

Agenda for a meeting of the Area Planning Panel (Keighley & Shipley) to be held on Wednesday 27 April 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.
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From: Meic Sullivan-Gould, Interim City Solicitor
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 Phone: 01274 431182 Fax: 01274 433505
 E-Mail: adam.backovic@bradford.gov.uk



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 25 April 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 “Q”** – relating to items recommended for approval or refusal:

The sites concerned are:

	<u>Officer Rec</u>	
1. 126 Main Street, Wilsden.	(Approve) (Page 1)	<u>Bingley Rural</u>
2. Hindleigh, Gawthorpe Lane, Bingley.	(Approve) (Page 8)	<u>Bingley</u>
3. Land to the rear of St Matthew’s Close, Wilsden.	(Approve) (Page 16)	<u>Bingley Rural</u>
4. Land West of 3 Dewhirst Street, Wilsden.	(Approve) (Page 26)	<u>Bingley Rural</u>
5. Low Lodge, Belgrave Road, Keighley.	(Approve) (Page 33)	<u>Keighley Central</u>

(Mohammed Yousuf – 01274 434605)

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

- 6. – 9. Request for Enforcement/Prosecution Action (page 45)
- 10. - 15. Decisions made by the Secretary of State – Allowed/Dismissed (page 53)

(Mohammed Yousuf – 01274 434605)

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Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 27 April 2016

Q

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.	126 Main Street Wilsden Bradford BD15 0AS - 16/01411/VOC [Approve] (page 1)	Bingley Rural
2.	Hindleigh Gawthorpe Lane Bingley BD16 4DE - 16/01240/FUL [Approve] (page 8)	Bingley
3.	Land To The Rear Of St Matthews Close Wilsden Bradford - 16/00540/OUT [Approve] (page 16)	Bingley Rural
4.	Land West Of 3 Dewhirst Street Wilsden Bradford - 15/07009/FUL [Approve] (page 26)	Bingley Rural
5.	Low Lodge Belgrave Road Keighley BD21 2HP - 16/00163/FUL [Refuse] (page 33)	Keighley Central

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

Report Contact: Mohammed Yousuf
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Email: mohammed.yousuf@bradford.gov.uk

Portfolio:
Housing, Planning & Transport

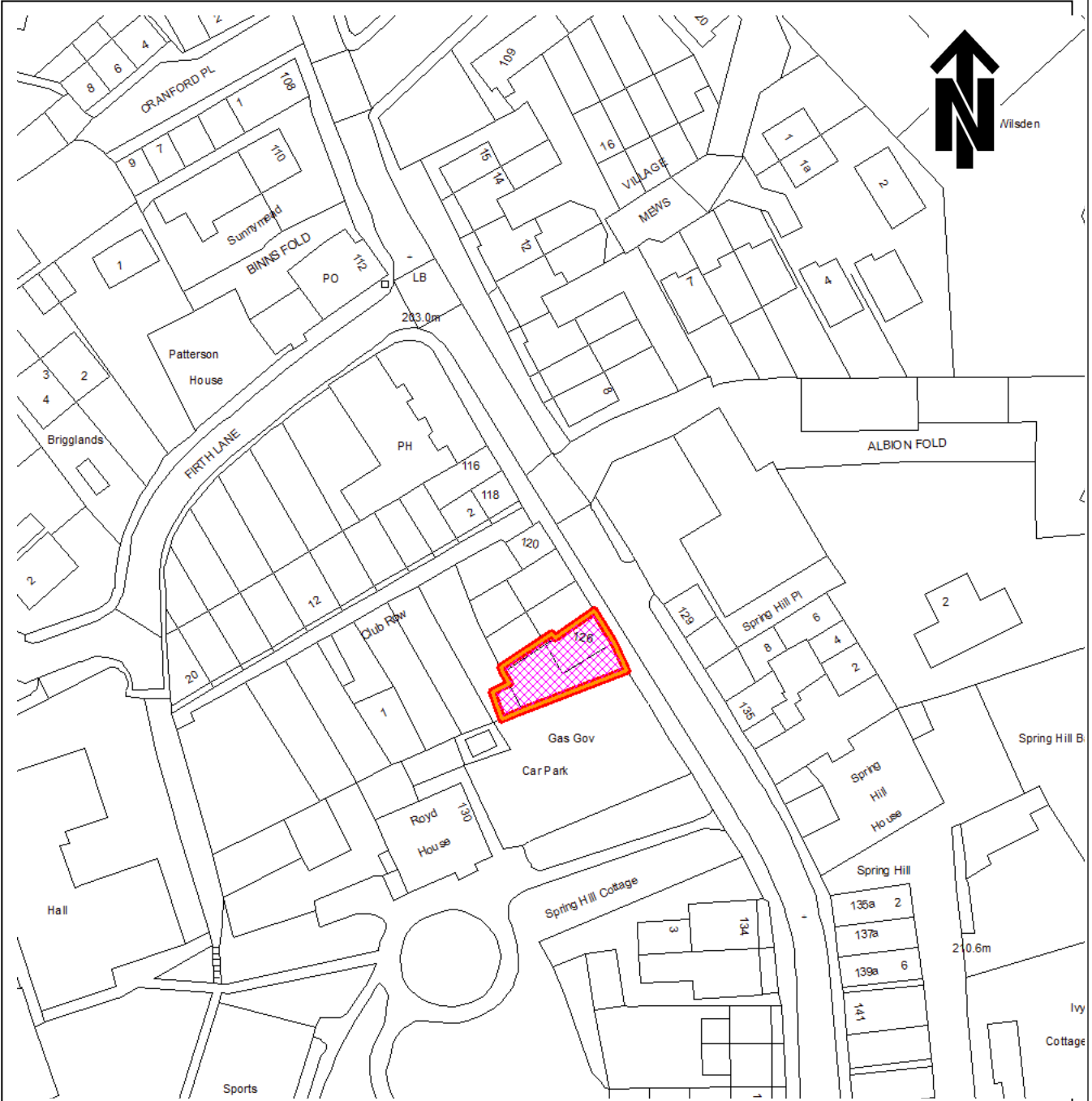
Overview & Scrutiny Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley/Shipley)

16/01411/VOC

27 April 2016



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ITEM NO. : 1	LOCATION: 126 Main Street Wilsden
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27 April 2016

Item Number: 1
Ward: BINGLEY RURAL
Recommendation:
TO VARY THE CONDITION BUT NOT AS REQUESTED
APPLICATION WITH A PETITION

Application Number:
16/01411/VOC

Type of Application/Proposal and Address:
Application for variation of condition 4 - to extend the permitted opening hours imposed under planning permission 12/03274/FUL dated 13.11.2012: Change of use from retail (A1) to cafe (A3) at 126 Main Street Wilsden, Bradford, BD15 0AS.

Applicant:
Mr Christian Lambert

Agent:
Laurie Reader

Site Description:
No 126 Main Street is a small, two storey traditional stone built property at the end of a row fronting Main Street in the village centre of Wilsden. The ground floor is in use as a delicatessen and café in accordance with a planning permission granted in 2012. It is located within the designated Wilsden Conservation Area. The property has a small yard to the rear which provides an outdoor seating area for the café. There is residential accommodation above the café unit which is part of the adjoining dwelling at 124 Main Street. Beyond this, Nos 120 and 122 are also residential properties. Adjacent to the site, to the south, is a small pay and display car park.

Relevant Site History:
12/03274/FUL: Change of use from retail (A1) to cafe (A3) GRANTED 13.11.2012.
15/01337/VOC: Variation of condition 4 to extend opening hours of planning permission.
12/03274/FUL: REFUSED 28.05.2015 on grounds of conflict with residential amenity.

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 in Wilsden Conservation Area.

Proposals and Policies

UR3 – Local planning considerations

D1 – General design considerations

BH7 – New Development in Conservation Areas

UR3 – The local impact of development

TM19A – Traffic management and road safety

Parish Council:

Wilsden Parish Council supports the application.

Publicity and Number of Representations:

Publicised by site notice and neighbour letters to 1.4.2016.

One petition of support and e-mail in support from a Ward Councillor.

One objection received.

Summary of Representations Received:

Objection is to increased traffic, demand for parking and increased noise.

Ward Councillor:

In the event of a recommendation for refusal can this decision be referred to Panel. I see having a small restaurant in Wilsden as a positive development for the village. The location of Krave is central and adjacent to the car park, minimising any negative impact. I am also concerned that we may lose the business altogether if they are unable to secure sensible evening opening.

Petition in support states that the additional hours will provide a relaxing environment for an evening meal, benefit the local economy and provide jobs.

Consultations:

Environmental Protection – (see appraisal)

The proposed extension to opening hours to 22.00 would be detrimental to the amenity of surrounding occupants, in particular occupiers of 124 Main St, Wilsden, due to the noise and disturbance arising late into the evening. Extended opening hours would alter the nature of the premises and the character of the area.

Summary of Main Issues:

Support for the business must be weighed against the impact on residential amenity.

Appraisal:

These premises operated for some time as a retail delicatessen and sandwich shop. In 2012 permission was granted for change of use to an A3 café. The addition of tables and chairs was such that the consumption of food on the premises became more than ancillary to the sale of sandwiches and amounted to a material change of use requiring planning permission.

When application 12/03274/FUL for the change of use was being considered, objections were received against the impact of a café use on the residential properties nearby. However, officers were supportive of the applicant's desire to diversify the business and it was appreciated that the small scale of the café would limit the scale of the noise from customers and the amount of disturbance from the general comings and goings. The change of use to A3 café was supported and the application was approved under delegated powers.

Nevertheless, in order to protect the amenity of the neighbouring occupiers (particularly the accommodation above) it was considered necessary to impose a condition (Condition 4) restricting the opening hours. The condition is also worded to limit the use of the outdoor seating area immediately behind the cottages to the same times.

Condition 4:

The premises, including the external areas, is subject to condition No 4 which says that it shall not be open for business outside the hours of:

09.00 - 18.00 hours Monday to Friday;

09.00 - 16.00 hours on Saturdays, and

10.00 - 16.00 hours on Sundays and Bank or Public holidays.

No customer shall be served or otherwise make use of the premises outside these hours.

The reason for this condition is to safeguard the amenity of nearby residents and to accord with Policy UR3 of the RUDP.

The premises are now operating as a small café. There are four tables inside but, in addition, seating in the form of wooden picnic tables, has been arranged in the back yard for customer use in fine weather. As well as being a café, the premises still operate as a shop with deli food and sandwiches being available to take away.

The application seeks the variation of condition No 4 on planning approval 12/03274/FUL to extend the hours of the business.

The proposal

The application seeks consent for an extension of the opening hours as follows:

Monday to Wednesday 0730 to 1800

Thursday and Friday 0730 to 2200

Saturday 0900 to 2200

Sundays and Bank or Public Holidays would remain 1000 to 1600 (no change)

Impact on amenity of adjoining residents

There is a residential accommodation above the premises which is not in the control of the applicant. This 1st floor accommodation appears to be part of the adjoining cottage at 124 Main Street.

An application to vary Condition 4 was refused in 2015 and here have been no material changes in the circumstances at the site since this.

However, the Environmental Protection Officer has listened to arguments presented by the applicant and confirms that he has not received any complaints about the café use since it has been operating. The applicant argues that the noise from the limited number of customers will not be significant if it ceases at 22.00 hrs. Any additional comings and goings on Main Street are unlikely to be noticed above the noise and activity already caused here by traffic and activity associated with other uses such as the nearby public houses. The applicant has said there is no intention to install any cooking equipment beyond what presently exists and so there should be no additional noise or disturbance from any new extraction systems.

These arguments have been taken into account.

The Environmental Protection Officer does not oppose relaxation of hours inside the building so as to permit morning opening at 07.30 hrs and evening dining inside to be extended to 22.00 hrs. It is appreciated that the small size of the internal space (which would seat only around 11 persons) together with the character of the locality are such that significant harm to amenity is not likely to be caused.

However, there is concern that extending the permitted use of the larger outdoor seating area to 22.00 hrs would be detrimental to the amenity of surrounding occupants.

The outdoor seating area could accommodate 20-22 diners and, although the applicant argues its use would only be seasonal, the Council could not prevent installation of portable outdoor heaters and lighting to extend the period of usage. The capacity of the outdoor area and its close proximity to windows in the back of 124 Main St, Wilsden and the adjoining residential properties are such that it is feared these would experience unacceptable noise and disturbance arising late into the evening caused by the congregation of people outside.

