

Agenda for a meeting of the Area Planning Panel (Keighley and Shipley) to be held on Wednesday, 22 March 2017 at 10.00 am in Council Chamber - Keighley Town Hall

Members of the Committee – Councillors

CONSERVATIVE	LABOUR	THE INDEPENDENTS
Miller Riaz	S Hussain Abid Hussain Bacon Farley	Naylor

Alternates:

CONSERVATIVE	LABOUR	GREEN
Ellis M Pollard	Greenwood Lee Shabbir Shaheen	Love

Notes:

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

From:

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

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 20 October, 23 November, 14 December 2016 and 18 January 2017 be signed as a correct record.

(Palbinder Sandhu – 01274 432269)



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.

(Palbinder Sandhu – 01274 432269)

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 20 March 2017.

(Palbinder Sandhu - 01274 432269)

B. BUSINESS ITEMS

6. **APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL**

1 - 66

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

The sites concerned are:

- | | | |
|------|--|----------------------|
| (a). | 110 Skipton Road, Ilkley (Approve) | Ilkley |
| (b) | 29 Greenside Lane, Cullingworth, Bingley (Approve) | Bingley Rural |
| (c) | 3 Park Dale, Menston, Ilkley (Approve) | Wharfedale |
| (d) | 5 West View Wells Road, Ilkley (Approve) | Ilkley |
| (e) | Cullingworth and District Conservative Club, 21 - 23 Station Road, Cullingworth (Refuse) | Bingley Rural |



- | | | |
|-----|--|-------------------------|
| (f) | Holmfield Manor Road, Keighley(Refuse) | Keighley Central |
| (g) | Land North of Well Cottage, Black Moor Road, Oxenhope, Keighley (Refuse) | Worth Valley |
| (h) | Marsh Farm, Banks Lane, Riddlesden, Keighley (Refuse) | Keighley East |

(Mohammed Yousuf – 01274 434605)

7. MISCELLANEOUS ITEMS

67 - 76

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

- | | |
|---------|---|
| (a)-(c) | Requests for Enforcement/Prosecution Action |
| (d)-(h) | Decisions made by the Secretary of State |

(Mohammed Yousuf – 01274 434605)

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



Report of the Strategic Director, Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 22 March 2017

Q

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	110 Skipton Road Ilkley - 16/07296/HOU [Approve]	Ilkley
2.	29 Greenside Lane Cullingworth Bingley BD13 5AP - 16/09228/HOU [Approve]	Bingley Rural
3.	3 Park Dale Menston Ilkley LS29 6LW - 16/08877/FUL [Approve]	Wharfedale
4.	5 West View Wells Road Ilkley LS29 9JG - 17/00515/FUL [Approve]	Ilkley
5.	Cullingworth And District Conservative Club 21 - 23 Station Road Cullingworth Bingley BD13 5HN - 16/08874/FUL [Refuse]	Bingley Rural
6.	Holmfield Manor Road Keighley BD20 6ET - 16/08785/FUL [Refuse]	Keighley Central
7.	Land North Of Well Cottage Black Moor Road Oxenhope Keighley - 16/07909/FUL [Refuse]	Worth Valley
8.	Marsh Farm Banks Lane Riddlesden Keighley BD20 5QX - 16/08142/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 & Transport

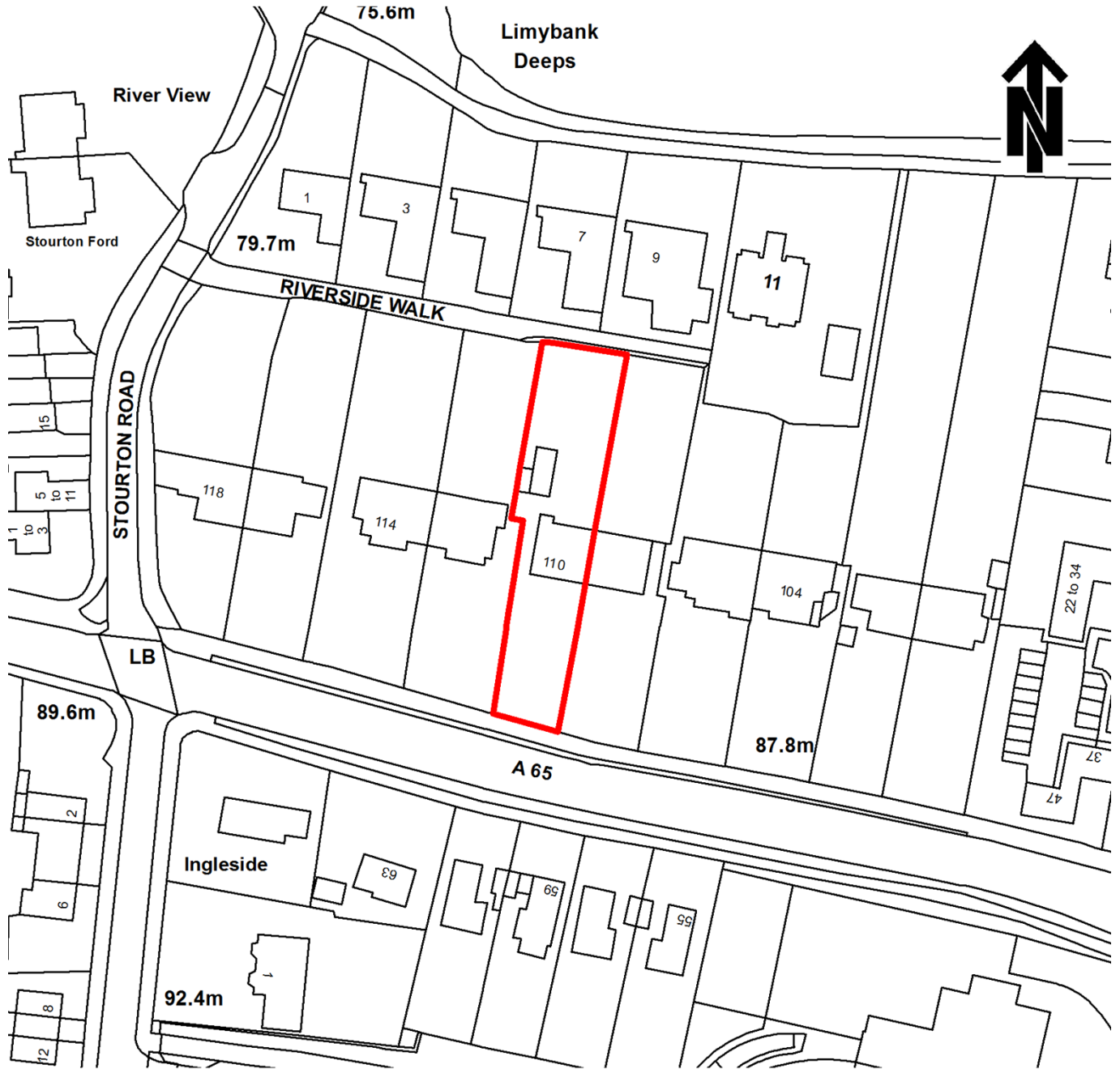
Overview & Scrutiny Committee Area:
Regeneration and Economy



16/07296/HOU

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110 Skipton Road
Ilkley

22 March 2017

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

Application Number:
16/07296/HOU

Type of Application/Proposal and Address:
Construction of detached car port with office above plus associated works at 110 Skipton Road, Ilkley.

Applicant:
Richard Doyle

Agent:
None.

Site Description:
110 Skipton Road is a substantial stone built Victorian semi-detached villa. It is one of a row of similar large houses on the north side of Skipton Road, the A65, on the western fringe of Ilkley town centre. The house is set well back from the road and is located in Ilkley Conservation Area – the outer limit of the conservation area follows the rear garden boundary. The garden behind the house slopes down steeply to Riverside Walk with steps leading down to an existing hard surfaced area that appears to have been enlarged through excavation in the past. Riverside Walk is lined on the far side by a row of split level modern (1980's) dwellings served by what is a privately maintained cul de sac. This cul de sac serves 6 dwellings and there are 2 old garages abutting Riverside Walk directly to the east of the application site in the rear garden of No 108 Skipton Road, although these appear to be unused.

Relevant Site History:
10/01086/HOU: Demolition of existing garage and erection of two storey side elevation extension plus associated internal and external works. Approved 05.05.2010.

08/07389/FUL: Demolition of existing garage and erection of two storey side elevation extension plus associated internal and external works - Approved 09.04.2009.

The National Planning Policy Framework (NPPF):

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

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Ilkley Conservation Area

Proposals and Policies

BH7 Development within Conservation Areas

D1 General Design Considerations

TM2 Impact of Traffic and its Mitigation

TM12 Parking Standards for Residential Development

TM19A Traffic Management and Road Safety

UR3 The Local Impact of Development are of particular relevance

Parish Council:

Ilkley Parish Council recommends refusal on the grounds that the development is out of character, would set a precedent for similar development along Riverside Walk and would be unduly prominent in the streetscene. They also point out that the access is extremely poor especially considering the development is to be used as a car port.

Publicity and Number of Representations:

Advertised by press and site notice together with individual neighbour letters. Overall expiry date for comments 19 October 2016.

Objections received from three interested parties from Riverside Walk together with an objection from Ilkley Civic Society.

A local Ward Councillor has also objected to the proposal and requested that the application be considered at Panel if Officers are minded to approve the application.

Summary of Representations Received:

- Riverside Walk is unsuitable as an access drive for the development. It is very narrow and lacks turning spaces.
- Riverside Walk is a private access road for the benefit of Riverside Walk residents only.
- The use of the building as an office would lead to unacceptable levels of traffic on Riverside Walk.
- The height and scale of the building would have a detrimental impact on Riverside Walk residents and would overshadow, over dominate and have an overbearing impact upon neighbouring residents.

- Building would be an unwelcome addition to the streetscene and is not well related to 110 Skipton Road or conservation area.
- Proposal would set a precedent for similar developments along Riverside Walk
- Potential for tree loss.
- Question whether the hard standing area received planning consent.
- Quality of the submitted Heritage Statement is queried by Ilkley Civic Society.

Consultations:

Highways Development Control: No objection subject to conditions to ensure that the central pillar is not re-introduced and that the use of the building is for a home office only, ancillary to the occupation of the dwelling at 110 Skipton Road.

Heritage Conservation: No objection subject to conditions controlling building materials.

Summary of Main Issues:

Visual impact.

Highway Issues.

Impact on Amenity of Neighbours.

Other Representations.

Appraisal:

The proposal seeks approval for the construction of a two storey building on the excavated area at the back of the property, abutting Riverside Walk. The building would include an office for home working that would be level with the garden, and a car port is proposed underneath. Pedestrian access to the home office is shown through the rear garden and vehicular access to the car port facility would be off Riverside Walk.

The proposal has been amended since initially submitted in that the central pier to the car port has been removed in the interests of improving manoeuvrability for vehicles accessing the car port space.

Visual Impact

The proposed building appears well designed, utilising natural materials and traditional detailing and it would sit comfortably within the context of its surroundings. Although some distance from the parent dwelling, the structure is not dissimilar to a coach house in appearance and these are not uncommon features of larger houses in this area of Ilkley. The character and appearance of the Ilkley Conservation Area would not be adversely affected by the development of the building. Design and Conservation Area policies (BH7 and D1) are satisfied.

Highway safety

The objectors have said that Riverside Walk is unsuitable to serve as an access for the development. It is very narrow and lacks turning space and is a private access road for the benefit of Riverside Walk residents only. Objectors and the Ward Councillor fear that the use of the building as an office and car port would lead to unacceptable levels of traffic on Riverside Walk and be detrimental to other users.

It is noted that the turning movements are very tight due to the narrow width of Riverside Walk. However, the removal of the central pier to the car port is beneficial and the applicant states that this area is already used for parking and that he would not wish to lose this facility. The applicant clearly disagrees that there would be difficulties in using the car port space and has insisted on keeping the ground floor of the building open and available for parking.

The applicant has also stated that there was previously a garage on the site although this was removed some years previously when the hard standing was created on the space once occupied by the garage.

As the development is to be used as a home office, incidental and ancillary to the existing dwelling at 110 Skipton Road, there is no requirement for the office to have its own dedicated parking facility. There is also ample parking to the front of the property to serve 110 Skipton Road and any ancillary home office. The existing house and the new development would not be dependent on the car port for its parking.

The Council's Highway Officer is satisfied that the existing movements for the parking area along the private drive together with the movements of the existing dwellings on Riverside Walk, raise no highway safety concerns and there are no reasons to refuse this application on the grounds of the safety of users of Riverside Walk or adjoining roads.

Impact on Amenity of Neighbours

Neighbouring dwellings on Riverside Walk have been designed with the principal elevations facing north with an outlook over the River Wharfe. The elevations facing the road are well screened and the wall to nearest neighbour at No 7 Riverside Walk immediately facing the application site is blank and presently hidden by a substantial (4m high) conifer hedge. This would screen a significant part of the structure from view. It is not considered that the proposal would have an adverse impact upon the daylight, privacy or outlook of existing neighbouring residents along Riverside Walk.

