

## Agenda for a meeting of the Area Planning Panel (Keighley and Shipley) to be held on Tuesday, 6 September 2016 at 10.00 am in Council Chamber - Keighley Town Hall

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### 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: Sheila Farnhill  
Phone: (01274) 432268  
E-Mail: sheila.farnhill@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. 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 2 September 2016.**

(Sheila Farnhill - 01274 432268)

#### **4. 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.

(Sheila Farnhill - 01274 432268)

### **B. BUSINESS ITEMS**

#### **5. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL** 1 - 46

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

The sites concerned are:

- |     |  |                                |
|-----|--|--------------------------------|
| (a) | 13 Parish Ghyll Road, Ilkley (Approve)             | <u><b>Ilkley</b></u>           |
| (b) | 3 Gilstead Way, Ilkley (Approve)                   | <u><b>Ilkley</b></u>           |
| (c) | 9 Glenlyon Drive, Keighley (Approve)               | <u><b>Keighley Central</b></u> |
| (d) | Land adjacent 49 Cowpasture Road, Ilkley (Approve) | <u><b>Ilkley</b></u>           |
| (e) | 133 North Street, Keighley (Refuse)                | <u><b>Keighley Central</b></u> |

(Mohammed Yousuf – 01274 434605)



**6. MISCELLANEOUS ITEMS**

47 - 50

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

- (a) Requests for Enforcement/Prosecution Action
- (b) Decision made by the Secretary of State – Allowed
- (c) – (d) 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, Regeneration to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 06 September 2016

# G

### 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.	13 Parish Ghyll Road, Ilkley - 16/04451/FUL [Approve]	Ilkley
B.	3 Gilstead Way, Ilkley LS29 0AE - 16/02962/FUL [Approve]	Ilkley
C.	9 Glenlyon Drive, Keighley BD20 6LL - 16/00839/HOU [Approve]	Keighley Central
D.	Land Adjacent 49 Cowpasture Road, Ilkley LS29 8SY - 16/04159/FUL [Approve]	Ilkley
E.	133 North Street, Keighley BD21 3BG - 16/04767/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](mailto:mohammed.yousuf@bradford.gov.uk)

**Portfolio:**  
Regeneration, Planning &  
Transport

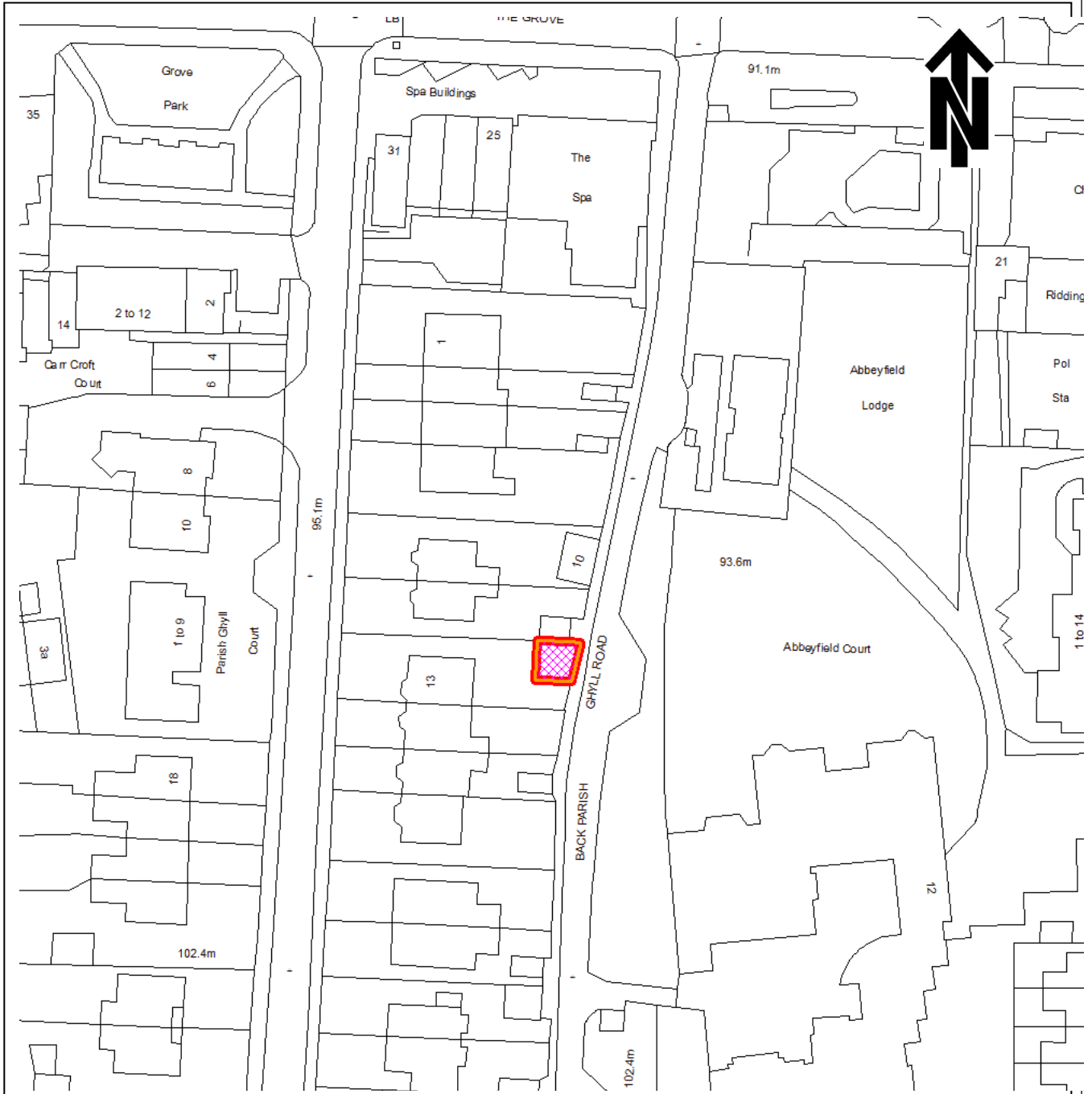
**Overview & Scrutiny Committee  
Area:**  
Regeneration and Economy



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

**16/04451/FUL**

6 September 2016



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ITEM NO. : <b>A</b>	LOCATION: <b>13 Parish Ghyll Road Ilkley</b>
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**6 September 2016**

**Item Number: A**  
**Ward: ILKLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
16/04451/FUL

**Type of Application/Proposal and Address:**  
Change of use from garage and store to studio dwelling with integral garage at 13 Parish Ghyll Road, Ilkley, LS29 9NG.

**Applicant:**  
Mr and Mrs Andrew Lockwood

**Agent:**  
Mr Michael Allison - Allison & MacRae Ltd.

**Site Description:**  
The application relates to an existing garage building in the back garden of 13 Parish Ghyll Road. This is a Victorian era dwelling with two storeys plus attic and basement levels. It has been subdivided to form 4 apartments – one on each floor. Its garden runs through to Back Parish Ghyll Road and there are two car parking spaces and a bin store alongside the garage. A parking area for 4 or 5 vehicles is situated on land directly opposite the site. The garage is built in natural stone and slate, and has two storeys – with the roofspace having been used for storage purposes. The garage door faces onto Back Parish Ghyll Road, set slightly back from the highway boundary. It was built approximately 15 years ago (planning permission was granted in 2001), by the occupier of Flat 2.

The building abuts another garage in the back garden of No 11 Parish Ghyll Road and it is noted that an outbuilding abutting Back Parish Ghyll Road to the north of the application site has also been converted to a small dwelling.

The site is located in a residential area on the edge of Ilkley town centre and in the Ilkley conservation area.

**Relevant Site History:**  
None Recent.

01/00335/FUL - Erection of a detached garage at Flat 2, 13 Parish Ghyll Road – Granted - 29.03.2001.

**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***

Ilkley Conservation Area.

***Proposals and Policies***

D1 General Design Considerations  
UR3 The Local Impact of Development  
TM2 Impact of Traffic and its Mitigation  
TM12 Parking Standards for Residential Developments  
TM19A Traffic Management and Road Safety  
BH7 New Development in Conservation Areas

**Parish Council:**

Ilkley Parish Council – recommends refusal of this application. The first floor window design is not in keeping with other properties in the Conservation Area.

**Publicity and Number of Representations:**

Publicised by neighbour notification letters and site notice. Overall expiry date for comments was 28.07.2016.

Letters/emails of comment have been received from 11 separate addresses objecting to the proposal.

**Summary of Representations Received:**

- The proposal would be an overdevelopment of a residential site. The existing building is in occupation as 4 flats but the addition of a fifth in the back garden is unprecedented and represents overdevelopment of the site and its utilities.
- The proposal would be out of keeping with the conservation area with particular reference to the overhanging bay window feature.



- Although the application says there will be no loss of car parking space objectors do not believe this is the case as there is not enough space to accommodate a path and retain both car spaces to the required width. If you review the proposed plans, the access route to the 'front door' of the planned dwelling requires an access route through one of the two parking spaces available to the residents of Number 13. This will reduce available parking to one remaining space for a building of 4 flats. The parking situation on Parish Ghyll and Back Parish Ghyll Roads is heavily congested. With no parking permit system in place, the streets are used by commuters and shoppers, making it almost impossible to park near the property. The addition of another dwelling and the associated visitors to this dwelling, as well as the removal of one off-street parking space due to access issues, will exacerbate the current parking issue further.
- There is currently room for two off street spaces at the side of the building, one of these is essential to the needs of one of the residents. Loss of the parking space would adversely affect an existing occupier who has specific needs and who relies upon the parking space. Essential visitors cannot always find parking space on the congested streets.
- The proposal would result in only 1 parking space for 4 flats and would intensify existing parking pressures.
- The garage has already been connected to services. The legality of these connections is questioned.
- The proposal would lead to a loss of residential amenity for neighbours through the increase in activity at the rear of the flats where there are vulnerable windows and cause overlooking.
- The back garden is currently a quiet space offering privacy to existing residents. The additional flat would significantly curtail privacy as visitors and occupiers would have a clear view into the windows of Flats 1 and 2 when using the primary entry point.
- The conversion would be overlooked by the apartment to the rear down through the roof lights.
- The proposal includes a strip around the garage to provide the access at the rear of the building, the land ownership of this strip of land is challenged.
- The Management Company for the flats is currently taking legal advice in respect of the exact nature and legality of the ownership of the freehold footprint of the garage building and its transfer, and the ownership of the surrounding access strip. It is asked that the application be rejected whilst these matters are investigated.

**Consultations:**

**Drainage** – No objection raised. Records indicate a public sewer exists under the existing building. The sewer is recorded as surface water only & is therefore not a suitable outfall for foul water from the development. The development shall therefore be drained via a separate system with the foul water discharging to the combined public sewer recorded in Back Parish Ghyll Road.

Records indicate a watercourse exists in Back Parish Ghyll Road & it is likely the surface water sewer discharges to this watercourse.

