

Agenda for a meeting of the Area Planning Panel (Keighley & Shipley) to be held on Wednesday 23 March 2016 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.
- **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:

Meic Sullivan-Gould, Interim City Solicitor
 Agenda Contact: Adam Backovic
 Phone: 01274 431182 Fax: 01274 433505
 E-Mail: adam.backovic@bradford.gov.uk

To:



A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The Interim 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 Monday 21 March 2016.

(Adam Backovic – 01274 431182)

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 “O”**– relating to items recommended for approval or refusal:

The sites concerned are:

	<u>Officer Rec</u>
(1) 102 Kings Road, Ilkley.	(Approve) (Page 1) <u>Ilkley</u>
(2) 39 Parklands, Ilkley.	(Approve) (Page 5) <u>Ilkley</u>
(3) 6 Greenhill Drive, Micklethwaite, Bingley.	(Approve) (Page 14) <u>Bingley</u>
(4) Car Park, Dove Street, Keighley.	(Approve) (Page 22) <u>Keighley Central</u>
(5) Land at Sykes Mill, Denholme Road, Oxenhope, Keighley.	(Approve) (Page 37) <u>Worth Valley</u>
(6) The Malt Shovel Inn, Wilsden Road, Harden, Bingley.	(Approve) (Page 49) <u>Bingley Rural</u>
(7) Saddlers Farm, Upper Marsh Lane, Oxenhope, Keighley,	(Refuse) (Page 56) <u>Worth Valley</u>

(Mohammed Yousuf – 01274 434605)

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

- (8-12) Request for Enforcement/Prosecution Action (page 62)
(13-21) Decisions made by the Secretary of State – Allowed/Dismissed (page 72)
(22) Decisions made by the Secretary of State – Allowed in Part/Part Dismissed (page 74)

(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 23 March 2016

O

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.	102 Kings Road Ilkley LS29 9BZ - 16/00709/HOU [Approve] (page 1)	Ilkley
2.	39 Parklands Ilkley LS29 8QF - 15/07493/FUL [Approve] (page 5)	Ilkley
3.	6 Greenhill Drive Micklthwaite Bingley BD16 3HT - 15/04681/OUT [Approve] (page 14)	Bingley
4.	Car Park Dove Street Keighley - 15/07200/FUL [Approve] (page 22)	Keighley Central
5.	Land At Sykes Mill Denholme Road Oxenhope Keighley - 15/07332/FUL [Approve] (page 37)	Worth Valley
6.	The Malt Shovel Inn Wilsden Road Harden Bingley BD16 1BG - 15/06916/FUL [Approve] (page 49)	Bingley Rural
7.	Saddlers Farm Upper Marsh Lane Oxenhope Keighley BD22 9RH - 16/00073/FUL [Refuse] (page 56)	Worth Valley

Julian Jackson
Assistant Director (Planning, Transportation and
Highways)

Report Contact: Mohammed Yousuf
Phone: 01274 434605

Email: mohammed.yousuf@bradford.gov.uk

Portfolio:

Change Programme, Housing and
Planning

Improvement Committee Area:

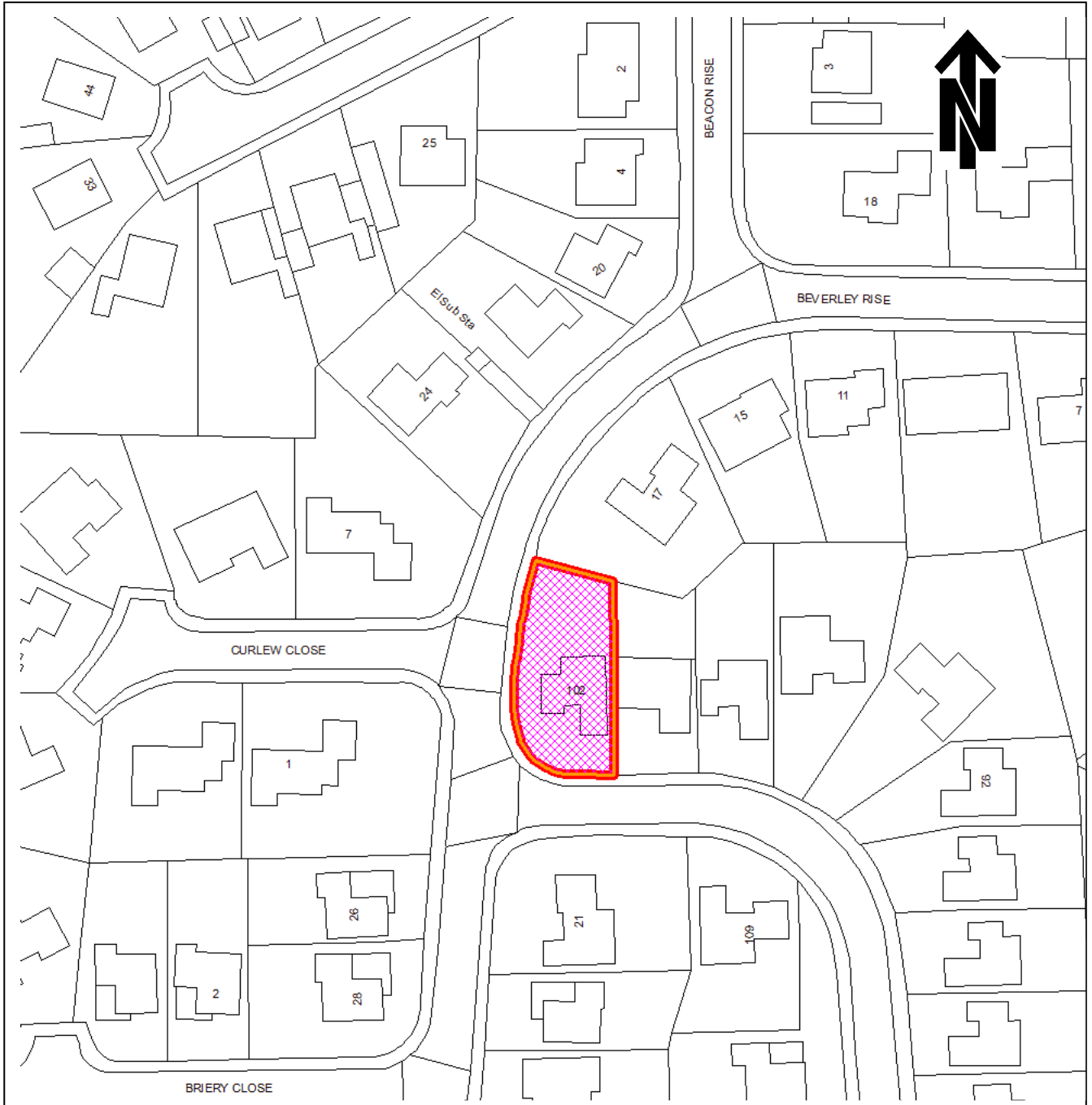
Regeneration and Economy



Area Planning Panel (Keighley/Shipley)

16/00709/HOU

23 March 2016



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<p>ITEM NO. : 1</p>	<p>LOCATION: 102 Kings Road Ilkley</p>
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23 March 2016

Item Number: 1
Ward: ILKLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
16/00709/HOU

Type of Application/Proposal and Address:
Householder application for porch to the front of house at 102 Kings Road, Ilkley, LS29 9BZ.

Applicant:
B M Smith

Agent:
Not applicable.

Site Description:
The proposal is to add a porch to the front of a modern two storey detached house on the west side of Ilkley. It stands on the corner of Kings Road and Beverley Rise with an open plan frontage and a drive access onto Kings Road. A tall conifer hedge forms the side boundary to Beverley Rise. It is part of a residential estate consisting of modern detached houses of similar age, design and appearance.

Relevant Site History:
No previous applications.

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.

Replacement Unitary Development Plan (RUDP):

Allocation

No previous applications.

Proposals and Policies

D1 Design considerations

UR3 Local Planning considerations

Parish Council:

Ilkley Parish Council recommends approval.

Publicity and Number of Representations:

Publicised by neighbour letters to 7 March 2016.

Summary of Representations Received:

No objections have been received.

One comment from Ilkley Civic Society: Has no objection to a householder adding a porch to a modern property.

Consultations:

Drainage Section: Has no comments to make.

Summary of Main Issues:

Design.

Impact on amenity of neighbours.

Appraisal:

The porch would project 2.0 metres from the front elevation. Its width would be 3.0 metres.

The eaves are shown at 2.3 metres high, and the ridge height 3.1 metres.

With a footprint of 6 square metres, the porch is larger than what is allowed as permitted development under Part 1 Class D of the General Permitted Development Order (the allowance being a porch of 3 square metres). Being on the principal elevation facing the highway it therefore requires the benefit of planning permission.

Nevertheless, the drawings show that it would be a very small, subordinate and unobtrusive addition to the house. Porches of similar scale, but different designs were observed on some properties nearby and various other properties on the estate have been modified by side extensions and modifications to their garages without detriment to the prevailing suburban character of the locality.

The proposed porch would be mostly glazed, but the sections of masonry supporting the glazed walls and roof would be in stone to match the front wall of the existing house.

Design guidance in the Council's Householder Supplementary Planning Document (SPD) advises against substantial extensions on principal elevations of houses, but is supportive of small, subordinate entrance porches. This porch would be of suitably subordinate scale and balanced with the features of the main house.

The house has a two storey gabled section projecting forwards, and the porch would be built on the section of the house set behind this gable. It is also screened in views from the west by the large boundary hedge. In this position, the porch would have no negative effects on either the character of the existing house or the character of the wider area.

Design Principle 3 of the Householder SPD guidance advises that extensions and outbuildings should not over dominate, seriously damage outlook or unacceptably reduce natural daylight reaching any neighbours' property. This porch would have no such effects on neighbours because of its modest height. In addition, it is separated from properties to the east by the projecting gable, and from those to the west by the width of Beverley Rise and the conifer hedge along the side boundary.

There is no loss of existing garaging and parking facilities serving the house.

Community Safety Implications:

None.

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:

A modest and subordinate addition to the front of this modern detached house, the design and scale balanced with the features of the original dwelling. No adverse effects will be caused to the amenity of any occupiers of neighbouring properties. It accords with Policies D1 and UR3 of the Replacement Unitary Development Plan and guidance in the Council's Householder SPD.

Conditions of Approval:

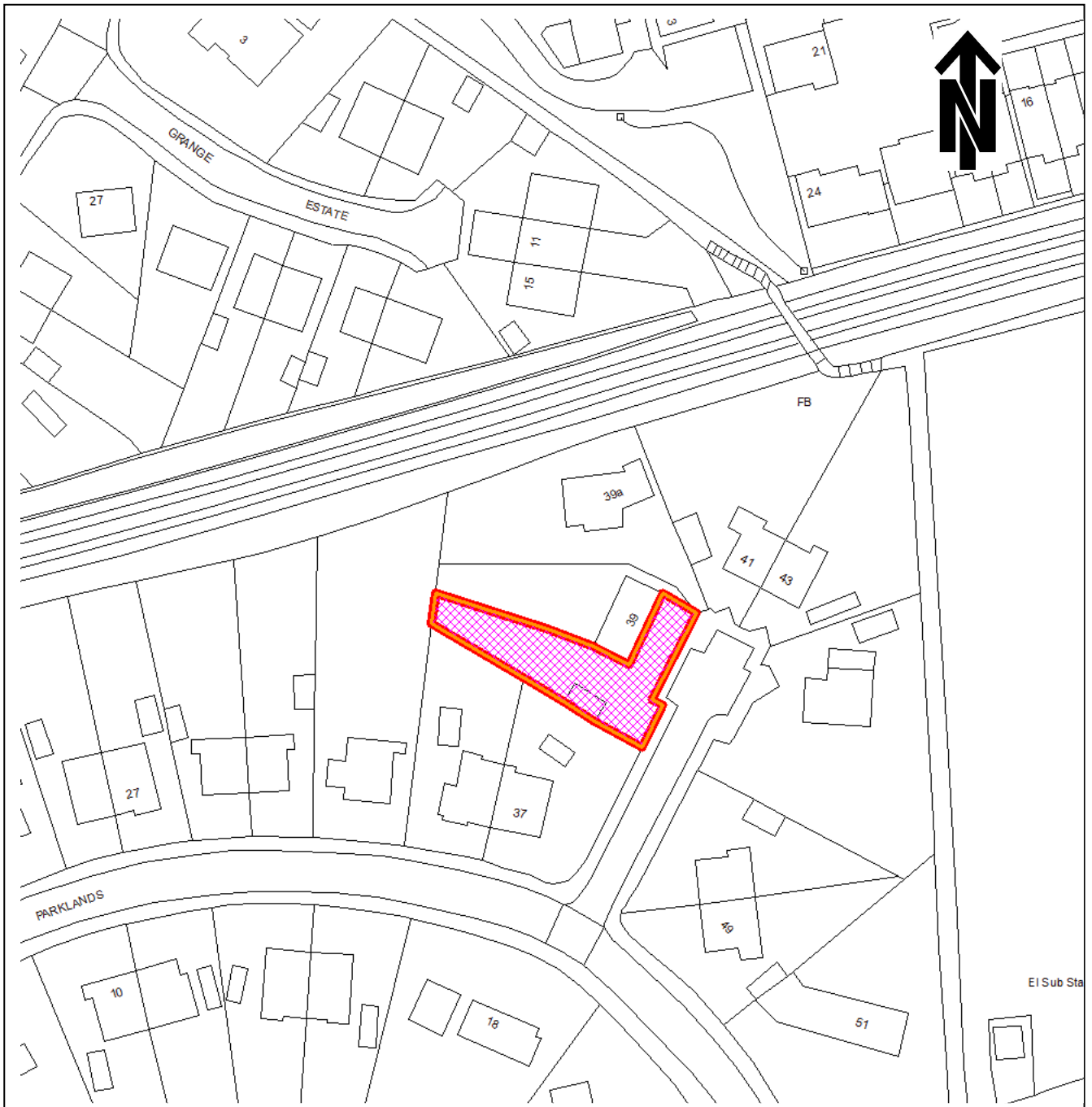
1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

Area Planning Panel (Keighley/Shipley)

15/07493/FUL

23 March 2016



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<p>ITEM NO. : 2</p>	<p>LOCATION: 39 Parklands Ilkley</p>
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23 March 2016

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

Application Number:
15/07493/FUL

Type of Application/Proposal and Address:
Full application for the construction of a detached dwelling at 39 Parklands, Ilkley, LS29 8QF.

Applicant:
Mr and Mrs Archer.

Agent:
Sense of Space.

Site Description:
No 39 Parklands is a detached dwelling built in red brick and rosemary roof tiles set in a residential area on the east side of Ilkley. It is located on a small cul de sac that is an off-shoot of Parklands. The surrounding area includes a variety of types and styles of houses generally set back from the highway. The only exception to this is No 39A Parklands, a detached dormer bungalow set behind and to the north of No 39. This appears to have been built as an infill bungalow on the garden of No 39 in the past. The new dwelling is proposed on the side garden between the gable wall of No 39 and the hedge forming the garden boundary with 37 Parklands. It is a long, narrow rectangular plot currently given over to grass and a detached garage with a drive access to the front.

Relevant Site History:
15/03989/FUL Detached dwelling. Refused 11.11.2015.
Reason for refusal: The height, mass, bulk and close proximity of the house to neighbouring dwellings, particularly No 39 Parklands, presents a cramped and incongruous form of development, at odds with the existing balance between buildings, gardens and landscaping in this locality.

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.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

Policies D1 General Design Considerations, UR3 The Local Impact of Development, TM12 Parking Standards for Residential Development and TM19A Traffic Management and Road Safety are of particular relevance.

Parish Council:

Ilkley Parish Council recommends refusal of this application on the basis that the proposal represents an overdevelopment of the site. The proposal is also considered to be out of character with surrounding buildings in terms of its appearance and space between dwellings.

Publicity and Number of Representations:

Advertised by way of individual NN letter and site notice.
Overall expiry date 9 February 2016.

Objections have been received from 3 households plus Ilkley Civic Society. A Ward Councillor has also objected to the application and made a request that it be considered by Members of the Area Planning Panel if recommended for approval.

Summary of Representations Received:

Neighbours

- This proposal does not substantially overcome the reasons for refusal of the previous application.
- Despite its reduced height, the proposed property is being built on a very cramped plot, originally intended to be the garage and driveway of 39 Parklands. The bulk and mass of the proposed property is still at odds with the surrounding buildings, gardens and landscaping.
- The design of the proposed house is completely out of character in terms of its appearance, compared with the existing houses in Parklands and will not integrate into the streetscene with particular reference to the choice of contemporary materials and space about the dwelling.
- Overdevelopment. The site of No 39 has previously been developed with the building of the house at No 39A. This will mean that 3No houses will occupy a plot that was only envisaged for one.
- This is an un-neighbourly development on land that should be used as a garden, not a development plot.
- 'Garden-grabbing' is now to be discouraged.

- The property will have an overbearing impact on neighbouring gardens.
- The submission gives a misleading impression of the impact of the new dwelling on existing neighbours with some existing features within the gardens of neighbouring properties not correctly shown.
- The fact that the garden is underutilised does not mean that it is appropriate for it to be built upon.
- The proposed dormer will overlook the rear garden of No 35 Parklands and result in a loss of privacy.
- There are inaccuracies on the submitted form in respect of the question relating to trees and hedges.
- There is potential for damage to boundaries and landscaping features during construction.
- Trees were removed prior to submission of application.
- The development could set an undesirable precedent for similar developments in the locality.
- Practicality of the parking arrangements are questioned.