The Councils Environmental Protection Officer therefore cautions against the requested relaxation for the outdoor area.

It is appreciated that the existing business operation has not attracted complaints. However, this might be interpreted as suggesting that the hours restriction has been effective. In addition, the Local Planning Authority has to be mindful of the fact that, in law, relaxation of the condition will run with the premises, not the applicant. Although the current operator of the business has exercised responsible management, future operators may not behave in such an effective or neighbourly manner.

The applicant also argues that traffic on Main Street is also quite heavy. During the day there is acknowledged to be much activity in the surrounding area as this is the village centre, alongside a busy street, and next to a well-used public car park. However, there is less activity in the evening.

The external area could seat up to 20-22 people. There is concern that congregation of this number of people in the open air until evening opening hours of 22.00 hrs would change the nature of the premises and create noise and disturbance which would affect occupiers of the adjoining cottages (and possibly those further away on Club Row).

There are residential properties adjoining and surrounding the site and it is considered that the while the proposal to permit opening of the café until 22.00 hrs would be reasonable, there would be noise nuisance issues if the larger external area was also used until 22.00 hrs. Permitting use of the larger external area would be detrimental to residential amenity and contrary to RUDP policies D1 and UR3.

Supporting the business

Officers fully appreciate the representations and petition in support of this small local business. The NPPF says that the planning process should facilitate the local economy, including in rural areas. Its value to the community is appreciated and the applicant is supported by the Ward Councillor and Parish Council.

However, the National Planning Policy Framework also sets an objective of ensuring that planning decisions maintain high standards of amenity for existing and future occupants. There is a need to balance the desire to support diversification of a valued local business with the need to ensure the use does not have a harmful impact on the neighbourhood.

The Council's Environmental Protection officer knows the property and the locality and considers that late night opening will change the nature of the premises and result in noise and disturbance late into the evening - especially during summer months when customers are likely to spill out onto the rear yard.

Conclusion:

Officers support permitting opening of the café between 07.30 hrs and 22.00 hrs as requested, but share Environmental Protection concerns about allowing the larger external garden to be used by customers beyond the existing permitted hours until as late as 22.00 hrs.

On balance, it is considered that relaxation of permitted hours inside the café will facilitate development of this enterprise but that the need to safeguard the amenity of the near neighbours from noise and disturbance in the evening, outweighs the positive aspects of facilitating diversification of the business by allowing extended use of the larger outside area.

Other issues:

No highway safety issues are raised. The site is on Wilsden Main Street, adjacent to a public car park which is available for customers – being free for 30 minutes with a charge of 30p for an hour's parking after that. It is close to other local amenities and shops scattered along Main Street. Given its location it is likely that many local customers will arrive on foot. If permission was granted for later opening hours more customers may arrive by car but given the presence of the car park this would not create significant congestion or highway safety problems.

The site is in the Wilsden Conservation Area but no alterations are proposed to this small traditional building that will harm its character. The proposal will not be detrimental to the character or appearance of the conservation area.

Community Safety Implications:

There are no apparent community safety issues.

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.

Recommendation:

To vary Condition 4 as follows:

The premises the subject of this decision shall not be open for business outside the hours of:

Monday to Wednesday: 07.30 to 18.00

Thursday and Friday: 07.30 to 22.00

Saturday: 09.00 to 22.00

Sundays and Bank or Public holidays: 10.00 to 16.00

There shall be no use by customers of the external areas behind the premises after 20.00 hrs.

No customer shall be served or otherwise make use of the premises outside these hours.

Reason: In order to safeguard the amenity of nearby residents and to accord with Policy UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

16/01240/FUL

27 April 2016



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ITEM NO. : 2	LOCATION: Hindleigh Gawthorpe Lane Bingley
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27 April 2016

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

Application Number:
16/01240/FUL

Type of Application/Proposal and Address:
Full application for construction of a detached house and garage. Hindleigh, Gawthorpe Lane, Bingley, Bradford, BD16 4DE.

Applicant:
Mr J. Cooper

Agent:
Mr P Brooksbank

Site Description:
The site comprises a roughly triangular plot of existing residential garden space located at the junction of Gawthorpe Lane with Beck Lane, Bingley.

The locality is residential in character but there is no uniformity to the surrounding housing, which is of varying age and arrangement. The local road network has not been significantly upgraded such that both Beck Road and Gawthorpe Lane are largely without footways.

The site stands above the level of Beck Lane but is screened behind a wall and hedge. An existing, but substandard gated access into the site from Gawthorpe Lane is located to the side of a stone outbuilding within the site and on the boundary with the highway.

Hindleigh, the parent dwelling is a rendered semi-detached property. Holly Lodge to the west is a split level dwelling at lower level than the application site and a well-established hedge defines the boundary between the site and that neighbouring dwelling.

The site is not within a conservation area.

Relevant Site History:
None on this land.

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

POLICY UDP3

OBJECTIVE TO ENSURE THAT THE QUALITY OF THE BUILT AND NATURAL ENVIRONMENT IS MAINTAINED AND IMPROVED.

POLICY UR3

DEVELOPMENT WILL BE PERMITTED PROVIDED THAT IT DOES NOT HAVE AN ADVERSE EFFECT ON: THE SURROUNDING ENVIRONMENT; OR THE AMENITY OF OCCUPANTS OF ADJOINING LAND.

POLICY D1

ALL DEVELOPMENT PROPOSALS SHOULD MAKE A POSITIVE CONTRIBUTION TO THE ENVIRONMENT AND QUALITY OF LIFE THROUGH HIGH QUALITY DESIGN, LAYOUT AND LANDSCAPING.

POLICY TM2

EFFECT OF DEVELOPMENT ON EXISTING AND PROPOSED TRANSPORT INFRASTRUCTURE OR SERVICES, INCLUDING PUBLIC TRANSPORT AND WALKING AND CYCLING FACILITIES, IN THE VICINITY OF THE SITE, OR THE LOCAL ENVIRONMENT

POLICY TM12

PROVISION OF PARKING IN ACCORDANCE WITH THE COUNCIL'S ADOPTED STANDARDS.

POLICY TM19A

THE POTENTIAL IMPACT ON TRAFFIC MANAGEMENT AND ROAD SAFETY.

Parish Council:

None for this area.

Publicity and Number of Representations:

Application advertised by way of Site Notice and Neighbour Letters. Eight objection letters received.

Summary of Representations Received:

1. Loss of natural light for neighbours.
2. Loss of privacy.
3. Inaccurate plans.
4. Risk to highway safety on a dangerous bend in the road.
5. Lengthy list of vehicular obstruction and accidents in local road network.
6. Intensified use of substandard roads contrary to highway guidance.
7. Inadequate publicity.

Consultations:

Highways

No objections subject to conditions.

Drainage

No objections subject to conditions.

Biodiversity

No response at time of writing.

Summary of Main Issues:

Principle.

Local Amenity.

Design.

Highway Issues.

Appraisal:

Principle

This application relates to a sizable garden space associated with an existing dwelling close to the junction of Gawthorpe Lane with Beck Lane, Bingley.

The site is at higher level than Beck Lane and is bounded by stone boundary walls with associated shrub planting along its frontage with the public highway, whilst a neighbouring dwelling stands beyond the western site boundary hedgerow.

The existing dwelling, with which the garden space is associated, stands to the north of the proposed development.

Vehicular access would be taken from Gawthorpe Lane, a short distance from the junction with Beck Lane, this involving the improvement of an existing access point. The existing parking arrangements for Hindleigh would be unaffected by the development although the applicants indicate an intention to improve those existing arrangements.

In terms of principle, the proposals are considered to be broadly acceptable in light of a pressing need to make best and most efficient use of urban land for new housing provision; this reducing the pressure for building on the Green Belt. However it is necessary to establish that the development can be undertaken without significant impact on local residential amenity and privacy, on the appearance of the street scene or on highway safety. These matters are considered below.

Local Residential Amenity

The site is reasonably well screened although there is a neighbouring property, 'Holly Lodge', at lower level to the east. The development would introduce windows facing towards that property but given the difference in levels and the well-established hedgerow along the common boundary it is not considered that there would be implications for privacy for the neighbour, or for existing levels of natural light given the relative site levels.

A further dwelling, 'Beck House', stands on the opposite side of Gawthorpe Lane. This property is tight up to the highway boundary and without a footway between the dwelling and road. This property presents only a secondary elevation to the highway and towards the application site beyond. There would be no significant implications for that property in terms of impact on privacy or light.

The proposals include a reduction in the ground level of the development site such that the dwelling would sit appreciably lower in level than the existing dwelling on the plot, and this reduction in height would also assist in reducing impact on neighbouring properties and it is considered that in each case, privacy and light would not be compromised.

Design

This area contains a mix of property types - showing a range of ages, designs and facing materials to existing buildings. Hindleigh, for example, has rendered walls, the Five Rise Locks Hotel to the south is built in stone, and the older properties on Gawthorpe Lane are painted. The submitted drawings propose a detached two storey house with a traditional appearance, including the use of chimneys to the gables. In terms of materials, the proposals indicate the use of natural coursed stone to all external walls and blue slate roof covering. The massing and general arrangement of the dwelling is acceptable. The dwelling would maintain space to side boundaries and would be partially screened in views along Beck Lane by the boundary wall and hedge. It would not appear out of place in the surrounding context, where there is no uniformity in the appearance of dwellings or in their materials.

On this basis there would be no conflict with Policies UDP3, UR3 or D1 of the Replacement Unitary Development Plan and the National Planning Policy Framework (2012).

Highway issues

It is noted that the objections focus on the substandard nature of the roads leading to the site. The Council's Highway engineer had some concerns with regard to potentially limited visibility from the existing access gate. The submitted scheme overcomes the problems of limited visibility at the existing site access by widening the access point to Gawthorpe Lane and moving it south - away from the stone outbuilding adjoining the entrance and abutting the lane.

Although several objections are on grounds of road safety, the Council's Highway engineer notes that traffic speeds in the vicinity are low and, given that the existing access into the site is to be significantly improved and a new turning space provided within the site, raises no objections to the proposals.

The Highway Officer recommends standard conditions on any approval granted to secure the improvements to access and turning shown on the drawings and provision of the of street car parking. Subject to these, the development would satisfy Policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

Drainage

The Council's Drainage Engineer notes that a public sewer crosses the application site. However this sewer is in excess of three metres from any part of the development and thus is unlikely to represent a constraint to the development.

Representations

Objections have been received from local residents, whose concerns are in large part in respect of the standard of Gawthorpe Lane and Becks Road; that the development would result in danger for road users and pedestrians, and that light and privacy for neighbours would be adversely affected. These objections are acknowledged and have been considered above. However, in view of low local traffic speeds and of an improvement to an existing access into Gawthorpe Lane it is not considered that an objection on highway grounds could be sustained.

In terms of light and privacy, whilst the new dwelling would be locally noticeable it is considered that the site arrangement and its relationship to neighbouring property is such that no significant harm to light, privacy or outlook would arise.

Conclusions

Local authorities are required to deliver significant new housing and there is resulting pressure on green-field sites and the Green Belt for new development. Therefore in cases where new housing development can be satisfactorily achieved within the existing urban area councils will be expected to support such proposals. In this case, the development would not give rise to significant harm and the relevant policies of the local plan and National planning policy are satisfied.

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 proposed development would not give rise to demonstrable harm to local interests of acknowledged importance and would contribute to local housing provision.

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 the development is brought into use, the off street car parking facility shall be laid out and permeably surfaced within the curtilage of the site in accordance with the approved drawings.

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

3. Before the dwelling is brought into use, the new vehicular access and vehicle turning area shall be completed and made permanently available for use in accordance with details shown on the approved site layout plan 112/1.

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

4. 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.

5. Surface water shall be discharged to soakaways designed and constructed in accordance with Building Research Establishment Digest 365. Only in the event that soakaways prove not to be viable shall surface water be disposed of to sewer, in which case the site shall be drained on separate surface and foul water systems.

Reason: To provide an adequate and sustainable means of surface water drainage and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

6. 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.

7. The pointing to the external walls of the building shall be flush with the face of the stone or slightly recessed. "Ribbon" or "strap" pointing shall not be used.

