

Agenda for a meeting of the Area Planning Panel (Keighley and Shipley) to be held on Wednesday, 23 November 2016 at 10.00 am in the Council Chamber - Keighley Town Hall

Members of the Committee – Councillors

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

Alternates:

CONSERVATIVE	LABOUR	GREEN
Ellis Riaz	Greenwood Lee Shabbir Shaheen	Love

Notes:

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

From:

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

To:



A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

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

2. DISCLOSURES OF INTEREST

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

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

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

Notes:

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

3. MINUTES

Recommended –

That the minutes of the meetings held on 15 June, 13 July and 16 August 2016 be signed as a correct record.

(Claire Tomenson – 01274 432457)



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.

(Claire Tomenson - 01274 432457)

5. PUBLIC QUESTION TIME

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

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

Questions must be received in writing by the City Solicitor in Room 112, City Hall, Bradford, by mid-day on Monday 21 November 2016.

(Claire Tomenson - 01274 432457)

B. BUSINESS ITEMS

6. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL 1 - 46

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

The sites concerned are:

- (a) 188 Bradford Road, Riddlesden, Keighley (Approve) **Keighley East**
- (b) Land adjacent to 3 Woodlands Court, Bingley (Approve) **Bingley**
- (c) Land back of Baildon Lane, off Sandals Road, Baildon **Baildon**
(Approve)



- (d) Marsh Farm, Banks Lane, Riddlesden, Keighley **Keighley East**
(Refuse)
(e) The Croft, Keighley (Refuse) **Keighley East**

(Mohammed Yousuf – 01274 434605)

7. MISCELLANEOUS ITEMS

47 - 54

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

- (a) –(b) Requests for Enforcement/Prosecution Action
(c) – (e) Decisions made by the Secretary of State – Allowed
(f) – (g) 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 23 November 2016

K

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.	188 Bradford Road Riddlesden Keighley BD20 5JL - 16/07306/HOU [Approve]	Keighley East
B.	Land Adjacent To 3 Woodlands Court Bingley BD16 2SW - 16/02521/FUL [Approve]	Bingley
C.	Land Back Of Baildon Lane Off Sandals Road Baildon - 16/06912/FUL [Approve]	Baildon
D.	Marsh Farm Banks Lane Riddlesden Keighley BD20 5QX - 16/08142/FUL [Refuse]	Keighley East
E.	The Croft Keighley BD21 4ND - 16/06629/FUL [Refuse]	Keighley East

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

Report Contact: Mohammed Yousuf
Phone: 01274 434605

Email: mohammed.yousuf@bradford.gov.uk

Portfolio:
Regeneration, Planning and Transport

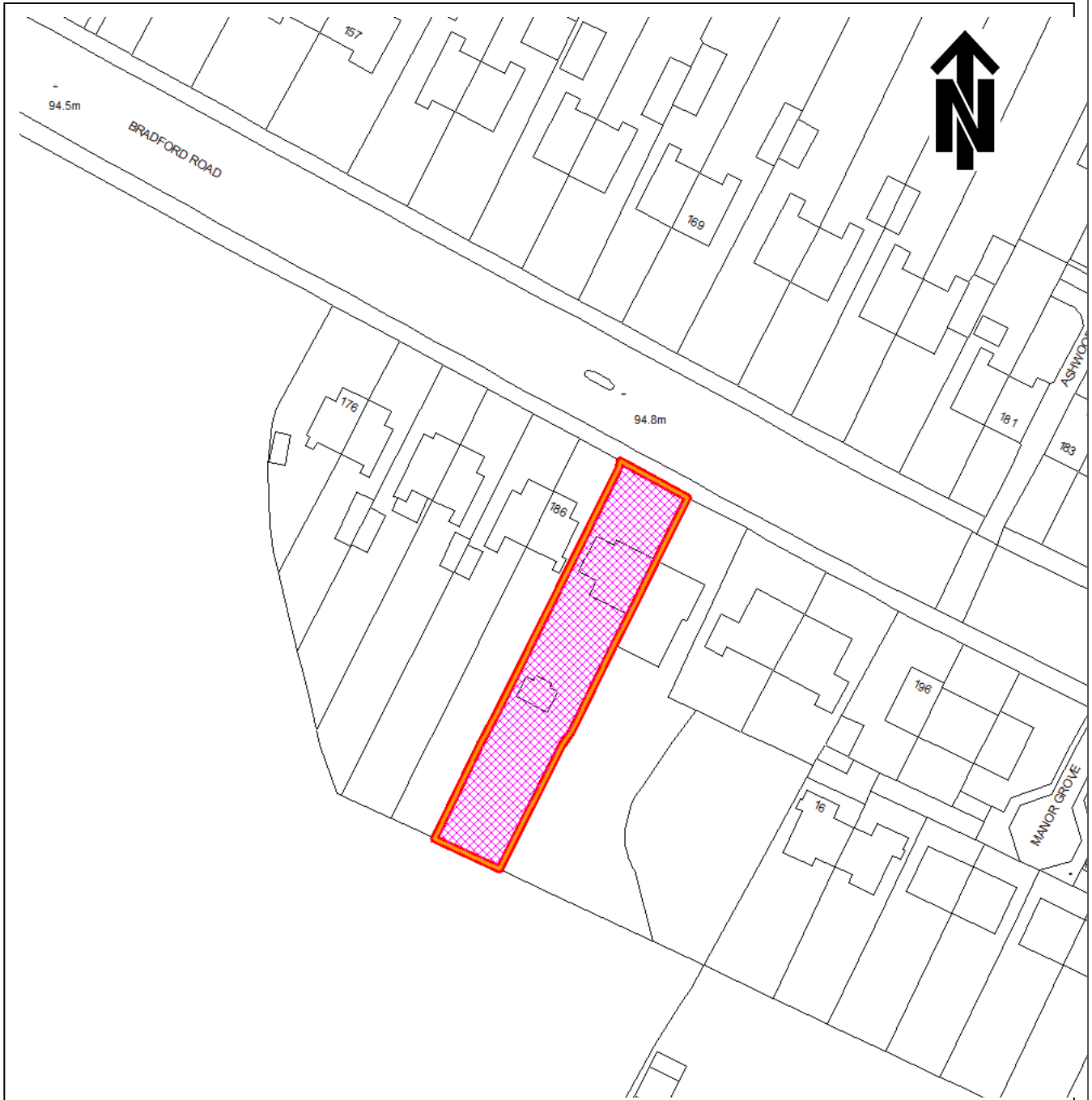
Overview & Scrutiny Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley/Shipley)

16/07306/HOU

23 November 2016



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ITEM NO. : **A**

LOCATION:

**188 Bradford Road
Riddlesden Keighley BD20 5JL**

23 November 2016

Item: A
Ward: KEIGHLEY EAST
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
16/07306/HOU

Type of Application/Proposal and Address:
Householder application.

Construction of hip to gable roof enlargement, front and rear dormer windows, single storey extension to the side and part single storey and part two storey extension to the rear.
188 Bradford Road, Riddlesden, Keighley, BD20 5JL.

Applicant:
Mr Y Mehmood

Agent:
AA Planning

Site Description:

The site is a semi-detached dwelling situated in a row of two storey houses and bungalows on the south side of Bradford Road on the outskirts of Keighley. The semi detached pair have hipped roofs but dwellings along the road feature a variety of roof types. The house sits on the southern side of Bradford Road with the land to the rear sloping gently down into the Aire Valley. The rear of the dwelling is south facing and overlooks Airedale Cricket Club.

Relevant Site History:

15/06901/PNH: Construction of single storey extension. Prior Approval Refused.

15/04163/HOU: Two storey side extension, single storey rear extension, change of roof from hip to gable, loft conversion to include front and rear dormer windows. Refused.

15/06903/HOU: Construction of two/single-storey side extension, change of roof from hip to gable, front and rear dormer windows. Refused.

16/06944/CLP: Change of roof from hip to gable and rear dormer. 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.

Proposals and Policies

D1 – General Design Considerations

UR3 – The Local Impact of Development

Householder Supplementary Planning Document

Parish Council:

Keighley Parish Council: No response received.

Publicity and Number of Representations:

Publicised by Neighbour Notification letters.

Summary of Representations Received:

One petition was received in support of the application.

One petition was received objecting to the proposal.

Four letters of objection were received from two addresses.

Grounds for objection are:

1. The effects of the extension on a sun room on the back of the adjoining house. This is a permanent and integral part of this 1930s house and the extension will cause overshadowing and a serious loss of amenity for the neighbours.
2. It would impact on property values and cause loss of view.
3. Two previous applications have been refused on the grounds that the impact on the amenity of adjoining premises. The developer has not submitted further information to show that the depth of the extension now proposed would not result in an unacceptable increase in overshadowing of ground floor habitable rooms in the rear part of the adjoining dwelling, or be certain that it have not an unacceptable overbearing impact on adjoining dwellings.
4. The cumulative effects of the hip to gable alteration of the existing roof, the formation of a front dormer and the hipped roofed two storey side extension would unbalance the existing pair of semi-detached dwellings and lead to a dominant and incongruous mass of building being introduced to the street scene.

5. A high privet hedge would have to be destroyed to make way for these extensions, making the adjacent property vulnerable and loss of privacy.
6. The drawings don't show many dimensions or that extension would be within 1 metre of the neighbour's boundary.
7. Impact on foundations, and concern that the extension will affect an electricity cable.

Consultations:

Drainage Section: Has no comment to make.

Summary of Main Issues:

Impact on the local environment.

Impact on the amenity of neighbouring occupants.

Appraisal:

Previous refusals

As seen in the site history, the applicant has made a number of recent applications and prior notifications seeking to extend this semi-detached dwelling.

Previous applications 15/04163/HOU and 15/06903/HOU included a two storey extension to the side as well as the change of the roof from a hipped roof to gable, plus front and rear dormer windows. Those applications were refused under delegated powers.

The reasons for refusal were concerned with the amount of enlargement being proposed at the site. Officers considered that the cumulative effects of the hip to gable alteration of the existing roof, and the two-storey side extension would cause an imbalance to the existing pair of semi-detached dwellings. The unbalancing impact would have been exacerbated by the two storey extension not being set back by at least 1m as required by the Householder Supplementary Planning Document, thus making the incongruous extension more prominent in the streets scene. In addition, there was concern about the effects on the adjacent property - particularly No 186 Bradford Road.

Although objectors have referred to those previous refusals, this new application is significantly and materially different in that it does not propose a two storey extension to the side. The proposal is now for a single storey extension which occupies the side of the dwelling and wraps around the rear. A single bedroom would be added to the back of the house at 1st floor level. This extension would extend 3.0 metres from the back wall of the original dwelling.

Permitted Development

Also, some aspects of the work could be built as permitted development under rights conveyed by Part 1 Classes A and B to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2105. The property now benefits from a certificate of lawfulness 16/06944/CLP whereby the Council has confirmed that the hip to gable enlargement can be constructed as permitted development - without requiring planning permission.

The hip to gable feature has been incorporated into the current proposal drawing and although comments have been received as regards its visual impact, the Council could not oppose this aspect of the proposed work.

In any case the local area features a variety of roof styles and indeed the adjacent dwelling at 186 Bradford Road features a side facing gable which the proposed enlargement would reflect reasonably well.

Dormers

The front dormer window does require planning permission, but it is 3m wide with sufficient roof space to either side, and is set below the ridge of the original roof. As such the front dormer window complies with the design guidance in the Householder Supplementary Planning Document.

The proposed rear dormer is large and dominates the rear roof plane, but such dormers on rear elevations are Permitted Development and so refusal of this aspect of the scheme would not be justified.

Impact of single storey side extension

The proposed single storey side extension would be a modest enlargement of an existing extension on the side of the house, and the proposed pitched roof would be a visual improvement compared with that existing flat roofed garage structure. The shallow pitch to the roof of the new extension would ensure that any impact on the adjacent property at 186 Bradford Road is not substantial or of concern. A gap of 1 metre is maintained to the side boundary and the proposed side extension is lower and only marginally wider than what could have been constructed under permitted development rights.

