

## Agenda for a meeting of the Area Planning Panel (Keighley and Shipley) to be held on Tuesday, 16 August 2016 at 10.00 am in Council Chamber - Keighley Town Hall

### Members of the Committee – Councillors

CONSERVATIVE	LABOUR	THE INDEPENDENTS
Miller M Pollard	S Hussain Abid Hussain Bacon Farley	Naylor

### Alternates:

CONSERVATIVE	LABOUR	GREEN
Ellis Riaz	Greenwood Lee Shabbir Shaheen	Love

### Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- 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.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 0930 in the Council Chamber, Keighley Town Hall on the day of the meeting.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.

At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.

### From:

Parveen Akhtar  
City Solicitor  
Agenda Contact: Claire Tomenson  
Phone: 01274 432457  
E-Mail: [claire.tomenson@bradford.gov.uk](mailto:claire.tomenson@bradford.gov.uk)

### To:



## A. PROCEDURAL ITEMS

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

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

### 2. DISCLOSURES OF INTEREST

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

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

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

*Notes:*

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

### 3. MINUTES

**Recommended –**

**That the minutes of the meeting held on 27 April 2016 be signed as a correct record.**

(Claire Tomenson – 01274 432457)



#### 4. PUBLIC QUESTION TIME

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

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

**Questions must be received in writing by the City Solicitor in Room 112, City Hall, Bradford, by mid-day on Friday 12 August 2016.**

(Claire Tomenson - 01274 432457)

#### 5. INSPECTION OF REPORTS AND BACKGROUND PAPERS

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

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.

(Claire Tomenson - 01274 432457)

### B. BUSINESS ITEMS

#### 6. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL 1 - 60

The Panel is asked to consider the planning applications which are set out in **Document “E”** relating to items recommended for approval or refusal:

The sites concerned are:

- |     |   |                             |
|-----|---|-----------------------------|
| (a) | 1 Pollard Street, Cottingley, Bingley (Approve)         | <b><u>Bingley Rural</u></b> |
| (b) | 11 Endor Grove, Burley in Wharfedale, Ilkley (Approve)  | <b><u>Wharfedale</u></b>    |
| (c) | Bradup Farm, Ilkley Road, Riddlesden, Keighley (Refuse) | <b><u>Keighley East</u></b> |



- |     |   |                                |
|-----|---|--------------------------------|
| (d) | Dawat Lounge, Bradford Road,<br>Keighley (Refuse)                 | <b><u>Keighley Central</u></b> |
| (e) | Land 403166 434645 Hill House Lane,<br>Oxenhope,Keighley (Refuse) | <b><u>Worth Valley</u></b>     |
| (f) | Mayfield Road, Keighley (Refuse)                                  | <b><u>Keighley Central</u></b> |
| (g) | Parkside House, Mayfield Road,<br>Keighley (Refuse)               | <b><u>Keighley Central</u></b> |

(Mohammed Yousuf – 01274 434605)

**7. MISCELLANEOUS ITEMS**

61 - 62

The Panel is asked to consider other matters which are set out in **Document “F”** relating to miscellaneous items:

- (a)- (b) Decisions made by the Secretary of State – Dismissed

(Mohammed Yousuf – 01274 434605)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



## Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 16 August 2016

E

### Summary Statement - Part One

#### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
(a)	1 Pollard Street Cottingley Bingley BD16 1SP - 16/03831/FUL [Approve]	Bingley Rural
(b)	11 Endor Grove Burley In Wharfedale Ilkley LS29 7QJ - 16/04703/HOU [Approve]	Wharfedale
(c)	Bradup Farm Ilkley Road Riddlesden Keighley - 16/03347/FUL [Refuse]	Keighley East
(d)	Dawat Lounge Bradford Road Keighley BD21 4EB - 15/07198/FUL [Refuse]	Keighley Central
(e)	Land 403166 434645 Hill House Lane Oxenhope Keighley - 16/03306/OUT [Refuse]	Worth Valley
(f)	Mayfield Road Keighley - 16/04670/FUL [Refuse]	Keighley Central
(g)	Parkside House Mayfield Road Keighley BD20 6LD - 16/03520/FUL [Refuse]	Keighley Central

Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

Report Contact: Mohammed Yousuf  
Phone: 01274 434605

Email: mohammed.yousuf@bradford.gov.uk

**Portfolio:**  
Regeneration, Planning and Transport

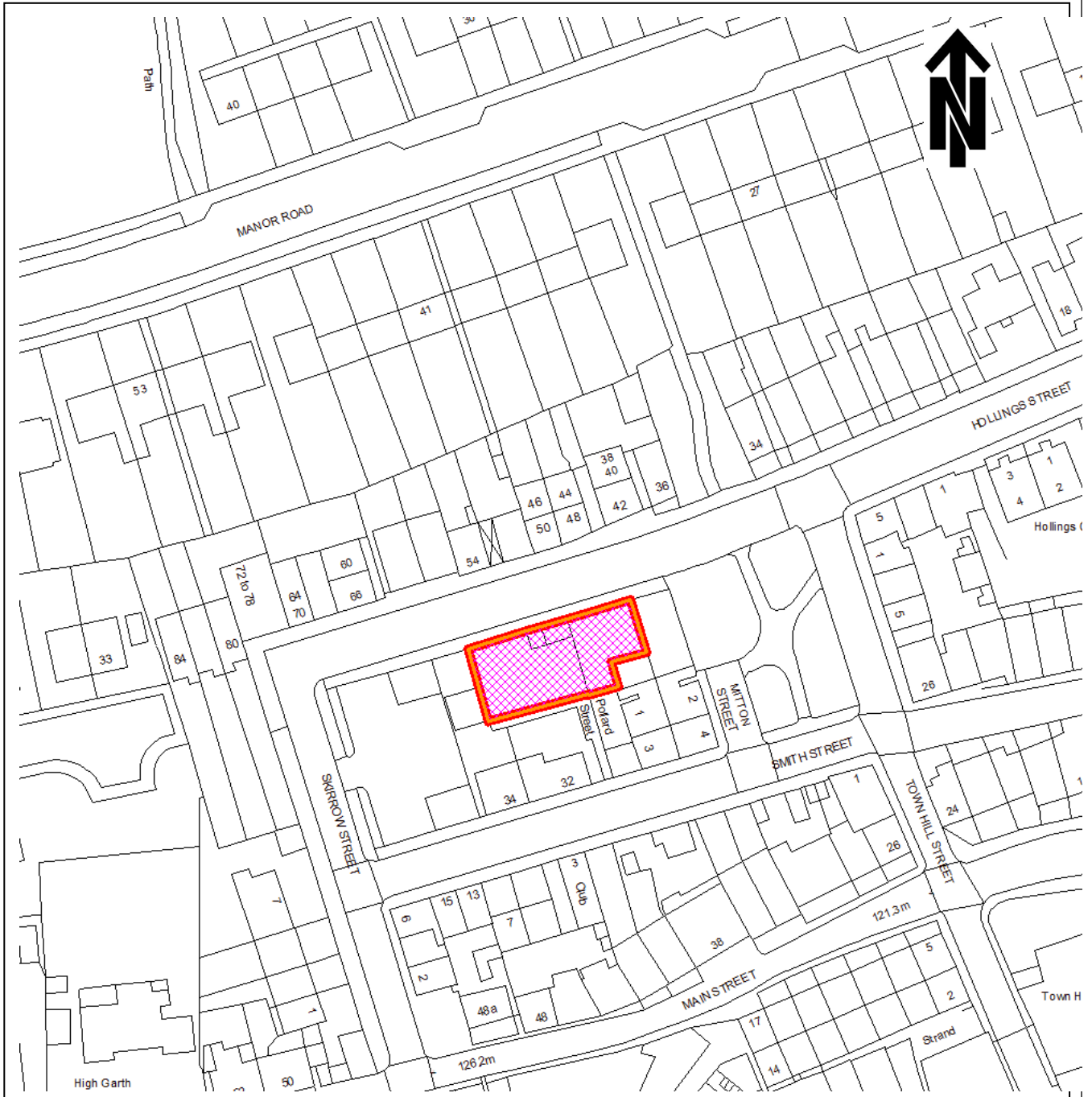
**Overview & Scrutiny Committee Area:**  
Regeneration and Economy



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

**16/03831/FUL**

16 August 2016



© Crown copyright 2000. All rights reserved (SLA 100019304)

<p>ITEM NO. : <b>A</b></p>	<p><b>LOCATION:</b> <b>1 Pollard Street</b> <b>Cottingley BD16 1SP</b></p>
----------------------------	--

**16 August 2016**

**Item Number: A**  
**Ward: BINGLEY RURAL**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
16/03831/FUL

**Type of Application/Proposal and Address:**  
Construction of a pair of semi-detached two bedroom dwellings at 1 Pollard Street, Cottingley, Bingley, BD16 1SP.

**Applicant:**  
Mrs Debra Hadley.

**Agent:**  
Mr Peter Brooksbank.

**Site Description:**  
The site is in the centre of Cottingley between Hollings Street and Smith Street. It is currently part of the garden area of 1 Pollard Street which is one of four back to back houses built at right angles to Smith Street. The land has a frontage to Hollings Street and is surrounded by stone built properties of varying styles. To the south, Nos 32-34 Smith Street are traditional style dwellings of recent construction. Across Hollings Street from the site, a row of stone terrace houses face south towards the site.

**Relevant Site History:**  
No relevant site history on this plot.

Houses to the south were approved by Shipley Area Planning Panel under application 09/01624/FUL: Construction of one 2 bedroom house and 3 bedroom semi. Granted 23 June 2009

**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.

***Proposals and Policies***

UR3 – Local Impact of Development

D1 – General Design Considerations

UDP3 – Quality of Built and Natural Environment

TM12 – Parking Standards for Residential

TM2 – Impact of Traffic and its Mitigation

TM19A – Traffic Management and Road Safety

**Parish Council:**

Bingley Town Council – Bingley Town Council recommends refusal of this application.

**Publicity and Number of Representations:**

Advertised by neighbour notification letters and site notice giving until 3 July 2016 for comments.

Seven neighbour representations received six objecting to and one supporting the development.

**Summary of Representations Received:**

1. Last month, the trees in this garden were chopped down. This also happened 5 years ago before the Council gave permission for two houses to be built on Smith Street (32/34) with garages on Hollings Street.
2. When the garages were built on Hollings Street it reduced parking space. Another two dwellings here will further reduce parking space.
3. There is no demand for housing in the area as shown by For Sale boards being everywhere. 32 Smith Street has still not been sold and is empty.
4. After the construction of the garages on Hollings Street I was flooded twice during heavy rain and my kitchen devastated. Yorkshire water investigated in February 2014 and found rubble blocking the main sewer. This can only have come from the building works and if more building works are to go ahead I would like some guarantee that the Victorian sewer system is not blocked again.
5. The plot sizes look much larger than other properties on Hollings Street which is very concerning.
6. The properties will completely block all light coming into adjoining property and number 54 next door. Both properties will be "overlooked" and "over shadowed" These two dwellings would significantly affect the light into living rooms of existing homes and the garden area would become very enclosed.



7. The plans for the new properties are not in keeping with the look and layout of the village because the orientation of the new build is at 90 degrees to Hollings Street, which is totally out of keeping with existing village layout. There are no houses facing that way and there are no other houses either side, just small gardens and garages. This will be an unattractive development with a large gable end facing the street.
8. There will be a loss of green space and open aspect along with a traditional dry stone wall further eroding the attractive nature of this old village. The site will become over-developed by this garden grabbing with far too high a density of houses in such a small space resulting in people living on top of each other with very little green space. This is a village not a city suburb.
9. Parking in the village is a HUGE problem. The area is heavily congested and further properties would add to this problem further, it would cause considerable congestion to the narrow lanes making it difficult for current residents. On a recent occasion some refuse bins were not emptied due to parking. The plans submitted provide three parking spaces to serve both new properties plus 1 Pollard Street. No allowance appears to have been made on plans for suitable screened waste/recycling bins.
10. Nothing is shown on plans for proposed replacement of felled trees. Because of the past concern regarding this particular tree, should at least a survey have been obtained before felling and to establish a replacement programme?
11. This build will affect privacy to No 32 Smith Streets rear garden space. Privacy to 34 Smith Street rear garden only slightly less but very apparent never the less. Privacy to adjoining garden space for other residents will also be greatly affected.

**Consultations:**

Drainage Section – Development to be drained via a separate system within the site boundary.

Highways –The site is accessed from Hollings Street which is an adopted residential street. The parking spaces should measure 6m x 3m but the original plan shows 5m x 2.6m spaces. The spaces need to be wider for easier access to both sides of the vehicle and longer to ensure vehicle doesn't overhang the footway.

Two car parking spaces marked on Hollings Street; cannot be considered as part of the provision for this scheme.

An amended plan has been submitted addressing the above issues, The Highway Officer confirms no further objections subject to applying the standard condition as follows:

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.

**Summary of Main Issues:**

Impact on the Local Environment and character of the locality.

Impact on amenity of Neighbouring Occupants.

Parking and Highway Issues.

**Appraisal:**

The proposal is construction of a pair of semi-detached two-bedroom cottages in the grounds of an existing dwelling at 1 Pollard Street, Cottingley. The proposal would be situated on land to the south side of Hollings Street that is somewhat separate to the house itself.

**Impact on Local Environment**

The materials to be used in the construction of the pair of houses would be natural coursed stone and a blue slate roof. These materials are in keeping with the traditional houses in the surrounding area.

The local street scene is dominated by rows of traditional houses but the design, size and siting of the dwellings is not uniform. Whilst most houses directly abut the streets, the 4 houses on Pollard Street and Mitton Street are set at right angles to the through roads. Although objectors refer to the new houses being out of character because they do not face the streets, the orientation would be similar to those on Pollard Street/Mitton Street and it is not considered that the layout would be detrimental to the close knit character of the surrounding area.

When viewed from the surrounding area, the scale of the dwellings would remain unobtrusive and fully in keeping with the neighbouring dwellings. The houses are of a conventional 2-storey height and the application land is set slightly below the level of Hollings Street so the height of the houses would not appear unduly dominant within the street scene. The scale, form and appearance of the new dwelling is considered in keeping with the surrounding context which is that of a close knit cluster of traditional buildings in "village" setting. Use of natural materials compatible with the materials of the existing properties within the immediate area will help integrate the new buildings into the street scene.

The proposal is considered to be of appropriate design, scale, massing and height in relation to the surrounding environment and to have no negative impact on the character or appearance of the area.

The proposed domestic dwellings incorporate design arrangements giving sufficient garden area for servicing, waste handling, recycling and storage.

The proposal is therefore considered to comply with Policies UR3, UDP3 and D1 of the Replacement Unitary Development Plan.

**Impact on Neighbouring Occupants**

The neighbouring properties on Smith Street, including the 2 houses built under the 209 permission, are set at a higher level to the proposal, whilst the properties on Pollard Street are slightly lower and the properties across Hollings Street are also higher than the application site.