**Highways Development Control** – No objections, condition should be attached to prevent the retained garage being used for purposes other than for parking and not to be converted to living space.

**Design and Conservation** – No objections raised. If minded to grant approval please condition that cloak room window frame should be recessed into the reveals (approx 100-125mm) to give visual interest and relief to the elevation and the rooflights should be conservation-type. The finish of the cedar cladding should be clarified (is it to be left natural or finished with a stain?). If the above advice is followed the proposal is considered to accord with saved RUDP Policy BH7.

**Summary of Main Issues:**

1. Impact on the Conservation Area
2. Impact on Local and Residential Amenity.
3. Highway Safety.
4. Other matters.

**Appraisal:**

**Background**

The existing garage/store was built in accordance with a 2001 planning permission when it was indicated that it would serve the occupier of Flat 2. However, no planning conditions were imposed requiring the garage to be retained, in perpetuity, for the use of future occupiers of that flat, or of any of the other flats.

It is now proposed to convert it to a “studio dwelling” comprising of a single studio/living room at first floor level. This space would incorporate a sleeping area and a kitchen, with a shower room portioned off at the rear. The ground floor would be retained as a garage. The space would be served by rooflights and a single large window to be inserted into the gable wall facing Back Parish Ghyll Road.

**Design and impact on Conservation Area**

The site is set within a mature residential area, very close to the town centre and within the Ilkley Conservation Area.

The proposed external alterations are limited. The building would not be made any larger and the most notable change is the proposed addition of a front bay window at 1<sup>st</sup> floor level. Objections have been made to this by the Parish Council. However, the Councils Conservation Section considers that whilst this is a contemporary style feature, the appearance of the window will not, in their opinion, be at odds with the character and appearance of the conservation area. It will, instead, add visual interest to what is currently a rather plain and functional building. The replacement of the garage door and insertion of conservation-style rooflights are also considered acceptable.

Subject to conditions regarding the detailing of the window frames and use of rooflights fitted flush with the roof slates rather than projecting significantly above, the alterations are relatively modest and accord with Policies BH7 and D1 of the RUDP.

**Impact on the amenity of adjoining properties**

The relationship between the proposed development and neighbouring properties is long established and there would be no enlargement of the existing structure. There are therefore no adverse effects in terms of dominance or effects on daylight.

The proposed external alterations to the building are modest. Apart from rooflights, they are limited to a single window to a store/cloakroom that would look south onto the retained car parking area, and the larger new window that would look onto Back Parish Ghyll Road, across which is a car parking area and the grounds of the Grove Convalescent Hospital, now forming an Abbeyfield Assisted Living complex.

It is noted and acknowledged that the rear elevation wall of 13 Back Parish Ghyll Road includes a number of habitable room windows serving the 4 flats, and that these include bedrooms. However, no new habitable room windows are proposed in the back wall of the garage building facing these existing flats. There would only be a door giving entrance to the studio apartment. The proposal would not therefore result in any harmful overlooking or direct loss of privacy.

Rooflights are proposed set into the northern and southern roof slopes but the level of these is such that they would not allow any direct views and although concern is raised about light spill etc. this is unlikely to cause any significant harm to the living conditions within the 4 existing flats.

Objectors have also raised strong objections regarding the increased activity that would arise from the intensification of use of the site that the conversion and addition of another flat in such a confined site. Specifically there is concern that the door access on the rear, west, elevation is situated approximately 8.5 metre from the nearest windows in the basement flat (a bedroom and a kitchen). Use of the door by a new occupant would increase disturbance and activity through people coming and going close to these windows and that this would affect amenity.

However, the rear garden area is presently a shared space in that it already provides access for the occupiers of the 4 separate flats within 13 Parish Ghyll Road. The small size of the proposed studio flat would seem that it would only be suitable only for single person occupancy. The effects of the additional comings and goings likely to be associated with such a small flat would not result in such a significant loss of amenity for neighbouring properties as to justify refusal.

Although the proposals as submitted would not cause any unreasonable loss of amenity or privacy, it is acknowledged that close proximity to the windows in the existing flats justifies retaining control over the subsequent introduction of new openings to the walls, and roof. A condition is therefore proposed to remove permitted development rights to carry out such alterations in the future.

For the reasons noted above, the impact on residential amenity is found to be acceptable and the scheme is considered to accord with policies UR3 and D1 of the RUDP.

### **Parking and Highway Safety**

It is acknowledged that this property is within a tightly developed residential area close to the town centre and that the streets nearby are dominated by a good deal of on street car parking. This is due to the dense nature of the older residential areas, which were not designed or laid out with parking provision in mind, and also the pressure placed on the residential streets by visitors to the town centre and its shops and services.

Although the garage was built with the intention of it providing garaging for one of the occupiers of 13 Parish Ghyll Road, it was not required to be reserved for that purpose. Also, the proposal seeks permission only for the conversion of the upper storage space to a flat and would retain the existing integral garage at ground floor level.

The Councils Highways Officer has advised that there are no objections to the additional flat, as long as a planning condition is attached to prevent the retained garage being converted into living space.

Objections have also been received expressing concern that the creation of the flat would require the loss of one of the two spaces on the open forecourt on the south side of the garage. There is particular concern that the affected space is required by an occupier who has specific needs and requires ready access by health visitors and others.

The original proposal shows a red line boundary including a metre wide strip around the south and west sides of the building. Objectors assume this is to allow a 1 metre wide pedestrian access to the door on the west wall. As this 1 metre space would encroach into one of the parking spaces, the objectors have calculated that this would leave insufficient space for the 2 parking spaces to be retained.

However, there are no definite proposals for any physical structures or boundary treatments that would displace the car parking spaces in the way that is feared. The 1 metre gap is presently blocked by a low wall over which the applicant may not have control. It seems more likely that the future occupiers would take pedestrian access to the back door of the new flat along the same route that occupiers of the 4 existing flats take – which is to walk through the gap between the two parked cars.

The objectors allege that the applicant has no rights to access the back door in the building across the land forming the car parking area and back garden. This is, of course, a private legal matter and is the subject of an ongoing legal dispute that has been triggered by the submission of this application.

The agent has confirmed that if the outcome of the legal dispute is to the effect that the applicant or future occupiers cannot lawfully access the proposed studio flat via the proposed door in the west wall, it would be simply accessed via the garage doors facing Back Parish Ghyll Road.

Although there is great sympathy with the fears of the objectors about the change of use to a studio flat causing displacement of the two existing car parking spaces, there is no evidence that this would be either intended or necessary, and it involves private legal matters as regards rights of access and a property dispute.

In respect of car parking standards, the National Planning Policy Framework advises a flexible approach. Paragraph 39 says:

*If setting local parking standards for residential and non-residential development, local planning authorities should take into account:*

*the accessibility of the development;*  
*the type, mix and use of development;*  
*the availability of and opportunities for public transport;*  
*local car ownership levels; and*  
*an overall need to reduce the use of high-emission vehicles.*

It is acknowledged that there are high levels of on street parking in this part of Ilkley and that this will cause difficulties for residents. However, further discussion with the Highway Officer confirms, given the town centre location, the nature and scale of the dwelling proposed, its accessibility and proximity to public transport services, and the presence of the car parking spaces across Back Parish Ghyll Road, there are no sustainable reasons to oppose the application on highway grounds.

Some concern has also been raised regarding a car blocking the highway whilst entering the garage facility. This however would be no different from the existing situation.

For the above reasons and following the advice of the Councils Highways DC section, any intensification in traffic generation from the proposed studio flat would not result in such parking or highway safety concerns to justify refusal. This is subject to imposing a suitable condition retaining the garage facility for the proposed development.

### **Drainage**

A number of objectors have expressed concerns that the building has already been connected to services with no record of connection.

The Council's Drainage team has reviewed the application and have raised no fundamental concerns. It is advised that the development should be drained via a separate system with the foul water discharging to the combined sewer located in Back Parish Ghyll Road. Ensuring satisfactory drainage connections would be a matter to be more appropriately resolved under the Building Regulations rather than the Planning Acts.

### **Other Matters**

Comment has been received regarding land ownership, the circumstances through which the garage building may have been transferred out of the control of the Freehold owner of the land and control of the 1 metre strip shown around the building. It is understood that all these matters are subject to a legal dispute between the Freehold owner (the Management Company for the flats) and the applicant. Whilst these points are noted, the issue of land ownership and rights of access etc. involves civil law. The granting of planning permission would not override private ownership rights.

### **Community Safety Implications:**

None identified.

**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 noted that the particular characteristics of one of the occupiers have been raised as a serious concern. The resident has mobility problems and requires that existing access and parking arrangements should not be affected by this proposal. The potential impact of the proposal upon this resident has been given careful consideration. However, as explained above, it is not considered that the proposed change of use would cause any direct impact on the car parking arrangements and the safeguarding of private ownership rights to the car parking spaces is more properly addressed through private legal action.

**Reason for Granting Planning Permission:**

The impact of the scheme has been carefully assessed on its planning merits, but it is considered that the development will have any significant or demonstrable adverse effects in terms of impacts on highway safety, visual amenity, residential amenity, or the conservation area. The proposal therefore complies with policies BH7, UR2, UR3, D1, TM2, TM12, TM19A of the Replacement Unitary Development Plan.

**Conditions of Approval:**

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

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

2. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in any of the elevations of the building or its roof, without the prior written permission of the Local Planning Authority.

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

3. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) the ground floor level of the building shall be retained for the purposes of garaging and it shall not be converted, altered or otherwise used for residential accommodation without the prior written permission of the Local Planning Authority.

Reason: To retain car parking for the use and to accord with Policies TM12 and TM19A of the Replacement Unitary Development Plan.