Ilkley Civic Society

Recognise that the mass of the proposed new house has been reduced compared with the earlier scheme although the Civic Society is still of the view that, however good the architecture, this plot is not big enough for a new detached house without it being 'squeezed' in. It is still overdevelopment.

Ward Councillor

Objects to the scheme on grounds of siting, design and parking provision. Comments against the previous application still apply. This site is inappropriate for a new dwelling. The proposal would increase the density of development over and above that of the existing homes. This section of Parklands is a very tight cul de sac where parking is at premium and allowing another house on land around No 39 is too much.

Consultations:

Highways Development Control – No objections subject to standard conditions.

Drainage Section – In order to keep the impermeability of the land to a minimum the applicant should investigate the use of porous materials in the construction of the car parking & hard standing areas.

Summary of Main Issues:

Site History

Principle of Development

Visual Amenity

Residential Amenity

Highway Issues

Representations

Appraisal:

The proposal seeks approval for the construction of a 2- bedroomed, two storey dwelling in the side garden of 39 Parklands, where there was a garage. The existing vehicular access will serve the new house and a newly formed parking area is shown in the front garden of the existing house to serve the occupiers of that larger property.

The scheme is a resubmission of a previously refused scheme 15/03989/FUL. This was refused on the grounds that what was proposed by that application was considered to be of a height, mass and bulk that would have been detrimental to visual amenity. Policies UR3 and D1 of the RUDP seek to ensure that development does not have an adverse effect on the surrounding environment and that proposals will be well related the character of the locality.

The agents have attempted to address the reason for refusal by amendments to lower the profile of the roof and thereby reducing the height and bulk of the house, so reducing its impact. An en-suite bathroom to the first floor is no longer shown as a consequence of the change in height. The first floor accommodation is largely contained within the roof space and the building would incorporate a dormer style window to the rear elevation facing the garden.

As before, the dwelling is proposed in a contemporary style and appearance but it incorporates roof tiles and some areas of facing brickwork that are intended to match the parent building and provide consistency to the appearance of this section of the street. Less traditional finishes to the walls - timber and metal cladding – are also proposed by the architects to add variety and visual interest to the appearance.

Principle of Development

Whilst the NPPF does not include private residential gardens in the definition of previously developed land, it does not present any embargo on “garden grabbing” and would not necessarily preclude the redevelopment of such sites - provided they do not harm the character of the established residential area. This is in recognition of the fact that such sites can often provide a suitable location for small scale infill within the limits of the built up settlement and with good access to existing local facilities.

It is, however, important that the new development does not harm local character or the privacy, outlook and general amenity of adjoining occupiers.

Impact on local character

The front wall of the proposed house is to be sited in alignment with the existing brick house.

The gap between the side wall of the No 39 Parklands and the boundary with the neighbouring house at No 37 is 10 metres wide (measured towards the front of the position of the house). The proposed dwelling would be 6.5 metres wide and would be set around 2.2 metres off the side wall to No 39 and 1.2 metres from the garden boundary with No 37, the house to the south.

The proposal therefore retains some space to its boundaries and to the adjoining dwellings. The ridge height of the newly proposed building would be set around 1.5m lower than that of the parent property.

The reductions in height and mass have brought down its scale so that it would have a lower ridge height than the existing house. This would mean that it would be set against the gable of No 39 and would no longer dominate it in views along the cul de sac. The reduced bulk and height would also help to maintain a sense of openness around both houses. This is demonstrated by the submitted elevation drawings.

In addition, unlike the remainder of Parklands, the design, layout and appearance of the 7 existing houses around this short section of cul-de-sac is not uniform and there is quite a variety of housing types and styles round this section of street.

Policies UR3 and D1 of the RUDP seek to ensure that development will not have an adverse effect on the surrounding environment and that proposals will be well related the character of the locality. In this instance the locality contains a mix and variety of housing. Having reviewed the proposal and additional information and drawings from the agents, officers consider that requirements of these policies are met. The gap is sufficiently wide to accommodate a modestly sized infill dwelling, and the reduced bulk of the house now proposed is such that it would not appear unduly dominant or cramped in the street scene and would fit unobtrusively onto the plot. It would now appear sufficiently subordinate to the parent dwelling. The scale and form satisfy the requirements of Policies D1 and UR3 in terms of maintaining the character and visual amenity of the area.

Design and materials

As before, the new dwelling is proposed in a contemporary design. It would incorporate areas of metal and timber wall cladding but roof tiles and facing brickwork to match materials of the parent dwelling at No 39 are also proposed as key elements of the design. The roof is likely to be the most visible component of the house and this is proposed in a conventional grey coloured roof tile to match the existing property.

The contemporary appearance need not be inappropriate given that the street scene is not uniform in nature - a neighbouring property at No 45 has a timber clad extension to the side which complements and contrasts with the traditional form of the original dwelling. The submitted drawings show that some of the existing hedging to the property boundary around the development site will also be retained which will help to assimilate the new structure into the wider street.

Subject to reserving agreement of final materials, the design and appearance accord with Policies D1 and UR3 in terms of maintaining the character and visual amenity of the area.

Impact on the amenity of occupiers of adjoining properties

The dwelling would not have a material impact on the amenities of neighbouring residents. It would be placed close to 2 ground floor windows in the side elevation of No 39, but these are secondary windows and, given that alternative light sources are available to the front and rear, no appreciable loss of light to the applicant's property should occur. The rear section of the dwelling has been designed with a splayed section of walling so as to ensure that windows in the back elevation of No 39 should not be overshadowed by the new property. Adequate amenity space for the existing property at No 39 should remain as a consequence of the development.

The dwelling would not have an adverse impact on other near neighbours. It would be visible from neighbouring properties at Nos 37 and 35 Parklands, to the south of the application site, but sufficiently far away to not materially affect the amenity of occupiers of these houses. The side wall of the proposed house facing these properties is shown to be blank so no overlooking issues are anticipated, and the relatively low height and presence of the garden hedge would reduce any perceived dominance.

All front facing windows in the new dwelling would not directly overlook any habitable room windows of the dwellings across the street, and there are no properties directly to the rear of the site which would be directly affected by the house which would look onto a garden that would be about 18 metres long.

The proposal is considered to accord with RUDP Policy UR3 in respect of causing no demonstrable detriment to the amenity of any occupiers of neighbouring properties.

Highway Issues

Although a number of objections, including the Ward Councillor's, refer to the restricted width of the cul de sac and the practicality of parking arrangements, the Council's Highway Officer has raised no objections to this additional single dwelling.

One dwelling is unlikely to significantly add to the number of vehicle trips on the cul de sac or the nearby streets. Although parking on the highway does occur, all the dwellings around the site are well provided in terms of garaging and parking on drives that area clear of the highway. The proposed dwelling would have two car spaces inside the site and provision is being made for replacement car parking to be retained by the existing house.

The Highway Officer has suggested standard conditions to ensure provision of a dropped crossing for the new drive access, and for the car parking for existing and proposed houses to be laid out, but is satisfied that the proposal will not lead to conditions prejudicial to highway safety. Parking arrangements, for both the existing and proposed units, are considered acceptable in highway terms so refusal on grounds of intensification of traffic or harm to road safety impact could not be substantiated.

The layout of the parking areas has been revised to include permeable paving, in the interests of flood risk mitigation as requested by the Council's Drainage Engineer.

Representations

The comments raised by adjacent neighbours, Ilkley Civic Society, Parish Council and Ward Councillor have been noted. On balance, officers consider that the reduced scale of the new proposal sufficiently overcomes the previous reason for refusal. It is acknowledged that the new property would be modern in appearance but this in itself is not inappropriate.

Whilst part of the original garden of No 39 has been previously redeveloped, this would not preclude the potential redevelopment of the remaining site subject to the proposal being able to satisfy the relevant planning policies. In this instance the scheme is not considered to represent an overdevelopment of the site.

Whilst private gardens are no longer considered to represent previously developed land, they are not necessarily protected from development. However, any grant of planning permission here would not set a precedent for future developments along Parklands as each proposal is considered on its own merits.

Community Safety Implications:

None anticipated.

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 and appearance of the neighbouring streetscene without having a detrimental impact on the amenities of neighbouring properties. The proposal sufficiently addresses the reason for refusal on the earlier scheme 15/03989/FUL. As such this proposal is considered to be in accordance with Policies UR3, D1, TM2 and TM19A of the Council's adopted Replacement Unitary Development Plan (2005).

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

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

3. Prior to the dwelling being first occupied, the proposed parking spaces for the existing and proposed dwellings shall be laid out within the curtilage of the site in accordance with the approved drawing 00 03 rev E showing the use of permeable block paving. 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 flood risk mitigation and to accord with Policies TM12 and NR16 of the Replacement Unitary Development Plan.

4. Before the development hereby permitted is brought into use, a dropped footway crossing in the highway shall be constructed to the Council's approved specification.

Reason: To ensure the provision of an appropriate standard of pedestrian access to serve the development and to accord Policy TM19A of the Replacement Unitary Development Plan.

5. 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 of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To accord with Policy UR3 of the Replacement Unitary Development Plan.

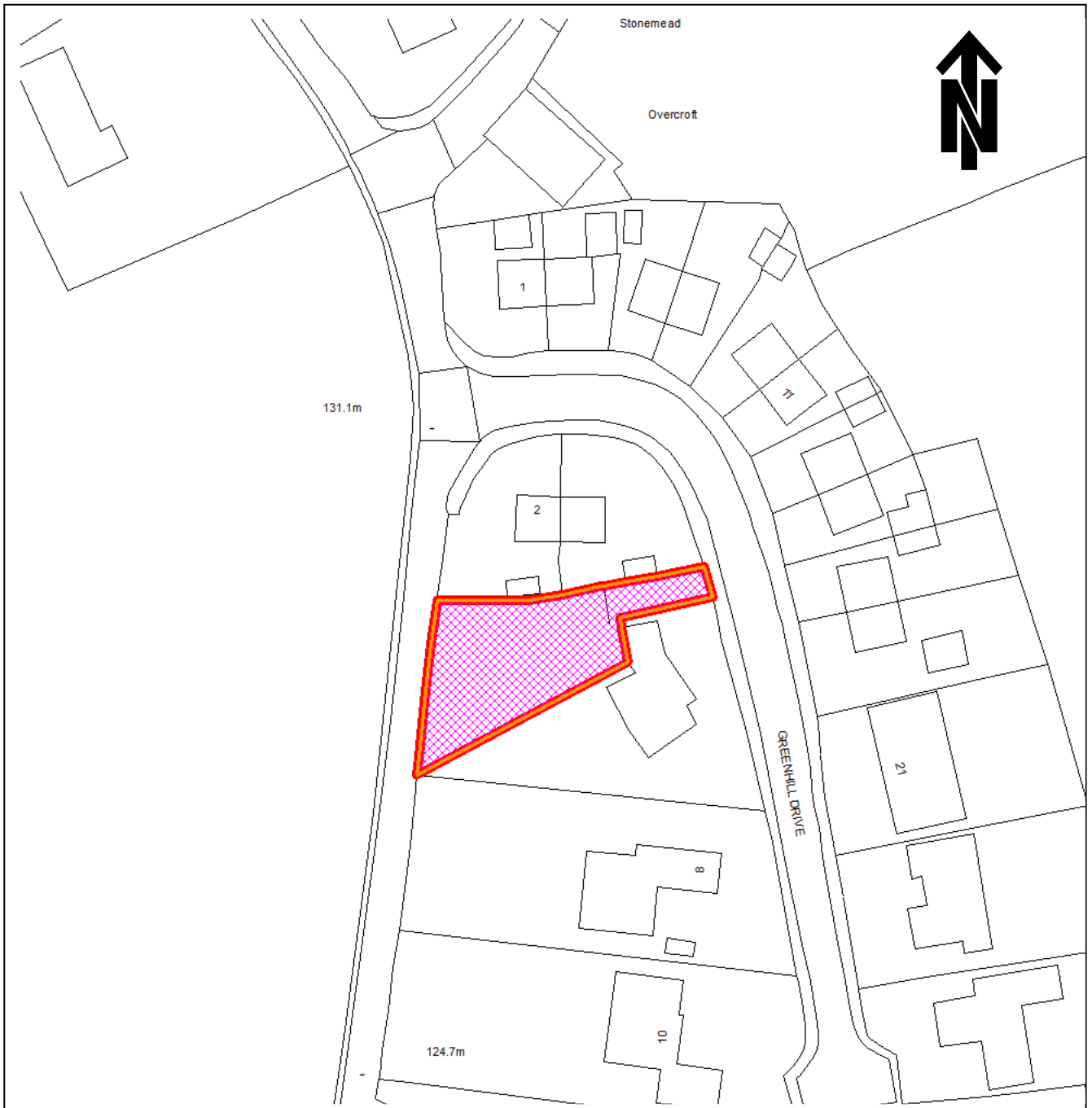
6. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in either side elevation of the proposed dwelling without 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)

15/04681/OUT

23 March 2016



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ITEM NO. : 3	LOCATION: 6 Greenhill Drive Micklethwaite Bingley
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23 March 2016

Item Number: 3
Ward: BINGLEY
Recommendation:
TO GRANT OUTLINE PLANNING PERMISSION

Application Number:
15/04681/OUT

Type of Application/Proposal and Address:
Outline application for single detached dwelling and carport. Land at 6 Greenhill Drive, Micklethwaite, Bingley, BD16 3HT.

Applicant:
Mrs Foley.

Agent:
Mr J Wharton.

Site Description:
The house at 6 Greenhill Drive is one of a grouping of dwellings that are within the approved Green Belt, but is within the settlement of Micklethwaite which is identified by the Replacement Unitary Development Plan as an 'infill settlement' where small scale development in a small gap within the built up area will normally be accepted.

The site on which it is proposed to build a single dwelling comprises the garden extending behind the dwelling with a frontage to Micklethwaite Lane.

Relevant Site History:
None relevant.

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.

Replacement Unitary Development Plan (RUDP):

Allocation

Green Belt.

Proposals and Policies

UDP3 – Environmental impact of development.

UR3 – Local impact of development.

D1 – Design issues.

GB1 – Green Belt.

GB3 – Infill settlements in the Green belt.

TM2 – Highways.

TM12 – Residential highways standards.

TM19A – Highway safety.

Parish Council:

Not applicable.

Publicity and Number of Representations:

Advertised by Neighbour letters and Site Notice. 25 letters of objection have been received.

Summary of Representations Received:

1. The development would be out of character with the existing layout.
2. The driveway is unsuitable for HGVs.
3. The new building would be out of the existing building line.
4. The proposal is unjustified and is a valuation exercise.
5. There would be loss of views and light for neighbours due to the height.
5. The narrow roads cannot take more traffic.
6. Trees have already been felled from the site.
7. Development would lead to local flooding.
8. A previous owner stipulated only bungalows are allowed to be built here not two storey houses.
9. Developer must pay for damage to road.
10. Local services are already oversubscribed.

Consultations:

Highways Development Control Officer – No objections subject to standard conditions to require the formation of off-street parking, extended dropped crossing and any driveway gates should not open over the highway.

Drainage Section – The site must be drained using separate systems.

Summary of Main Issues:

Principle- Green Belt.

Impact on Local Amenity.

Highway safety.

Appraisal:

The application here seeks outline permission for a single detached dwelling and carport on land that comprises part of a group of properties on the east side of Micklethwaite Lane.

The application seeks consideration of the means of access, the layout (ie the siting of the house on the land) and the scale of the dwelling. Detailed matters including its appearance, materials and the orientation of windows etc. would be reserved for subsequent consideration as the reserved matters.

The submitted drawings showing the scale of the drawing and indicate that it would be a conventional two storey pitched roof dwelling. The means of access is taken from Greenhill Drive not Micklethwaite Lane – running parallel to the access to No 6.

Principle – Green Belt Infill

Micklethwaite is a settlement that is washed over by the approved Green Belt but in Policy OS3 it is identified as an infill settlement wherein small scale infill development may be acceptable provided it is within a gap in a group of buildings and that it does not adversely affect the character of the settlement or its surroundings. The Policy says:

WITHIN THE SETTLEMENTS LISTEDAND WASHED OVER BY THE GREEN BELT PLANNING PERMISSION WILL ONLY BE GRANTED FOR INFILLING PROVIDED THAT:

- (1) IT FALLS WITHIN THE INFILL BOUNDARY OF THE SETTLEMENT, AS DEFINED ON THE PROPOSAL MAP
- (2) IT FILLS A SMALL GAP IN A SMALL GROUP OF BUILDINGS;
- (3) IT IS RELATED TO THE SCALE OF THE SETTLEMENT AND DOES NOT ADVERSELY AFFECT THE CHARACTER OF THE SETTLEMENT OR ITS SURROUNDINGS.

IT WOULD NOT RESULT IN THE LOSS OF OPEN SPACE WHICH IS IMPORTANT TO THE CHARACTER, VISUAL AMENITY AND LOCAL IDENTITY OF THE SETTLEMENT PROPOSALS FOR THE EXTENSION OF THE LISTED SETTLEMENTS WILL NOT BE PERMITTED.

The proposed development site falls entirely within the infill settlement boundary of Micklethwaite. The proposed dwelling would occupy the garden of a dwelling that is set well back from the east side Micklethwaite Lane. In this position the dwelling would be correspondingly more prominent than the host property in the local street scene, which is here largely characterised by an attractive openness with open fields extending around the group of dwellings that form a loose and informal 'crescent' towards Micklethwaite Lane.