Representations have been received from a number of neighbouring properties relating to concerns about overlooking, overshadowing and overdevelopment.

However, the proposed houses have been orientated at right angles to the houses on Hollings Street so as to have as little an impact on the neighbouring dwellings as possible by way of overlooking.

Section drawings also demonstrate that the proposal would not be of such a scale and height as to significantly overshadow or overlook the neighbouring dwellings. The agent has demonstrated, by way of a cross section, the scale and height of the proposal in relation to the existing dwellings on Smith Street to the south and Hollings Street to the north. Normal spatial distances are satisfied in relation to the separation to neighbouring properties.

Although the plot is of restricted size, it is not accepted that it would be overbearing or demonstrably cause loss of light to neighbouring windows, or overlooking to adjacent properties.

The proposal is considered acceptable and does not have a negative impact on the amenity of the occupants of neighbouring dwellings. The proposal is therefore considered to comply with Policy UR3 of the Replacement Unitary Development Plan.

### **Impact on Highway Safety**

Objectors have referred to local parking congestion and how additional housing would aggravate these problems. The scheme creates 3 parking spaces for the two new houses and amendments to the size of these spaces have been submitted. The Council's Highway Officer has considered the impact on safety and local highway capacity but considers the proposed amount and position of the parking to be acceptable.

The proposed means of access to and from the site is not considered to adversely affect the flow of traffic on Hollings Lane, and is not considered detrimental to highway safety. The inclusion of three off street parking spaces (6m x 3m) to the front of the proposed dwellings is considered acceptable to serve the proposal and the existing dwelling of 1 Pollard Street.

### **Other Issues**

A number of objections mention removal of trees on the site. It is not known what trees existed prior to the application but they were not protected by Tree Preservation Order or Conservation Area status. At the time of the officer site visit no trees were evident, and therefore no replacement planting can be requested.

No objections have been received from the Council's Drainage Officer.

### **Community Safety Implications:**

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

### **Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The proposed development is considered to relate satisfactorily to the character of the existing dwelling and adjacent properties. The impact of the proposal upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significant adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with Policies UR3 (The Local Impact of Development), D1 (General Design Considerations), UDP3 (Quality of Built and Natural Environment), TM12 (Parking Standards for Residential), TM2 (Impact of Traffic and its Mitigation) and TM19A (Traffic Management and Road Safety) of the Replacement Unitary Development Plan 2005.

**Conditions of Approval:**

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

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

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

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

3. 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.

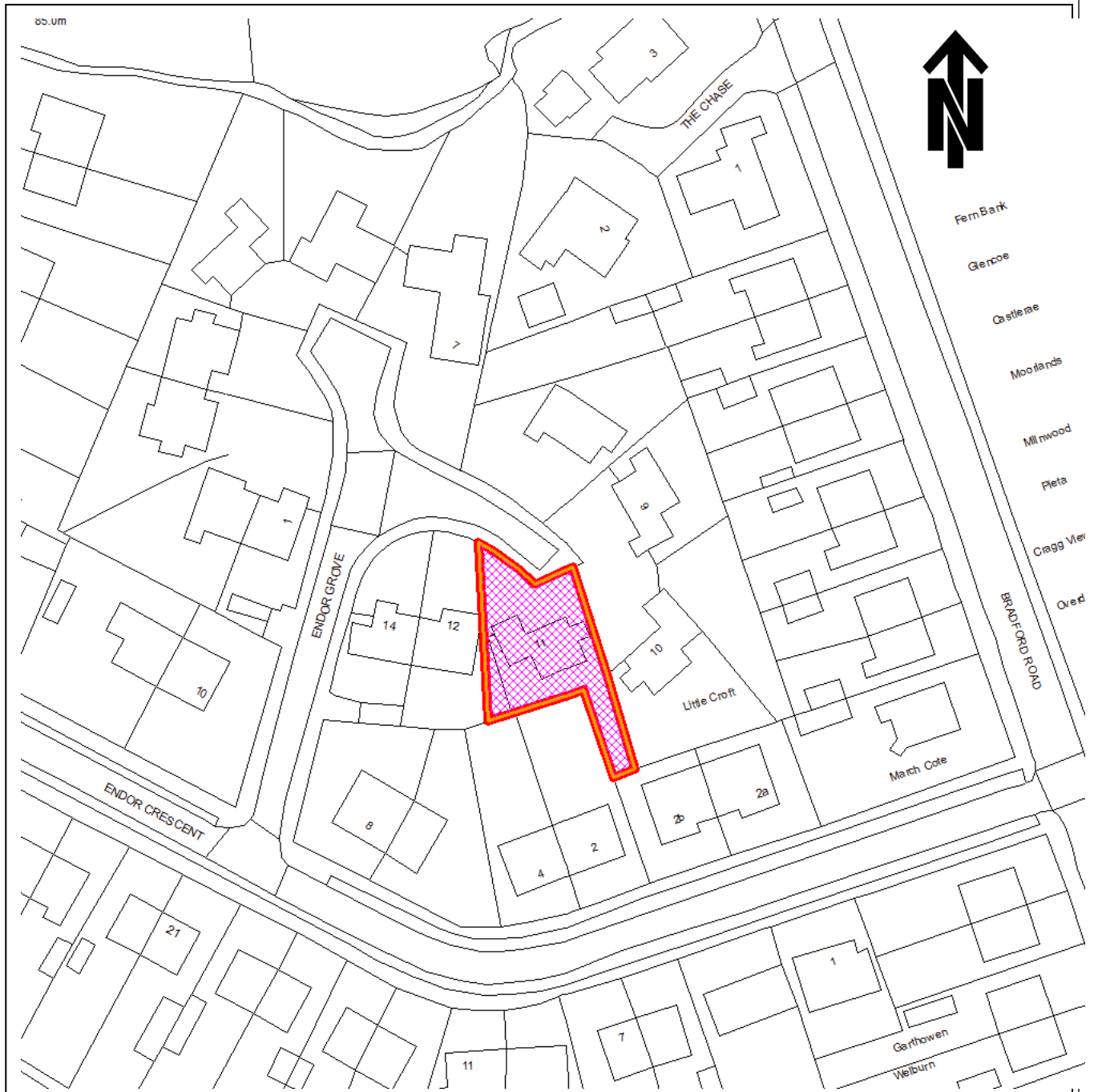
4. The development shall be drained using separate foul sewer and surface drainage systems.

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

Area Planning Panel (Keighley/Shipley)

16/04703/HOU

16 August 2016



© Crown copyright 2000. All rights reserved (SLA 100019304)

ITEM NO. : <b>B</b>	LOCATION: <b>11 Endor Grove Burley In Wharfedale LS29 7QJ</b>
---------------------	--

**16 August 2016**

**Item Number: B**  
**Ward: WHARFEDALE**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
16/04703/HOU

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

Construction of a 2-storey side extension partly over garage, increase in footprint of existing single-storey extension, extension to the garage with revision of garage door position and new driveway to 11 Endor Grove Burley in Wharfedale Ilkley LS29 7QJ.

**Applicant:**

Mr Andrew Stancliffe

**Agent:**

Mr Andy Stakes

**Site Description:**

Endor Grove is a cul de sac of detached and semi-detached houses arranged in an informal layout with open plan front gardens. The houses appear to date from the 1960s and are built in a mixture of brickwork, render and a small amount of decorative timber cladding. The application property at No 11 is typical – being a detached house with an open frontage abutting the end of one of the cul de sac spurs. The roof has shallow pitches covered in concrete interlocking tiles. At present, No 11 is served by a gravel drive shared with the adjoining house No 12, which is semi-detached. At the front, the ownership boundary between No 11 and No 12 is not delineated.

**Relevant Site History:**

16/03140/HOU : Extensions - Application was withdrawn for clarification and amendment following receipt of a number of objections.

**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***

D1 – design considerations

UR3 – local planning considerations

TM12 – car parking

TM19A – traffic management and road safety

**Parish Council:**

Burley Parish Council resolved not to agree this application on the grounds of overdevelopment.

**Publicity and Number of Representations:**

Neighbour notification letters have been sent.

Objections have been received from occupiers of 10 local addresses.

**Summary of Representations Received:**

1. The new application is little different from last one. Several issues with the previous application are not resolved.
2. The proposed development remains out of proportion to the size of the plot and will overshadow neighbouring properties.
3. The plans misrepresent the full scope of the proposed development because of the internal changes and also the side wall will have to be rebuilt to support the new 1st floor. It is proposed to change all the window positions and sizes.
4. The proposed garage would be built beyond the footprint of the existing garage and forward of the house by 4 metres which contravenes the Council's Householder Supplementary Planning Document (SPD). This would adversely affect the street scene and present a not very attractive blank brick wall to the street and use virtually all the front garden.
5. The proposed two storey extension is over dominant and overlooking to No 12 and takes away amenity from the side and rear. The extent of the new west wall will be dominating and oppressive.
6. The two storey extension does not have a set back from the wall of the original house.
7. The change to the garage is not necessary. Previous occupiers of No.11 have not sought to separate the shared drive arrangements. There has always been a shared drive between the 2 properties with no problems whatsoever.
8. The garage extension also appears to restrict access to rear of No 12.
9. The front gardens on Endor Grove have always been open plan and the proposed works and their scale would reduce the open aspect and be will be out of keeping.

10. There is no indication what will happen to the abandoned driveway to No 11.
11. Should the applicant brick up parts of the windows, as on the plans, the bricks would not match as the originals are imperial - no longer available.
12. Inaccurate Land Registry plans are used. Other inaccurate features are highlighted such as The 'Existing Plan' shows a continuous area of paving to the west side, but this area includes an area of foliage.
13. Access to the garage is being changed to the end of Endor Grove which is very narrow and already used by the occupants of 9 and 10. There would be considerable congestion at certain times as three drives would be close together.
14. A new driveway should require a legally constructed dropped kerb.
15. The proposed two story extension and side extension do not meet various limitations on permitted development under the Town and Country Planning (General Permitted Development) Order. For example further extension of the garage forwards towards the highway is not permitted development.
16. A shared drive way cannot be built on or scaffolding erected without the appropriate permissions and consent.

**Consultations:**

None.

**Summary of Main Issues:**

Design, form, materials and scale of extensions.

Impact on amenity of occupiers of neighbouring properties.

Road safety.

Other matters raised.

**Appraisal:**

**Background**

Following objections from neighbours to previous planning application 16/03140/HOU, the applicant withdrew it to give time to address the issues raised before submitting this new application. The new proposals now omit alien cladding materials to the upper parts and there is better clarification of the position of the extension in relation to the adjoining house No 12 Endor Grove.

In response to continuing objection comments, further revised drawings have been received which show further clarifications of the proposals. They better indicate the extent of alterations to existing windows and clarify the internal layout of rooms in the extensions. The drawings portray the proposals better but do not materially alter them.

**The Proposals**

The applicants' reason for the application is to give better accommodation for a growing family. To this end, the main proposal is the re-modelling of the west side of the house to construct a 1st floor extension to provide an extra bedroom at the front and a bathroom to the rear. This 1st floor extension would be above the position of the existing garage, which is also to be rebuilt to a new orientation. The garage doors will be given a new east-facing orientation. In order to separate the drive to No.12 from that of No.11, a new drive access is also to be provided off the end of the cul de sac. An existing single storey extension on the east wall is to be rebuilt and slightly enlarged to make it more usable.



### **New Garage**

Objections refer to how the new garage would project forward of the existing building line, beyond the footprint of the existing garage, and 4 metres in front of the main front wall of the house. Neighbours say this would spoil the open plan aspect, "crowd in" the houses at the end of the Grove and present an ugly blank wall to the street.

However, these comments seem exaggerated. The existing garage already projects forward of the main body of the house by 2.6 metres. The garage to No 11 also projects forward. This is an open plan estate, but there is not a regular alignment of dwellings around the cul de sac. The character is that of a loose knit, open plan estate. The new garage would still be set well back from the street frontage and would be viewed against the larger mass of the main dwelling. The 4 metre projection of the proposed garage would have little effect on the overall appearance or setting of the property as it would be a subservient feature set well back from the street. At its closest point it would be around 6 metres back from the footway.

The plans show the remodelled garage would retain a gap of 1.15 metres to the corner of the garage of No. 12. The rights of access and ownership over this space are apparently in dispute, but the extension would not appear to encroach onto the neighbouring property and would not take away the existing gap between the houses completely. Whether this gap is available for use by occupants of No. 12 is not a matter for the Council to determine.

In terms of its planning merits, the garage would remain a subservient feature with little effect on the open plan aspect. In terms of Design Principle 1 of the Council's Householder SPD, the context of the site is such that the garage would maintain the character and quality of the original house and the wider area.

### **1st Floor extension**

The 1st floor extension would be 4.5m wide and 6.5m long. It would provide an extra bedroom and bathroom and would more noticeably add to the bulk of the dwelling. However, several other houses on the cul de sac have added 1st floor extensions, to varying designs. To the side is the single storey garage alongside No. 11 Endor Grove, but the two storey side wall of No 12 is set some distance beyond the garage. The extension at No. 11 would therefore maintain adequate space between that property and the side wall of No. 12. The scheme would retain sufficient spaciousness between the two houses and would not appear dominant or overbearing. It is not accepted the 1st floor addition is either over dominant or out of keeping.

The two storey extension has a nominal set back from the front wall of the original house so as to avoid an awkward junction between the new and old walling and roofing materials (as recommended by the Householder SPD). The SPD does not require extensions to detached houses to have a full 1m set back from the wall of the original house. An integrated extension is perfectly acceptable and allowed for by SPD guidelines.

In response to objection comments, the agent has said that at this stage it is not known whether the existing side wall can support the additional 1st floor bedroom accommodation or whether it would need to be rebuilt on the alignment shown on the plans. Until it is known whether planning permission will be granted (and bearing in mind the ownership dispute), the applicant has not wanted to incur the expense of an investigation of the foundations etc. However, whether the wall is retained, partially rebuilt or completely rebuilt has no bearing on the planning merits of the application and is a matter for control under the Building Regulations.

The 1st floor extension would maintain an adequate clearance from the 1st floor windows in the side of No 12 and so would not affect light to them. The garage to No 12 is closer and there are some high level windows at ground floor level but there will be no impact on any habitable rooms within the neighbouring property. No windows are proposed in the side elevation facing towards No 12, so no loss of privacy would arise.

The porch on the side wall to No 12 would be affected by the additional mass of building but it is a non-habitable room and these effects would not be very significant. It is not accepted that the two storey extension would over dominate or seriously damage outlook or unacceptably reduce natural daylight to any parts of No 12 Endor Grove.