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

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

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

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

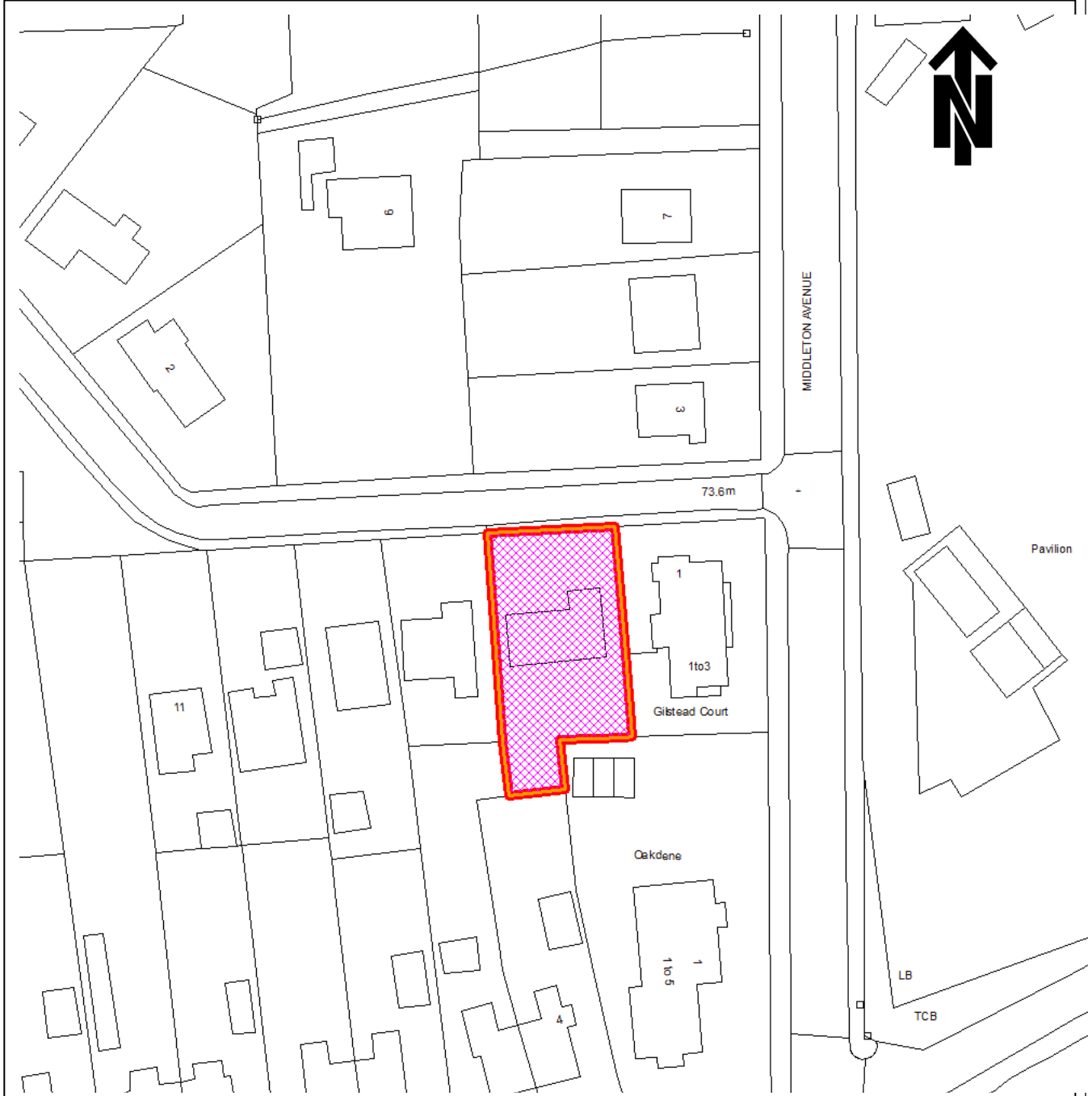
6. The development shall be drained using separate foul sewer and surface drainage systems.

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

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

**16/02962/FUL**

6 September 2016



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<p>ITEM NO. : <b>B</b></p>	<p>LOCATION: <b>3 Gilstead Way Ilkley</b></p>
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**6 September 2016**

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

**Application Number:**  
16/02962/FUL

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

Demolition of existing house and reconstruction of a detached dwelling with integral garage at 3 Gilstead Way, Ilkley, LS29 0AE

**Applicant:**

Mr and Mrs Ian Hepworth

**Agent:**

Mr Jonathan Holmes

**Site Description:**

Members should be aware that this property is in a Flood Risk Zone and has suffered from serious flood damage - most recently during two flood events during the winter of 2015. The proposal seeks to rebuild the dwelling so it is more resilient to flooding.

The application site is a 1970s detached house facing north onto Gilstead Way and located within Middleton conservation area. The street is characterised by similar dwellings set back from the road behind open plan frontages. Properties are generally built in natural stone with plain tiled roofs. The current floor and roof levels of the property are slightly lower than the dwelling to the west. To the east of the site is a larger building that was built in around 2002/2003 to replace an older 1920s house. This building accommodates a number of apartments. There is a hard standing immediately adjoining the boundary with the application property and mostly secondary windows facing the application site.

**Relevant Site History:**

78/01533/FUL – Bedroom and Bathroom Extension – Granted 1978  
81/00555/FUL - 2 Storey Extension – Granted 1981

**The National Planning Policy Framework (NPPF):**

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

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

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

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

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

***Allocation***

Unallocated.

Within Middleton Conservation Area.

***Proposals and Policies***

D1 General Design Considerations

UR3 The Local Impact of Development

TM2 Impact of Traffic and its Mitigation

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

BH7 New Development in Conservation Areas

NR15B Flood Risk

NR16 Surface Water Run Off and Sustainable Drainage Systems

**Parish Council:**

Ilkley Parish Council – Recommends refusal as the proposed development is large and appears to double the size of the current property leading to overdevelopment of the site. Loss of neighbour privacy and neighbour comments have also been taken into account.

**Publicity and Number of Representations:**

Publicised by neighbour notification letters and site notice. Overall expiry date for comments was 15.07.2016.

Letters/emails of comment have been received from 17 separate addresses. Fourteen objections to the proposal. Three in support.

The objections include one from a Ward Councillor requesting referral to panel for determination should officers be minded to support the proposal.

**Summary of Representations Received:**

- The proposal would be an overdevelopment of the site at double the size of the existing.
- The proposal would be out of proportion with surrounding property and forward of the building line.
- The proposal being larger with increased hard standing would add to flood risk.
- The proposal would be out of character in the area.
- The proposal would allow overlooking and overshadowing of neighbours.
- The plans show the removal of a tree that is on neighbours land.

**Consultations:**

**Drainage** – No objection are raised subject to comments of the Environment Agency. The site must be investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered.

Should sustainable drainage techniques prove impracticable on this site, the developer must submit details & calculations to demonstrate their 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 dwellings or safe egress & access.

**Highways Development Control** – No objections, the double garage and widened drive will provide ample off street parking.

**Environment Agency** – The proposal, as amended and subject to additional information, is acceptable subject to being carried out in accordance with the submitted FRA. Condition should be attached to ensure this.

**Design and Conservation** - Subject to careful control of materials, the proposal is considered to maintain the character and appearance of the conservation area and will satisfy saved RUDP Policy BH7.

**Summary of Main Issues:**

1. Background and the principle of development.
2. Impact on Visual Amenity.
3. Impact on amenity of occupiers of adjoining properties.
4. Flood Risk.
5. Highway Safety.
6. Drainage.

**Appraisal:**

**Background and the principle of development**

The application seeks permission for the demolition of the existing house and the rebuilding of a new house in the same position but to an enlarged footprint. A dwelling represents an appropriate use of the site within the urban area that has reasonably good access to existing facilities in Ilkley town centre.

The site is south of the river Wharfe and is in Flood Risk Zone 3. The river overtops its banks in peak flood events. The nearby recreation ground is often flooded, but waters also back up across Middleton Avenue into Gilstead Way. The floor level of the existing house is slightly lower than surrounding properties and consequently the dwelling has suffered from recent flooding - most recently with two floods during the winter of 2015. Water backing up from the River Wharfe has entered the house as well as its garden.

The house has not been occupied since that flooding event.

The purpose of the application is to demolish and rebuild the dwelling with higher floor levels so it can better withstand future flooding. Because of the land levels, the applicant has been advised that other measures to reduce the risk to the property and protect its inhabitants would be ineffective.

Officers are therefore fully supportive of the desire of the applicant to remedy the flood risk problem by this necessary work to rebuild the house with higher floor levels and with in-built flood resilience measures and under floor flood storage incorporated in the new design.

However, the proposed dwelling would not only have a higher finished floor and roof level than the existing house, It is also proposed to be significantly taller and larger than the existing. The proposed house would have 6 bedrooms with two bedrooms formed in the roofspace. The footprint would be larger due to the projection of the front wall of the building towards Gilstead Way. This increase in size has provoked a number of objections from neighbours.

Following negotiations with officers, the scale of the proposal has been adjusted and certain features of the original proposal have been removed. In addition further flood risk information has been provided and submitted to the Environment Agency.

### **Impact on Visual Amenity**

The site is set within a mature residential area. It is part of the Middleton Conservation Area, although Gilstead Way comprises a mix of modern (1970s) detached two storey houses and bungalows of no heritage value. To the immediate west is a small modern apartment block. The buildings along Gilstead Way are set well back from the highway with open plan frontages, but they do not follow a strong building line. Materials are predominately natural stone, white render and red or grey concrete tiles.

The design of the new house seeks to reflect the character prevalent in the area, rather than to introduce a new design style. The proposed design of the house and the use of coursed natural stone and plain grey concrete tiles as the building materials are considered acceptable given the local context.

The proposal has been amended and reduced in scale from the original submission. The replacement house would be taller than the existing house on the site. The increase in floor heights is obviously driven by the advice from the applicant's Flood Risk Engineers and is necessary in order to lift the floor levels above the levels of the highest recorded floods. The Environment Agency recommendations advise raising the floor level by 1.43 metres.

However, the proposal would increase the height of the ridge by 1.68 metres. This is so that additional accommodation comprising 2 bedrooms can be incorporated into the roof.

Buildings to either side of the site vary in height. The building to the east is an apartment block that is higher than the existing house and would be higher than the proposed house. The adjoining house at No. 5 Gilstead Way is currently higher than No.3 but, after rebuilding, the proposed replacement house would be higher than this property.

However, this change in heights is acceptable. When viewed from positions along Gilstead Way, the proposed house would grade down - from the taller and bulkier apartment building to the east, to the slightly lower ridge height of the house to the west.

The agent has provided a street scene drawing to demonstrate the impact and it is not considered that the variation in heights would have any greater effects on the character of the area. Although it would be higher than the house at No. 5, the new house would not appear overbearing or over dominant.

The site is within the Middleton Conservation Area but the Council's Conservation Team advises that, whilst the proposed replacement dwelling is larger in terms of its footprint and has a higher ridge height than the existing house, on balance the proposed replacement dwelling would not harm the character and appearance of the conservation area.

Middleton conservation area is characterised by the variations in architectural style and size of dwellings and it is the materials used and the generous gardens that tie the built form together. The proposed new house would also maintain an open plan garden area to the front. The building line will be brought forward slightly but still maintains a comparable set back from the highway. Overall, the proposed dwelling will not appear out of place within the context of the surrounding built form.

The scale, appearance, form and siting of the dwelling would not be unduly imposing or out of keeping with the locality, and accord with Policies UR3, D1 and BH7 of the RUDP.

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

The proposal is for a replacement dwelling and as such the site has an established level of activity associated with a single detached property. The proposal would remain a single detached dwelling and whilst larger than the existing property taking it to 6 bedrooms from the current 4 bed configuration, any increase in activity at the site would not result in any significant harm to the residential amenity of neighbours.

As discussed above, the footprint and size of the replacement dwelling would be larger than the current property at the site, with its bulk moving forwards towards the street.

The width of the proposed replacement dwelling would be wider than the existing house but the proposal would retain a gap to the eastern boundary with the apartment block of 2.1 metres and a gap to the western boundary with number 5 Gilstead Way of 1.4 metres. This is ample separation given the lack of important features in the walls of those properties that face the site.

