently used as a hotel with bar and restaurant facilities. The buildings are of irregular form, now mainly faced with render and covered in welsh slate roofs. The building stands set back from Station Road in its own grounds. There is a tarmac access that winds into the site from Station Road to a large car park standing in front of the building. A strip of elevated land fringed by mature trees stands between the car park and Station Road. A large specimen tree has recently been removed from the landscaped area forming the setting of the hall. A replacement tree has been planted.

**Relevant Site History:**

15/00525/FUL - Timber decking with a covered area at Steeton Hall. Refused 21.04.2015 on the grounds of its adverse impact on the setting of Steeton Hall, a listed building and the Steeton Conservation Area.

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

Conservation Area - Steeton

***Proposals and Policies***

D1 General Design Considerations

NE5 Retention of Trees on Development Sites

NE6 Protection of Trees During Development

UR3 The Local Impact of Development

TM11 Parking Standards for Non-Residential Developments

TM19A Traffic Management and Road Safety

BH7 New Development in Conservation Areas  
BH4 Alteration Extension or Substantial Demolition of Listed Buildings  
BH4A Within the Settings of Listed Buildings  
P7 Noise

**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:**

Steeton with Eastburn Parish Council: Objects. The proposed smoking shelter will have an adverse impact on the listed building. The band stand is an inappropriate extension to the hotel, and has the potential, should it be used as a band stand, to have adverse noise implications for adjacent properties.

**Publicity and Number of Representations:**

Application advertised by individual neighbour notification. Expiry Date 7 July 2015.

The application was also publicised by the display of site and press notice:

Type - Conservation Area and affects setting of Listed Building.  
Publicity Expiry Date – 16 July 2015.

Objections have been received from occupiers of 9 nearby addresses.

(1 objector has since emailed to say that if the bandstand is for daytime Wedding functions and the occasional charity event, and noise will not continue past 8pm, then they have a neutral stand to the proposals. This is dependant on the managers of Steeton Hall not changing their minds.)

**Summary of Representations Received:**

The representations object to the proposal. The grounds of objection are:

1. That there is concern about potential noise levels coming from performances at a band stand and the adverse impact this will have on residential amenity. Noise can already be heard from internal events at the hotel.
2. The creation of the outside area will encourage outdoor drinking and gathering events and increase the amount of disturbance already suffered by neighbours.
3. The owners of the property have already removed a number of trees along their boundary with Station Road which provided a noise barrier. The planning consent previously granted for the removal of these trees was conditional upon them being replaced with Heavy Standard trees. The objector suspects the trees provided are only half standard.
4. There is concern that not all properties that would have been affected by the proposal were sent neighbour notification letters.
5. Work has already started.
6. The tree that was supposed to be replanted at the front doors is not going to survive and flourish as it is in the middle of the beer garden that has now appeared rather than the decking that they have permission refused for.

**Consultations:**

Council's Conservation Officer: Neither structure would harm the setting or character of the listed building or conservation area. The proposals are considered acceptable in respect of conservation/design policies BH4, BH4A, D1 and BH7.

Rights of Way Officer: There are no recorded public rights of way within the red outlined area. However when the Council carried out consultations on its Rights of Way Improvement Plan a request was received for a new footpath route to be created between St Stephens Court and Station Road which potential could cross the area. No action has been taken as yet to investigate the feasibility of providing the requested footpath link and, in any case, the proposed smoking shelter and band stand do not appear to adversely impact on the route of the requested link path.

Council's Trees Section: Has discussed proposal with applicant. Recommends planning conditions to require 6 additional trees to be planted plus protection of trees during work for the bandstand.

Environmental Health Officer: Acknowledge residents' concerns about the possibility of an external noise source being introduced to the area due to the bandstand proposal possibly impacting adversely on nearby dwellings. In the absence of precise information on likely hours of use and type of events in the bandstand Environmental Health recommend that the use of the proposed smoking area/ bandstand should cease after 22.30 hours on any day and additionally there should be no external amplification of voice or sound or licensed entertainment to be held externally on around the bandstand/ smoking area proposed.



**Summary of Main Issues:**

Impact on the listed building and Steeton Conservation Area.

Impact on trees.

Impact on residential amenity.

Impact on highway safety.

Other matters raised by objectors.

**Appraisal:**

**Impact on the setting of the listed building and Steeton Conservation Area**

The site history shows that an application proposing a bandstand submitted earlier in 2015 was refused. This proposed to place the bandstand on a small verge right in front of the Hall and was opposed by the Conservation Officer due to the effect on its setting of the Grade II listed building. This area has now been set out with outdoor seating and the new application proposes the bandstand on the other side of the car park away from the listed building.

There is disagreement with the Parish Council's comments regarding the impact of the proposals on the listed building and conservation area.

The Council's Conservation Officer notes that the proposed smoking shelter would be set against what now serves as the front of the building, containing the main entrance. However, this south elevation is what historically was the back elevation. The smoking shelter structure would also be attached to the late 20th century single storey toilet extension, which has a disappointing relationship with the listed building. The shelter is to stand in a corner between the toilet extension and the main building, but set clear of the projecting stone quoins. It is a proposed open sided structure with timber posts and glazed roof that would be a small and insignificant addition that will not detract from the architectural features or overall character of Steeton Hall.

The proposed bandstand and the associated ramp and feature bridge are now to be sited some distance away from the hall, on the other side of the car park in a landscaped area of grass and trees. Although it could be visible in views of the hall from Station Road, these are limited by the height of the perimeter wall and the distance of set back of the hall buildings. The bandstand will not be discordant in these views as it will be set in a landscaped setting. When facing the hall within the site perimeter, the bandstand will not be evident, and so in the opinion of the Conservation Officer is not considered to harm the setting of the listed building or the wider conservation area.

The proposals will therefore accord with Policies BH7, BH4, BH4A, D1 and UR3 of the RUDP.

**Impact on trees**

The proposed smoking shelter will have no impact on existing trees on site.

As reported by objectors, works for the base of the band stand and the path leading to it have already taken place and have led to complaints regarding effects on trees. The Council's Tree Officer has been to the site to inspect the effects on the trees but is not pursuing any prosecution or enforcement action and is not recommending refusal of the bandstand. However, the Tree Officer wants approval to be subject to conditions requiring tree protection measures to be implemented before any further work is carried out on site.

The Tree Officer has also suggested a planning condition for new tree planting to take place along the boundary with Station Road. This tree planting would also lessen any visual impact of the bandstand in views from the east and ensure continuity of the tree lined frontage to the whole site in the long term. Condition 1 suggested at the end of this report specifies species of trees in accordance with recommendations of the Council's Tree Officer.

If the tree protection and tree planting conditions are imposed as recommended, the Tree Officer is satisfied that the proposal will accord with Policies D5, NE4, NE5 and NE6 of the RUDP.

### **Impact on the amenity of nearby residents**

Steeton Hall has been used as a hotel with restaurant and bar facilities for many years. The Hall is used for functions such as weddings and holds a licence for indoor entertainment. Guests may purchase a drink at the bar and take it outside to outdoor tables without breaching the hotel's licence. Steeton Hall therefore already sees an amount of activity and various events. Nearby residents should realistically expect a small amount of disturbance from the long established hotel / function use.

The closest residential dwellings to Steeton Hall are those at 1 to 4 The Coach House and there is also a Nursing Home to the south of the site and dwellings facing towards the site from across the other side of Station Road. The representations from these neighbours express concern about noise disturbance from within both the smoking shelter and the bandstand.

### **Shelter**

The smoking shelter is a small subservient structure set well inside the site and that will not cause overbearing, overshadowing or overlooking of the Nursing Home. Due to its small size and the fact that hotel residents are already able to lawfully congregate at tables outside the hotel it is not considered that its use would cause any more noise nuisance or disturbance to local residents than the present situation. The smoking shelter is not to be used for staging outdoor entertainment.

### **Bandstand**

The position and size of the band stand will mean it will not have any overbearing impact, or cause overshadowing or loss of privacy for any neighbours. The sole issue is whether the activity within the bandstand will cause unreasonable noise disturbance to nearby residents. The tree screen along Station Road would help visually screen the band stand, and the proposed new planting will help, but it is appreciated that this will not deaden any noise disturbance.

The applicants have indicated that the band stand structure is meant to act as a focus for wedding group photographs and their intention is that it would only occasionally be used for musical events. They do, however, stress that they consider the bandstand feature to be important to their efforts to improve facilities for guests and enhance the viability of their business.

The Environmental Health Officer has considered its relationship to the surrounding dwellings and care home and recommends the restriction of hours for the use of the band stand. External amplification occurring as part of a licensed entertainment event would be subject to control under separate powers, but the Environmental Health officer has also suggested a planning condition restricting its use for amplified music.

Any outside entertainment on the site would require either a temporary event notice (which are limited to 21 days a year) or a variation of the current licence. The temporary licence or variation of licence would be subject to consultation before determination. A grant of planning permission for the development would not have any bearing on the granting or refusal of a licence for outdoor entertainment by the Licensing Authority.

In response to the objections, the applicants have now indicated that there is no plan to use the band stand outside the hours of 11am to 8pm on any day. A condition to limit use of the bandstand to between these hours and to prevent amplified music being broadcast would seem to strike a reasonable balance between the importance which the applicants attach to creating the bandstand feature and safeguarding the amenity of the neighbours from unreasonable noise disturbance.

The hours suggested would also be stricter than the time restrictions recommended by the Environmental Health officer but it is not considered reasonable to restrict its use for any licensed entertainment, as this is governed by separate legislation.

Subject to the time restriction condition suggested below, the proposal will not have a significant or unreasonable impact on local residential amenity and accords with Policies P7, D1 and UR3 of the RUDP.

#### **Impact on highway safety**

The proposals will not alter existing vehicular access to the site and will not take away any existing car parking. It will have no impact on off road parking connected with the hotel use of the site and will not affect matters of road safety. The proposal will accord with Policies TM11 and TM19A of the RUDP.

#### **Inclusive Access**

There is level and ramped access to the smoking shelter and band stand and therefore the proposals accord with Policy D3 of the RUDP.

#### **Other matters raised in objections**

- i. Objectors have reported how the owners of the property have removed a number of trees along the boundary with Station Road which provided a noise barrier. The Council's Tree Officer is aware of this and confirms that a beech and horse chestnut have been removed with the necessary consents. This was due to their poor condition. The consent granted for the removal of the trees was conditional upon them being replaced with Heavy Standard trees. Although the objector suspects the trees provided are not adequate, the Council's Tree Officer is entirely satisfied with the replanting (of a new lime tree) that has been carried out.
- ii. The publicity given to the application has been done in line with the Council's approved policy for publicity for planning applications and clearly a number of neighbours have been able to provide comments.

**Community Safety Implications:**

The smoking shelter will form a modest canopy attached to the main hotel building and will therefore be subject to surveillance by staff members and visitors. The band stand will lie across the other side of the car park from the hotel entrance and although visible from Station Road will be subject to surveillance and supervision from the hotel that faces it across the car park. It is considered on balance that the proposal will not cause unacceptable community safety issues contrary to Policy D4 of the RUDP.

**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 equality of opportunity between different groups and foster good relations between different groups. People with mobility issues using the proposals has been identified and the issues this raises have been considered in the preparing this report.

**Reason for Granting Planning Permission:**

The proposed smoking shelter and band stand have been assessed as having an acceptable impact on the character and appearance and setting of Steeton Hall, a listed building and Steeton Conservation Area, trees, residential amenities, parking and highway safety, inclusive access and community safety. As such the proposal will accord with Policies BH7, BH4, BH4A, D1, D3, D4, D5, UR3, TM11, TM19A, NE4, NE5 and NE6 of the RUDP and form sustainable development compatible with the NPPF.