Reason: To ensure the use of appropriate pointing details and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

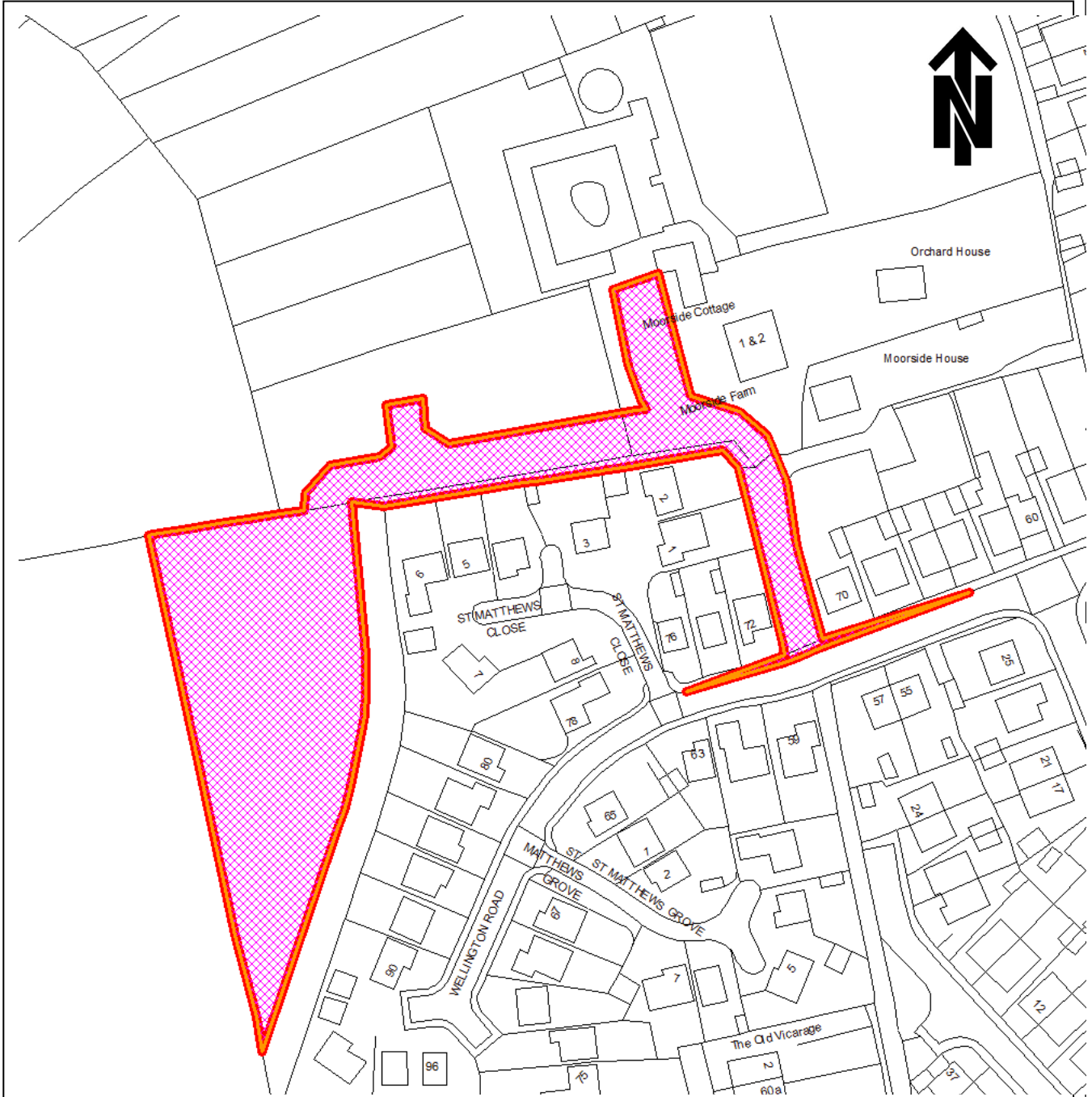
8. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission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

Reason: To accord with Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

16/00540/OUT

27 April 2016



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ITEM NO. : 3	LOCATION: Land To The Rear Of St Matthews Close Wilsden
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27 April 2016

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

Application Number:
16/00540/OUT

Type of Application/Proposal and Address:

Outline application with all matters reserved - for the construction of 6 dwellings on 0.7Ha of land at Moorside Farm to the Rear of St Matthews Close, Wilsden, Bradford, BD15 0LZ.

Applicant:

Mr J Barton

Agent:

Max Design Consultancy, Doncaster.

Site Description:

A 0.7 ha area of unallocated open grazing land bounded with dry-stone walling and located between residential properties at the terminus of St Matthews Close, Wilsden and the approved Green Belt, which extends to the north and west. The site presently has no adopted vehicular access to it, although outline planning permission has been granted for a residential development on land that is linked to the northern end of the site here. The approved means of access to that neighbouring development site would be extended to serve the site considered here. A well-established landscaped buffer extends along the eastern site boundary rear of the existing housing on St Matthews Close. Generally the site is located on the south western extremity of the village of Wilsden, with open agricultural land extending to the north and west.

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

POLICY UDP3

NEW DEVELOPMENT WILL NEED TO ENSURE THAT THE QUALITY OF THE BUILT AND NATURAL ENVIRONMENT IS MAINTAINED AND WHERE PRACTICAL IMPROVED.

POLICY UR3

DEVELOPMENT WILL BE PERMITTED PROVIDED THAT IT DOES NOT HAVE AN ADVERSE EFFECT ON: THE SURROUNDING ENVIRONMENT; OR THE OCCUPANTS OF ADJOINING LAND

POLICY D1

ALL DEVELOPMENT PROPOSALS SHOULD MAKE A POSITIVE CONTRIBUTION TO THE ENVIRONMENT AND QUALITY OF LIFE THROUGH HIGH QUALITY DESIGN, LAYOUT AND LANDSCAPING.

POLICY TM2

PLANNING PERMISSION FOR NEW DEVELOPMENT OR CHANGE OF USE WILL NOT BE GRANTED UNLESS: (1) THE COUNCIL IS SATISFIED THAT THE PROPOSAL DOES NOT ADVERSELY AFFECT EXISTING AND PROPOSED TRANSPORT INFRASTRUCTURE OR SERVICES, INCLUDING PUBLIC TRANSPORT AND WALKING AND CYCLING FACILITIES, IN THE VICINITY OF THE SITE, OR THE LOCAL ENVIRONMENT

POLICY TM12

IN DETERMINING PLANNING APPLICATIONS FOR RESIDENTIAL DEVELOPMENTS THE COUNCIL WILL REQUIRE PROVISION OF PARKING IN ACCORDANCE WITH THE COUNCIL'S ADOPTED STANDARDS.

POLICY TM19A

IN DETERMINING PLANNING APPLICATIONS THE COUNCIL WILL CONSIDER THE POTENTIAL IMPACT ON TRAFFIC MANAGEMENT AND ROAD SAFETY AND WILL SEEK ANY CONSEQUENTIAL IMPROVEMENTS.

Parish Council:

Wilsden Parish Council: does not support this application and should officers be minded to approve we would request that this application is considered by Panel.

In reaching the decision not to support the application the Parish Council have taken into consideration the adjacent application 14/04844/OUT, approved by the Keighley and Shipley Area Planning Panel on Feb 25th, 2015.

The parish council does not support outline applications, in principle, for sensitive sites of this type, especially on the edge of the village. By requesting approval for the principle of development without details of the actual housing that is being proposed, there is a likelihood of prejudgement before ensuring the development is in conformity with the emerging Wilsden Neighbourhood Plan and the Wilsden Landscape Character Assessment.

As part of the development of the Wilsden Neighbourhood Plan, the community has undertaken a detailed analysis of local green spaces across the Parish using the criteria contained in the NPPF. This site is a part of this assessment and was identified as potentially fulfilling the criteria. As a result it has been put forward as potential local green space for designation in the Neighbourhood Plan. Its identification as such underlines and reinforces its importance to the community. Approval of its development would therefore be in conflict with the aims and intentions of the emerging neighbourhood Plan for Wilsden, which also underlines the importance to the community of much prized and important green spaces of special and high amenity value.

One of the main purposes of developing a Neighbourhood Plan is to bring local knowledge and concerns into the planning process. This area is well known locally to have significant drainage issues and, after the houses that border on the site were built, there were significant drainage issue for houses that back onto the site, such as 80 Wellington Road. We are concerned that development of this site could further unbalance the drainage for neighbouring properties. The proposals to address the drainage problems by the use of a soakaway show to total lack of understanding of the geology of the site and highlight the inappropriateness of an outline planning application in this case.

We would therefore urge refusal of this application on the grounds of prematurity in relation to the emerging Neighbourhood Plan, based upon established precedent. The importance of local green spaces to the community and the character of the Parish is underlined in the emerging Neighbourhood Plan for Wilsden; the development of which has been embraced by the community of Wilsden. The community supports the location of development in the most appropriate and sustainable locations, as evidenced by the Neighbourhood Plan. Local experience of drainage issues suggests that this is not the case in this outline application We note that there have been minor amendments to the access onto Wellington Road when compared to the refused application 15/03524/OUT but feel these are inadequate to address the significant increase in the number of traffic movements generated by the increase from 7 houses to a combined 13 houses.

Publicity and Number of Representations:

Advertised by Site Notice, Press Notice and Neighbour Letters. Thirty objection letters have been received.

Summary of Representations Received:

1. Development will increase traffic congestion, noise and pollution.
2. Open fields around Wilsden should be protected.
3. Harm to or loss of wildlife.
4. Increased local flooding will result.
5. This development may open the door to further new housing.
6. Increased pressure on local services.
7. Loss of attractive rural views.
8. Many houses are unsold in Wilsden already.
9. Development may increase local crime.

Consultations:

Highways Development Control

Planning application 16/00540/OUT is an outline application with all matters reserved.

However an indicative site layout plan showing the access and parking arrangements has been submitted with this application (Ref: 1542 - 02 Rev B.) and the proposed layout is generally acceptable.

Therefore whilst the highways officer is comfortable with the fact that a suitable site access and parking arrangements can be achieved for the proposed development full detailed plans will be required at the reserved matters stage.

The current application will require the developer to carry out works on Wellington Road to support the proposed development i.e. extend kerb line at site entrance to provide suitable visibility splays. These works within the highway will require the developer to enter into a Section 278 Agreement (Highways Act 1980) with the Council.

All the works shall be agreed and approved in writing by the Local Highway Authority prior to any construction towards the development starting on site and the works then completed on site before the development is brought into use.

If the planning panel were minded to approve this application then standard conditions requiring full details of the means of access should be included in the Decision Notice:-

Before any works towards the development starts on site full details and specifications of the works associated with wellington Road, as shown indicatively on drawing ref: 1542 - 02 Rev B, shall be submitted to and be approved in writing by the Local Highway Authority. The development shall then not be brought into use until these works have been completed on site to the satisfaction of the Local Highway Authority.

Drainage Section

The development must be drained via a separate system.

Records indicate no public sewers exist adjacent to this site, the development should therefore not begin until details of a scheme for foul and surface water drainage, including any balancing & off site works have been submitted to & approved in writing by the Local Planning Authority. If the developer's proposal is to discharge flows to an outlet other than the public sewerage system then that outlet must be proved both hydraulically and structurally adequate.

The developer's intention is to dispose of surface water using soakaways. This 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.

Public Rights of Way

Public footpath 182 Bingley crosses the site. The applicant has indicated that the public right of way would be diverted. To legally move the footpath the applicant will have to make an application to have the public footpath diverted. When an application is received it will join a queue and once started an uncontentioned order can take 12-18 months or longer to complete. Whilst the footpath is shown on the outline development plan, further detail is needed where the footpath would exit the site to the west.

There is no guarantee that an order will eventually succeed. If an order is made but is not successful that the public right of way would remain on its current line and must not be obstructed by the development.

Summary of Main Issues:

Principle of Development.

Highways Issues.

Appraisal:

Background

This undeveloped land is not included in the RUDP Green Belt. It is an unallocated site, being a roughly triangular area of open grazing land bounded by stone walling. Levels rise across the site from east to west, and the north western boundary of the site is contiguous with that of an area of unallocated grazing land that was, in February 2015, subject to a grant of outline planning permission for 7 dwellings. That outline planning permission (14/04844/OUT) was granted by the Area Planning Panel.

The proposed development presented under this application would link to and extend the proposed access road serving the previously approved scheme so that a further 6 dwellings may be developed served by the same access.

Principle of residential development

The proposed development here is dependent upon the formation of a new vehicular access, as approved to serve the previous outline consent on the adjacent land under 14/04844/OUT.