Adjacent dwellings on Skipton Road are similarly unaffected taking into account the position of the office unit at the end of the long garden. As there is in excess of 17m between the office and near neighbours no loss of amenity through overlooking is expected.

Representations

It is acknowledged that Riverside Walk is a private drive and that there is some concern from the objectors as to whether or not the applicant has rights of access along this route. However, this is a private legal matter and would not prevent the Local Planning Authority from reaching a decision as to the acceptability of this proposal. A grant of planning permission would not automatically convey a right of access along Riverside Walk to the applicant.

The Council's Highway Officers are satisfied that the use of the car port would not pose any highway safety concerns subject to the imposition of planning conditions to limit the use of the building to an ancillary domestic building only and to ensure that the frontage to Riverside Walk remains unaltered.

The visual impact of the building is considered to be acceptable for the reasons outlined above. The proposal would not set a precedent for similar developments as all planning applications are considered on their own individual merits. No tree work is envisaged with this proposal and any future works to trees would require the approval of the Local Planning Authority.

Objectors have queried whether or not the existing concrete hard standing on which the building would be built ever received planning permission and, if not, whether this application should be seen as being part retrospective given that some walling and the hard standing would be incorporated into the new building.

There are no records of planning permission having been granted for any walls or hard standing, but the hard standing may have served the long established garage that is said to have been removed from the site some years ago. The applicant, in a supporting statement says that the retaining walls were built 'some years ago' to stabilise the rear garden area after the removal of the former dilapidated garage. Such works may be permitted development or else would have become lawful if they have existed for more than 4 years. However, the Local Planning Authority has not been asked to consider the lawfulness of the previous works to the garden and this should not have any bearing on the consideration of the planning proposal currently tabled.

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, as amended, should not have an adverse impact on the character and appearance of the property, the wider streetscene and Conservation Area in which it is located, the amenities of neighbouring occupiers or highway safety, taking into account the fact that the office is to be occupied as a home office only and that there is more than adequate parking at the premises. The proposal is considered to accord with Policies BH7, D1, UR3, TM2, TM12 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. Unless otherwise agreed in writing by the Local Planning Authority, the north side elevation of the carport element of the building hereby approved shall remain as approved under drawing number 0001-004 Revision D- specifically the central pier to the frontage shall not be introduced.

Reason: In the interests of ensuring that the car port is able to accommodate a motor vehicle clear of the adjoining highway, Riverside Walk and to accord with Policy TM19A of the Council's adopted Replacement Unitary Development Plan.

3. The building hereby granted planning permission shall only be occupied or used in connection with and ancillary to the occupation of 110 Skipton Road as a residential dwelling house and shall at no time be severed and occupied as a separate independent unit.

Reason: To safeguard the amenities of people living nearby and to ensure that vehicle movements to the site are no more than would normally be associated with a family dwelling house in the interests of highway safety and to accord with Policies UR3, TM2 and TM19A of the Replacement Unitary Development Plan.

4. The development hereby permitted shall be constructed of facing and roofing materials to match the existing dwellinghouse at 110 Skipton Road as specified on the submitted application.

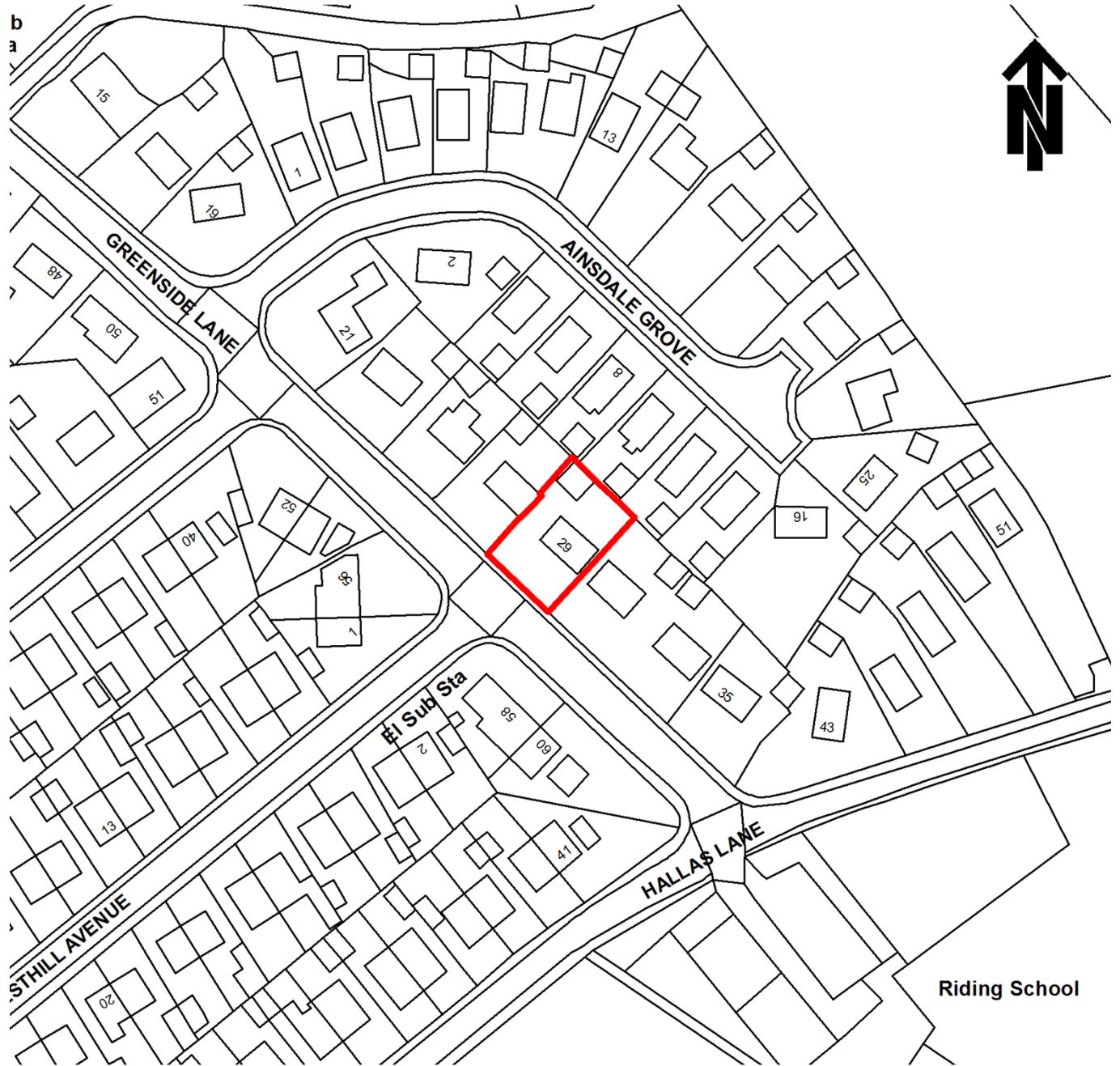
Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies BH7, UR3 and D1 of the Replacement Unitary Development Plan.

Footnote – The granting of planning consent does not automatically convey a right of access to the applicant over any adjacent land that they may not own. The applicant is advised to take advice as to the legality of his intention to use Riverside Walk as a point of access prior to the first use of the building hereby approved.

16/09228/HOU

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**29 Greenside Lane
Cullingworth
Bingley BD13 5AP**

22 March 2017

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

Application Number:
16/09228/HOU

Type of Application/Proposal and Address:
Householder application for a proposed two-storey side extension to 29 Greenside Lane, Cullingworth, Bingley, BD13 5AP.

Applicant:
Mr and Mrs Gunnell

Agent:
SKP Design Services

Site Description:
Greenside Lane is a residential road linking Hallows Park Road with Hallas Lane, within a residential estate in the eastern side of Cullingworth. The character of the side of Greenside Lane that includes the application property is substantially informed by the uniformity of a row of detached dwellings. The subject property, No 29, in common with the neighbouring property to the north-west, has an existing single-storey rear extension running the full width of the house. A row of protected, mature trees stand along the frontages of these dwellings and add substantially to the character of the street scene.

Relevant Site History:
12/01884/HOU - Single-storey rear extension. Granted 2012.
15/02954/HOU - Demolition of garage and construction of two-storey side extension with single-storey sun room extension. Refused.
15/06004/HOU - Demolition of garage and construction of two storey side extension with single storey sun room extension. Refused.
16/04806/HOU - Two-storey side extension, and rear single-storey extension to dwelling in lieu of existing double garage. Refused.

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

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UDP3: Impact of development on natural and built environment

D1: General Design Considerations

UR3: The Local Impact of Development

House Extensions Supplementary Planning Document (SPD)

Parish Council:

The proposed extension would be an imposing and bulky addition to the dwelling. It would be over-dominant and overbearing and would harm the character and appearance of the host property and the visual amenity of the street. It would be out of place in the uniform row of dwellings. The proposal would have an unacceptable harmful impact on the living conditions of neighbours and is detrimental to residential amenity.

Publicity and Number of Representations:

Advertised by Neighbour Notification letters. Expiry date 29.12.2016.

Eight objections received.

Summary of Representations Received:

1. Extension is out of keeping with all other detached houses in the surrounding area. Far too large for the available land.
2. Precedent - other property owners will also apply for similar extensions.
3. The drainage system is already failing.
4. Garage may be converted and it will become two storey house.
5. "Terracing" effect might set a dangerous precedent.
6. It will have overbearing impact on the gardens of adjoining properties and be detrimental to residential amenity. Space and privacy are already at a premium for all the neighbouring houses.
7. It may lead to increased roadside parking.
8. It would conflict with three other (previous) decisions refusing permission to extend.

Consultations:

None deemed necessary.

Summary of Main Issues:

Local Amenity.

Highways.

Representations.

Appraisal:

Local Amenity

The proposed two-storey extension to the side of this detached house would extend across the property's existing driveway, terminating 1 metre from the common boundary with the neighbouring dwelling to the north-west.

The extension would incorporate a set-back so its front wall would be set behind the front wall of the original dwelling. This accords with design guidance in the Council's adopted House Extensions Supplementary Planning Document (SPD). The requirement of the SPD for a set-back is to ensure that extensions of this type are subservient to the original building and do not unbalance the original building or result in a 'terracing effect' where detached or semi-detached properties, when viewed particularly from oblique viewpoints, could appear to be physically joined as a row. The set back will also ensure that the extension is subservient in height, again in accordance with the adopted SPD.

The proposed side extension would incorporate an integral garage with sufficient driveway remaining to its front for two car spaces to be retained in addition to this.

The rear of the extension would present a two-storey rearward facing gable towards the garden. This has been designed so that the gable's rearward projection does not exceed a 45 degree line drawn from the nearest windows in the neighbouring house to the north-west. This ensures that the projection does not adversely affect natural light within the neighbouring dwelling and so it also satisfies the adopted SPD in this respect.

The extension would, when seen from properties to the rear, reduce the existing 5 metre gap between the application property and its neighbour to approximately 1 metre. However, the development is at a sufficient distance that it would not significantly reduce natural light to dwellings to the rear, and, whilst the gap between the dwellings would effectively be closed when seen from the rear, it is not possible to protect a particular view.

The materials and detailing of the extension would reflect that of the host dwelling and would not appear out of place in this context. A planning condition to ensure use of matching materials is proposed.

Although objections have been received, in terms of the Council's policies, the proposals presented would satisfy all relevant elements of the adopted House Extension SPD. The extension would satisfactorily relate to the host dwelling and therefore no significant harm would accrue for the wider street scene. It would satisfy Policies D1 and UR3 of the Replacement Unitary Development Plan and the National Planning Policy Framework's requirements for protection of residential amenity and securing good design.

Highway implications

Although raised in the objections, there are no significant highway safety implications. The property would retain a minimum of two off-street parking spaces in accordance with standard requirements.

Consideration of the representations

Eight objection letters have been received. Seven of these are from occupiers of properties on Ainsdale Grove to the rear of the site. The eighth is by the occupier of the neighbouring dwelling to the north-west. The representations are summarised in this report, and concerns expressed are acknowledged.

The extension would, when seen from properties to the rear, reduce the existing 5 metre gap between the application property and its neighbour to approximately 1 metre. However, the development is at a sufficient distance that it would not significantly reduce natural light to dwellings to the rear, and whilst the gap between the dwellings would be much reduced when seen from the rear, it is not possible to protect a view between buildings.

In view of a number of objections that draw parallels with earlier, larger scale proposals to extend the dwelling, it should be clarified that the proposals here are substantially reduced from those previously considered. As noted above, the extension would be subservient to the host dwelling. It incorporates a set-back from the front elevation and has a lower roof line. The requirements of the council's adopted House Extensions policy are now satisfied in all material respects.

The proposed development therefore satisfies the Council's adopted RUDP policies UDP3, UR3 and D1, and the National Planning Policy Framework and it is recommended that planning permission be granted.

Community Safety Implications:

There are no community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed extension is of a satisfactory arrangement and design such that it would not harm local visual amenity or the amenities of neighbouring residents. Accordingly the proposals satisfy Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan and the requirements of the National Planning Policy Framework. The proposals also satisfy the council's adopted House Extensions 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).