**Conditions of Approval:**

1. Within 12 months from the date of this decision, 6 replacement trees shall be planted. The replacement trees shall comprise of 3 Tulip trees (*Liriodendron tulipifera*), 2 Rowan (*Sorbus aucuparia*) and 1 Weeping Willow (*Salix alba tritus* 'Chrysocoma') or in accordance with any variation for which the Local Planning Authority gives its written approval. The trees must be at least 12-14 centimetres in girth (Heavy Standard), and planted to the west side (Station Road side) boundary of the site, at least 1.5m away from areas of hardstanding and at least 2m outside the canopy spreads of existing trees and shrubs.

All new trees must be to British Standard BS 3936 Nursery Stock rootballed or containerised staked and tied in accordance with good arboricultural practice. If within a period of 5 years from the date of planting a replacement tree is removed, uprooted, is destroyed or dies, another tree of the same size and species shall be planted at the same place or in accordance with any variation for which the Local Planning Authority gives its written approval.

Reason: To mitigate the impact of the development on the landscape, and provide appropriate planting in the interests of visual amenity and to accord Policies D5 and NE4 of the Replacement Unitary Development Plan.

2. The development shall not begin, nor shall there be any demolition, site preparation, groundwork, materials or machinery brought on to the site, nor shall there be any work to any trees to be retained until tree protection measures are installed in accordance with an arboricultural method statement or tree protection plan to BS5837:2012 first approved in writing by the Local Planning Authority.

Reason: To ensure that trees are adequately protected prior to development activity on the site which would otherwise unacceptably harm trees to the detriment of public visual amenity and to accord with NE5 and NE6 of the Replacement Unitary Development Plan and the emerging policy EN5 of the Core Strategy Development Plan Document.

3. The approved tree protection measures shall remain in place, shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within any construction exclusion zones or tree protection without the written consent of the Local Planning Authority.

Reason: To ensure that trees are adequately protected during the construction period in the interests of visual amenity and to accord with NE5 and NE6 of the Replacement Unitary Development Plan and the emerging policy EN5 of the Core Strategy Development Plan Document.

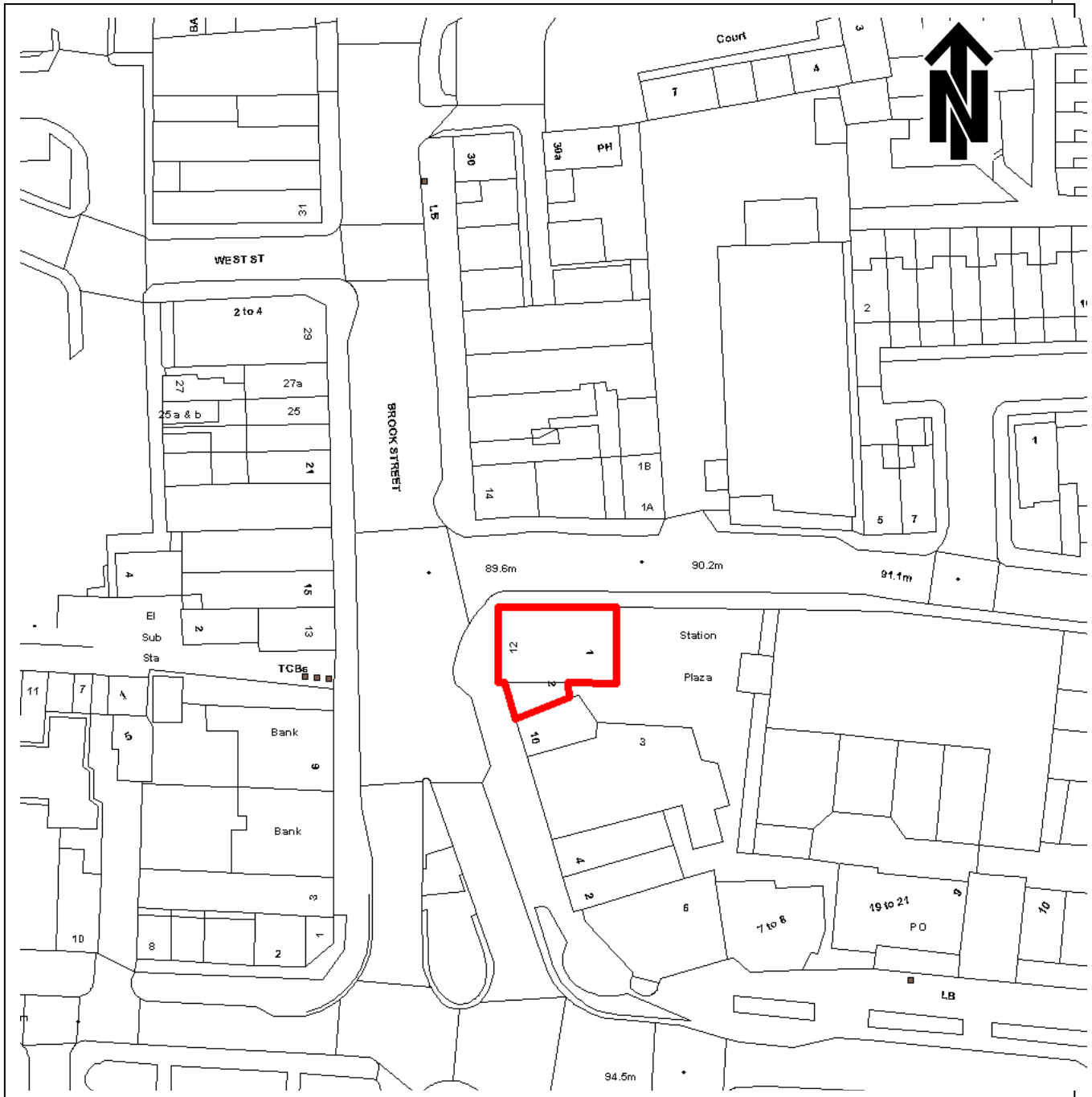
4. The band stand hereby permitted shall not be used for the broadcasting of amplified voice or sound and it shall not be used for any organised outdoor entertainment event before 11 am or after 8 pm on any day.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policies P7, D1 and UR3 of the Replacement Unitary Development Plan.

**Area Planning Panel (Keighley/Shipley)**

**15/02416/FUL**

2 September 2015



ITEM NO. : 5

LOCATION:  
**Unit 1 And 2A  
Station Plaza Ilkley**

**2 September 2015**

**Item Number: 5**

**Ward: ILKLEY**

**Recommendation:  
TO GRANT PLANNING PERMISSION**

**Application Number:**

15/02416/FUL

**Type of Application/Proposal and Address:**

Change of use from retail (A1) to a mixed use as A3 restaurant with A1 retail sales Units 1 And 2A Station Plaza, Ilkley, LS29 8DE.

**Applicant:**

Retail Plus General Partner and Tasty PLC

**Agent:**

ID Planning, Leeds

**Site Description:**

The site consists of two adjoining shop units on the corner of Brook Street and Railway Road in the designated Town Centre of Ilkley. Both buildings are two storeys in height having had ancillary storage and office space at 1<sup>st</sup> floor level. They have been empty for some months. The larger Unit on the corner was formerly a Dorothy Perkins clothing store, the smaller unit adjoins an outlet of Greggs and was a travel agency. The site is in the Central Shopping Area and in a Primary Shopping Area. The site is also part of Ilkley Conservation Area. There is a mix of A1 and A3 units along this frontage of the Station Plaza and A1, A2 (banks and financial services), A3 (restaurant/café) and A5 (takeaway) uses along the rest of Brook Street. Ilkley Train and Bus Stations are close and there are A2 and restaurant uses in the converted Grade II listed station building.

**Relevant Site History:**

89/08136/COU: Change of use from shop to in store dry cleaning and laundry operation. Granted 02.01.1990.

09/01137/ADV: Signage. Granted 29.4.2009.

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

Town Centre Primary Shopping Area.

Ilkley Conservation Area.

***Proposals and Policies***

CL1 – Leisure uses in town centres

CT5 – Balance of retail and no retail uses within town centres.

UR3 – Local planning considerations

D1 – Design considerations including arrangements for waste handling

BH7 – Conservation areas

TM11 – Car parking standards

**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:**

Ilkley Parish Council: Recommends refusal. The proposal would undermine the balance of restaurants to shops in the town centre.

**Publicity and Number of Representations:**

Advertised by site and press notice to 16 July 2015.

One general comment plus five objections, including one from a Ward Councillor seeking referral to Panel.

**Summary of Representations Received:**

**Objections**

This application should be rejected for the same reasons as this applicant's previous application 14/04521/FUL at 6 Station Plaza:

“The proposed change of use would have an adverse impact on the balance of retail and non retail uses at a unique position in this primary shopping street. This would be so great as to adversely affect the character of the shopping street and its attractiveness for shopping, and so undermine the vitality and viability of Ilkley Town Centre contrary to Policy CT5 of the Replacement Unitary Development Plan.”

Ilkley already has a lot of restaurants and cafes and this would go too far in creating an unbalanced composition of the town centre.

The addition of yet a further restaurant / cafe, especially if it is part of a chain, will negatively impact on the small restaurants / cafes and bars which are independently owned and operated. This would be a shame and would change the character of the town centre from an independent and local focused environment to a homogenous town centre no different from countless others.



There is no mention of any extraction flue, kitchen, toilets etc and no precise details of how food waste will be stored.

Ward Councillor: The argument against this application is exactly the same as the refusal of an application for the M & CO unit at No 6 Station Plaza due to over provision relative to the retail policy of the Council. There are already too many restaurants in Ilkley relative to its size. Another restaurant would make the provision disproportionate. There are too many restaurants chasing too little business. At present there are around 49 restaurants and 19 food outlets, coffee and tea shops. Comparison goods retailers in Ilkley have a very small presence compared to other similar towns.

Although this is a town centre position, the parking in the vicinity at most times is problematical. There is no parking for this Unit.

The Ward Councillor seeks referral of the application to Panel if it is recommended for approval.

**Other comments received**

Although objections say there are too many restaurants in Ilkley and there is hope that another clothes retailer will take over the shop, the chances of a national retailer like Next taking over the site are realistically low. Such retailers mainly seek purpose built new stores on retail parks. The size of the store will only appeal to a boutique expensive retailer or charity shops. Thought needs to be given to whether it will remain empty for several more months and continue to be an eyesore or whether it is in the interests of the community to have the site let with the jobs it will create.

**Consultations:**

Environmental Health: No objections. Any proposed kitchen extraction system should incorporate attenuation measures to avoid the introduction of a noise nuisance to the area. This could include such measures as fitting dampening mounts and silencers on fans, etc. This would also apply if an air cooling system is proposed for these premises.

Highways Development Control: No objections.

**Summary of Main Issues:**

Impact on the vitality and viability of the town centre.

Amenity.

Conservation Area.

Highway issues.

**Appraisal:**

**Procedural issue**

Following discussions with officers, and the identification of the proposed occupier, the agent has changed the description of the development from change of use from retail (A1) to restaurant & cafe (A3) to the change of use from retail (A1) to a mixed use as A3 restaurant with an A1 retail sales.

Both units are vacant with the smaller Unit 2A being vacant since 2014, and the larger Unit 1 has been vacant since April 2015. Unit 1 was previously occupied by clothes retailers - Burtons and Dorothy Perkins. Unit 2 has been a travel agency. Both have ancillary first floor office accommodation above the shop floorspace.

### **The Proposal**

The application seeks permission for change of use to an A3 restaurant but now proposes to retain an element of ancillary A1 retail use at ground floor level. No external alterations are proposed at this point in time. External changes or signage required by a future occupier will be applied for under future applications. An indicative layout indicates how the unit could accommodate the A3 use in combination with an A1 retail (delicatessen) sales at ground floor and the A3 use at 1st floor level.