The available space in the garden is such that there is no opportunity to move the dwelling significantly further back, such that it does not appear prominent in views along Micklethwaite Lane but it is acknowledged that the crescent of dwellings is such that the properties at its northern and southern end are equally close to Micklethwaite Lane.

Having regard to the infill settlement status of Micklethwaite the proposed development is acceptable in terms of principle within the Green Belt and Policies GB1, GB2 and GB3 of the Replacement Unitary Development Plan are therefore satisfied.

Impact on Local Amenity

The introduction of a new dwelling alongside Micklethwaite Lane would result in the building being rather noticeable along the highway. However the building would comprise part of a residential enclave, set against existing properties, and it is considered that the development would not give rise to such harm to wider visual amenity that resistance would be justified.

The most apparent direct impact of the development would likely be upon the neighbouring properties beyond the northern site boundary.

The proposed dwelling would be two storeys, and it would be sited some three metres from the boundary hedge of the dwelling to the north. Beyond this hedge is a driveway and garage serving that neighbouring property.

Whilst the application is in outline, the applicants have amended the indicative design of the dwelling so that the roof profile slopes away from the neighbouring property to the north rather than being a full height gable. This reduces potential overshadowing and dominance that may arise for the neighbouring property and having regard to the presence of a single garage between the development and the neighbouring dwelling to the north it is considered that the effects of the development would be tempered to an acceptable degree.

Detailed design would be a reserved matter for consideration as part of the application for reserved matters, but the drawings submitted suggest a proposed development that would not introduce windows that would overlook neighbouring properties and, again, privacy is considered to be adequately preserved. The hedgerow between the application site and the neighbouring property would assist in assuring privacy between garden spaces and it is in any event that case that the application site is already garden space and no change would therefore arise in this respect.

Overall then, the proposals are considered to be capable of maintaining satisfactory standards of amenity for existing and future occupiers of neighbouring properties in light of Policy UR3 of the Replacement Unitary Development Plan.

Visual Amenity.

The village of Micklethwaite has developed in generally a linear form along Micklethwaite Lane, with the earlier elements at the northern end of the village and more recent developments extending southwards. Greenhill Drive is the southernmost grouping of dwellings and is to the east side of Micklethwaite Lane.

As noted, the proposed new dwelling would be noticeable in the local street scene, but it would still appear as part of the residential area. The dwelling would take its access from Greenhill Drive and the existing boundary and planting to the frontage with Micklethwaite Lane is shown retained. It is not considered that the presence of the dwelling would result in significant harm to the attractive appearance of the wider area. The dwellings around Greenhill Drive are not of uniform design, material or massing and it is apparent that the group has developed organically over time, such that there is no uniformity of layout.

In this context the proposed development would not appear out of place nor would it be strident in its siting and Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan are considered to be satisfied.

Highway safety

The proposed development would be served by a vehicular access taken from Greenhill Drive rather than directly from Micklethwaite Lane and the Council's Highway Officer considers the proposals to be acceptable in highway safety terms.

Accordingly there are no objections to the proposal from a highway perspective and the engineer recommends standard conditions that require the access and off-street parking to be completed prior to the new dwelling being occupied.

Subject to these measures the proposed development satisfies Policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

Community Safety Implications:

There are no 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.

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended)

3. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

4. Before any development is begun plans showing the:

- i) appearance
- ii) landscaping

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

5. The development hereby approved shall only be carried out in accordance with the amended plan received by the Local Planning Authority on 2 February 2016 showing the building re orientated.

Reason: For the avoidance of doubt as to the terms under which this outline planning permission has been granted since amended plans have been received and to safeguard the amenity of occupiers of adjoining properties to accord with Policy UR3 of the Replacement Unitary Development Plan.

6. 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.

7. Before the development hereby permitted is brought into use, a dropped footway crossing in the highway shall be constructed to the Council's approved specification.

Reason: To ensure the provision of an appropriate standard of pedestrian access to serve the development and to accord Policy TM19A of the Replacement Unitary Development Plan.

8. 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.

9. 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 of Part(s) 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To accord with Policy UR3 and D1 of the Replacement Unitary Development Plan.

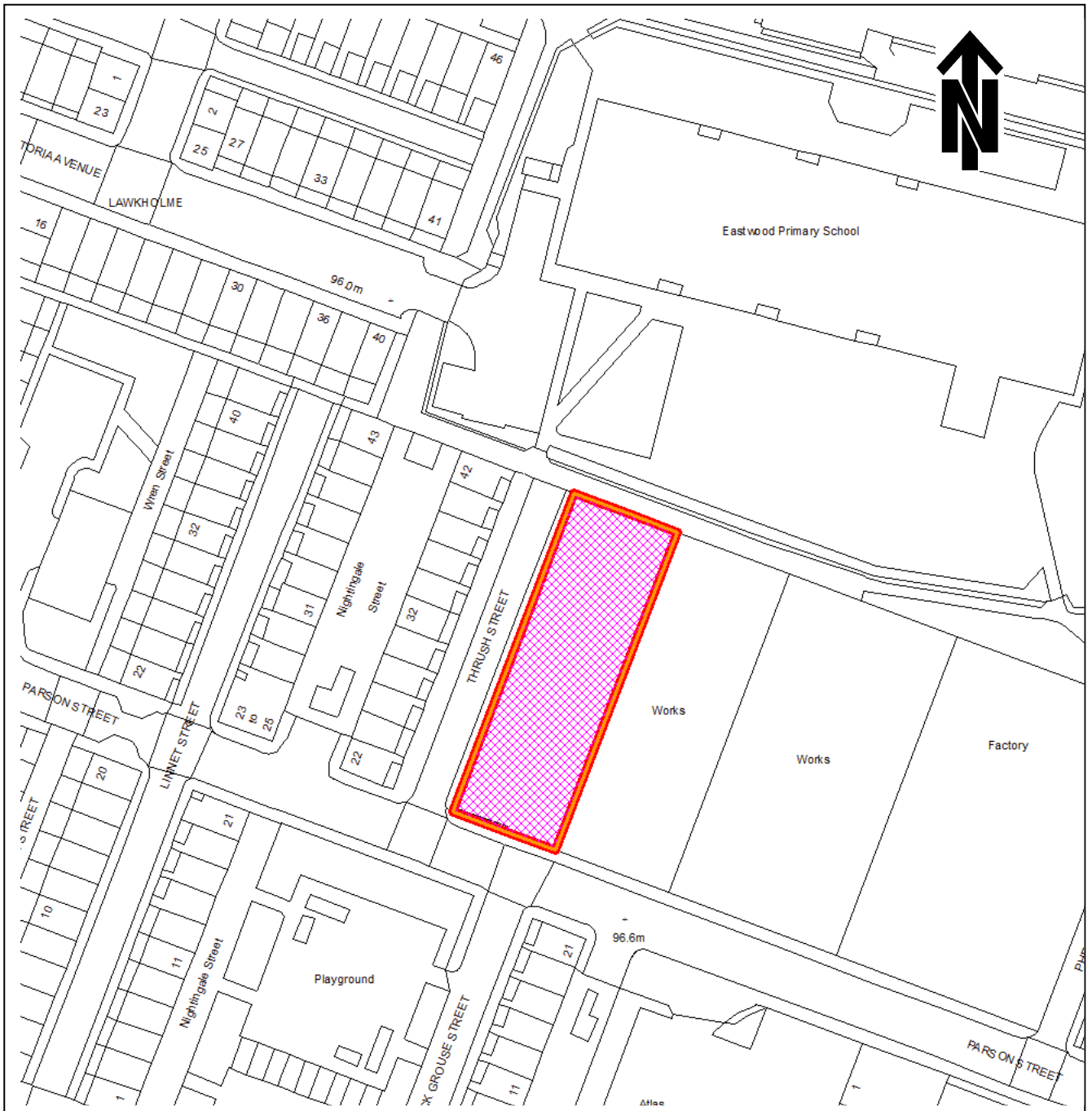
10. The development shall be drained using separate foul sewer and surface drainage systems.

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.

Area Planning Panel (Keighley/Shipley)

15/07200/FUL

23 March 2016



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<p>ITEM NO. : 4</p>	<p>LOCATION: Car Park Dove Street Keighley</p>
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23 March 2016

Item Number: 4
Ward: KEIGHLEY CENTRAL
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
15/07200/FUL

Type of Application/Proposal and Address:

Full planning application (retrospective) for change of use from car park to use as car park and storage yard at Dove Street/Parson Street, Keighley West Yorkshire.

Applicant:

Mr Lee Riley

Agent:

Mr Mike Harris

Site Description:

The site measures 47.5 metres x 15.6 metres and it is suggested it was a former housing clearance site situated in a mixed industrial/residential area to the north of Keighley town centre. (It is believed that Dove Street is an extinguished highway that served the demolished houses). The land is reasonably level and is enclosed by a 2.3m high galvanised palisade fence along the Parson Street and Thrush Street frontages. The back elevations of terrace houses at 22-42 Nightingale Street face across Thrush Street towards the land. It has vehicular access directly across the footway onto Parson Street. The east boundary is formed by the wall of an industrial workshop building that is not in the control of the applicant company. The north boundary is with the grounds of Eastwood Primary School. The lawful use of the site, authorised by permissions in the 1980s, is as a car park, but the land is being used for storage of stone and other building materials by a business housed in premises at Eastwood Works which are further along Parsons Street.

The application is retrospective following complaints and an enforcement investigation.

Relevant Site History:

81/06415/COU - Change of Use to Car Park Thrush Street/Dove Street Keighley. Granted 14.10.1981.

84/01682/FUL - Formation of Car Park and Landscaping Strip Dove Street/Thrush Street/Street Keighley. Granted 24.09.1984.

15/02696/FUL - Retrospective application for change of use from car park to car park and storage yard Car Park at Dove Street Keighley West Yorkshire. Refused 18.08.2015 on the grounds of noise and amenity impact and highway 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.

Replacement Unitary Development Plan (RUDP):

Allocation

Community Priority Areas K/CF6.1

Proposals and Policies

CF6 Development of Unallocated Land in Community Priority Areas

D1 General Design Considerations

D3 Access for People with Disabilities

D4 Community Safety

UR3 The Local Impact of Development

P7 Noise

TM11 Parking Standards for Non-Residential Developments

TM19A Traffic Management and Road Safety

Parish Council:

Keighley Parish Town Council - Recommended for refusal due to health and safety and environmental issues.

Publicity and Number of Representations:

The application was advertised by individual neighbour notification and the display of a site notice. Publicity expired on 16.01.2016.

65 representations objecting to the proposal have been received. 38 of the objections are from the local area surrounding the site; 8 objectors are from other areas of Keighley including 2 with family/friends near the site; 10 objectors are from Bradford including 5 with family/friends near the site; 7 objections are from further afield including 3 with family/friends near the site.

Eastwood Primary School was notified of the application but no comments have been received from them.

Summary of Representations Received:

65 representations of objection on the following summarised grounds:

1. Generation of dust pollution in surrounding area, including dwellings, community playground, school playground, roads. The dust turns to mud when it's wet. Dirty stones, dust and all sorts of litter fall off trucks and fork lifts on a daily basis.
2. Dust pollution has caused or contributed to health problems in the area such as asthma, and may cause dermatitis, cancer, pneumonia, eczema.
3. Dust pollution is leading to poor air quality for the residents of the area and their pets.
4. Noise pollution (including the loud noise of machinery) has a detrimental impact on residential amenity. Noise pollution is causing headaches and affecting children studying. Representations point to antisocial use of the yard early in the morning, up to 7 or 8pm in the evening and at weekends having a detrimental impact on sleep for them and their families, which has an adverse impact on their ability to work.
5. Smoke, debris, fume, vibration pollution. The constant smells (burning) coming from this yard are starting to make them feel nauseous.
6. Negative impact on children as it is dangerous to play and socialise in the street due to the storage use.
7. The use is having a negative impact on the mental health of some residents in terms of stress, anxiety.
8. Adverse impact on school children of Eastwood primary school because of problems crossing Parson Street.
9. Loss of on street parking for use by residents and visitors as it is being used by displaced employees. This should stay a car park because then the local people can park their cars and their friends can find parking.
10. Damage to residents cars from traffic obstructions and cars parked on the street are constantly getting blocked in. Lorries parking on the pavement cause blockages and danger for pedestrians.
11. The development/lorries obstruct views when crossing the road with children/ turning out of side streets onto Parson Street making the roads and street dangerous for both pedestrians and other road users.
12. Forklift trucks form a danger to other users of Parson Street and with their trucks cause traffic jams to the frustration of other road users.
13. Loss of house value.
14. Dirt from dust that is ruining washing, clothes and houses and resulting in a lot more cleaning than normal. There is a financial implication for residents of the stone storage company being here.
15. The applicant should have applied for permission before they started using the site for storage.
16. Inappropriate industrial use in a residential area.
17. The storage use is visually an eyesore and the dust and rubble have a negative impact on the visual amenities of the area.
18. Use maybe a breach of the resident's human rights.
19. Damage to public footpaths.
20. Approval will give the prospective applicant the continuing power to unreasonably interfere with my right to use and enjoy my land; and it will turn a residential area into an industrial site.
21. The factory is affecting local businesses such as Bronx Lane Street pharmacy and G stores.

22. It would cause unnecessary traffic.
23. The number of residents affected by this business is higher than the number of people it employs and this should be taken into account.
24. The business should be moved to an area which is not residential.

Consultations:

Environmental Health: The applicant's site is located off Parson Street in a mixed use area with a number of existing potential sources of noise and dust including established light industrial units and residential streets of weathered sandstone buildings. Parsons Street is a busy cut through for road traffic.

Environmental Health Department has no objections in principle to this planning application but as the site is located within a mixed use area, the operation of the site has the potential to result in complaints to this Department, especially with regard to noise and dust.

Noise

It is noted that the operation of the masonry factory unit and loading /unloading of vehicles on Parson Street are existing operations and not within the scope of this application. The activities of concern pertain to the movement of products between the factory and the storage yard / car park on fork lifts.

The main noise sources in the vicinity are primarily traffic movement on local roads principally Parson Street plus the activities of existing light industrial operations including stone masons and a window manufacture.

Environmental Health has studied the submitted Acoustic Report prepared by Paul Horsley Acoustic Ltd and dated 5-11-15 and agree with its conclusion. In addition, during several daytime visits to the site the movement of fork lifts between the factory unit and car park have not been observed to add significantly to the noise level, with routine traffic being the greatest noise source.

In order to limit the potential for complaints to this Department regarding noise, Environmental Health recommend that the Monday to Friday and Sunday and Public Holiday hours of operation within the application site, are restricted to those advised in the applicant's Planning Statement produced by Mike Harris Planning. However, I would recommend reduced hours operation on Saturdays.

Environmental Health recommends that the hours of operation are restricted by condition as follows:

- Monday to Friday 09.00 to 15.00 hours
- Saturday 09.00 to 13.00 hours
- Sundays, Public Holidays No working
- Night-time or 24 hour working must be agreed with the Local Authority.

Dust

Again it must be noted that the operation of the existing masonry factory unit is outside the scope of this application.

The applicant has submitted a Dust Deposit Assessment produced by Spire Environmental which concludes "The deposited dust levels on Thrush Street and Parson Street boundaries of the yard area meet the acceptable level in NCB guidance and well below the level at which complaints are possible in the Stockholm Guidance".

Environmental Health has reviewed this document and accepts the findings as valid with regard to airborne dust from the car park / storage yard.

In the last 12 months Environmental Health has received a limited number of complaints regarding dust due to the applicant's activities. In part this related to the proposed storage yard site and in part to the existing production unit. With regard to dust from this car park area the principle concern was limestone sediment being transferred from the storage area to the surface of the public highway via the wheels of the fork lifts, which may then become airborne. However, since complaints were received the limestone chippings have been moved inside the factory.

The movement of the limestone chippings to the new location and the dust control measure implemented during the movement and placing of material in the yard area has reduced the deposits of dust from the car park on to the highway surface. However, the movement of fork lifts from the existing factory to the car park is leading to deposits from this factory on to the road.

If the Local Authority is minded to approve the application for the change of use of the car park to a car park and storage area Environmental Health recommends dust control measure are utilized to minimise deposits due to the operation of this site. A suitably worded condition can be used to condition this.

Drainage: No comments to make.

CROW: Records indicate Keighley Public Footpath 700 abuts the site. These proposals do not appear to adversely affect this footpath.

Highways Development Control: The application site has been used for the last six years as storage for building materials for the nearby Eastwood Works however its authorised use was for the parking of vehicles associated with the business. The current application seeks retrospective permission for change of use to car park and storage yard.

Highway Development Control has previously commented on planning application 15/02696/FUL and did not support this due to the highway concerns it raised.

A joint meeting between the Applicant; the Planning department and Highways has since taken place to discuss the operation of the site; frequency of vehicular movements and employee travel patterns.

The applicant has now submitted a supporting document detailing the traffic movements from the operation of the site and the parking requirements generated by existing employees. These details show that there is on average less than seven vehicles per week carrying out loading off Parson Street with an average time of around 45 minutes.

Eastwood Works also generates some fork lift truck movements between the works and the car park/ storage yard. It is the understanding of the Highways Officer that these vehicles are licenced to operate on the highway and the movement of finished goods from the workshop to the yard usually takes place approximately once a day in the morning.