Notwithstanding that, the site here is unallocated by the RUDP. It is bounded by approved Green Belt along its western, and part of its northern boundaries, whilst established residential areas extend to the east and south east.

In terms of principle, subject to satisfactory access and to appropriate siting and orientation of the proposed dwellings as well as their design, the development of this area of land is acceptable as a matter of principle. The development potential of the land may be regarded quite properly as a windfall that would count towards new housing provision targets.

It is noted that Wilsden Parish Council has urged refusal of this application on the grounds of prematurity in relation to the emerging Wilsden Neighbourhood Plan and refers to the analysis of local green spaces across the Parish carried out as part of the plan process. The Parish Council says “this site was identified as potentially fulfilling the criteria....and has been put forward as potential local green space for designation in the Neighbourhood Plan”.

However, whilst this aspiration is noted, in terms of decision making on this current application, the Neighbourhood Plan must be regarded as carrying little weight. It is noted that the site has “potential” for identification as local green space, but the Neighbourhood Plan is still emerging and is at a very early stage. The land carries no open space designation as part of the Replacement Unitary Development Plan and is not in a conservation area. It has therefore not previously been regarded as an important green space of high amenity value.

In accordance with guidance in the NPPF, it is not considered that a potential designation in an emerging Neighbourhood Plan can be afforded any significant weight compared with the presumption in favour of sustainable development and the need to identify suitable sites for housing.

Highway Issues

Given that the proposals are in outline, the available details are limited. The indicative layout shows detached dwellings of varying scale and design and, crucially, indicates that the well-established landscaped buffer would be retained between the site and established housing off St Matthew's Close and Wellington Road to the east. This would ensure the preservation of privacy for existing properties at the western end of St Matthews Close, particularly having regard to levels across the site.

Levels rise quite sharply across the site from east to west such that vertical arrangement, including driveway gradients would require care in detail design terms.

The Council's highway engineer reports that he is comfortable with the fact that a suitable site access and parking arrangements can be achieved for the proposed development. Full detailed plans would of course be required at the reserved matters stage.

The engineer also notes that the development requires works on Wellington Road to extend the kerb line at the site entrance from that highway to provide suitable visibility splays.

These works within the highway will require the developer to enter into a Section 278 Agreement (Highways Act 1980) with the Council. All the works will need to be agreed and approved in writing by the Local Highway Authority prior to any construction towards the development starting on site and the works then completed on site before the housing is brought into use.

The highway engineer recommends conditions to be appended to any grant of outline planning permission to address necessary details

Both the current application site and that approved in outline for housing under 14/04844/OUT are in the control of the same person, so the issue of appropriate access is a matter that should not be problematic.

Overall then whilst details here are only outline, dealing with the principle of the residential development of the application site, it is considered that the principle is wholly acceptable, subject to appropriate details at the reserved matters stage.

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.

Conditions of Approval:

1. 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)

2. 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).

3. Before any development is begun plans showing the:

- i) access,
- ii) appearance,
- iii) landscaping,
- iv) layout,
- v) and scale.

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

Reason: To accord with the requirements of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. Before any works towards the development starts on site, full details and specifications of the works associated with the site access junction with Wellington Road and all associated highway works shall be submitted to and be approved in writing by the Local Highway Authority. The development shall then not be brought into use until these works have been completed on site to the satisfaction of the Local Highway Authority.

Reason: In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

5. 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.

6. 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.

7. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement 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.

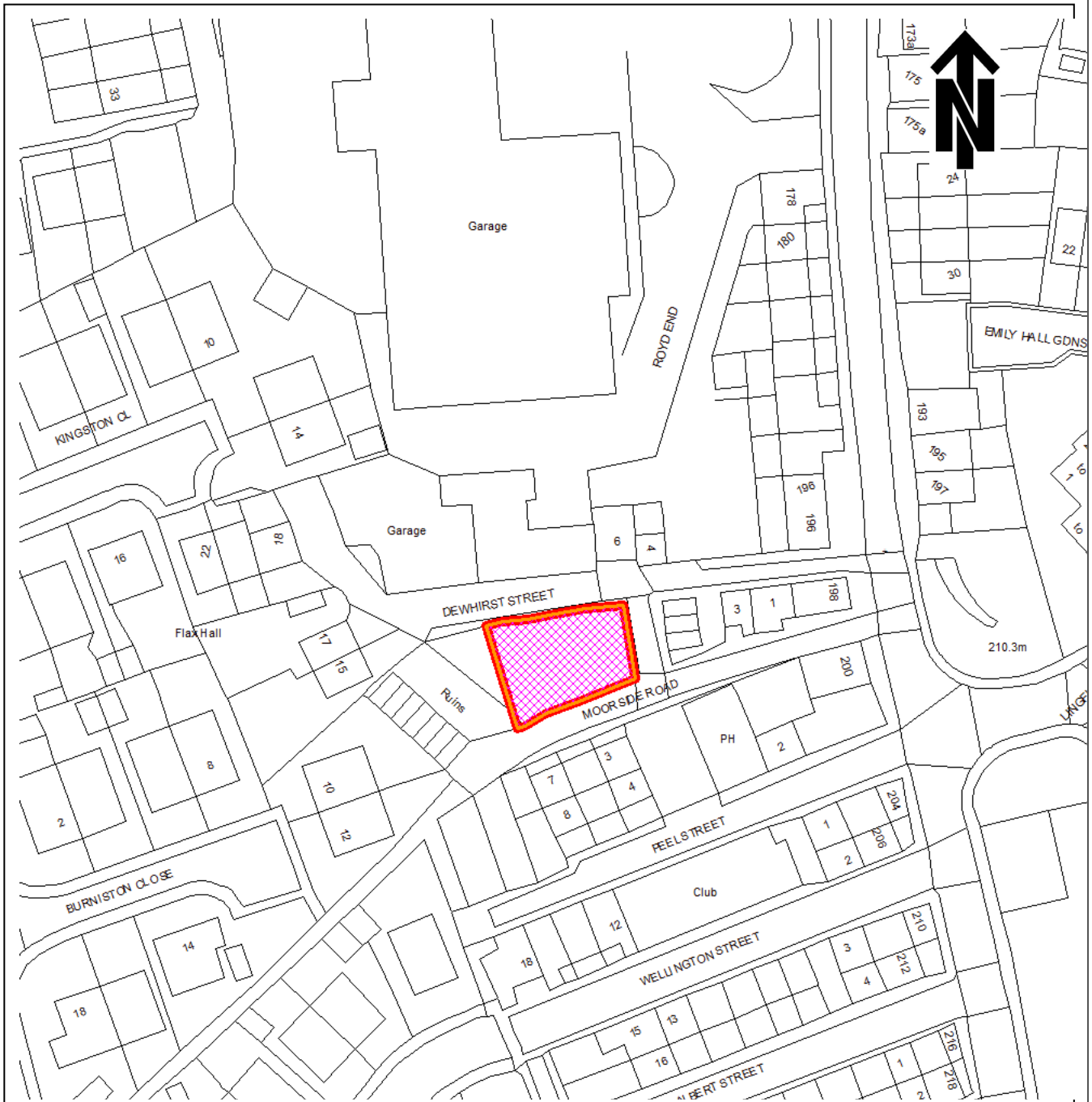
8. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by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

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

Area Planning Panel (Keighley/Shipley)

15/07009/FUL

27 April 2016



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ITEM NO. : 4	LOCATION: Land West Of 3 Dewhirst Street Wilsden
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27 April 2016

Item Number: 4
Ward: BINGLEY RURAL
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
15/07009/FUL

Type of Application/Proposal and Address:

Full (retrospective) planning application for the retention of two dwellings at land West of 3 Dewhirst Street, Wilsden.

Applicant:

Mr J Bowmer

Agent:

Mr P Manogue

Site Description:

The site is in Wilsden Conservation Area occupying a cleared space between the top parts of two dead end, narrow and steep streets. It is mainly surrounded by traditional stone built terraced housing and the area is densely developed. There is a narrow section of street linking Dewhirst Street and Moorside Road and the new properties have a tarmac parking area adjacent to this. The side street is used by vehicles to allow them to drive up and down both streets in a forward gear rather than reversing or doing difficult turning manoeuvres.

Relevant Site History:

09/02465/FUL Construction of detached house REFUSED 15.07.2009.

10/04386/FUL Construction of pair of dwellings GRANTED 23.02.2011.

15/03087/VOC Application for the removal of Conditions 3 and 5 of permission

10/04386/FUL REFUSED 19.11.2015.

15/03088/VOC Variation of condition 2 for alterations of approved stepped roof to as built of planning approval 10/04386/FUL: Construction of pair of dwellings REFUSED 19.11.2015.

10/04386/SUB01 Submission of details to discharge conditions 4, 6, 7, 8 and 9 of planning approval 10/04386/FUL dated 23/02/2011: Construction of pair of dwellings REFUSED

19.11.2015.

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.

Within Wilsden Conservation Area.

Proposals and Policies

D1 – General Design Considerations

UR3 – The Local Impact of Development

TM19A – Traffic Management and Road Safety

BH7 – New Development in Conservation Areas

Parish Council:

Wilsden Parish Council – Is resolved not to support this application because of concerns about the highways issues related to the development. There was a contentious issue in the original application and remains a problem because the applicant has not conformed to agreed highway requirements. We support the opinion of the Highway development control officer that remedial work is outstanding and therefore should be rejected.

A second response was received from the Parish:-

“We are surprised that the Highways Control Officer has reversed his opinion so completely in a comparatively short space of time. Wilsden Parish Council still does not support this application in spite of this volte face and would request that this goes to Planning Panel. Had the revised opinion of the HCO been available to the council at the time of our meeting we would have requested this action in our original submission”.

Publicity and Number of Representations:

Site notice and neighbour letters. Three objections received.

Summary of Representations Received:

- Applicant has already built the two properties and now wants to build two more.
- There will be an increase in traffic, parking and difficulties for emergency vehicle access.
- The plans are unclear.
- There will be a loss of privacy.
- The conditions on the original planning approval for these two properties are still not satisfied in particular landscaping and boundary treatments and highway improvements.

Consultations:

Drainage Section - the site should be drained on a separate system, porous surfaces should be investigated and a public sewer crosses the site

Design and Conservation Officer - The alterations to the mass and orientation of the dwellings are acceptable in terms of conservation area character. A condition requiring the alterations to boundary treatments and paths to be carried out in a reasonable timescale should be imposed as in its current form this is having an unacceptable impact on the conservation area and the streetscape.

Highways Development Control - confirm that the local area traffic team do not wish to promote a TRO (traffic regulation order for one way system) or the widening of the link road between Moorside Road and Dewhirst Street. Given the scale of the development no highway safety issues are envisaged from the development in its current form.

Summary of Main Issues:

Principle of development.

Highway Safety.

Visual Impact and Conservation Area Character.

Residential amenity.

Response to objections.

Appraisal:

This is a retrospective application. The pair of dwellings on the site is now complete and the houses have been occupied for some time. However, a survey of the site carried out by Council officers has established that the dwellings are built in a different location to the drawings approved under planning permission 10/04386/FUL.

There are also some differences in terms of their detailed design, the layout or car parking boundaries and landscaping within the site. The most significant changes are that the roofline is no longer stepped and the external areas are set out differently.

Conditions requiring the approval of materials, landscaping and parking were not submitted prior to development commencing, so the Council is of the opinion that the development as a whole development is not lawful.

This application has been submitted to regularise the situation and allow consideration of the various alterations to the design and position of the dwellings.

LIST OF THE KEY CHANGES:

1. Although in the same approximate position, the alignment of the dwellings has slightly changed. When viewed from the front, the corner of the left hand dwelling is in the same position as the original approval but the corner of the right dwelling is 2 metres further forward.
2. The original plans show the roofs of the houses at different levels, but the ridge is no longer stepped. Other than this, doors, windows and other details are the same as the original approval. The houses are built in natural stone.