### **History**

There is no relevant planning history relating to this unit. Further along the same frontage, there was a recent planning proposal from the same agent to change the use of Unit 6 Station Plaza (an A1 retail shop occupied by M & Co.) to an A3 restaurant. This application 14/04521/FUL was recommended for approval by Officers but was refused by Area Planning Panel in December 2014 on the grounds that the proposed change of use would have an adverse impact on the balance of retail and non retail uses at a unique position in this primary shopping street. This would be so great as to adversely affect the character of the shopping street and its attractiveness for shopping, and so undermine the vitality and viability of Ilkley Town Centre contrary to Policy CT5 of the Replacement Unitary Development Plan.

### **Impact On The Vitality And Viability Of The Town Centre NPPF And Retail Policy**

The NPPF aims to promote healthy town centres. It says planning policies should be positive and promote competitive town centre environments. Local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality. They should promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.

Main town centre uses defined by the NPPF include conventional A1 retail development but also leisure, entertainment facilities, restaurants, bars and pubs. Restaurants are recognised to be an important component of town centres and help contribute to their attractiveness and vitality.

The Replacement Unitary Development Plan (RUDP) includes key policies relevant to this application CL1 and CT5.

Policy CL1 states:

PROPOSALS FOR LEISURE AND ENTERTAINMENT DEVELOPMENT WITHIN THE CITY, TOWN OR DISTRICT CENTRES AS DEFINED ON THE PROPOSAL MAP WILL BE PERMITTED PROVIDED THE PROPOSAL IS APPROPRIATE IN SCALE TO THE ROLE OF THE CENTRE AND THE SIZE OF THE CATCHMENT THAT THE CENTRE SERVES.

The proposed A3 use is considered to accord with policy CL1. The combined units here are of an appropriate scale that would be comparable to the size of other A3 uses in the centre and would not dominate the street. The proposal would be compliant with the town centre's role. In principle, a restaurant would help contribute to the evening economy, help the vitality and viability of the Town Centre and therefore allow it to continue to thrive.

Policy CT5 aims to maintain a balance of retail and non retail uses within town centres and states:

IN THE PRIMARY SHOPPING AREAS OF BRADFORD, BINGLEY, ILKLEY, KEIGHLEY AND SHIPLEY AS DEFINED ON THE PROPOSAL MAP USES OTHER THAN THOSE OF CLASS A1 OF THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 WILL ONLY BE PERMITTED WHEN:

- (1) THE CUMULATIVE EFFECT OF THE PROPOSAL ON THE BALANCE OF THE RETAIL AND NON RETAIL USES IN THE SHOPPING STREET, OR
- (2) THE EXTENT OF THE FRONTAGE PROPOSED, OR
- (3) THE VISUAL IMPACT CREATED BY THE DEVELOPMENT OF A PROMINENT CORNER SITE,

WOULD NOT BE SO GREAT AS TO ADVERSELY AFFECT THE CHARACTER OF THE SHOPPING STREET WITHIN WHICH THE PROPOSAL WOULD BE LOCATED AND ITS ATTRACTIVENESS FOR THE SHOPPING PUBLIC.

With reference to Policy CT5, point (1), the agent argues that the cumulative effect of the proposal will not materially upset the existing balance of retail and non-retail uses in the centre retail as a whole. This is because the retail presence elsewhere within Ilkley Town Centre, including elsewhere along Brook Street, is strong enough to ensure that the change of use of the application property will not have an adverse impact on the overall attractiveness of Ilkley to shoppers.

Objectors do not agree and feel that there is a growing imbalance, with Ilkley lacking some High Street names that might be expected in a town of its size.

However, the agent has pointed out that, in close proximity of the application site, are a number of retailers including national chains and a number of independent shops. Also, the 2013 Retail Study carried out by White Young Green on behalf of the Council stated that Ilkley is 'well represented in terms of comparison units' and that (in 2013) the 'proportion of vacant units in Ilkley town centre is substantially below the national average'. This study also highlighted the continued improvement in the national retail ranking of Ilkley Town Centre up to 2013. White Young Green found that Ilkley has a thriving town centre that includes a significant proportion of retail uses throughout the centre and includes national multiples and successful independent retailers offering both convenience and comparison goods.

On this point, the applicant's advisors, CBRE, say Ilkley currently has 13 restaurants within the town representing roughly 5% of the units. This is substantially lower than the figure quoted by the Ward Councillor. CBRE reckon this is a low number for a town of Ilkley's quality.

Furthermore the agents say there is little evidence to suggest that Ilkley town centre has declined since the 2013 study or that the proportion of A1 retail across the centre as a whole is in decline. They argue that Ilkley remains a vibrant and healthy town centre and the change of use of these units will have little material effect on the retail viability of Ilkley town centre.

The second point and third points within Policy CT5 refer to the extent of the frontage to which the application relates and the visual impact. The application proposes to change the use of two medium sized frontages to Brook Street and affects a corner unit prominently sited on the road junction at a focal point in the town centre.

Officers have therefore had concerns about the loss of the attractiveness of this length of frontage to shoppers. However, the agents have now been able to confirm that the potential restaurant operator would also wish to have an ancillary retail sales at ground floor level. This would serve as a delicatessen. The agent has therefore amended the proposal to a proposed mix of A1 and A3 restaurant uses at ground floor.

The intention is that the majority of the ground floor space and the whole of the upper storey would be in conventional restaurant use, but customers would also be able to buy produce from a delicatessen style counter accessed from the street.

A ground floor retail sales would serve as an attraction in its own right and help promote more interaction with the street during the daytime. The ground floor use would continue to provide an attractive and active frontage at the street level. This would counteract any perceptions of loss of retail activity and retail character and would ensure that this section of the street continues to attract shoppers.

### **Marketing Evidence**

Although objectors call for A3 restaurant use to be resisted to allow a national or local retailer to step forward and take the premises, the Local Planning Authority has to have regard to the viability of this expectation. Restricting the use to A1 retail may be unrealistic having regard to market forces and the LPA should not unnecessarily prolong the amount of time these units remain as empty and an unattractive blight on the shopping street. The NPPF says plans should take account of market signals.

In response to the objections, the agent has submitted a marketing report. Agents (CBRE) have been marketing Unit 2A Station Plaza, formerly the Co-op Travel Agency, since July 2013 but interest is said to have been extremely limited - with no offers received. The small/awkward configuration of the unit may make it unsuitable for many retailers. Marketing began in late 2013 of Unit 1 - the larger Dorothy Perkins/Burton store. The lease expired in April 2014 and was not renewed. A number of A1 retailers were approached directly in mid-2014 but the response was limited.

As a result of this lack of interest, CBRE then targeted the A3 market as it was known there was active interest in the town from a number of restaurant/café operators.

The agents say marketing evidence shows that the vast majority of enquiries about premises have come from the restaurant/leisure sector. CBRE also make the point that lettings to Cafe Nero and Costa Coffee in the immediate vicinity also reinforce the shift of Station Plaza/Brook Street towards a vibrant mixed use leisure/retail pitch rather than being solely a prime retail frontage. CBRE says this also reflects a national shift in the balance between A1 and A3 uses on the high street and, indeed, Dorothy Perkins' own decision to cease trading from Unit 1 also reinforces the view that the Station Plaza is moving away from being a core A1 retail pitch.

The professional opinion of CBRE is that Units 1 and 2A Station Plaza are ideally placed to be amalgamated and converted to A3 use where the letting to a high quality leisure operator will enhance the vitality and vibrancy of Ilkley, without any detriment to the strong retail offer that Ilkley would maintain elsewhere in the centre.

In a supporting statement, the agent refers to the NPPF and says that the proposed restaurant would contribute to the local economy, as well as providing easy access to local services in a sustainable location. At the heart of the NPPF is a presumption in favour of sustainable development. The proposed development will create jobs.

### **Conclusion**

It is considered that refusal of the proposal for change of use to A3 in the face of the above marketing evidence would be unrealistic and contrary to advice in the NPPF. The proposed change of use has been amended so that as well as creation of an additional A3 restaurant, the proposal would retain a retail sales that will maintain levels of activity within the commercial core of Ilkley. The premises would continue to have an active frontage to the street. The retail sales element would retain the attractiveness of the units to shoppers and maintain some retail vitality. This is considered to be in general accordance with the requirements of Policies CL1 and CT5 and so, on balance, Officers feel the application can be supported.

### **Impact On Amenity**

There are no residential properties on this side of Brook Street or in the near vicinity. Given the location of the premises within a well used town centre, it is not considered necessary to impose any planning restrictions on the hours of use.

Refuse bins would be located in a walled, communal service yard at the rear. This is shared by a number of shops and hidden from view. The Units are accessed from a wide splayed entrance from Railway Road which would continue to be used for deliveries and waste collection to the new use. A restaurant use is not likely to generate any more volume of waste than its former use as a retail shop.

The Council's Environmental Health Officer has asked whether details of kitchen extraction and the height, position, design of and materials used in any external chimney or extraction vent need to be seen. However, the remoteness of the use from any nearby residential properties is such that these features are unlikely to affect any nearby properties. The agent is aware of the need for separate planning permission for any extraction equipment which materially affects the external appearance of the building, but this would be a matter for a future application.

### **Impact On The Conservation Area**

This building is of modern construction, though built in stone. No external alterations are proposed as part of this application. Such external changes have yet to be agreed with the prospective operator but the agent says they would not be significant. They would be subject to a separate application. The agent is fully aware of the possible need for advertisement consent for new signage.

The Council's Conservation Officer considers that although there have been a number of applications within the last 12 months for conversion of town centre properties to non-retail uses, the cumulative impact is not considered to be at a point that would unduly affect the character of the conservation area. A restaurant use is compatible with the marked commercial character of this corner site and would preserve the character of the conservation area. The creation of an additional café/restaurant will maintain levels of activity within the commercial core of the conservation area and the premises would continue to have an active frontage to the street.

### **Highway And Parking Issues**

Though a ward councillor has referred to a lack of car parking, this is a very common situation for many restaurant uses located in town and city centres. The proposal is in the heart of Ilkley, with a taxi rank outside, and very close to the town's bus and train station. It is a very sustainable location where parking requirements are normally relaxed in accordance with the approach suggested in the NPPF and so as to encourage use of non car modes of travel. The site is also very close to the town's principal town centre pay and display car park off Brook Street and another shoppers' car park is on the other side of the railway station. Some on street car parking is available nearby. The proposal raises no highway safety concerns and the Council's Highway Officer confirms that it is an acceptable proposal that would not be expected to make its own car parking provision.

The agent has confirmed that deliveries will be via the rear service yard off Railway Road - not across the forecourt. It is not considered that there are any reasonable grounds to refuse the application for highway reasons.

### **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 equality of opportunity between different groups and foster good relations between different groups. It is not however considered that that any issues with regard thereto are raised in relation to consideration of this application.

### **Reason for Granting Planning Permission:**

Though occupying a prominent pair of units, the marketing evidence suggests that the prevailing market trend is towards a mixed retail and leisure uses along this side of Brook Street and resisting A3 use would be unrealistic and prolong the vacancy of the units. The retention of an element of A1 retail alongside the A3 use at the ground floor level, together with retention of the display windows would ensure that the use could be introduced without detriment to the prevailing character of the area and without adversely affecting the vitality and viability of the town centre as a whole. Servicing is available and the site is in a sustainable location in the town centre where it is appropriate to relax car parking requirements. The use will have no adverse effects on the amenity of any adjoining occupiers. The proposal accords with Policies UR3, D1, TM11 CT5 and CL1 of the Replacement Unitary Development Plan.