With regard to employee parking the applicant is now proposing to change their storage arrangements in the car park / storage yard and reinstate ten parking spaces. This level of parking has been agreed with the Council and is deemed appropriate given the travel patterns of employees.

The construction of a heavy duty crossing into the car park / storage yard was also discussed with the applicant. However, this does not appear to have been detailed on the proposed site layout plan.

Notwithstanding this a suitably worded condition can be used to condition this.

Therefore the current proposal now addresses my previous highway concerns and if the Council were minded to approve this application conditions covering provision of vehicular / pedestrian access to a specific standard and provision of car parking spaces would be appropriate to include within the Decision Notice.

Summary of Main Issues:

Principle.

Visual amenities.

Impact on residential amenity.

Inclusive access.

Highway safety.

Appraisal:

Principle

The land is located within an area that has a historic mix of housing and industrial/.business uses. There are existing, long established industrial workshops along Parson Street but these are surrounded by close knit areas of terraced housing and Eastwood Primary School is nearby to the north.

This situation of housing being mixed in with industrial premises is historic and precedes planning legislation being introduced in 1947. If the area was developed today these potentially conflicting uses would be separated so as to preserve residential amenity and prevent conflicts between residential amenity and the activity associated with employment/business uses. In the present situation a careful balance needs to be struck between encouraging and supporting employment uses whilst also planning for people by creating a good quality built environment and suitable standards of amenity.

Any proposal to expand existing businesses will need to be carefully considered against the acceptability of their impact on visual amenity, residential amenity and matters of highway safety. These matters are considered below.

The site is designated as part of a community priority area by the RUDP but Policy CF6 of the RUDP is not relevant to consideration of this application as it does not relate to permission for open space or a community use.

Background

The land is believed to have once been occupied by houses which were demolished some decades ago. The lawful use of the cleared site is as a car park. Planning permissions having been granted in 1981 and 1984. The car parking was intended to serve the industrial works along Parson Street to the east.

The site is screened to its rear boundary with the school, and is now bounded on its Parson Street and Thrush Street frontages by 2m high galvanised palisade fencing. Aerial photographs suggest that the car park has been fenced since at least 2010. The fencing is industrial in character, but the fencing does help reduce views of the car parking and stone being stored from the houses to the west.

The use of the land as a car park to support the industrial units on Parson Street does not seem to have caused residential amenity issues and appears to have been a good use of the land. The car park also provided a buffer between the industrial premises and the residential properties.

However, its use for storage of stone products by the operators of the workshop to the east does clearly appear to have caused problems for local residents.

The business using the land is Chatsworth Stone Ltd which occupies Eastwood Works - the industrial works unit which is not the one immediately adjacent to the land, but the next one along the street from the site.

The company processes raw stone products into finished stone products for use in construction and landscaping. This involves mixing crushed raw stone into a cast to create the finished product which is then wrapped up onto pallets, stored in the car park and transported away from this site. The company employs 30 staff, twenty working directly in the manufacturing process. It has operated from the site for 6 years.

This use of the application site for the storage of stone products and waste material, involves unloading products into the yard from the works on Parson Street and transporting it along Parson Street to the site, mostly by forklift truck. Reports from the objectors describe how this has given rise to unacceptable adverse impacts through noise and dust pollution.

A previous application (15/02696/FUL) to regularise the situation contained little by way of measures to avoid or reduce the effects of the stone storage use on nearby residents or road safety. Consequently it was refused on grounds of impact on local residential amenity and failure to provide safe and suitable parking loading and servicing facilities for the use due to deficiencies of the layout. Since that refusal, the applicant company has since appointed consultants to prepare this resubmission. The new submission includes a revision to the layout of the site and a Noise Impact Assessment, prepared to BS 4142 standard, and a Dust Impact Assessment prepared by consultants.

The Proposal

Following meetings with officers and in acknowledgement of the objections from the community, the applicant has accepted that the proximity of the site to residential properties and the limitations of access require limitations on the use of the land.

The applicant proposes to limit the use to a mix of 10 car parking spaces, providing an area for parking by the company's workforce, and the storage of cellophane wrapped finished stone products. These finished products will be taken from the main works and stored on the land prior to delivery to or collection by customers. It is also proposed that these products will only be stacked to a height of around 1 metre on pallets of around 1 sq metre.

In addition, the company seeks to retain a waste skip on the site. This is a covered container 6m x 3m which is used to contain waste stone. The applicant says waste will be deposited in the container 1 or 2 times a week and emptied as required, but approximately once every two or three weeks. Another waste stone container that used to stand on the land has now been moved inside the works building.

Impact on residential amenity

In assessing whether the change of use of use from car park to car park and storage yard is acceptable it is important to distinguish between the impact of the use of the car park on residential amenity as opposed to the impact caused by the use of the lawfully established Eastwood Works industrial building.

Eastwood Works, which is occupied by Chatsworth Stone, is known to have been in use as a B2 general industrial building since it was originally built. Its use for stone processing falls within the General Industrial Use Class and cannot be challenged under planning legislation. There are no planning restrictions on the use of the works. Any noise or pollution nuisance arising from within the Eastwood Works would need to be addressed through appropriate environmental health legislation.

The issue for consideration is whether the ancillary use of the nearby land causes amenity or highway safety problems and this resubmission has attempted to assess the impact on residential amenity caused by the stone product and waste storage use by engaging experts to undertake noise and dust surveys and their reports form part of the current application.

The Council's Environmental Health Department has considered the submitted reports and has no objections in principle to this planning application. However, as the site is located within a mixed use area, the operation of the site has the potential to result in complaints to this Department, especially with regard to noise and dust.

Noise

With regards to noise the Environmental Health Officer acknowledges that the operations within Eastwood Works and the loading /unloading of vehicles on Parson Street that are associated with this, are existing lawful operations and not within the scope of this application. The activities of concern pertain to the movement of products between the Eastwood Works and the storage yard / car park on fork lifts.

Other activities in the area also give rise to noise in the vicinity - primarily traffic movement on local roads plus the activities of other existing industrial operations including a window manufacturer. The Environmental Health Officer has studied the submitted Acoustic Report prepared by Paul Horsley Acoustic Ltd dated 5-11-15 and agrees with its conclusion that noise generated by the use is not significantly above the ambient sound level of vehicles passing along the street.

In addition, during several daytime visits to the site, the Environmental Health Officer accepts that movement of fork lifts between the factory unit and car park have not been observed to add significantly to the noise level, with routine traffic being the greatest noise source in the locality.

In order to limit the potential for complaints to this Department regarding noise, Environmental Health recommend that the Monday to Friday and Sunday and Public Holiday hours of operation within the application site, are restricted to those advised in the applicant's Planning Statement and would recommend reduced hours be in operation on Saturdays.

Environmental Health recommends that the hours of operation are restricted by condition as follows:

- Monday to Friday 09.00 to 15.00 hours
- Saturday 09.00 to 13.00 hours
- Sundays, Public Holidays No working
- Night-time or 24 hour working must be agreed with the Local Authority.

Dust

Dust generated within Eastwood Works is outside the scope of this application.

With regard to dust generated by use of the car park for storage purposes, the applicant has submitted a Dust Deposit Assessment produced by Spire Environmental which concludes "The deposited dust levels on Thrush Street and Parson Street boundaries of the yard area meet the acceptable level in NCB guidance and are well below the level at which complaints are possible in the Stockholm Guidance".

The Council's Environmental Health Officer has reviewed this document and accepts the findings as valid with regard to airborne dust from the car park / storage yard.

In the last 12 months the Environmental Health Department has received complaints regarding dust due to the applicant's activities. In part this related to the proposed storage yard site and in part to the existing production unit. With regard to dust from the car park, the principle concern was limestone sediment being transferred from the storage area to the surface of the public highway via the wheels of the fork lifts, which may then become airborne. However, since complaints were received the limestone chippings and storage container have been moved inside the factory.

The movement of the limestone chippings to the new location and the dust control measures implemented during the movement and placing of material in the yard area has reduced the deposits of dust from the car park on to the highway surface. However, the movement of fork lifts from the existing factory to the car park is leading to deposits from the factory on to the road.

If the Local Authority is minded to approve the application for the change of use of the car park to a car park and storage area, the Environmental Health Officer recommends that dust control measure are utilized to minimise deposits due to the operation of this site. A suitably worded condition can be used to condition this.

In conclusion, independent assessment of the impact of the proposal on residential amenity suggests that the dust and noise generated by storage of finished stone products and containerised waste within the car park would be acceptable subject to conditions to limit the operation of the storage and to control dust. It is considered that this could be achieved by limiting the storage to plastic shrink wrapped finished product, requiring the waste skip to be covered with a tarpaulin cover when waste was not being transferred into or out of it, requiring debris netting to be fixed to the existing palisade fencing and requiring the whole of the yard area to be hard surfaced.

With regard to limiting the operating hours of the yard the condition varies slightly from the recommendations of Environmental Health as by slightly extending the operating times during the week this negates the need for the storage yard to operate on Saturdays as well as not operating on Sundays or Bank Holidays. This is considered to be better in terms of preserving residential amenity in the surrounding area.

If the height of storage is restricted so it does not exceed the 2 metre height of the fencing and a requirement for debris netting to be installed along the inside, this would visually screen the materials being stored and help reduce any spread of residual dust beyond the boundaries of the land.

Highway safety

Despite the objections by local people concerned at the safety implications of the storage use of the site, the revised layout which proposes to retain 10 car spaces within the land for employees has now satisfied the Council's Highway Officer.

The applicant has now submitted a supporting document detailing how both the traffic movements from the operation of the site and the parking requirements generated by existing employees are relatively low. There is on average less than seven vehicles per week carrying out loading off Parson Street with an average time of around 45 minutes.

It should also be noted that there are other businesses within the immediate vicinity that also carry out their servicing from the adopted highway and therefore this practice is not limited to the operations at Eastwood Works alone.

Subject to conditions being imposed, the operation of the car park site for storage will not have an unacceptable impact on street parking and highway safety.

Approval would need to condition the laying out and retention of the ten parking spaces on site. However, it is not considered that the construction of a fully engineered crossing into the land is appropriate. There is an existing footway crossing which is in need of repair. However, damage should be dealt with under the Highway Act powers and planning conditions should not be used for matters covered by other legislation.

Community Safety Implications:

The yard can be secured and raises no community safety issues contrary to Policy D4 of the RUDP.

Other matters:

Dust and noise pollution and its impact on amenity and how this can be controlled with regard to that generated by the yard rather than the factory has been discussed and addressed in the proceeding report.

With regard to health issues raised by objectors there is no robust evidence put forward to connect them specifically with use of the yard for storage.

The spillage of stone, dust and litter off trucks and fork lifts cannot specifically be linked to the use of the yard and maybe connected to the use of the factory and road side loading / unloading that already takes place independent of the use of the yard and can therefore only be given limited weight in consideration of the development before members.

From several site visits burning on the site has not been observed. Neither has pollution by reason of smells, debris, fumes or vibration referred to by objectors.

Parking and matters of highway safety have been discussed in the proceeding report. With regard to the comments about children playing and socialising on the street and crossing the road safely, dangers from playing on the street will come from other industrial uses as well in this mixed use area. The Highway Officer did not raise this as a matter of specific concern.

Damage to cars attributed to the use has not been proven, and is a private matter and not a material planning consideration.

Lorries associated with the business and other businesses in the area are noted to park in this area. However, this is regardless of the use of the site and will continue to do so. The parking of lorries, or cars, in a manner that is illegal or dangerous are matters for the Highway Authority rather than the Planning Authority to deal with.

The use of forklift trucks on the road already occurs and is not specifically connected just to the use of this site. The regulation of fork lift trucks on the public highway is not regulated by planning legislation.

Loss of house value or the retrospective nature of the application are not a material consideration in determination of this application.

The area as already explained is an area of mixed usage, it is not exclusively a residential area as implied by certain of the representations. It is also not within the scope of the application to require the removal of the stone product business from the industrial unit. The application only relates to the use of the car park land being used for storage and parking.

Any legal action that individuals may take against the applicant company is a private matter.

Alleged damage to footways is a matter for the Council's Highway Service to deal with rather than the Planning Service.

The reason why the proposals have harmful impact on local businesses such as a pharmacy and store is unclear and in any case does not form a material consideration here as the application is concerned with storage and parking not the factory unit.

A representation states that the use may breach of their human rights but fails to discuss what human right/s are being breached or how and therefore it is not possible to respond.

The purpose of the planning system is not to investigate the company's operational practices but to determine whether the use of the site for storage and parking is acceptable in land use terms.

Conclusion:

The recommendation of officers is a balanced one assessing the need to provide for employment with the need to protect the environment and the amenities of local residents. Based on the proceeding report and favourable recommendations of the Council's Highway and Environmental Health Officer, it is considered that the use of the car park for storage and parking is acceptable subject to the imposition of the conditions outlined and drafted below covering control of dust and noise pollution and the laying out of off road parking.

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 protected characteristic of race of many of the third parties has been identified however; this does not lead to issues under Section 149 in consideration of this application. Elderly people, children and a child with disabilities has been identified in the third party representations and this has led to more weight been given to the need to protect residential amenity.

Reason for Granting Planning Permission:

It is considered that the use of this car park in this mixed residential/industrial area for storage and car parking can be carried out, subject to conditions controlling dust and noise pollution and the provision of off street parking, in a manner that both protects the environment and residential amenities and an existing employment generating use. It is also considered that the development has a satisfactory impact on matters of inclusive access, parking, highway safety and community safety. As such the development will accord with

Policies D1, D3, D4, UR3, TM11 and TM19A of the RUDP and forms sustainable development compatible with the NPPF.

Conditions of Approval:

1. The land shall only be used for car parking, storage of shrink wrapped and packaged products and storage of waste products in a tarpaulin covered skip and not for any processing of stone or other products or the storage or distribution of loose stone, chippings or aggregate. The area marked A on the approved plan shall only be used for car parking; the shaded area marked B on the approved plan shall only be used for the storage of finished products; and the area marked C on the approved plan shall be the location of the covered waste skip.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policies D1, UR3, TM11 and TM19A of the Replacement Unitary Development Plan.

2. Operations in connection with the storage of finished products or disposal of waste materials in the covered waste skip, including loading and unloading, shall not occur outside the hours of 08.30 to 16.30 hours Mondays to Fridays and not at all on Saturdays, Sundays, Bank or Public Holidays.

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

3. Within 4 months of the date of this planning permission debris netting shall have been attached to the inside of the palisade fencing surrounding the land in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include details of the type of debris netting, positioning of the netting and means of securing it to the fence and ground and maintenance of the debris netting. The debris netting shall remain and be maintained as approved whilst ever the use of the site for storage as granted by this planning permission remains.

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

4. Within 4 months of the date of this planning permission the site shall have been hard surfaced in a material that has first been agreed in writing by the Local planning Authority. The site shall be kept hard surfaced as approved whilst ever the use of storage and car parking remain.

Reason: In the interests of residential amenity to help prevent dust pollution and to accord with Policies D1 and UR3 of the Replacement Unitary Development Plan.

5. Within 4 months of the date of this planning permission the proposed ten car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with details which have first been submitted to and agreed in writing by the Local Planning Authority. The car park so approved and implemented shall be kept available for use while ever the development is in use.

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

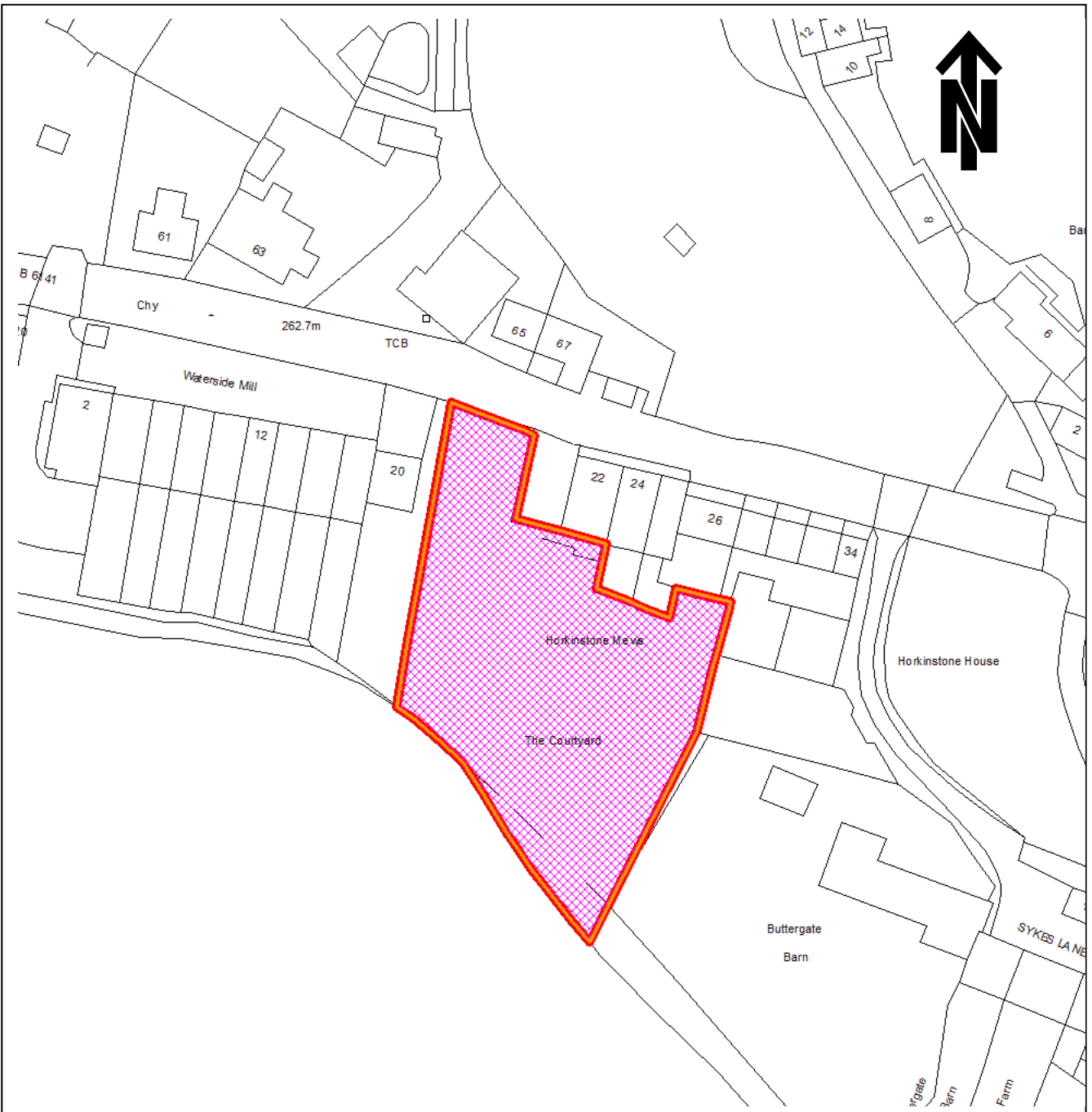
6. The storage of finished product on the hatched area marked B on the approved plan and the covered waste skip at position C on the approved plan shall not exceed the height of the boundary palisade fencing.