The 1st floor bedroom extension would have a single window facing towards the boundary to the south. This is only around 4 metres from the boundary to a garden on Endor Crescent. However, the revised plans have clarified that the room facing south is a non-habitable bathroom and wc. A Storeroom at the rear of the extension would have no window. The revised drawings clarify the intention to fit obscure glass to those windows so there will be no overlooking. This is confirmed by the suggested conditions.

### **Single storey side extension**

The extension to the side would be longer than the existing single storey projection but would still be an unobtrusive and subservient feature. None of the objections seem to be opposed to this aspect of the scheme. The small side extension would cause no loss of amenity for any adjoining occupiers.

### **Materials**

Proposed external materials for the extensions are a mix of brickwork and render. These will be similar to the existing external materials of No. 11 and other properties in Endor Grove. Previous proposals for cladding were strongly opposed by local residents as being out of keeping - but they have now been omitted.

Several objections say there will be difficulties securing an exact match of brickwork due to the age of the houses. However, other extensions on the estate have managed to achieve an appropriate use of materials which are similar enough to maintain local amenity. It would be unreasonable to deny the applicant an opportunity to invest in the property simply because the exact type of brickwork used in the 1960s may not be available. The set back to the first floor extension will avoid an awkward junction between new and old materials.

### **Driveway and parking**

At present, the application property shares a gravel drive access with the neighbouring house at No 12 Endor Grove. A new, separate drive access to 11 Endor Grove is proposed from the end of the cul de sac into the re-orientated garage. Objectors say this drive is unnecessary and could lead to increased vehicular activity with congestion and conflict with users of other drives emerging onto this part of the cul de sac.

However, the amount of traffic sharing this end part of the cul de sac will be very modest and inter visibility for users of all 3 drives is good. The site is level. There are no obvious restrictions to visibility and there seems no reason why serious safety conflicts would arise from 3 drives emerging onto the same part of the cul de sac.

Originally it was suggested that upon formation of the new drive, part of the existing gravelled drive could be removed and landscaped, but in light of objections and an ownership dispute, the plans now show the existing gravel drive left exactly as it is.

The objectors say that the additional drive surface will affect the open plan aspect of the estate. However, there is no intention to enclose the frontage and the surface would be porous gravel. The drive would not be especially visible or out of keeping.

In any case, the formation of a new drive and hardstanding could be carried out, separate to this application, under GPDO Schedule 2, Part 1, Class F permitted development rights - providing it has a porous surface. The new drive could therefore be created without needing any consent from the Local Planning Authority.

An objector raises the need for a dropped crossing for the new drive. However, the kerb rise at this point of the cul de sac is virtually non-existent.

### **Other issues:**

Comments that the shared drive way cannot be built on or scaffolding erected without the appropriate consents raise private legal and Party Wall Act issues that are not material planning considerations.

One objector has made references to various limitations of Part 1 Class A permitted development rights and claims that, therefore, the extensions are not "permitted" by this legislation. However, these limitations refer to what can be added to a dwelling without the need for planning permission. They do not prescribe national limitations on what a Local Planning Authority may permit to be built when granting planning permission. The applicant is not claiming that the extension proposals are permitted development which is why this application has been submitted.

The agent says that the submitted Site Location Plan shows the site boundary between 11 and 12 Endor Grove as registered with the Land Registry and shown on Ordnance Survey Drawings. It is understood that land and rights between the two properties may be in dispute, but none of the proposed extension works are on third party land according to the declarations. Although objectors refer to submission of an inaccurate Land Registry Plan, this has no bearing on the planning merits of the proposals. The extensions and other proposals have been assessed on their planning merits.

Pedestrian access to the rear of garden 12 Endor Grove is presently achieved via a path between the garages of 11 Endor Grove and No 12. It is appreciated that 12 Endor Grove is a semi-detached house with no other route into its garden other than through the building. However, the proposed extension to 11 Endor Grove would not change the existing situation. The current distance between the two garages is 1300 mm. This would be reduced to around 1.15 metres.

**Community Safety Implications:**

None.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The new extensions and other works will enable improvement of the property to meet new needs whilst maintaining the appearance of the original property and the character of the locality. The extensions would add to the bulk of the house but this would not cause harm to the character of the locality or adversely affect the amenity of any occupiers of adjoining properties to any appreciable degree. The scale, form, design and intended materials of the proposed extensions are compatible with the character of the existing dwelling and the surrounding area. The extensions accord with the relevant design principles in the Householder SPD and Policies D1 and UR3 of the RUDP.

**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. The development hereby permitted shall be constructed of facing and roofing materials to match the existing building as specified on the submitted application.

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

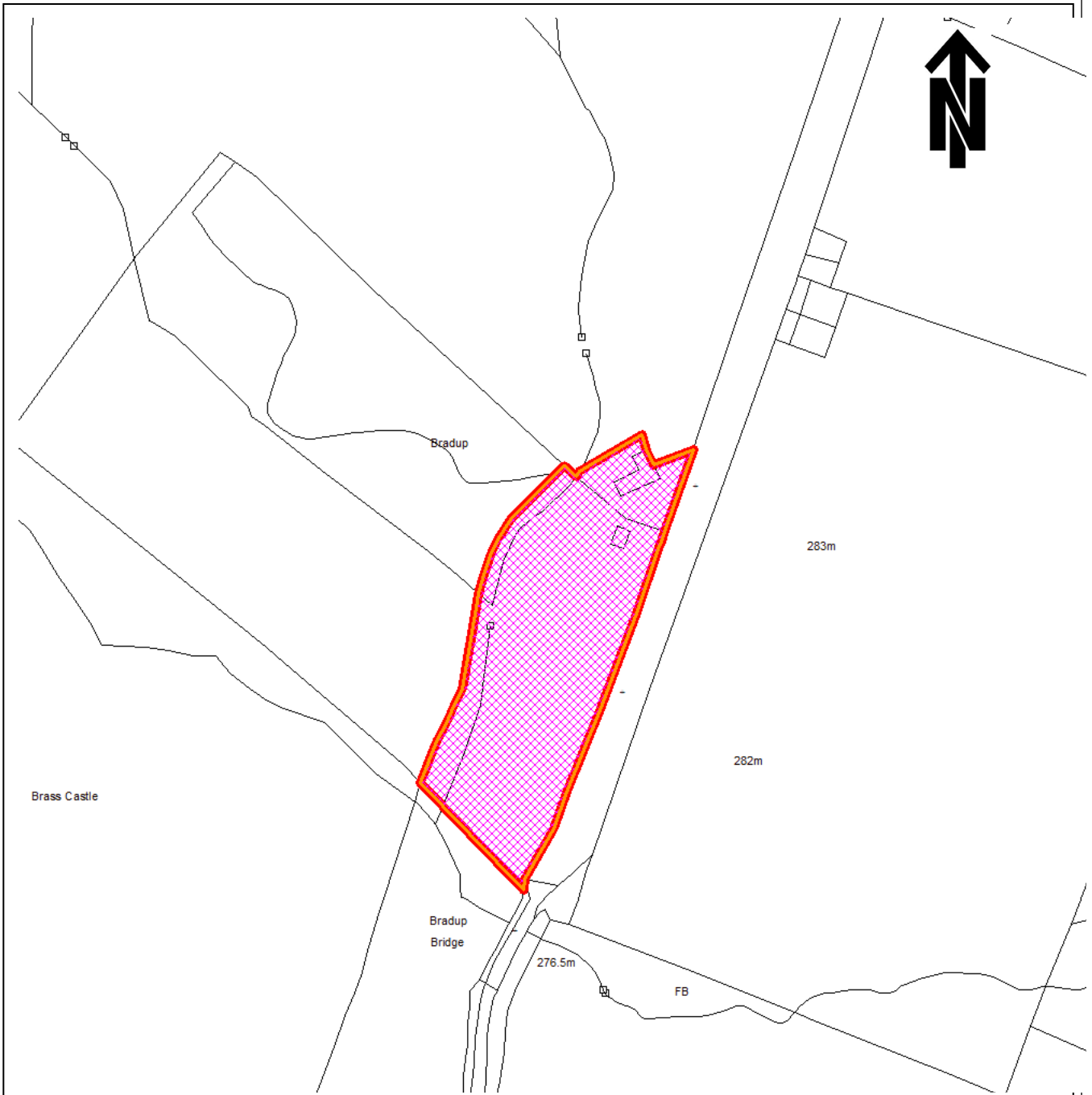
3. As shown on the Proposed Rear Elevation drawing (Rev B), the window at 1st floor level in the rear elevation of the extension hereby permitted shall be glazed in obscure glass prior to the first occupation of the extension and thereafter obscure glass shall be retained.

Reason: To prevent overlooking or loss of privacy to adjacent occupiers and to accord with Policy UR3 of the Replacement Unitary Development Plan

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

**16/03347/FUL**

16 August 2016



© Crown copyright 2000. All rights reserved (SLA 100019304)

<p><b>0</b></p> <p>ITEM NO. : <b>C</b></p>	<p>LOCATION:</p> <p><b>Bradup Farm</b> <b>Ilkley Road Riddlesden</b></p>
--	--

**16 August 2016**

**Item Number: C**  
**Ward: KEIGHLEY EAST**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**  
**APPLICATION WITH A PETITION**

**Application Number:**  
16/03347/FUL

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

Full planning application for the demolition of an existing house and construction of new two storey house with stables at Bradup Farm, Ilkley Road, Riddlesden, Near Keighley.

**Applicant:**  
Mr D Abbot

**Agent:**  
Mr P Barton

**Site Description:**

The application site stands in open, upland countryside above Riddlesden. The site is in the Green Belt. The land is occupied by Bradup Farm which is a single storey, flat roofed building of very functional appearance. Its origins are unknown. It has a flat roof behind a parapet and has been rendered. Alterations have been made over the years, particularly to try to improve its resistance to the weather. The building stands to the west side of Ilkley Road with open fields surrounding it and the moors rising away to the north and west. It was occupied as a dwelling as recently as March 2015 and has recently been sold to the applicants. There are caravans and vehicles on the site. The building occupies an open and isolated rural / moorland position and is visible in long distance views. There are no neighbouring buildings.

**Relevant Site History:**

15/01811/FUL - Demolish and rebuild dilapidated dwelling. Granted 26.6.2015

**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***

Green Belt.

Rombalds Ridge Landscape Character Area.

***Proposals and Policies***

GB1- New building in the Greenbelt

GB2 – Siting of new building in the Greenbelt

GB6 – Replacement buildings in the Greenbelt

NE3/NE3A : Landscape Character Area

UR3 – Local impact of development

D1 – Design

TM19A - Highway safety

**Parish Council:**

Keighley Town Council – No response has been received.

**Publicity and Number of Representations:**

Publicised by a site notice – Publicity expiring 30 June 2016

No objections received.

A petition has been received in support of the proposal. This contains 11 signatures from 8 addresses, including the applicants themselves.

The petition seeks referral to Panel.

**Summary of Representations Received:**

The petition simply seeks referral to panel.

**Consultations:**

Rights of Way – Keighley Public Footpath No. 3 used to cross the application site but this footpath was diverted by legal order in 2013 reference 66666/T175. The new path runs to the south. As the footpath no longer crosses the application site the Rights of Way Section do not object to these proposals. Subject to standard conditions to ensure that any footpaths remain unobstructed.

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



The development shall not begin until details of the calculation of septic tank capacity, siting of the septic tank and proposed method of disposal of final effluent, have been submitted to this Council for comment.

If the proposal is to discharge final effluent to ground, percolation test results to be submitted to demonstrate ground conditions are suitable prior to foul water drainage works commencing on site.

Should the proposal be to discharge final effluent to ground. The application should be referred to the Environment Agency for confirmation the proposed effluent distribution system will not be located in a zone 1 groundwater protection zone or within 50m of any point of groundwater abstraction.

Northern Gas Network – No response

Highways Development Control – There is an existing access (from the highway) and ample space for car parking so no objections from a highways point of view.

Landscape Design Unit – This site is on the edge of the Rombalds Ridge Landscape Area with a gritstone moorland landscape character type. It is the most sensitive landscape that we have in the Bradford District, extending right over Ilkley Moor. Policy guidelines are to conserve the landscape; it is very sensitive to development, and it is stated (in the Landscape Character Supplementary Planning Document) that “any extension to the existing few farmsteads on the moorland fringe should be minimal to strictly limit any negative impact on this landscape.” I would suggest that this application is contrary to that policy.

**Summary of Main Issues:**

Impact on the character and appearance of the Greenbelt.  
Residential Amenity.  
Highway Safety.  
Drainage.

**Appraisal:**

**Local and National planning policy in relation to Green Belt**

The site is in the Green Belt and is in isolated, exposed countryside some distance from the edge of the built up area close to exposed open moorland.

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

Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF at Paragraph 88 says:

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

It goes on to state that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt.

Exceptions to this are listed under NPPF Paragraph 89. As well as buildings for agriculture and forestry and provision of appropriate facilities for outdoor sport and recreation, the exceptions include:

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

In relation to housing in rural areas the NPPF states (para 55)

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside...; or

- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should: – be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; – reflect the highest standards in architecture; – significantly enhance its immediate setting; and – be sensitive to the defining characteristics of the local area.

The Local Planning Authority's RUDP Green Belt policies confirm that within the Green Belt there is a general presumption against inappropriate development. Accordingly, it is for the applicant to demonstrate the very special circumstances to justify inappropriate development. Should development be acceptable in the Green Belt, RUDP Policy GB2 requires that any new building must be well-related to existing buildings or be otherwise unobtrusive in the landscape.

Policy GB6 of the RUDP predates the NPPF but also requires replacement dwellings to not be materially greater than the building it replaces. In this sense Policy GB6 reflects the exception named in the NPPF for the replacement of a building - providing the new building is not materially larger than the one it replaces and is in the same use.

RUDP Policy GB6 states:

PLANNING PERMISSION FOR THE REPLACEMENT OF DWELLINGS WITHIN THE GREEN BELT WILL ONLY BE PERMITTED IF THE PROPOSAL SATISFIES ALL OF THE FOLLOWING CRITERIA:

- (1) THE REPLACEMENT DWELLING AND ANY CURTILAGE DEVELOPMENT WOULD HAVE NO GREATER IMPACT IN TERMS OF HEIGHT, SITING OR SITE COVERAGE THAN THE EXISTING DWELLING AND ITS ASSOCIATED CURTILAGE DEVELOPMENT;
- (2) THE PROPOSED REPLACEMENT DWELLING AND ASSOCIATED WORKS WOULD MAINTAIN OR ENHANCE THE OPEN CHARACTER AND APPEARANCE OF THE LOCALITY;
- (3) THE EXISTING DWELLING HOUSE IS CAPABLE OF USE IN ITS PRESENT STATE AND HAS NOT BECOME SO DERELICT THAT IT COULD ONLY BE BROUGHT BACK INTO USE WITH COMPLETE OR SUBSTANTIAL RECONSTRUCTION;
- (4) USE OF THE EXISTING BUILDING AS A DWELLING HOUSE HAS PLANNING PERMISSION, HAS BEEN GRANTED A CERTIFICATE OF LAWFUL USE, AND THE USE HAS NOT BEEN ABANDONED.