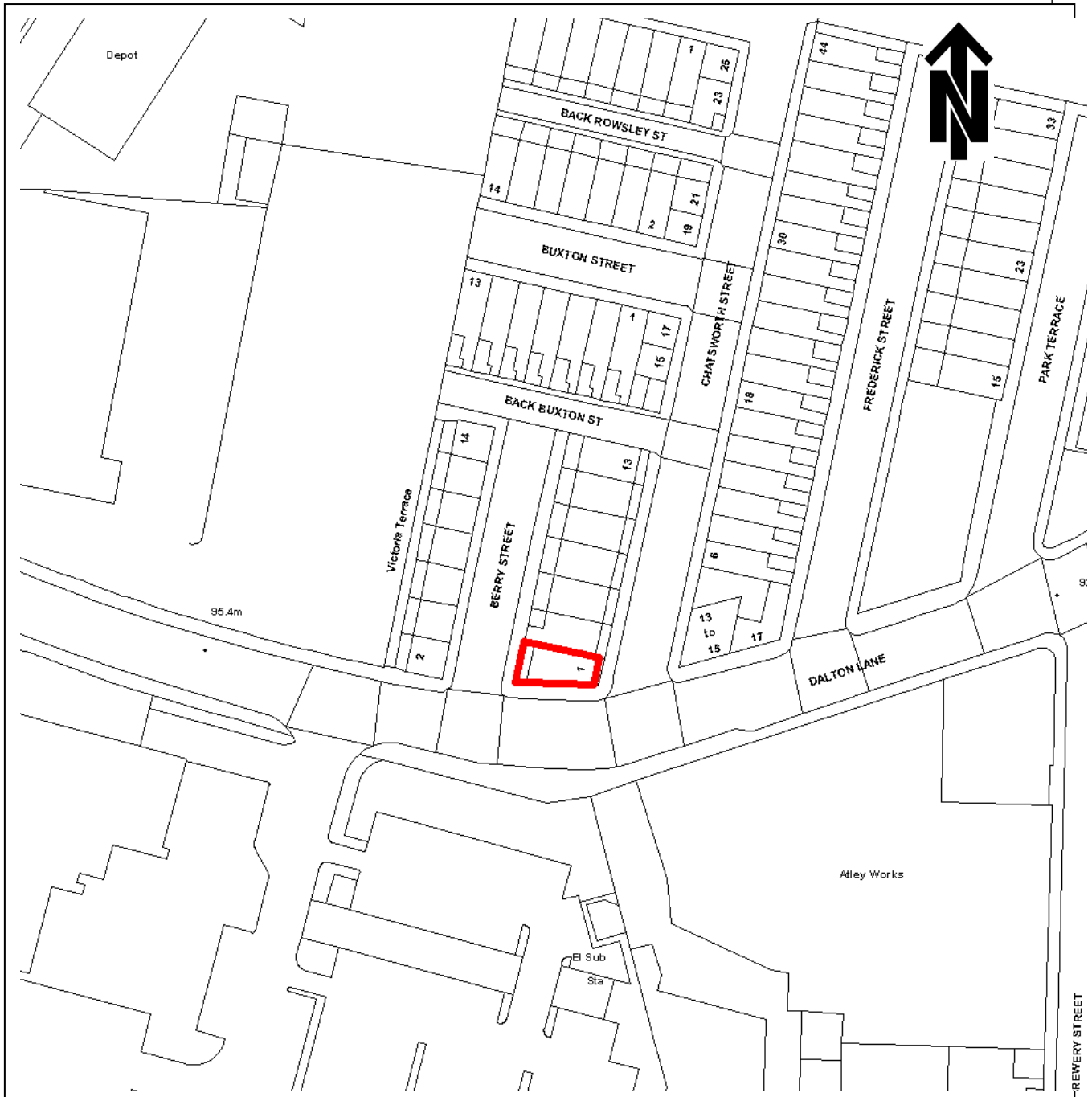
**Conditions of Approval:**

Standard condition – development is to be begun within 3 years of the permission.

**Area Planning Panel (Keighley/Shipley)**

**15/02206/FUL**

2 September 2015



<p>ITEM NO. : 6</p>	<p>LOCATION: <b>1 Chatsworth Street Keighley</b></p>
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**2 September 2015**

**Item Number: 6**

**Ward: KEIGHLEY EAST**

**Recommendation:  
TO REFUSE PLANNING PERMISSION  
APPLICATION WITH A PETITION**

**Application Number:**

15/02206/FUL

**Type of Application/Proposal and Address:**

Full planning application for change of use of ground floor from residential C3 dwelling to a cafe (Use Class A3) with disabled access ramp to front and a new side entrance and windows at 1 Chatsworth Street, Keighley, BD21 4JA.

**Applicant:**

Mrs K Akhtar

**Agent:**

A A Planning Services

**Site Description:**

This application relates to a two storey end of terrace house on the corner of Chatsworth Street, Berry Street and Dalton Lane in Keighley. The side wall of the house abuts Dalton Lane. The property has small front and rear yards and no off road car parking facilities. On street parking along Dalton Lane is controlled by yellow lines. The Chatsworth Street side of Dalton Lane is largely residential in character being dominated by traditional terrace housing. Across Dalton Lane is the Keighley college campus with commercial/industrial premises further along Dalton Lane to the east.

**Relevant Site History:**

None for this property.

**Replacement Unitary Development Plan (RUDP):**

***Allocation***

Transport Corridors K/D10.4

Next to: The National and Local Cycle Network TM10

Next to: Employment Zones K/E6.3

***Proposals and Policies***

D1 General Design Considerations

D3 Access for People with Disabilities

D4 Community Safety

UR3 The Local Impact of Development

TM11 Parking Standards for Non-Residential Developments

TM19A Traffic Management and Road Safety

**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:**

Keighley Town Council recommends refusal in accordance with the Highway Officer's consultation comments.

**Publicity and Number of Representations:**

The application was publicised by a site notice and individual neighbour notifications. Overall publicity expired on 30 June 2015.

Publicity led to receipt of a petition of 13 signatures from 13 different addresses (including one from the application site) seeking referral of the application to Panel if the officer recommendation is not for approval.

**Summary of Representations Received:**

Petition of 13 signatures calling for the application to be presented to Panel if not being recommended for approval.

**Consultations:**

Drainage Section: No comments to make.

Highways Development Control Officer: Not able to support this application due to the highway safety concerns it would raise if this were to be approved.

The proposal is likely to result in indiscriminate parking taking place on or around the junction of Dalton Lane & Chatsworth Street likely to lead to conditions prejudicial to highway safety.

**Summary of Main Issues:**

Impact on character of the surrounding area.  
Impact on amenity of neighbouring occupants.  
Highway safety.

**Appraisal:**

The proposal is for the front sitting room of the dwelling to be used as an A3 cafe with a kitchen/food preparation area formed in the ground floor room adjoining this. A residential flat would be retained at first floor level in the property with its access via a new lobby leading in from the rear yard onto Berry Street.

**Impact on character of the surrounding area**

This side of Dalton Lane is residential in character but the area as whole has a mix of uses, with Keighley College being across the street and various industrial and business premises along the length of Dalton Lane. Visually, a small café would appear similar to a traditional corner shop and would not be out of keeping.

The proposed external alterations to the property are the construction of a ramp to provide inclusive access, and the insertion of shop windows either side of a new entrance door on the gable wall facing onto Dalton Lane. These external alterations are not significant and will not have any adverse impact on the appearance of Dalton Lane or the residential character of the rest of Chatsworth Street/Berry Street. In this respect, the proposal does not conflict with Policies D1 and UR3 of the RUDP.

**Impact on amenity of occupants of neighbouring houses**

The applicant has indicated that the café would operate 7 days a week between 9 am and 9 pm. There is some potential for use as a café to have an adverse effect on the living conditions of nearby residents due to the noise generated from customers within the café; by the comings and goings of customers; and also (potentially) from cooking odour and the noise of any necessary kitchen ventilation equipment.

However, the scale of the café would be limited by the very small size of the premises and, subject to control of the hours of operation to prevent late night opening, would not be expected to involve any substantial amount of customer activity. The plans also propose sound insulation between the café and the upstairs flat by means of a new insulated ceiling and acoustic treatment to the wall of the adjoining dwelling at 3 Chatsworth Street.

With regard to cooking odours, there is no indication on the plans of any intention for significant kitchen equipment or to install extraction/ventilation flues on the building. The submission mentions the sale of pre cooked meals and preparation of sandwiches which could possibly not require any kitchen extraction equipment. Any extraction features that were subsequently proposed and which materially affected the external appearance of the premises would require separate planning permission.

Whilst there is potential that more intensive cooking would adversely affect the living conditions of other residents on Berry Street and Chatsworth Street, the very small scale of the seating area would also tend to suggest that this is not intended. Subsequent installation of any extract equipment would be a matter for planning enforcement.

Provided a condition was imposed on any planning permission to ensure implementation of the acoustic insulation as shown on the approved plans, the proposed use would not have any significant effect on living conditions of the nearest residents and would accord with Policies D1 and UR3 of the RUDP.

**Inclusive access**

Although the proposal provides no parking for disabled customers it would provide a ramped entrance/exit and would accord with Policy D3 of the RUDP.

**Implications for highway safety**

A café would attract significantly more activity than a residential dwelling.

There is no off road parking space available at the property for the use of staff or customers of the café.

The proposed café would be located at the junction of Chatsworth Street and Dalton Lane directly opposite the Leeds / Keighley College Campus. Dalton Lane is a busy link road between the A650 Aire valley Road and A6035 Bradford Road, providing access to the college and town centre.

The Council's Highway Officer concludes that, as a result, the proposal for a café is likely to result in indiscriminate parking taking place on or around the junction of Dalton Lane and Chatsworth Street. The property is also located on the inside of a bend on Dalton Lane and, despite the presence of double yellow lines, indiscriminate parking outside the property would result in an obstruction to visibility for drivers exiting Chatsworth Street.

The Highway Officer advises that the A3 café use is likely to lead to conditions prejudicial to highway safety and therefore the proposal should be resisted as being contrary to Policy TM19A of the RUDP.

**Community Safety Implications:**

The proposed cafe will face onto a well lit road and would not raise any community safety issues contrary to Policy D4 of the RUDP.

**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 equality of opportunity between different groups and foster good relations between different groups. The applicant and their agent display protected characteristics because of their race and religion or belief however these characteristics do not raise issues that would alter the conclusions reached in consideration of this application.

**Reasons for Refusal:**

1. There is no off road parking available for the proposed use and it is considered that the proposal is likely to result in indiscriminate parking taking place on or around the junction of Dalton Lane and Chatsworth Street and lead to conditions prejudicial to highway safety. It is considered that the proposal is contrary to Policy TM19A of the Replacement Unitary Development Plan and will not form sustainable development compatible with the National Planning Policy Framework.

# Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 02 September 2015

## F

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### Summary Statement - Part Two

#### Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action (page 56)	(10)
Decisions made by the Secretary of State – Dismissed (page 76)	(5)

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Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

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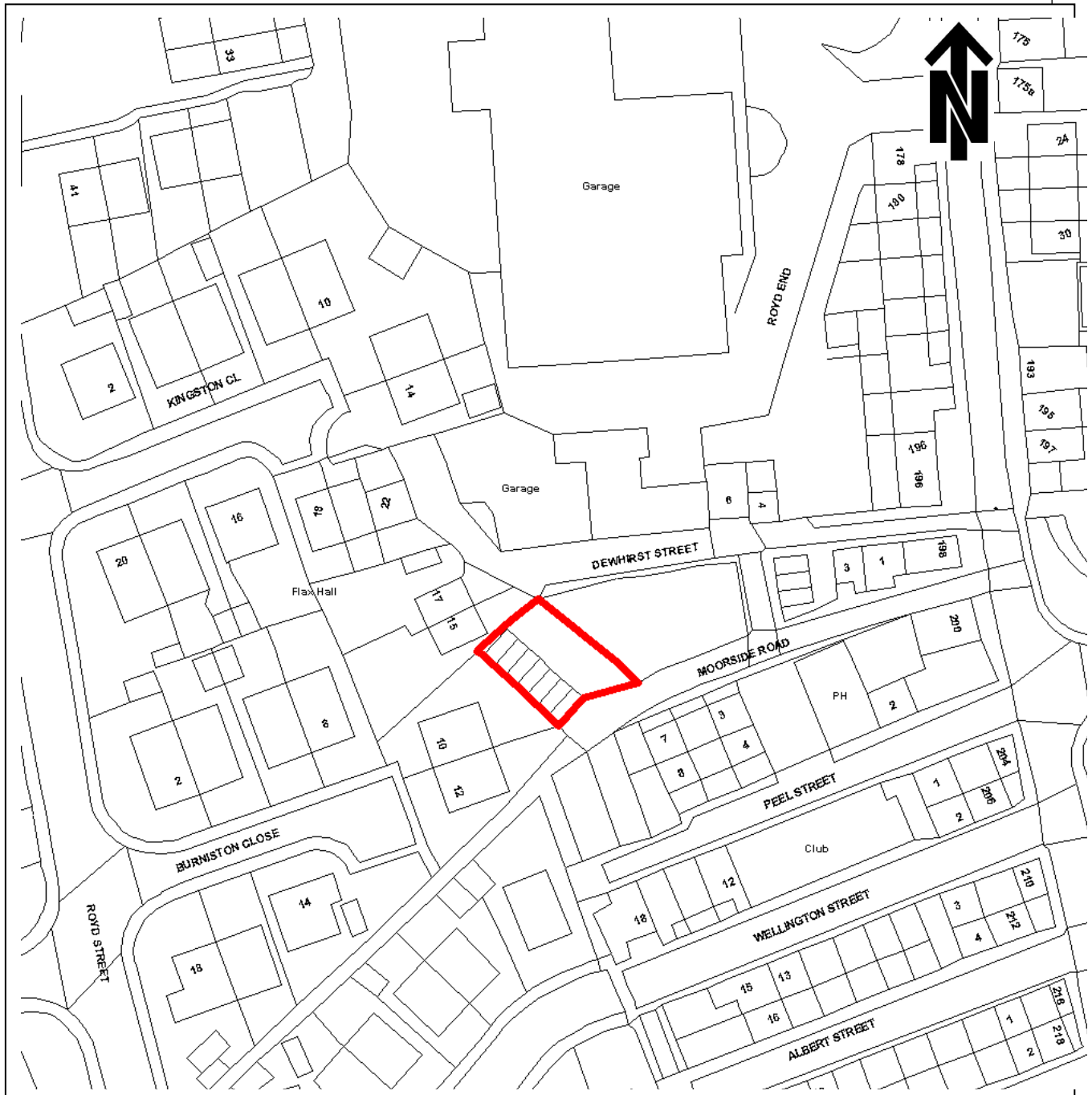
**Portfolio:**  
Housing, Planning & Transport

**Overview & Scrutiny Committee Area:**  
Regeneration and Economy

Area Planning Panel (Keighley/ShIPLEY)

15/00493/215DS

2 September 2015



LOCATION:

ITEM NO. : 7	<b>Garages South Of 15 Dewhirst Street Wilsden</b>
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**2 September 2015**

**Item Number: 7**

**Ward: BINGLEY RURAL**

**Recommendation:  
THAT THE REPORT BE NOTED**

**Enforcement Reference:**

14/00493/215DS

**Site Location:**

Former garages, land at Moorside Road, Wilsden.

**Breach of Planning Control:**

Untidy Land.

**Circumstances:**

***It was brought to the attention of the Local Planning Authority that the above land was in an untidy state. A site visit was carried out and as a result the land owner was requested to take action to clear the land. A further site inspection this year confirmed that the land remains in an untidy state.***

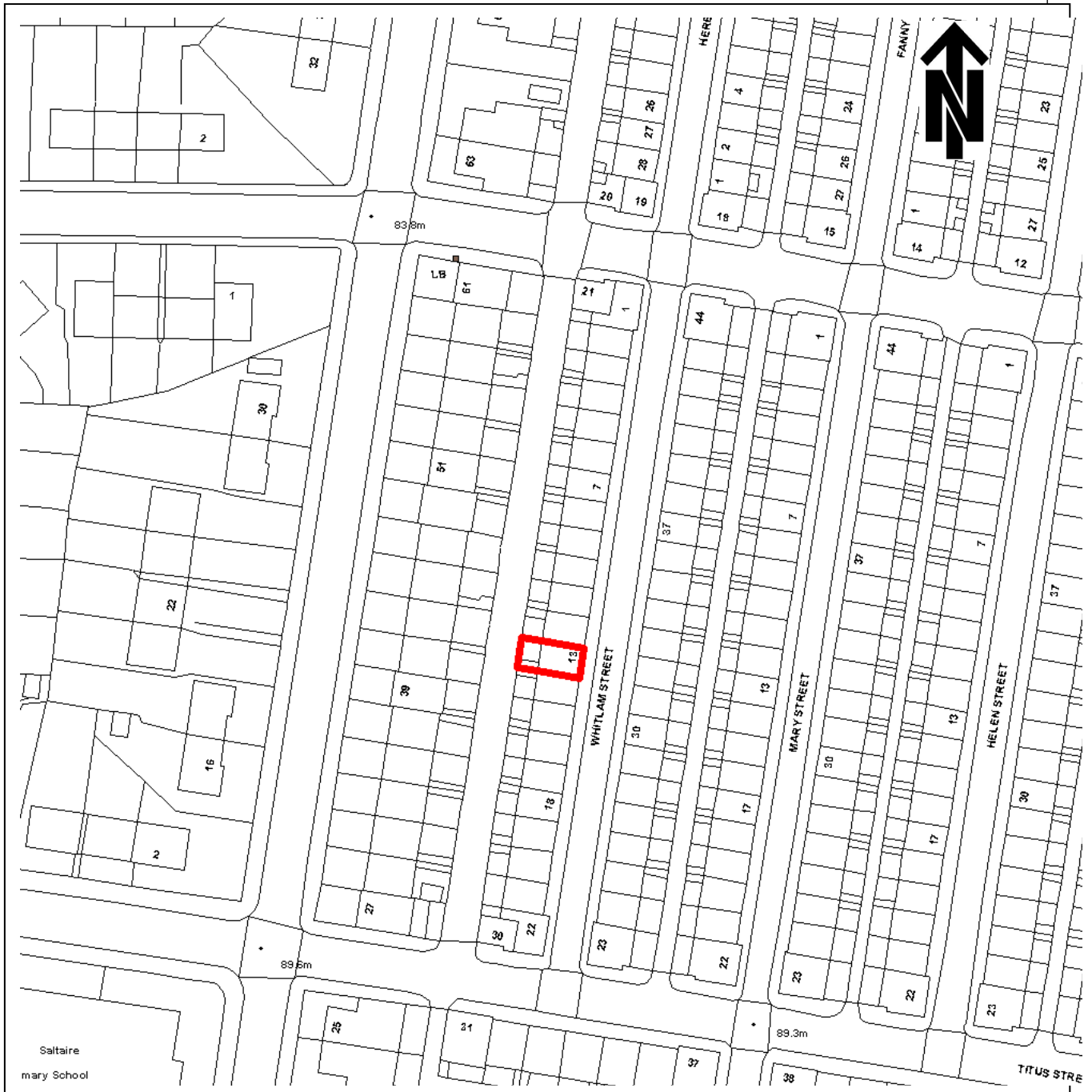
***The state of the land is such that it is considered to have a significantly detrimental impact on the amenity of the existing property and wider area contrary to Policies UDP3, UR3 and D1 of the Councils Replacement Unitary Development Plan.***

The Planning Manager (Enforcement and Trees) authorised the issuing of a Notice under Section 215 of the Town and Country Planning Act 1990 requiring the land to be cleared under delegated powers, on 21 July 2015.

**Area Planning Panel (Keighley/Shipley)**

**15/00701/ENFLBC**

2 September 2015



ITEM NO. : 8

LOCATION:

**13 Whitlam Street  
Saltaire**



**2 September 2015**

**Item Number: 8**

**Ward: SHIPLEY**

**Recommendation:  
THAT THE REPORT BE NOTED**

**Enforcement Reference:**

15/00701/ENFLBC

**Site Location:**

13 Whitlam Street, Saltaire, Shipley, BD18 4PE

**Breach of Planning Control:**

Installation of satellite dish and mounting bracket.

**Circumstances:**

*It was brought to the attention of the Local Planning Authority that works had been carried out at the above Grade II property located in the Saltaire World Heritage site to install a satellite dish for which listed building consent had not been obtained. The occupier of the property was contacted and requested to take action to rectify the breach and the dish was removed. A number of other properties contacted at the same time worked with the Council and also removed their satellite dishes.*

*Following a review of satellite dish enforcement cases within the World Heritage Site of Saltaire a site visit was carried out which confirmed that a further satellite dish had been installed.*

The unauthorised satellite dish, mounting bracket and fixings are considered to be detrimental to the character of the grade II listed building as one of special architectural or historic interest owing to its inappropriate design and is contrary to Policies BH4, S/BH14, D1 and UR3 of the Councils Replacement Unitary Development Plan.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 21 July 2015.

**Area Planning Panel (Keighley/Shipley)**

**15/00193/ENFAPP**

2 September 2015



ITEM NO. : 9

LOCATION:  
**16 Highfield Lane  
Keighley**

**2 September 2015**

**Item Number: 9**

**Ward: KEIGHLEY CENTRAL**

**Recommendation:  
THAT THE REPORT BE NOTED**

**Enforcement Reference:**

15/00193/ENFAPP

**Site Location:**

Land at 16 Highfield Lane, Keighley

**Breach of Planning Control:**

Construction of white UPVC clad dormer windows to the front and rear elevations of the property.