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

Area Planning Panel (Keighley/Shipley)

15/07332/FUL

23 March 2016



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ITEM NO. : 5	LOCATION: Land At Sykes Mill Denholme Road Oxenhope
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23 March 2016

Item Number: 5
Ward: WORTH VALLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
15/07332/FUL

Type of Application/Proposal and Address:

Full application for new dwelling and access on land adjacent to Sykes Mill, Denholme Road, Leeming, Oxenhope.

The application proposes amendments to a dwelling previously approved on this plot of land by Area Planning Panel in 2013 (Reference 13/01943/FUL).

Applicant:

Mr S Taylor

Agent:

Bramhall Blenkarn Ltd

Site Description:

This site comprises an area of formerly developed land (industrial purposes) located between the now residential mill building known as Sykes Mill and an end terraced dwelling on the south side of Denholme Road, Leeming.

The site presents a frontage to Denholme Road, from which it falls steeply in level from the highway entrance towards Leeming Reservoir to the south. The southern site boundary is contiguous with the bank of the reservoir.

The site widens to the south of the existing development along Denholme Road such that it extends across the rear of terraced properties to the east of the entrance. Gardens associated with the residential occupancy of the mill extend to the west of the site.

The site is stripped of surface materials and much of the self-seeded scrub that had become established, this work having been done during the implementation of an existing planning permission for development of the site.

The proposal here seeks some amendments to that existing approved scheme.

Relevant Site History:

74/02972/FUL – Warehouse extension. Granted.

88/03439/FUL – 8 townhouses. Withdrawn.

99/00244/FUL – 5 dwellings. Withdrawn.

04/02030/CAC - Temporary access to allow for site ground investigation. Granted.

10/01294/PMI – Pre-application enquiry for new dwelling. Principle not acceptable.

11/05405/PMI - Pre-application enquiry for new dwelling. Principle not acceptable.

12/02350/FUL – Proposed dwelling. Refused.
12/04979/FUL – Proposed dwelling. Withdrawn.
13/01943/FUL – Proposed dwelling. Granted *
15/01555/FUL – Proposed four flats. Refused.

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.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated but inside Oxenhope Leeming Conservation Area.

Proposals and Policies

UDP3 – Environmental impact of development.
UR3 – Local impact of development.
D1 – Design issues.
BH7 – Development affecting a conservation area.
TM2 – Highways.
TM12 – Residential highways standards.
TM19A – Highway safety.

Parish Council:

Oxenhope Parish Council.

Publicity and Number of Representations:

The application was advertised by individual letters, by site notice and by press notice.

14 objection letters have been received.

A Ward Councillor has requested the referral of this application to panel, in support of the objections.

Summary of Representations Received:

1. Work already carried out on the site has led to collapse of neighbouring land.
2. Further vehicles brought into the area by way of entering/leaving the property would add an additional burden to the local highway network.
3. The design is not within keeping of the heritage properties in the vicinity. The rear elevation is a total contrast with its surroundings.
4. The side of the building will interfere with light, and will impose on privacy in the neighbouring dwelling.
5. This site is felt to be greenfield land and should not be developed.
6. Bradford Council Planning Department can reverse their decision to allow planning permission on this land.
7. This land was designated a "Key Open Space" in the Village Design Statement.
8. The proposals involve a dangerous new entry onto Denholme Road opposite a busy garage and nursery.
9. The plans will significantly reduce public on-street parking in the area.
10. The development would stand out as an incongruous and inappropriate form of development poorly related to the historic layout of the settlement.
11. Why was planning permission granted when previously the development of this site was unacceptable?
12. The site should be restored to its previous condition.
13. The development may lead to damage to the property to the east.

Consultations:

Oxenhope Parish Council

Members of the Parish Council raised similar objections to this application as they did to planning applications 12/02350/FUL & 13/01943/FUL, namely:

- (i) that the vista of Leeming looking northwards across the reservoir would be destroyed and therefore [the development is] contrary to the UDP Policies NE3 and NE3A;
- (ii) that the opening up of another vehicle access on Denholme Road would jeopardise road safety at an existing busy area of Denholme Road which attracts many motorists to the petrol filling pump at B & S Motors and to the Rocking Horse Nursery to either drop off or pick up children. This would therefore be contrary to UDP Policy TM19A;
- (iii) that the new vehicle access would exacerbate the existing on-road parking problems on Denholme Road and therefore would jeopardise road safety and be contrary to UDP Policy TM19A;
- (iv) that the Oxenhope Village Design Statement would not advocate this design of property in the location proposed;
- (v) that the new dwelling would create negative impact to adjoining properties.

As this planning application is very similar to the first application [and] members of the Parish Council wish to remind the planners of the reason for refusal of planning application 12/02350/FUL, namely the introduction of built form onto this open site and the removal of the boundary wall fronting Denholme Road would have a significant negative impact on the character and appearance of the Leeming Conservation Area.

In addition the Parish Clerk was requested by members of the Parish Council to point out to the planners the June 2009 Leeming Conservation Area Appraisal and that map on page 9 specifically designates the proposed development plot as a 'key view or vista' and that on page 6 it commends the fact that [here in Leeming] key open spaces have not been developed, hence settlement retains its open rural character and key views and vistas and Management Proposal 3 recommends improving the quality and amenity value of open spaces. It was noted that if the planners were minded to approve the application then members of the Parish Council would require determination of this application at a Planning Panel meeting and would request that Panel members visit the site prior to making any decision on the application.

Highways Development Control

No objections subject to conditions addressing the provision of off-street parking, and protection of visibility at the entrance/exit from the site.

Heritage and Conservation

Comments not received at time of report being written. However, the Conservation Officer supported the previously approved contemporary house.

Drainage

No objections subject to submission of details for approval in respect of sustainable drainage techniques.

Environmental Protection

No objections subject to conditions regarding any contamination that might be found, and the nature of any fill materials that might be required on site.

Summary of Main Issues:

Implications for neighbouring residents.

Design and Effects on character and appearance of the conservation area.

Effects on residential amenity of neighbouring occupants.

Highway safety.

Appraisal:

Background

This planning application proposes amendments to the siting and appearance of a dwelling that was originally granted permission by the Area Planning Panel in 2013 (ref 13/01943/FUL). That planning permission appears to have been lawfully commenced, largely involving excavations and site clearance, which means that development work pursuant to that earlier permission can continue at any time.

The site is located between 20 Waterside Mill which is part of a converted textile mill, and a traditional terraced house at 22 Denholme Road Oxenhope. The site is some 0.2 hectares in area, having a 12 metre wide road frontage to Denholme Road, and then widening to some 40 metres and falling steeply in level down towards Leeming Reservoir. The land owned by the applicant extends to the water's edge and it extends across the rear of terraced properties along Denholme Road to the east.

The dwelling would be confined to the part of the site towards the site frontage, set into the rising ground and with a proposed parking area to the front. The building would stand between the converted mill to the west and a terraced dwelling to the east. The residue of the land would remain undeveloped.

The approved building would present a single storey elevation with flat roof towards Denholme Road and three storeys towards Leeming Reservoir as a consequence of the fall in levels. This rear three storey elevation presents significant areas of glazing towards the reservoir.

The approved design involved the use of coursed sandstone and ashlar stone on the masonry elements of the building.

It is acknowledged that there would be no views possible from the highway over the proposed building, nor would views be possible over the previously approved building on the site.

The Proposals

The proposed changes to the approved design of the dwelling would reduce the overall width of the building, enabling it to be sited some 6.1 metres away from the converted mill building, where the previously approved separation was some 2 metres less.

The proposed massing of the building would also be amended, incorporating significantly more accommodation at its upper level to make up for that lost in the reduction in width, together with an overall lengthening of the building towards the reservoir by approximately 1.8 metres. The lengthened building would result in its main rear elevation being parallel with the rear elevation of the adjacent mill building.

The more noticeable change would be to the upper floor accommodation, which would extend substantially further towards the reservoir over the full width of the building. This upper floor accommodation would be significantly higher than the ground floor windows in the gable of the mill.

It is noteworthy that the previous approval did not preclude use of the sizable roof area for sitting out, although a door and glazed screen were shown on the approved plans as opening onto this roof area.

Clearly the use of the flat rooftop would have implications for privacy in the neighbouring dwellings. The enlarged upper floor element of the building as now proposed also makes provision for a sun terrace at its southern end, overlooking the reservoir, but it would be much smaller and would be moved further away from neighbouring windows. This would benefit privacy for neighbours.

Clearly then there are some benefits and some costs involved in the proposed changes and these are summarised as follows:

1. The narrower building would ensure more space between the bulk of the building and the neighbouring mill windows to the west, improving light to those windows but

2. The extended bulk of the upper floor of the building would reduce the breadth of outlook from these windows and would consequently affect light levels to a degree.
3. The extension southwards of the upper floor of the building would move the open sun-terrace away from the neighbouring mill windows to the west, improving privacy.
4. The rearward extension of the upper floor would extend by some 4 metres the length of blank walling facing the neighbouring property to the east. The height of this walling would be significantly higher than the boundary wall of that neighbouring property and at its closest would be less than 500mm from the neighbouring boundary wall. This would affect outlook from that property but mainly from an area used for car parking.
5. The proposals enable controls to be applied over recreational use of the flat roof areas where no such controls apply on the present planning permission.
6. The proposals indicate that random rubble walling would replace the previously approved coursed stone and ashlar masonry.

Design and Impact on the Leeming Conservation Area

In views from across the reservoir, the position of the proposed dwelling is prominent but it is acknowledged that the revised proposal would not extend substantially onto the open lower-level area of land that slopes away to the reservoir. The scheme would retain this area as open space free of development, with informal landscaping that should maintain in part the character of the conservation area. Permitted Development Rights would be withdrawn to prevent the erection of garden sheds, greenhouses and other paraphernalia.

A habitat survey and landscape management plan for the site was provided with the previous application which proposed to manage the undeveloped parts of the site sloping towards the reservoir as a natural wildlife area. Condition 3 of the previous permission required that the open areas shall be formed and managed in accordance with that plan. This would ensure that the informal landscape between the settlement and the reservoir is maintained and enhanced, so protecting the value of the land in conservation and biodiversity terms.

It is not considered that the proposals here would affect these provisions. Moreover, the proposed changes to the building would be difficult to discern in views across the reservoir. It is not felt that the changes here would adversely affect, or increase the impact on, the appearance and character of the settlement when viewed from beyond the reservoir

The revised design here however proposes the replacement of coursed stone and ashlar with the use of random rubble walling. This would fail to conform with the predominant building style and materiel of the village and would be unacceptable. This issue can be overcome in the event that members are minded to support the proposals, by imposition of a condition requiring the use of coursed natural stone and ashlar as with the previous scheme, notwithstanding the submitted details.

It is considered that the single storey flat roofed building would be a significant and quite prominent feature in this part of the conservation area. Its height relative to neighbouring properties is demonstrated by submitted plan referenced 662-AR50-15-B and it is clear from this drawing that the flat roof element would be level with the bottom sills of first floor windows in the gable elevation of the mill. The flat roof would extend to less than 500mm from the retaining boundary wall of the dwelling to the east and would be significantly higher than that boundary wall.

Flat roofs are not a locally distinctive or common feature in the conservation area and there is the potential for such features to result in visual harm if not sited and designed with care as part of an architecturally cohesive scheme. In this case, the proposed change in building materials to random rubble would serve to accentuate the impact of the building and the scheme would fail to satisfy the requirement for architecture that enhances the visual quality and character of the conservation area.

In the event that random rubble is accepted then there would be conflict with Policies UDP3, UR3, D1 and BH7 of the Replacement Unitary Development Plan.

In summary it appears clear that the development proposed here will have implications for the character and quality of the conservation area, and that these would in some respects be greater than those of the approved scheme. These must therefore be balanced against other aspects of the development that pertain to the residential amenity and privacy of neighbours.

Effects on Residential Amenity

As noted above, the development as now proposed would reduce the outlook from windows in the gable of the now residential mill building. Despite the building being sited further away, looked at in isolation this impact on outlook would likely be unsatisfactory.

However, set against that impact the previously approved scheme indicated a very large flat roof with glazed screen and door opening onto it from the upper floor entrance area. Notwithstanding that this roof was to be 'green' there are no controls applied to the potential use of the roof area, particularly in terms of its use for recreational purposes. The proposals here would in effect move the indicated sun terrace on the current plans further away from the neighbouring windows in the mill gable and thereby prevent potential overlooking.

Clearly the proposed sun terrace would afford views over the neighbouring garden and so opaque screens at the ends of the terrace would reduce the degree of overlooking to the level that would arise from the previously approved scheme. Side screens may be required by condition.

A balanced view is required on this aspect of the development.

The enlarged upper floor would present a larger expanse of blank walling towards the neighbouring dwelling to the east. This would increase the sense of enclosure but it is acknowledged that the effects would largely be towards a parking area at the side of the dwelling. The neighbouring dwelling is set somewhat higher than this parking area and presents only a door and secondary window towards the proposed dwelling. There would therefore be no limited harm in terms of effects on that property.

The development as now proposed would not materially affect other nearby residents.

Highway safety

The proposals remain acceptable on the basis of this being a single dwelling, and subject to parking provisions being available prior to first occupation of the dwelling.

Policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan are therefore satisfied.

Recommendation: GRANT subject to conditions

Community Safety Implications:

There are no 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 proposals here are somewhat balanced, in that there are some benefits for privacy of neighbours but these are offset by other aspects of the development, largely connected to the increase in projection of the accommodation towards the reservoir and the resulting additional massing of the upper levels of the building.

Conditions of Approval:

1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Notwithstanding details shown on the submitted plans, the development shall be carried out using coursed natural stone and ashlar on external elevations. Random rubble shall not be used on any visible part of the building.

Reason: In the interests of the visual quality and character of the Leeming Conservation Area in accordance with Policies UDP3, UR3, D1 and BH7 of the Replacement Unitary Development Plan

3. Before development commences, arrangements shall be made for a sample panel of all materials to be inspected on site and subsequently approved in writing by the Local Planning Authority and the development shall be constructed in the approved materials.

Reason: In the interests of the character and appearance of the Leeming Conservation Area and to accord with Policies UR3, D1, and BH7 of the Replacement Unitary Development Plan.

4. The open areas of the site shall be developed and managed in accordance with the Extended Phase 1 habitat Survey Ref. 052_12/RE01 Version 005, dated 11th October 2013. Trees shall be planted in the first available planting season following the grant of planning permission. Any trees that are planted and subsequent die, become damaged or diseased, or are otherwise removed within the first five years shall be replaced with a similarly sized tree of the same species.

Reason: In the interests of managing, maintaining and enhancing the open land between the house and Leeming Reservoir in an appropriate way that protects the special character and interest of the village and to comply with policies NE10, BH7, BH10, OS8, D1 and D5 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 development falling within Classes A to E of Part(s) 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: In the interests of managing, maintaining and enhancing the open land between the house and Leeming Reservoir in an appropriate way and to comply with policies NE10, BH7, BH10, OS8, D1 and D5 of the Replacement Unitary Development Plan.

6. 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 external elevations of the 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 policies UR3 and D1 of the Replacement Unitary Development Plan.

7. 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.

8. The development shall not begin until details of a scheme for surface water drainage, including any existing water courses, culverts, land drains and any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme so approved shall thereafter be implemented in full before the first occupation of the development.

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

9. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access and the turning area hereby approved shall be laid out, surfaced and drained within the site in accordance with the approved drawing 662-AR50-15-A. The vehicular and pedestrian area shall be provided with a permeable surface using materials that have first been submitted to and 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 policies TM19A and NR16 of the Replacement Unitary Development Plan.

10. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is free from contamination before occupation, in accordance with Policy P4 of the Replacement Unitary Development Plan.

11. Prior to first occupation of the dwelling hereby approved, the existing frontage boundary wall shall be reduced in height to 1 metre above ground level along the length of the retained sections of wall.

Reason: In order to ensure adequate visibility in the interests of traffic and pedestrian safety in accordance with policy TM19A of the Replacement Unitary Development Plan.

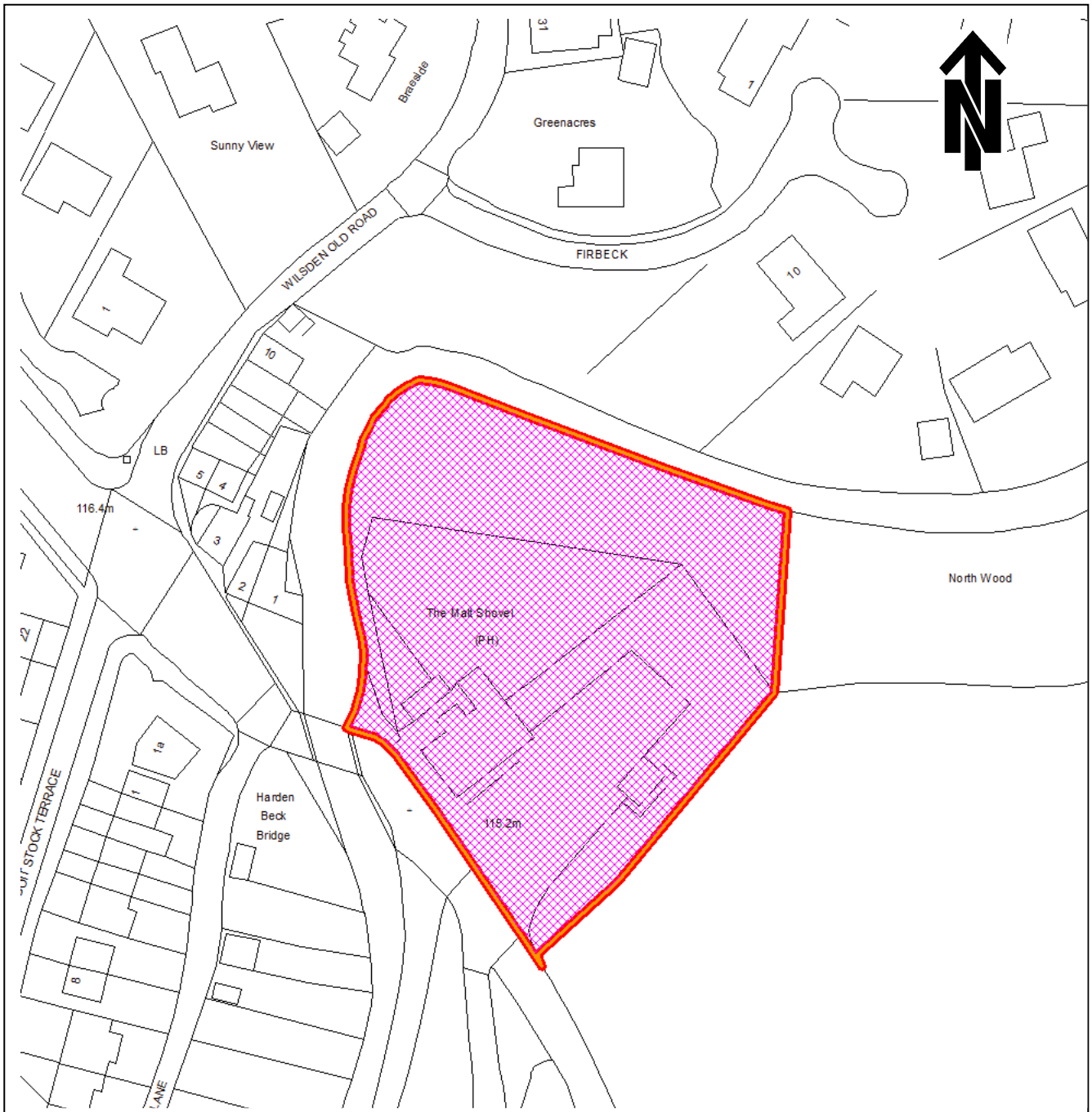
12. There shall be no recreational or related domestic use of the flat roof of the building hereby approved. The indicated sun terrace on the southern end of the building shall be provided with screening panels to either end.

Reason: In the interests of the privacy of neighbouring occupiers in accordance with Policy UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

15/06916/FUL

23 March 2016



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ITEM NO. : 6	LOCATION: The Malt Shovel Inn Wilsden Road Harden
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23 March 2016

Item Number: 6
Ward: BINGLEY RURAL
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
15/06916/FUL

Type of Application/Proposal and Address:

Retrospective planning application for the construction of an outside timber shelter to accommodate a bar, till and servery in the rear garden of The Malt Shovel Inn, Wilsden Road, Harden, Bingley, BD16 1BG.

Applicant:

Mr Mark Pickles.

Agent:

Not applicable.

Site Description:

The Malt Shovel is a historic Grade II Listed building used as public house. It is situated alongside Wilsden Road on the outskirts of Harden. A gable wall faces the road and the principal elevation faces south east across a vehicle access and car park running alongside the building. To the north, a large grassed beer garden extends behind the building down to the stream which forms the north and west boundary of the grounds. The outside timber shelter is constructed on the western edge of the rear garden about 11 metres behind the public house building.

Relevant Site History:

99/01000/FUL Car park extension GRANT 14.10.1999.
02/00886/LBC Internal alterations to convert ground floor office area into new public dining room GRANT 09.05.2002.
02/02274/LBC New illuminated brewery signage GRANT 07.08.2002.
14/00523/LBC Internal and external alterations GRANT 28.03.2014.
14/01107/FUL Conservatory extension to side, formation of disabled WC, new bathroom and kitchen to first floor and internal refurbishment GRANT 29.04.2014.
14/01169/LBC New signage using existing lighting fixtures GRANT 13.05.2014.
14/02310/FUL Covered smoking shelter to side of premises REFUSE 28.07.2014.
14/02311/LBC Covered smoking shelter to side of premises REFUSE 28.07.2014.

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.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UR3 – Local Impact of Development

P7 - Noise

D1 – General Design Considerations

BH4A – Development within the Setting of a Listed Building

Parish Council:

Wilsden Parish Council supports this application.

Publicity and Number of Representations:

Advertised by site notice with a 21 day deadline of 19.2.16 and neighbour notification letters. Expiry deadline of 4.2.16.

Seven representations received objecting to the development.

Summary of Representations Received:

1. Harden is in a quiet area and residential properties are only a few yards from the Malt Shovel and its car park. In summer the noise from the beer garden is very annoying especially late at night. There have been occasions during the summer of 2015 when at the weekend when outside events with loud music and late drinking has caused unacceptable disturbance for local residents who want the peace of their own home.
2. Use as a pub is not a problem, and the village pub atmosphere is in keeping with the surrounding village environment. But the business should be confined to the indoor bars and restaurant. The outside entertainment and additional noise and late traffic in a quiet residential and rural area is not acceptable. Local people's quality of life should be the important consideration.
3. There have always been odd occasions in the past 30 years when there have been special events in the pub garden with noise created. These events have been tolerated by the neighbours. But there is much difference between one off events and a permanent outdoor open bar structure which will presumably be available any day of the week and every week, in particular weekends and summer evenings, to project an unacceptable amount of noise over the neighbourhood.

4. Since being built, the new structure has been used to support various outdoor functions, including a music festival, wedding, christening and school fair. All these events were very noisy, some encouraged drinking games, disorderly behaviour and high volume music which is totally unacceptable in a residential area. The proposed use of the outside bar to support a very much intensified use of the beer garden will have a huge impact on the residents and local environment in what is a quiet village environment.
5. Around 100 people objected to a proposal to vary the pub licence to include outdoor sales of alcohol, the objections were supported by Harden and Wilsden Parish Councils and by our Councillor. Sadly, the Licencing Committee approved the variation by a 2-1 majority after a public hearing.
6. Other concerns are that the outside bar supports events being held outside and this will create additional risks associated with parking and access for pedestrians.

Consultations:

Council's Conservation Team - Due to its size and location, the proposed structure is unlikely to harm the setting of the listed building or impede upon any important views and on this basis it accords with saved RUDP Policy BH4A.

Environmental Health – Are aware of the Licensing issues. Have no objections to the structure as such but in view of local concerns about noise nuisance recommend that no permanent speakers should be fixed to the structure.

Summary of Main Issues:

Impact on Local Environment.

Impact on Neighbouring Occupiers.

Appraisal:

This is a retrospective application for the construction of a timber building that has already been built on the west edge of the curtilage land extending to rear of the Malt Shovel Inn. As stated by many objectors, the building has been in use for some months and accommodates an outside bar and serving area where people can purchase drinks. It was first reported to Planning Enforcement in July 2015.

The building footprint measures 3.8 metres x 4.8 metres. It is a simply constructed, open sided shelter, with a felt roof supported on timber posts. The lower parts of the sides are clad in timber. The roof apex is 2.4 metres high.

Being set down behind the main public house building and screened by belts of trees to the north and west, it is not prominent in views from outside the site. It is a relatively small feature placed on the edge of the land used as a beer garden and is not detrimental to the character of the street scene or wider area. The Council's Conservation Officer is satisfied that the building does not affect the setting of the Malt Shovel as a listed building as it is set a distance from the public house and is not of a significant scale.

The development will not greatly affect local visual amenity or the local environment and accords with policies D1 and BH4A of the Replacement Unitary Development Plan.

The new structure has had no effect on the existing means of access to and from the site and has not taken away any car parking spaces. It is not considered to adversely affect the flow of traffic on Wilsden Road, and is not considered to have caused any detriment to highway safety.

Representations and Background

A number of occupiers of neighbouring or nearby houses have objected to the planning application on grounds of noise and general disturbance from the public house garden. Local objectors clearly consider that the character of the site has changed and that problems of noise and disturbance have increased in recent months. They attribute these problems to the introduction of this outside bar which they perceive as encouraging and intensifying use of the beer garden. References are made to noise and disturbance from a music festival and other celebrations staged in the garden, and to disorderly behaviour and the use of the garden until late at night.

The objectors also refer to representations they made to the separate application under the Licensing legislation to vary the premises licence to allow outdoor service of drinks. However, the Licence variation was granted subject to conditions (see below).

The objectors live in houses at Firbeck and Harden Beck which are across the stream to the north, or Goitstock Cottages which are to the west.

Impact on Neighbouring Occupants

With regard to planning policy, Replacement Unitary Development Plan Policy UR3 seeks to prevent development which would have an adverse effect on the occupants of adjoining land. Similarly policy D1 requires development, amongst other things, not to harm the amenity of existing residents. More specifically policy P7 provides that where noise problems cannot be satisfactorily overcome planning permission will not be granted.

The National Planning Policy Framework refers to noise in a general sense and not specifically to noise that may be generated by restaurants, bars and similar establishments. Nevertheless, paragraph 123 of the Framework says that the planning system should aim to avoid noise which would give rise to significant impacts on health and the quality of life as a result of new development. It also advises that the planning system should mitigate and reduce, to a minimum, adverse impacts on health and the quality of life arising from noise from new development, including through the imposition of conditions.

However, this planning application seeks permission solely for the new structure. The Malt Shovel beer garden is a long established ancillary feature of the public house use so objections relating to the use of the pub and garden cannot be addressed through the planning process as no change of use of the land is involved. Noise and disturbance caused by outdoor activities requiring licensing and allegations regarding management of the outside areas are more properly and effectively addressed through the Licensing regime. Essentially a licence controls the operation and management of a drinking or entertainment establishment.

With regard to these issues, the Council's Licensing Officer has confirmed that under the Licence, sales of alcohol from the outdoor bar are permitted only between 12.00 and 20.00 hours. However, consumption of alcohol is not a licensable activity and there is no time restriction on the use of the outdoor beer garden for this purpose. As stated above, there is no suggestion that the use of the garden as an ancillary beer garden is unauthorised.

The following conditions are also attached to the licence;

1. No regulated entertainment so far as such shall be a licensable activity is permitted outside the main public house building.
2. All speakers shall be removed permanently and be prohibited from the external bar.

In addition to Licensing restrictions on the service of drink, the applicant says that the bar area is only expected to be used in favourable weather conditions when the customers will already be using the outdoor seating areas.

It is acknowledged that the environment around the Malt Shovel is very quiet and generally peaceful reflecting its semi-rural location. However, the size of the car parks and the indoor floor area, as well as the size of the external seating area and the number of picnic-type tables, indicates that the premises could already potentially cater to a large number of patrons.

It is acknowledged that local residents say the premises have become more intensively used in the last year or so. This would reflect a change in the approach of the owners and management. However, the public house use and use of the ancillary beer garden are well established and could not be controlled by any retrospective planning conditions. Regulation of activity in the external areas is a matter for Licensing, and conditions have already been applied to attempt to protect amenity.

Whilst safeguarding residential amenity is a matter for a planning authority, this application is submitted solely to regularise the position of the outdoor bar structure and not the use of the beer garden.

Considered on its merits, the outdoor bar is a small structure that has not been placed immediately, or in close proximity to any nearby houses. Indeed it is located a significant distance from the nearest dwellings and separated from the nearest dwellings by belts of woodland and the intervening stream. The structure may provide a convenient facility for persons already enjoying the outside area, but it is unlikely to be an attraction in its own right. The addition of the external bar will not further increase the existing general noise associated with what is clearly a busy public house.

Under the Licence, the hours during which drinks can be served from the outside bar are already restricted to prevent late night service from this area so it is unnecessary to add a planning condition for the purpose of restricting hours of use.

However, the Council's Environmental Health Officer has suggested the imposition of a condition preventing speakers being permanently fixed to the fabric of the building. This would not prevent approval of one-off music events through the licensing process, but would prevent speakers being attached to the shelter that were continually broadcasting music into the beer garden and affecting the houses beyond. The Licensing condition requires that previously installed speakers that have apparently caused problems to be removed, the planning condition would complement this by requiring that, once taken away, the speakers are not replaced.

It is agreed that such a condition would be appropriate to reduce adverse impacts on the quality of life arising from noise from the shelter.

Noise problems arising from activities and use of the beer garden that adversely affect those living nearby would need to be addressed through Environmental Protection legislation.

Judged on its own planning merits, the size and position of the outdoor shelter are such that it is considered acceptable and will not have any significant adverse impact on the amenity of the occupants of neighbouring dwellings. The proposal is therefore considered to comply with Policies UR3, P7 and D1 of the Replacement Unitary Development Plan.

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 existing building and adjacent properties. The impact of the proposal upon the occupants of neighbouring properties has been assessed but, subject to the suggested condition, it is considered that the shelter will not have a significant adverse effect upon their residential amenity. As such the proposal is considered to be in accordance with Policies UR3 (The Local Impact of Development), BH4A (Development within the Setting of a Listed Building), P7 (Noise), and D1 (General Design Considerations) of the Replacement Unitary Development Plan.

Conditions of Approval:

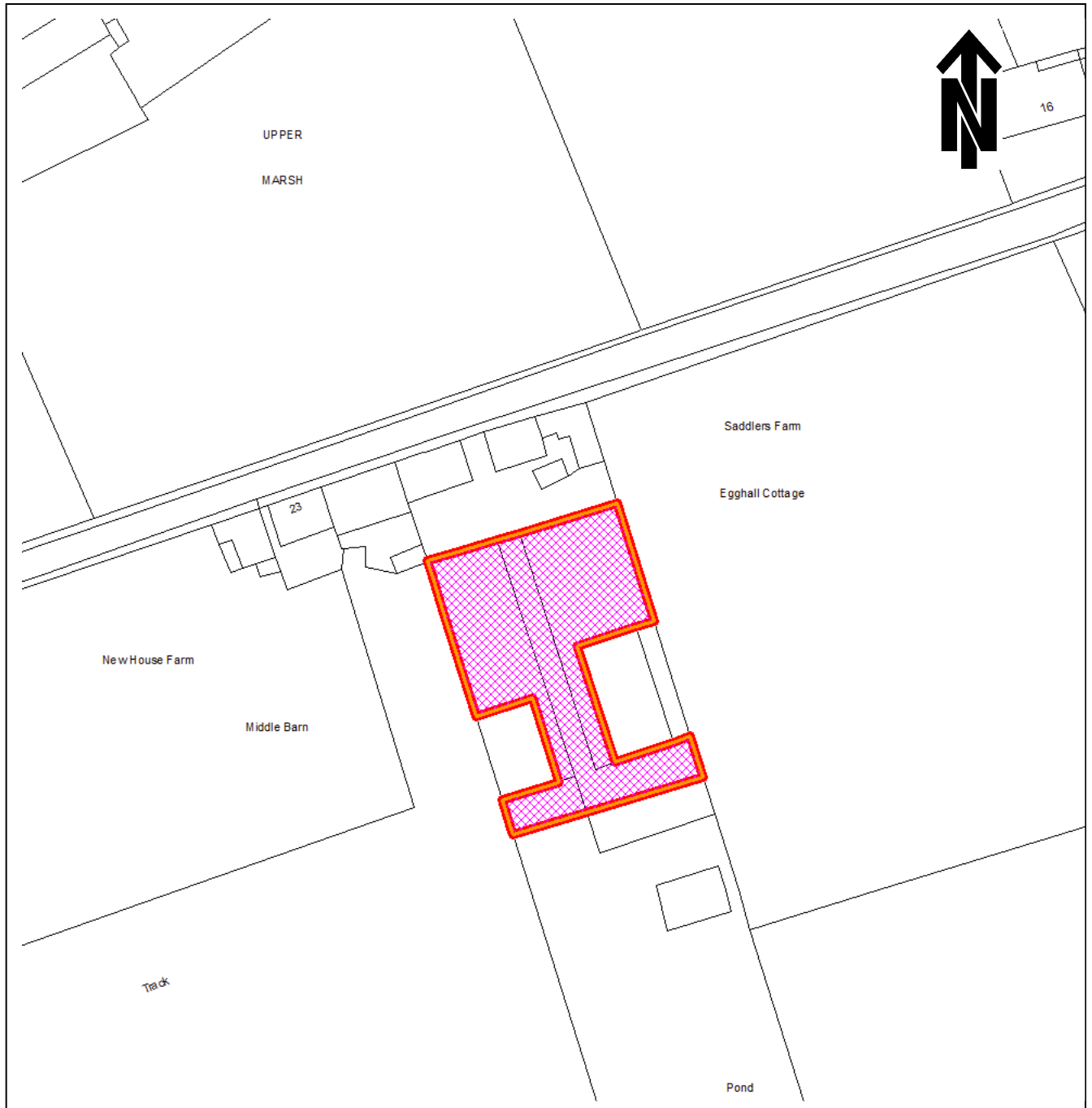
1. No speakers shall be permanently fixed to the fabric, or located within the timber shelter hereby approved.