Windows are located on the eastern gable end that faces onto the apartment block to the east. The second floor window would serve bedroom 5 and is shown in obscured glass. Roof lights also serve this bedroom and are located in the rear roof slope and as such overlooking to the east would not arise.

First floor window is also included to the master bedroom but is secondary with the main windows located on the rear elevation. This side facing window could be conditioned to be in obscure glazing to prevent views to the rear of the apartment block.

A minimum of 21m is retained between the new habitable room windows on the rear of the proposed building and those at the rear (south).

Due to the raised floor levels required to protect against flooding, the ground floor windows are also elevated. On the east elevation there are 4 windows, one serves a garage and another a utility room which would not introduce overlooking concerns. There are 2 windows towards the rear of the side elevation to the kitchen, again the main window and French doors serving this room are located on the rear and the side elevation windows could be obscure glazed by way of suitably worded condition if necessary.

Windows to the western elevation at 1st and 2nd floor levels would be obscure glazed and not allow overlooking of neighbouring property. Two ground floor windows are included which are secondary windows to the lounge and could similarly be conditioned to be obscurely glazed to prevent overlooking.

The original submission included a large raised terrace to the rear which officers were concerned would have afforded new views over into the rear garden of 5 Gilstead Way. The rear terrace has been amended to delete the section to the western half of the rear terrace and as such views now would not occur over into the rear garden and back into any rear windows of the adjacent property.

As result of the raised ground floor levels the ground floor windows at the rear would allow some views into the rear garden of number 5. However, it is set off the boundary and would only allow oblique views and would not be significantly harmful to justify refusal.

Consequently, the development will not result in undue overlooking of neighbouring residential neighbours.

Comment has been received regarding the scale of the replacement dwelling and the increase in bulk and proximity to boundaries that might result in overshadowing and the proposal dominating neighbouring property.

Whilst it is acknowledged that the proposal is clearly larger than the existing property, the proposal has been amended during the course of the application such that it would not result in significant overlooking or overshadowing of neighbours and would ensure the replacement property would remain resilient to future flooding.

The impact on residential amenity is found to be acceptable and the scheme is considered to accord with policies UR3 and D1 of the RUDP.

### **Addressing Flood Risk**

As explained, the application is submitted to address serious flooding events at the property by rebuilding the house at a higher level. The site lies within EA Flood Zone 3 which is high risk of flooding. The property is currently vacated due to damage in the December 2015 event. Advice from the Environment Agency is that the floor levels need to be increased in order to prevent further flooding of the house.

The application has been accompanied by flood risk assessment (FRA) and the design has been informed by the identified flood levels and consulting engineers have advised on the required floor levels. A further addendum to the FRA has been submitted and consultation has taken place with the Environment Agency and the Councils Drainage section.

The EA advises that it is satisfied with the proposal subject to the development being carried out in accordance with the submitted FRA and its addendum. It advises a planning condition to require adherence to the FRA and implementation of the mitigation measures proposed.

1. The hollow area below the ground floor level shall be used for flood storage purposes only and not to be used for domestic storage or habitable purposes.
2. A safe route(s) into and out of the site shall be identified and provided. This has now been identified as being exit via the front of the property to land at higher level in Gilstead Way.
3. Finished floor levels shall be set no lower than 74.58mAOD.
4. Flood resilience measures shall be carried out to a level of 220mm above finished floor levels (i.e raised electrics, horizontal plaster boards, flood proof doors). This equates to a 600mm above the modelled 1 in a 100 year climate change level of 74.8m AOD.

The EA has also advised that no new perimeter walls should be built t the site which may act as an obstruction to the flow of flood waters across the site. It is proposed that this be a restriction imposed by planning condition.

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

Whilst the concerns of neighbours has been noted and despite the increase in built footprint of the replacement dwelling, the proposal as advised by the Environment Agency would not result in an increased flood risk for prospective occupants or to neighbours of adjoining land.

### **Highway Safety**

The proposed replacement dwelling would include integral garage facility and large driveway to accommodate additional parking of vehicles. The Councils Highways section has not raised any objections with respect to highway safety.

Whilst the replacement dwelling would be 6 bedroomed rather than the current 4 bedroom configuration, the double garage and widened driveway is advised would provide ample off street parking for the needs of its occupiers.

### **Drainage**

The Council's Drainage Section has raised no fundamental concerns. It is recommended that as the site is subject to flooding from a main river that the Environment Agency should be consulted.

Should sustainable drainage techniques prove impracticable on this site, the developer must submit details & calculations to demonstrate their 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 dwellings or safe egress & access. This can be required by way of suitably worded condition.

Subject to a condition requiring the submission, approval and implementation of such a scheme officers are satisfied that the development, if approved, would not cause any new drainage problems nor would any existing problems be exacerbated.

**Community Safety Implications:**

None identified.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The proposal is acknowledged to be necessary to improve the resilience of the site to flood risk. The impact of the scheme has been carefully assessed and it is considered that the development will have no significant adverse effects in terms of impacts on highway safety, visual amenity, residential amenity, flood risk or drainage. The development will have no significant adverse effect on the character or appearance of the Middleton Conservation Area. The proposal therefore complies with policies UR2, UR3, D1, BH7, TM2, TM12, TM19A, NR15B and NR16 of the replacement Unitary Development Plan.

**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 permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) ref: 12/4/16 mel, version 01; the addendum by Michael Lambert Associates; and email from Jonathon Holmes, dated 21/07/2016 and the following mitigation measures detailed within the FRA shall be incorporated:
  1. The hollow area below the development shall be used for flood storage purposes only and not to be used for domestic storage or habitable purposes.
  2. A safe route(s) into and out of the site shall be identified and provided.
  3. Finished floor levels shall be set no lower than 74.58mAOD.



4. Resilience measures shall be carried out to a level of 220mm above finished floor levels (i.e raised electrics, horizontal plaster boards, flood proof doors). This equates to a 600mm above the modelled 1 in a 100 year climate change level of 74.8mAOD.

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

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

3. Notwithstanding the provisions of Part 2 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent equivalent legislation, no new walls, fences or other permanent means of enclosure shall be erected on the site or around its perimeter except with the prior written approval of the Local Planning Authority.

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

4. The development shall not be occupied until the compensatory flood storage facility comprising the basement of the building has been made available and the measures proposed to allow the access and egress of floodwaters into this area have been implemented in accordance with the approved plans and the submitted Flood Risk Assessment.

Reason: To ensure that there is no risk of flooding elsewhere in the vicinity and to accord with Policy NR15A of the Unitary Development Plan.

5. Before development commences on site, arrangements shall be made with the Local.

Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

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

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

The submission will provide for sustainable drainage techniques, or will provide evidence, based on site investigations, to show that such techniques cannot be used on the site. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

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

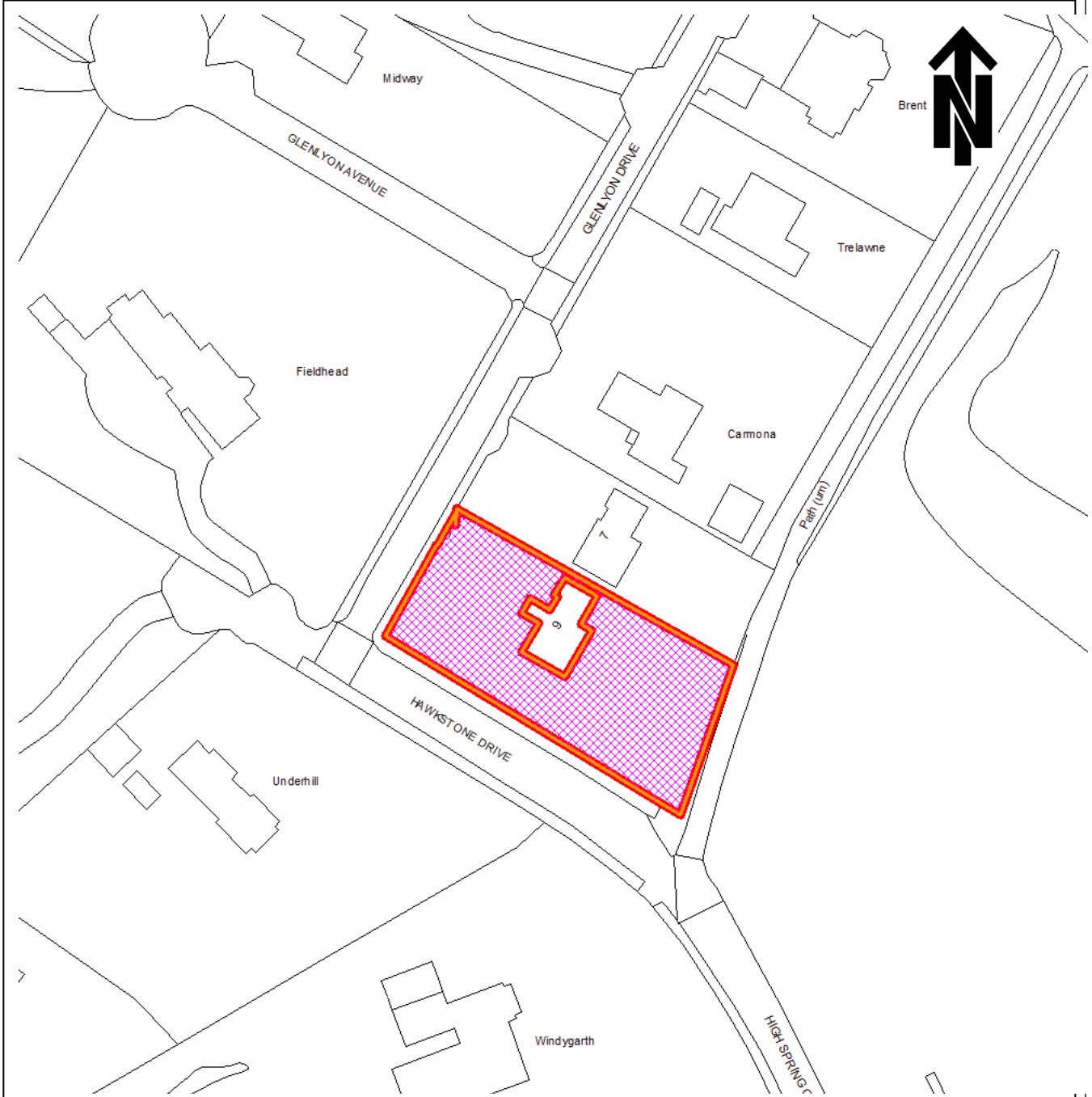
7. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by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

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

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

**16/00839/HOU**

6 September 2016



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ITEM NO. : <b>C</b>	LOCATION: <b>9 Glenlyon Drive Keighley</b>
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**6 September 2016**

**Item Number:** C  
**Ward:** KEIGHLEY CENTRAL  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
16/00839/HOU

**Type of Application/Proposal and Address:**  
Construction of single storey annex to rear of existing detached property at 9 Glenlyon Drive, Keighley, BD20 6LL

**Applicant:**  
Mr A Hussain

**Agent:**  
Saj Hussain, Kube Architectural Design Services.

**Site Description:**

The application site is occupied by a large detached dwelling at the top of Glenlyon Drive. The site lies within the Cliffe Castle and Devonshire Park Conservation Area but the dwelling is of modern construction and mostly faced in render with a tiled roof. It has a conservatory at the rear. The house stands at the top of a row of detached dwellings which are of varying sizes and designs. Hawkstone Drive is a wide road that runs across the top of Glenlyon Drive and leads into the unmade High Springs Garden Lane. Hawkstone Drive is above the level of the application property and forms a boundary to its side garden such that the garden is open to view, with just a low fence serving as its side boundary. To the east of the site, beyond a rear grassed access track, are the extensive playing fields of Holy Family School. The grassed track is also a public footpath. There are some large trees growing on the boundary of the school fields.