Impact of extensions to rear

The remaining aspect of the proposal is the single and two storey extension to the rear of the dwelling. This will not be visible from the street, but all the extensions will be constructed in matching materials and their scale, form and materials all accord with design guidance in the Householder SPD.

The main planning issue is the effects of the rear extensions on the residential amenity of the two adjoining occupiers at 186 and 190 Bradford Road.

The two storey bedroom extension to the rear is shown as a relatively modest feature, positioned away from the boundary with 190 Bradford Road and sufficiently far from the boundary with No 186 so as not to adversely affect the outlook or daylight to those properties. It will be positioned 2 metres from the common boundary with No 190. Applying SPD guidance, the two storey extension is positioned so it will not project beyond a line drawn at 45 degrees from the edge of any ground floor habitable room window in the rear elevation of the adjoining dwellings.

The proposed single storey extension to the rear will be constructed on the boundary. It will project out by 4.8m. This exceeds the amount that might ordinarily be permitted, but in this case, the single storey rear extension would be in line with the existing sun room on the rear of No 190. There is an existing 1.8 metre fence along the boundary at the moment. As such the single storey rear extension is not considered to result in an unacceptable increase in overshadowing or to have any overbearing impact on the occupants of the dwellings to either side.

There are no windows in side walls of the proposed rear extensions which are likely to result in any unacceptable increase in overlooking. This situation could be maintained by the suggested removal of permitted development rights to prevent introduction of such windows in the future.

Therefore, having carefully assessed the impact of this revised proposal, the rear extensions are considered to be acceptable.

Other issues

Whilst concerns about these points are acknowledged, the loss of view and impact on property values are not material planning considerations. Concerns regarding impact on existing foundations or power cables will depend on how the construction of the building is managed and would be a matter for the developer and control under the Building Regulations.

The loss of the privet hedge has been referred to. However, the hedge is not a protected feature.

Community Safety Implications:

There are no community safety implications and the proposal will not have any adverse impact on highway safety.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposal has been amended since previous refusals, in particular, to omit the two storey side extension, and various other aspects of the works have been confirmed to be permitted development. The impact of the single storey side extension, the single storey rear extension and the two storey rear extension has been carefully considered but these proposals will have no significant effects on the character of the area or the living conditions of occupiers of the adjoining properties. The proposals accord with Policies UR3 and D1 of the Replacement Unitary Development Plan and the design principles in 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.

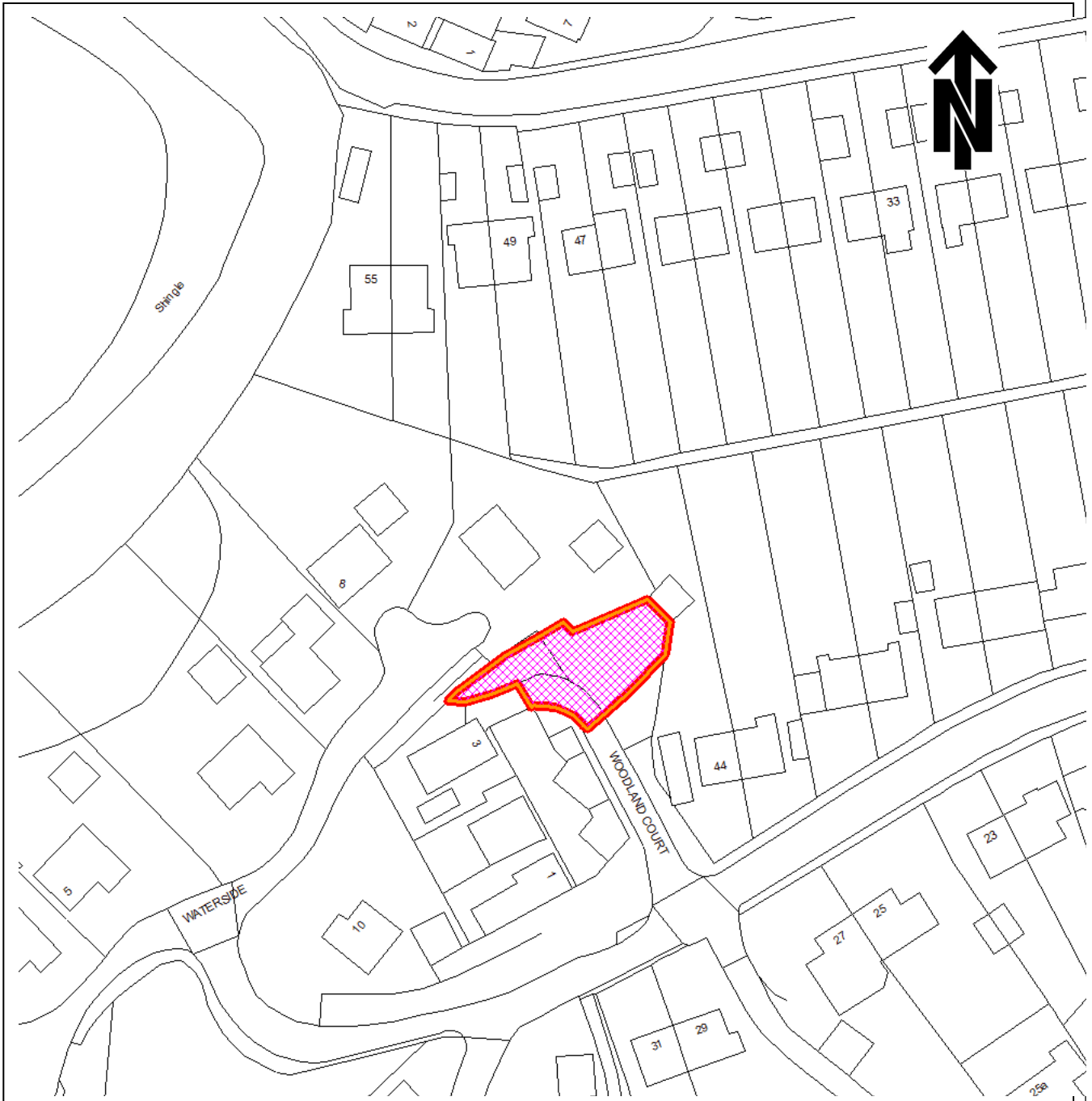
3. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the side elevations of the extensions without prior written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

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

Area Planning Panel (Keighley/Shipley)

16/02521/FUL

23 November 2016



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ITEM NO. : B	LOCATION: Land Adjacent to 3 Woodlands Court Bingley BD16 2SW
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23 November 2016

Item: B
Ward: BINGLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
16/02521/FUL

Type of Application/Proposal and Address:

Full planning application for the demolition of an existing garage and construction of a two bedroom house and associated parking on garden land adjacent to 3 Woodlands Court, Bingley, BD16 2SW.

Applicant:

Mr Shaun Ransome

Agent:

MAS Design Consultants

Site Description:

3 Woodlands Court is a single storey detached dwelling in a residential area of Bingley off Longwood Avenue and close to Crossflatts and Bingley Grammar School. It is one of 3 closely related dwellings set below the level of Longwood Avenue and accessed via a short private drive called Woodlands Court which slopes steeply down to the 3 dwellings. The garden which is the subject of the application is to the east of the dwellings, separated from No 3 by the private drive. It is in an unobtrusive position and is currently occupied by a small detached garage. The rest of the land is overgrown and slopes steeply up towards the east in a series of small terraces. A large oak tree close to the east boundary overhangs the site. On the west side, a line of conifers marks its boundary with a modern residential development around a cul de sac called Waterside which is set at a lower level.

Relevant Site History:

97/00010/FUL : Construction of car port to front of garage. Granted 04.03.1997.

The National Planning Policy Framework (NPPF):

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

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

D1 – General Design Considerations

UR3 – The Local Impact of Development

TM19A – Traffic Management and Road Safety

NE6 - Protection of Trees During Development

NR16 - Surface Water Run Off and Sustainable Drainage

Parish Council:

None - Bingley Town Council was not in existence at the time of submission.

Publicity and Number of Representations:

Advertised with a site notice and neighbour notification letters. Six objections have been received against the proposal.

Summary of Representations Received:

1. Woodlands Court is already highly developed and the garden provides a break between the different developments of Longwood Avenue, Waterside and Woodlands Court.
2. The proposed scale and design do not complement the existing properties, being a plain building, of generic modern design with aluminium roof. It does not fit in with the traditional slate and tile roofs.
3. The effect will be of a very small residence shoehorned into the site with little gap between the wall and the adjacent Waterside development.
4. Traffic /Highway Safety : There is no access to the site from Waterside, meaning that access to the site will be via a shared private drive (Woodlands Court) which is not a public highway.
5. Loss of privacy : First floor windows of the proposed dwelling will overlook front bedrooms and gardens.
6. Impact on trees.
7. Damage to private drive and obstruction during building will be caused. The drive itself narrows considerably and will potentially be problematic for heavy construction traffic, especially as the complex nature of the project is likely to mean an extended period of works.
8. Concerns about drainage and that the scheme appears to require extensive groundworks requiring reinforced retaining walls.

Consultations:

Highways Development Control: Although the site is served by a narrow, unmade private drive, one additional dwelling is unlikely to have any material impact on traffic movements or highway safety. No objections are raised subject to the standard condition to secure provision of the car parking before the dwelling is occupied.

Drainage Section: On the application form, the agents had indicated that foul water was to discharge to sewer and cesspit, with surface water discharging to a sustainable drainage system. However, other parts of the application suggested that both foul and surface water are to discharge to sewer.

The Drainage section would not permit cesspit drainage. The agent has now confirmed this box on the application form was ticked by error and that foul and surface water drainage will be taken to public sewer.

The Drainage Section has no objections to this but request that development should not begin until details of a scheme for foul and surface water drainage, including any balancing and off site works have been submitted to and approved in writing by the Local Planning Authority.

Trees Team: Raise no objection subject to conditions that protective fencing be installed and is retained during construction.

Summary of Main Issues:

- Principle of development
- Impact on local character
- Design and materials
- Impact on residential amenity
- Highway Safety
- Trees
- Biodiversity
- Drainage
- Excavations

Appraisal:

Principle of development

The site is unallocated by the Replacement Unitary Development Plan (RUDP). However, it is in an established residential suburb in the built up area, near to Crossflatts railway station and the frequent bus services that run through Bingley. Gardens are not included in the definition of previously developed land in the National Planning Policy Framework (2012) but residential infill will continue to play a part in meeting the need for housing land across the District, providing such development can be carried out without adversely affecting the character of established residential areas, harming the living conditions of neighbouring occupiers or conflicting with other planning policies. Each case must be considered on its merits. The most relevant policies of the RUDP in this case are D1 which seeks to ensure that development makes a positive contribution to the environment and is well related to the existing character of the locality, and UR3 which seeks to safeguard the surrounding environment.

Impact on local character

In this case, the garden to be developed is at the end of the private drive and separated from the 3 existing properties facing Woodlands Court by the access drive. As the land is set to the side of the steep private drive, it is not prominent from public highways. The oak tree and conifer hedge also provide screening. The existing garden land is not considered to make any significant contribution, as open space, to local character or distinctiveness.

Furthermore, the submission shows a fairly modest two bedroom dwelling storey which would be set within the plot boundaries and built into the slope of the land. Although it would rise above the land levels on Waterside - to the west/north west, some boundary vegetation could be kept as screening and the manner in which the land levels are to be used would mitigate the perceived impact when viewed from the lower level.

A modest dwelling of the relatively low height proposed would not be unduly imposing or dominant. It would maintain a good proportion of the land as garden and so would not appreciably harm the spacious qualities of the area. The scale and levels of the house would be commensurate with the proportions of the plot and it would not appear intrusive or dominant. It would have no appreciable impact on the existing character of the locality.