The RUDP text goes on to explain that in order to be acceptable, great care will be required to ensure that the replacement dwelling would not have a greater impact on the openness or the purposes of the Green Belt than the dwelling replaced. Consideration will be given to the siting of the replacement dwelling in the local landscape and its impact on the openness of the Green Belt. The original dwelling should also be of permanent and substantial construction.

### **Background**

The application site stands in open, exposed upland countryside above Riddlesden. The site is in the Green Belt and the edge of the Rombalds Ridge Landscape Character Area.

The land is occupied by Bradup Farm which is a single storey, flat roofed dwelling of very functional appearance. It stands to the west side of Ilkley Road with open fields surrounding it and the moors rising away to the north. It is single storey in height and has a flat roof behind a parapet. The building occupies an open and isolated rural / moorland position and is visible in long distance views.

There is no dispute that Bradup Farm was in residential use and has not become so derelict that it is incapable of being re-inhabited. It was occupied as a dwelling as recently as March 2015.

In fact, planning permission 15/01811/FUL was granted in June 2015 for a replacement dwelling in accordance with Policy GB6 and the relevant exception of the NPPF.

The dwelling approved under 15/01811/FUL would have a slightly smaller volume than the dwelling to be replaced. It would have a volume of 587m<sup>3</sup> compared with the volume of the existing house - 597m<sup>3</sup>. The approved dwelling would be around 1.5 metres taller than the single storey structure as the approved proposal utilises the loft space to provide upstairs living/bedroom accommodation. The dwelling approved by permission 15/01811/FUL was to be built on the same footprint.

Although it is taller by about 1.5 metres, it was considered reasonable to permit such an enlargement in order to achieve a reasonable standard of accommodation. It was not considered that this 1.5 metre increase in roof height would have a materially greater impact on openness than the house it replaces and any effects on openness were offset by the pitched roof resulting in a more sympathetic design than the existing functional appearance of the existing flat roofed, rendered building. It was considered that the house approved under 15/01811/FUL would, on the whole, improve the appearance of the area and the landscape setting.

However, officers consider that the replacement dwelling of a slightly greater height but similar volume is the maximum that would be acceptable in this location without materially affecting openness and conflicting with the purposes of including the land in the Green Belt. In this case, the most important purposes are to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment.

Pre application advice given prior to this submission was to this effect. Officers advised that a scheme increasing height and volume - similar to the current submission - would be unlikely to be supported.

### **The proposed scheme**

The dwelling proposed by this new application is a full two storey structure with further rooms created in the loft space. It would be a substantial 2 and a half storey, 5 bedroom property. The overall mass and prominence is increased and the design has a suburban appearance.

In addition to the house a stable block is proposed which appears to have a similar footprint to the house and is about 4 times larger than the existing stable block.

The proposed new house would be sited on the same footprint as the existing dwelling but has a ridge height of 7.7 metres. This is 3 metres higher than the existing house which is 4.7 metres high.

The volume of the new building would be 845m<sup>3</sup> and the volume of the proposed stable block is 353m<sup>3</sup>.

The volume of the previously approved dwelling (15/01811/FUL) is 587m<sup>3</sup>.

The combined house and stable would result in just over a 100% increase in built form on the site.

The proposed 5 bedroomed dwelling is therefore materially larger than the one it replaces. Furthermore its effects would be very noticeable due to the exposed nature of the surroundings. It would stand as a significant and prominent feature in the landscape.

The design appears suburban in character and includes features such as Juliet balconies and patio doors which will appear incongruous.

The construction of a large stable block which is further away from the house and the alterations to curtilage and associated hard standings required to facilitate this will result in further encroachment of built form into the green belt further compounding the harmful impact on openness and forming sprawl.

The proposal would result in an isolated development in open countryside with a completely different character to the existing situation where the building is modest, low rise and with a rural appearance. This will permanently and materially alter the character and appearance of this part of the Green Belt. The proposal therefore does not satisfy the criteria in paragraphs 88 and 89 of the NPPF or policy GB6 of the RUDP for a replacement building.

Nor does it satisfy the criteria in paragraph 55 of the NPPF which names circumstances in which a new isolated home in the countryside may be acceptable as stated above. The proposal is therefore unacceptable in principle; it is by definition inappropriate development in the Greenbelt and in conflict with the guidance in the NPPF.

### **Landscape Character**

This site is on the edge of the Rombalds Ridge Landscape Area with a gritstone moorland landscape character type. It is the most sensitive landscape in the Bradford District, extending right over Ilkley Moor. Policy guidelines are to conserve the landscape, it is very sensitive to development, and policy NE3A states:

WITHIN THE LANDSCAPE CHARACTER AREAS IDENTIFIED IN POLICY NE3 DEVELOPMENT LIKELY TO AFFECT THE APPEARANCE OF THE LANDSCAPE WILL BE ASSESSED HAVING REGARD TO THE EXTENT TO WHICH IT WOULD: CAUSE UNACCEPTABLE VISUAL INTRUSION; INTRODUCE OR REMOVE INCONGRUOUS LANDSCAPE ELEMENTS; CAUSE THE DISTURBANCE OR LOSS OF OR HELP TO MAINTAIN:

- (1) LANDSCAPE ELEMENTS THAT CONTRIBUTE TO LOCAL DISTINCTIVENESS; (2) HISTORIC ELEMENTS WHICH CONTRIBUTE SIGNIFICANTLY TO LANDSCAPE CHARACTER AND QUALITY, SUCH AS FIELD, SETTLEMENT OR ROAD PATTERNS, AND LANDFORM;
- (3) SEMI-NATURAL VEGETATION WHICH IS CHARACTERISTIC OF THAT LANDSCAPE TYPE;
- (4) THE VISUAL CONDITION OF LANDSCAPE ELEMENTS.

The Council's Landscape Character Supplementary Planning Document advises that: "any extension to the existing few farmsteads on the moorland fringe should be minimal to strictly limit any negative impact on this landscape."

The stable block would result in a substantial encroachment into an undeveloped area of land and the development as a whole would be a substantial and incongruous development that would be extremely harmful to the character of this sensitive landscape.

The Council's Landscape Architect considers that the proposal is contrary to that policy. It will cause unacceptable visual intrusion and result in the loss of landscape elements that contribute to local distinctiveness.

It is also considered to be contrary to the NPPF (para 109) which states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils.

**The applicant's case; consideration of very special circumstances**

Inappropriate development may be permitted if very special circumstances can be demonstrated.

The applicants set out the family circumstances and say they need a large family home. A home in attractive surroundings is something they have always desired to raise a family.

These points are noted, but the arguments given are not considered to be a unique or exceptional. The test of Green belt Policy is one of establishing "very special circumstances". When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The purpose of the green belt is to restrict urban sprawl and inappropriate new buildings in areas of open countryside therefore protecting areas such as this for future generations in the public interest. If new development was allowed in an unplanned and unregulated way precedents will be set and then the openness of green belt areas such as this would be lost forever.

Significant harm would be caused to the green belt and landscape character by the proposed buildings which are quite substantially and very materially larger than the one being replaced. As such the replacement dwelling should not be allowed as an exception under Paragraph 89 of the NPPF. It is not considered that very special circumstances have been demonstrated which will clearly outweigh the potential harm caused by this development. The desire to construct a large home in rural surroundings would not constitute very special circumstances. The proposal is inappropriate development and is therefore unacceptable in principle.

**Other issues**

Notwithstanding the above, there are other issues to be considered if the development were acceptable in principle.

The dwelling does not have any near neighbours and therefore there are no residential amenity issues.

The use will be as existing and the Council's Highway Officer confirms that it raises no highway safety issues. There is off street parking and an existing access as well as two lay-bys close to the site. Given that the road is a no through road, traffic levels are low.

Drainage issues can be controlled with conditions as suggested by the Council's drainage officer.

**Community Safety Implications:**

None.

**Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance 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.

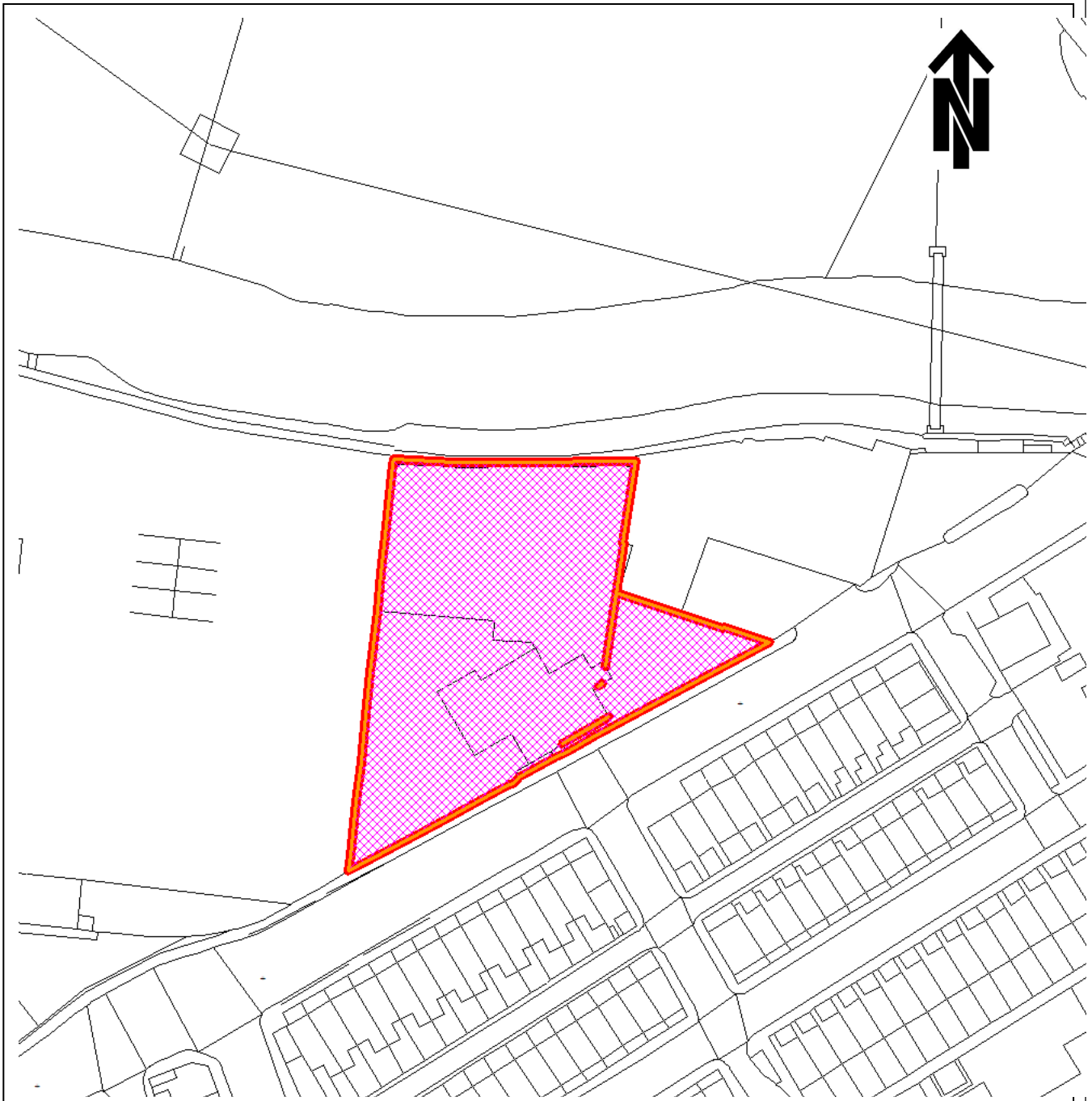
**Reasons for Refusal:**

1. The site lies within an area defined for green belt purposes by the Replacement Unitary Development Plan for the Bradford District (the RUDP). The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Although a local planning authority could regard the replacement of a building as being not inappropriate development, this is provided the new building is in the same use and not materially larger than the one it replaces. In this case, the replacement building is substantially and materially larger than the existing single storey dwelling on the site and, together with the stable block, it would result in harmful encroachment of inappropriate development into open countryside. It would not preserve the openness, and would conflict significantly with the purposes of including the land within the Green Belt, particularly to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Local Planning Authority considers that no convincing 'Very special circumstances' have been presented by the applicant and it has not been demonstrated that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations
2. The site lies on the edge of Rombalds Ridge Landscape Character Area. The proposal as a whole but in particular the detached stable block would result in an unacceptable visual intrusion into one of the most sensitive landscapes in the Bradford District and result in the loss of landscape elements that contribute to local distinctiveness. The proposal fails to protect and enhance valued landscapes and is contrary to Para 109 of the NPPF and policies NE3 and NE3A of the Replacement Unitary Development Plan.

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

**15/07198/FUL**

16 August 2016



© Crown copyright 2000. All rights reserved (SLA 100019304)

ITEM NO. : <b>D</b>	LOCATION: <b>Dawat Lounge Bradford Road Keighley BD21 4EB</b>
---------------------	--



**16 August 2016**

**Item Number:** D  
**Ward:** KEIGHLEY CENTRAL  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
15/07198/FUL

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

Full planning application for construction of new two-storey building with five ground floor retail units and five first floor apartments including landscaping and external works at Dawat Lounge, Bradford Road, Keighley, BD21 4EB.

**Applicant:**

Mr Abdul Kuddus

**Agent:**

Michael Ainsworth

**Site Description:**

Although now described as Dawat Lounge, this application relates to part of the site of the former Bridge Inn adjacent to the main Bradford Road in the Stockbridge area of Keighley. The Bridge closed as a public house and in recent years has been used as a fish and chip takeaway and restaurant. The proposed new shops and living accommodation would be sited on unused land to the south west side of the restaurant and its attached conservatory. To the west is a wall to the Council's Stockbridge Depot. Across Bradford Road are rows of traditional stone terrace housing. The site is on a main frequent service bus route. On street parking on this part of Bradford Road is controlled by yellow lines. There is an existing car park behind the restaurant with vehicular access from Bradford Road.

**Relevant Site History:**

13/01360/FUL - Construction of two retail units with residential accommodation to first floor. Granted - 30.05.2013.

14/00576/FUL - Retrospective application for use of land (car park) as hand car wash. Granted 15.05.2014.

14/01574/FUL - Construction of new two storey building with 5 no ground floor retail units and 5 no first floor apartments. Refused 14.07.2014 on the grounds of inadequate Flood Risk Assessment; lack of information on car parking; lack of retail impact assessment; highway safety.

15/02990/FUL - Construction of new two-storey building with five ground floor retail units and five first floor apartments. Refused 06.10.2015 on the grounds of lack of information on car parking; highway safety; lack of adequate inclusive access to the proposed shops or flats; conflict between the residential amenity for future residents and existing land uses in the vicinity of the site; insufficient information on contamination on the site and measures to deal with it.