**Relevant Site History:**

06/07611/FUL: Demolition of existing single storey building and formation of extension, relocation of conservatory and new entrance gates and boundary fencing. Approved.

06/07948/CAC: Demolition of existing single storey extension & relocation of conservatory. Approved.

07/02492/FUL: Amendments to existing planning approval 06/07611/FUL and construction of detached garage. Refused.

07/02495/CAC: Demolition of bay window. Approved.

07/05261/FUL: Demolition of living room bay, extensions to existing porch, living and sitting room, redesign of boundary fence. Approved.

95/03175/FUL: Erection of rear conservatory. Approved.

**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.

Conservation Area.

***Proposals and Policies***

UR3 – local planning considerations

D1 – design considerations

NE5/NE6 – tree retention and protection

**Parish Council:**

Keighley Town Council: No comments have been received.

**Publicity and Number of Representations:**

Publicised by Neighbour Notification letters. Eight letters of objection were received along with ten letters of support.

**Summary of Representations Received:**

**Grounds for objection**

1. This appears to be an application for a completely separate dwelling within the curtilage of the property and, as such, inappropriate within the Conservation Area especially as it would be visible from afar.
2. It would lead to increased traffic in the immediate area up the steep and relatively narrow Glenlyon Drive.
3. It does not preserve or enhance the character or appearance of the conservation area; in fact it will have a detrimental effect.
4. The main house itself has already been considerably increased in size from its original incarnation, to house a large family. How much more accommodation can one family need?

5. The design is in no way in keeping with the properties in the area. Houses in this area are handsomely built stone houses with period architectural features. The so called 'annex' lacks any sympathy to the prestigious houses that surround it.
6. There is the presence of bats and owls up towards Hawkstone Drive and Glenlyon Drive. Any building work carried out close to the path and along Hawkstone Drive, would have a negative impact on bat and owl roosts.
7. This building is to be sited alongside a substantial tree line. A tree report should have been carried out for this application.
8. All along the backs of the Glenlyon Drive properties lies a pathway known as High Spring Gardens Lane. This Lane constantly runs with water. Further building would cause further run off of water, putting pressure on the culverts.
9. To add on another eyesore would in my opinion be totally wrong resulting in no garden space at the back.
10. The proposed annex would result in loss of garden space, impact on trees, impact on the conservation area, out of keeping with surroundings, impact on bats, impact on drainage, overlooking, impact on highway safety.

#### **Comments in support**

1. I have seen the plans put forward and think it is in line with the existing house and would look attractive. It would not affect trees.
2. This is an annex and so there will not be any additional traffic expected. The existing occupants will be the only ones using this.
3. The proposed materials will be as per existing dwelling and I think it will enhance and complement the existing. The design is well thought out and actually very refreshing to see for a change.

#### **Consultations:**

**Drainage Section:** No objections or comments are raised.

**Rights of Way Officer:** No objections.

**Trees Team:** Expressed concerns about the effects of the original proposal.

**Design and Conservation Officer:** Objected to the original proposal due to its mass, design and materials and that the resulting loss of openness will harm the character and appearance of the area. The location of the annex close to several trees may also lead to pressure to remove or lop the trees, which could prejudice their future health.

**Highways Development Control:** No objections.

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

Impact on the local environment and conservation area.

Impact on the amenity of neighbouring occupants.

Trees.

Highways.

**Appraisal:**

The application as originally submitted proposed a large 14m x 8m two-bedroom detached annex with dormer windows in the front and rear roof slopes together with bay windows to the front elevation. The original submission was also close to the rear boundary, beyond which are some mature trees. The originally submitted building was considered to be unduly large and there was sympathy with some of the points made by objectors that a detached building including two bedrooms was not considered to be truly ancillary to the existing dwelling.

Amendments have subsequently been received which address previous concerns.

**Size and design**

Although proposed in the back garden of the property, in this case, the annexe would be clearly visible from the highway (Hawkstone Drive) to the side of the property and from the public footpath to the rear. Although the garden is set at a slightly lower ground level, there were concerns about the bulk and dominance of the annexe as originally proposed.

Although the agent argued that he had intentionally kept the Annexe single storey to reduce any impact on the area and complement the existing house, the original design was clumsy and there were specific concerns about the unusual bay windows and elaborate porch treatment that formed part of the original design. The Conservation Officer considered it to have a negative impact on the character of the wider conservation area. The proximity of the proposed annex to the rear boundary was also considered likely to have a potential effect on the trees at the rear.

However, after the applicant was advised of the Council's concerns, amended plans were submitted. The annex has been reduced in size. It now has a footprint measuring 11.5 metres x 7.0 metres and features only one bedroom and a combined kitchen/living room. The accommodation indicated is now considered to be proportionate and ancillary to the main dwelling. It can more readily be seen as a genuine dependent annexe rather than potentially as a separate dwelling.

The previously proposed dormer and bay window features have also been omitted and the proposed annexe now has a much simpler appearance. It would be relatively unobtrusive and would not dominate the plot. It is not considered to harm visual amenity. The proposed rendered walls will match the walls of the existing dwelling.

The scale and design of the proposed single storey annexe are considered to appropriately maintain the character and appearance of the conservation area in accordance with the NPPF and Policy BH7 of the RUDP.

**Impact on amenity of neighbours**

The site is at the top of a row of detached dwellings and the proposed annex has been sited against the boundary with Hawkstone Drive and away from the boundary with adjoining dwelling at No 7 Glenyon Drive. There are no other neighbouring houses. The proposal is therefore considered to be acceptable in terms of residential amenity and is not considered to result in overlooking, overshadowing or any overbearing impact on any occupiers of neighbouring properties.

### **Highway impact**

The existing house has car parking spaces at the front of the house, and construction of a one bedroom annexe, ancillary to the residential use of the existing house, is not considered likely to result in a significant increase in traffic on this small residential cul de sac and therefore the proposal is not considered to have any adverse impact on highway safety.

### **Wildlife**

Although objectors refer to harmful effects on wildlife, the site is a suburban garden. There are no proposals to demolish any existing structures or trees which might provide habitat, and the proposal is a new construction which is not considered to have any adverse impact on bat roosts or on other local wildlife.

### **Drainage**

The application site is not in an area of known flood risk and the Council's Drainage Officer has raised no specific comments or objections. The property would retain a large and a significant garden. Any dispersed surface water will still drain on site.

### **Trees**

The trees standing in the school grounds beyond the boundary of the property do make a positive contribution to the sense of openness and greenery which characterises this part of the conservation area. Initially there were concerns from consultees about the proximity of the building to the trees and that the overhanging canopies would need pruning to avoid damage before construction began, and that they could become a nuisance to the future occupiers of the annexe.

However, since the submission of the application it would appear that the trees have been pruned back so the branches no longer overhang the applicant's garden.

The amended plan also clarifies that the annexe would be sited further into the site away from the rear boundary and the trees standing on the school field beyond. It would be sited 3.3m from the boundary with the access at the rear at its nearest point, and 5.1 metres at its closest. Furthermore the full width of the lane and public footpath is between the proposal and the trees. In this position, it is not considered that effects on the trees would be significant. The accommodation is designed with no windows facing directly towards the trees and so it is not likely to suffer from significant shading or nuisance effects. Therefore the proposal is not considered to have a significantly adverse impact on trees.

Standard tree protection conditions are suggested to be added to ensure the applicant is aware of their responsibilities in relation to protecting the tree roots during construction and avoids stacking materials or carrying out excavations etc where tree roots may be present.

### **Community Safety Implications:**

There are no community safety implications.

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

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups.



The applicant has not suggested that this annexe is required to accommodate a dependent relative with protected characteristics such as a disability. It is not therefore considered that any issues with regard to the Equalities Act are raised in relation to consideration of this application.

**Reason for Granting Planning Permission:**

The proposed annex is considered to relate satisfactorily to the character of the existing dwelling, adjacent properties and the Devonshire Park Conservation Area. The impact of the proposal upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significantly adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with relevant Policies BH7, UR3 and D1 of the Replacement Unitary Development Plan and with the Householder Supplementary Planning Document.

**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. The development shall not begin, nor shall there be any demolition, site preparation, groundwork, materials or machinery brought on to the site until tree protection fencing has been installed around the trees that are to be retained beyond the boundary of the site. The fencing and other protection measures shall be installed to create construction exclusion zones around the retained trees in accordance with an arboricultural method statement or tree protection plan to the specifications set out in BS5837: 2012.