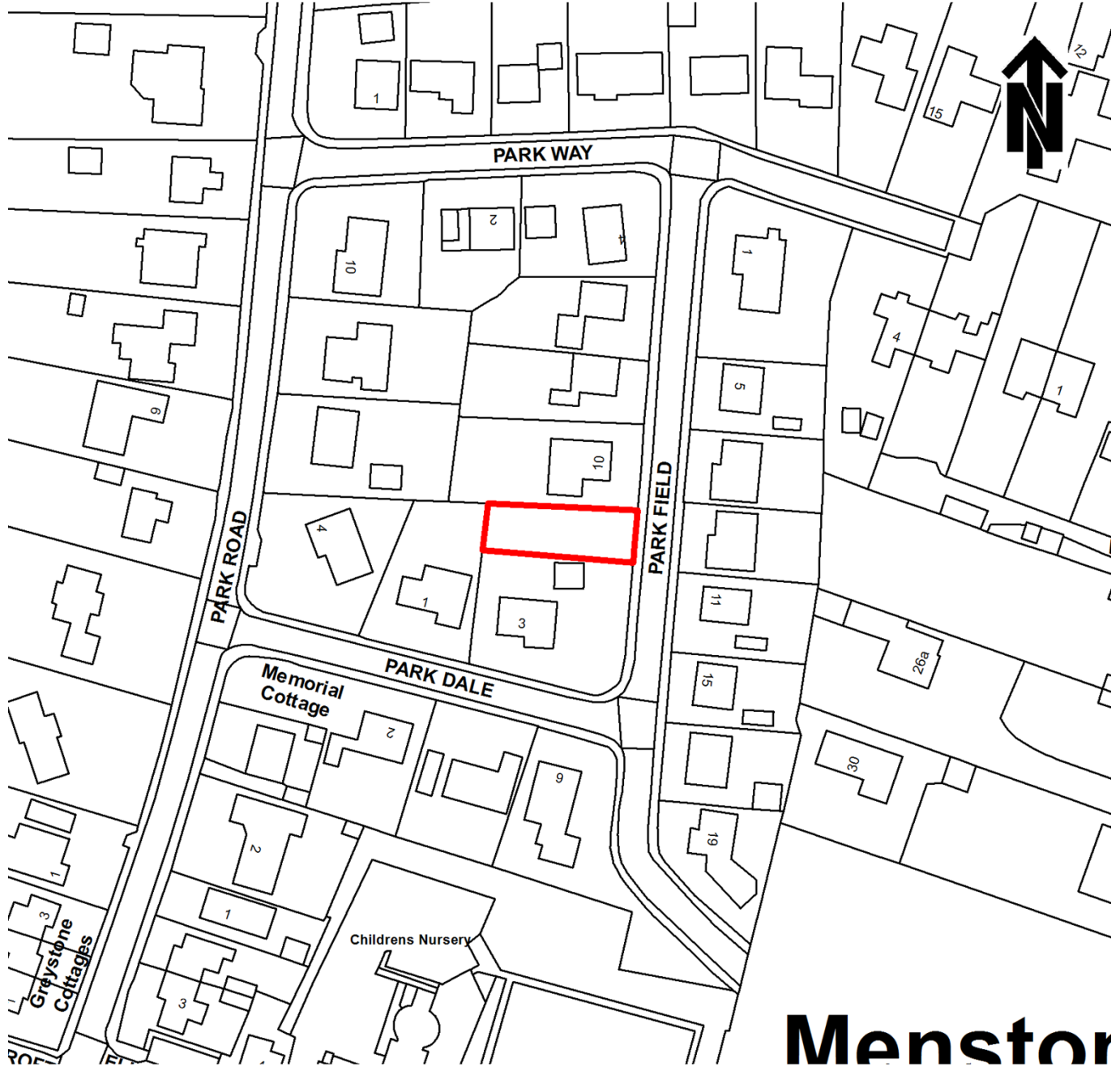
2. The development hereby permitted shall be constructed of facing and roofing materials to match the existing building as specified on the submitted application.

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.

16/08877/FUL

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**3 Park Dale
Menston
Ilkley LS29 6LW**

22 March 2017

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

Application Number:
16/08877/FUL

Type of Application/Proposal and Address:
Full application for the construction of a detached dwelling with associated parking at 3 Park Dale, Menston, Ilkley, LS29 6LW.

Applicant:
Mr Defurey

Agent:
Mr John Nall - MAS Design Consultants

Site Description:
Park Dale leads into Park Field and both are reasonably wide streets in a residential estate dating from the 1960's or 1970's. The streets are characterised by a mix of modern properties - mostly two storey detached houses in stone and render standing on plots with open plan frontages. No 3 Park Dale is a detached house and the application plot is a garden area behind the house, having a frontage onto Park Field. It is an open break between the double garage serving No 3 and the side boundary of 10 Park Field. The proposed development would take access from Park Field alongside the existing drive to No 3 Park Dale.

Relevant Site History:
99/01736/FUL - Two storey extension to side of and alterations to property – Granted - 29.07.1999.

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
TM2 Impact of Traffic and its Mitigation
TM12 Parking Standards for Residential Developments
TM19A Traffic Management and Road Safety

Parish Council:

Menston Parish Council – Objects. The development is out of context with the surrounding properties.

Publicity and Number of Representations:

Publicised by neighbour notification letters and site notice. Overall expiry date for comments was 12.12.2016. Letters/emails of comment have been received from six separate addresses objecting to the proposal.

A Ward Councillor has objected and requested consideration at Area Planning Panel should officers be minded to support the proposal. The Ward Councillor considers the proposal to be out of keeping.

Summary of Representations Received:

- The proposal would be out of keeping with the area.
- The proposal would result in loss of outlook for the existing property 3 Park Dale.
- The proposal would overshadow neighbouring property.
- The proposal would be overdevelopment of the site and will have an adverse impact on the street scene.
- The proposal would exacerbate existing issues with the local drainage network.
- There is local flooding issues that have not been considered (YW Drains).
- Proposal amounts to inappropriate design and siting and would harm adjacent residential amenity.
- Proposal would have an adverse impact on the street scene, closing a gap between existing dwellings, with narrow frontage and having no front garden.
- Proposal would result in overlooking of neighbouring property.
- Insufficient information has been submitted to allow proper consideration.
- Impact on trees and shrubs is unclear.

Consultations:

Yorkshire Water – No objection in principle. Yorkshire Water would look for the matter of a drain on site to be controlled by Requirement H4 of the Building Regulations 2000.

Drainage – No objections. Advise attach condition that development to be drained via a separate system within the site boundary and that In order to keep the impermeability of the land to a minimum the applicant should investigate the use of sustainable drainage techniques. Yorkshire Water to be consulted regarding sewers on the site.

Highways Development Control – No objections. Suggest conditions regarding provision of parking prior to development being brought into use.

Summary of Main Issues:

Principle.

Design/scale and impact on local character.

Impact on residential amenity.

Access and Highway Safety.

Drainage.

Other issues.

Appraisal:

Principle of development

The application seeks permission for a detached two-storey dwelling in part of the garden at the back of 3 Park Dale. Access would be taken from Park Field and the scheme provides two off street parking spaces on part of the frontage.

The site is unallocated land on the Replacement Unitary Development Plan (RUDP) but it is in a sustainable location within the built up area, close to Menston railway station and village services. The site is private garden between two existing houses. Development of garden land has not been prohibited by the National Planning Policy Framework and there remains a need to make more effective use of land in the built up area for housing where this is appropriate having regard to local character, amenity of neighbours and other policies of the RUDP.

Design/scale and impact on local character

The site is set within an established suburban area developed in the 1960's/1970's. A variety of house types are visible along the street. The dwellings are of the same age but of varying design. They are typically detached house, two storeys in height and built using a mix of natural stone and render and with tiled roofs.

Objections have been received that a house would be “out of keeping” or “out of context”. It is argued that this is because the plot is narrow so the proposal would affect the spacious layout of properties, amounting to overdevelopment.

Officers do not agree that the effects would be so pronounced. The house would be a conventional two storeys in height and is shown on similar alignment to properties further north along Park Field. A supplementary street scene elevation has demonstrated that the proposed height would slightly below that of 3 Park Dale. When viewed from Park Field, the form and bulk of the house would be in scale and in context with both adjoining properties as levels step slightly gradually down from No 3 Park Dale towards the adjacent house at 10 Park Field.

Gaps of just over 1.5 metres would be provided to the northern and southern boundaries of the site to maintain a degree of space around the new dwelling.

Proposed materials are coursed stone and render which are typical of the locality.

Comment has been received regarding the lack of a front garden area. Two side by side off-street parking spaces are proposed but the proposal leaves a reasonable section of garden area to the northern part of the frontage and a strip to allow planting to the southern edge of the site. This would soften the effects on the street.

Whilst this proposal is development within an existing garden in an area typified by low density housing, the dwelling would sit unobtrusively within the existing street scene and would not give rise to significant harmful impacts on local character. The scale and form of the dwelling would be acceptable as are the proposed design, materials and detailing. It is infill development but it would not appear unduly imposing, cramped or out of keeping with the locality. The proposal accords with Policy D1 of the RUDP.

Impact on residential amenity

Objections are lodged regarding the impact on neighbouring properties. In particular the effects on the adjoining house at 10 Park Field have been carefully considered. Particular concern has been raised with regard to overshadowing and over dominance of the living room window on the front of that detached house. Also objections are received to the overlooking of gardens adjoining the plot, behind the new house.

However, the proposal achieves the Council's usual separation standards and distances to side and rear boundaries. No windows are proposed at first floor level to the side elevations, so no overlooking would arise towards properties to the north or south. No. 10 Park Field does lie to the north of the proposed dwelling and has L-shaped design. However, it contains no habitable room windows to the portion of the side elevation abutting the site. The new house would project forward of the position of the living room window at the front but given the distance in from the boundary, sufficient separation is achieved to ensure unacceptable overshadowing and dominance of outlook would not arise.

The new house would be behind the rear elevation of the parent dwelling 3 Park Dale. Windows here would face towards the side elevation and rear garden of the proposed house but the double garage would be set between the two, and the new house would be sited 12 metres away and around 11 metres to the boundary so as to achieve a satisfactory relationship to 3 Park Dale.

To the rear, the new house would retain appropriate separation to the rear boundary of the plot and the gardens beyond. Existing planting providing existing screening along that boundary is likely to be easily retained.

Sufficient garden areas would be retained for the parent dwelling and for prospective occupants of the proposed dwelling.

Whilst the concerns of neighbours have been carefully noted, the plans submitted demonstrate that property is of acceptable scale and could be accommodated on the site, meeting with acceptable spacing standards and without any significant adverse impact on the living conditions of neighbouring properties. There is no conflict with Policies D1 or UR3 of the RUDP in this respect.

Access and Highway Safety

The proposed layout shows the formation of a new private driveway from Park Field, adjacent to the existing driveway and garage being retained for the use of 3 Park Dale. The Council's Highways DC Section does not have any objection to the access and parking facilities shown on the plans, or to the addition of a single dwelling to these residential streets which are of a good design standard. The car parking facility proposed should be in place prior to the development being brought into use. In addition, a developer would need to create a suitable dropped crossing to the pavement – meeting the Council's technical specification. These requirements could be ensured by means of the suggested planning conditions. The proposals are considered to accord with Policies UR3, TM2 and TM19A of the RUDP.

Drainage

It is known that the garden is crossed by a small 225 mm diameter surface water pipe. Local residents report recent incidents of flooding that have impacted on numbers 6, 8 and 10 Park Field, downhill from 3 Park Dale. This has been linked to blocked land drains in the perimeter of 3 Park Dale. This matter is said to have been raised with Yorkshire Water and the owner.

The agent is fully aware of the presence of the drain and the past problems with its maintenance. The agent has been in discussion with Yorkshire Water which has confirmed that there are no objections to the development. Yorkshire Water would look for this matter to be controlled by separate legislation – namely Requirement H4 of the Building Regulations 2000.

In response to the objections, a supplementary drainage plan has been submitted by the agent. This shows that the new house would be set with a separation of 750mm between the sewer and footing for the proposed dwelling. The suggestion is that the drain can remain where it is – subject to agreement of foundation detail under the Building Regulations. If the surface water drain has to be re-routed or replaced, this technical matter would also be dealt with under the relevant Building Regulations.

The Council's Drainage department also has no objections to the proposal, subject to conditions being attached to require development to be drained via a separate system and that full details should be submitted for approval.

It is expected that a developer would resolve the existing problems with the land drain as part of the development, with any impacts on the drain or technical requirements for building over or diverting it being controlled under the Building Regulations not this planning application. A condition is also suggested that a detailed drainage scheme be agreed before work begins. On the basis of the advice from Yorkshire Water and the Council's Drainage section, the development could take place without causing problems with the local drainage network.

Other issues

A number of objections refer to effects on shrubs and garden trees and hedge, in particular to the northern boundary. However, this planting is largely ornamental. None of the trees is significant or protected. The details provided demonstrate that boundary planting along the ear of the plot could largely be retained or replanted, but the dwelling would not result in any serious effects or damage to any important specimens.