**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***

Employment zone (K/E6.2)

***Proposals and Policies***

P4 Contaminated Land

E6 Employment Zones

CR4 Local Centres Convenience Goods Retail Development

NR15B Flood Risk

D1 General Design Considerations

D3 Access for People with Disabilities

D4 Community Safety

UR3 The Local Impact of Development

H7 Housing Density Expectation

H8 Housing Density Efficient Use of Land

TM11 Parking Standards for Non-Residential Developments

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

CR2 Town Centres Convenience Goods Retail Development

**Parish Council:**

Recommended for refusal - based on Highway Officer comments.

**Publicity and Number of Representations:**

This application was publicised by means of individual neighbour notification letters and a site notice. Publicity expired on 16 May 2016.

Eight representations in support of the application and six representations objecting to the application have been received.

**Summary of Representations Received:**

The grounds of support for the application are summarised below:

1. It will create jobs, which is a Government priority.
2. It will create more residential accommodation.
3. It will provide affordable housing.
4. Aesthetically it will be pleasing as it is currently a derelict piece of land.
5. More shopping choice locally.
6. The car parking issues could be resolved with a different layout.
7. With the whole area already being hard standing the water catchment area would be the same so they don't think there would be much impact on the drains in the area.
8. It will prevent future flooding with the adequate drainage that will be in place.
9. They think the scheme will help lift the perceived quality of the area, as the road can be untidy at times.
10. The residential aspect is much needed due to the national and local shortage of accommodation.

The grounds of objection to the application are summarised below:

1. The building is too excessive for this area and it dwarfs the existing fish and chips shop and any other building on this road
2. The area is residential
3. The proposal will have a detrimental impact on flooding in the area
4. Will deliveries be serviced off the front on Bradford Road?
5. Fire safety
6. Overshadowing / loss of light
7. No drawings showing the relationship of the proposal to existing buildings.
8. The development will add to the traffic issues the site already experiences
9. The development will add to the traffic on this road making it more difficult for residents who already use the road.
10. Insufficient parking and inadequate turning on site for the uses of the car park.
11. The need for the units in this area is questioned with many shop units already empty.
12. The development will lead to an increase in litter on the streets of this area.

**Consultations:**

Environmental Health: Notes that the Mugen Geo Ltd Phase 1 Desk Study recommends that a Phase 2 Intrusive investigation is undertaken to assess the possible contamination of the site. Historic land use data indicates the site has been previously occupied by a mill, dye works and unspecified works, therefore would advise that the applicant is made aware of potential presence of substances such as, but not limited to, heavy metals, pesticides, asbestos containing materials used in building construction and fuel residues such as hydrocarbons and ash and clinker from coal combustion.

Historic land use data also indicates the site is in close proximity to other industrial uses such as engineering works and garages.

The applicant cannot at this stage characterise the site in terms of contamination sources, linkages and receptors.

Therefore, Environmental Health concurs with the applicant's Phase 1 Desk Study that geotechnical and geoenvironmental intrusive investigation is undertaken to refine the Conceptual Site Model and characterise the ground conditions to be undertaken.

In this particular situation, Environmental Health would have no objections a site investigation being required by condition.

Airedale Drainage Commissioners: this application is similar to one submitted for the same site last year and subsequently refused in October 2015. It is important that there is no increased run off from the site and that detail of any proposed surface water drains are agreed before construction begins.

The existing site seems to be largely surfaced although there is some grassed areas which are to be lost.

The ADC advises that a detailed drainage scheme and FRA should be provided in order that the Council and Environment Agency can provide comment as appropriate.

Environment Agency: Initially raised an objection to the application on the basis of the inadequacy of the Flood Risk Assessment (FRA). Following the submission of further information by the applicant the EA have offered the following comments: - The FRA consultants have provided an explanation for the flooding experienced in this area, i.e. that the likely source of flooding is from surcharge of the sewer system. It appears from comments from objectors that there might be some further anecdotal evidence that the flooding has been of a greater magnitude and higher frequency than has been estimated.

The EA advises that the LPA seek advice from their Bradford LLFA regarding the flooding from local sources, and seek further advice regarding emergency planning matters for a safe evacuation plan.

Lead Local Flood Authority (LLFA): As Lead Local Flood Authority (LLFA) the Council's Drainage Officer is concerned about the inadequacy of the Flood Risk Assessment (FRA) information provided with the application.

The revised addendum letter reference DM/220716/2015-088-EA06 still shows the hazard rating for occupants leaving the building during an extreme flood event classed as 'Danger for Most'. The flood hazard rating should be 'Low' and therefore the LLFA cannot support the application.

Full details of the proposed surface water outfall and calculations of the pre and post development surface water discharge rates should be submitted to and approved by the Local Planning Authority.

Council's Drainage Section: Previous comments of 11 April 2016, regarding surface water drainage of the site still apply. It is noted that the developer intends to discharge surface water from the development into the existing surface water system serving the adjacent site, the outfall of this system is not specified, however, as the site is in close proximity to the river it is likely the existing surface water system will discharge to river.

Any surface water discharge from the development site to river to be limited to the rate that exists from the site prior to development less 30%, or to the Greenfield run off rate of two litres per second per hectare. As the developer's site appears undeveloped the Greenfield run off rate will apply.

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

Countryside and Rights Of Way Officer: Keighley Public Footpath 11 abuts the application site but does not appear to be adversely affected by these proposals. If planning permission is granted that the applicant should be made aware of the need to adhere to standard requirements during the period of any works on site.

Highways Development Control: The proposal is to construct a new two-storey building with five ground floor retail units and five first floor 2 bedroom apartments.

A previous application 15/02990/FUL was refused on planning and highway grounds. The highway ground for refusal was due to insufficient information regarding car parking requirements of the proposed new retail and residential uses and the restaurant, retail and residential development now existing or proposed elsewhere on the site. All these uses are reliant on the same limited space for car parking. There is no evidence that the off street parking shown will be sufficient for the needs of the proposed development and no evidence is provided to demonstrate that the proposal will not have a detrimental impact on highway safety due to the displacement of parking to the adjoining main road and bus route.

The applicant has now submitted a car parking supply and demand assessment for the whole site which demonstrates that the level of on-site parking proposed would be sufficient to serve all the various uses on this site and that it would not have a detrimental impact on highway safety due to displacement of traffic to the adopted highway network. Moreover parking for the residential apartments will be specifically marked and reserved for residents. The additional supporting information addresses the concerns I raised previously and therefore I have no further objections to raise on the proposed development in highway terms subject to a condition requiring car parking and turning facilities are laid out and retained in accordance with the approved plan.

**Summary of Main Issues:**

Principle.  
Density of development.  
Inclusive Access.  
Impact on Surrounding Area.  
Residential Amenity.  
Highway Safety.  
Flooding.  
Other Matters.

**Appraisal:**

**Principle**

The site is within an employment zone as designated in the RUDP where the objective is to encourage business and industry to generate employment. Although not an industrial scheme, the five shops would be an economic activity employing people and could support the surrounding employment generating uses and will thus accord with Policy E6 of the RUDP.

There is no objection to the principle of living accommodation being provided above the shops. This fits in with the residential land use on the opposite side of Bradford Road. The density of the residential development will accord with Policies H7 and H8 of the RUDP.

The retail units combined have a gross floor area of more than 150m sq. (403m sq) and are therefore not the small local shop development that would be permitted outside existing town centres under Policy CR3A of the RUDP. Policies CR2A and CR4A of the RUDP would be relevant. However, these policies are out of date and the impact of the proposed retail development ought to be assessed against the provisions of the National Planning Policy Framework (the NPPF).

The NPPF sets a national default threshold of 2,500sqm. Retail developments of below this size do not require a full retail impact assessment. However, paragraph 24 of the National Planning Policy Framework (March, 2012) states that:-

"Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan".

They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

However, the applicant has submitted a Retail Assessment in support of the application which demonstrates that the site is located in a sustainable location, within a local centre and well connected to local residential areas. The report concludes that evidence suggests that the Town Centre of Keighley is trading strongly and that this proposal for small individual units in an out of town location will have a very marginal of impact on Keighley town centre. Based on the Retail Assessment there is no convincing evidence that the retail components of this application scheme would have an adverse impact on the viability or vitality of Keighley Town Centre and, indeed, may benefit the local community by enhancing a locally accessible retail offer.

### **Inclusive Access**

Previous planning application 15/02990/FUL has been subject to comments from the Council's Planning and Highways Access Forum recommending refusal of that application on the grounds that there would have been an unreasonable walking distance from allocated disabled parking spaces to nearest suitable ramp to access retail units and it provided no lift access to residential flats above the shops. The inadequacy of the inclusive access in the proposal formed one of the reasons for rejecting it and both policies D3 and point 7 of Policy D1 of the RUDP were quoted in the refusal reason.

The current proposal has been designed so that there is better inclusive access with ramps being provided to give level access to the shops and flats both from Bradford Road and the rear car park, which provides 3 spaces located close to the development for the use by disabled people.

The current proposal does not show lift provision for the flats. Lifts have not been a requirement of other flat development that has been approved in the District and in this case the stairwell serving the flats appears adequate to provide for a stair lift if necessary. Approving this flat development would not prejudice mobility impaired people as it is not the only accommodation available to them.

In light of the above analysis it is considered that the proposal has adequately addressed the reason for refusal in the earlier application and will now accord with policies D3 and D1 of the RUDP.

### **Impact on the character of the surrounding Area**

The existing dwellings on the opposite side of Bradford Road are natural stone with blue slated roofs, whilst the restaurant has white rendered walls and applied black timber struts. The proposed building has been designed to blend in with the restaurant in terms of mass and scale and architectural features. Materials will blend with the surrounding area. The proposed building will not look out of place in the street scene and will accord with Policies D1 and UR3 of the RUDP.

### **Impact on Residential Amenity**

The proposed shops and flat accommodation are separated from existing residential development by a wide main road and so will have no impact on residential amenity of occupiers of the houses opposite by reason of overlooking, dominance or overshadowing. The proposal includes the provision of 5 first floor flats with windows to habitable rooms facing the car park to the north and the Council works depot and being sited close to an existing restaurant and extraction fan units.

Previous application 15/02990/FUL included refusal on the grounds that the busy main road, the restaurant car parking area the depot and the existing restaurant would mean that the occupiers of the flats would be vulnerable to noise and would not have adequate standards of amenity. The previous application contained no information in the form of a noise assessment or noise report by an acoustic engineer that assesses noise levels in the area and demonstrates what measures would be taken to satisfactorily mitigate such noise and disturbance. The residential use was deemed contrary to the aims of the National Planning Policy Framework which seeks to achieve well designed and sustainable communities for people to live in and good standards of amenity for existing and future occupiers.

A noise survey and mitigation proposals have been submitted with this application. It identifies the main source of potential noise nuisance as being the traffic noise from Bradford Road.

The proposed mitigation measures would be that the dwellings require external walls of cavity masonry construction around 300 mm thick comprising an external brick leaf, a 75 - 100mm cavity filled with thermal insulation and a 100mm thick aggregate block inner leaf lined with one layer of 12.5mm plasterboard on adhesive dabs; double glazing comprising 6mm pane - 16/20mm cavity - 6.8mm configuration and window frame mounted ventilators Greenwood 4000S (or equivalent).

If built using these specifications, which could be secured through the imposition of a condition in event of an approval, it is now considered that the residential elements of the scheme would provide mitigation so that noise from the road, car parking, the Council depot, existing restaurant and extraction fan units would not have a detrimental impact and adequate standards of amenity for future occupiers can be achieved in compliance with Policies D1, UR3 of the RUDP and paragraph 17 of the NPPF.

### **Highway Safety**

Previous applications 14/01574/FUL and 15/02990/FUL were also refused on highway grounds as both provided insufficient information regarding the availability of car parking at the site. Bradford Road is a busy through route carrying significant traffic and it was not known whether the needs of the proposed development and the existing uses on this site could be accommodated within the existing car park. There were concerns that car parking should not spill over into the busy main road or nearby side streets.

The submitted layout now demonstrates that the land behind the restaurant, which was once the public house car park, would retain 49 car parking spaces. These include 3 wider spaces allowing for motorists with disabilities (see section on inclusive access).

Applying normal maximum car parking standards, the existing Fish & Chip Takeaway, this is 33m sq and therefore would require a maximum of 7 car spaces. There would be 7 apartments on the site (2 approved and 5 now proposed) requiring a provision of 11 spaces. The combined size of the proposed 5 retail units and 2 approved falls below the threshold from which the RUDP maximum standards apply to this land use. However, even if this maximum standard was applied, it would require a maximum of 22 parking spaces to serve the retail units.

In total, therefore, the applicant's professional assessment is that a total of 40 standard car parking spaces would be required to accord with the Council's maximum standards,

This is the theoretical maximum parking requirement but the applicant's transport consultant also argues that, in reality, there is likely to be a significant degree of sharing of spaces in the communal car park. The projected hourly profile of trip generation arrivals and departures associated with the existing takeaway demonstrate that parking demand associated with this land use is likely to be minimal with a high turnover of parking hour to hour resulting in a low accumulation in car parking demand.



The applicant's submitted assessment of the car parking needs of the uses on the site determines that the parking accumulation would reach a maximum need for 26 spaces between a peak hour of 16:00 and 17:00 on a typical weekday. This is well below the available provision of 46 spaces and therefore the parking layout contains a significant contingency of parking spaces.

The proposed development includes 3 no disabled bays and is also in accordance with the standards on disabled car parking provision for public, shopping or leisure. These standards prescribe 6% of capacity or a minimum of 3 spaces.

The Council's Highway officer now agrees that the applicant's additional information demonstrates that the level of car parking available in the former public house car park would be adequate to serve all the existing and proposed uses on the site. This addresses previous concerns regarding the level of car parking provision.

Comments have been made by objectors about existing commercial uses adjacent / near to the site using the existing car parking, including concerns that the onsite parking and turning facilities provided are inadequate and that the fish and chip business has 13 allocated spaces, more than is quoted in the application documents.

However, the number of spaces allocated to the fish and chip business is a private legal arrangement and not something the Council can enforce. The submitted evidence from the applicant's highway consultant shows clearly that there is more than adequate car parking for the combination of existing and proposed uses at the site.

It must be taken into account that the site lies next to a frequent service bus route with a bus stop near the site and that it can be expected that use of the shops and takeaway / restaurant will draw custom from the surrounding residential area and a portion of customers will be on foot. The additional information now provided with the application takes account of all these proposed uses of the site and the Council's Highways Officer is now satisfied that there is sufficient off road parking to prevent the development having an adverse impact on highway safety and it accords with Policies TM11 and TM19A of the RUDP.

### **Flood Risk**

It is well known that Stockbridge is vulnerable to flooding and so a Flood Risk Assessment (FRA) information and Sequential Test was requested and has been submitted with the application.