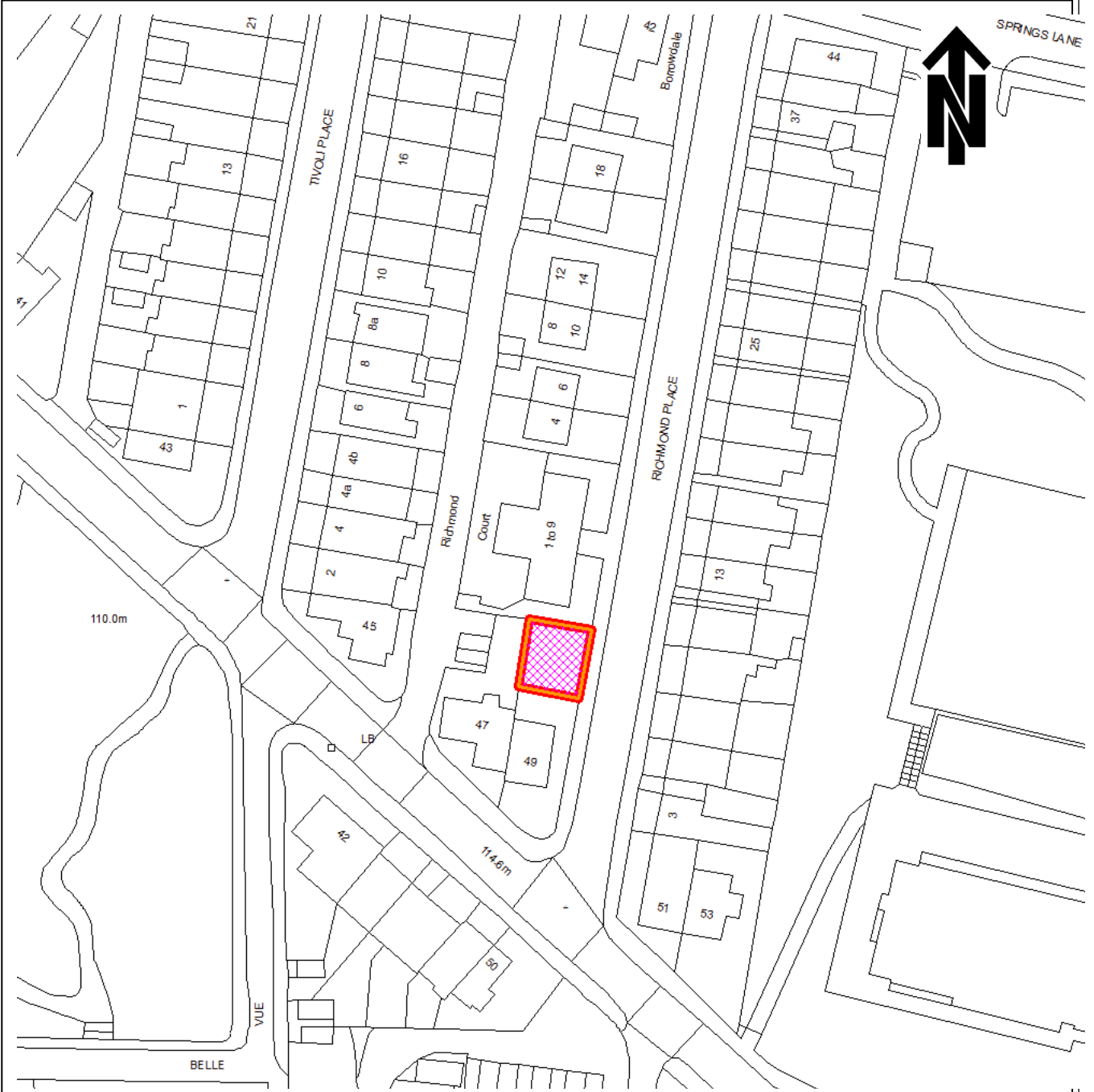
The approved tree protection measures shall remain in place, shall not be moved, removed or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and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

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

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

**16/04159/FUL**

6 September 2016



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<p>ITEM NO. : <b>D</b></p>	<p>LOCATION: <b>Land Adjacent 49 Cowpasture Road Ilkley</b></p>
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**6 September 2016**

**Item Number: D**  
**Ward: ILKLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
16/04159/FUL

**Type of Application/Proposal and Address:**  
Retrospective application for the construction of detached dwelling at Land Adjacent to Cowpasture Road, Ilkley LS29 8SY.

The application seeks approval of variations from plans approved under application 12/04049/FUL.

**Applicant:**  
CSW Developments Ltd

**Agent:**  
SR Design

**Site Description:**  
The application site was once part of the curtilage behind and below the level of a stone built Victorian semi-detached house at 49 Cowpasture Road (Richmond House). The land has a frontage to Richmond Place - an adopted highway which runs between Cowpasture Road and Springs Lane. The site was a small gap in the frontage on the west side of the street. The site is in Ilkley conservation area, close to the town centre. Richmond Place is lined by a mixture of C19th and 20th century residential properties. Although the opposite (east) side of the street is lined by traditional Victorian stone terraced houses, there is a 1960's brick faced block of 9 flats (Richmond Court) on the west side - located immediately next to and below the level of the application site. To the west is an untidy garage court served by an unmade rear access. This site has planning permission for a garage and annexe.

The application site has planning permission for a house and the property is nearing completion on the site.

**Relevant Site History:**  
12/04049/FUL - Construction of detached house – Granted 19.12. 2012.

**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.

Ilkley Conservation Area.

***Proposals and Policies***

D1 General Design Considerations

UR3 The Local Impact of Development

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

BH7 New Development in Conservation Areas

**Parish Council:**

Ilkley Parish Council recommends refusal of this application. The building appears to be closer to the road and not within the building line suggested on the plans. There is little or no parking space adding to an already congested area. Neighbour objections have been taken into consideration when making this recommendation.

**Publicity and Number of Representations:**

Publicised by neighbour notification letters, site notice and in the local press. Overall expiry date for comments was 14.07.2016.

Letters/emails of comment have been received from eight separate addresses with six objecting to the proposal and two in support.

**Summary of Representations Received:**

**Objections:**

- The proposal would be out of proportion with surrounding property and forward of the building line and positioned too close to the road.
- When construction was begun it became apparent that the structure was much larger and disproportionate to the land. We believe that Planning Enforcement were involved and notified the developer that a new planning application needed to be submitted and that to continue construction would be at their own risk. Despite this warning the developer hastily continued with construction and now has completed the stone work, put a roof on.
- The building itself is massively oversized for the land it sits on and detracts both light and views from the residents of Richmond Court.
- The materials are inappropriate with poor quality stone

- The driveway is too narrow to accommodate a car and is unsafe to use.
- The front boundary wall is too low and presents safety concerns
- Dimensions on the submitted plans do not reflect what has been built, the driveway is not as wide as shown on plan
- There is a land ownership dispute over the red line boundary.

**Support comment:**

- The building adds character to the street and is appropriate in terms of its positioning, size and appearance. The front of the constructed building is further back from the road than the front of Richmond House (No 49).
- The constructed building provides no more imposition on residents than is typical in a street of this type. The constructed building provides a bridge between Richmond House (49 Cowpasture Road) and Richmond Court and we are pleased that the building generally complements Richmond House.

**Consultations:**

**Drainage** – No objection raised. Development to be drained via a separate system within the site boundary.

**Highways Development Control** – No objections, the development appears to be similar to approval (12/04049/FUL) which has lapsed and have no objections to raise in highway terms.

**Design and Conservation Officer** – On balance if the chimneystack can be made more substantial and proportionate to the scale of the roof and the fenestration and doors are replaced with a more appropriate detail which is set well back into the reveals, then the proposal will preserve the character and appearance of the conservation area and on this basis would satisfy saved RUDP Policies BH7 and BH10 of the RUDP.

**Summary of Main Issues:**

Impact of the changes from the approved scheme.

Impact on the conservation area.

Implications for amenity of occupiers of adjoining properties.

Parking and road safety issues.

**Appraisal:**

**Background to the application**

Planning permission was granted for a dwelling on this small infill plot at the end of 2012 under 12/04049/FUL and work was begun following agreement of the building materials.

Complaints were received during the construction about the size and siting of the building because it was reported that the house being built came closer to the street and was forward of the adjacent block of flats. The planning enforcement team investigated and invited a retrospective application to reconsider the building as built.

The applicants suggest that the issue seems to have been caused by an inaccurate plotting of the position of the adjacent block of flats when the plans were submitted in 2012. The 2012 plan indicates that the flats are set 3.1 metres back from the street whereas the new agent has surveyed the set back of the flats as being 4.3 metres.

It is understood that the plotting of the flats in 2012 was taken from the Ordnance Survey which apparently does not position the building correctly.

The location shown on the current application drawing, by a different agent, shows the correct location of the flats building.

The new house has been built set back from the street frontage by 3.5 metres.

The consequence of this is that while the 2012 plan suggested that the proposed house would be sited slightly behind the front wall of the flats, the reality is that it has been built 0.5 metres forward of them, as demonstrated on the submitted plans under consideration.

The Council's Enforcement Officer's measurements show that, apart from the issue of siting, the dwelling has the exact dimensions as shown on the 2012 approved drawings.

In all other respects the design and appearance is also as was originally approved - with the exception that window and doors have been installed in upvc rather than timber, which was specified on the 2012 drawing. Also the chimney stack has been installed on the northern end of the house rather than the southern.

Impact of the changes from the approved scheme :

**Design and impact on the character and appearance of the conservation area**

This street has a mixed character, having both traditional and modern buildings, and is identified in the Ilkley Conservation Area Appraisal as making a neutral contribution to the character and appearance of the conservation area. Although the terraced houses on the other side of the street have a strong traditional character, this western side of the street has includes modern developments. The site adjoins 1-9 Richmond Court which is a 3 storey 1960s or 1970s flats development built faced with brick and cladding and with concrete tiles on the roof. There are rendered semis further down the street at 4-6 and 8-14 Richmond Place.

Enforcement Officer measurements confirm that the new house is the same size and scale as was shown on the approved plans from 2012. However, the building does appear to have been constructed forward of the adjacent flats by approximately 500mm. This appears to have occurred as a result of the originally approved plans showing the siting of the flats as being closer to the street than they really are.

The originally approved plans show the flats at around 3.1 metres from the pavement whereas the plans accompanying this application has measured them further back into the site by 4.3 metres.

However, the impact of the building seeming to project further forward of the adjacent flats and 49 Cowpasture Road is not considered harmful by the Councils Conservation Officer. As mentioned, this side of the street has a variety of building types and there is no strong or continuous "building line".

Although the quality of the materials have been questioned in the objections, the house has been built in new coursed stone and slate roof as specified. The depth of coursing to the stone reflects the stone used in 49 Cowpasture Road. The Conservation Officer does not raise any objections to the walling or roofing materials which were approved by officers in accordance with the standard condition imposed on the original permission.

Other changes to the building include the chimney stack being sited on the northern gable rather than southern gable. The Conservation Officer has suggested that a more substantial chimney would have been more appropriate, but it is similar to how the chimney was portrayed on the approved drawing and it is not considered that there would be justification for requiring the chimney to be rebuilt.

Some concern has been raised by objectors regarding the Juliette balconies on the front wall. However, there are no changes with regard to the balconies shown on the originally approved scheme.

The final change is that windows have been installed with upvc frames rather than timber as was shown by a note on the originally approved drawing. However, no conditions were imposed on the 2012 permission requiring adherence to use of timber frames. Given the amount of upvc used in other dwellings on this street, insistence on reversion to timber would seem unreasonable.

Although the house appears to be closer to the street than may have been inferred from the original plans, given the character of this particular street, it is not considered that the siting, design or materials used in the building cause any harm to the character or appearance of this particular part of the conservation area. The changes are minimal and their impact would not justify refusal of planning permission. The scheme is considered to accord with Policies BH7 and D1 of the RUDP.

### **Impact on Residential Amenity**

The dwelling, as built, does not come any further forward of the front wall of No 49 Cowpasture Road, which is set at a higher level than the site, and so the scheme presented has no greater impact upon this property than was previously approved.

The impact of the dwelling on the amenity of occupants of the flats at 1-9 Richmond Court has been very carefully assessed. There remains a separation of 6 metres between the new building and the side wall to the flats. The land between the two buildings provides a parking space for the new dwelling and circulation space and shrub beds for the flats.

There are no side elevation windows in the side wall of the new house facing Richmond Court and, although the flats have some windows in the side wall, the degree of separation between the buildings is such that the new house would not cause any significant dominance or loss of light. Certainly, these windows and the amenity of occupiers of the flats would not be affected any more than might have been expected from the originally approved application.