The existing property would retain amenity space to its sides and rear as well as the existing car parking on its frontage and to the side.

Design and materials

The proposed dwelling is of fairly plain form, having two floors and a conventional pitched roof with the gables facing front and rear. The walls are proposed to be natural stone.

Originally, the roof was proposed as a matt grey coloured standing seam roof, which together with the areas of aluminium framed glazing to the front and rear gables would have given the new dwelling a contemporary appearance.

However, this aspect of the design was criticised by the objectors as being out of keeping with the existing dwellings on Woodlands Court and Waterside. Officers did not have objection to the standing seam roof given that the new house would not be seen close to any of the existing buildings, but the agent has now amended the roof materials to traditional grey slates – producing a more conventional appearance and more closely reflecting the surrounding houses.

The small scale of the dwelling and its setting against the slope of the garden and under the adjoining oak tree would enable it to blend in with the character of the area. The simple dual pitched roof form and use of natural stone will be the strong design features of this proposal. The design, scale and materials are such that the house will have no detrimental impact on the character of the surrounding area and accords with Policy D1 of the RUDP.

Residential Amenity

Although a number of objections are submitted by neighbours concerned about overlooking, the proposal meets adequate separation distances to surrounding properties. Due to the land levels it would be set at a lower level than the adjoining gardens to the east/south east such that windows in this side would face into the rising ground and so not cause overlooking. Principal windows are mainly arranged to face across the access road and towards an outbuilding at the rear of the site. The front elevation windows would be around 19 metres from the existing house at 2 Woodlands Court. The property would stand at a noticeably higher level than the properties on Waterside, the nearest of which (No 9) has a window and a door only at ground floor level and set across a wide drive and at a significant distance from the position of the proposed house. A separation of between 1.5m and 5.75 metres is maintained to the side boundary with the flank wall of No.9 being set well beyond and below the boundary.

It is not felt that the proposal will overshadow or allow any undue overlooking of adjacent properties. The existing vegetation will also provide additional screening.

The dwelling would not adversely affect the privacy or amenity of existing occupiers and would provide adequate standards of outlook privacy and amenity for the future occupiers. It accords with Policies D1 and UR3 of the RUDP.

Highway Safety

The plans demonstrate that adequate level parking and turning can be provided within the site for the proposed dwelling. The existing garage is surplus to requirements for the existing property as alternative parking is available closer to that dwelling.

The private drive (Woodlands Court) has a tarmac surface and currently serves three dwellings. It is acknowledged that it is steep, but the Highway officer considers the drive capable of serving the traffic associated with an additional small single dwelling and does not consider that it raises any undue highway safety implications subject to imposition of standard conditions to ensure provision of the car parking.

The drive itself is narrow and some inconvenience during the construction period may inevitably be experienced by neighbours. However, there is an open forecourt in front of the applicant's existing dwelling where contractor's vehicles and equipment might be stored during construction without impeding access. The development of a single dwelling would not be an especially substantial or problematic project, and refusal on grounds of inconvenience during the building of the house would not be reasonable.

Trees

There are two mature trees (T1 sycamore and T2 oak) standing near the site. In addition there is a group of cypress conifer trees (G1) along the lower (west/north west) boundary. The applicant has commissioned a tree survey which has been examined by the Council's Tree Officer.

Of the trees, T1 is close to the existing property and well clear of any development operations, while the oak (T2) would be close but it is growing on land at a higher level. The existing garage and its forecourt have already been excavated beneath the T2 oak tree in the past, and further excavation to accommodate the proposed house is not envisaged.

The applicant's consultant and the Council's Tree Officer are satisfied that the proposed dwelling would not require the removal of either of the large trees, and can be built without any disruption to their root systems. However, the retaining works are likely to affect parts of the conifer hedge on the lower boundary, although the conifers here are of unremarkable quality.

The two existing trees can be adequately protected throughout the development period, by protective fencing in accordance with the BS5837: 2012 standard. The Council's Tree Officer recommends standard planning conditions requiring that trees be protected during the construction period. Retaining the trees and some of the conifer hedge alongside the new dwelling, will screen the development and further safeguard the character of the area. It is further proposed that replacement planting along the lower boundary be required by condition to compensate for loss of any screening that may arise during the construction work.

Biodiversity

The site lies within a bat alert zone, and a bat survey has been submitted. This established that the garage building on the site has no potential for bats. However, there was no assessment of whether bats use the surrounding trees and the oak tree T2, in particular. A further survey was therefore submitted including an assessment of the oak tree and the Council's Biodiversity officer is satisfied with the findings. However, the oak tree will not be affected by the scheme and so would continue to provide habitat. The site can be developed with no evident harm to protected species.

Drainage

Although close to the river Aire, the site is elevated and a Flood Risk Assessment submitted with the application has established that the site is actually situated within Flood Zone 1. The lowest site level is elevated approximately 3.8m above the estimated 1 in 1000-year flood level within the River Aire. It therefore has a low risk of flooding from fluvial (river) sources and development located within Flood Zone 1 is exempt from the Sequential Test.

The applicant has confirmed that the house was never intended to drain to cesspit. This box on the application form was ticked in error. The site will be drained to public sewers. Therefore the Drainage Officer advises that drainage details must be submitted and approved prior to development commencing, but no insurmountable difficulties or constraints have been identified in the consultation advice.

Excavations

Objections have been received with regard to fears about the effects of works on the stability of the ground and feared damage to adjoining property. The plans show an intention to set the house into the existing slope with localised excavation. The house itself and new terraces would subsequently provide the retaining structure to the land between the development and the site boundaries to the west. The construction would be set between 1.5 and 5.75metres off the lower boundary and the nearest houses to either side are some distance away. It is recommended that a condition be imposed to require replacement landscaping to the lower boundary of the site to replace any parts of the existing screening that may be lost during building.

The safety and stability of the build will be a detailed matter covered by Building Regulations and any damage caused to adjacent properties is a private matter. However, the slope of the land and the general extent of excavation or retaining work required does not suggest that there will be any obvious problems with the construction shown on the submitted plans.

Community Safety Implications:

None raised.

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 plot is within the built up area and the modest dwelling shown would not be unduly imposing or dominant. It would maintain a good proportion of the land as garden and so would not appreciably harm the spacious qualities and character of the area. The scale and levels of the house are such that it would not appear unduly intrusive and the separation and orientation are such that it would have no appreciable impact on the privacy or general amenity of occupiers of adjoining land. Important trees are not affected and there are no objections on highway grounds. The proposal accords with policies D1, UR3, TM12, TM19A, NE6, and NE11 of the RUDP and is sustainable development which delivers additional housing and accords with the National Planning Policy Framework.

Conditions of Approval:

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

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

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

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

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

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

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

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

5. 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.

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

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

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

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

8. In the first planting season following the completion of the dwelling, a replacement planting scheme shall be carried out along the western (lower) boundary of the site. This shall comprise of native deciduous hedge and tree species, details of which shall first be submitted to and agreed in writing by the Local Planning Authority.

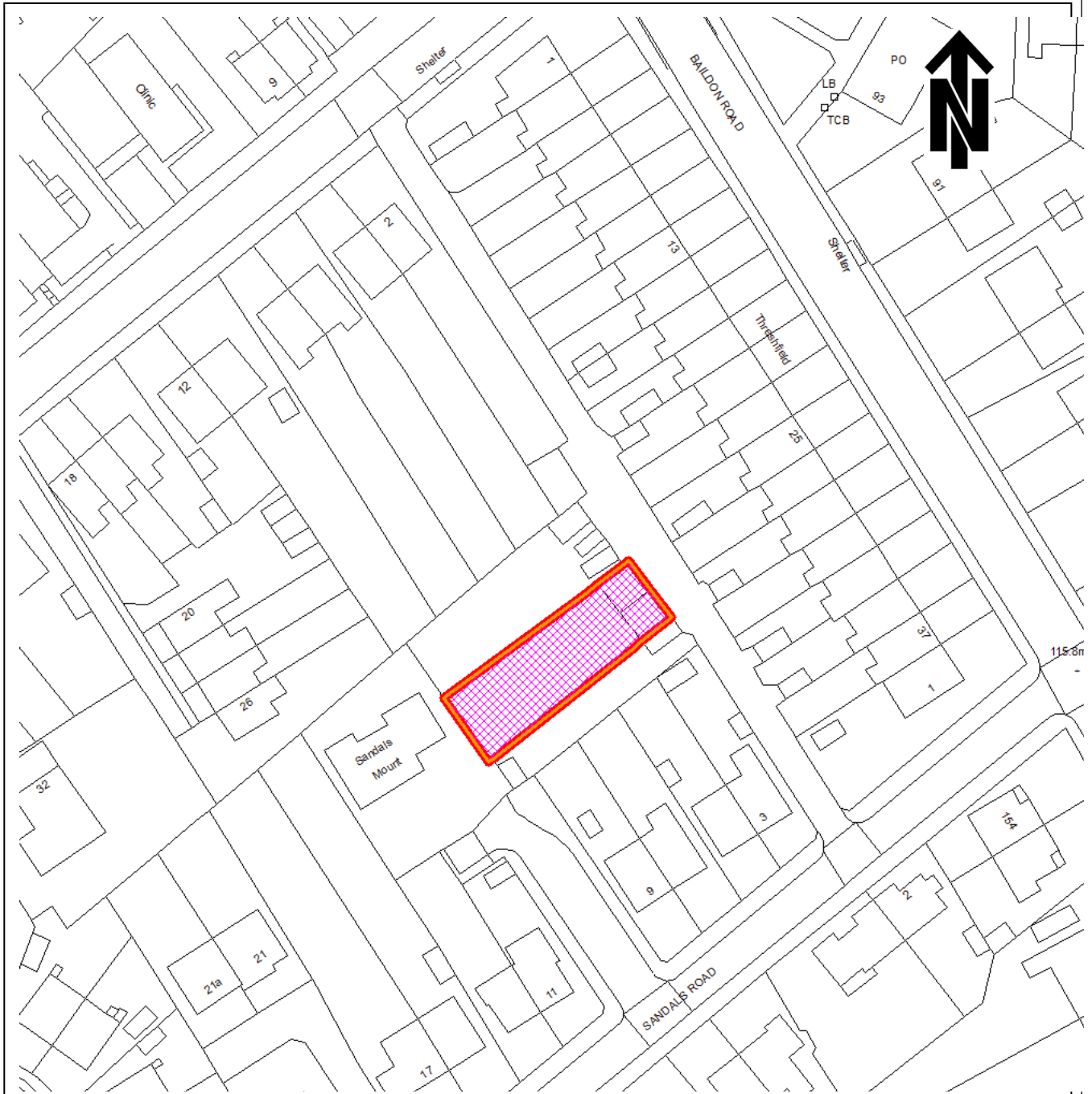
Any trees or plants comprising this scheme that become diseased or which die or are removed or damaged within the first 5 years after the completion of the planting shall be removed and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death/removal of the original planting.

Reason: To mitigate the impact of the building in the interests of visual and residential amenity and to accord Policies UR3 and D5 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

16/06912/FUL

23 November 2016



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<p>ITEM NO. : C</p>	<p>LOCATION: Land Back of Baldon Lane Off Sandals Road Baildon</p>
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23 November 2016

Item: C
Ward: BAILDON
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
16/06912/FUL

Type of Application/Proposal and Address:
Full application for the construction of a detached dwelling on land at Back Baildon Road, off Sandals Road, Baildon.

Applicant:
Mr Andrew Kernahan

Agent:
Jonathan Holmes - Forward Planning & Design Ltd

Site Description:
The application site is a rectangular plot of land on the south-eastern side of Back Baildon Road. This is a narrow single track road behind a terrace of houses fronting Baildon Road. The access links Sandals Road to the south with Cliffe Avenue to the north and provides vehicular access for the terraced properties on Threshfield, a row of C19 terraced dwellings which front onto Baildon Road. Currently there are also 2 garages occupying the application plot which are in a poor state of repair. The site, in general, is overgrown and neglected in appearance. There are garages on a plot of land towards Sandals Road which do appear to be in use. Immediately to the north of the application site, on a similarly sized plot, is a recently constructed detached dwelling. The surrounding area is generally residential in character.