Community Safety Implications:

None identified.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed development is considered to relate satisfactorily with the existing street scene and is not considered to result in any significant loss of residential amenity or significant harm to highway safety, or the drainage network. It would achieve additional housing in a sustainable location within the built up area and is considered to comply with Policies UR3, D1, TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

Conditions of Approval:

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

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

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

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

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

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

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

Reason: To ensure the provision of an appropriate standard of pedestrian access to serve the development and to accord Policy TM19A of the Replacement Unitary Development Plan.
5. The development shall be drained using separate foul sewer and surface drainage systems.

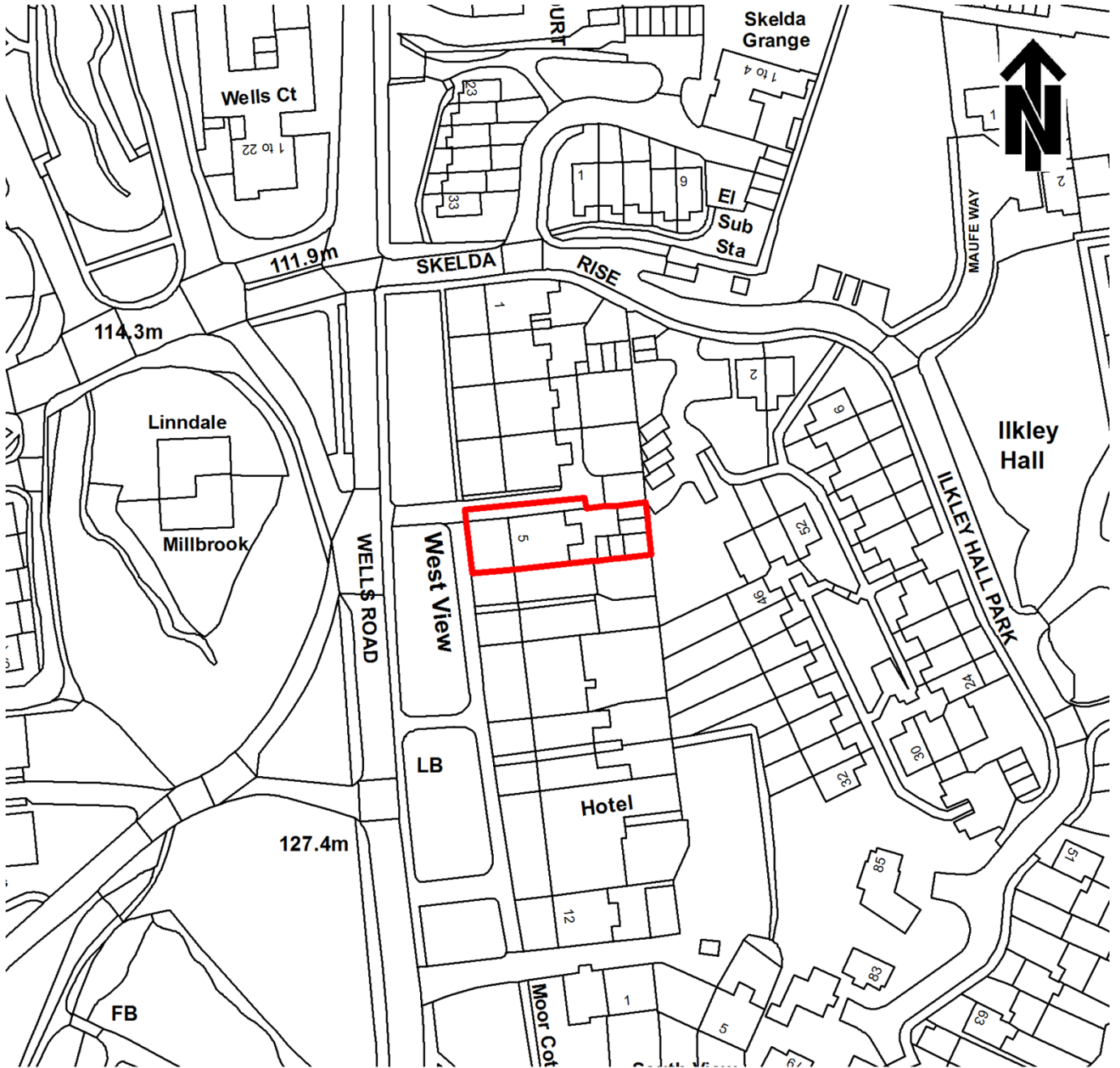
Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.
6. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. This shall include investigation of the feasibility of sustainable drainage techniques. 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.

17/00515/FUL

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**5 West View
Wells Road
Ilkley LS29 9JG**

22 March 2017

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

Application Number:
17/00515/FUL

Type of Application/Proposal and Address:
Retrospective application for an extension to rear of the property to house a lift and staircase, at 5 West View, Wells Road, Ilkley, LS29 9JG.

Applicant:
Oak Tree Developments Limited

Agent:
Peter Brooksbank

Site Description:
5 West View is a substantial 19th century end of terrace property which forms part of an elegant row of similar properties set back from Wells Road behind open common land and walled gardens. The property is not listed but the adjacent dwellings 3, 4, 6 and 7 West View are all Grade II listed and the property forms part of Ilkley conservation area. An access track runs off Wells Road along the north wall of the property, between it and No 4. It gives access to a rear yard which is to provide car parking. Conversion of the property to 5 flats in accordance with permission 16/02397/FUL is currently in progress.

Relevant Site History:
16/07924/FUL: Extension to rear of dwelling to house lift. Granted by Area Planning Panel 14 December 2016.

16/06615/FUL: Alteration and extension to the rear of property to house lift and staircase – amendment to planning permission 16/02397/FUL. Withdrawn.

16/05247/FUL: Alterations to third floor dormer window. Granted.

16/02397/FUL: Conversion of eight bedsit flats into five self-contained apartments and demolition of detached garaged to the rear. Granted by Area Planning Panel on 16 June 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

The site is in Ilkley conservation area but is otherwise unallocated by the Replacement Unitary Development Plan.

Proposals and Policies

BH7:	New development in a conservation area
BH4A:	Within the settings of listed buildings
UR3	The local impact of development
D1	General design considerations
TM19A	Traffic management and road safety

Parish Council:

Ilkley Parish Council: Recommends refusal.

Publicity and Number of Representations:

The application was publicised by individual neighbour notification letters, site notice and through the newspaper. Publicity expired on 2 March 2017.

11 representations have been received from local residents opposing the development; this includes comments from the Ilkley Civic Society and a Ward Councillor.

Summary of Representations Received:

- A number of comments have been received noting support for the re-use of the building.
- Impact on the character of the building, street scene and wider conservation area as the extension is a further disproportionate addition.
- Poor heritage statement.
- Overlooking.
- Noise of lift shaft.
- Previous applications withdrawn at bigger depth – this is a blatant breach of planning permission with no evidence to support justification.
- Parking and highway safety.

Consultations:

Design and Conservation Team: The extension is proportionate and consistent with its context and will not harm the conservation area or the settings of neighbouring listed buildings. Support the application.

Summary of Main Issues:

Impact on the character and appearance of the Ilkley conservation area and nearby heritage assets.

Effects on residential amenity.

Other issues raised in the representations

Appraisal:

Background

This large Conservation Area building was disused for a number of years. Planning permission 16/02397/FUL has authorised its conversion into five self-contained apartments with demolition of detached garages to the rear creating a small area for car parking. This permission was granted by the Area Planning Panel at its meeting on 16th June 2016 when objections on grounds of the principle, car parking provision and other issues were all carefully considered.

The developer then sought to introduce a lift to service the 5 flats. To accommodate the lift, various alternative designs were discussed with officers before application 16/07924/FUL was submitted. This proposed an outwards extension of an existing and original tower protruding from the back of the building which contains the existing stairs. The submitted plan proposed that the existing back wall of the stairwell tower would be taken down. It would then be rebuilt to an extended footprint using the original stone in the new construction.

Objections were lodged to this application on the grounds that the extension was disproportionate and over dominant of neighbours. These were considered at the Area Planning Panel meeting on 14th December 2016. However, the Planning Panel approved the application. Members agreed that the effects were not significant and various comments were made recognising the benefits of a lift to the future residents.

The approved lift tower

The approved application for the lift tower showed an extension that added a depth of 1.05metres onto the existing stairwell projection at the back of the building.

The approved plans indicated that the original stairwell projection had a depth of 2.66 metres from the main back wall of the building.

The plans approved under permission 16/07924/FUL anticipated that the total projection from the main back wall of the building would have been

1.05 metres + 2.66 metres = 3.71 metres.

What has been built

The existing stairwell projection has actually been built out by 1.55 metres.

However, the plans appear to have not accurately reflected the true depth of the existing stair tower. In reality, this has a depth of 2.8 metres not 2.66 metres. This error has occurred because the wall being extended has been found to be not square with the rest of the building and the true thickness of the walls was not accounted for. Once construction work began, it became apparent that the building was out of plumb and the footprint of the stairwell is not square.

There has therefore been a combination of an enlargement of the space required to fit the lift and errors in measurements of the existing stairwell projection.

The extension is being built with an overall projection out from the main back wall of the building of 4.35 metres.

Original projection is 2.8metres + extension 1.55metres = 4.35metres depth.

The overall discrepancy is that the resulting lift/stair tower projects 0.64 metres further than was envisaged by the previous application. This new application seeks to regularise the situation.

Impact of the changes in dimensions

The lift/stair tower has been built to these dimensions and is virtually complete. The planning effects can therefore be appreciated on site.

The need for a lift shaft was carefully considered under the previous application 16/07924/FUL. The addition of a lift shaft to this building would clearly benefit the amenity of future occupiers by permitting easier access to the upper storey flats by persons with or without mobility problems. This will encourage more sustainable long term occupancy levels for this building and weight should be given to the important objective of improving accessibility for people with disabilities.

Although strong objections had been lodged against the lift tower on the grounds that it is overbearing and dominant, particularly of the property to the immediate north and south, these concerns were not been shared by officers. The previous concerns from officers were about the design and materials for the lift tower, and not its scale/depth.

The development has been built to project 1.55metres beyond the depth of the original rear stairwell projection to an overall depth from the main back wall of 4.35metres. This is 0.64 metres longer than anticipated. Although the tower will have an increased presence, the additional length is not significant and the resulting structure is not considered to be a disproportionate addition to the host building.

The extension has been constructed by re-using existing coursed stone from the outer walls of the building. Natural slate tiles will match the existing roof. Sited to the rear of the building, the structure would be relatively hidden and its form and proportions are broadly consistent with neighbouring dwellings, many of which have extensions on the rear. The Conservation Officer has no objections to the slightly larger structure on design or heritage grounds. It remains proportionate and consistent with its context and will not harm the conservation area or the settings of neighbouring listed buildings. The proposal is considered to accord with policies D1, BH4A and BH7 of the Replacement Unitary Development Plan and the objectives set out in the NPPF.

Impact on neighbours

The development remains set in from the two side boundaries to the adjoining properties at 6 and 4 West View. The increase in the depth, remains fairly minimal (1.55m), and applying design principles from the Council's supplementary guidance on house extensions, it would not encroach beyond a line drawn at 45 degrees from the habitable room windows in the back walls of those neighbouring dwellings.

The relationship of the lift tower to No 4 West View and its rear yard and windows have again been carefully considered. However, the increase in the projection is modest. Given its separation from the neighbour by the intervening access, officers did not have any serious issues regarding the impact of the previously approved development on the outlook privacy of amenity of occupiers of that dwelling. The modest increase of 0.64 metres would have no significant additional adverse effects on that property.

It is noted that No 6 West View has a single storey rear extension which has a window facing onto the extension from a higher level. However, the room in this extension benefits from a second window which faces towards its garden. The additional depth of the lift tower will have some minor effects on the side window but the presence of another source of light is such that it will not significantly harm the living conditions for the occupants at No 6.

No windows have been built into the side elevation of the lift tower facing No 4 West View. The windows on the rear elevation of the tower remain as per the previous approval and although they will be slightly closer to the rear boundary, appropriate distances would remain. Further, these windows will serve the stairwell, which is not habitable space. In that respect, the development will not compromise the privacy levels of any neighbouring occupants.

Neighbours have objected on ground of noise. The lift shaft mechanism is located in the same location as the previous approval which is at an appropriate distance from the neighbouring dwellings. The lift mechanism will be enclosed in a stone structure. Resulting noise disturbance from the mechanism is unlikely to significantly impact on the amenity of the neighbouring occupants inside or outside the building itself.

It is not accepted that the additional projection would cause a significant loss of outlook or dominance to adjoining properties. The effects of the 0.64 metre larger structure on immediate neighbours have been carefully considered but the proposal would not harm the living conditions of occupiers of adjoining properties or conflict with Policy UR3 of the Replacement Unitary Development Plan.

An additional minor change to the scheme, necessitated by practical requirements is that the high level rooflight moved from the south to the north roof plane. Officers have seen at first hand that this rooflight does not allow any overlooking of any neighbouring properties and the change is acceptable.