Concerns have been raised regarding the driveway now laid out to provide parking at the side of the new dwelling. There is concern about how this is raised above the level of the flats at the lower level.

Details of the intended levels of this parking space were not well detailed on the 2012 drawing. A revised drawing has been submitted which shows the relative levels. This difference in levels is not considered to be significant and the porous block paved area adjoins a shrub bed along the boundary. The structural integrity of the small retaining structure for the block paved drive has been questioned by an objector, but if there is a subsequent impact on the adjoining land, this would raise issues of private property law, and is a detailed matter not within the province of planning control. The difference in levels is relatively modest and such that it would not raise issues regarding public safety or, for example, the stability of a public highway.

### **Highway safety and parking**

Objection comments say that the driveway constructed is too narrow to use. The 2012 plans showed a 3 metre wide drive and the new drawings also show a 3 metre gap between the house and the boundary with Richmond Court. However, the actual width of the block paved area that has now been laid out measures 2.4 metres – this allows for meter boxes on the side wall of the house and a drainage channel at the side of the paving between the paving and the new boundary wall.

The objectors say this drive is too narrow to be safely used. It is agreed that the normal requirement for private drives on residential plots would be to provide a 3 metre wide parking space. The parking space created would therefore be awkward, though not impossible, to use. However, even if the parking space is not used, the street outside the property would provide car parking to serve the new house. Indeed, if the parking space at the side was used it would require at least one space on the street to be lost to leave room for access. Given the scale and location of the development close to the town centre and the reliance of most other houses along this street for parking on street, the Council's Highway Officer has not objected to the application on grounds that the parking provision is inadequate.

### **Other issues**

The future stability of the small retaining wall between the new block paved parking space and Richmond Court is an issue between the developer and the adjoining landowner. The land ownership dispute and alleged encroachments by the new boundary wall between the site and Richmond Court is also a private legal matter about which the Council cannot make any judgement.

### **Community Safety Implications:**

None identified.

### **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 impact of the development has been carefully assessed but it is considered that the dwelling, as built, will have no significant adverse effects on local amenity, the character or appearance of the Conservation Area, the amenity of occupiers of neighbouring properties or highway safety. It is considered to comply with relevant saved Policies D1, BH7, UR3, TM2, TM12 and TM19a of the Replacement Unitary Development Plan for the Bradford District and with the National Planning Policy Framework.

If permission is granted, relevant previous conditions such as those removing permitted development rights would need to be carried over.

**Conditions of Approval:**

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

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

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

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

3. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the side (north- and south) facing elevations of the dwelling without prior written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy UR3 and D1 of the Replacement Unitary Development Plan.

4. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access and the parking spaces hereby approved shall be laid out and surfaced in porous materials within the site in accordance with the approved plans and completed to a constructional specification approved in writing by the Local Planning Authority.

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

5. Prior to the first occupation of the dwelling hereby approved the proposed boundary walls to Richmond Place and the northern boundary of the site shall be constructed in accordance with the details show on the approved plans.

Reason: In the interest of visual amenity and to preserve the character and appearance of the Conservation Area in accordance with Policies BH7 and D1 of the Replacement Unitary Development Plan.

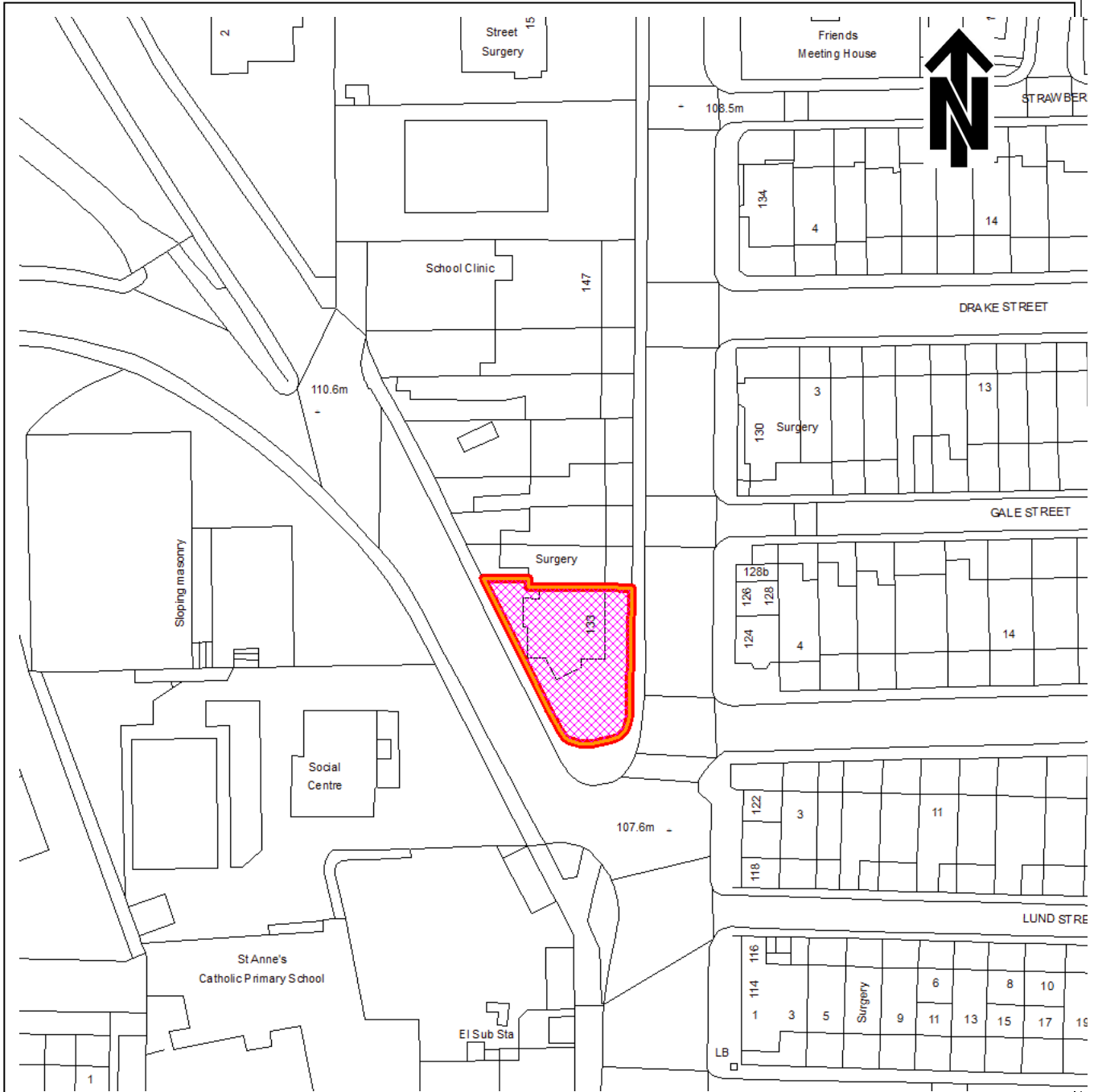
6. The development shall be drained using separate foul sewer and surface drainage systems.

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

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

**16/04767/FUL**

6 September 2016



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ITEM NO. : <b>E</b>	LOCATION: <b>133 North Street Keighley</b>
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**6 September 2016**

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

**Application Number:**  
16/04767/FUL

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

Change of use from office building to nursery/after school activity and construction of single storey rear extension at 133 North Street, Keighley, BD21 3BG.

**Applicant:**

Mr M Ali.

**Agent:**

AA Planning Services.

**Site Description:**

For many years this property was occupied by Keybury Alarms - a business supplying security and fire alarms. It is now vacant. The property is a Victorian era, end of terrace, 2 storey building faced in ashlar stone with a hipped slate roof. It is on the edge of Keighley town centre in a prominent location on a corner site facing the junction of Spring Gardens Lane and Skipton Road. This is a busy junction. Skipton Road is the A629 – the principal approach to Keighley town centre from the north and has heavy traffic flow at most times of day. Spring Gardens Lane leads to Cliffe Castle and residential areas to the north west side of the town and is also well used.

There are 'No waiting at any time' restrictions and school markings in place on Spring Gardens Lane and 'No waiting or loading and any time' restrictions in place on A629 Skipton Road. There is much on street car parking elsewhere in the vicinity of the site.

The property is within the Cliffe Castle/Devonshire Park Conservation Area.

**Relevant Site History:**

89/00787/FUL Installation of an external stairway to give separate access to first floor suite.

**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 Conservation Area  
Transport Corridors  
On Local and National Cycle Network

***Proposals and Policies***

D1 – General design considerations  
BH7 – New Development in Conservation Areas  
UR3 – The local impact of development  
TM11 – car parking standards (non residential)  
TM19A – Traffic management and road safety  
D10 – Transport Corridors

**Parish Council:**

Keighley Town Council – No response received to date.

**Publicity and Number of Representations:**

Publicised with neighbour letters and a site and press notice with expiry date of 28.7.16.

One letter of support has been received, plus one email of support from a Ward Councillor which seeks referral to panel unless officers are minded to approve the application.

**Summary of Representations Received:**

**Support comments:**

1. The proposal will give a better choice of childcare facilities in the area.
2. The highway safety concerns have been addressed. Other (nursery) facilities have very little parking.
3. Ward Councillor is led to believe that the Highway Officers raised some concerns about this proposed change of use. However, amended proposals have been submitted addressing the concerns. I believe this application meets all the requirements now including the concerns raised by the Highway Officer.

**Consultations:**

**Highways Development Control** – The proposal will result in conditions prejudicial to highway safety due to insufficient parking and turning for the use which will lead to manoeuvres and additional parking affecting surrounding highways.

**Drainage** – No comments to make.

**Conservation Team** – The new use will not harm the conservation area but any new signage must be controlled and existing clutter removed, conditions to control the detailing of the extension are recommended.

**Summary of Main Issues:**

Visual Impact and Conservation Area Character.

Residential Amenity.

Highway Safety.

**Appraisal:**

**The proposal and site**

The property is an end of terrace, 2-storey building in a prominent location between Spring Gardens Lane and Skipton Road on the edge of Keighley town centre. It was last in use as business offices and it is proposed to convert it to a children's nursery and after school facility. A modest single storey rear extension is also proposed.

The planning application form suggests hours of operation would be between 7.30am to 10.00 pm and that there would be 5 employees.

There is a small parking area to the rear and the plans have been amended to show that this will remain as existing, with 7 car parking spaces and turning facility shown. Initially the plans showed this as a children's outdoor play space.

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

The property has been occupied for commercial purposes for some years and it adjoins various other commercial uses. The change to a children's nursery use would not have any great effects on local character.

The proposed single storey extension would be on the rear elevation towards Spring Gardens Lane. The plans show it is a modest and proportionate addition with sympathetic roofing and walling materials intended. An amended plan has been received showing a mullion between the door and the windows as suggested by the Council's Conservation Officer.