Relevant Site History:
None but the following applications on the neighbouring plot of land are of interest. The approved house having been built and occupied.

13/03705/FUL Detached dwelling. Granted 13.11.2013.
11/01068/FUL Detached dwelling. Granted 9.5.2011.

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

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

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

Parish Council:

Baildon Parish Council has no objection in principle to the development but raise concerns as to the suitability of the Back Baildon Road to cope with additional traffic.

Publicity and Number of Representations:

Advertised by way of individual NN letter and site notice. Overall expiry date 19 September 2016.

Objections have been received from 5 neighbouring households. A Ward Councillor has also objected to the application and requested that it be considered by Members of the Area Planning Panel if recommended for approval.

Summary of Representations Received:

Neighbours

- The submitted design statement is inaccurate. The dwelling is a three storey property and not a two storey dwelling as claimed. Back Baildon Road is incorrectly termed Back Baildon Lane.
- The dwelling would overlook neighbouring properties on Sandals Road and Threshfields resulting in a loss of amenity to existing residents.
- Loss of light to gardens.
- Back Baildon Road is unsuitable in terms of its width and surface condition to support additional traffic.
- Visitor/additional parking along Back Baildon Road is likely to cause disruption.
- Additional traffic along Back Baildon Road could be harmful to road and pedestrian safety.
- The dwelling is not in keeping with the design and appearance of the neighbouring Victorian and Edwardian properties in the locality.

- The dwelling is clearly not aimed at the 'affordable' end of the housing market.
- Loss of wildlife.
- Potential for disruption to drainage and local watercourses.
- Boundary on the location plan is incorrect.

Ward Councillor

Objects as the proposed dwelling seems rather large for the size of the plot. Also the provision of one integral garage is insufficient for a 5 bedroom house.

Back Baildon Road is a very narrow road already used by numerous houses on Threshfield who park their cars at the back of their houses due to the fact there is no vehicular access at the front, as the houses face onto the main Baildon Road.

Consultations:

Highways Development Control: The Highway Officer expressed some concerns in that the proposal will represent a further intensification in use of this back lane ; and previously raised concerns over the development of the adjacent plot. However the recommendation is that the proposal is acceptable subject to conditions being imposed to control the provision of an off street parking facility prior to the dwelling being brought into use.

Drainage Section: Development to be drained via a separate system within the site boundary. The site must be investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development.

Summary of Main Issues:

Principle of Development
Design and Scale
Residential Amenity
Highway Issues
Representations

Appraisal:

The proposal seeks approval for the construction of a 5 bedroomed detached dwelling on this plot. The property is two storey in height with accommodation also provided within the roofspace at second floor level. The dwelling is of conventional appearance, being constructed at the front from natural stone, with a pitched blue slate roof and use of white coloured render to sides and rear.

The dwelling is similar in mass, bulk and appearance to the recently constructed property on the adjacent plot.

An integral garage is shown together with adequate space forward of the property to accommodate 2 No cars parked clear of the highway. The existing garages on the site are to be removed.

Principle of Development

The site is an undeveloped parcel of land within an established residential area and its redevelopment for residential purposes could represent an appropriate alternative use. The Government's National Planning Policy Framework (NPPF) recognises that such sites are often highly sustainable as they are usually located within the limits of the built up settlement with good access to existing local facilities in Baildon. The neighbouring plot has been redeveloped in a similar fashion.

Design and Scale

The dwelling is traditional in style, being typical of many modern houses. Natural stone are proposed as the walling materials to the front. This reflects the character of more traditional houses in the area. The proposed house is of similar scale, height, style and materials to the recently constructed property on the adjoining plot. Adequate space is retained about the dwelling and there is ample provision for amenity space for future residents extending to the rear. The scheme is considered to be of acceptable and sympathetic design and to accord with the Policies UR3 and D1 of the Council's adopted Replacement Unitary Plan.

Residential Amenity

The amenities of adjacent neighbours should not be affected by the development. The dwelling would not overshadow or overlook its immediate neighbour – the new house on Back Baildon Road. This property has no habitable window openings in its side facing elevation. The dwelling is also sited so that it will not adversely affect the privacy or amenity of the houses on Threshfield or at 3-9 Sandals Road. A separation distance of around 25m is achievable between the front of the new house and the rear elevations of the dwellings on Threshfield to the east. No loss of amenity through overlooking is anticipated. Although a habitable window is shown in the side elevation within the attic space, this is a secondary bedroom window and the achievable spacing distances are such that no material loss of amenity is expected.

The proposal is considered to maintain the amenity of existing residential occupiers around the site and to provide satisfactory standards of amenity for future occupiers, in accordance with the objectives of the NPPF and with RUDP Policy UR3.

Highway Issues

The Council's Highway Officers have previously expressed concerns about the intensification of the use of Back Baildon Road having regard to its narrow alignment and surface condition. In mitigation, the applicants have stated that the proposal could represent an overall reduction in the amount of vehicular traffic because the existing garages will be removed. However, it is evident that the garages are in a poor condition and may not be well used. It is likely that the amount of day to day traffic movements associated with a large family dwelling would be greater than the past use.

Nevertheless the Highway Officer is not minded to recommend refusal. On balance, it is not considered that the scheme would present a highway safety issue and a refusal solely on that basis could not be substantiated. The Council's Highway Officers have therefore recommended that a condition should be attached to any approval to ensure that suitable provision for off street parking can be provided within the confines of the site.

Representations

The comments raised by adjacent neighbours, Parish Council and Ward Councillor have been noted.

It is not considered that the scheme would however result in conditions that would be harmful to highway safety or residential amenity and a reason for refusal on these grounds could not be substantiated. It is acknowledged that some details on the design and access statement may not be correct however it is not considered that this would prejudice the ability of the Local Planning Authority in coming to a decision on the acceptability of the proposal.

Community Safety Implications:

None anticipated.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed development is considered to relate satisfactorily to the character and appearance of the neighbouring streetscene without having a detrimental impact on the amenities of neighbouring properties. Whilst the proposal will result in the intensification of the rear access road, it is not considered that this would be so harmful to highway safety to warrant a refusal of this application. As such this proposal is considered to be in accordance with Policies UR3, D1, TM2 and TM19A of the Council's adopted Replacement Unitary Development Plan (2005).

Conditions of Approval:

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

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

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

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

3. Prior to the dwelling being first occupied, the proposed parking spaces shall be laid out within the curtilage of the site in accordance with the approved drawings utilising a porous surface material. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

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

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

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

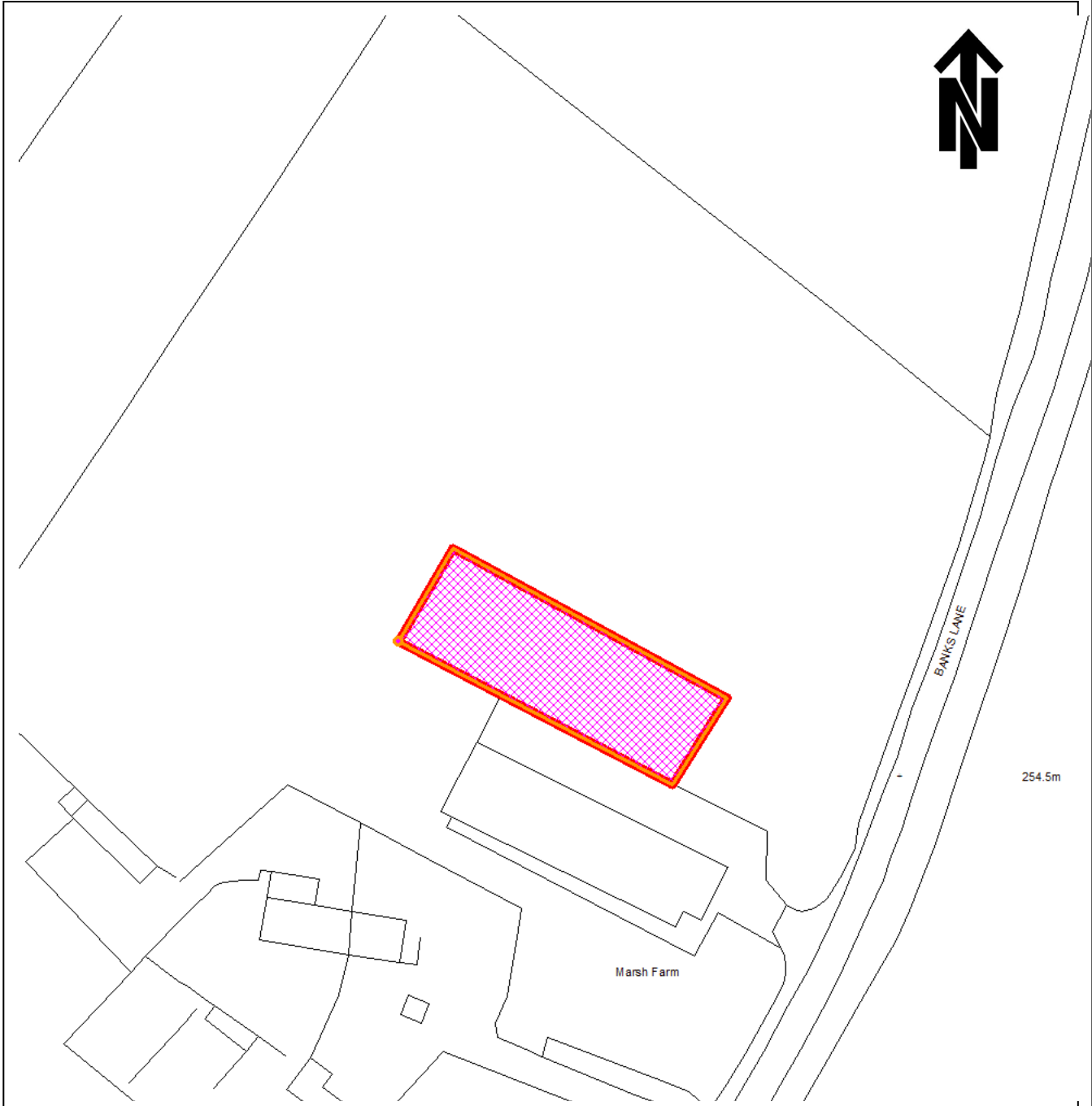
5. The development shall not begin until details of a scheme for separate foul and surface water drainage, including any balancing works or off site works, have been submitted to and approved in writing by, the Local Planning Authority. Surface water must first be investigated for potential disposal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

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

Area Planning Panel (Keighley/Shipley)

16/08142/FUL

23 November 2016



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ITEM NO. : D	LOCATION: Marsh Farm Banks Lane Riddlesden BD20 5QX
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23 November 2016

Item: D
Ward: KEIGHLEY EAST
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
16/08142/FUL

Type of Application/Proposal and Address:

Full planning application for construction of a new boarding kennel for up to 44 Dogs and associated parking facilities at Marsh Farm, Banks Lane, Riddlesden, Keighley, BD20 5QX.

Applicant:

Mr Josh Connolly

Agent:

Mr Michael Ainsworth

Site Description:

This application is in the Green Belt north of Riddlesden. It relates to a field located next to an existing shed that is used as a chicken production unit building.

Relevant Site History:

90/05134/OUT - Free range poultry egg production unit. Granted 30.10.1990.

90/06924/REM - Free range egg production unit. Granted 02.01.1991. Implemented.

16/01869/FUL - Construction of portal frame agricultural building, amended access and associated works to site. Granted 03.05.2016.