3. Car parking is provided for four cars to the side of the site, as shown on the approved plans, but this has been surfaced with tarmac and at present there is no boundary treatment separating the parking from the highway. A condition of permission 10/04386/FUL required that prior to the first occupation of the buildings, details of the finishes and colour of all surface materials including those to access driveways, forecourts, parking/turning areas, shall have been submitted to and approved in writing by the Local Planning Authority and so carried out in accordance with those approved details. The intention was to achieve a treatment to surfaced areas compatible with the conservation area, but the Local Planning Authority has had no opportunity to consider or agree the surfacing details.
4. The boundary treatments now built are not as shown on the previous approval. It was expected that an existing stone boundary wall would be retained. However, this was removed and replaced with a timber fence which is of poor appearance in terms of the quality of the street scene and conservation area character. A condition of permission 10/04386/FUL required prior agreement of the positions, design and materials of boundary treatments but, as was the case with the surfacing materials, no details were submitted for agreement.

ASSESSMENT

Position of the dwellings

The area is characterised by dense traditional housing development. The proposal was previously judged to be acceptable in terms of residential amenity and whilst the orientation of the dwellings has changed slightly, the facing distances to other properties are adequate and the change of alignment does not have a materially greater impact on any neighbouring occupants than the previously approved scheme. The alterations do not conflict with relevant Policies D1 or UR3 of the RUDP in respect of any significant impact on standards of amenity of neighbouring occupiers.

Design

The properties have been constructed of coursed natural stone with timber windows and a slate roof. Although the LPA did not have chance to inspect and agree the materials or windows, the materials that have been used are acceptable and the general appearance of the houses is sympathetic to the conservation area. The alterations so that the roof is no longer stepped makes no appreciable difference to the quality of the design and there are no objections to this from the Council's Conservation Officer.

Quality of the external areas and boundaries

In terms of the landscaping around the site, the 2010 application indicated a higher quality finish than what is present on site. The pathways have been constructed of concrete block and an original stone boundary wall has been removed and replaced by an unsightly timber fence. A better quality finish is expected. The applicant is prepared to resolve this, and this application proposes alterations to the landscaping and boundary treatments which are shown on the submitted plans.

The applicant has agreed to undertake works to improve the hard and soft landscaping around the site; these proposals are shown on the submitted site plan and consist of the construction of a new stone boundary wall, planting to the side of the parking spaces and alterations to the materials for the footpaths.

If these changes and improvements are carried out within a short timescale the development is considered to be acceptable. This will be controlled by condition.

Highway Issues

Back in 2010, the Council's Highway officer considered that, to support the proposed development, the link road between Moorside Road and Dewhirst Street should be widened and brought up to an adoptable standard. It was also considered previously that a one way system would alleviate the difficulties caused by the narrowness of Dewhirst Street and Moorside Road.

In 2010, Highways DC asked that a condition be imposed on the planning permission to require that:

“The development shall not be brought in to use until a Traffic Regulation Order (TRO) for a one-way system on Dewhirst Street / Moorside Road has been agreed. Prior to any development starting on site a drawing indicating the extents and full details of the TRO shall be submitted to and approved in writing by the Local Planning Authority. The cost of processing and implementing the TRO shall be borne by the Applicant. “

The Parish Council has focused on this issue, considering access and circulation in this area remains a problem and expressing concern that the applicant has not conformed to the previously agreed highway requirements. The Parish Council considers that the highway remedial work is outstanding and this application therefore should be rejected.

In response, the Council's Highway Officer, having consulted with the local area traffic team, now does not wish to promote a TRO (traffic regulation order) for a one way system considers this and the widening of the link road between Moorside Road and Dewhirst Street to be unnecessary.

Given the relatively small scale of the development, no highway safety issues are envisaged from the development in its current form. This road is already adopted, there is sufficient off street parking available for the dwellings and, whilst the narrowness of Moorside Road and Dewhirst Street is acknowledged, it is not considered that non implementation of the measures previously suggested would lead to a highway safety issues due to the small scale of the development and low vehicle speeds involved. On current highway advice it is no longer considered necessary to impose any requirements in respect of road widening or Traffic Regulation Orders.

Response to objections

Three objections have been received. There is clearly some confusion about the nature of this application which is to regularise the existing two dwellings on site, not a proposal to build two additional ones. Conditions can be imposed to ensure that the block paving, hedging and stone boundary wall are installed in a timely manner which should alleviate residents' concerns on this matter. With regard to parking, access and highway safety, as noted above, the highways officers have no objections to the scheme as it has been built and are satisfied that there are no adverse highway safety implications.

Community Safety Implications:

The proposal raises 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 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 dwellings are considered to relate satisfactorily to the character of the surrounding area and adjacent properties. The changes to the design and orientation are relatively minor and do not change the acceptability of the principle of the development. Subject to alterations to the boundary treatments and surfaces as discussed above and shown on the submitted drawings, the development will maintain the character and appearance of Wilsden Conservation Area. The impact of the development upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significant adverse effect upon their residential amenity. The proposal is not considered to raise any highway safety implications. As such this proposal is considered to be in accordance with Policy UR3, BH7 and D1 of the Replacement Unitary Development Plan.

Conditions of Approval:

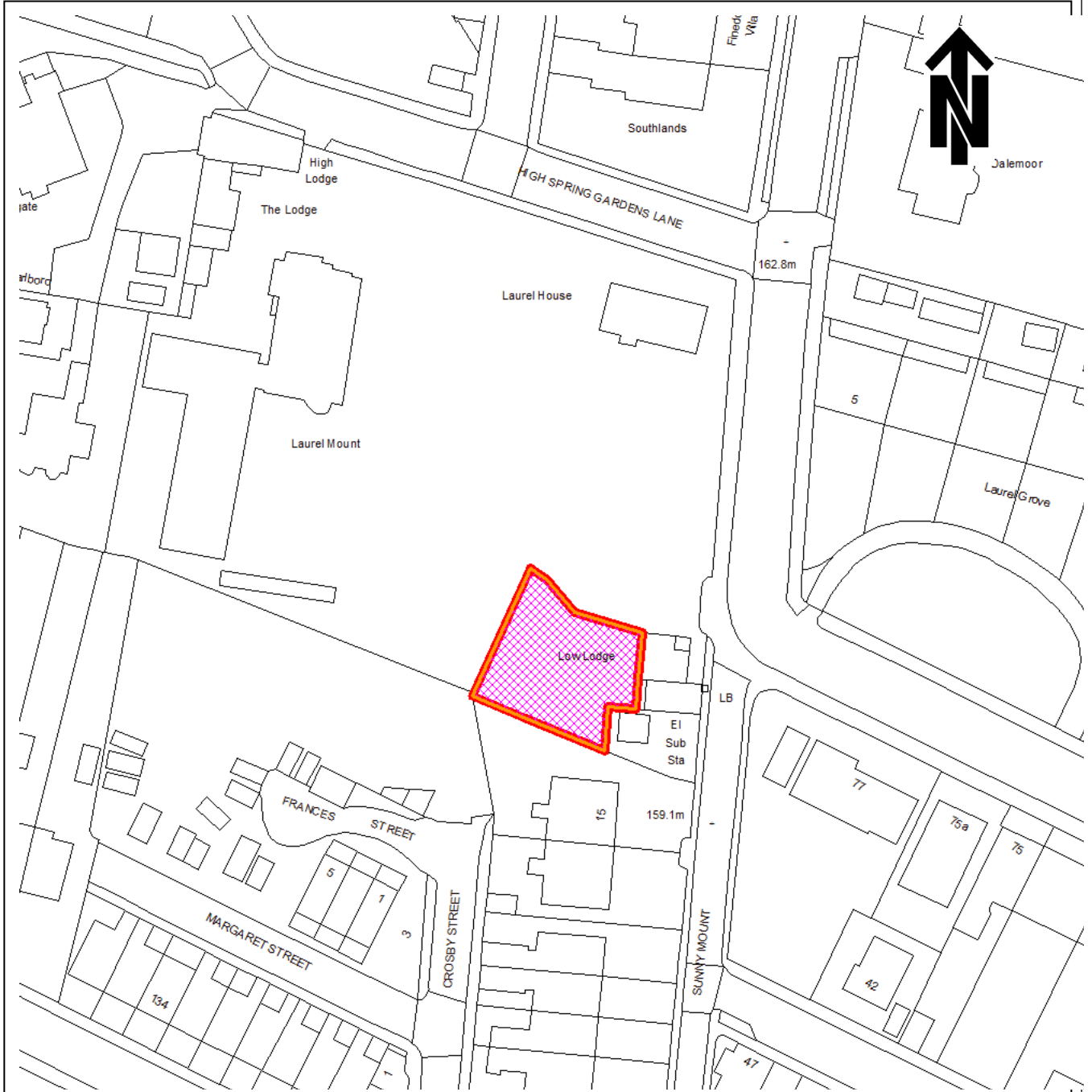
1. The proposed alterations to the boundary treatments to include a stone boundary wall, landscaping and block paving to pathways shown on the approved plan shall be implemented within 3 calendar months of the date of this approval and retained thereafter in perpetuity.

Reason: In the interests of visual amenity, the character of the streetscape and Wilsden Conservation Area. To accord with D1, UR3 and BH7 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

16/00163/FUL

27 April 2016



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ITEM NO. : 5	LOCATION: Low Lodge Belgrave Road Keighley
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27 April 2016

Item Number: 5
Ward: KEIGHLEY CENTRAL
Recommendation:
TO REFUSE PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
16/00163/FUL

Type of Application/Proposal and Address:
Full application for the construction of a pair of semi-detached dwellings on land at Low Lodge, Belgrave Road, Keighley BD21 2HP

Applicant:
Mr B Karim

Agent:
Mr M Ainsworth

Site Description:
This site is located on the west side of Belgrave Road, Keighley, and comprises a small plot of land within the grounds of the Grade II listed Laurel Mount. This elegant stone built Victorian house is now a care home. The application land is at the side of the drive access to the care home and is to the immediate rear of Low Lodge, the gatehouse to Laurel Mount. The site is bordered by a number of mature trees and is within the Devonshire Park and Cliffe Castle Conservation Area.

Relevant Site History:
04/05422/FUL: New dwelling house – Withdrawn 08.02.2005.
06/03197/FUL: New dwelling to replace existing – Refused 29.06.2006.
13/04858/FUL: Construction of a pair of semi-detached house – Refused 03.03.2014.
14/01427/FUL: Construction of a pair of semi-detached house – Refused 24.07.2014.
15/01460/FUL: Construction of semi-detached pair of houses – Refused 24.06.2015.

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 land but within Devonshire Park and Cliffe Castle Conservation Area.

Proposals and Policies

UDP1- Promoting Sustainable Patterns of Development

UDP3- Quality of Built and Natural Environment

UR3- Local Impact of Development;

D1- General Design Considerations

BH4A-Setting of Listed Buildings

BH7- New Development in Conservation Areas

BH10- Open Space Within or Adjacent to Conservation Areas

NE4-Trees and Woodlands

NE5- Retention of Trees on Development Sites

NE6- Protection of Trees During Development

TM2- Impact of Traffic and its Mitigation

TM12- Parking Standards for Residential Developments

TM19A- Traffic Management and Road Safety

Parish Council:

Keighley Parish Town Council has made no comments.

Publicity and Number of Representations:

The application was publicised by site notice, press advertisement and neighbour notification letters. The expiry date for comments in connection with the application was 18 February 2016.

19 representations were received in connection with this application consisting of 13 letters of support and 6 letters of objection.

A 25-signature petition has also been submitted in objection to the proposal.

Summary of Representations Received:

Objection comments:

- The development would undermine the relationship between the lodge and Laurel Mount.
- The development would erode the distinctiveness of the conservation area.
- Flooding occurs on Crosby Street near the proposed development.
- The new dwellings would benefit from little natural light.
- The design of the dwellings is not in keeping with the architectural style of Laurel Mount.
- Parked cars at the new dwellings would have a harmful visual impact.

Support:

- The development would be in keeping with other new houses nearby.
- The land is currently neglected and an eyesore.
- The development would ease the housing shortage in Keighley
- The lodge is separated from other buildings and this development would not have a negative impact on the conservation area.
- The architectural styling would be in keeping with the local vernacular.
- The existing trees that are proposed to be retained mean that Laurel Mount is not visible from the entrance gates. As such the proposal would not have a detrimental effect of the listed building.
- The houses are of good build and design.

Consultations:

Design and Conservation Team: Any new development in the context of the Laurel Mount site would be visually intrusive, detracting from the setting of the gate lodge, the subordinate and spatial relationship between the lodge and the villa, interrupting the landscaped setting of the listed building and compromising the openness of the estate. The principle of development within these grounds is unacceptable, contrary to the advice of Paras.132, 133, 134 and 137 of the NPPF and to policies UDP3, BH4A, BH7 and BH10 of the RUDP.