Subject to agreement of a sample panel of the roof materials and the stonework for the extension and the boundary wall, the extension and the other minor alterations shown are acceptable. The proposal would not detract from the appearance of the building or the character of the conservation area.

**Residential Amenity**

Although children's nurseries can cause noise and disturbance, in this case the use would be in a mostly commercial part of the town located near a school and between two well used main roads. The nursery use would not raise any conflicts with adjoining uses and no disturbance or significant effect on residential amenity is envisaged.

### **Highway Safety**

Use of the premises as a Nursery and after school facility is considered likely to generate significantly increased traffic movements and demand for parking compared with the previous business use. Although some children would live locally, inevitably, most children's nurseries draw customers from a wider area and this will involve parents dropping off and collecting children by car. Nurseries usually depend on easy and safe facilities for dropping off and collecting children and those would be difficult to provide at this site.

There is no information with the application to indicate how many children might be cared for at the site, but the size of the building suggests the number would be significant. It is stated that 5 employees would be engaged at the premises.

Although the applicant has highlighted that the property is within walking distance of the town centre and surrounding residential areas, nursery uses do tend to attract clients from a wide area, not just the immediate neighbourhood, and many customers will arrive and depart from the site by car.

The property is located at the particularly well-used junction of Spring Gardens Lane and the A629. It is located outside the town centre and is not immediately near the public car parks, and it is not in a location where on street parking could be easily absorbed without detriment to the flow of traffic and pedestrian movements around and across the junction.

Significantly, there is a school to the south, opposite the site. School 'keep clear' restriction markings have been placed on the highway to safeguard the safety of pedestrians, including children walking to that school. Due to the presence of the school and various other commercial uses, the demand for on street parking at this location is already particularly high. Furthermore, Spring Gardens Lane and the surrounding streets already cater for overspill car parking from the town centre area with motorists using the streets to park to avoid car parking charges.

The access to the small yard behind the premises is to remain as existing, close to the busy junction of Spring Gardens Lane with Skipton Road.

The Council's Highway Officer objected to the originally submitted proposal as a reduction in parking and turning was proposed in order to facilitate the creation of an outdoor play area for the nursery in the yard. Amended plans have been submitted, which omit the play area proposal and retain the remaining yard space for proposed parking. This proposed parking layout suggests that 7 spaces can be accommodated in the external yard next to the building.

However, whilst this would be an increase in the number of off street parking spaces that have previously been available, the highway safety concerns still remain. The parking layout shows seven off street parking spaces within the yard. But it is an optimistic layout. The parking spaces annotated 5, 6 and 7 are poorly arranged, being would be cramped and impractical to use for short stay users who only want to drop off or collect children. For example, space 5 would block in the car that would be parked in space 4, and it is not clear how a driver would manoeuvre into space 6.

It is likely that several of the spaces would be utilised by the site manager and nursery staff.

The Highway Officer considers that these restricted off street spaces would be unlikely to be used for short stay drop offs or to pick up children from the facility because they are so difficult to manoeuvre into and out of. The layout of parking spaces would require vehicles having to perform potentially dangerous reversing manoeuvres onto Spring Gardens Lane, across the footway, and into the flow of traffic coming into Spring Gardens Lane from Skipton Road.

Consequently, in the opinion of the Council's Highway Officer the parking is insufficient for the likely needs of the nursery use and the parking layout shown is likely to result in conflicts and safety problems, and is unacceptable.

The proposed nursery use is provided with insufficient parking facilities, and inadequate turning and drop off areas. It would be likely to lead to an increased demand for on street parking, and indiscriminate parking on this busy junction. It is likely to result in waiting restrictions being ignored and vehicles reversing onto the highway, close to a busy junction. The proposed use is likely to hamper the flow of traffic and lead to conditions prejudicial to safety of road users - including pedestrians.

### **Representations**

Whether some other nursery premises also have little parking would not justify the causing of road safety problems at this site. The circumstances of the other uses alluded to are unknown and other sites may not be located in such close proximity to such a busy road junction. Other nursery uses should not set a precedent for new inappropriate and unsafe developments. Each case needs to be considered on its own merits.

The comments from the public regarding an increased choice of childcare provision are noted. It is appreciated that nurseries and after school facilities are valuable assets for the community. However, in this instance, this is not considered to be sufficient justification to permit a development that the Highway Officer advises is unsafe. Whilst supporters consider that the highway safety concerns have been overcome by the submission of an amended plan, this view is not shared by officers.

There are no demonstrable public benefits to outweigh the highway safety implications of this development. Therefore refusal is recommended.

### **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:**

The proposed development provides insufficient parking, turning and drop off areas within the site and would be likely to lead to an increased demand for on street parking, indiscriminate parking on waiting restrictions and vehicles reversing on to the highway, close to a busy junction, likely to obstruct the flow of traffic and lead to conditions prejudicial to highway safety. The proposal is therefore contrary to policy TM19A of the Replacement Unitary Development Plan.

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**Report of the Strategic Director, Regeneration to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 06 September 2016**

**H**

**Summary Statement - Part Two**

**Miscellaneous Items**

	<u>No. of Items</u>
(a) Requests for Enforcement/Prosecution Action	(1)
(b) Decision made by the Secretary of State - Allowed	(1)
(c) & (d) Decisions made by the Secretary of State - Dismissed	(2)

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

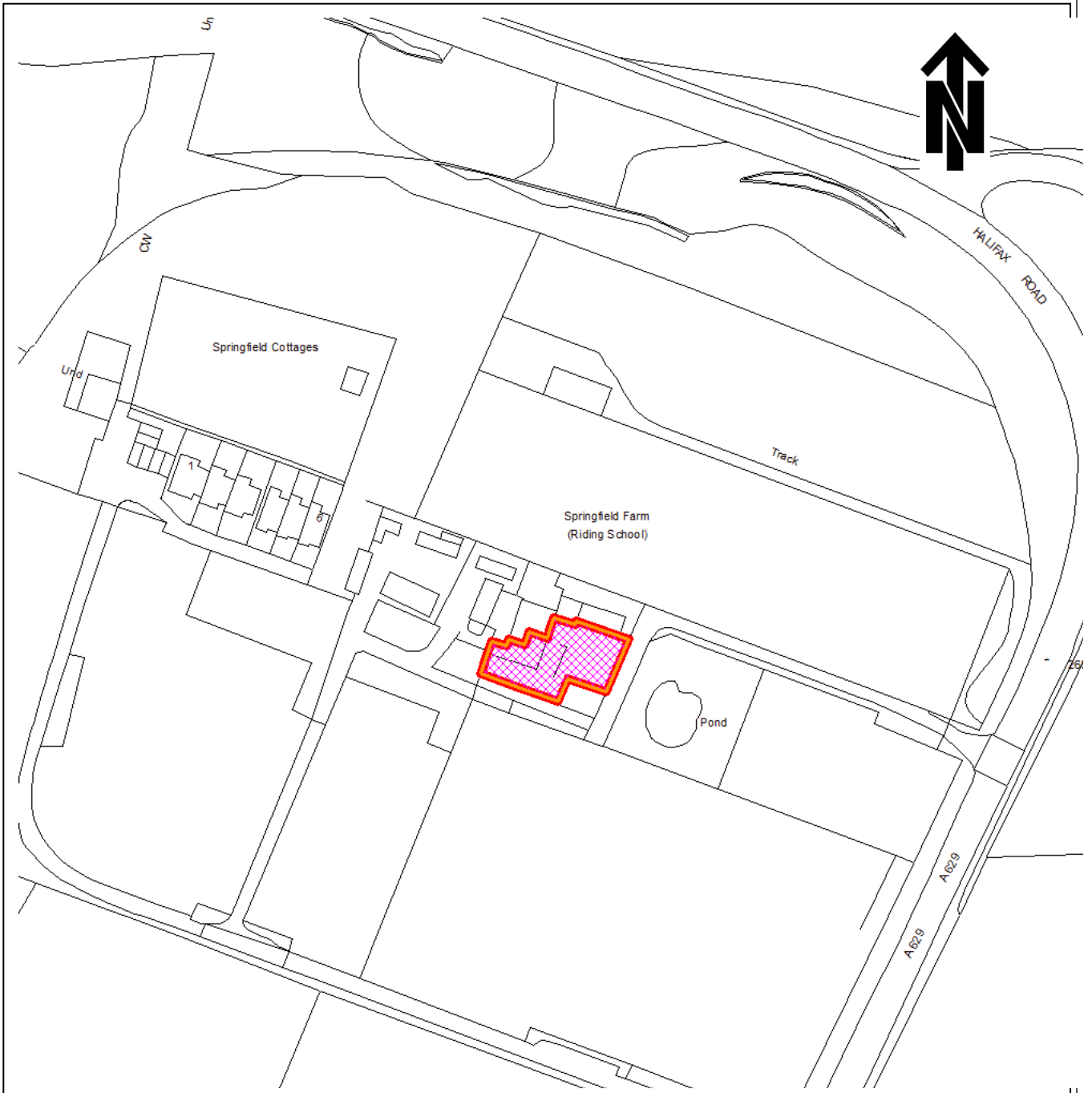
**Overview & Scrutiny Committee Area:**  
Regeneration and Economy



Area Planning Panel (Keighley/Shipley)

14/00570/ENFCOU

6 September 2016



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ITEM NO. : <b>A</b>	LOCATION: <b>Springfield Farm Flappit Springs Halifax Road Bingley</b>
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**6 September 2016**

**Item Number: A**  
**Ward: BINGLEY RURAL**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
14/00570/ENFCOU

**Site Location:**  
Land to the North of Springfield Farm, Halifax Road, Cullingworth.

**Breach of Planning Control:**  
Contractors yard and disposal of waste.

**Circumstances:**  
The enforcement case relates to a building and yard area within a field located on the plateau of high land, situated above the tree contractors yard at Sugden End. The site is close to residential property at Springfield Farm and is accessed from Halifax Road opposite the lay-by. The case relates to the building located in the middle of the field up an access track.

Planning permission 07/05142/FUL, condition number 4, restricts the building to an agricultural use. However a mixture of uses is taking place including the operation of a building contractor's yard and for the disposal of waste.

The Planning Manager (Enforcement and Trees) authorised the service of an enforcement notice on the 18th August 2016, requiring the cessation of the unauthorised uses.

## DECISIONS MADE BY THE SECRETARY OF STATE

### Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
B	Ilkley (ward 14)	Non Addressable At Grid Ref 413586 447713 Cheltenham Avenue Ilkley  Demolition of existing garage/workshop and construction of 2 bedroom house - Case No: 15/07559/FUL  Appeal Ref: 16/00066/APPFL2

### Appeal Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
C	Bingley (ward 02)	2 Stonegate Bingley BD16 4SA  Construction of garage to front of dwelling - Case No: 16/01900/HOU  Appeal Ref: 16/00080/APPHOU
D	Bingley Rural (ward 03)	Golden Fleece 38 Long Lane Harden Bingley BD16 1HP  Appeal against Enforcement Notice - Case No: 14/00101/ENFUNA  Appeal Ref: 16/00068/APPENF

### 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