The National Planning Policy Framework (NPPF):

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

Replacement Unitary Development Plan (RUDP):

Allocation

Green Belt GB1

Proposals and Policies

NE4 Trees and Woodlands

NE5 Retention of Trees on Development Sites

NE6 Protection of Trees During Development

GB1 New Building in the Green Belt

GB2 Siting of New Building in the Green Belt

NE3 Landscape Character Areas

NE3A Landscape Character Areas

D1 General Design Considerations

D4 Community Safety

D5 Landscaping

UR3 The Local Impact of Development

TM11 Parking Standards for Non-Residential Developments

TM19A Traffic Management and Road Safety

Parish Council:

No response.

Publicity and Number of Representations:

The planning application has been publicised by means of a site notice and individual neighbour notification letters. The overall date publicity expired on 6 November 2016. A total of 13 representations have been received. One representation objects to the proposal and 12 representations support the application.

Summary of Representations Received:

The 12 representations of support are on the following summarised grounds:

1. The kennels will be a great benefit to the community in a nice location with plenty of land to exercise the dogs on.
2. There is a need for dog kennels.
3. The proposal will make the small holding sustainable, protecting the fields and providing a diverse income stream.
4. Minimal disruption to nearby properties.
5. Will bring money into local business and area.
6. The location is quiet and therefore any potential noise level from kennels would not in any way affect local housing.

The representation objecting to the proposal is on the following summarised grounds:

1. Adverse impact on residential amenity due to noise of up to 45 dogs barking.
2. There are 22 dog kennels within a 15 mile radius of Marsh Farm so the area is well serviced in this respect.

Consultations:

Highways Officer: No highway objections to raise. Parking, visibility splay and turning area conditions would apply if Panel were minded to approve.

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

Environmental Health Private Water Supplies: Regarding the private water supply that currently serves Marsh Farm and two further properties, 'Hilltops' and 'Paxton Bungalows', I have concerns that during site works disruption or contamination may occur due to fact that the pipe work supplying Hilltops' and 'Paxton Bungalows' runs close to the proposed kennel foundations. This may affect the residents of these dwellings, and adversely affect the treatment systems installed due to fouling and particles. Consequently microbial contamination may not be destroyed by the ultra violet treatment installed.

Furthermore, I am aware that the spring that constitutes the private water supply emerges on land owned by the applicants. If this land is to be used to exercise dogs, there is a potential risk that dog urine and faeces may contaminate the supply.

Finally, given the dogs' water requirements, the spring may not be capable of supplying sufficient quantity of water to supply the residents of Marsh Farm, the residents of Hilltops' and 'Paxton Bungalows' and an additional forty-five dogs.

I therefore recommend that the following conditions are included on the decision notice to protect the private water supply during practical site work:

1. Any pipe work which is identified, altered or remediated during site works must be recorded on a schematic diagram which must be submitted to the Local Planning Authority on completion(?). All works on the private water supply system must be carried out by a competent person with appropriate WRAS approved materials.
2. If, during the course of development, site works cause a disruption to the private water supply that could potentially be a risk to health then the Department of Public Health (Local Planning Authority?) must be informed immediately (as soon as reasonably practicable on the same day). Residents on the same supply must also be informed prior to any interruptions or disruption to the private water supply.
3. Measures should be taken to protect the spring located on the applicant's land from being contaminated by dogs' urine and/or faeces. A suitable barrier with a radius of no less than 4 metres from the spring should therefore be erected for this purpose.

Environmental Health: Noise: Having read the applicant's supporting acoustic report, dated 9th August 2016, prepared by Druk Limited (ref: DRUK/ACC/RS/MAMFKP/2550 ver 3). The report uses as its criteria BS4142: 2014 'Methods for Rating Commercial Sound' and British Standard 8233: 2014 'Guidance on Sound Insulation and Noise Reduction for Buildings'.

However, Environmental Health does not normally accept BS4142: 2014 as an assessment criterion for noise from barking dogs. Section 1.3 of the guidance document explicitly precludes itself from the assessment of noise from 'domestic animals'. Paragraph 4.0 of the applicant's acoustic report attempts to circumvent this by arguing that the proposed kennels would constitute a noise source of a commercial nature, irrespective of the fact that domestic animals would be creating the actual noise. Environmental Health does not accept this argument, therefore it will not offer comment on the report's BS4142-based noise impact predictions.

It is acknowledged that no specific criterion exists against which to assess the noise impact of commercial dog kennels; however Environmental Health feels that the World Health Organisation's Guidelines for Community Noise 1999' absolute criteria, modified by the addition of a +5 dB penalty to account for the noise's impulsive and intermittent character is the most apposite. Environmental Health is, however, willing to consider the applicant's use of BS 8233: 2014 given its similarity to the WHO's 1999 guidance document.

The applicant's acoustic report makes predictions of the dogs' noise impact upon the nearest occupied dwellings to the proposed development, 'Hilltops' and 'Paxton Bungalows' (cited as being some 106 metres from the kennels). The predictions are based upon internal and external noise measurements taken at the Gate Stoops Farm kennels, and have been derived by applying a number of corrections (for dog numbers, the sound insulation performance of the proposed kennel' facades/barriers and distance attenuation) to the data collected from these reference measurements. The report predicts that, at 'Hilltops' and 'Paxton Bungalows', the 'average' and maximum sound levels caused by the dogs' barking will be 34 dB, LAeq and 49 dB, LAm_{ax} respectively. As such, the report predicts that the daytime and night time sound impact of the development will be below the maximum levels set out in BS 8233: 2014. These values would also satisfy the WHO 1999 criteria.

Environmental Health then lay out a detailed numerical analysis including their own predictive noise values.

It is their opinion that these amended prediction values more accurately reflect the likely noise impact of the proposed development. The amended values indicate that that night time and daytime noise levels would exceed maximum levels recommended by World Health Organisation Guidelines for Community Noise: 1999 by a significant degree. This being the case, Environmental Health would not support the application at this time.

Summary of Main Issues:

Circumstances.

Principle: Green Belt.

Impact on neighbouring occupants.

Water Supply.

Highway safety.

**Appraisal:
Circumstances**

The field is currently used for grazing and planning permission 16/01869/FUL has recently been granted for the construction of another portal framed agricultural building on the land. This would sit on the open field alongside the existing chicken shed built in the 1990s. The proposed agricultural building was to have been used in connection with the existing farm activity on the site. The planning permission has not been implemented.

On a procedural matter, this new application was initially described as the change of use from chicken shed to dog boarding kennel for up to 44 dogs. However, the building in question does not exist. It hasn't been built. Therefore, change of use is an inappropriate description. The proposal has to be regarded as the construction of a new building, 37m x 14m, which is specifically built and designed as a large boarding kennel with internal pods containing sleeping areas and runs for up to 44 dogs. The building would be timber clad.

Green Belt: Principle

The site is part of the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Green Belt serves five purposes:

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

The National Planning Policy Framework (NPPF) says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The building now proposed would be used to establish a commercial dog kennels for up to 44 dogs and would be accompanied by associated works to the existing access and provision of parking and turning facilities for customers and staff.

The NPPF lists a number of exceptions to Green Belt policy. For example buildings for agriculture and forestry. Thus, the functional shed building for chickens approved under application 16/01869/FUL was an agricultural building and so was given permission as it was deemed to be a legitimate exception and was not inappropriate development in the Green Belt.

However, dog kennels are not one of the exceptions to the presumption against inappropriate development in the Green Belt listed in the NPPF. As stated in Paragraph 87 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Impact on Openness and Green Belt purposes

The landscape in this locality is upland pasture that has a strong character and is sensitive to development. The new building would be sited on the north side of the existing chicken shed set around 27 metres from Banks Lane. The countryside to the north is very open so the kennels building would be very visible in views from the north. It would be perceived as an encroachment of development into the countryside and would harm the open character of the land.

The prominent and open position of the building in this area of upland pasture are such that it would have a noticeable and harmful impact on the openness and quality of this landscape. In addition to the new building, the facility would rely on creation of a sizeable area of newly concreted car parking and ancillary development between the site and Banks Lane. These additional facilities, not required for agriculture, would cause further encroachment of development into an area of open countryside.

Proposed tree planting is indicated as part of the proposals but it is not clear what size of tree is proposed or whether an ecologically suitable species mix is intended. It is not considered that this would mitigate harm to openness.

The development as a whole would not preserve the openness of the countryside and would conflict significantly with the purposes of including the land within the green belt. It would be contrary to the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open and assist in safeguarding the countryside from encroachment. Whilst an exception to policy might be justified for buildings necessarily required for agriculture and in support of farm enterprises in the area, the development of a large kennels building would be inappropriate development and is, by definition, harmful to the Green Belt. It should not be approved except in very special circumstances.

Very Special Circumstances

The agent has described how the applicants bought the farm in October 2014 and family circumstances have changed and the applicant would like to earn a livelihood on the site. He has a keen interest in dogs and wishes to establish a dog boarding kennel to provide an income for his family as well as work from home.

Whilst the economic strand of the NPPF encourages the establishment of new business, it also attaches great importance to protecting Green Belts.

There is no information with the application submission as regards the viability of what appears to be a significant scale of boarding kennel. Nor is there any information regarding alternative sites that may provide a suitable location but which are not subject to Green Belt policy. It is not made clear how the kennels might link with other farming activity, including the existing chicken rearing business. It is not clear whether options of change of use of the existing chicken shed have been considered, or whether the chicken shed is currently used. There also appears to be a cattery elsewhere on the farm, though there is no record of planning permission for this business.

The applicant was asked for further information to justify the construction of a new dog kennel building in the Green Belt, but no further information has been received.

The main argument seems to be that the kennels building would be no different to the agricultural building approved under planning permission 16/01869/FUL. However, this can be given little weight. Such an argument could set a precedent allowing developers to obtain approval of similar agricultural buildings but to then argue that they should be allowed to build them for other purposes – often purposes which would otherwise have been deemed contrary to normal policy. If permitted, the potential for misuse of the planning system and the potential threat this would present to robust control of development in the green belt is obvious.

Planning permission 16/01869/FUL allowed the construction of agricultural building and associated works similar in scale, massing and appearance to what is being proposed now. The difference is that the building approved under permission 16/01869/FUL was for agriculture and was supported as it would have aid the continuing economic viability of farming in this location, which in turn supports the on-going custodianship of the rural landscape in its present form. The proposed building is not connected to farming and has not been proven to support the continuing economic viability of farming in this location and therefore the on-going custodianship of the rural landscape in its present form. The proposed building and associated works would therefore form an unwelcome visual intrusion into this open upland pasture landscape in conflict with policies NE3 and NE3A of the RUDP.

‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The applicant has not put forward a robust case to explain why there are very special circumstances that would outweigh the harm in this case.

Impact on occupiers of neighbouring residential properties

The dog kennels would be situated within a rural setting outside the built up area of the District. Assuming the kennelled dogs are contained in pens and kept under control when walked, the use would not impact on the surrounding agricultural uses.

However, in this area, background noise levels are very low – reflecting the tranquil rural setting of the site. There are a number of separately occupied dwellings close to the proposed kennels. These are ‘Hilltops’ and ‘Paxton Bungalows’ (being some 106 metres from the kennels). The occupiers of Paxton Bungalows have raised objections about the feared adverse impact on their home due to noise nuisance. These concerns are supported by the Council’s Environmental Health Officer.

Although the applicant has submitted a professional noise report with the application its findings are questioned by the Council's officers who have put forward a detailed analysis.

The report uses as its criteria BS4142: 2014 'Methods for Rating Commercial Sound' and British Standard 8233: 2014 'Guidance on Sound Insulation and Noise Reduction for Buildings' but the Council's Environmental Health Department does not normally accept BS4142: 2014 as an assessment criterion for noise from barking dogs. Section 1.3 of the guidance document explicitly precludes itself from the assessment of noise from 'domestic animals'. Paragraph 4.0 of the applicant's acoustic report attempts to circumvent this by arguing that the proposed kennels would constitute a noise source of a commercial nature, irrespective of the fact that domestic animals would be creating the actual noise.