**Circumstances:**

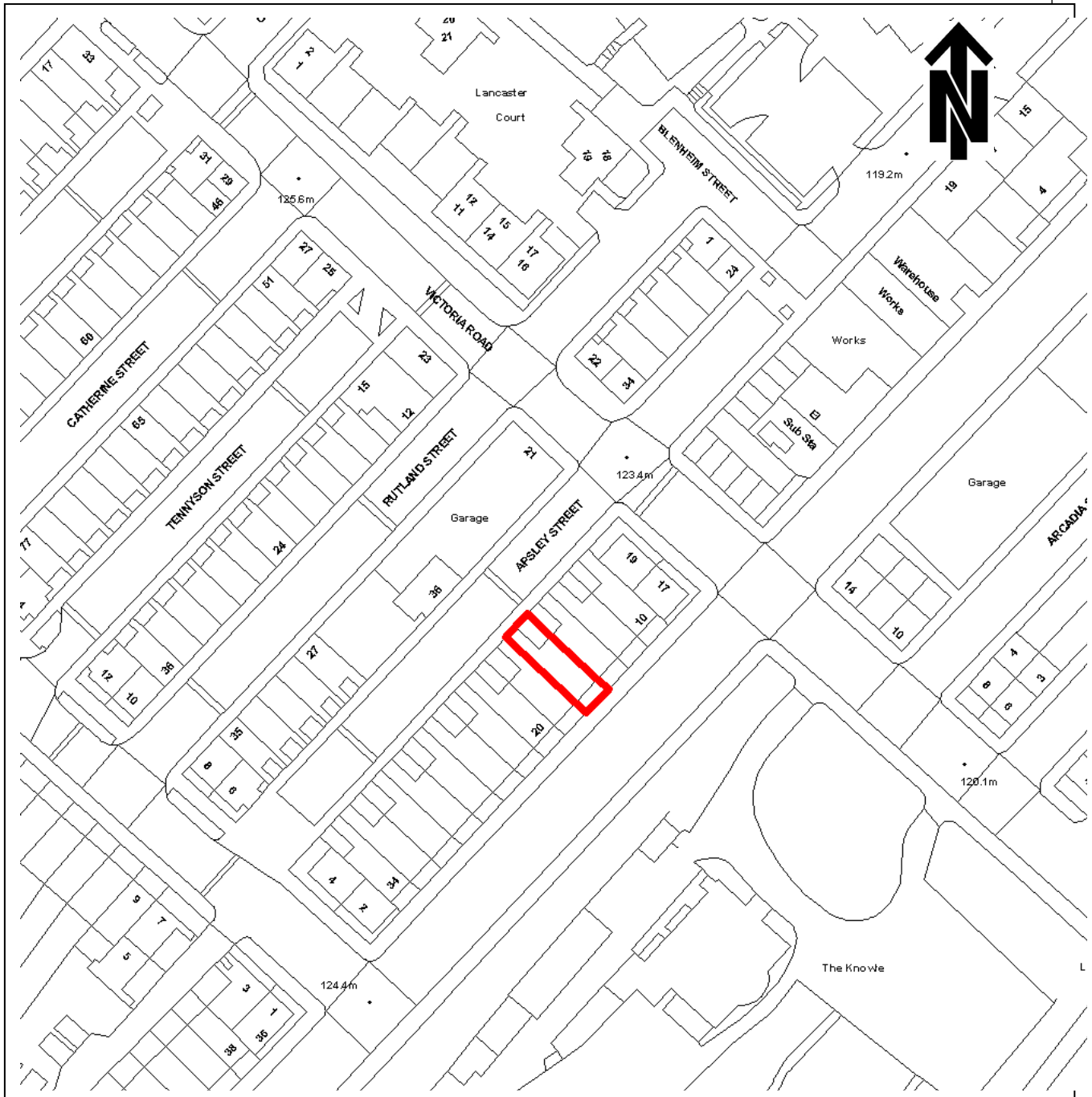
*It was brought to the attention of the Local Planning Authority that dormer windows had been constructed at the above property for which planning permission had not been sought. The development was challenged as unauthorised and the owner advised to take action to rectify the breach of planning control. No application was submitted and a recent site inspection confirms the dormer windows remain in situ.*

The dormer windows are considered to be significantly detrimental to the visual amenity of the existing property and wider surrounding area. The Planning Manager (Enforcement and Trees) therefore authorised the issuing of an Enforcement Notice under delegated powers, on 10 July 2015.

**Area Planning Panel (Keighley and Shipley)**

**12/00975/ENFAPP**

2 September 2015



<p>ITEM NO. : 10</p>	<p>LOCATION: <b>16 Queens Road Keighley</b></p>
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**2 September 2015**

**Item Number: 10**

**Ward: KEIGHLEY CENTRAL**

**Recommendation:**

**THAT THE REPORT BE NOTED**

**Enforcement Reference:**

12/00975/ENFAPP

**Site Location:**

16 Queens Road, Keighley.

**Breach of Planning Control:**

Construction of white UPVC clad dormer windows to the front and rear elevations of the property.

**Circumstances:**

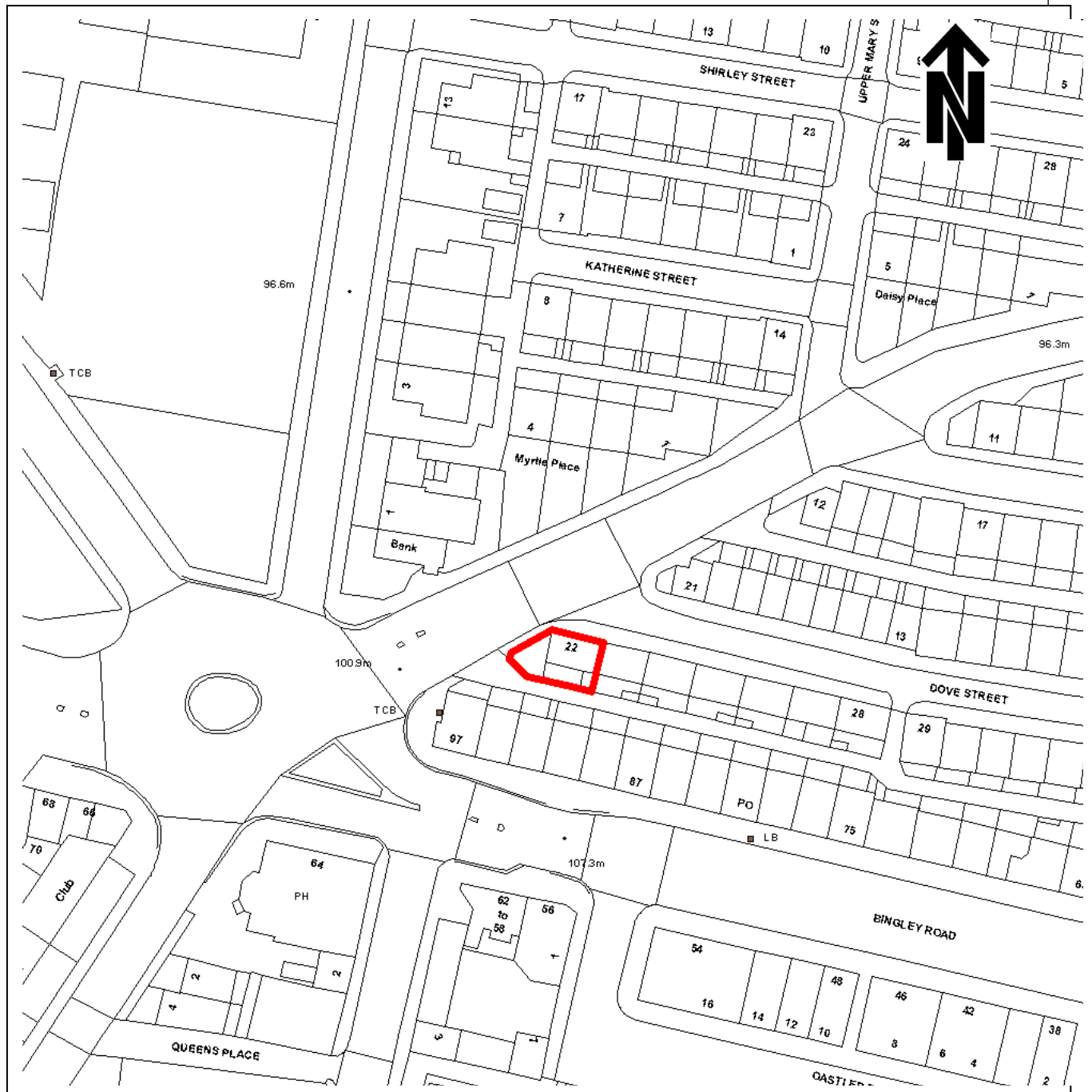
It was brought to the attention of the Local Planning Authority that dormer windows had been constructed at the above property for which planning permission had not been sought. The development was challenged as unauthorised and the owner advised to take action to rectify the breach of planning control. No application was submitted and a recent site inspection confirms the dormer windows remain in situ.

The dormer windows are considered to be significantly detrimental to the visual amenity of the existing property and wider surrounding area. The Planning Manager (Enforcement and Trees) therefore authorised the issuing of an Enforcement Notice under delegated powers, on 10 July 2015.

**Area Planning Panel (Keighley/Shipley)**

**11/01215/ENFLBC**

2 September 2015



ITEM NO. : 11	LOCATION: <b>22 Dove Street Saltaire</b>
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**2 September 2015**

**Item Number: 11**

**Ward: SHIPLEY**

**Recommendation:  
THAT THE REPORT BE NOTED**

**Enforcement Reference:**

11/01215/ENFLBC

**Site Location:**

22 Dove Street, Saltaire, Shipley, BD18 2EY

**Breach of Planning Control:**

Installation of satellite dish and mounting bracket.

**Circumstances:**

*It was brought to the attention of the Local Planning Authority that works has been carried out at the above Grade II property located in the Saltaire World Heritage site to install a satellite dish for which listed building consent had not been obtained. The occupier of the property was contacted and requested to take action to rectify the breach however no response was received. A number of other properties contacted at the same time worked with the Council and removed their satellite dishes.*

*Following a review of satellite dish enforcement cases within the World Heritage Site of Saltaire a site visit was carried out which confirmed that the satellite dish remained at the property.*

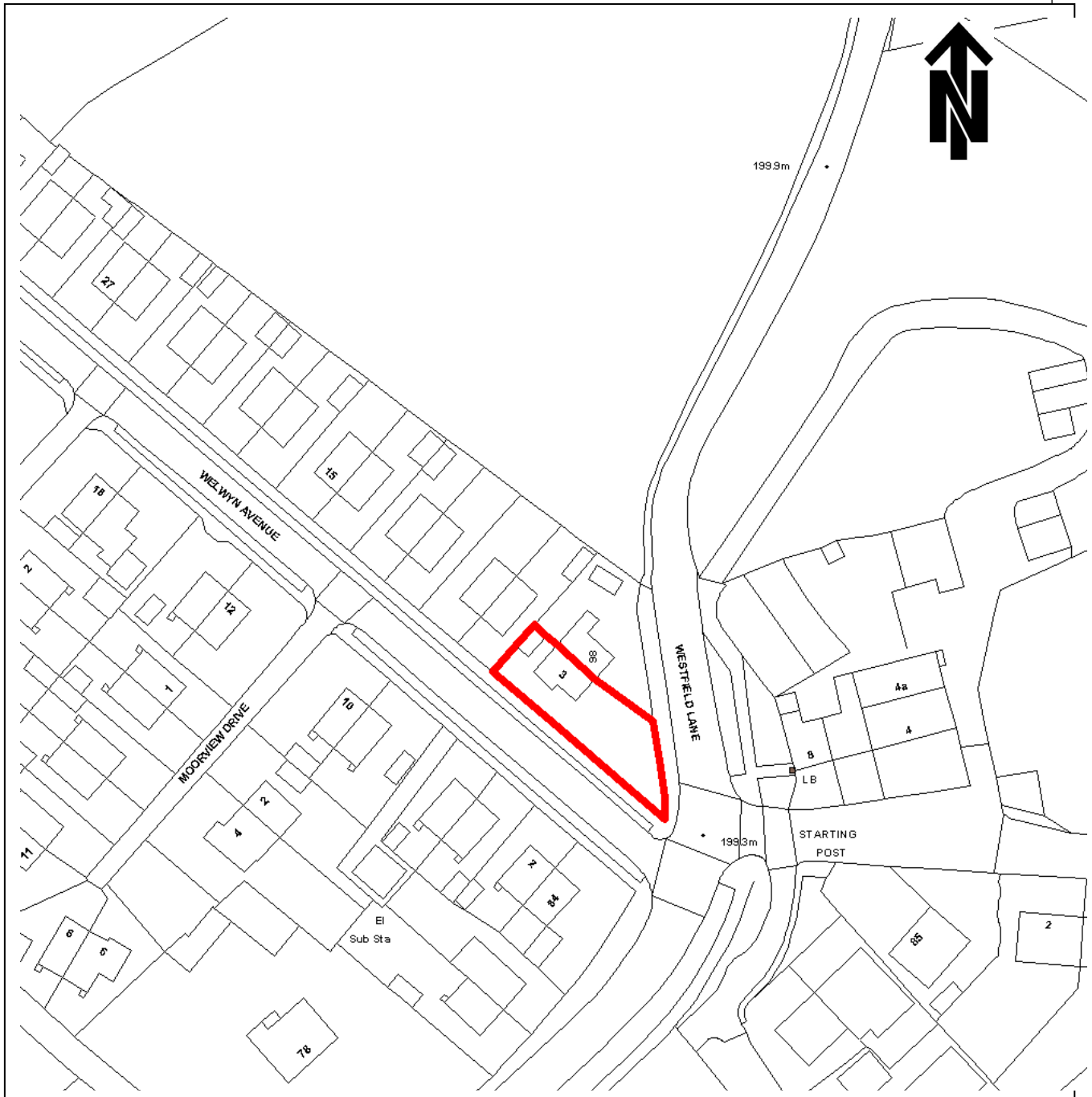
The unauthorised satellite dish, mounting bracket and fixings are considered to be detrimental to the character of the grade II listed building as one of special architectural or historic interest owing to its inappropriate design and is contrary to Policies BH4, S/BH14, D1 and UR3 of the Councils Replacement Unitary Development Plan.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 21 July 2015.