Reason: To safeguard the amenity of occupiers of neighbouring properties and accord with Policies UR3 and P7 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

16/00073/FUL

23 March 2016



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ITEM NO. : 7	LOCATION: Saddlers Farm Upper Marsh Lane Oxenhope
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23 March 2016

Item Number: 7
Ward: WORTH VALLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
16/00073/FUL

Type of Application/Proposal and Address:
Full application for construction of timber lodge annex at Saddlers Farm, Upper Marsh Lane, Oxenhope, Keighley, BD22 9RH.

Applicant:
Mr S Mercer

Agent:
JO Steel Consulting

Site Description:
This site is within a prominent collection of agricultural buildings associated with a small barn conversion on the south side of Upper Marsh Lane, Oxenhope. The grouping is prominent on the upper flanks of the Worth Valley, with Penistone Hill rising to generally its west. The site is within the approved Green Belt.

Relevant Site History:
09/02472/FUL - Demolition of redundant outbuilding and complete rebuild and construction of extension to form dining, living and kitchen including porch, utility and WC. Refused
09/04388/FUL - Demolition of redundant outbuilding and complete rebuild and construction of extension to form dining, living and kitchen including porch, utility and WC. Granted
12/00704/PN - Agricultural machinery store. Prior approval granted
13/00396/HOU - Construction of single storey sunroom. Withdrawn
13/02622/HOU - Single storey sunroom extension to dwelling. Refused
13/04741/FUL - Equestrian building with storage. Withdrawn.
14/01170/FUL - Stable block with storage. Granted

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.

Replacement Unitary Development Plan (RUDP):

Allocation

Green Belt

Proposals and Policies

Policies

UDP3 – Impact on local environment

GB1 – Green Belt presumption against inappropriate development.

Parish Council:

Oxenhope Parish Council: Objection. Unable to support the application as the timber lodge would encroach upon the Green Belt and therefore be contrary to Green Belt policy.

Publicity and Number of Representations:

Advertised by Site Notice.

No representations have been received.

Summary of Representations Received:

Not applicable.

Consultations:

Highways Development Control

No objections.

Drainage

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

The proposal appears to be located within 30m of the combined public sewer in Upper Marsh Lane, foul water from the development must therefore drain to the public sewer.

Disposal of surface water using soakaways is acceptable subject to the developer providing the results of percolation tests (conducted in accordance with Building Research Establishment Digest No 365) and subsequent design details (also in accordance with Building Research Establishment Digest No 365), to this council for comment, prior to drainage works commencing on site. Soakaways should not be built within 5m of a building or the public highway or in areas of unstable land.

Summary of Main Issues:

Principle – Whether proposal is inappropriate development in the Green Belt; harm to the openness of the Green Belt by virtue of its inappropriateness and harm the purposes of including the land the Green Belt; and whether there are very special circumstances.

Appraisal:

Background

The development involves the siting of a timber clad, prefabricated single storey lodge building within the group of farm buildings on land behind the existing dwelling. It is said to be for purposes of accommodating two elderly relatives of the applicant. It is described as an annex and the applicant has said that the occupiers would be supported from the within the farmhouse. Some confidential medical information has been provided in support of the application.

Notwithstanding the description of the building as an annex to Saddler’s Farm, it is set some distance to the south and the plans show that it would comprise two bedrooms, bathroom and kitchen/living room. The accommodation would be potentially capable of forming an independent dwelling and it is also outside the domestic curtilage, being set amongst the existing agricultural buildings erected in recent years on formerly open farm land behind the dwelling house. (Some of the buildings have been installed under agricultural permitted development rights.)

The agent argues that the annex building would occupy the site of the stable building granted under application 14/01170/FUL which has not yet been constructed.

Green Belt Policy

A free standing residential annex is not listed as one of the exceptions to the presumption against inappropriate development in the Green Belt set out by the National Planning Policy Framework and Policy GB1 of the Replacement Unitary Development Plan. It therefore represents inappropriate development contrary to Green Belt Policy.

The National Planning Policy Framework confirms that Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

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

Consideration of Very Special Circumstances

In this case, the very special circumstances set out by the applicants are that the two elderly relatives will enjoy a degree of independence, but have on-site support and care provided from Saddler’s Farm.

In response to Officer concerns, the applicant has amended the application to the effect that the application seeks a temporary planning permission, with a suggestion the building is removed when no longer required. The applicants do however ask that any condition requiring the building to be removed be qualified with the words "...unless otherwise agreed in writing by the LPA". The rationale for this request, it is said, is based on there being the possibility of there being other elderly relatives of the applicant who might need care in the longer term future.

This suggestion is noted, but it is not sufficient to justify what is effectively a dwelling being placed in the Green Belt. This application proposes a sizeable residential building standing some distance from Saddler's Farm and the accommodation to be provided suggests a self contained dwelling that would not be functionally dependent on, or physically attached to Saddler's Farm.

Whilst sympathetic to the applicant's concern to provide accommodation to allow elderly relatives to live close to them, this is not considered to amount to very special circumstances. This is a situation that would also apply many other people with properties and land in the Green Belt. The circumstances here cannot be argued to be very special, or unique. The Local Planning Authority needs to be mindful of the precedent that would be set for allowing many other detached annex buildings being placed on Green Belt fields in similar circumstances. On its own, it must be said that accommodation of two elderly persons is not considered to be sufficient justification to outweigh harm to the Green Belt.

With regard to the argument that the annex will occupy the site of an approved stable block and store, stables are clearly a type of building common in Green Belt areas and are one of the exceptions to the presumption against inappropriate development listed by Paragraph 89 of the NPPF. A domestic building is not an exception. The introduction of domestic activity and use would appear as encroachment and harm the purposes of including the land in the Green Belt, including to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment.

On balance, relaxation of the presumption against inappropriate development is not considered justified on the basis of very special circumstances and would result in pressure for similar proposals for inappropriate development elsewhere in the Green Belt.

Community Safety Implications:

There are no 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 of sufficient weight to outweigh the wider public interest planning considerations discussed above.

Reasons for Refusal:

The site is in the Green Belt within which a free standing residential annex beyond the curtilage of the dwelling house would be contrary to the presumption inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Local Planning Authority does not accept that the 'Very special circumstances' argued here are sufficient to clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm. The proposal is contrary to the National Planning Policy Framework and Policy GB1 of the Replacement Unitary Development Plan.

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 23 March 2016

P

Summary Statement - Part Two

Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action (page 62)	(5)
Decisions made by the Secretary of State – Allowed (page 72)	(5)
Decisions made by the Secretary of State – Dismissed (page 73)	(4)
Decisions made by the Secretary of State - Part Allowed (page 74)	(1)

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

Report Contact: Mohammed Yousuf
Phone: 01274 434605

Email: mohammed.yousuf@bradford.gov.uk

Portfolio:
Change Programme, Housing and Planning

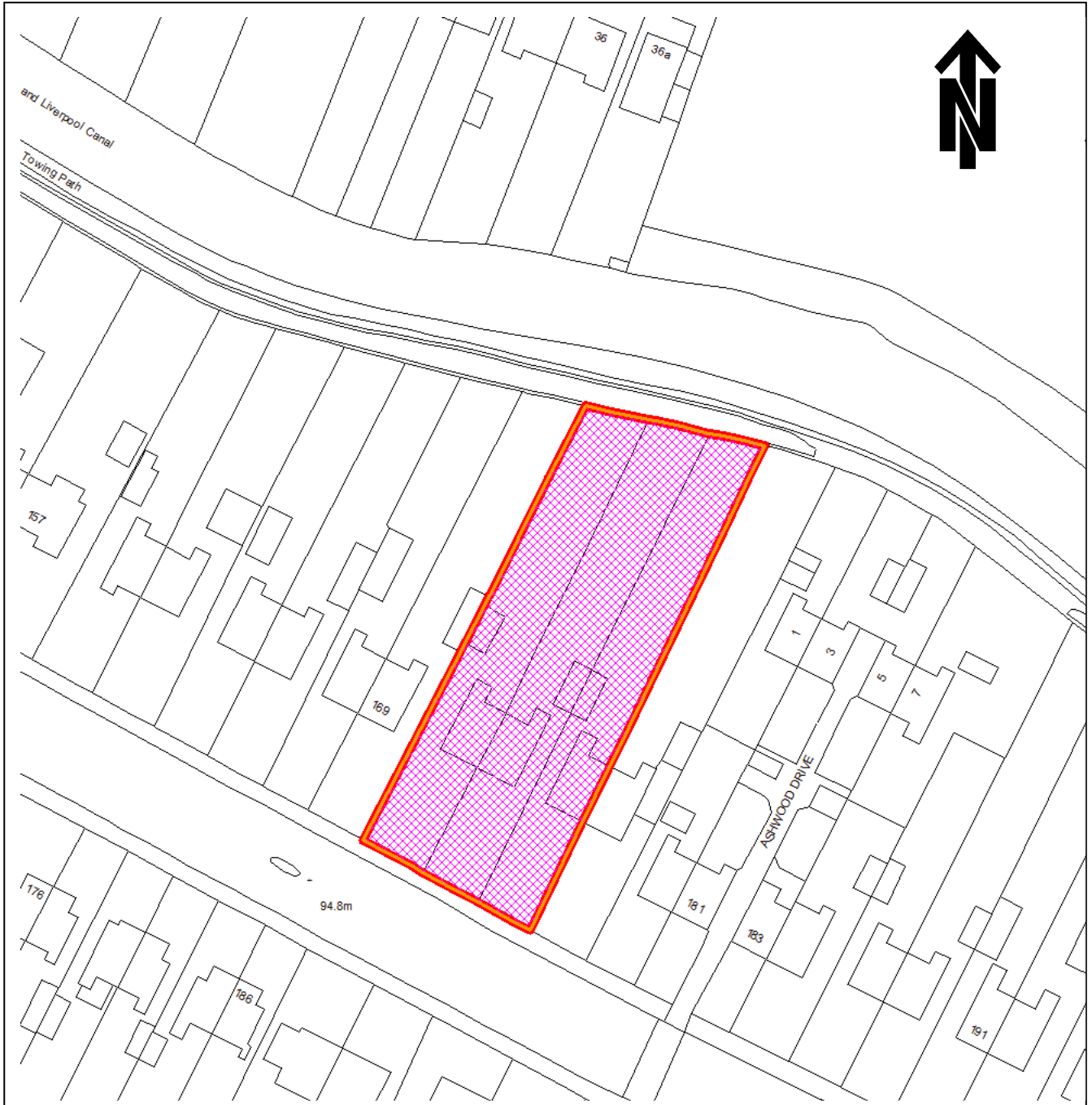
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley/Shipley)

15/00548/ENFUNA

23 March 2016



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<p>ITEM NO. : 8</p>	<p>LOCATION: 171 - 173 Bradford Road Riddlesden Keighley</p>
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23 March 2016

Item Number: 8
Ward: KEIGHLEY EAST
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
15/00548/ENFUNA

Site Location:
Land to rear of 171, 173 and 175 Bradford Road, Riddlesden, BD20 5JH

Breach of Planning Control:
Construction of two dwellings and associated engineering operations.

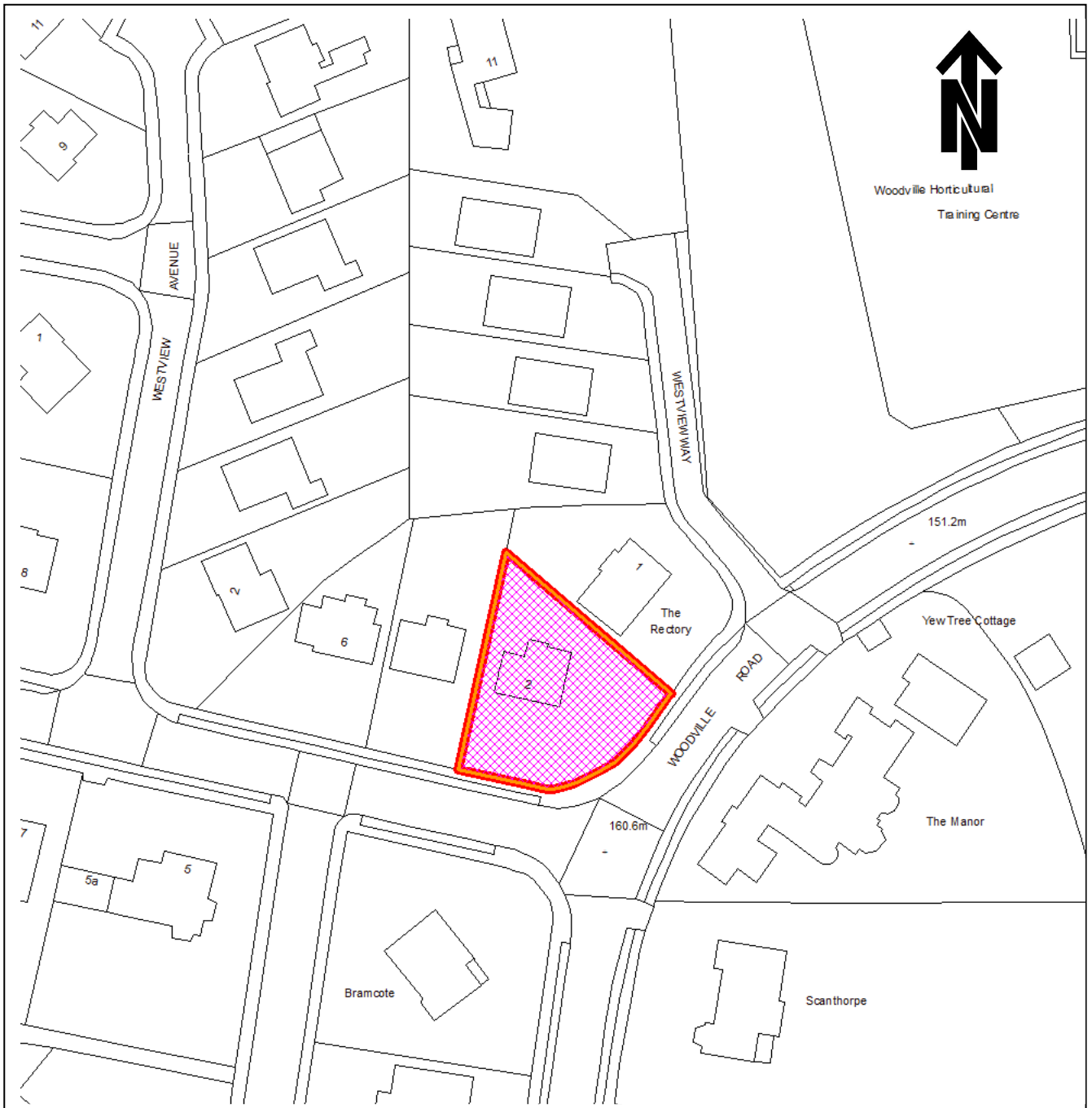
Circumstances:
It was brought to the attention of the Local Planning Authority that two outbuildings were under construction at the above property. The outbuildings were challenged as unauthorised and the owner advised to take action to rectify the breach of planning control. A further site visit revealed the works had continued and are now considered to form two dwellings. No application to retain the dwellings was submitted and a recent site inspection confirms the dwellings remain in situ and unauthorised.

The construction of two dwellings in this location is considered to be detrimental to highway safety and visual and residential amenity. The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 18 February 2016.

Area Planning Panel (Keighley/Shipley)

15/00043/ENFUNA

23 March 2016



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ITEM NO. : 9	LOCATION: 2 View Road Keighley
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23 March 2016

Item Number: 9
Ward: KEIGHLEY CENTRAL
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
15/00043/ENFUNA

Site Location:
2 View Road, Keighley, West Yorkshire, BD20 6JE

Breach of Planning Control:
Construction of a single storey side and rear extension.