This acknowledges that the development area is located predominantly within Flood Zone 3 of the Environment Agency Flood Map which is defined as land assessed having a 1 in 100 or greater annual probability of river flooding (>1%) in any year. Flood risk at the application site is from the River Aire and its tributary, the River Worth. The River Aire is located immediately north of the site with the proposed commercial building located approximately 98m south of the River Aire. Private flood defences provide protection against flooding from the watercourse to a minimum standard of 1 in 80 years. The River Worth is located approximately 250 metres to the south east of the application site. Flood defences along the west bank of the river are maintained by the Environment Agency and provide a minimum protection against flooding for the 1 in 50 year event.

During the 1 in 100 year plus climate change event, it was found that the estimated flood levels for the River Aire are below the crest of the flood defences; and therefore the risk of flooding at the site resulting from overtopping of the Aire is low. This is not the case however with the River Worth. During the 1 in 1000 year plus climate change flood event within this watercourse, the River Worth flood defences are likely to become overtopped, causing inundation within the Stockbridge area. The estimated flood level at the site attributed to the River Worth during the 1 in 1000 year event is 85.21mAOD.

Spot level survey of the public footpath at the pedestrian exit from the proposed building (calibrated to Ordnance Datum) provides a level of 84.83mAOD. This is the lowest point along the suggested evacuation route away from the site i.e. south west along Bradford Road, where ground levels are shown to rise moving away from the site.

Using this low point, to assess the flood hazard rating associated with people for a range of flood scenarios, should the flood defences be overtopped, then the resultant depth of flooding at the application site is 0.38 metres.

The higher flood level has therefore been taken as the design flood level for the purposes of the flood risk assessment; and so the applicant's consultants agree that the rivers Aire and Worth present a flood risk to the proposed development.

There has been much discussion with officers on this issue.

The following are recommendations to be incorporated into the scheme to mitigate against residual flooding:

- Ground floor levels to be set at a level of 85.20mAOD.
- Incorporation of under floor compensatory flood storage space.
- Flood resistance/resilience measures to be incorporated into the building design up to a minimum level of 85.36mAOD.
- EA Flood Warnings Direct – Site owner/occupier should sign up the Environment Agency's free Flood Warnings Direct Service.
- A CCTV survey of the existing surface water drainage networks within the site is conducted to determine the line and level of the networks and the presence of an existing outfall into the River Aire.
- Site owner/occupier to develop and practice a Flood Evacuation Plan.
- Architect and Client to consider the use of rainwater harvesting or green roof technology to minimise surface water runoff rates from the development.

In response to objections regarding flood risk, the agents have said that they consider that recent flooding in this location was caused by surcharging of surface water sewers at full capacity rather than from overtopping of the defences adjacent to the River Aire. As such the risk of flooding to properties adjacent and downstream of the development site will not be increased as no flood storage areas will be lost as a result of development.

However, despite additional information being provided by the applicant's consultant it remains unsatisfactory to the Lead Local Flood Authority. The principal concern is the presence of residential flats within the proposed development. Although set at first floor level the scheme nevertheless introduces a vulnerable use into a known area of flood risk.

On behalf of the Lead local Flood Authority (LLFA), the Council's Senior Drainage Officer has stated:

The revised addendum letter reference DM/220716/2015-088-EA06 still shows the hazard rating for residential occupants leaving the building during an extreme flood event classed as 'Danger for Most'. The flood hazard rating should be 'Low' and therefore the LLFA cannot support the application due to the risk to the residential occupiers.

As submitted the application fails to adequately address flood risk issues as required by the NPPF and is contrary to policy NR15B of the RUDP as the development fails to provide adequate measures for the protection of public safety.

**Other matters**

Fire safety is dealt with under Building Regulations and is not a material consideration in determination of this application.

Both the retail and residential elements of the development have adequate waste disposal facilities. The behaviour of individual customers in disposing of packaging from purchases in an irresponsible manner is not a material consideration in determination of this application.

**Community Safety Implications:**

The retail units can be made secure and the first floor flats provide additional surveillance and thus security to the use below. The car parking area serving the flats is unsecured but this is an existing situation. Lighting is shown as being provided to both the car park and access routes to the shops and flats. The proposal is considered to accord with Policy D4 of the RUDP.

**Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. The needs of disabled users of the shops and flats have been taken into consideration of this application.

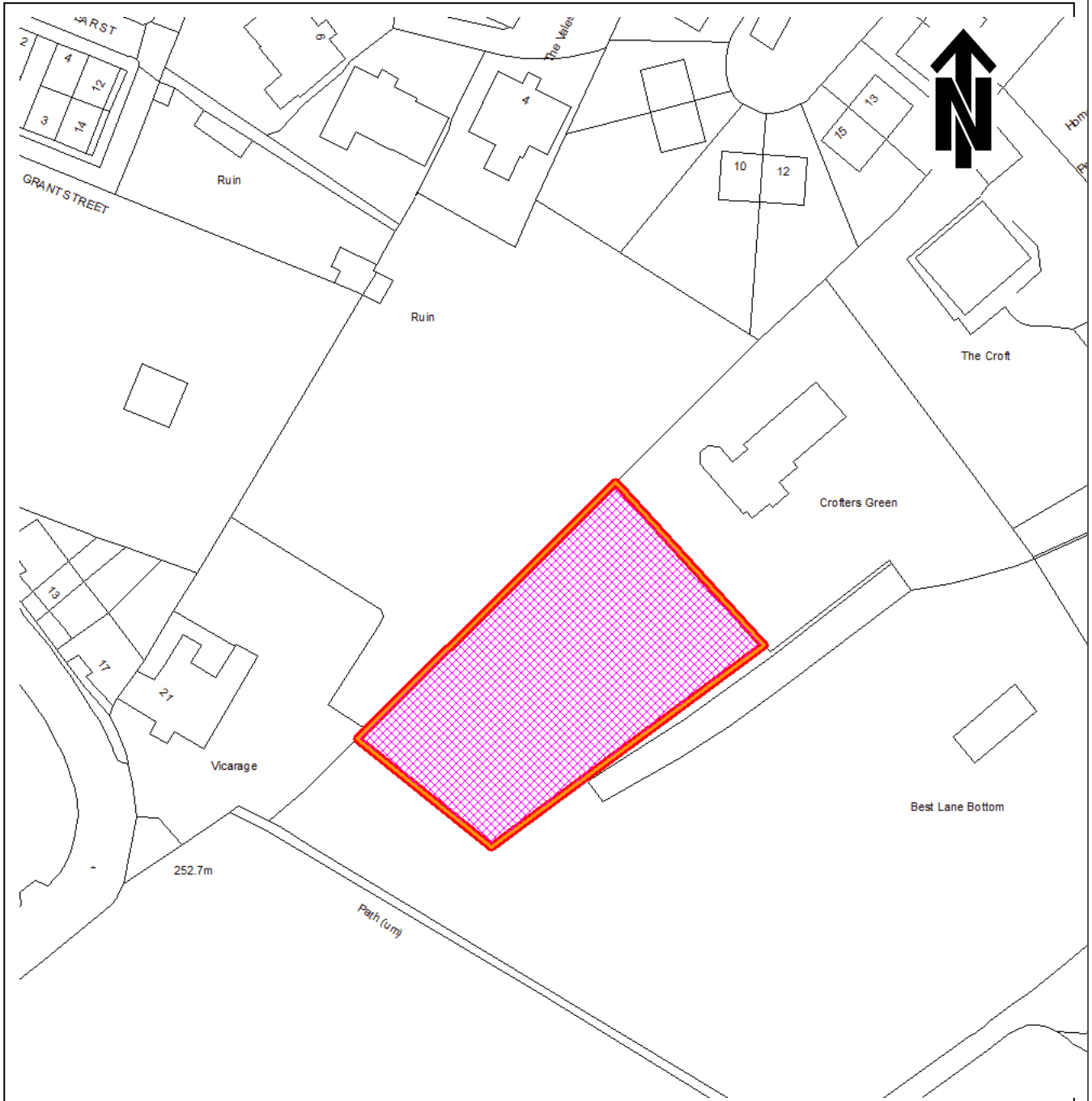
**Reasons for Refusal:**

The documentation submitted with the application relating to flood risk mitigation within the proposed development has been assessed against the requirements of the National Planning Policy Framework and Planning Practice Guidance. However this is unacceptable as the proposed development levels make the evacuation route unduly hazardous for occupants and emergency services accessing and exiting the building during extreme flooding events. As submitted, the application fails to adequately address flood risk issues as required by the NPPF and is contrary to Policy NR15B of the Replacement Unitary Development Plan as the development fails to provide adequate measures for the protection of public safety.

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

**16/03306/OUT**

16 August 2016



© Crown copyright 2000. All rights reserved (SLA 100019304)

ITEM NO. : **E**

LOCATION:

**Land 403166 434645 Hill House Lane  
Oxenhope**

**16 August 2016**

**Item Number: E**  
**Ward: WORTH VALLEY**  
**Recommendation:**  
**TO REFUSE OUTLINE PLANNING PERMISSION**

**Application Number:**  
16/03306/OUT

**Type of Application/Proposal and Address:**  
Outline application for construction of five-bed detached dwelling. Land off Hill House Lane, Oxenhope, Keighley.

The application form requests consideration of Access; Appearance; Layout and Scale.

**Applicant:**  
Mr And Mrs Martin And Deanne Brook

**Agent:**  
GTK Projects Ltd

**Site Description:**  
This site comprises part of an open area of unallocated grazing land in the southern part of Oxenhope. The land slopes down towards Hill House Lane to the east. Hill House Lane is unmade and doubles as a public footpath. To the north east of the application land is a large modern detached house at Crofter's Green. The open land separates Oxenhope from the satellite settlement of West Croft Head and is characteristic of the historic development of Oxenhope. Listed buildings are situated to the west of the application site on Hebden Bridge Road. Generally the site is locally prominent due to topography and is visible over a wide area including views from public footpaths in this part of Oxenhope.

**Relevant Site History:**  
No previous planning applications recorded 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 land in Oxenhope Upper Town Conservation Area.

***Proposals and Policies***

UDP3 – effects on natural and built environment

UR3 – local impact of development

D1 – design considerations

NR16 - Drainage and run off

BH4A – Impact on the setting of listed buildings.

BH7 – development in and adjoining conservation areas

BH10 – development that affects open space in conservation areas or adjacent to conservation areas.

**Parish Council:**

Oxenhope Parish Council : Find no reasons for objection and will leave it to the planners to determine the application.

**Publicity and Number of Representations:**

Publicised by letters, site notice and press notice.

2 objections have been received and a Ward Councillor seeks referral to Panel.

**Summary of Representations Received:**

A Ward Councillor has requested consideration of the application by panel, giving the planning reasons as:

This development would lead to Lowertown and the Church properties becoming joined together which goes against the village design statement which recommends the linear nature of the village is maintained with segregation of settlement areas.

- Concerns over the impact on the Old Vicarage which is a listed building.
- Flood issues; as the bottom of the field for the proposed development has a history of holding flood water and any development may impact on the properties below it.

**Objections**

1. The application does not address the fundamental issue of the conjoining of the Lowertown settlement with the Church Properties.
2. The village design statement/plan recognises the linear nature of the village and the need to preserve this, and the segregation of the various settlements.
3. Excavations shown on Photomontage 1 do not match the drawing which shows the cut extending up to the hedge line of the vicarage.

4. The development may lead to changes in the boundaries between the site and the listed buildings.
5. The application notes the inclusion of this and adjoining land in SHLAA3-2015 but fails to note that it is deemed "Not in Trajectory" & "Unsuitable" or "Unachievable".

**Consultations:**

**Highways Development Control**

The proposals do not affect highway conditions

**Design and Conservation Team**

The site is not in a conservation area but is fairly close to the Oxenhope Uppertown Conservation Area boundary and lies close to several listed buildings the closest being 13, 15, 17 and 19 Hebden Bridge Road and the Old Vicarage at 21 Hebden Bridge Road. All are Grade II listed.

The proposal is for a substantial stone built dwelling, there is an existing hedge and dry stone wall to two of the boundaries and a post and rail fence is proposed for the rest. The site lies on the edge of the built up area of Oxenhope and the dwelling will be slightly set into the hillside below the road.

Oxenhope is characterised by clusters of development with intervening open ground. Previous applications have been made on adjacent sites such as 07/08587/FUL and 14/04603/FUL which have been resisted. Other recent developments such as at Crofters Green and Denby Mount which are large executive type homes are not consistent with the distinctive character of Oxenhope. It is strongly argued that this space must remain undeveloped.

Development of this site or that adjacent to the NW would result in the coalescence of the settlement at West Head around the church including the cluster of listed buildings on Hebden Bridge Road, with the rest of Upper Town around the Bay Horse.

Notwithstanding that it is considered to be unacceptable in principle, the scale and appearance of the proposed dwelling is at odds with the character of Oxenhope, regardless of the choice of materials.

This proposal would cause significant harm to the setting of the listed buildings and to the setting of the conservation area and fails on policies UDP3, BH7 and BH4A of the RUDP. There is no appreciable public benefit which would offset the harm to the built form of Oxenhope, to satisfy the NPPF. The proposals also conflict with the principles of the Oxenhope village design statement.

**Drainage Section**

Noted that it is the developer's intention to discharge foul water from the proposal to an existing private drain. This is acceptable subject to the developer providing the results of a survey together with calculations to demonstrate the existing drain is hydraulically and structurally suitable for draining the proposal from point of connection to outfall.

The developer's intention to dispose of surface water using linear soakaways is acceptable subject to the developer providing the results of percolation tests (conducted in accordance with Building Research Establishment Digest No 365) and subsequent design details (also in accordance with BRE Digest No 365), to this council for comment, prior to drainage works commencing on site.

The proposal to provide an overflow from the soakaways to an existing land drainage system. This is acceptable subject to the developer providing the results of a survey together with calculations to demonstrate the existing land drain is both hydraulically and structurally suitable for draining the proposal from point of connection to outfall.

**Summary of Main Issues:**

Principle.

Heritage Issues.

Local Amenity.

Highways.

Drainage.

**Appraisal:**

This is an outline proposal for the construction of a five bedrooed detached dwelling on a site which comprises part of a swathe of unallocated open land that separates the main body of Uppertown Oxenhope from the separate cluster of development at West Croft Head.

The application is outline but includes a high level of detail and seeks approval of the access; appearance; layout and scale of the detached dwelling. As well as plans and elevation drawings, sections are submitted showing its setting on the sloping land and in relation to the neighbouring house.

**Principle**

The site is prominent in a wide range of views, being on the hillside that rises to the south of the village. The site is not allocated for any purpose by the RUDP and it is not within a conservation area, but is sufficiently close to the Oxenhope Uppertown Conservation Area boundary to have an impact upon the quality and character of the conservation area. It is also close to a cluster of Grade II listed buildings to the west - numbers 13, 15, 17 and 19 Hebden Bridge Road and the adjacent Old Vicarage. The application site boundary meets the curtilage boundary of the Old Vicarage at its western extremity.