The Council's Environmental Health Officer does not accept the arguments of the applicant's consultant as the noise impact predictions are not based on valid standards. The Environmental Health Officer also has extensive experience of investigating complaints about noise from commercial dog boarding kennels across the District, and expresses surprise that sound impact levels are predicted to be so low given the relatively short distance between the proposed kennels and the nearest occupied dwellings. At a distance of only 106 metres, the Environmental Health Officer would expect nuisance. He has conducted a daytime noise assessment at a similar commercial boarding kennel. The assessment was conducted in a manner similar to that described in Paragraph 6.4 of the applicant's acoustic report.

The Environmental Protection Officer considers that the amended noise prediction values that he has applied to the analysis would more accurately reflect the likely noise impact of the proposed kennels development at Marsh Farm. The amended values indicate that that night time and daytime noise levels would exceed maximum levels recommended by World Health Organisation Guidelines for Community Noise: 1999 by a significant degree. This being the case, Environmental Health would not support the application at this time. Based on the opinion of the Council's Environmental Protection Officer, the applicant's submitted noise report is not reliable and the proposed kennels will unacceptably affect the residential amenity of the occupiers of Hilltops and Paxton Bungalows. This would be contrary to policies D1 and UR3 of the RUDP.

Water Supply

In addition, Marsh Farm, Hilltops and Paxton Bungalow are on a private water supply and the assessment of the Council's Environmental Health Service is that the development may:

1. Cause disruption or contamination of that water supply during site works,
2. Cause on going contamination of the private water supply as the spring that constitutes the private water supply emerges on land owned by the applicants and the use of the land round the dog kennels for the exercise the dogs, potentially increases the risk of contamination through dog urine and faeces.
3. Cause problems as the spring may not be capable of supplying sufficient quantity of water to supply the residents of Marsh Farm, the residents of Hilltops' and 'Paxton Bungalows' and an additional forty-four dogs.

It is clear from the comments from Environmental Health that the proposed development has the potential to adversely affect the residential amenities of neighbouring residences both during and following construction of the kennels contrary to policies D1 and UR3 of the RUDP through disruption to and contamination of their water supply. The application does not address how the water supply to Hilltops and Paxton Bungalows will be maintained and protected from contamination both during and following completion of works in connection with the kennels. It is considered that there is insufficient information for the Council to properly determine the impact of the development on the water supply of neighbours and the therefore the application as submitted should be rejected.

It is not considered that the conditions put forward by Environmental Health meet the requirements of the NPPF or will secure the continuation of an unpolluted water supply for neighbours to ensure their residential amenities are not adversely affected by the development.

Highway safety

The proposal would lead to extra comings and goings up and down Banks Lane in connection with servicing the kennels and transporting dogs to and from the kennels. The Council's Highway Officer has reviewed the application and has no objections to the development either from a traffic generation, parking or highway safety stand. Based on their assessment it is considered that the proposal will be acceptable in terms of parking and highway safety and accord with policies TM11 and TM19A of the RUDP.

Community Safety Implications:

None.

Equality Act 2010, Section 149:

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

Reasons for Refusal:

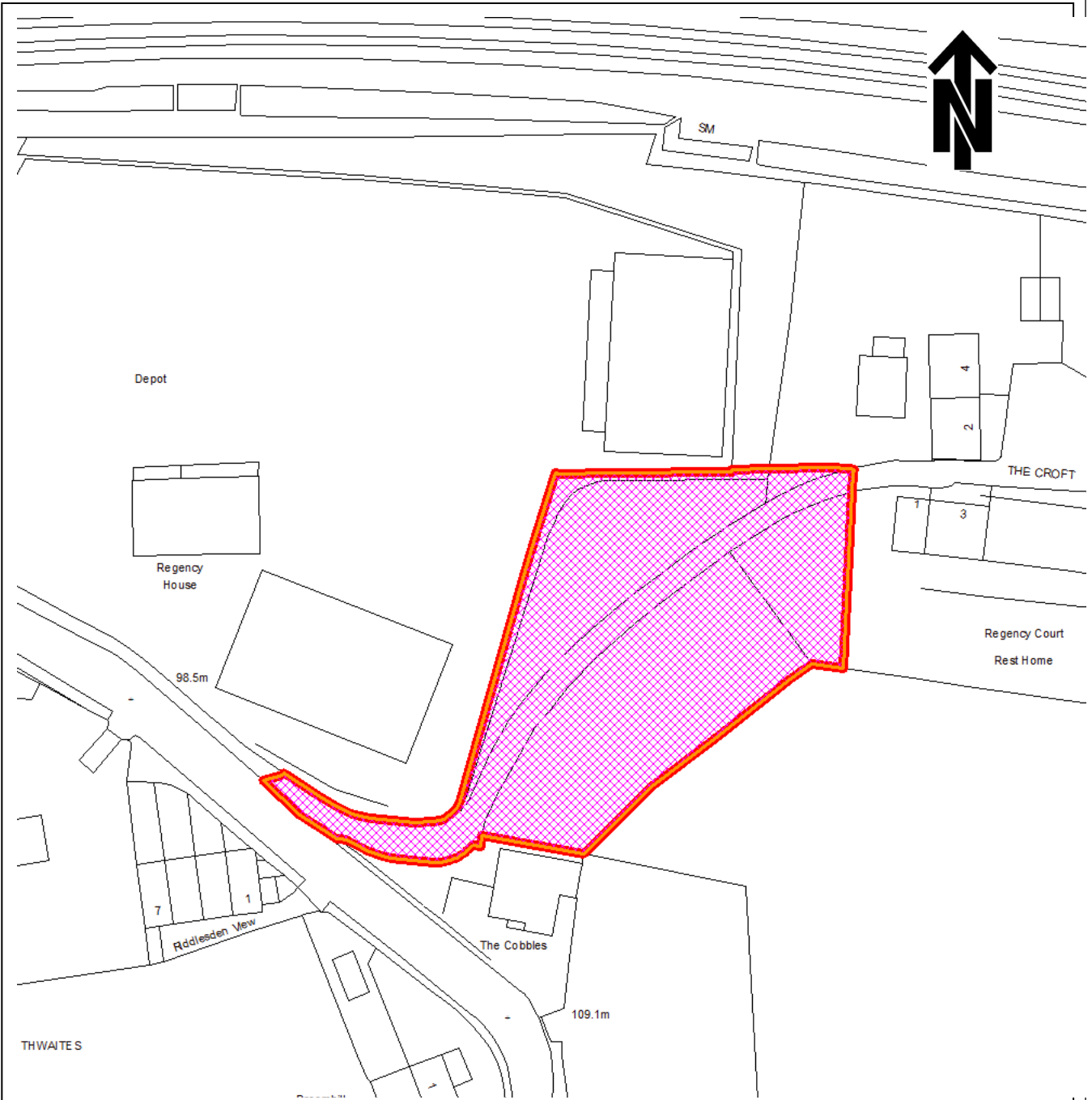
1. The site is in the Green Belt defined by the Replacement Unitary Development Plan for the Bradford District (the RUDP). Policy GB1 of the RUDP and the National Planning Policy Framework (2012) set a strong presumption against inappropriate development in order to prevent urban sprawl by keeping land permanently open and safeguard the countryside from encroachment. The proposal would present a prominent encroachment of new building, car parking and ancillary development not required for agriculture into an area of unspoilt open countryside. The development would not preserve the openness of the countryside and would conflict significantly with the purposes of including the land within the green belt. No very special circumstances have been presented that would outweigh that harm to the green belt and the proposal is therefore inappropriate development contrary to Policy GB1 of the Replacement Unitary Development Plan and the National Planning Policy Framework.

2. The proposed building is not connected to farming and has not been proven to support the continuing economic viability of farming in this location and therefore the on-going custodianship of the rural landscape in its present form. It is considered therefore that the proposed building and associated works would form an unwelcome visual intrusion into this open upland pasture landscape in conflict with policies NE3 and NE3A of the Replacement Unitary Development Plan.
3. The Local Planning Authority is not convinced by the assessment of noise impact submitted by the applicant. It considers that noise associated with the dog kennels would have an adverse impact on the residential amenities currently enjoyed by the occupants of Hilltops and Paxton Bungalows, Bank Lane Riddlesden. As such the proposal will conflict with policies D1 and UR3 of the Replacement Unitary Development Plan and will not form sustainable development compatible with the National Planning Policy Framework.
4. The application as submitted provides insufficient information to enable its proper consideration by the Local Planning Authority. In particular, there is inadequate information on how the water supply to Hilltops and Paxton Bungalows will be maintained and protected from contamination both during and following completion of works in connection with the proposed dog kennel development and therefore the Council are unable to assess whether the development preserves residential amenity for the occupiers of neighbouring properties in accordance with policies D1 and UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

16/06629/FUL

23 November 2016



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ITEM NO. : E	LOCATION: The Croft Keighley BD21 4ND
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23 November 2016

Item: E
Ward: KEIGHLEY EAST
Recommendation:
TO REFUSE PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
16/06629/FUL

Type of Application/Proposal and Address:
Full planning application for construction of three detached houses, improvements to access drive with turning head at The Croft, Keighley, BD21 4ND.

Applicant:
Mr D Pitteea

Agent:
J O Steel Consulting

Site Description:
This application relates to an undeveloped plot approximately 0.26 ha in size located to the east side of Keighley. The land is sloping and is dissected by an unadopted access drive that links Thwaites Brow Road with the Regency Court Care Home and a small cluster of 6 dwellings. To the south of the grassed land lies another property, "The Cobbles". To the east of the site is a field that lies in Green Belt and to the west of the site beyond the access drive is an area occupied by industrial businesses including Byworth Boiler Hire Ltd.

Relevant Site History:
06/01279/FUL - Change of use from garage to dwelling at Croft Cottage 1 The Croft Keighley. Refused 16.05.2006 on grounds of noise nuisance due to the close proximity to Byworth Boiler Hire Ltd, and the adverse impact that would have on Byworth Boilers business.

08/01569/FUL - Construction of four detached dwellings at Croft Cottage 1 The Croft Keighley. Refused 18.12.2008 on the grounds of noise nuisance due to the close proximity to Byworth Boiler Hire Ltd, the Airedale railway and the Aire Valley Road by-pass. An appeal against that refusal was dismissed.

08/07253/FUL - Construction of 5 x 4 bedroom 2 storey houses with integral garages at Regency Rest Home 3 - 5 The Croft Keighley. Refused 29.01.2009 on the grounds of noise incompatibility, adverse impact on residential amenity, unacceptable access and unacceptable materials.

The National Planning Policy Framework (NPPF):

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UDP1 Promoting Sustainable Patterns of Development
UR2 Promoting Sustainable Development
UR3 The Local Impact of Development
TM12 Parking Standards for Residential Developments
TM19A Traffic Management and Road Safety
D1 General Design Considerations
D4 Community Safety
D5 Landscaping
P7 Noise

Parish Council:

Keighley Town Council has commented.

Publicity and Number of Representations:

This application was publicised by means of a site notice and individual neighbour notification letters. Expiry 14 September 2016.

8 representations have been received consisting of:

1. One individual representation of support,
2. A petition of support of 7 signatures,
3. 2 petitions objecting to the development each of 9 signatures,
4. 3 individual representations of objection, and
5. 1 representation offering general comments neither for nor against.

Summary of Representations Received:

SUPPORT COMMENTS:

It makes sense to build on pieces of waste land like this rather than the beauty spots for the new housing that is needed.