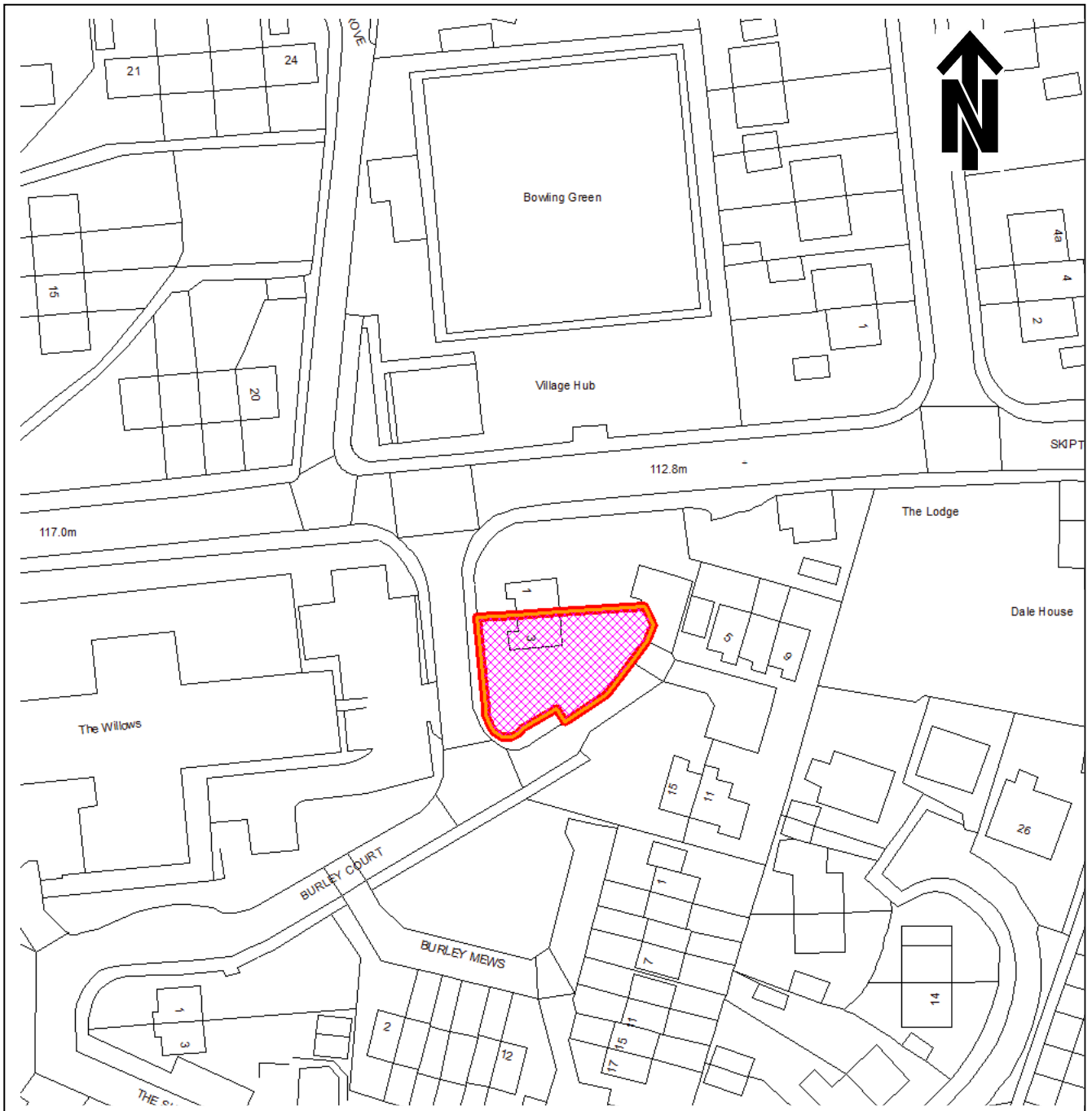
Circumstances:
It was brought to the attention of the Local Planning Authority that a single storey side and rear extension had been constructed at the above property. The works were challenged as unauthorised and the owner advised to take action to rectify the breach of planning control. An application for the retention of the rear part of the development was submitted however refused. To date no application has been submitted for the development in its entirety and it remains unauthorised.

The unauthorised development is considered to be detrimental to residential and visual amenity. The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 18 February 2016.

Area Planning Panel (Keighley and Shipley)

15/00246/TPOCN

23 March 2016



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<p>ITEM NO. : 10</p>	<p>LOCATION: 3 Burley Court Steeton With Eastburn</p>
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23 March 2016

Item Number: 10
Ward: CRAVEN
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
15/00246/TPOCN

Site Location:
3 Burley Court, Steeton with Eastburn, BD20 6TU

Breach of Planning Control:
Construction of a garage outbuilding.

Circumstances:

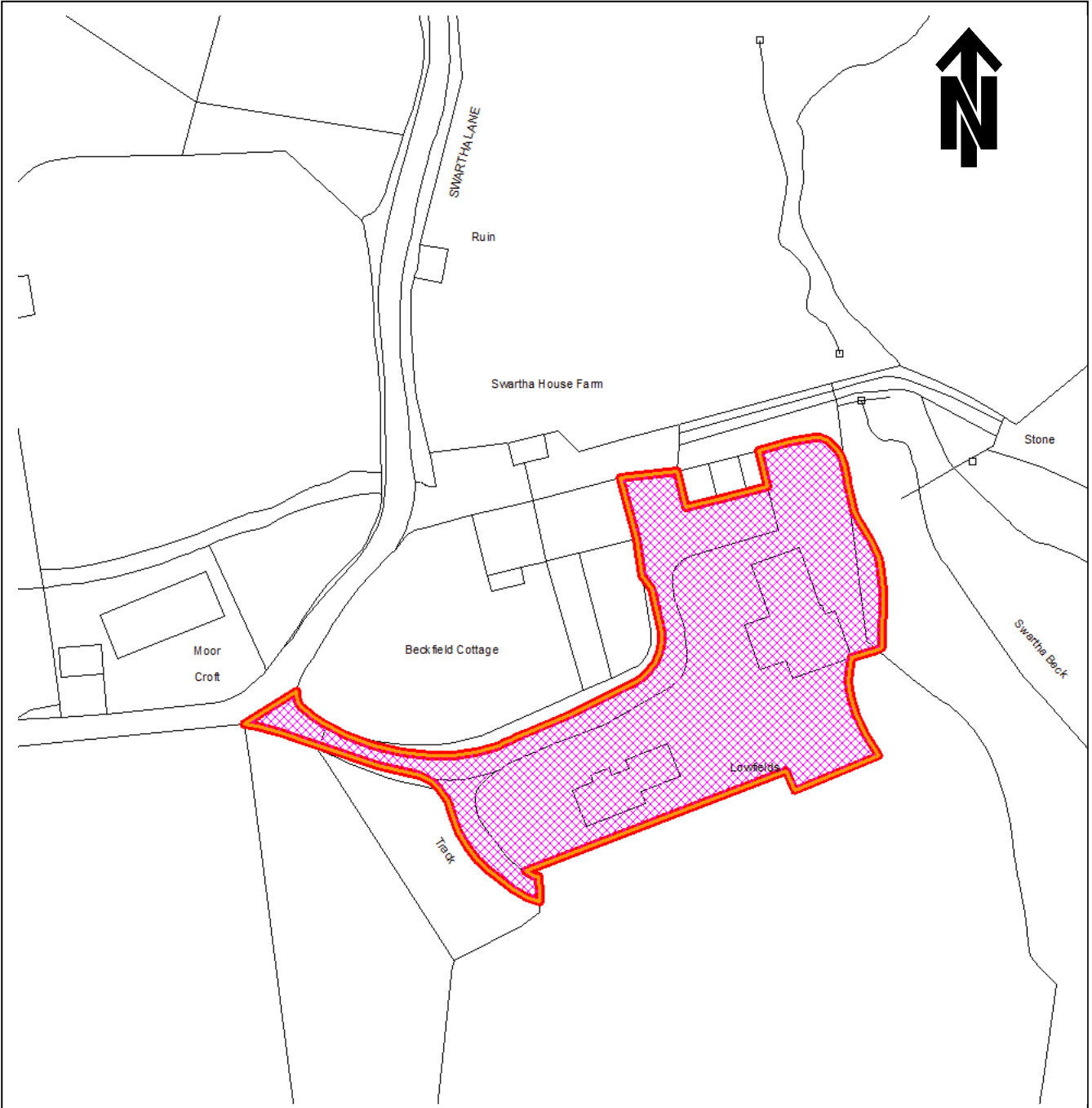
It was brought to the attention of the Local Planning Authority that a single storey garage outbuilding had been constructed at the above property in close proximity to trees protected by a Tree Preservation Order. The outbuilding was challenged as unauthorised and the owner advised to take action to rectify the breach of planning control. An application to retain the outbuilding was submitted and subsequently refused. A recent site inspection confirms the outbuilding remains in situ.

The outbuilding is considered to be detrimental to highway and pedestrian safety and to the health and longevity of trees protected by a Tree Preservation Order. The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 3 February 2016.

Area Planning Panel (Keighley)

15/00019/ENFCON

23 March 2016



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ITEM NO. : 11	LOCATION: Swartha House Farm Swartha Lane Silsden
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23 March 2016

Item Number: 11
Ward: CRAVEN
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
15/00019/ENFCON

Site Location:
Land at Swartha House Farm, Swartha Lane, Silsden.

Breach of Planning Control:
Failure to comply with condition.

Circumstances:
It was brought to the attention of the Local Planning Authority that the owner of the above land had implemented planning permission for construction of two dwellings, however has failed to carry out works to improve the surfaces of the existing site access and turning head as required by a condition of the consent.

The owner has contacted the Local Planning Authority to advise that they would take action to carry out the works required by the condition. However the access remained unimproved.

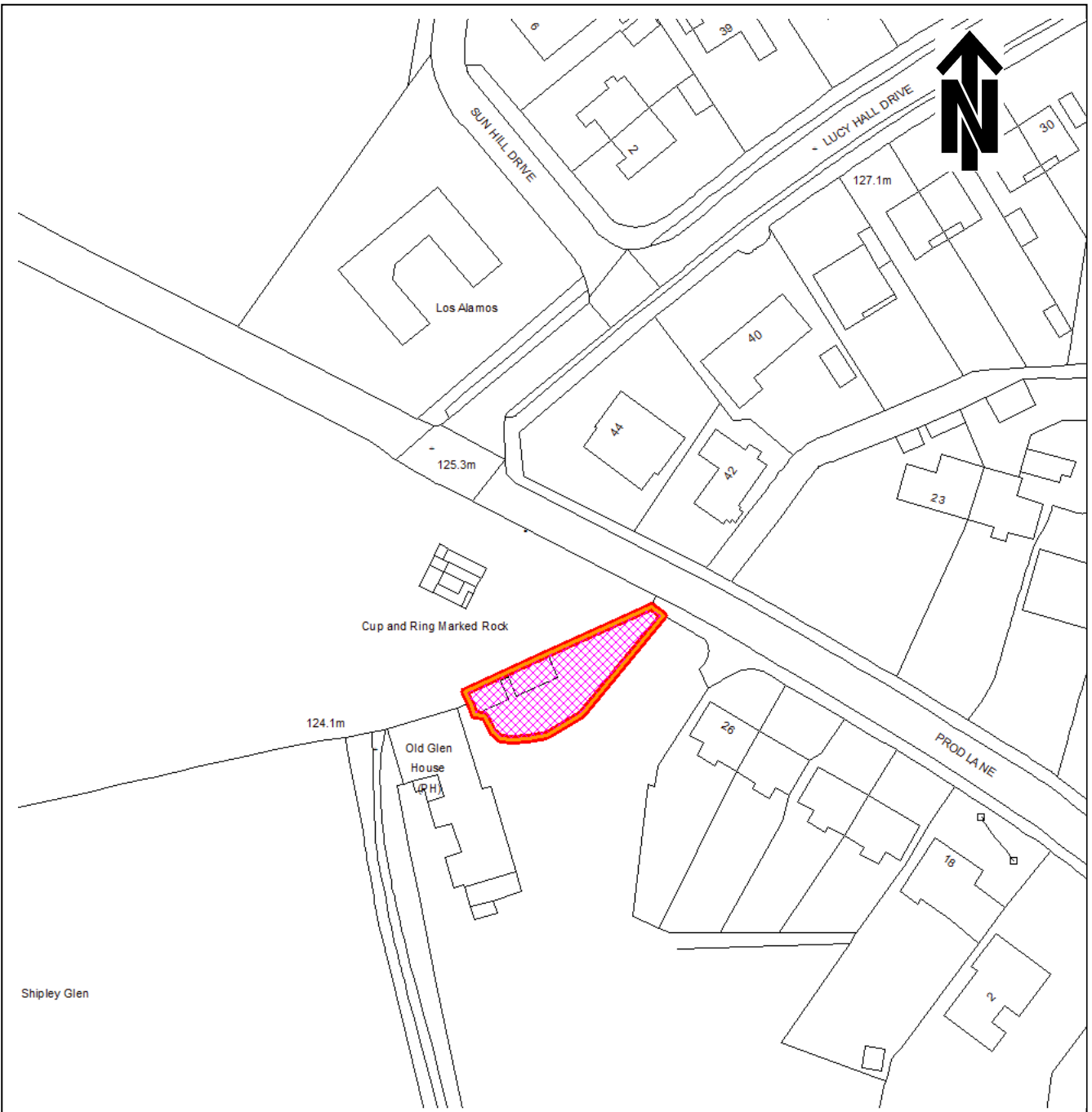
The lack of a suitably formed access is considered to be detrimental to highways safety and both visual and residential amenity.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 2 February 2016.

Area Planning Panel (Keighley and Shipley)

16/00076/ENFUNA

23 March 2016



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ITEM NO. : 12	LOCATION: The Glen Tea Rooms Prod Lane Baildon
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23 March 2016

Item Number: 12
Ward: BAILDON
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
16/00076/ENFUNA

Site Location:
The Glen Tea Rooms, Prod Lane, Baildon, BD17 5BN

Breach of Planning Control:
Construction of raised platform and the installation of doors to the front elevation of the premises.

Circumstances:
It was brought to the attention of the Local Planning Authority that the owner of the above premises had commenced works including the excavation of trenches and the installation of doors. A planning application for the construction of an orangery at the property was refused on 17 February 2016. An unauthorised raised platform has now been constructed in the location of the refused orangery.

The unauthorised raised platform due to its siting and scale is detrimental to the visual amenity of the existing property and wider surrounding area including the traditionally constructed building at The Old Glen House. The unauthorised French doors have an adverse impact on the front elevation of this traditional stone building due to their materials and style. The development is therefore contrary to Policies D1 and UR3 of the Replacement Unitary Development Plan.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 29 February 2016.

DECISIONS MADE BY THE SECRETARY OF STATE

Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
13	Bingley (ward 02)	2 Woodlands Court Bingley BD16 2SW Retrospective application for amendments to planning permission 14/00468/HOU dated 02.04.2014: Construction of two-storey side extension with single-storey porch - Case No: 15/02507/HOU Appeal Ref: 15/00143/APPHOU
14	Worth Valley (ward 29)	Fernhill Jew Lane Oxenhope Keighley BD22 9HS Conversion of existing garage into garden room and gym and construction of extension to create new double garage - Case No: 15/03668/HOU Appeal Ref: 15/00139/APPHOU
15	Worth Valley (ward 29)	Ivy Cottage Hob Cote Lane Oakworth Keighley BD22 0RW Replacement conservatory, and new rear first floor windows - Case No: 15/00957/HOU Appeal Ref: 15/00107/APPHOU
16	Worth Valley (ward 29)	Ivy Cottage Hob Cote Lane Oakworth Keighley BD22 0RW Replacement conservatory, and new rear first floor windows - Case No: 15/00950/LBC Appeal Ref: 15/00133/APPLB2
17	Wharfedale (ward 26)	Land At Widdon Croft 5 Whiddon Croft Menston Ilkley LS29 6QQ Construction of one detached dwelling on land adjoining - Case No: 15/01204/FUL Appeal Ref: 15/00119/APPFL2

Appeal Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
18	Keighley Central (ward 15)	49 Cliffe Street Keighley BD21 2ET Retrospective planning application for construction of front and rear dormer windows - Case No: 15/03829/HOU Appeal Ref: 15/00136/APPHOU
19	Keighley Central (ward 15)	64 Mannville Road Keighley BD22 6AT Construction of single storey rear extension of the following dimensions: Depth of extension from original rear wall: 5M Maximum height of extension: 4M Height to eaves of extension: 3M - Case No: 15/02855/PNH Appeal Ref: 15/00134/APPNH1
20	Worth Valley (ward 29)	Mount Pleasant Farm Black Moor Road Oxenhope Keighley BD22 9SS Demolition of existing porch and construction of two storey rear extension - Case No: 15/03540/HOU Appeal Ref: 15/00142/APPHOU
21	Bingley Rural (ward 03)	Wilsden Cricket Club Haworth Road Wilsden Bradford BD15 0JX Retrospective application for sponsor's illuminated advertising board attached to northern gable of pavilion - Case No: 15/02287/ADV Appeal Ref: 15/00129/APPAD1

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

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
22	Keighley East (ward 16)	9 Malvern Crescent Riddlesden Keighley BD20 5DL Construction of rear extension allowed on appeal/balcony dismissed on appeal - Case No: 15/03183/HOU Appeal Ref: 15/00148/APPHOU