The proposal seeks planning permission for a large scale detached dwelling to be constructed in a position where it would visually bridge the gap between the listed buildings at West Croft Head and the main body of Oxenhope village to the north. This is of concern to the Council's Design and Conservation Team as well as objectors and a ward councillor. The effect of the development would be to substantially alter the character of this part of the village by eroding the open space separating different components of the village, and there is concern about how loss of the open land and the scale and character of the proposed dwelling would substantially affect the setting both of the listed buildings, and the Oxenhope Upper Town Conservation Area.



### **Heritage Impact**

As noted, the site is part of an open area of land that is an important characteristic of the village of Oxenhope. The village consists of a number of distinct and separate clusters of built form separated by open agricultural land. For example, West Croft Head developed as a small independent settlement separated in this way from the main Oxenhope village by open pasture land that includes the application site and once included the land now occupied by Crofter's Green. These characteristics of the development of Oxenhope are important in heritage terms and this is confirmed by the conservation area assessments for Oxenhope which seek the protection of key open spaces from encroachment by harmful development.

Due to its importance to the setting of the Uppertown Conservation Area and its proximity to the boundary of the Conservation Area and several Grade II listed buildings at 13, 15, 17 and 19 Hebden Bridge Road and the Old Vicarage, the Council's Conservation Team advise that his proposal would cause significant harm to the setting of both the listed buildings and the conservation area. It is considered imperative to the protection of locally distinctive development and to the historic fabric and layout of the settlement that the open space of which this site is a part, must remain undeveloped.

It is considered essential to the maintenance and protection of heritage assets and of local distinctiveness that those characteristics that contribute to their value are afforded protection from unjustified development. In this respect, open spaces that reflect the evolution of the settlement must also be protected from unjustified development. Development of this site or that adjacent to the NW would result in the coalescence of the settlement at West Head around the church including the cluster of the Grade II listed buildings identified on Hebden Bridge Road, and with the rest of Upper Town around the Bay Horse.

As a matter of principle then, it is considered that development of this open space would erode the essential character of this part of Oxenhope, resulting in the coalescence of the cluster of listed buildings and West Croft Head with the rest of Upper Town. At the same time the development would enclose the open space to the west and closer to Hebden Bridge Road and potentially place it under increased pressure for development. Particularly, it maintains the historic separation of the adjacent listed buildings from later developments to the north.

As a consequence the proposal fails to accord with Policies BH4A, BH7 and BH10 of the Replacement Unitary Development Plan. There is no identifiable public benefit which would offset the harm to heritage assets and the proposals do not therefore satisfy the NPPF.

### **Design and impact on local amenity**

Notwithstanding the impact on the heritage assets, the large scale and overall modern appearance of the proposed dwelling would have no visual relevance to the historic grain of this part of the settlement. The 5 bedroom dwelling would be prominent despite the proposed excavations to set the building into the rising ground which are suggested by the sections. Such a large dwelling would appear substantially out of place, especially given the context provided by the nearby traditional listed buildings. Whilst an existing, large new dwelling stands to the north side of the application site this should not set a precedent to justify the proposal here.

The visual impact of the development would extend over a significant area including from elevated areas around the village, the scale and design do not reflect the important characteristics of the locality and are contrary to Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

### **Impact on neighbouring properties**

It is acknowledged that the siting of the building and separation from other houses is such that direct effects such as overlooking or overshadowing would not arise for the nearest neighbouring occupiers.

### **Highway impacts**

It is recognised that the road leading to the site (Hill House Lane) is narrow, lacks footways and the surface is in poor condition. However, the Council's Highway Officer has raised no objections to this single additional dwelling being served using the lane as the means of access.

### **Drainage**

Objectors have referred to the accumulation of water in the lower part of the field that comprises the application site. However, the Council's Drainage Officer raises no objections in principle to development providing surface water drainage details are reserved for later approval. This should include the developer confirming the suitability of ground conditions to cope with any proposals for soakaway drainage.

### **Community Safety Implications:**

There are no 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 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.

### **Reasons for Refusal:**

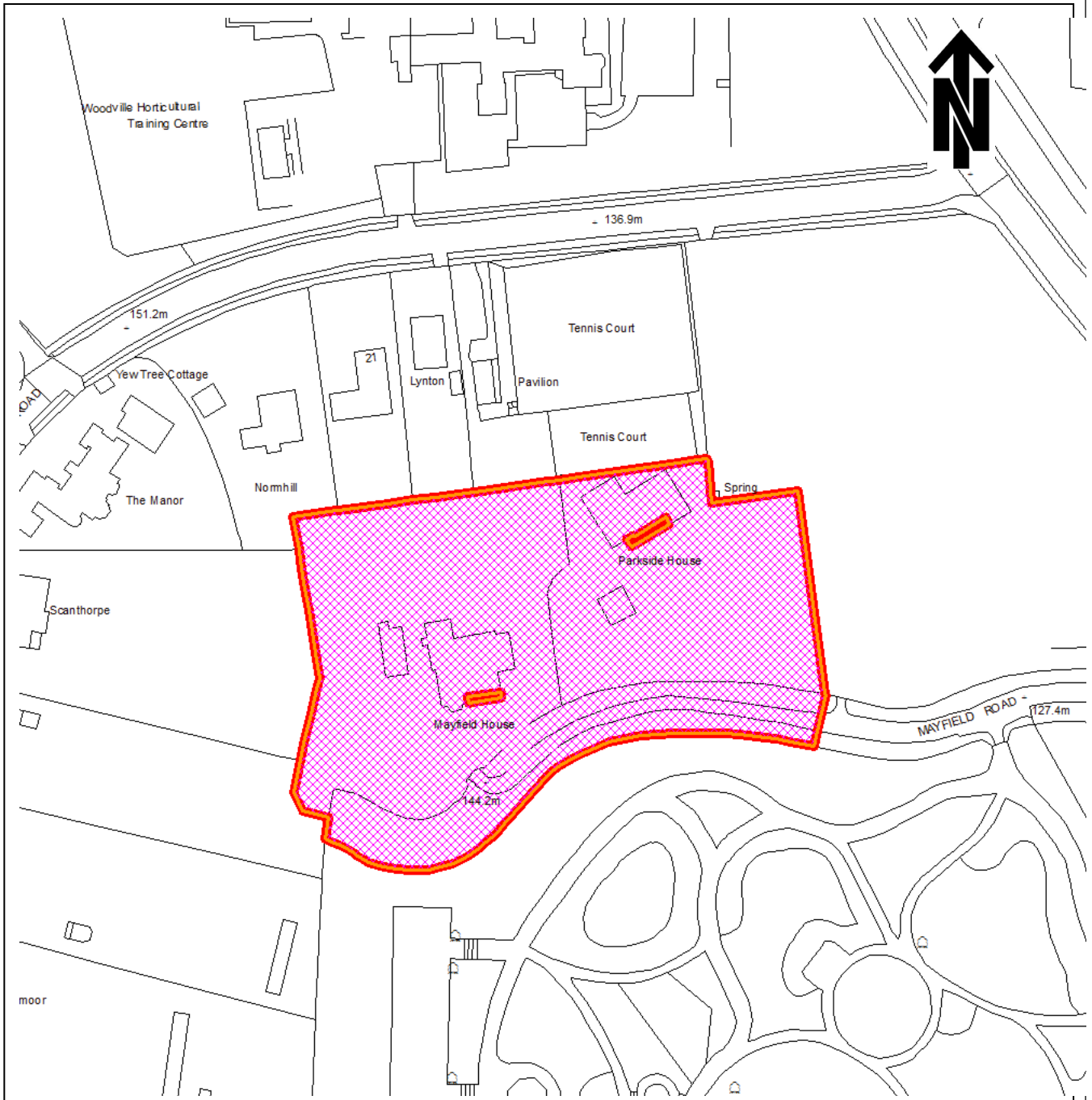
1. The proposed development would result in loss of open space that separates the village of Oxenhope from the satellite settlement of West Croft. This open space reflects the historic development of Oxenhope and is an essential characteristic of the setting of Oxenhope Uppertown Conservation Area. Its development would result in harm to the setting of the conservation area and no public benefits have been identified that would serve to offset the harm. The development would therefore be contrary to Policies UDP3, BH7 and BH10 of the Replacement Unitary Development Plan and contrary to the National Planning Policy Framework.
2. The proposed development would lead to harm to the setting of Grade II listed buildings that occupy adjoining land. There are no public benefits that might serve to justify this harm and the proposals are therefore contrary to Policy BH4A of the Replacement Unitary Development Plan and contrary to the National Planning Policy Framework.

3. The proposed new dwelling, by virtue of its scale and appearance would appear incongruous in its proposed setting and would harm local visual amenity contrary to Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

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

**16/04670/FUL**

16 August 2016



© Crown copyright 2000. All rights reserved (SLA 100019304)

ITEM NO. : <b>F</b>	LOCATION: <b>Mayfield Road Keighley</b>
---------------------	--

**16 August 2016**

**Item Number:** F  
**Ward:** KEIGHLEY CENTRAL  
**Recommendation:**  
**RO REFUSE PLANNING PERMISSION**

**Application Number:**  
16/04670/FUL

**Type of Application/Proposal and Address:**  
Change of use from unadopted road to private curtilage Mayfield Road, Keighley, BD20 6LD.

The application is to be considered in conjunction with an application 16/03520/FUL for retrospective permission for a fence alongside Mayfield Road.

**Applicant:**  
Mr Aftab Ali

**Agent:**  
Michael Ainsworth Design Partnership

**Site Description:**  
This site comprises a substantial section of the upper part of Mayfield Road, Keighley. Mayfield Road is an adopted cul-de-sac roadway that is a public right of way providing access into Devonshire Park and is within the Devonshire Park and Cliffe Castle Conservation Area. Its layout and its sinuous route uphill provide a number of differing viewpoints into and through the park.

The boundaries of Mayfield Road are delineated by stone walls that are acknowledged by the Conservation Area Assessment as key unlisted structures. Mayfield Road itself is acknowledged by the Assessment as making a positive contribution to the character of the conservation area.

**Relevant Site History:**  
16/00366/FUL – retrospective application for change of use of highway to garden. Refused.

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

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

***Allocation***

Devonshire and Cliffe Castle Conservation area.

***Proposals and Policies***

UR3 – Local Impact of Development

D1 – General Design Considerations

UDP3 – Quality of Built and Natural Environment

BH7 – Development affecting conservation areas

BH10 – Development of important areas of land in or adjacent to conservation areas

**Parish Council:**

"text"

**Publicity and Number of Representations:**

Advertised by letters, site notices and press notice.

11 objection letters. .14 supporting letters

**Summary of Representations Received:**

**Objections**

1. A right of way has been denied on Mayfield Road.
2. Access to one of Keighley's beauty spots would be limited as it is presently a safe environment in which to park and walk.
3. The Conservation Area needs to be preserved and protected as such.
4. On grounds of Health and Safety, denying access may cause access problems for emergency services.
5. Loss of our right of way.
6. Children use this road to go to school.
7. The fencing is dangerous.
8. If this area becomes a private curtilage there would be no access to public sewers in Mayfield Road.
9. The fencing is ruining the beauty of our area.
10. Making this area 'private access only' would result in more fences/walls/gates being erected and spoiling the character of the area.
11. Loss of local parking.

### **Support**

1. The unadopted road should be made into a private curtilage.
2. This road was abandoned and now it looks like someone has started taking care of it.
3. It was very difficult walking up the road to the park due to pot holes and no lighting but that has all changed.
4. Making this a private road will make it a safe place for the community.
5. Allows access to the park without feeling intimidated and frightened by gangs.
6. The private road will stop antisocial behaviour and reduce crime rates in Keighley.
7. This road was never made for vehicle access.

### **Consultations:**

Keighley Town Council: Objection. Should remain public not private.

Highways Development Control: A previous application (16/00366/FUL) was refused on planning grounds.

I have no objections to the proposal subject to the legal procedure to close the highway being undertaken.

### **Summary of Main Issues:**

Highway Issues.

Heritage Issues.

Impact on Trees.

Applicant's arguments.

### **Appraisal:**

This proposals seeks the change of use of a section of the unadopted Mayfield Road, Keighley to a use as part of the curtilage of a nearby dwelling. The road, which is a cul-de-sac, is located within the Devonshire Park and Cliffe Castle Conservation Area and runs uphill alongside the northern boundary of Devonshire Park.

The park boundary along Mayfield Road is a relatively low stone wall, previously topped by railings, that enables views through and across the conservation area. The unauthorised fence runs parallel to this park boundary.

### **Highway Issues**

The land is part of Mayfield road which, although unadopted, nevertheless has status as a highway. Even if the Council is minded to approve this application for its change of use, in addition to obtaining planning permission, where the closure or diversion of the highway is involved, there is a further legal procedure under Section 247 of the Town and Country Planning Act 1990 which will have to be undertaken before any part of the planning permission may be implemented. The planning permission does not in itself alter the status of a public highway and it will be necessary for an Order to be obtained formally extinguishing the public highway.

The Council's Highway Officer points out that, until such time as the highway is extinguished, work to it in connection with the carrying out of this development may be unlawful.

### **Heritage Issues**

Mayfield Road is only surfaced across approximately the central one third of its width and it is used by pedestrians accessing the park. An unauthorised, steel palisade security fence runs along Mayfield Road parallel to the park boundary wall and this is visible over a wide area of the park to the detriment of visual amenity and of the character and quality of the Devonshire Park and Cliffe Castle Conservation Area.

Mayfield Road provides a clear visual break between Devonshire Park and the housing behind a high wall to the north. Its alignment has been designed to follow a sinuous route intended to complement the parkland setting by not providing a long linear view but rather a series of differing views from points along its length. As such Mayfield Road is considered to be an important element of the character and quality of this part of the park.

The loss of part of Mayfield Road to enclosure and domestic use would significantly harm the conservation area and its context contrary to Policy BH7 of the Replacement Unitary Development Plan. There are no public benefits to outweigh this harm. Furthermore, the visual buffer formed by the road protects the park from the encroachment of residential influence, particularly in terms of pressure for felling or lopping of trees that overshadow garden areas; pressure for curtilage buildings or subsequent pressure for new housing development.

Policy BH10 of the RUDP seeks to ensure that open areas of land within or adjacent to conservation areas remain undeveloped where such areas contribute to the character of the conservation area, or which provides an attractive setting for buildings within it.

The proposed change of use of part of Mayfield Road to garden space has resulted in the unauthorised erection of a substantial new boundary fence that encloses land in the conservation area. This is demonstrably contrary to Policy BH10 of the Replacement Unitary Development Plan.