OBJECTION COMMENTS

The objections to the proposal are on the following summarised grounds:

1. The development would risk the 120 jobs at Byworth Boiler Hire Ltd because of the noisy nature of the company's industrial processes. The close proximity of the proposed residential housing is of great concern as it would give rise to conflicts and complaints about noise from the future residents. Such complaints may require the business to cease carrying out certain vital processes upon which its future depends.
2. The outlook of the housing over Byworth Boiler Hire Ltd is not appropriate for residential dwellings.
3. The access road partly runs over land owned by Byworth Boiler Hire Ltd and they have not given their permission for it to be used in connection with this housing.
4. Access would be onto the treacherous Twines road, which is unsuitable for the additional traffic. The entrance is poorly maintained and dangerous and the highway safety dangers increase in winter.
5. Concerns about the impact of construction traffic on the use of the access road by existing residents and access for ambulances etc.
6. Over development - Scale and spacing of development is incongruous and out of keeping with the area.
8. The houses are of poor design and the materials should be stone.
9. Blocking of rights of way and use of other people's land for turning
11. Decrease in house values
12. The proposed development would affect views into and out of the adjacent Green Belt and be contrary to the visual amenities of the Green Belt 13) Development would not comply with part M of the Building Regulations and the dwellings will need to be bigger which will add to the floor print of the development and reduce residential amenity space.
14. Inadequate parking provision.
15. Uncertainty as to how existing street lighting will be protected and maintained.
16. Impact on existing trees.
17. Concerns over maintenance of land not in the ownership of the proposed dwellings.

Consultations:

Highways Development Control: Originally commented that a previous application (08/07253/FUL) for 5 detached houses was refused on planning and highway grounds - mainly due to the private access road being substandard in width, layout, poor forward visibility at a bend, and poor geometric layout at Thwaites Brow Road.

The applicant is proposing some mitigation measures to address the previous reasons for refusal. The original plans included provision of a 4 metre wide access road with a 0.5m margin on the development side, a turning head on the opposite side with visitor parking bays to each side, and realignment of access road at the first bend near the entrance at Thwaites Brow Road to improve visibility.

However, a 4 metre wide access road would be inadequate to serve the development as manoeuvring in and out of the drives would be difficult.

The following measures are proposed to make the development acceptable in highway terms:

- a minimum 4.8m wide access road with a 0.6m margin to the development side;
- realignment of access road close to the bend to improve visibility;
- a ramp close to site entrance to slow vehicles and make drivers aware of the shared surface nature of the access road;
- two off street parking spaces plus integral garage for each dwelling;
- a turning facility for cars;
- and visitor parking bays.

The surfacing, drainage and lighting of the access road should also be improved.

Amended plans have since been received and the Highway Officer has further commented:

The applicant has addressed most of the issues raised in previous response. Some concerns remain regarding visibility, particularly with vehicles reversing out of the drives, but traffic would be likely to be travelling slowly along the access road and most people take extra care in these situations.

Although the proposed highway measures do not fully meet current adoptable standards, the Highway Officer considers that the amended proposals are adequate to serve the scale of existing and proposed development without causing any undue highway safety problems in this locality. Therefore I have no further objections to raise in highway terms subject to conditions providing for an improved access, the provision of parking and the control of gates.

Rights Of Way Officer: Rights of Way records indicate no recorded public rights of way crossing or abutting the site. A route across the site may have been used in the past by pedestrians to access The Croft, However there is no record of any claim being made that this is a public footpath.

This is without prejudice to any unrecorded rights that may exist of which the Council is unaware.

Drainage Section: No objections subject to standard conditions that the development should not begin until details of a scheme for foul and surface water drainage, including any balancing and off site works have been submitted to & approved in writing by the Local Planning Authority.

Development to be drained via a separate system.

Environmental Health Officer: In the planning report recommending refusal of application 08/01569/FUL, comments from Environmental Protection raised concerns that the combined noise produced by the Aire Valley by-pass, railway and in particular the industrial premises, at Byworth Boilers, which aside of undertaking frequent and necessary pressure testing, also generated noise through general vehicular/ impact movement in its day to day operations, were sufficient to cause disturbance to residents of the proposed development.

In conclusion, it was deemed that noise was at a potentially high enough level of nuisance that locating a noise sensitive residential development next to an established industrial business would not be satisfactory. The applicant could not ensure that noise levels emitted from these sources could be sufficiently mitigated or controlled to an acceptable degree that would allow future occupiers to enjoy an adequate level of amenity inside and outside the houses (i.e. gardens), without complaints being lodged that may result in nuisance action against an established business.

The latest representation by Byworth Boilers, dated 26th August 2016, in respect of the current planning application (16/06629/FUL) indicates that its activities remain very much the same as at the time of the previous application in 2008. Given that the other noise sources, namely road and rail, also remain, I am not minded to support this latest application.

Summary of Main Issues:

Principle of development.

Impact on the character and appearance of the surrounding area.

Conflict with adjoining uses - Impact on residential amenity.

Highway safety.

Other matters.

Appraisal:

Principle of development

The proposal is to construct four 3 bed detached dwellings on a site accessed via a private drive from Thwaites Brow Rd, which also serves seven existing dwellings and a residential nursing home.

This site is located outside green belt but is on the edge of the built up area of Keighley. The site is between a small residential development around the Regency Rest Home and an industrial area.

The density of development here takes into account the constraints of the site and the need to retain private rights of access across the site, the need to provide a turning head, and the need to reflect the low density semi-rural nature of existing development. The proposed density of development is acceptable.

However, the application raises issues regarding the compatibility of residential development of the site with the adjacent industrial uses. Particularly the vulnerability of future residents to noise nuisance generated by the adjacent Byworth Boiler works and whether that would cause future problems for the business itself.

Conflict with adjoining uses - Impact on residential amenity

The proposed dwellings would be located adjacent to, and facing onto an established boiler manufacturing business which generates significant noise nuisance from fabrication,

pressure testing of boilers, servicing, loading and unloading and general day-to-day activities. The company is a significant local employer.

Past applications seeking residential development on this boundary of the industrial premises have been refused on grounds of potential noise nuisance. There remains a significant concern that the proximity of the houses to Byworth Boilers would give rise to potential noise nuisance and an unsatisfactory relationship of the dwellings to the existing industrial development.

The Environmental Health Officer has offered advice compatible with that given in respect of those previous applications at this site and on an adjoining site when it was deemed that noise (from industry, road and rail sources) was at a potentially high enough level of nuisance that locating a noise sensitive residential development next to an established industrial business would not be satisfactory. The refusal of an application 08/01569/FUL on an adjoining plot was also considered at appeal and the Inspector fully supported the Council's concerns about the poor standards of amenity that the site would offer to future residents.

Byworth Boiler's business still exists and its objection letter confirms that the company carries out the same processes as it did when those previous applications were refused. The Council's Environmental Health Officer agrees with the strong concerns voiced by the business that the proximity of the dwellings to the industrial use, together with the proximity of the railway will mean that the residential amenity of the occupiers of the proposed dwellings will be low. Occupiers of the houses will be unacceptably affected by noise.

It is acknowledged that the dwellings could be triple glazed at the front facing the industrial use but this does not mitigate the noise pollution occupiers will suffer in their garden areas or when windows are open.

The applicant could not ensure that noise levels emitted from these sources could be sufficiently mitigated or controlled to an acceptable degree that would allow future occupiers to enjoy an adequate level of amenity inside and outside the houses (i.e. gardens).

There is particular concern that if future residents lodged complaints about noise nuisance, the Council's Environmental Health Department may be forced into a situation whereby the measures prescribed to mitigate noise may unduly hamper the activities of the business – with possibly a threat to its viability and therefore jobs.

Whilst noting the applicants point in their supporting statement about the differences between planning refusal 08/01569/FUL and the current submission they have omitted reference to planning refusal 08/07253/FUL, which does relate to the current application site and was refused on the grounds of noise incompatibility. Even if distance between the development and noise sources is slightly increased, the unacceptable noise incompatibility issues still remain and approval of the development would be contrary to policies D1 and P7 of the RUDP.

The applicant has also referred to the Council's lack of 5 year land supply in their supporting statement. It is agreed that presently the Council does lack a 5 year land supply for development however it has not been demonstrated that the development has satisfactorily overcome the harm caused by the noise incompatibility between the housing and the noise from the industrial premises.

The NPPF urges Local Planning Authorities to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. It is often necessary to balance the competing demands of such objectives. taking account of the needs of the residential and business communities;

In this instance, the proposal may deliver some benefits in terms of a small addition to the supply of housing land, but it may threaten the viability of a valuable local employer. In addition, the NPPF has, as a core objective, the need always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. On balance, the advice of the Environmental Health Officer is that this site cannot deliver a sufficiently good standard of amenity for future occupiers and so approval of the development would be contrary to paragraph 14 of the NPPF.

Impact on amenity of other residential properties

The development has been designed and positioned so that it will not cause overlooking / loss of privacy or overshadowing or have an overbearing effect on the occupiers of existing housing development. The reduction in numbers of proposed dwellings has allowed for the development to be drawn away from The Cobbles and thus alleviated successfully the detrimental impact earlier development would have had on the occupiers of The Cobbles.

Impact on the character and appearance of the surrounding area

The development is for three detached properties to be clad in coursed artificial stone walling with flat grey concrete tiled pitched roofs. The dwellings will respect the sloping nature of the land being stepped down from the Cobbles to 1 the Croft. The dwellings will employ architectural features that reflect existing housing the vicinity such as artificial stone heads and cills and chimneys.

The design of housing in the vicinity of the site varies but it is considered that the proposed development will retain the character and have neutral impact on the visual amenities of the area by reflecting existing development in its scale, massing, materials and architectural detailing and the development will therefore accord with policies D1 and UR3 of the RUDP.

Objectors have stated that the NPPF places a duty of care on local planning authorities to protect the visual amenities of the Green Belt by not allowing development within or conspicuous from the Green Belt by reason of its siting, materials or design. This statement is incorrect. Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. There is no mention in the green belt section of the NPPF of resisting development conspicuous from the green belt and no mention of resisting it because of its siting, materials and design. The tests of whether development is acceptable in the green belt are whether it is appropriate development that retains the openness of the green belt. The present proposal is for land outside the green belt and therefore the proposal does not conflict with any policy advice in the RUDP or NPPF.

Highway safety

The proposals provide for a level of off road parking that complies with policy TM12 of the RUDP.

The proposal is to construct four 3 bed detached dwellings on a site accessed via a private drive from Thwaites Brow Rd, which also serves seven existing dwellings and a residential nursing home. It is acknowledged that this access has deficiencies, and that the original proposals from the applicant were unsatisfactory. However, amended plans have been submitted which propose further improvements and highway mitigation measures.

Despite the concerns raised about access and highway safety by objectors of the development the Councils Highway Officer is satisfied that the amended access details put forward are such that, if these are implemented, the development will not cause any undue highway safety problems in this locality. There is agreement with the Highway Officers view and therefore it is considered that the development would, subject to conditions providing for an improved access, the provision of parking and the control of gates, accord with policy TM19A of the Replacement UDP.

Other matters raised by objectors

Impact on house values, ownership of land (as long as the correct ownership certificate is submitted and notices have been served on owners), blocking of private rights of way are not material considerations. The Rights of Way Officer has no records of any claims to public rights of way across the site.

Construction disturbance would be temporary and it is not for the planning system to control the detailed movement of construction traffic.

The development provides adequate turning facilities that do not interfere with the existing courtyard serving the existing Care Home and other dwellings.

It is not considered that there are any trees worthy of protection on site that would be affected by the development.

Compliance with part M of the Building Regulations is a matter for the Building Regulations and is not a material consideration. If the developer wanted to apply for dwellings with larger floor areas they would need to put in a fresh planning application, which would be considered on its merits. The dwellings provide ample residential amenity space for the dwellings they will serve.

There are no significant trees on or near this site.

Protection and maintenance of the current level of street lighting and land not assigned to the curtilage of individual dwellings could be addressed by a condition requiring the setting up of and maintenance of a management company. This would not be an uncommon arrangement.

Community Safety Implications:

The curtilages and the proposed dwellings can be secured and are subject to surveillance. General layout accords with policy D4 of the RUDP.