**Area Planning Panel (Keighley/Shipley)**

**14/00612/ENFUNA**

2 September 2015



<p>ITEM NO. : 12</p>	<p>LOCATION: <b>3 Welwyn Avenue Shipley</b></p>
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**2 September 2015**

**Item Number: 12**

**Ward: WINDHILL AND WROSE**

**Recommendation:  
THAT THE REPORT BE NOTED**

**Enforcement Reference:**

14/00612/ENFUNA

**Site Location:**

3 Welwyn Avenue, Wrose, Shipley, BD18 1LL

**Breach of Planning Control:**

Unauthorised front dormer window.

**Circumstances:**

In July 2014 the Local Planning Authority received an enquiry regarding the construction of a dormer window at the property.

An inspection showed that a rear dormer window had been constructed, for which the Local Planning Authority had no record of planning permission having been granted.

The owner/occupier has been requested to take action to rectify the breach of planning control, however no action has been taken to date.

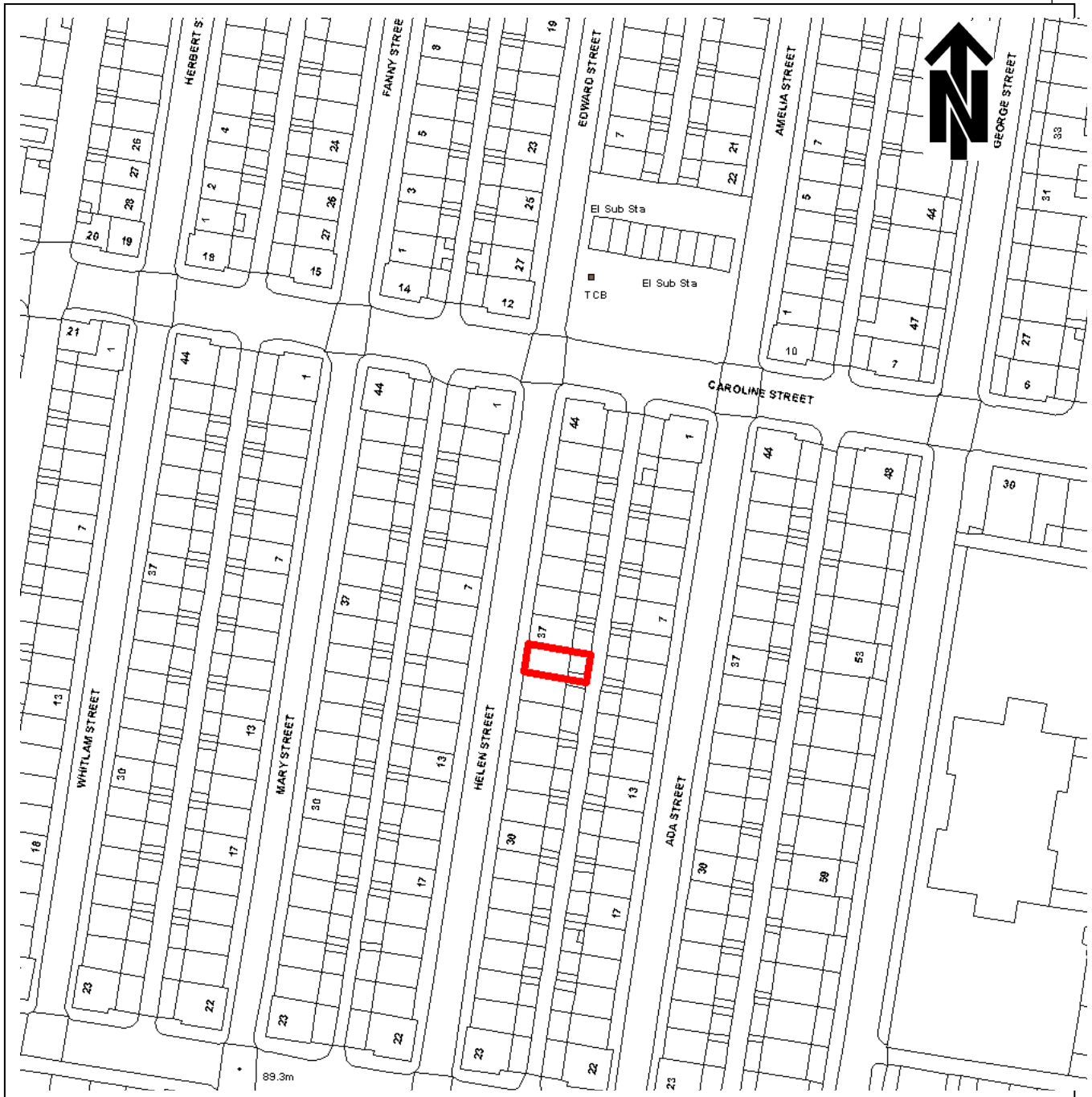
The unauthorised rear dormer window remains in place and on 22 June 2015 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice.

It is considered expedient to take Enforcement (Legal) Action as the unauthorised rear dormer window is detrimental to visual amenity by virtue of its design and appearance, contrary to Policies D1 and UR3 of the Council's adopted Replacement Unitary Development Plan and the Council's adopted Householder Supplementary Planning Document.

**Area Planning Panel (Keighley/ShIPLEY)**

**11/01222/ENFLBC**

2 September 2015



ITEM NO. : 13

LOCATION:

**36 Helen Street  
Saltaire**

**2 September 2015**

**Item Number: 13**

**Ward: SHIPLEY**

**Recommendation:**

**THAT THE REPORT BE NOTED**

**Enforcement Reference:**

11/01222/ENFLBC

**Site Location:**

36 Helen Street, Saltaire, Shipley, BD18 4PH

**Breach of Planning Control:**

Installation of satellite dish and mounting bracket.

**Circumstances:**

It was brought to the attention of the Local Planning Authority that works had been carried out at the above Grade II property located in the Saltaire World Heritage site to install a satellite dish for which listed building consent had not been obtained. The occupier of the property was contacted and requested to take action to rectify the breach however no response was received. A number of other properties contacted at the same time worked with the Council and removed their satellite dishes.

Following a review of satellite dish enforcement cases within the World Heritage Site of Saltaire a site visit was carried out which confirmed that the satellite dish remained at the property.

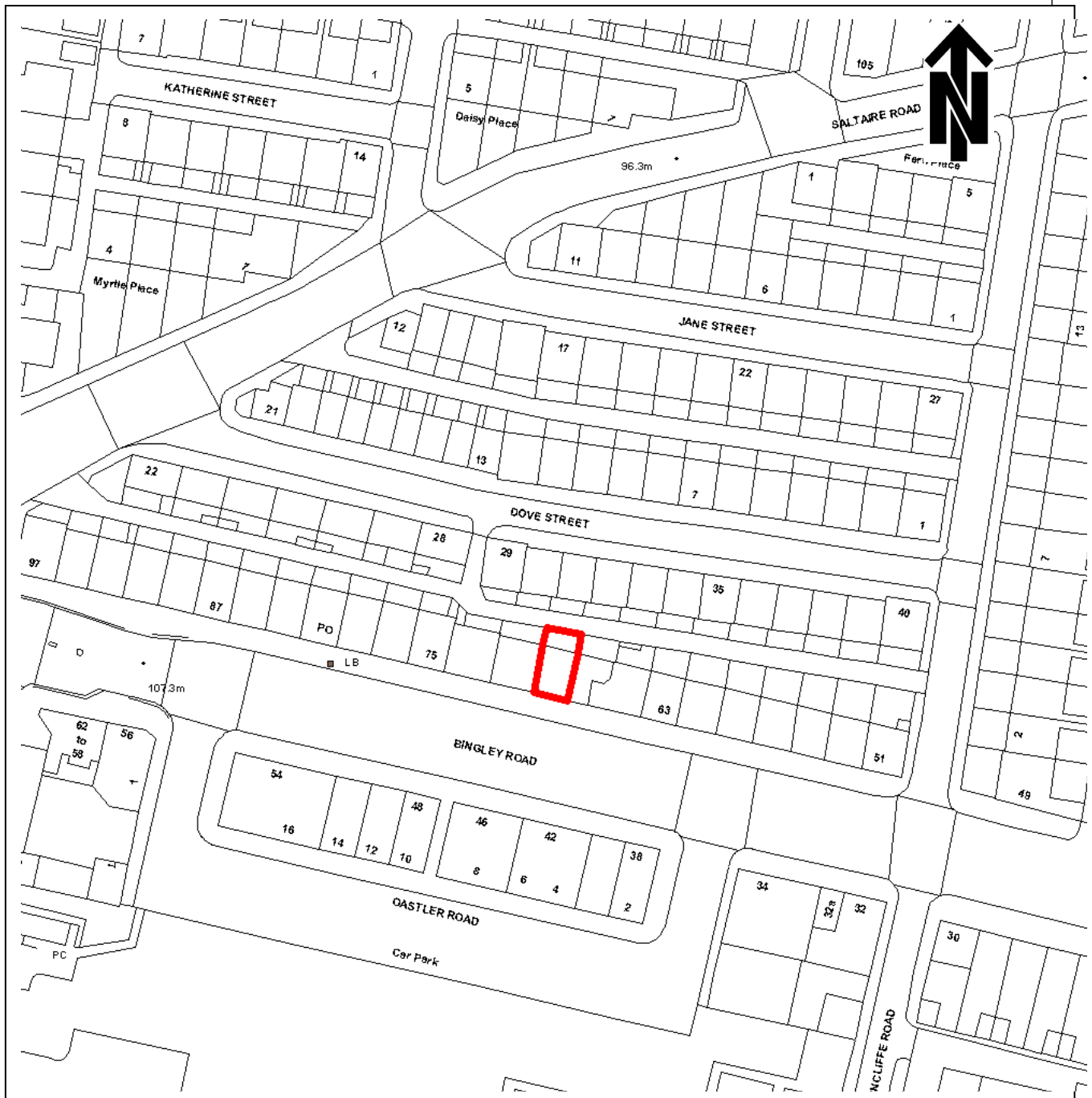
The unauthorised satellite dish, mounting bracket and fixings are considered to be detrimental to the character of the grade II listed building as one of special architectural or historic interest owing to its inappropriate design and is contrary to Policies BH4, S/BH14, D1 and UR3 of the Councils Replacement Unitary Development Plan.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 21 July 2015.

**Area Planning Panel (Keighley/Shipley)**

**11/01232/ENFLBC**

2 September 2015



ITEM NO. : 14	LOCATION: <b>69 Bingley Road Shipley</b>
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**2 September 2015**

**Item Number: 14**

**Ward: SHIPLEY**

**Recommendation:  
THAT THE REPORT BE NOTED**

**Enforcement Reference:**

11/01232/ENFLBC

**Site Location:**

69 Bingley Road, Saltaire, Shipley, BD18 4SB

**Breach of Planning Control:**

Installation of satellite dish and mounting bracket.

**Circumstances:**

It was brought to the attention of the Local Planning Authority that works had been carried out at the above Grade II property located in the Saltaire World Heritage site to install a satellite dish for which listed building consent had not been obtained. The occupier of the property was contacted and requested to take action to rectify the breach, however no response was received. A number of other properties contacted at the same time worked with the Council and removed their satellite dishes.