Policy BH10 seeks to prevent development affecting land that makes a significant contribution to the character of the area; which is important to historical layout and which affords significant vistas in or out of the conservation area. The enclosure and change of use of this highway to residential land would fail fundamentally to comply with Policy BH10.

The extended garden area would result in pressure on trees within the neighbouring area of the park, again contrary to Policy BH10 as well as Policies UR3, NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

The National Planning Policy Framework underlines the value of heritage assets and the need to protect them from unjustified harm. Where harm to heritage assets is likely this must demonstrably be outweighed by other public benefits.

In this case the change of use of the road to domestic curtilage would result in harm to the conservation area. The benefits referred to by the applicant, and by those members of the public who have written in support, are that the fence has prevented anti-social behaviour in this part of the park. However it is clear that the fence, which does not yet form a complete enclosure, can have no effect in preventing anti-social behaviour.



Indeed the apparent replacement route for the right of way would be a narrow passageway between the park boundary wall and the steel security fence, with no views possible along its length – making it an intimidating and potentially dangerous route from which there would be no easy escape.

It is equally clear then that this aspect of the development results in public disbenefit and therefore fails to satisfy the NPPF.

**Impact on trees**

The park contains numerous mature trees, a number of which are very close to the park boundary wall and consequently very close to the unauthorised security fencing erected by the applicant. These mature trees therefore would be on the boundary of the proposed extended garden and would as a consequence be under pressure for topping, lopping or removal due to their overshadowing of the extended garden proposed here.

**Applicant's arguments**

Antisocial behaviour in the park and the alleged presence of gangs and drug dealers, which are referred to by the applicant and supporting correspondents, are a matter for the Police.

There is no justification for the enclosure of public land by neighbouring occupiers.

The acceptance of the change of use here has the potential to lead to pressure for other areas of the park or its setting to be enclosed and for further proposals for change of use of land to residential. This would have serious implications for heritage assets in the conservation area and would likely in turn lead to pressure for felling of trees and for new built development on or close to the park boundaries.

**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 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.

**Reasons for Refusal:**

1. The proposed change of use of this public highway to residential curtilage would result in a fundamental change in the relationship of the Devonshire Park and Cliffe Castle Conservation Area to its surrounding context and in particular the reduction in separation of residential land and properties from this part of Devonshire Park. The loss to domestic curtilage of this highway would therefore harm the character and distinctiveness of this part of the conservation area.

No public benefit has been identified that might weigh against the harm that would arise for heritage assets.

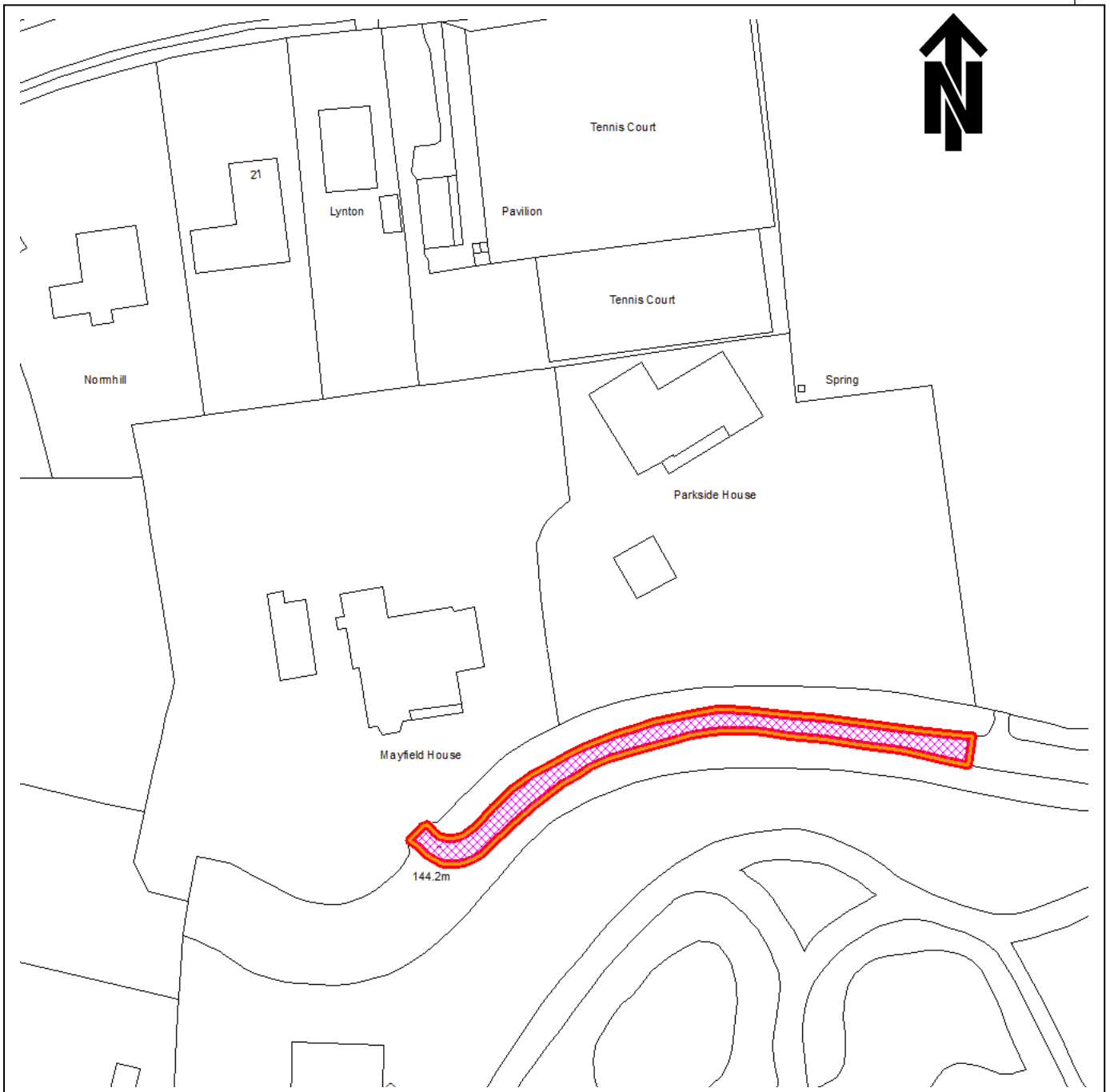
As such the proposed change of use would be contrary to Policies UDP3, UR3, BH7 and BH10 of the Replacement Unitary Development Plan and contrary to the National Planning policy Framework (2012)

2. The proposed development would likely result in pressure on mature trees within Devonshire Park as a consequence of them overshadowing or otherwise affecting the proposed enlarged garden area. The proposals would therefore be contrary to Policies UR3, NE4, NE5 and NE6 of the Replacement Unitary Development Plan and contrary to the National Planning Policy Framework (2012).

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

**16/03520/FUL**

16 August 2016



ITEM NO. : **G**

LOCATION:  
**Parkside House**  
**Mayfield Road**  
**Keighley**

**16 August 2016**

**Item Number: G**  
**Ward: KEIGHLEY CENTRAL**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
16/03520/FUL

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

Retrospective application for installation of fence alongside Mayfield Road, Keighley, BD20 6LD

The application is to be considered in conjunction with an application 16/04670/FUL for Change of use from unadopted road to private curtilage: land at Mayfield Road, Keighley, BD20 6LD.

**Applicant:**  
Mr Aftab Ali

**Agent:**  
Michael Ainsworth Design Partnership

**Site Description:**

The application seeks retrospective permission for a 2 metre high galvanised metal palisade fence that has been installed along a substantial length of Mayfield Road, Keighley.

Mayfield Road is a cul-de-sac unadopted roadway on the north side of Keighley town centre. It is a public right of way providing access to a handful of residential properties and with an opening into the Devonshire Park. It is within the Devonshire Park and Cliffe Castle Conservation Area. Its layout involves a sinuous route uphill and along its length it provides a number of differing viewpoints into and through the park.

The boundaries of Mayfield Road are delineated by stone walls, including the boundary walls to the residential properties on the north side, that are acknowledged by the Conservation Area Assessment as key unlisted structures. Mayfield Road itself is acknowledged by the Assessment as making a positive contribution to the character of the conservation area.

**Relevant Site History:**

16/00366/FUL – retrospective application for change of use of from unadopted road to private curtilage. Refused: 05 April 2016.

**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***

Devonshire Park and Cliffe Castle Conservation Area.

***Proposals and Policies***

Policies

UR3 – Local Impact of Development

D1 – General Design Considerations

UDP3 – Quality of Built and Natural Environment

BH7 – Development affecting conservation areas

BH10 – Development of important areas of land in or adjacent to conservation areas

**Publicity and Number of Representations:**

Advertised by letters, site notice and press notice.

7 letters of objection.

12 letters of support.

**Summary of Representations Received:**

**Objections**

1. The fence blocks access.
2. Children use Mayfield Road to go to school as this is closest route to school.
3. The fencing is dangerous, someone may get injured.
4. The fencing spoils Devonshire Park.
5. The fencing is blocking a highway.

**Supporters**

1. Drug users and drug dealers use the park. Since the fence has gone up this has stopped.
2. Since the fence has been put up, groups of gangs no longer hang about.
3. The fence makes the park safer.

**Consultations:**

Keighley Town Council: Rejected - not in keeping with area and obstructing to Mayfield Road.

Highways Development Control: Objection due to obstruction of the highway.

Design and Conservation Officer: See the appraisal.

**Summary of Main Issues:**

Effects on the character and appearance of the Devonshire Park and Cliffe Castle Conservation Area.

Highway issues.

Community safety - Applicant's arguments.

**Appraisal:**

This proposal seeks approval for the retention of an unauthorised steel palisade security fence alongside the park and within part of the Devonshire Park and Cliffe Castle Conservation Area. The fence is 2 metres high and runs for around 97 metres alongside a section of Mayfield Road next to the park boundary. It stands off the old park wall by about 1.2 metres. The submitted plan indicates that this narrow gap would serve as "pedestrian pathway maintained".

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

Mayfield Road is a broad unadopted road leading up to a handful of detached properties on its north side. These are mostly of late Victorian age. To the south of the road is the boundary of Devonshire Park. Although the road serves few properties, the Council's Conservation Section regard it to have a very strong character derived from the high stone walls and mature tree cover to each side. The area is identified in the adopted Conservation Area character appraisal as making a positive contribution to character and the walls as being key unlisted structures.

The introduction of any additional boundary feature here would be intrusive. The road is already contained by stone walls on the north side and by park vegetation to the south. It has a very mature and elegant character. However, the type of palisade fencing that has been installed is exceptionally intrusive and out of keeping.

It is visually harmful, presenting a winding, 97 metre length of bare silver galvanised metal finish which is aggressively industrial in appearance. The fence is also prominent in views from vantage points within and across the park. It seriously harms the character and visual quality of the park and the wider conservation area.

It is equally clear then that this aspect of the development results in public disbenefit and therefore fails to satisfy tests in the National Planning Policy Framework. The Council's Conservation Officer considers it wholly incompatible with this location.

The fencing fails to accord with policies BH7, UDP3 and D1 of the RUDP.

Officers do not agree with the agents claims that the fence is a "sensible design" or "a high quality scheme that integrates successfully with the existing surroundings". In terms of the stated justification for the development, deterring anti-social activity in Devonshire Park and its setting, it is difficult to understand how the fence achieves this objective. In any case it is not an issue to be addressed by unauthorised enclosure of public land by local residents. The issue of anti-social activity is the responsibility of the Police and of Council Park wardens. The issue of community safety is considered in greater detail below.

There are no public benefits that would outweigh the harm to heritage assets arising from retention of the fence and the proposals fail to satisfy the requirements of the NPPF.

### **Highway Issues**

The Council's Highway Officer notes that Mayfield Road is an unadopted public road, but nevertheless it is a public highway. The Highway Officer is unable to support approval of this proposal as the unauthorised fence represents an obstruction to a public highway under the Highways Act 1980.

### **Community Safety Implications**

On behalf of the applicant, the agent has set out an explanation as to why the fence has been erected. He says Mayfield Road has been repeatedly misused, with fly tipping is taking place, as well as general littering. The enclosure of the west end of Mayfield Road will address the misuse and allow the area to be better monitored and maintained. The agent says that careful consideration has been given to determine the best location of the proposed fencing to allow uninterrupted pedestrian access to the wider public, as well as vehicular routes to Ukrainian House and Parkside House.

The expressions of support for the application claim that the retention of the fence prevents or dissuades gangs of youths and drug dealers from congregating in the park

However, it is difficult to understand how the fence tackles the problems of anti-social behaviour.

First, the unauthorised fence is not continuous - unless the intention is to continue it across the road – which is not shown on the submitted plan. It does not prevent access to the park though the existing access, nor is it understood how it prevents littering, discourages people congregating or tackles alleged anti-social behaviour in the park.

Second, the two nearby residential properties (Parkside House and Ukrainian House) have substantial stone walls and robust security gates on the north side of Mayfield Road which already provide for their protection against intruders and trespass.

Thirdly, the exclusion of the public from parts of this public park by a fence, or from the access roads leading into it would conflict with the role of a public park and could create a precedent for other areas of public land to be fenced or walled off in a similar way, or for similar reasons.

Moreover the apparent replacement route for the right of way would create a narrow passageway between the park boundary wall and the steel security fence, with no views possible along its length – making it an intimidating and potentially dangerous route from which there would be no easy escape.

### **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.

**Reasons for Refusal:**

1. The fencing is visually oppressive and out of keeping with the character of the area. It substantially harms the character and appearance of this part of the Devonshire Park and Cliffe Castle Conservation Area. No public benefit has been identified that might weigh against the harm that would be caused to the heritage asset. As such the proposed change of use would be contrary to Policies UDP3, UR3, BH7 and BH10 of the Replacement Unitary Development Plan and it is contrary to the National Planning policy Framework (2012).



**Report of the Strategic Director, Regeneration to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 16 August 2016**

**F**

**Summary Statement - Part Two**

**Miscellaneous Items**

**No. of Items**

(a)-(b) Decisions made by the Secretary of State - Dismissed	<b>(2)</b>
--	------------

Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

Report Contact: Mohammed Yousuf  
Phone: 01274 434605

Email: [mohammed.yousuf@bradford.gov.uk](mailto:mohammed.yousuf@bradford.gov.uk)

**Portfolio:**  
Regeneration, Planning & Transport

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



## DECISIONS MADE BY THE SECRETARY OF STATE

### Appeals Allowed

There are no Appeal Allowed Decisions to report this month

### Appeal Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
A	Keighley East (ward 16)	18 Barley Cote Avenue Riddlesden Keighley BD20 5QB  Construction of detached dwelling - Case No: 15/02473/FUL  Appeal Ref: 16/00050/APPFL2
B	Baildon (ward 01)	The Glen Tea Rooms Prod Lane Baildon BD17 5BN  Orangery to create extended tea room area - Case No: 15/05045/FUL  Appeal Ref: 16/00062/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