Equality Act 2010, Section 149:

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

Reasons for Refusal:

1. The proposed dwellings would be located adjacent to and facing onto an established boiler manufacturing business which generates significant noise nuisance from fabrication, pressure testing of boilers, servicing, loading and unloading and general activities. The proposed residential use is considered incompatible with this established adjoining use and the application site would not provide an appropriate, quality setting for a residential development or offer a reasonable standard of amenity for prospective occupants who would be subject to noise nuisance, particularly when windows are open or they are using their gardens. It is not considered that sufficiently robust noise attenuation measures could be introduced sufficient to ensure an adequate standard of amenity for future occupants. The proposal is therefore considered unacceptable having regard to policies P7 and D1 of the Replacement Unitary Development Plan and would form unsustainable development incompatible with the National Planning Policy Framework.

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

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Summary Statement - Part Two

Miscellaneous Items

	<u>No. of Items</u>
a-b. Requests for Enforcement/Prosecution Action	(2)
c-e. Decisions made by the Secretary of State - Allowed	(3)
f-g. 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 & Transport

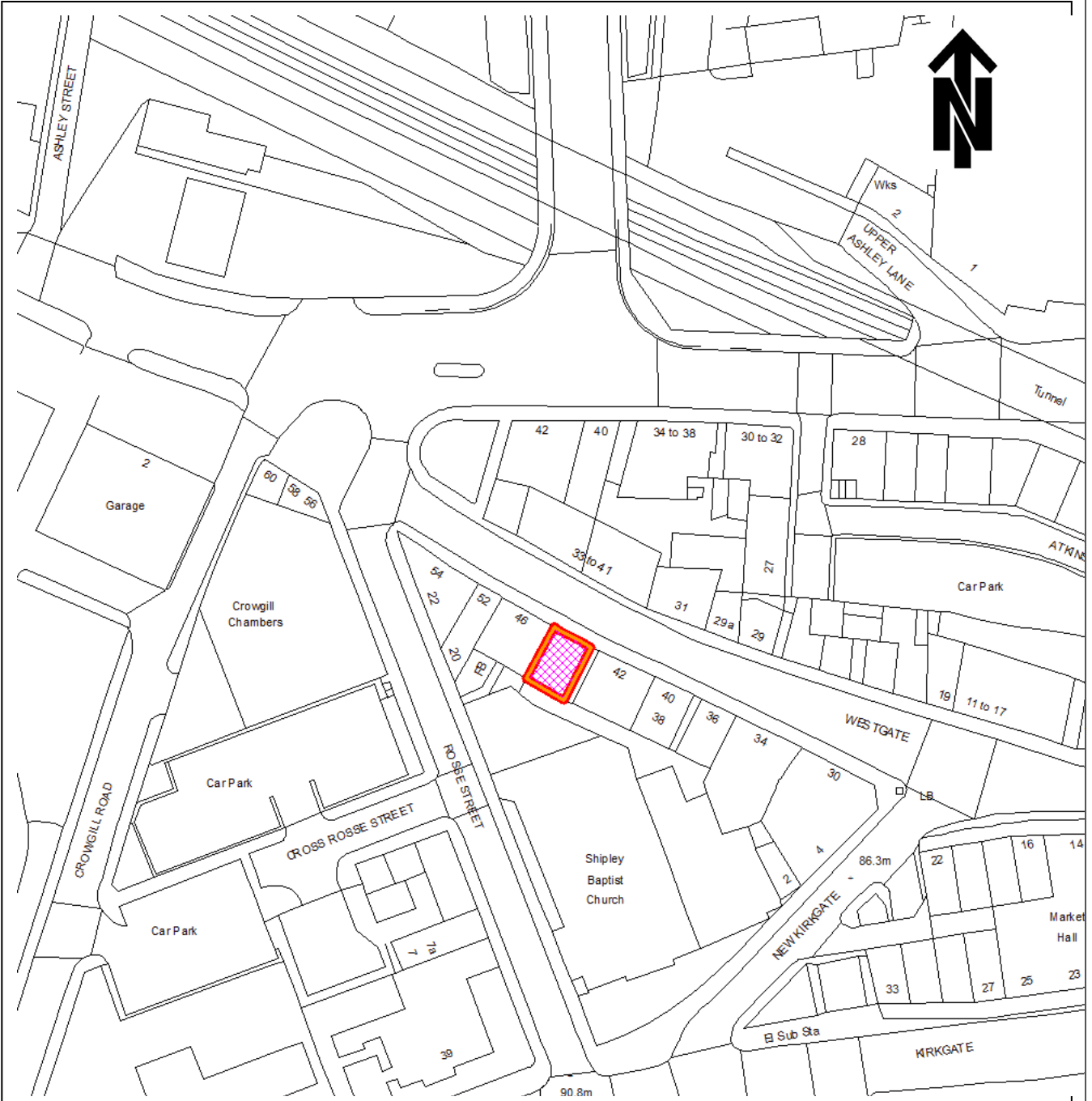
Overview & Scrutiny Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley and Shipley)

15/00535/ENFUNA

23 November 2016



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ITEM NO. : a	LOCATION: 44 Westgate Shipley BD18 3QX
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23 November 2016

Item: a
Ward: SHIPLEY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
15/00535/ENFUNA

Site Location:
44 Westgate, Shipley, BD18 3QX

Breach of Planning Control:
Unauthorised externally mounted roller shutter.

Circumstances:
In June 2015 the Local Planning Authority received an enquiry regarding a roller shutter at the shop property.

An inspection showed that an externally mounted roller shutter had been installed to the front elevation of the property, for which the Local Planning Authority had no record of planning permission having been granted.

Retrospective planning application 15/03397/FUL for the roller shutter was refused by the Council in September 2015. An appeal against the Council's decision was dismissed by The Planning Inspectorate in June 2016.

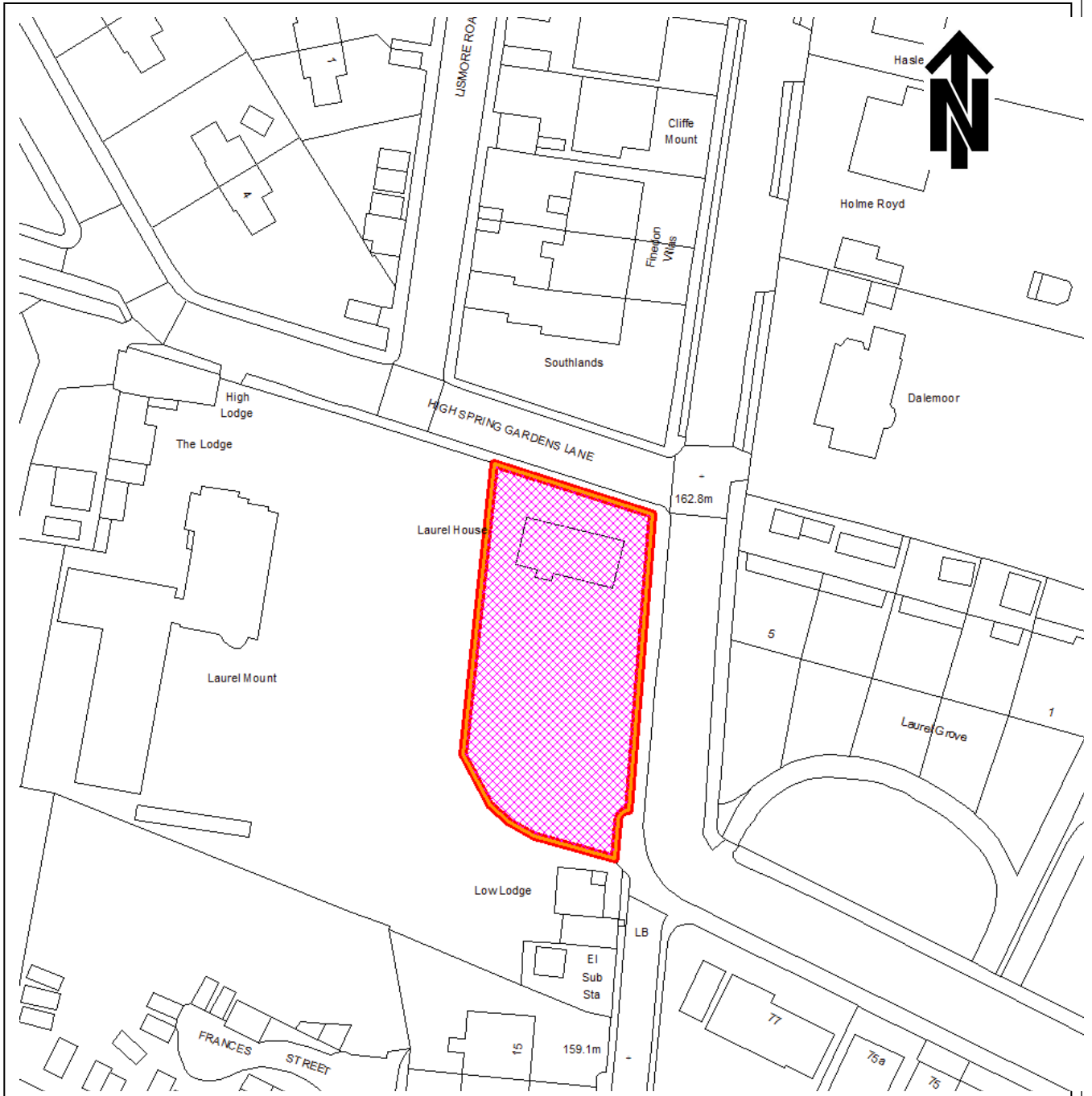
Following the appeal decision, the occupier of the property was requested to rectify the breach of planning control.

No action has been taken and on 26 September 2016 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action. The unauthorised externally mounted roller shutter is detrimental to visual amenity by virtue of its design and appearance, contrary to Policies D1, UR3 and UDP3 of the Council's adopted Replacement Unitary Development Plan, the Council's adopted Shopfront Design Guide and the Council's adopted A Shopkeepers Guide to Securing their Premises Supplementary Planning Document.

Area Planning Panel (Keighley/Shipley)

16/00422/ENFUNA

23 November 2016



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ITEM NO. : b	LOCATION: Laurel House Woodville Road Keighley BD20 6JA
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23 November 2016

Item: b
Ward: KEIGHLEY CENTRAL
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
16/00422/ENFUNA

Site Location:
Land at Laurel House, Woodville Road, Keighley, BD20 6JB

Breach of Planning Control:
The unauthorised change of use of the land for the siting of a container.

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

The use of the land for the siting of the container is considered to be detrimental to visual and residential amenity. The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers, on 19 October 2016.

DECISIONS MADE BY THE SECRETARY OF STATE

Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
c	Baildon (ward 01)	43 St Aidans Road Baildon BD17 6AH Conservatory to rear - Case No: 16/03296/HOU Appeal Ref: 16/00107/APPHOU
d	Bingley Rural (ward 03)	Harrop Farm Lane Side Wilsden Bradford Appeal against Enforcement Notice - Case No: 15/01237/ENFCOU Appeal Ref: 16/00023/APPENF
e	Bingley Rural (ward 03)	Harrop Farm Lane Side Wilsden Bradford Appeal against Enforcement Notice - Case No: 15/00601/ENFUNA Appeal Ref: 16/00024/APPENF

Appeal Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
f	Bingley Rural (ward 03)	Harrop Farm Lane Side Wilsden Bradford Use of natural stone to previously approved stables 14/04798/FUL and proposed static caravan on the site with electric meter box and extended access road - Case No: 15/03098/FUL Appeal Ref: 16/00021/APPFL2
g	Craven (ward 09)	Land At Chelker House Farm And Upper White Well Farm Addingham LS29 0LD Installation of 2 no Endurance E-4660 wind turbines - Case No: 15/02458/FUL Appeal Ref: 16/00034/APPFL2

Appeals Upheld

There are no Appeal Upheld Decisions to report this month

Appeals Upheld (Enforcements Only)

There are no Appeal Upheld Decisions to report this month

Appeals Withdrawn

There are no Appeal Withdrawn Decisions to report this month

Appeal Allowed in Part/Part Dismissed

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

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