Other matters raised in the representations:

Once again, objections are lodged on grounds of lack of car parking for the development. However, this application is solely for changes to the lift tower not the principle of the use of the property as 5 apartments. There were no highway objections to the previously approved planning applications. This remains the case in the current application, with parking levels retained at 4 spaces as per the previously approved plan. The enlargement of the stair tower by adding a depth of 1.55metres on the original rear projection will not significantly alter access and egress arrangements - with adequate space being retained for the parking and manoeuvring of 4 vehicles. In this respect policy TM19A of the Replacement Unitary Development Plan are satisfied.

Despite criticism of the submitted Heritage Statement, the Local Planning Authority has been able to understand and fully assess the impact of the proposed development on the character of the building, nearby listed buildings and the wider conservation area.

The application is retrospective and the reasons for non-compliance with the approved plans have been highlighted. The agent has explained that these variations arise due to a combination of the need to make the lift fit the space and errors in the portrayal of the existing stairwell projection onto which it is being built.

It is not un-lawful to make a retrospective planning application to regularise variations from approved plans; however, this is fully at the risk of the developer and may be subject to enforcement action. In itself, it is not a reason for refusal.

Community Safety Implications:

None.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance quality of opportunity between different groups and foster good relations between different groups. The lift shaft will enhance access arrangements for persons with reduced mobility, encouraging sustainable and long term benefits for the occupants of these apartments. Appropriate weight has been given to the merits of the proposal in this respect.

Reason for Granting Planning Permission:

The proposed extension to the building to accommodate a lift shaft would improve accessibility and standards of amenity for future residential occupiers. The degree of additional projection from the rear of the building has been carefully considered but the extension is still considered to relate satisfactorily to the character of adjacent properties and the wider conservation area. The impact of the development on the amenity of the occupants of neighbouring properties will not be significant and no highway implications are foreseen, and the scale and design are considered to be in accordance with the requirements of the NPPF and policies D1, UR3, BH4A, BH7 and TM19A of the Replacement Unitary Development Plan.

Conditions of Approval (as applied to 16/07924/FUL):

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 which indicates that the stone will be re-used stone from the existing building. Pointing details shall match the existing details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3, BH7, BH4A and D1 of the Replacement Unitary Development Plan.

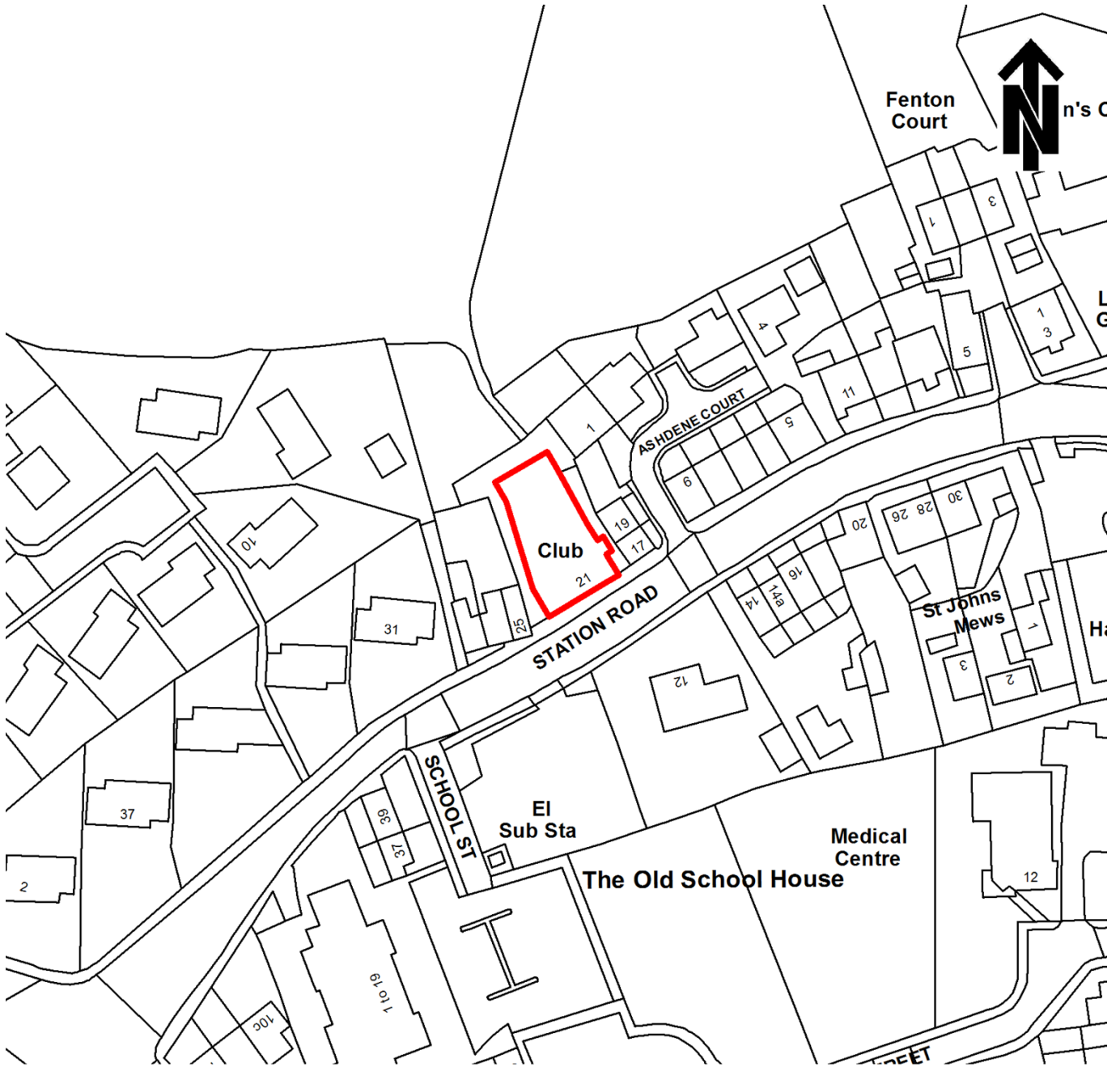
3. The window frames shall be a timber sliding sash design to match in detail to the existing approved window details on this building, as specified on the submitted plans.

Reason: In the interests of the character and appearance of the listed building and the conservation area and to accord with Policies BH4A and BH7 of the Replacement Unitary Development Plan.

16/08874/FUL

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Cullingworth & District Conservative Club
21 - 23 Station Road
Cullingworth BD13 5HN

22 March 2017

Item: E
Ward: BINGLEY RURAL
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
16/08874/FUL

Type of Application/Proposal and Address:
Full application for an externally mounted flue to serve kitchen extract ventilation at Cullingworth and District Conservative Club, 21-23 Station Road, Cullingworth, BD13 5HN.

Applicant:
Cullingworth and District Conservative Club (Mr T Key)

Agent:
Mark Wogden Architects

Site Description:
The Conservative Club occupies a two storey building on Station Road in the Cullingworth Conservation Area. In common with other buildings along Station Road it is built in stone and has a traditional character. The building directly abuts the back of the footway. The proposed flue would be located on the side wall of the building, quite close to the front elevation. It would project above the eaves. To the side is the rear wall of houses on Ashdene Court.

Relevant Site History:
13/03306/FUL: Single storey orangery and stone patio to rear in place of conservatory and timber decking, New entrance foyer and bottle store including external staircase to first floor living accommodation and construction of timber pergola. GRANTED 09.10.2013.

16/06807/FUL: Retractable awnings for occasional use. GRANTED 10.10.2016.

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

Cullingworth Conservation Area.

Proposals and Policies

UR3 – Local Impact of Development

D1 – General Design Considerations

BH7 – New Development within Conservation Areas

Parish Council:

The Cullingworth Village Council did not feel it had the expertise to make a decision in this instance as the application is in a conservation area and the visual impact needs to be minimised as much as possible. A concealed internal flue would alleviate this, if it was possible. Concern was expressed with regard to the fall out of fumes and how they would affect the neighbouring properties.

Publicity and Number of Representations:

The proposal was publicised with a site notice and neighbour notification letters with a 21 day deadline of 30.12.16.

At the date of writing this report the representations received were as follows:-

6 representations in support.

1 neutral comment.

Summary of Representations Received:

The representations in support highlight the benefits of the new flue, including, reduction in noise and smells.

Some also consider the flue to be sympathetic to Cullingworth Conservation Area and the parent building.

The success of the business and the professional manner in which it is run is also commented upon.

Consultations:

Environmental Health - No comments received.

Design and Conservation Team - The premises are in Cullingworth Conservation Area. The proposed flue would be close to the front elevation and would project above the eaves. It will be highly visible from the front. It should be routed internally or at the rear. In its current form the proposal will detract from the character and appearance of Cullingworth Conservation Area contrary to policy BH7 of the RUDP and para 134 of the NPPF.

Summary of Main Issues:

Impact on the character and appearance of the conservation area.

Amenities of occupiers of adjacent land.

Appraisal:

This is an application for the installation of a kitchen extract flue to the side elevation of the Conservative Club building. The main issue is its visual effects on the character and appearance of the Cullingworth Conservation Area and whether any harm to that character and appearance is outweighed by other public benefits.

Impact on the character and appearance of the conservation area

The Council's Conservation Officer considers that the flue would be a prominent feature and so would have an adverse impact on the character and appearance of Cullingworth conservation area. Although the proposed flue would be located on the side wall of the building, it would be close to the front elevation and would project above the eaves. It would therefore be a highly visible feature from the front and also on the approach to the building along Station Road from Halifax Road. The size and location of the flue are such that the level of harm is less than substantial for purpose of the NPPF but it is nevertheless a proposal that would fail to preserve or enhance the character or appearance of the conservation area.

Para 134 of the NPPF states that;

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

Reason for the proposal

The agent says the flue would replace an existing plain extract vent in the side wall of the building. This exits through the wall approximately 2 metres from the floor. It vents into the side passage. The agent says the odours from this existing extract affect neighbours, people passing along the street and customers going in or out of the club. The agent says the existing flue has vents which vibrate when the kitchen is in use and also when it is not in use when the wind affects it. The applicant's intention is that the new flue would benefit the immediate environment by eliminating this noise, and it will greatly improve the air quality for the immediate neighbours by venting odours at a higher level than at present.

However, this requires a more noticeable and very functional looking extract flue on the outside wall of the building.

Assessment/balance of arguments

It is acknowledged that suitable extract facilities are required and these will help support the Club as a viable business, but in the form and location proposed, it would detract from the building and the character and appearance of the conservation area. There is no evidence from the Council's Environmental Protection Department that the existing extract arrangements have been a source of complaints from neighbours.

The Conservation Officer and Cullingworth Village Council have both queried whether the flue could be routed internally inside the building or located less prominently on the rear of the building.

The applicant has responded to say that an internal flue would form a fire risk as it could get hot. It would also have to be routed up through the stewards' flat at 1st floor level. Discussions with the suppliers and the manufacturers reveal that the flue needs to be cleaned internally on a regular basis and this would not be possible with an internal system whereas the proposed exterior flue will provide access by means of a removable drip tray.

Although the arguments of the agent about alternatives have been considered, it is not considered that there are any demonstrable public benefits contained within the application submission that outweigh the harm this flue will cause and an alternative method should be found for extraction. As advised by the Conservation Officer, the proposal will detract from the character and appearance of Cullingworth Conservation Area and, on balance, the proposal is considered contrary to policy BH7 of the RUDP and paragraph 134 of the NPPF.

Amenities of Occupiers of Adjacent Land

The development is not considered to impact on neighbouring dwellings. The new flue is situated to the side elevation and is not considered to have any negative impact on the occupants of neighbouring dwellings. The new flue is considered to have potentially positive impacts for neighbours, reducing noise and smells in comparison to the current extraction fan system.

There are no local air quality management issues associated with the proposal. The proposal is therefore in this respect considered to comply with Policy UR3 of the RUDP.

However, these benefits are not considered to outweigh the harm to the conservation area.

Community Safety Implications:

The proposal poses no apparent community safety implications and accords with Policy D4 of the Replacement Unitary Development Plan.