Tree Officer: The proposed development would be likely to result in irresistible pressure to remove large trees (should they survive construction) with little prospect of any meaningful tree replacement given the limited garden size and future growth of new trees. The likely tree loss will be detrimental to amenity and contrary to policy NE4, NE5, NE6 and D1 Replacement Unitary Development Plan.

Victorian Society: The proposed dwellings are too close to the lodge house. The use of UPVC windows and reconstituted stone is inappropriate in this location. The design of the properties is weak and inappropriate in this location.

Drainage: No objection to proposal providing that separate foul and surface water systems are maintained to the site boundary and demarcation chambers are provided to both foul and surface water layouts.

Highways Development Control Section: Does not raise any objection to the proposal subject to a condition requiring that the proposed car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site before the development is brought into use.

Summary of Main Issues:

Context and Impact on Heritage Assets.
Impact on Conservation area.
Residential and General Visual Amenity.
Impact on Trees.
Highway Safety.
Consideration of any Mitigating Circumstances.

Appraisal:

Background

This application is a substantially similar proposal to that which was proposed by applications 13/04858/FUL; 14/01427/FUL and 15/01460/FUL. Those three applications also sought permission for the construction of a pair of semi-detached houses on cleared ground to the rear of the existing lodge.

All of these applications were refused due to the harmful impact on the heritage assets, the character and appearance of the conservation area and conflict with the trees on the site. Application 14/01427/FUL was considered by the Area Planning Panel which heard representations on behalf of the applicant but nevertheless supported the officer recommendation to refuse.

The most recent application (15/01460/FUL) was refused for the following reasons:

1. Laurel Mount is a Grade II Listed Building standing in extensive grounds, whilst Low Lodge comprises the gatehouse to the listed building, standing at the entrance to the estate.

Any new development in the context of the Laurel Mount estate would be visually intrusive, detracting from the setting of the gatehouse lodge and the relationship between the lodge and the villa. The development would interrupt the landscaped setting of the listed building and compromise the openness of the estate. The proposed development here would therefore cause substantial harm to the setting of the listed building and the interpretation of the heritage assets.

Accordingly the principle of the proposed development within the grounds of Laurel Mount and its gatehouse is contrary to Policies UDP3, UR3, D1, BH4A, BH10 of the Replacement Unitary Development Plan and contrary to Paragraphs 132, 133, 134 and 137 of the National Planning Policy Framework (2012)

2. The application site and associated grounds are situated in the Devonshire Park and Cliffe Castle Conservation Area, and are identified as making a positive contribution to the quality and character of the conservation area. There are key views towards the Grade II listed Laurel Mount from the main entrance, and there are key trees across the site.

The proposed development would appear as a most incongruous addition that would fail to preserve, enhance or enable better interpretation of the conservation area. As such the proposed development does not satisfy Policies UDP3, UR3, D1 and BH7 of the Replacement Unitary Development Plan and fails to accord with the National Planning Policy Framework

3. The tree survey is out of date and there is no methodology for tree protection or retention during the proposed construction. The proposed development would involve alterations to site levels, which would affect root protection areas and so damage or kill mature trees on the site, to the detriment of the visual quality and character of this part of the Devonshire Park and Cliffe Castle Conservation Area, and the setting of the nearby Grade II Listed Building. Accordingly the proposals fail to satisfy Policies UR3, NE4, NE5, NE6, BH4A, BH7 and BH10 of the Replacement Unitary Development Plan, and fails to accord with the National Planning Policy Framework.

4. *The proposed garden spaces that are proposed on this cramped site would be dominated and overhung by mature trees. The shade cast would be excessive and would adversely affect the living conditions of occupiers of the properties, resulting in pressure to remove the trees once the proposed dwellings are in use. The likely tree losses would be damaging to the visual quality and character of the Devonshire Park and Cliffe Castle Conservation Area, and would harm the setting of the Grade II listed Laurel Mount.*

The proposed development is therefore contrary to Policies UR3, NE4, NE5, NE6, BH4A, BH7 and BH10 of the Replacement Unitary Development Plan, and fails to accord with the National Planning Policy Framework.

Revisions to the scheme

The submitted proposals are not considered by officers to be materially different to those previously refused. The Design and Access Statement advises that revisions have been made to lower the ridge height and eaves height to the West elevation. The proposed plans also show a lesser projection to the front gable of one of the houses and alteration to the position of its car parking. The Design and Access Statement claims this has reduced the overall mass and frontal area of the proposal.

The officer view is that the alterations have made little discernible difference and do not overcome the reasons for refusal and that this application remains unacceptable for the reasons explained below.

Context and Impact on Heritage Assets

Low Lodge was constructed as the gate lodge to Laurel Mount, a large detached stone built mansion dating from 1885. Laurel Mount and the steps, terrace wall, balustrade and archway to the front are all Grade II listed and the whole site is situated in the Devonshire Park and Cliffe Castle Conservation Area. The site is identified in the Conservation Area Appraisal as making a positive contribution towards the character of the conservation area. The gardens of Laurel Mount are identified as key open space with important trees and a key view exists from the driveway access on Belgrave Road, beyond the side of Low Lodge, towards Laurel Mount.

The conservation area appraisal document identifies a number of key characteristics which contribute towards the overall character of the area. The most relevant characteristics identified are:

- Open parkland and large gardens.
- Mature deciduous tree cover.
- Secluded, private character of larger houses and their grounds.

The setting of large detached houses in grounds of commensurate size is indicative of the historic status of the area as the premier residential suburb of Keighley. The mature landscaping, and extensive tree cover still serve to provide the character of the area. The relationship between buildings and their open settings is a critical factor in retaining this character, particularly in the case of the most important residences such as Grade II listed Laurel Mount.

Paragraph 126 of The National Planning Policy Framework (NPPF) states that in determining planning applications that affect listed buildings and conservation areas, local planning authorities must recognise that heritage assets cannot be replaced and so they must be conserved in a manner appropriate to their significance. Local planning authorities should also take into account the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.

The importance of preservation of heritage assets is firmly underlined by the NPPF which, at paragraph 131 states that when determining planning applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, and
- b) the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality.

Paragraph 132 of the NPPF states that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

Significance of an asset can be harmed or lost through its alteration or destruction or by development within its setting. Substantial harm to a grade II listed building, park or garden must be treated as exceptional.

Policy BH7 of the RUDP requires that any development in conservation areas should preserve or enhance the character or appearance of the area. Paragraph 137 of the NPPF states that new development in conservation areas should enhance or better reveal the significance of the area.

This current planning application again seeks the construction of a pair of semi-detached dwellings to the immediate rear of the gatehouse lodge.

The Council's Conservation Team regard this as unacceptable in principle since the pair of houses would be visually intrusive and would detract from the setting of the lodge. The proposed houses are of significantly greater massing and are taller than the lodge. They would harm the relationship between the lodge and Laurel Mount and would compromise the key open space which forms the setting of the listed building.

Accordingly the principle of the proposed development within the grounds of Laurel Mount and its gatehouse is contrary to Policies UDP3, UR3, D1, BH4A, BH7 and BH10 of the Replacement Unitary Development Plan and contrary to Paragraphs 132, 133, 134 and 137 of the National Planning Policy Framework (2012).

The submitted Design and Access Statement advises that revisions have been made to this application to provide a lower ridge height and a lower eaves height to the West elevation. The East elevation gable has been moved 700mm from the lodge house and the West elevation has been setback from the adjacent boundary with a reduction in overall ridge height. The statement advises that this has reduced the overall mass and frontal area of the proposal. However on consulting the proposed plans it is evident that alterations have made little discernible difference from the previously refused proposal and this application remains unacceptable for the reason stated above.

Substantial harm to the setting of a Grade II listed building should only be accepted in exceptional circumstances. Paragraph 134 of the NPPF advises that even where less than substantial harm is expected, this must be weighed against public benefits of the proposals. The submitted design and access statement cites that the contribution this proposal would make towards a national shortage of housing would be of public benefit. It is considered that this proposal would provide two new residential units which would make a minimal contribution towards meeting national housing demand. The proposal is therefore not considered to result in a public benefit which would outweigh the harm that would arise as a result of this proposal.

Impact on the Devonshire Park Conservation Area

Developments within conservation areas must either preserve or enhance the character and appearance of the area. The NPPF qualifies this by noting that new development in conservation areas should 'enhance or better reveal the significance of the area'.

The spatial arrangement and openness of the existing grounds of Laurel Mount and its lodge are an essential element of the special architectural and historic interest of the listed building. The character of the wider conservation area is also derived from its open spaces and the environmental character derived from large properties standing in extensive grounds that reflect the historic development of this part of Keighley.

The proposed development would be sited in close proximity to the lodge and it would result in prominent and very significant harm to the established pattern of built form in the area. The proposed houses would appear very cramped on the site and would dominate the traditional lodge. The historic pattern of existing built form and open space merits preservation by way of conservation area status and it is therefore considered that approval of this scheme would be contrary to Policies UDP3, D1, BH7 and BH10 of the RUDP and contrary to Paragraph 137 of the NPPF.

Impact on Residential and Visual Amenity

Low Lodge has no habitable room windows in its rear elevation and therefore the proposed development would be unlikely to result in any adverse residential amenity implications for the occupants of the property.

In terms of the impact of the proposal on visual amenity the submitted site plan indicates that the new development would be within 2 metres of the rear elevation of the lodge and as a consequence the development would appear as a cramped and incongruous addition. This relationship between the existing lodge and the proposed new dwellings would not only accentuate the incongruity and visual harm of the development upon the open character of the grounds of the listed building but would also appear entirely out of character in the wider street scene and conservation area contrary to Policies UDP3, UR3, BH7, B10 and D1 of the RUDP.

Impact on Trees.

Following the last refusal, the applicant has submitted an updated tree report (Skerratt-10.12.2015). However, the Councils Tree Officer has advised that despite the new report, the process defined in BS5837:2012 has not been followed because the scheme remains very similar to the previous scheme.

In brief, the proposed houses would be sited in close proximity to the trees on the side and rear boundaries of the plot. The private amenity space behind the dwellings would be overhung, shaded and dominated by the protected trees. The habitable room windows in the rear elevations would be significantly overshadowed due to the proximity to the protected trees. The shade cast will be excessive given that large mature trees are directly south and west of the new dwellings. The shade cast will affect the living conditions of the properties resulting in excessive pressure to remove trees once the properties are occupied. Further, proposed windows will be at extremely close quarters to canopy spreads - one of the trees would only be around 1m from the windows and the trees have significant potential for further growth.

The applicant's tree report suggests a 15-20% reduction to the canopies of the trees to reduce the conflict between development and trees and reduce the overshadowing. However, the Councils Trees Team is opposed to this proposed tree pruning work.

Despite the obvious constraints of the trees which have been highlighted in past refusals, the layout, scale and design of the houses still do not take the trees properly into account. The construction of dwellings on this site would result in pressure to remove trees once the properties are occupied, which should be avoided in the interests of the amenity value of the trees in question and their contribution to the visual amenity and character of the conservation area.

In the event that the trees survive construction the limited garden space afforded to the proposed properties will be dominated by trees. Windows will be in shade and private garden spaces will be overhung by protected trees. The BS 5837 is clear that these problems should be avoided through the careful planning of new development.

The tree report has not demonstrated the accuracy of its conclusions in practical terms in respect of the shape of the Root Protection Areas and the level of potential damage that would be incurred to roots during construction. The Council's Trees Officer has therefore warned that the report is not reliable and the trees cannot be adequately retained and protected to standards advised by BS5837 2012.

There is little prospect of meaningful tree replacement given the limited garden sizes. The likely tree loss will be detrimental to the visual amenity of the conservation area. The proposals are therefore contrary to policies D1, NE4, NE5 and NE6 of the RUDP.

Highway Safety

The proposed development would benefit from an acceptable access and off road parking provision. As such no adverse highway or pedestrian safety implications are foreseen and the proposal is considered to accord with policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

Consideration of Mitigating Circumstances

The submitted Design and Access Statement claims that the house on Plot 2 is intended for a disabled relative of the applicant, who is wheelchair bound, and that Plot 1 is intended to house the carers of the disabled person.