Following a review of satellite dish enforcement cases within the World Heritage Site of Saltaire a site visit was carried out which confirmed that the satellite dish remained at the property.

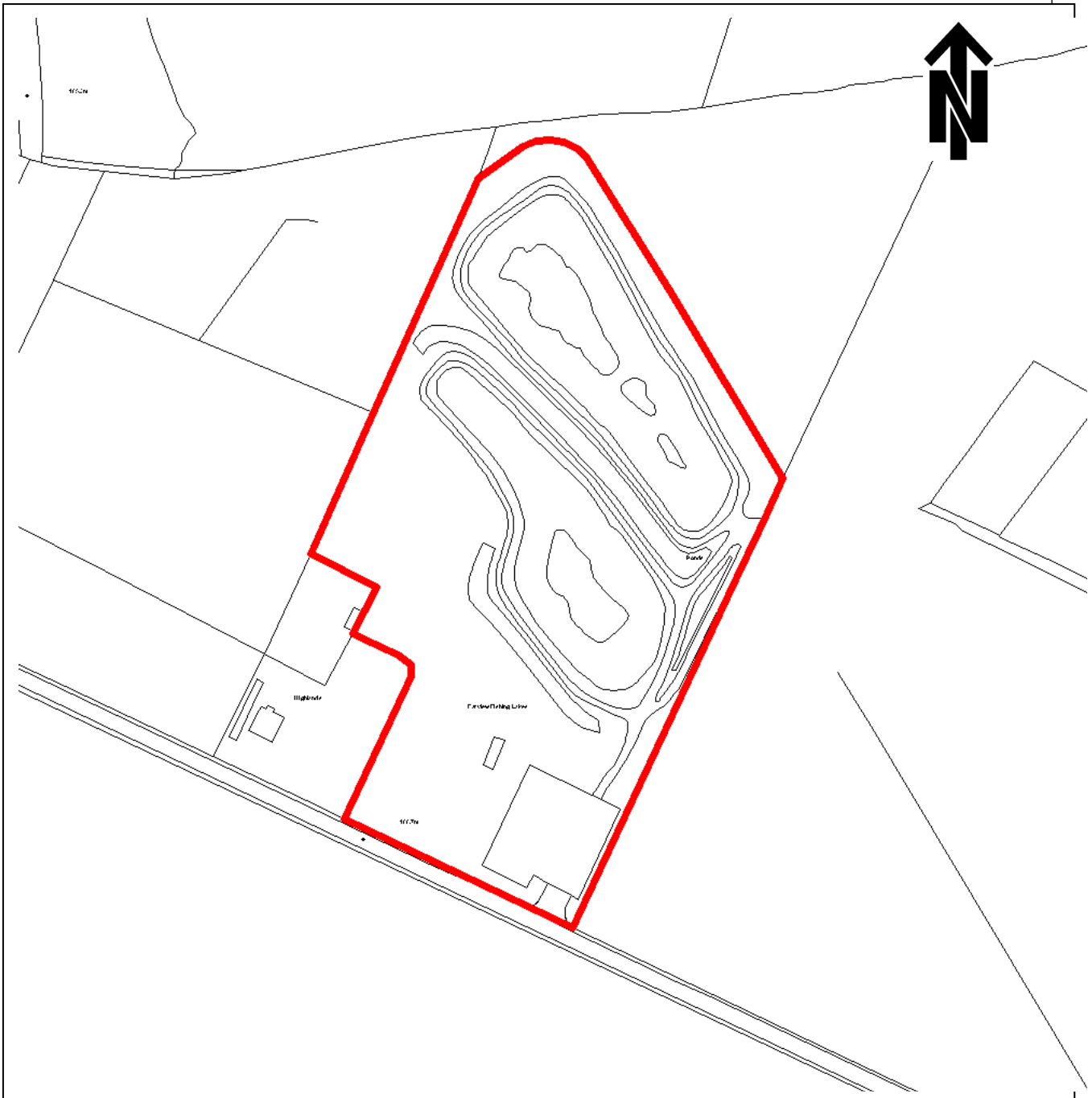
The unauthorised satellite dish, mounting bracket and fixings are considered to be detrimental to the character of the grade II listed building as one of special architectural or historic interest owing to its inappropriate design and is contrary to Policies BH4, S/BH14, D1 and UR3 of the Councils Replacement Unitary Development Plan.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 21 July 2015.

**Area Planning Panel (Keighley Shipley)**

**11/01299/ENFCOU**

2 September 2015



ITEM NO. : 15	LOCATION: <b>Fishing Ponds At The Highlands Lee Lane Wilsden</b>
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**2 September 2015**

**Item Number: 15**

**Ward: BINGLEY RURAL**

**Recommendation:  
THAT THE REPORT BE NOTED**

**Enforcement Reference:**

11/01299/ENFCOU

**Site Location:**

Far View Fishing Ponds, Lee Lane, Wilsden, Bingley.

**Breach of Planning Control:**

Unauthorised siting of caravan.

**Circumstances:**

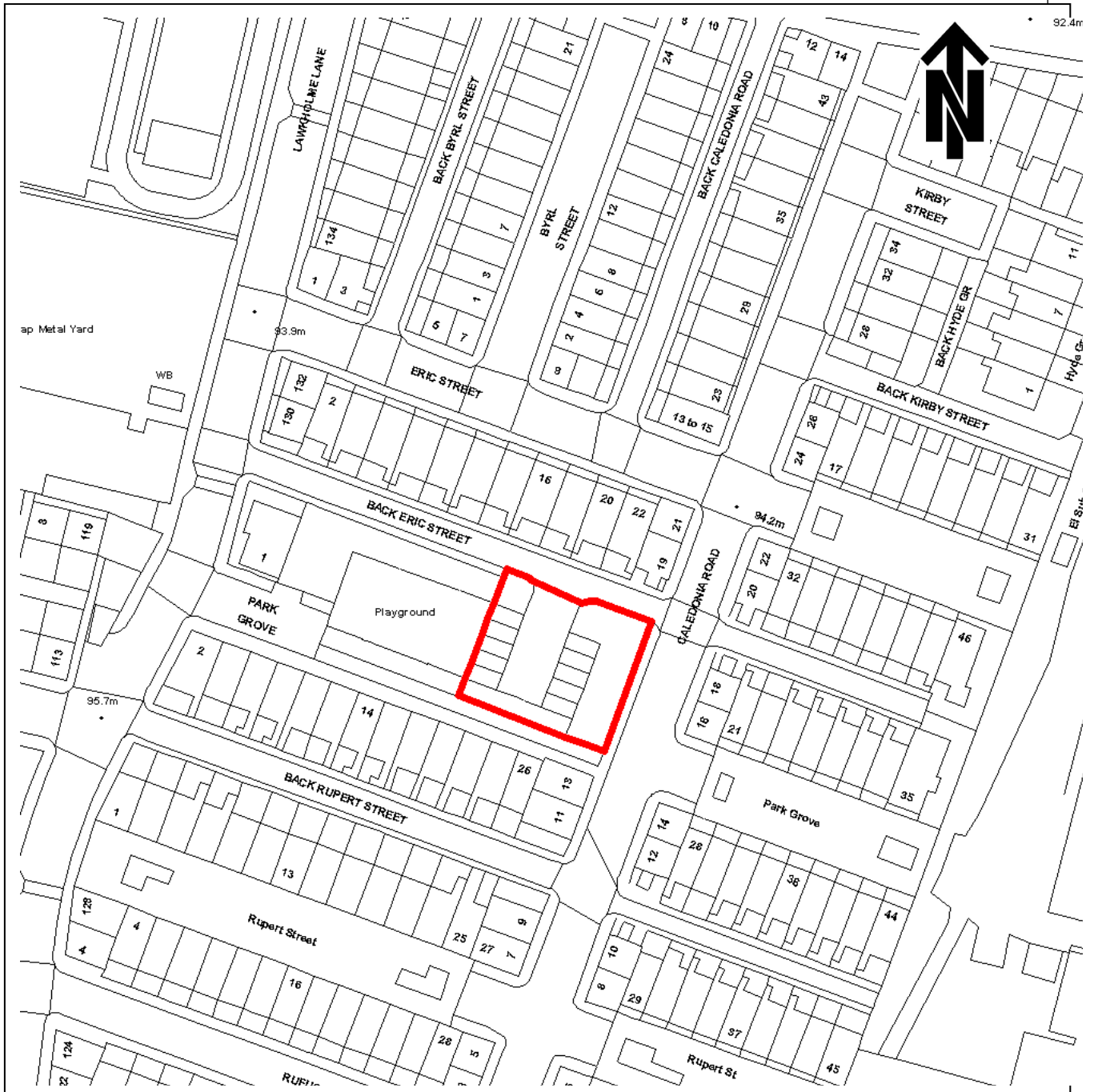
The enforcement case concerns a static residential caravan use on Green Belt land at the above Fishing Ponds site. The occupier of the land has failed to cease the unauthorised use and remove the caravan

The Planning Manager (Enforcement and Trees) on 22 July 2015 gave Authority for an enforcement notice to be issued requiring the use to cease.

**Area Planning Panel (Keighley/Shipley)**

**14/00038/ENFCOU**

2 September 2015



ITEM NO. : 16

LOCATION:

**Garage Site Back Eric Street  
Keighley**



**2 September 2015**

**Item Number: 16**

**Ward: KEIGHLEY CENTRAL**

**Recommendation:  
THAT THE REPORT BE NOTED**

**Enforcement Reference:**

14/00038/ENFCOU

**Site Location:**

Land to the South of Back Eric Street, Keighley.

**Breach of Planning Control:**

Car repairs and sales and fencing.

**Circumstances:**

The enforcement case concerns use of land with a number of pre-existing domestic type garages and open land which has been recently enclosed as one unit and is in use primarily for the storage of motor vehicles in various condition of disrepair.

Due to the detrimental impact of the use the Planning Manager (Enforcement and Trees) on the 10 July 2015 gave authority for an enforcement notice to be issued requiring the use to cease.

## **DECISIONS MADE BY THE SECRETARY OF STATE**

### **Appeals Allowed**

There are no Appeal Allowed Decisions to report this month

### **Appeal Dismissed**

<b><u>ITEM No.</u></b>	<b><u>WARD</u></b>	<b><u>LOCATION</u></b>
17	Ilkley (ward 14)	251 Leeds Road Ilkley LS29 8LL  Construction of one detached dwelling - Case No: 15/00048/OUT  Appeal Ref: 15/00058/APPOU2
18	Wharfedale (ward 26)	3 Forster Close Burley In Wharfedale Ilkley LS29 7HE  Construction of 3 bedroom dwelling on adjacent land - Case No: 15/00671/FUL  Appeal Ref: 15/00054/APPFL2
19	Ilkley (ward 14)	3 Long Hall Park Ilkley LS29 0AB  Retrospective application for gabion retaining wall - Case No: 15/00313/HOU  Appeal Ref: 15/00057/APPHOU
20	Shipley (ward 22)	3 St Pauls Road Shipley BD18 3EW  Conversion of dwelling to 4 self contained flats with rear parking area - Case No: 14/05011/FUL  Appeal Ref: 15/00040/APPFL2
21	Ilkley (ward 14)	Sunny Ridge 137 Curly Hill Ilkley LS29 0DS  New dwelling - Case No: 14/04064/FUL  Appeal Ref: 15/00042/APPFL2

### **Appeals Upheld**

There are no Appeal Upheld Decisions to report this month

## **Appeals Upheld (Enforcements Only)**

**There are no Appeal Upheld Decisions to report this month**

## **Appeals Withdrawn**

**There are no Appeal Withdrawn Decisions to report this month**

## **Appeal Allowed in Part/Part Dismissed**

**There are no Appeals Allowed in Part/Part Dismissed to report this month**

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