Equality Act 2010, Section 149:

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

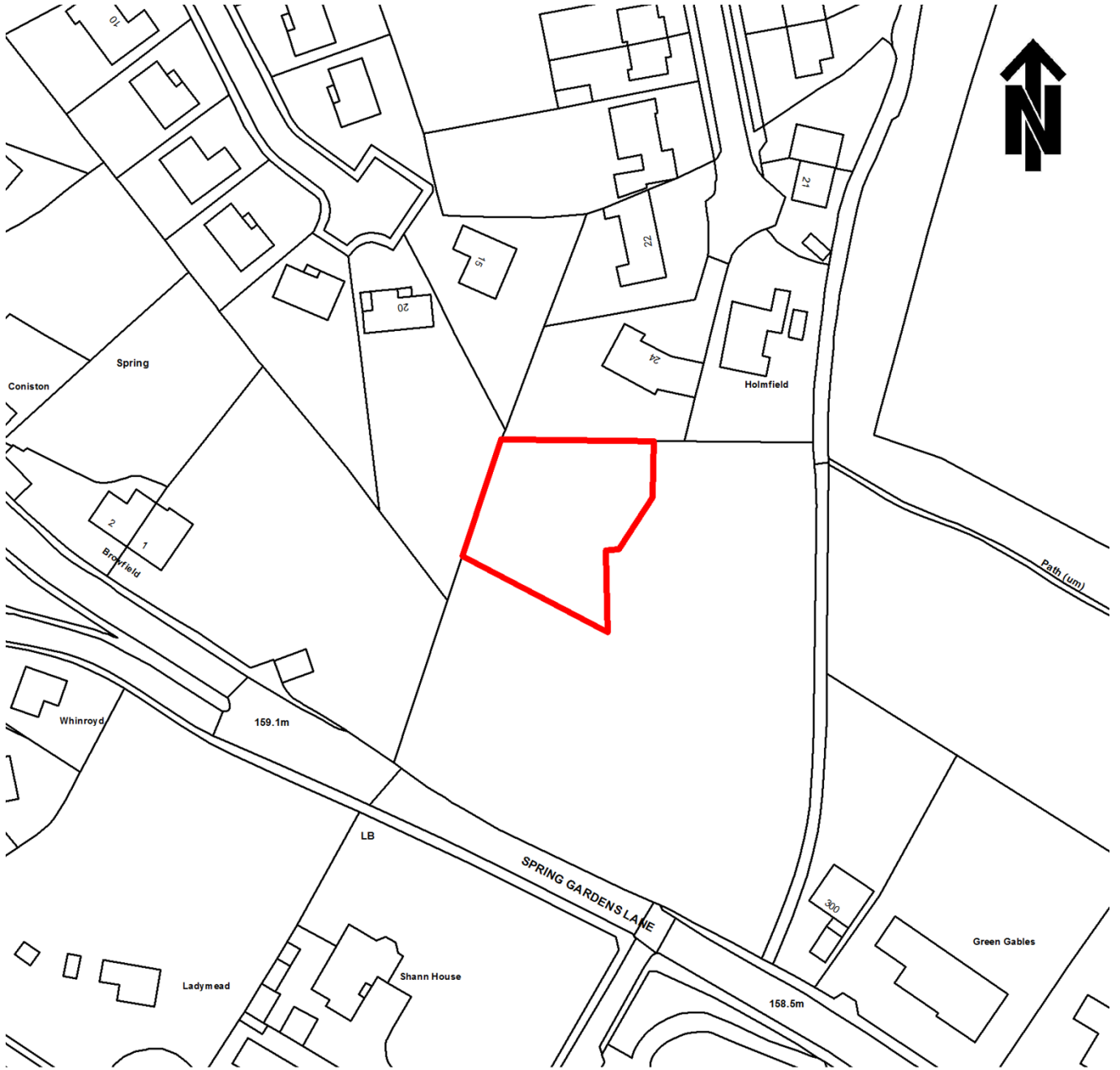
Reasons for Refusal:

The proposed flue will be highly visible from the front and also on the approach to the building. Therefore it will detract from the building and the character and appearance of the Cullingworth Conservation area. There are no demonstrable public benefits that outweigh the harm this flue will cause. The proposal will detract from the character and appearance of Cullingworth Conservation Area and the proposal is contrary to policy BH7 of the RUDP and para 134 of the NPPF.

16/08785/FUL

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**Holmfield
Manor Road
Keighley BD20 6ET**

22 March 2017

Item: F
Ward: KEIGHLEY CENTRAL
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
16/08785/FUL

Type of Application/Proposal and Address:

Full planning application for an amended house type on Plot 4 of the previously approved development at Holmfield, Manor Road, Keighley BD20 6ET.

Applicant:

Mr Riaz

Agent:

Mr Michael Ainsworth

Site Description:

This application relates to a plot of land to the rear of existing dwellings at the end of a residential cul de sac known as Manor Road in Keighley. The site takes access through the garden of Holmfield – a detached bungalow. It formed part of a pasture field behind the dwellings at the end of the cul de sac that slopes up to a boundary wall and trees running along Spring Gardens Lane. Planning permission for construction of four dwellings on this lower part of the pasture field was granted by Area Planning Panel in 2014. Development has started on site. The applicant is seeking to amend the design of the house type being used on Plot 4 in order to add further floorspace to its side elevation.

Relevant Site History:

13/04890/FUL - Construction of 4 four-bed detached dwellings with integral garages, gardens and demolition of existing garages to form new private driveway access. Granted 24.07.2014.

13/04890/SUB01 - Submission of details to comply with Condition 3 of permission 13/04890/FUL dated 24.7.14: Construction of 4 four-bed detached dwellings with integral garages, gardens and demolition of existing garages to form new private driveway access. Granted 27.10.2016.

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

Urban Greenspace K/OS1.6

Proposals and Policies

UR3 The Local Impact of Development
H7 Housing Density - Expectation
H8 Housing Density - Efficient Use of Land
TM12 Parking Standards for Residential Developments
TM19A Traffic Management and Road Safety
D1 General Design Considerations
D4 Community Safety
D5 Landscaping
OS1 Urban Greenspace
NE4 Trees and Woodlands
NE5 Retention of Trees on Development Sites
NE6 Protection of Trees During Development
NR15B Flood Risk
NR16 Surface Water Run Off and Sustainable Drainage Systems

Householder Supplementary Planning Document

Parish Council:

Keighley Town Council: Recommends approval.

Publicity and Number of Representations:

Publicity has taken place by means of a site notice and individual neighbour notification letters. Publicity expired on 18 December 2016.

27 representations have been received:-

13 in support
15 in objection

Summary of Representations Received:

13 representations support the development on the following summarised planning grounds:

1. The size and scale for the proposal is small and in keeping with its surroundings. Comments that the scale and position of the extension looks like it would be permitted development.
2. The house will not be visible from Manor Road and won't affect Devonshire Park (Conservation Area).
3. This development is very private and as a result does not affect any of the householders who are objecting.
4. There are no windows in the gable of the extension so it could not overlook neighbours.

15 representations object to the development on the following summarised planning grounds:

1. Overlooking. Privacy issues between the rear of the proposed property and 20 Aireville Close. If permission is given it is requested that the rear facing windows are made as small as possible.
2. Loss of light, dominance and overshadowing of the occupiers of 24 Manor Road and 15 Aireville Close. Loss of aspect for the occupants of 24 Manor Road who will look out onto a blank gable at close quarters.
3. The development will damage the weeping willow in the garden of 24 Manor Road to the detriment of visual amenity and assisting with controlling the high water table and drainage issues suffered by 24 Manor Road and lead to the loss of nesting habitat for birds and small mammals.
4. Development will lead to a decrease in off road parking and could adversely affect vehicles manoeuvring in the development of 4 dwellings.
5. It will look out of keeping with the rest of the housing development.
6. It won't contribute to the Government's aim of providing affordable housing and the need for a dwelling of the size proposed is questioned.
7. Damage to TPO tree T21 from works to extend the rear patio / terrace area.
8. The larger roof and patio areas can only worsen rain run-off due to this development and increase the chance of flooding.
9. Concerned that the increased size of dwelling will lead to more people and hence more traffic.

Objectors also query why an amendment to house design is being considered when the enforcement investigation and action with regard to breach of compliance with planning permission conditions is still outstanding.

Consultations:

Highways Development Control: No objections to the proposed development.

Drainage: No comments to add.

Trees Team: The offsite willow tree which is immediately affected by the proposal is not the subject of a TPO and has already been lopped back – but there are no planning objections to this. In the event of the application being approved a tree protection plan to BS5837: 2012 would be requested.

Summary of Main Issues:

Impact on character and appearance.
Impact on residential amenity.
Highway safety.
Other matters.

Appraisal:

Background

The principle of residential development of 4 detached houses on this lower part of the field behind the properties at the end of Manor Road was established by approval of planning application 13/04890/FUL by the Area Planning Panel in 2014. This planning permission is still extant and neither planning policy nor circumstances have materially changed.

It should be noted that the development that has taken place on site commenced without compliance with some pre-commencement conditions which required prior submission and agreement of various matters with the Local Planning Authority. Other than the approval of the external building materials under 13/04890/SUB01, details of matters such as tree protection fencing and drainage have not been submitted or agreed at the time of this report. The work undertaken on site is the subject of ongoing enforcement investigation. However, there is no legal reason why consideration and determination of the current planning application for amendments to the house approved on Plot 4 needs to be delayed awaiting the separate outcome of the enforcement investigation into the unauthorised development.

The Proposal

This new application seeks amendments to the size and design of the house being built on Plot 4, the most significant of which is the enlargement of the house by adding two storeys onto the side wall. This would project towards the boundary with 24 Manor Road which is a house at a lower level to the north.

The amendments would result in the house having the same finished floor level as that originally approved, but the roof has been hipped. Most significantly, the applicant requests that additional accommodation with a footprint of 3.3m x 8.95 metres is added to the north gable. This would provide an integral garage at ground floor; kitchen/dining room at 1st floor and a 5th (master) bedroom in the roof space.

The dwelling on the plot would have an increased width - being 8.95m wide rather than 8.55m and the additional 3.3 metres length, increases its total length from 9.4m to 12.7m.

The amended design also has altered fenestration to the rear and shows alterations to surrounding ground levels.

Impact on character of the area

Under the approved development, Plots 1 to 3 had the same design of detached dwelling whilst Plot 4 was slightly separate and had a slightly different design to the houses on Plots 1-3. The revised house design is similar, although obviously bulkier, and the materials would be the same as before (concrete interlocking roof tiles, split faced coursed natural stone walling and coloured UPVC windows).

The amended house design for the plot reflects the design and character of the houses approved under the original planning permission. The scale, materials and appearance are not out of keeping with the scale, form or appearance of the wider residential area which consists of a mixture of different sized and styled detached and semi-detached dwellings set in sizable garden plots.

Impact on the amenity of occupiers of adjoining properties

Plot 4 abuts the back garden of a two storey house at 24 Manor Road which has several habitable room windows located a minimum of 12.6 metres from the boundary. The windows in the existing house face towards the gable wall of the new house. A hedge runs along the boundary.

The amended house type would be sited to the south of 24 Manor Road. If it was built in accordance with the new plans the house on Plot 4 would have its gable wall 3.3 metres closer to 24 Manor Road than the scheme approved under 13/04890/FUL. It would be set about 1.4 metres inside the plot as opposed to the original distance of 4.7m.

No windows are proposed in the gable wall facing towards 24 Manor Road so there will be no overlooking or additional effects on privacy of the residents occupying that dwelling.

However, the dwelling would be two storeys in height with an overall height of 5.7m to eaves and 10.1m to the ridge of the hipped roof. It would present a larger bulk at closer quarters than originally approved. No 24 Manor Road has several habitable room windows on its rear elevation facing the common boundary at an angle. No 24 Manor Road is set at a lower level. The distance between the rear elevation of 24 Manor Road and the end gable of the dwelling on Plot 4 would vary between 12.66 and 16.42m as opposed to 15.96 to 19.72m as approved.

The agent has proposed to hip the roof of the enlarged part of the dwelling to reduce the effects on the residential amenity of existing and future occupiers of 24 Manor Road. However, the change in levels and the fact that the new house is to the south of 24 Manor Road has given rise to concerns about loss of light to the rear garden area and dominance of the outlook from the rear facing habitable room windows to the existing house.

The closer elevation would have a more dominant and overbearing impact on the residents of 24 Manor Road in terms of both their private garden area and windows serving habitable rooms. These effects are highlighted in objections received. It is considered that this is contrary to policies D1 and UR3 of the RUDP.

In respect of effects on the amenity of other neighbouring objectors, it is appreciated that the amended dwelling would be 1.19m closer to the rear boundary of 20 Aireville Close but, at the closest point, the distance to the rear boundary of that property would be 16.88m. Given the separation distances, it cannot be accepted that any unreasonable impact on occupiers of 20 Aireville Close would arise.

No other neighbouring properties are directly affected by the amendments.

Highway safety

Concerns are once again raised by objectors to the impact of the development on local traffic conditions in Manor Rise. However, the principle of forming access off the end of the cul de sac and along the side of the existing bungalow was considered in 2013. This new application seeks only amendments to a previously approved house on Plot 4 and would not intensify the level of traffic. The proposal would provide an integral garage and 2 parking spaces clear of the new turning head and so the Council's Highways Officer has raised no objection to the revised house type on highway safety grounds.

Although providing an additional (5th) bedroom, the proposed dwelling would not significantly intensify the use of the access and there is no conflict with policies TM12 and TM19A of the RUDP which deal with parking standards and road safety.

Other matters

The amended larger house type would impact on a willow tree standing in the rear garden of 24 Manor Road. However, this tree is not protected by TPO. It is prominent to any public areas. Excavation works already undertaken on the site will have reduced its public amenity value. The Council's Tree Section is not objecting to the proposal on the grounds of harm to the willow tree.

There are existing trees along the boundary of the site with 20 Aireville Close which are protected under a Tree Preservation Order. The amended house design for Plot 4 would involve the extension of a rear patio / terrace which would involve the alteration of levels. The amended patio / terrace has been tapered so that it will lie just outside the line of the closest root protection area. The Council's Arboriculturalist has confirmed that this will be acceptable subject to imposition of a tree protection condition on any approval.