However, the submitted application does not provide any proof of disability and, as the identity of the disabled person is not given, the specific needs of that person cannot be confirmed with the Council's Occupational Therapy Department. In any case, neither of the proposed dwellings include any features that might be expected in a house that will be occupied by someone with mobility problems. There are no ground floor bedrooms or fully equipped ground floor bathrooms, and no lifts. Such features would be expected in a house that is claimed to be needed on the site to meet the needs of a wheelchair bound person who requires on site care. These are conventional 3 bedroom houses.

In the absence of any convincing evidence to demonstrate how either of the houses are designed and equipped to meet certain needs, and having no documentary evidence confirming proof of disability of future occupiers, this argument can be afforded limited weight. The submission certainly provides no very special circumstances that might offset or outweigh the harm that will be caused to the conservation area and protected trees.

Conclusion

This site is presently open space fringed by trees that comprises part of the setting of a Grade II Listed Building (Laurel Mount) and is in the Cliffe Castle and Devonshire Park Conservation Area.

The proposed development would result in unjustified harm to the setting of the listed building to the detriment of its special architectural and historic interest, and would fail to preserve or enhance the visual quality of the conservation area by introducing new, dominant and incongruous built form immediately behind the traditional lodge house. The proposals fail to satisfy Paragraph 132 of the NPPF, which states that great weight should be given to a heritage asset's conservation.

The proposals would again be too close to protected trees and their development would result in pressure on protected trees that are of significant value in terms of their contribution to the setting and the quality of the conservation area.

Community Safety Implications:

The proposed development is not considered to result in any adverse community safety implications and accords 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 equality of opportunity between different groups and foster good relations between different groups. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

Reasons for Refusal:

1. Laurel Mount is a Grade II Listed Building standing in extensive grounds, whilst Low Lodge comprises the gatehouse to the listed building, standing at the entrance to the estate.

Any new development in the context of the Laurel Mount estate would be visually intrusive, detracting from the setting of the gatehouse lodge and the relationship between the lodge and the villa. The development would interrupt the landscaped setting of the listed building and compromise the openness of the estate. The proposed development here would therefore cause substantial harm to the setting of the listed building and the interpretation of the heritage assets.

Accordingly the principle of the proposed development within the grounds of Laurel Mount and its gatehouse is contrary to Policies UDP3, UR3, D1, BH4A, BH10 of the Replacement Unitary Development Plan and contrary to Paragraphs 132, 133, 134 and 137 of the National Planning Policy Framework (2012)

2. The application site and associated grounds are situated in the Devonshire Park and Cliffe Castle Conservation Area, and are identified as making a positive contribution to the quality and character of the conservation area. There are key views towards the Grade II listed Laurel Mount from the main entrance, and there are key trees across the site.

The proposed development would appear as a most incongruous addition that would fail to preserve, enhance or enable better interpretation of the conservation area. As such the proposed development does not satisfy Policies UDP3, UR3, D1 and BH7 of the Replacement Unitary Development Plan and fails to accord with the National Planning Policy Framework.

3. The submitted tree survey has not been carried out to the required standard (BS5837:2012) and it does not demonstrate the accuracy of its conclusions in respect of the shape of the root protection areas and the level of potential damage incurred to roots during construction. The proposed development would involve alterations to site levels, which would affect root protection areas and so damage or kill mature trees on the site, to the detriment of the visual quality and character of this part of the Devonshire Park and Cliffe Castle Conservation Area, and the setting of the nearby Grade II Listed Building. Accordingly the proposals fail to satisfy Policies UR3, NE4, NE5, NE6, BH4A, BH7 and BH10 of the Replacement Unitary Development Plan, and fails to accord with the National Planning Policy Framework.

4. The garden spaces that are proposed on this cramped site would be dominated and overhung by mature trees. The shade cast would be excessive and would adversely affect the living conditions of occupiers of the properties, resulting in pressure to remove the trees once the proposed dwellings are in use. The likely tree losses would be damaging to the visual quality and character of the Devonshire Park and Cliffe Castle Conservation Area, and would harm the setting of the Grade II listed Laurel Mount.

The proposed development is therefore contrary to Policies UR3, NE4, NE5, NE6, BH4A, BH7 and BH10 of the Replacement Unitary Development Plan, and fails to accord with the National Planning Policy Framework.

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Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 27 April 2016

R

Summary Statement - Part Two

Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action (page 45)	(4)
Decisions made by the Secretary of State – Allowed (page 53)	(1)
Decisions made by the Secretary of State – Dismissed (page 53)	(5)

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

Portfolio:
Housing, Planning & Transport

Report Contact: Mohammed Yousuf
Phone: 01274 434605

Overview & Scrutiny Committee Area:
Regeneration and Economy

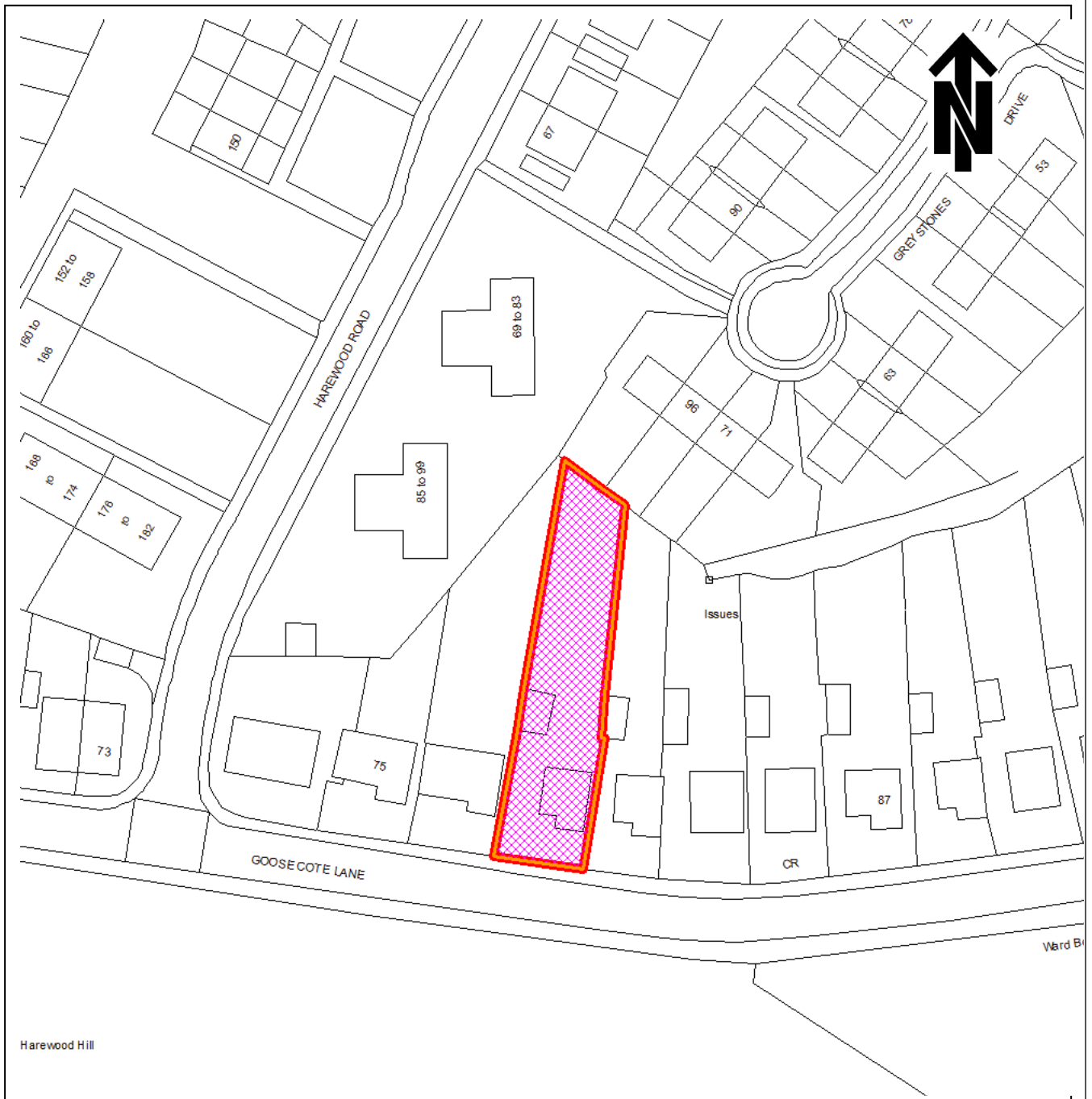
Email: mohammed.yousuf@bradford.gov.uk



Area Planning Panel (Keighley/Shipley)

15/00490/ENFUNA

27 April 2016



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ITEM NO. : 6	LOCATION: 79 Goose Cote Lane Keighley
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27 April 2016

Item Number: 6
Ward: KEIGHLEY WEST
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
15/00490/ENFUNA

Site Location:
79 Goose Cote Lane, Keighley, BD22 7NQ

Breach of Planning Control:
A timber and plastic boundary enclosure.

Circumstances:
It was brought to the attention of the Local Planning Authority that the owner of the above property had constructed a timber and plastic boundary enclosure for which planning permission was required.

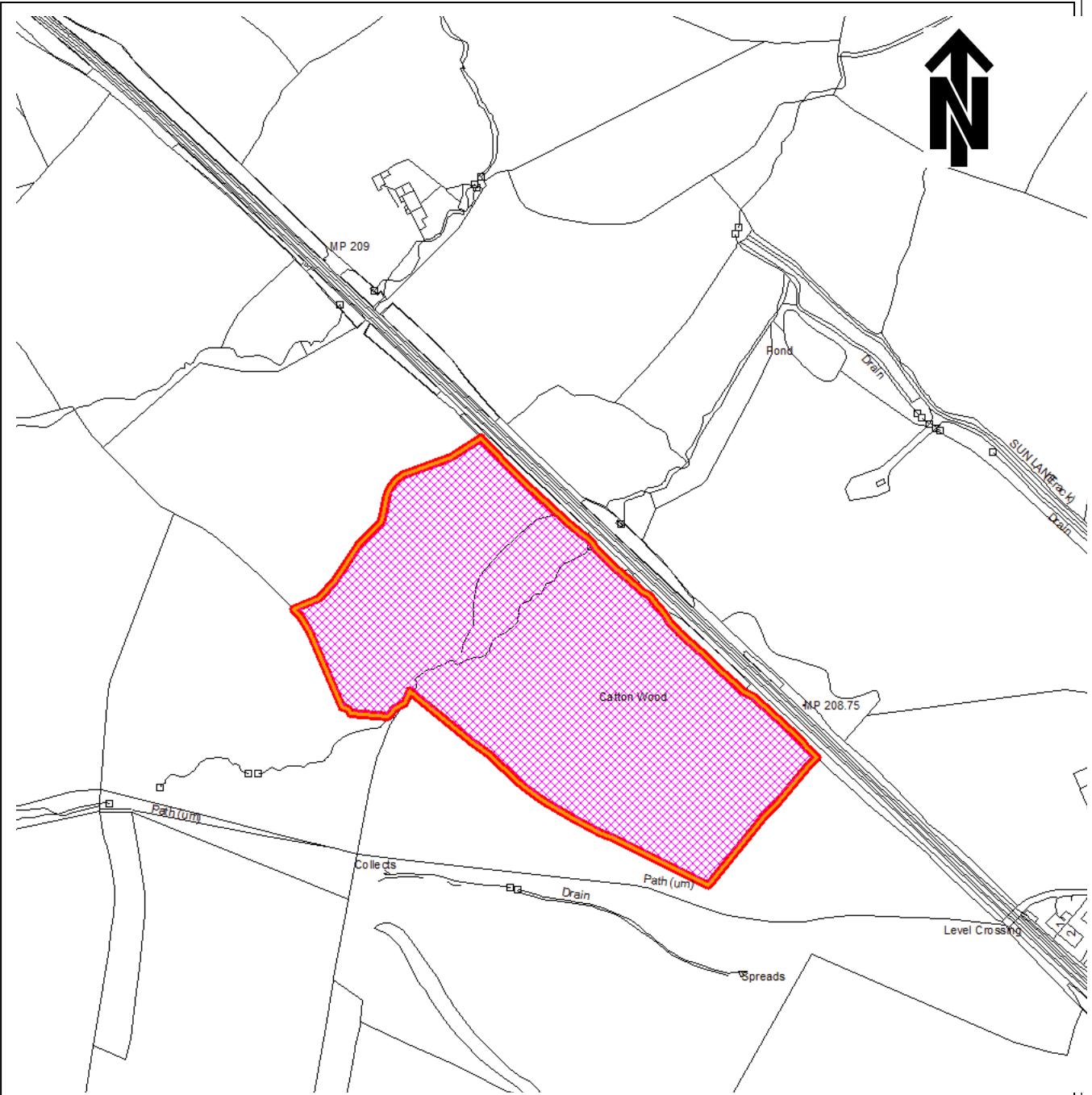
Written challenge was issued however no retrospective application has been received and the boundary enclosure remains in situ and unauthorised.

The unauthorised boundary enclosure is considered to be detrimental to visual amenity by reason of the scale, design, use of inappropriate materials and prominent position. The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 8 March 2016.

Area Planning Panel (Keighley and Shipley)

13/00303/ENFCOU

27 April 2016



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ITEM NO. : 7	LOCATION: Catton Woods Sun Lane Burley In Wharfedale
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27 April 2016

Item Number: WHARFEDALE
Ward: 7
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
13/00303/ENFCOU

Site Location:
Catton Woods, Stead Hall Farm, Burley in Wharfedale

Breach of Planning Control:
Paintballing and the siting of ancillary structures, tyres, barrels, netting and fencing.

Circumstances:
It was brought to the attention of the Local Planning Authority that woodland protected by a Tree Preservation Order was being used for the operation of a paintballing business and that ancillary structures had been erected for which planning permission was required.

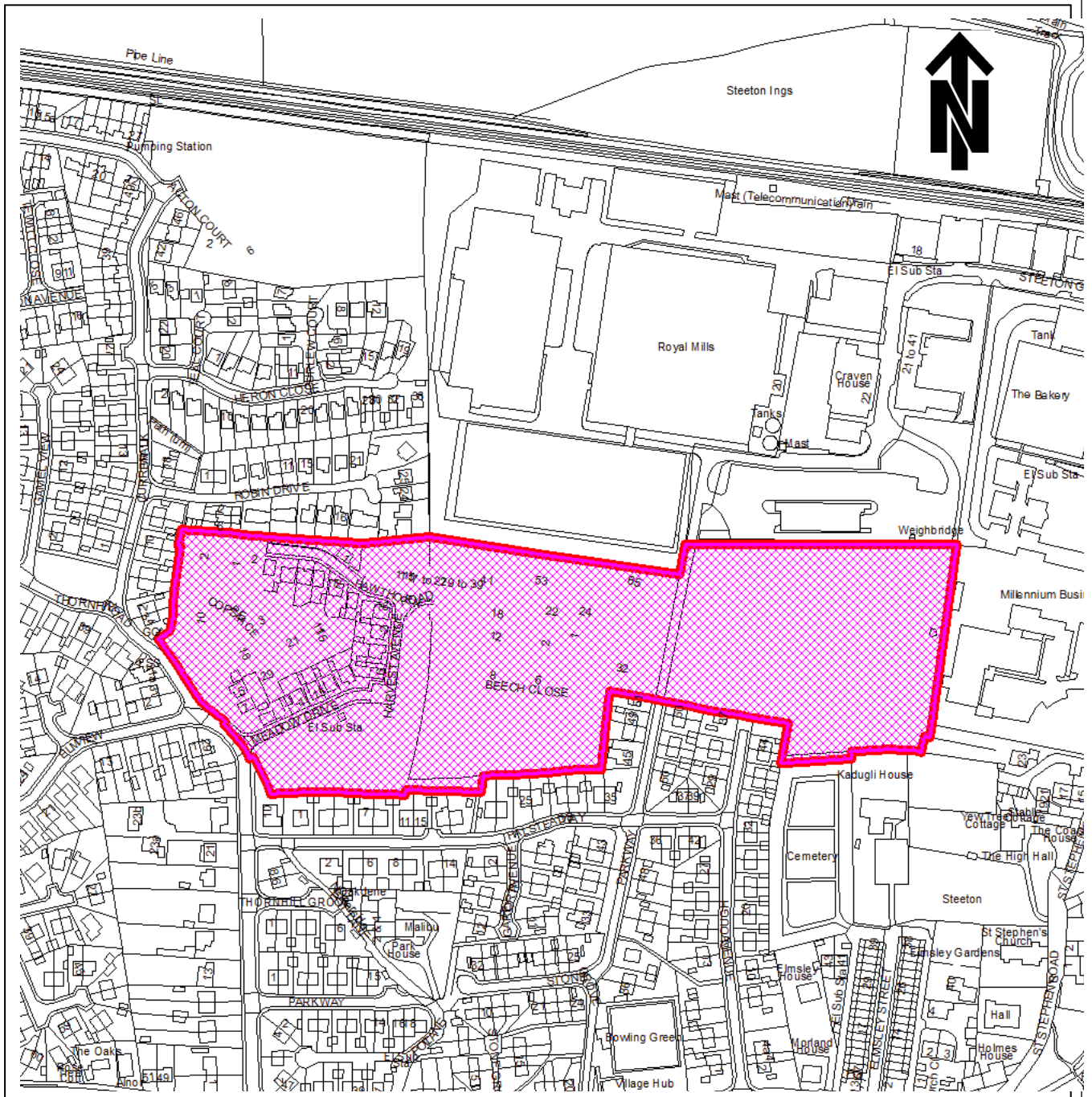
Written challenge was issued and an application received which was subsequently refused. An appeal against the refusal of planning permission was submitted and subsequently dismissed.

The unauthorised change of use and associated structures is considered to be detrimental to the health of the woodland and to the visual amenity of the landscape. The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 31 March 2016.

Area Planning Panel (Keighley/Shipley)

16/00056/ENFCON

27 April 2016



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ITEM NO. : 8	LOCATION: Land North West Of 51 Parkway Steeton With Eastburn
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27 April 2016

Item Number: 8
Ward: CRAVEN
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
16/00056/ENFCON

Site Location:
Land at Thornhill Road, Steeton with Eastburn

Breach of Planning Control:
Breach of hours of construction.

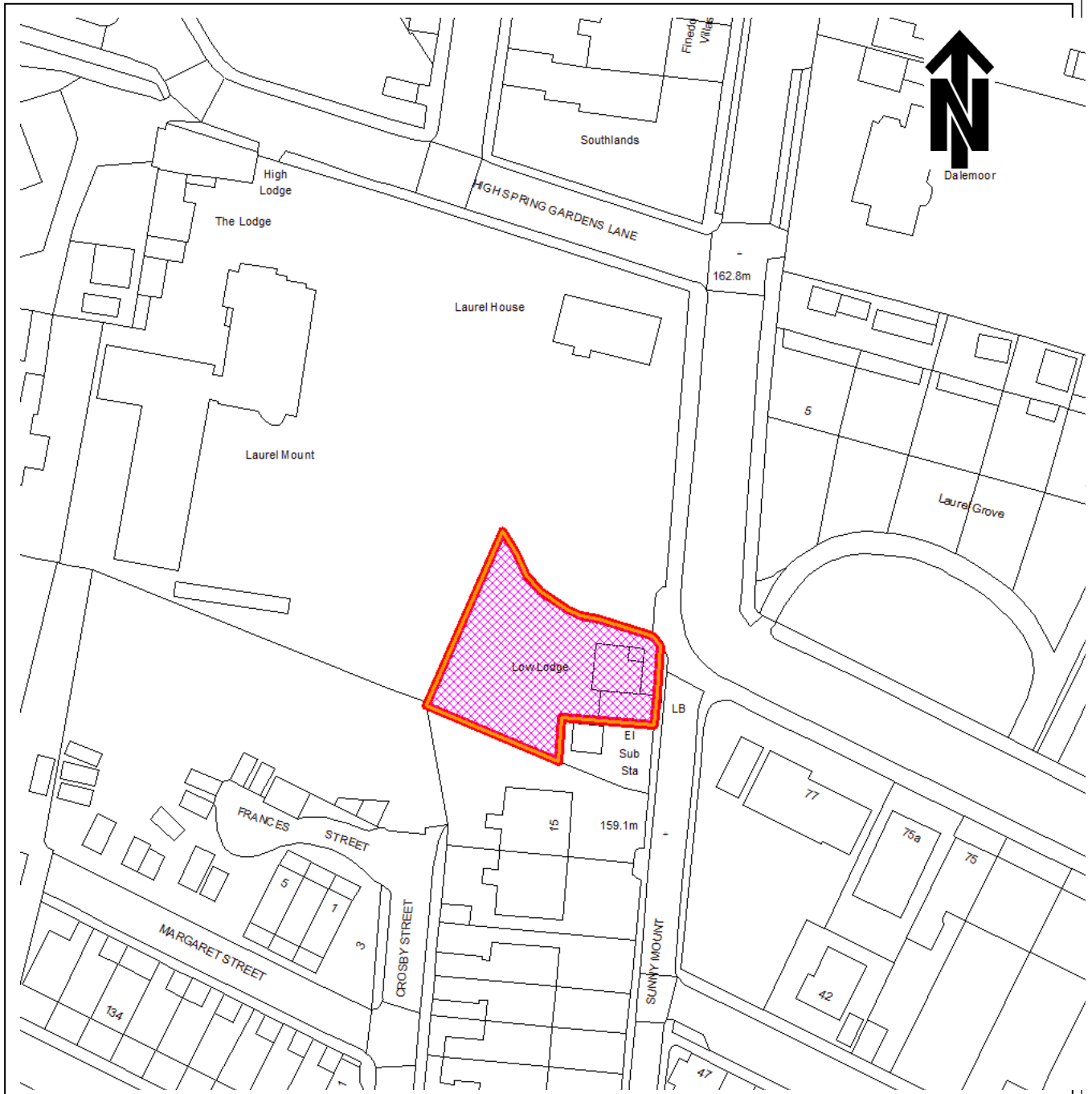
Circumstances:
The Local Planning Authority was made aware that the hours of construction at the above development site were being breached. Despite contacting the developer about this issue the Local Planning Authority was made aware that the condition continued to be breached.

It was considered that due to the harm that the lack of compliance with the above condition could cause the Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, 18 March 2016.

Area Planning Panel (Keighley and Shipley)

14/00737/ENFUNA

27 April 2016



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ITEM NO. : 9	LOCATION: Low Lodge Belgrave Road Keighley
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27 April 2016

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

Enforcement Reference:
14/00737/ENFUNA

Site Location:
Land at Low Lodge, Belgrave Road, Keighley, BD21 2HP

Breach of Planning Control:
The siting of a metal container on the land.

Circumstances:
It was brought to the attention of the Local Planning Authority that a metal storage container had been sited at the above property. The unauthorised container was challenged as unauthorised and the owner advised to take action to rectify the breach of planning control. To date no application has been submitted and a recent site inspection confirms the container remains in situ and unauthorised.

The siting of the metal container is considered to be detrimental to visual and residential amenity. The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 15 March 2016.

DECISIONS MADE BY THE SECRETARY OF STATE

Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
10	Worth Valley (ward 29)	10 Drysdale Way Haworth Keighley BD22 8AZ Appeal against Enforcement Notice - Case No: 15/00374/ENFUNA Appeal Ref: 15/00146/APPENF

Appeal Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
11	Keighley Central (ward 15)	178 Skipton Road Keighley BD21 2SY Appeal against Enforcement Notice - Case No: 12/00723/ENFAPP Appeal Ref: 15/00106/APPENF
12	Keighley Central (ward 15)	2 View Road Keighley BD20 6JE Retrospective planning application for demolition of existing pre-fabricated garage and construction of new garage - Case No: 15/06624/HOU Appeal Ref: 16/00016/APPHOU
13	Baildon (ward 01)	21 Belmont Avenue Baildon BD17 5AJ Construction of detached house - Case No: 15/02461/FUL Appeal Ref: 15/00135/APPFL2
14	Worth Valley (ward 29)	6 Todley Hall Farm Todley Hall Road Laycock Keighley BD22 0QB Retention of a replacement conservatory and replacement of windows and rear door - Case No: 15/06091/HOU Appeal Ref: 16/00014/APPHOU

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
15	Keighley East (ward 16)	The Haven St Marys Road Riddlesden Keighley BD20 5PA Construction of detached dwelling - Case No: 15/00628/FUL Appeal Ref: 15/00138/APPFL2

Appeals Upheld

There are no Appeal Upheld Decisions to report this month

Appeals Upheld (Enforcements Only)

There are no Appeal Upheld Decisions to report this month

Appeals Withdrawn

There are no Appeal Withdrawn Decisions to report this month

Appeal Allowed in Part/Part Dismissed

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

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