Objectors have raised the loss of habitat for small mammals and nesting birds as an issue – principally due to loss of the willow tree. However, the more significant trees would remain and there are other trees and hedge row in the locality that can continue to provide alternative habitat. No protected species have been identified on site.

Should permission be granted contrary to recommendation, any grant of permission would be subject to the imposition of conditions placed on the original permission to control drainage and surface water drainage.

With regard to a supporter's comments regarding the enlarged dwelling being "permitted development", this is an incorrect comment. The two storey addition cannot be permitted development as the house is not yet occupied, and even if it was the extension would not meet the limitations to Part 1 Class A permitted development due to its proximity to the boundary.

Community Safety Implications:

The proposal raises no community safety implications and would not be contrary to 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.

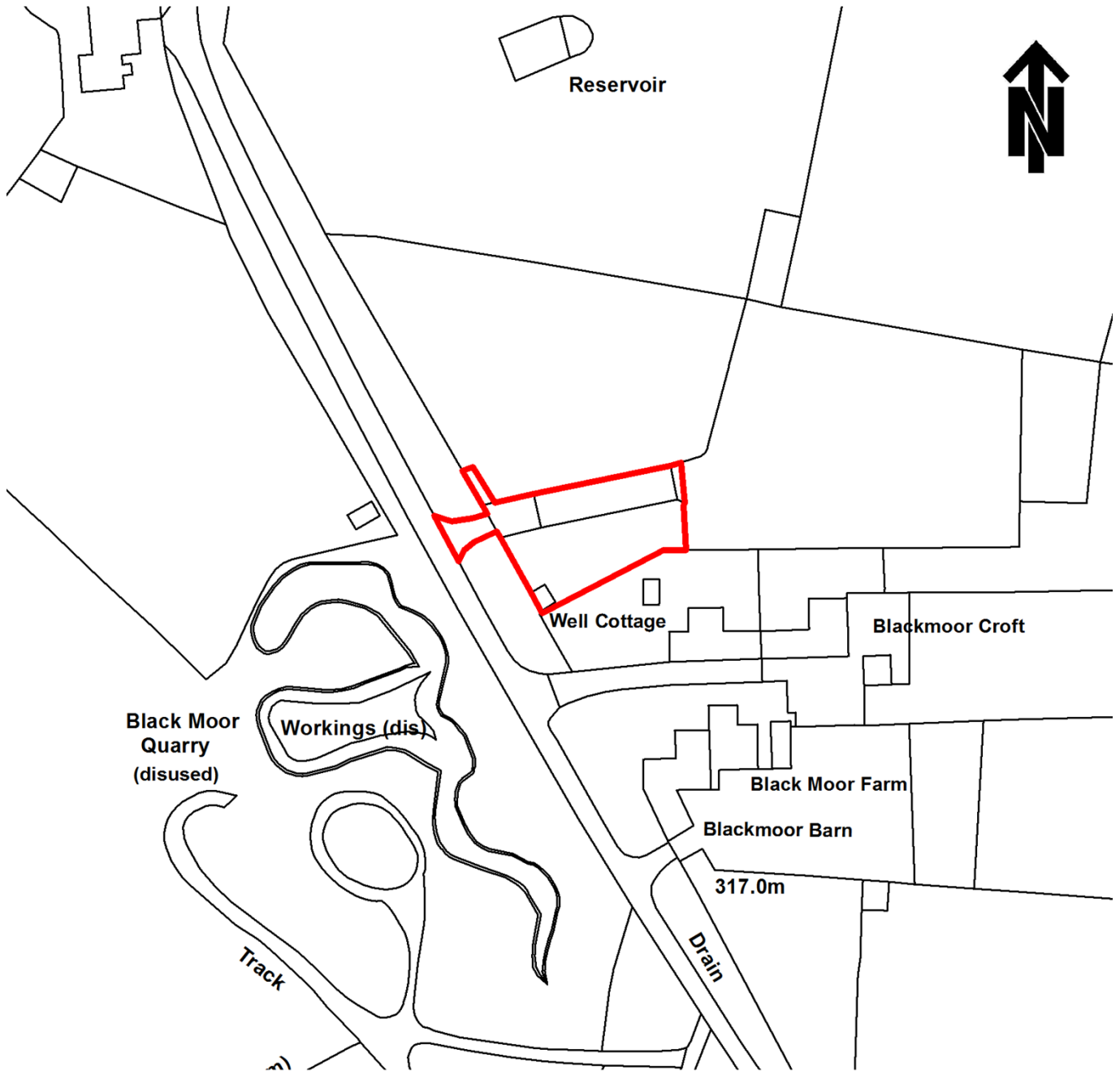
Reasons for Refusal:

1. The amendments to the house on Plot 4 would result in the proposed dwelling being significantly closer to the boundary with 24 Manor Road. The height and proximity of the proposed house, combined with the difference in levels between it and 24 Manor Road and its position to the south side of this property would result in the new house having an unacceptable overbearing impact on the habitable rooms and rear garden area of that existing property. As such the proposal would be contrary to policies D1 and UR3 of the Replacement Unitary Development Plan and paragraph 17 of the National Planning Policy Framework which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

16/07909/FUL

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**Land North Of Well Cottage
Black Moor Road
Oxenhope Keighley**

22 March 2017

Item: G
Ward: WORTH VALLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
16/07909/FUL

Type of Application/Proposal and Address:
Full application for conversion of stables to form one dwelling. Building on land North of Well Cottage, Black Moor Road, Oxenhope, Keighley.

Applicant:
Mr & Mrs Ayrton

Agent:
David Hill Chartered Surveyors

Site Description:
This application relates to an old blockwork stable building located within the approved Green Belt off Blackmoor Road, Oxenhope. The building has been in place for many years and is in a dilapidated state. The building stands higher than the level of Black Moor Road on the edge of Black Moor and is prominent in the wider landscape given its elevated skyline position above the upper Worth Valley. A cluster of stone-built former farm buildings are to the south of the site and have been converted to residential use. To the north and east of the application site across the upland plateau, are a scattering of further sheds and structures of a similar nature to the building here.

Relevant Site History:
83/02602/FUL - Caravan. Granted
02/03042/FUL - Extension to stable block. Refused
03/01926/FUL - Extension to stable block. Granted
11/04047/FUL - Rebuild stables with new dwelling attached. Refused 11.11.2011 and subsequent appeal dismissed.

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

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Green Belt

Proposals and Policies

UR3 Local Impact of development

GB1 Development in Green Belt

NE3 Landscape

NE3A Landscape

Parish Council:

Oxenhope Parish Council: Objection. The proposal is contrary to Green Belt policy.

Publicity and Number of Representations:

Advertised by press and site notice. No representations have been received.

Consultations:

Highways Development Control: No objections subject to car parking being provided.

Drainage Section: Treatment plant details to be submitted showing working capacity of the tank and proposals for the disposal of final effluent.

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

The structural report indicates a surface water drainage system will be required to dispose of excess surface water from the proposed green roof.

The developer would need to provide results of percolation tests and subsequent design details (in accordance with Building Research Establishment Digest No 365), for comment, prior to such surface water drainage works commencing.

Summary of Main Issues:

Principle of development – Green Belt.

Visual Impact.

Appraisal:

Principle – Green Belt

The site is located within the approved Green Belt.

The fundamental aim of Green Belt policy is to prevent urban sprawl and protect the countryside from encroachment. This is achieved by protecting the essential characteristics of the Green Belt, which are its openness and permanence. Encroachment of inappropriate development, even if undertaken in a piecemeal manner will, in accumulation, lead to severe harm as the open characteristics of the Green Belt are eroded by urbanising influences.

The construction of new buildings is resisted by Green Belt policy unless they are for uses that are defined as being an exception by Paras 89 and 90 of the National Planning Policy Framework. New residential development falls outside the exceptions and so is by definition inappropriate and harmful.

However, NPPF Green Belt policy does acknowledge that existing buildings can be reused, provided that they are of permanent and substantial construction.

The building here is a low rise functional and somewhat unsightly structure. It is constructed of a single, un-insulated leaf of blockwork that is partly supported by external buttresses. The blockwork has suffered quite severe damage due to weathering and has been roughly patched and repaired in places. It is roofed with sheets of corrugated steel of varying condition, supported by relatively lightweight timbers. Parts of the roof are held down using blocks of stone as weights.

As noted above, the re-use of buildings in the Green Belt can be acceptable but these buildings must be permanent and substantial, meaning that they must themselves be capable of physical conversion and subsequent human occupation. However the construction and condition of this building is such that it is not regarded as capable of being converted without major works of reconstruction.

In order to provide suitable domestic accommodation the existing building that would meet modern standards, it would in effect have to be replaced. The works required would comprise the construction of a new inner leaf and a new outer leaf to external walls and a new roof structure. The proposals would therefore effectively involve the construction of a new dwelling as a replacement for the existing structure. As such this represents inappropriate development that is, as a matter of principle, fundamentally contrary to Green Belt policy.

It is noteworthy that a planning application in 2011 sought to rebuild this structure as a stables and dwelling combined. This was refused planning permission and the subsequent appeal was dismissed by the Secretary of State on the grounds of it amounting to inappropriate development.

The National Planning Policy Framework (NPPF) states that inappropriate development should not be approved, except in very special circumstances.

No very special circumstances have been advanced in support of the proposed development and as a consequence the proposals are contrary to Green Belt policy expressed in Policy GB1 of the Replacement Unitary Development Plan (RUDP) and the NPPF.

Visual Impact

The proposal here would result in obvious and prominent encroachment into the upland countryside above Oxenhope. The proposals also indicate a large domestic curtilage which would then be available for associated paraphernalia such as washing lines, outbuildings and car parking. Such encroachment would do substantial harm to the visual quality and character of the surrounding upland landscape.

Being located on the skyline visible from many viewpoints the proposed development would be widely visible, including at night due to illumination.

The surrounding landscape is internationally valued because of its literary heritage. Records show that 1 million tourists visit 'Bronte Country' annually and clearly its qualities and characteristics make the area very important to the local economy. Visitors comment that the sense of remoteness in the uplands is an experience that is an essential element of the literary heritage and quality of the area. However, the Council's Landscape Character Assessment (which forms Supplementary Planning Guidance) notes that the visual impact of new dwellings in the landscape is beginning to affect this sense of remoteness.

Continued inappropriate development will erode the value of the landscape still further, to the detriment of its attraction for tourists as well as the resident community. It is therefore essential that adopted council planning policies that seek to protect these assets are consistently applied.

In this case, the development of this new dwelling and its associated curtilage would result in harm to the visual qualities and landscape character of the area, contrary to Policies UR3, NE3 and NE3A of the RUDP.

Biodiversity

A dusk/darkness emergence and activity survey of the building was undertaken using a Batbox Griffin auto record and Duet heterodyne and frequency division detectors. This was undertaken in September 2016 with reference to Natural England and Bat Conservation Trust recommended guidelines.

The survey found no record of a bat roost or any records of any other protected or notable species at this site. No habitat or ecological objections are raised.

Community Safety Implications:

There are no community safety implications.

Equality Act 2010, Section 149:

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

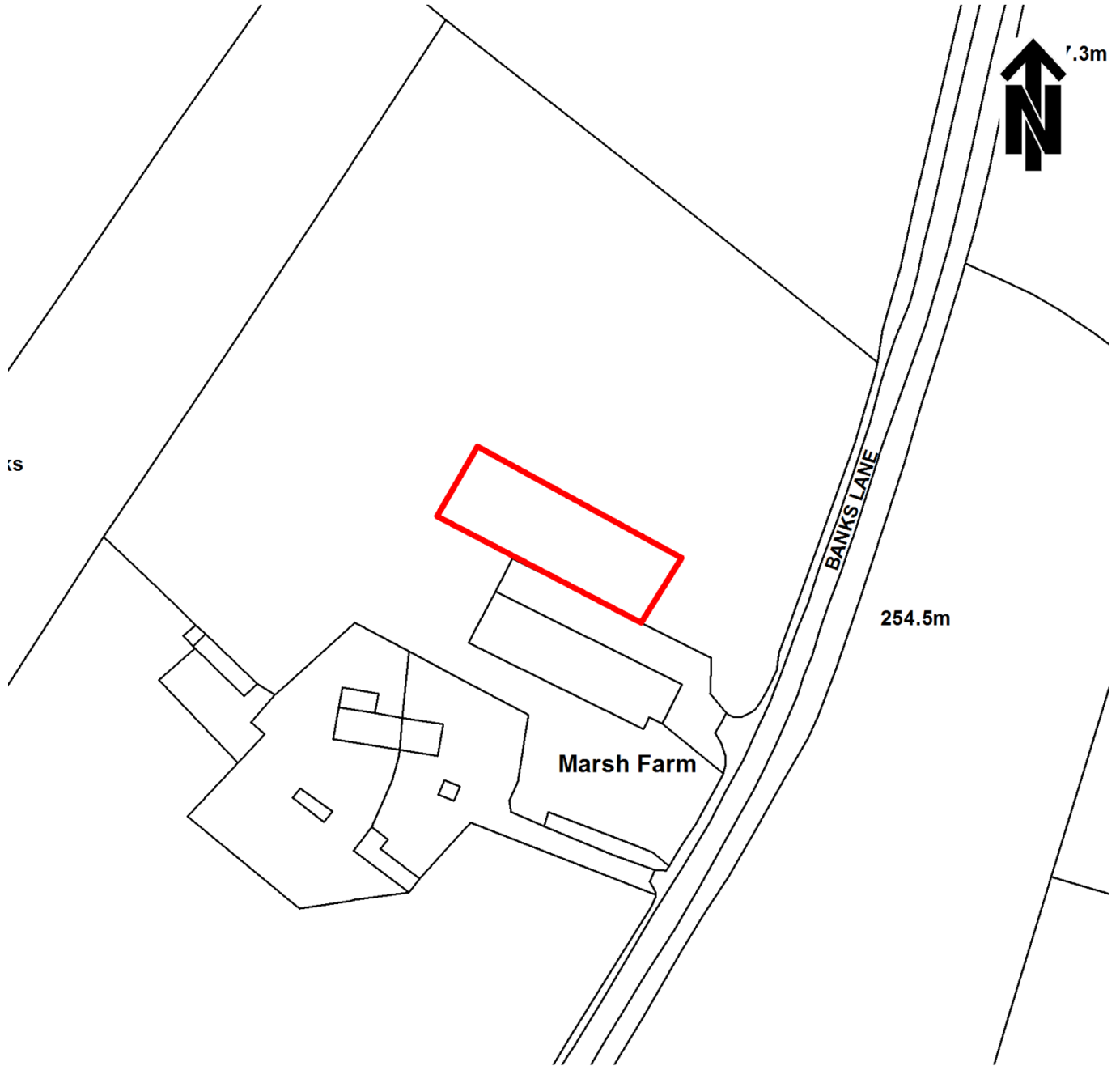
Reasons for Refusal:

1. This building is incapable of conversion to residential use as a consequence of its construction and condition. The proposed development would therefore result in the construction of a new dwelling within the approved Green Belt, which is inappropriate development contrary to Policy GB1 of the Replacement Unitary Development Plan and contrary to the National Planning Policy Framework.
2. The introduction of residential use would not preserve the openness of the Green Belt and would conflict with the purposes of including land in Green Belt by resulting in an unacceptable encroachment of domestic occupation and activity into the approved Green Belt to the detriment of its character and openness. This would be contrary to Policy GB1 of the Replacement Unitary Development Plan and contrary to the National Planning Policy Framework.
3. The proposals in this prominent location would result in visual harm in the sensitive upland landscape to the detriment of its attractiveness and character, and of its value in tourism terms. The accumulation of visually harmful development and the consequent effects on the character of the area will over time adversely affect local socio-economic regeneration. The proposals are contrary to Policies UR3, NE3 and NE3A of the Replacement Unitary Development Plan and contrary to the National Planning Policy Framework.

16/08142/FUL

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**Marsh Farm Banks Lane
Riddlesden
Keighley BD20 5QX**

22 March 2017

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

Application Number:
16/08142/FUL

Type of Application/Proposal and Address:

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

Applicant:
Mr Josh Connolly

Agent:
Michael Ainsworth

SUPPLEMENTARY REPORT - UPDATE

This planning application was considered at the Area Planning Panel meeting on 23 November 2016. The Officer report presented to that meeting is appended to this supplementary update.

Following consideration of the Officer presentation and having heard representations from speakers, Members expressed concerns in relation to the lack of information provided regarding the kennels and the absence, at that time, of a full response from the Council's Environmental Health Department to the applicant's consultant response to that Department's objection on grounds that the kennels would cause noise nuisance.

Officers had pointed out that the site is in the Green Belt and the Panel should give considerable weight to this. It was the applicant's responsibility to substantiate the very special circumstances for the development. It is minuted that Members asked for such justification and also agreed that further information in relation to the water contamination and biodiversity concerns was required.

The following information/consultation advice has now been received and the applicant has proposed amendments to the scheme. In addition, since November, a significant number of new objections have been submitted from 3rd parties and need to be considered.

1. SUPPLEMENTARY INFORMATION AND AMENDMENTS RECEIVED

The applicant has now confirmed that the existing poultry rearing shed at the site is redundant and now proposes that it will be demolished and the dog kennels will be built on its site rather than in the open field adjacent. The proposed dog kennels building is of slightly different proportions to the poultry shed, being wider and slightly shorter, but the position is more or less the same as the poultry shed which has been standing on the site since around 1980.

As a result of its amended siting, the agent's survey shows that the proposed building would now no longer be placed over the projected line of the water supply pipes serving two nearby homes - 'Hilltops' and 'Paxton Bungalows'.

Of significance is that the dog kennels building would now accommodate 30 dogs as opposed to 44 as shown previously.

The applicant has also omitted references to using the adjoining field to exercise dogs. Space is now incorporated inside the building for exercise and this space would be sound insulated. The applicant says there is no legal requirement to provide larger exercise areas and the space shown on the plan as a "communal run" is sufficient for periodic exercise of dogs that are boarded.

A Business Plan has been submitted. A new Noise Report is tabled and calculations of projected water consumption. Also certain personal factors have been highlighted in support of the applicant's case.

2. NOISE ISSUE

An additional noise assessment has been submitted by the applicant's acoustic consultant, dated 7th December 2016. This uses BS 8233:2014 and Building Establishment Digest 338 (1988) as its reference criteria. An additional +5 dB penalty has been added by the consultant to account for the likely impulsive and intermittent nature of the noise from dogs. The report also makes reference to the amended location of the proposed kennels further towards Banks Lane.

Comments on this assessment have been received by the Council's Environmental Health Officer who maintains his original view that the amended noise prediction values indicate that, at 'Hilltops' and 'Paxton Bungalows', being some 114 metres from the kennels, the night time and daytime noise levels would exceed maximum levels recommended by World Health Organisation Guidelines for Community Noise: 1999; and at 'Crom House' the night time noise levels would also exceed the World Health Organisation Guidelines for Community Noise: 1999's maximum recommended level.

The Environmental Health Officer has conducted a daytime site visit to the vicinity of the proposed development, and given that noise from the dogs' barking will be plainly audible at 'Hilltops', 'Paxton Bungalows' and 'Crom House', the officer is of the opinion that this noise will significantly alter the current acoustic character of the area. The Environmental Health Officer points out that he has extensive experience of investigating noise from commercial dog boarding kennels, and is surprised that sound impact levels are predicted by the applicant's consultant to be so low given the relatively short distance between the proposed kennels and the nearest occupied dwellings.

This being the case, Environmental Health department maintains its advice that it would not support the dog kennels application due to the potential for adverse noise impact on the nearest dwellings (see suggested reason for refusal).

3. WATER SUPPLY

A private water supply (spring) arises in the field above the position of the proposed kennels building. This currently divides within the applicant's land to serve Marsh Farm (the applicant's home) and two further properties, 'Hilltops' and 'Paxton Bungalows'. As stated above, the amended position of the building is now such that it stops short of the pipes supplying Hilltops and Paxton Bungalows.

The Council's Environmental Health Officer has expressed concerns that during development of the kennels, disruption or contamination may occur due to fact that the pipe work supplying Hilltops' and 'Paxton Bungalows' runs close to the proposed building. However, this concern could be addressed by a condition requiring installation of protective fencing around the position of the supply pipes and the spring source during building works.

Objectors have raised concerns that extracting the water needed by the dog kennels business may affect the supply to their homes. The need for water will arise due to the water needed for dogs to drink and for purposes of keeping the kennels hygienic. Officers have been made aware that last year the supply to the two other properties was disrupted for 2 months.

Various estimates of potential consumption have been submitted by objectors but these are challenged by the applicant as being exaggerated. The applicant says the maximum need for water per average sized dog would be 1 litre a day.

The applicant also says that dog faeces would be dealt with as solid waste for disposal to waste bin. The individual kennels would be cleaned by mop and bucket and there would not be any daily hosing down of the kennels.

The proposal is reduced from 44 dogs to 30 which would also lessen water consumption.

As the kennels would now involve demolition of the existing poultry shed, water consumption would drastically reduce compared with what has been extracted in the past. The applicant estimates that the free range chicken shed contained around 3000 birds with a total water requirement of 660-810 litres a day depending on the stage of the birds in the egg production cycle. Therefore, water consumption will now actually be decreased by 766 litres per day.

The Environmental Health Officer is also concerned that development may adversely affect the treatment systems installed due to fouling and particles. This might also be addressed by requiring protective fencing around the system.

The Environmental Health Officer also queries whether the private water supply would be contaminated if the associated farmland is used to exercise dogs. However, the land has previously been used for farm livestock and in any case the applicant has now said it is not necessary to use the field for exercise and this aspect of the proposals has been withdrawn due to the concerns expressed.

The Environmental Health Officer recommends that should the application be approved, the following conditions be 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 and Environmental Health Department 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 to any property served by the supply, that could potentially be a risk to health then the Environmental Health Department 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. It is also suggested that footnotes could be added to any decision notice alerting the applicant of the separate legal requirements in respect of water supply.

4. ADDITIONAL REPRESENTATIONS RECEIVED

Additional representations of objection from 23 individuals (16 addresses) have been received since the application was deferred. 4 additional representations in support have also been received.

Previous representations summarised in the November 23rd 2016 are largely re-iterated. The points of objections can be summarised as:

1. Noise pollution with the prospect of barking dogs day and night all year round affecting the lives of nearby residents. Plus reference to the smell from the kennels when they are being cleaned out. Objectors make the point that dog barking cannot be turned on/off with a switch. It has a multiplicity of pitch levels and has a greater stressful impact, being uncontrollable, unpredictable, inconsistent, and impulsive.
2. The effect of this noise on local livestock. The fields above Marsh Farm at the top of Banks Lane are used by neighbouring farm businesses for grazing. Dogs barking will be stressful to animals especially sheep in lamb and cows in calf. Disease transmitted through dog faeces is on the increase and has a very serious effect on cattle and safe calving.
3. The effects of noise and presence of dogs on local wildlife, with particular reference to the ground nesting birds of the nearby moorland Special Protection Area which forage on these pastures.
4. Objection to proposed change of use on this green belt land.
5. The effects of development on water supply to the other properties. Going on mains water supply will cost in excess of £40,000 so is not a viable option.
6. The effects of disposal of large amounts of waste from the kennels.
7. There will be extra traffic down Banks Lane affecting the enjoyment of the countryside.

The additional representations in support are on grounds that the business would be a beneficial facility for the community.

5. GREEN BELT – VERY SPECIAL CIRCUMSTANCES

Officers recommend refusal of the application as the kennels building would be inappropriate development in the green belt. A dog kennels is not strictly one of the exceptions to green belt listed by Paras 89 and 90 of the National Planning Policy Framework or Policy GB1 of the RUDP.

The dog kennels building would still be inappropriate development because it would not be in agricultural use, but it would have a lesser impact on the openness of the green belt and the purposes of the Green Belt compared with the separate building which was shown encroaching further onto the field.

In the Green Belt, 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.

A Business Plan is submitted that sets out how the applicant intends to develop the business. Although, potential customers are canvassed, the evidence does not establish a shortage of dog kennels in the wider vicinity. The approach of the business plan stresses the applicants intention is to offer a higher quality facility than is available elsewhere - which would be valued by customers. However, the Business Plan, whilst demonstrating the applicant's passion, enterprise and strong desire to develop a home-based business on the land does not demonstrate that there is a shortage of quality boarding kennels in the wider locality. In the view of officers, the Business Plan and accompanying personal statements do not convincingly demonstrate very special circumstances.

6. BIODIVERSITY

At the November meeting Officers presented consultation advice from the Council's Countryside Officer expressing concern at loss of 'in-bye pasture' that may be of value for moorland birds. The Countryside Officer pointed out that the site is around 700m from the nearest edge of the South Pennine Moors SPA/SAC (European Site) and there are records of foraging curlew and lapwing in adjacent fields, less than 200m from the proposals. No ecological assessment had been submitted by the applicant.

However, the amended proposal would build on the site of the existing poultry shed and so would not result in any loss of grassland that could be deemed important to the 'qualifying bird species' of the SPA. In view of this, requiring that an ecological assessment of the grassland be submitted and that unspecified mitigation be provided for loss of in-bye grassland and disturbance to birds would now seem unreasonable.

While there were concerns that noise from the dog kennels, and dog walking/exercising on the adjacent field could cause significant disturbance to the SPA birds, the likelihood of this is significantly reduced by the proposals (a) to reduce the numbers of dogs and (b) to omit the external exercise areas in the fields. In view of this, officers consider that the requiring an Ecological Appraisal would be unreasonable and that impact on bird species from dogs housed in an insulated building is not likely to be significant.

APPENDIX – ORIGINAL REPORT TO NOVEMBER PANEL

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.

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Report of the Strategic Director, Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 22 March 2017

R

Summary Statement - Part Two

Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	(3)
Decisions made by the Secretary of State - Allowed	(1)
Decisions made by the Secretary of State - Dismissed	(4)

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

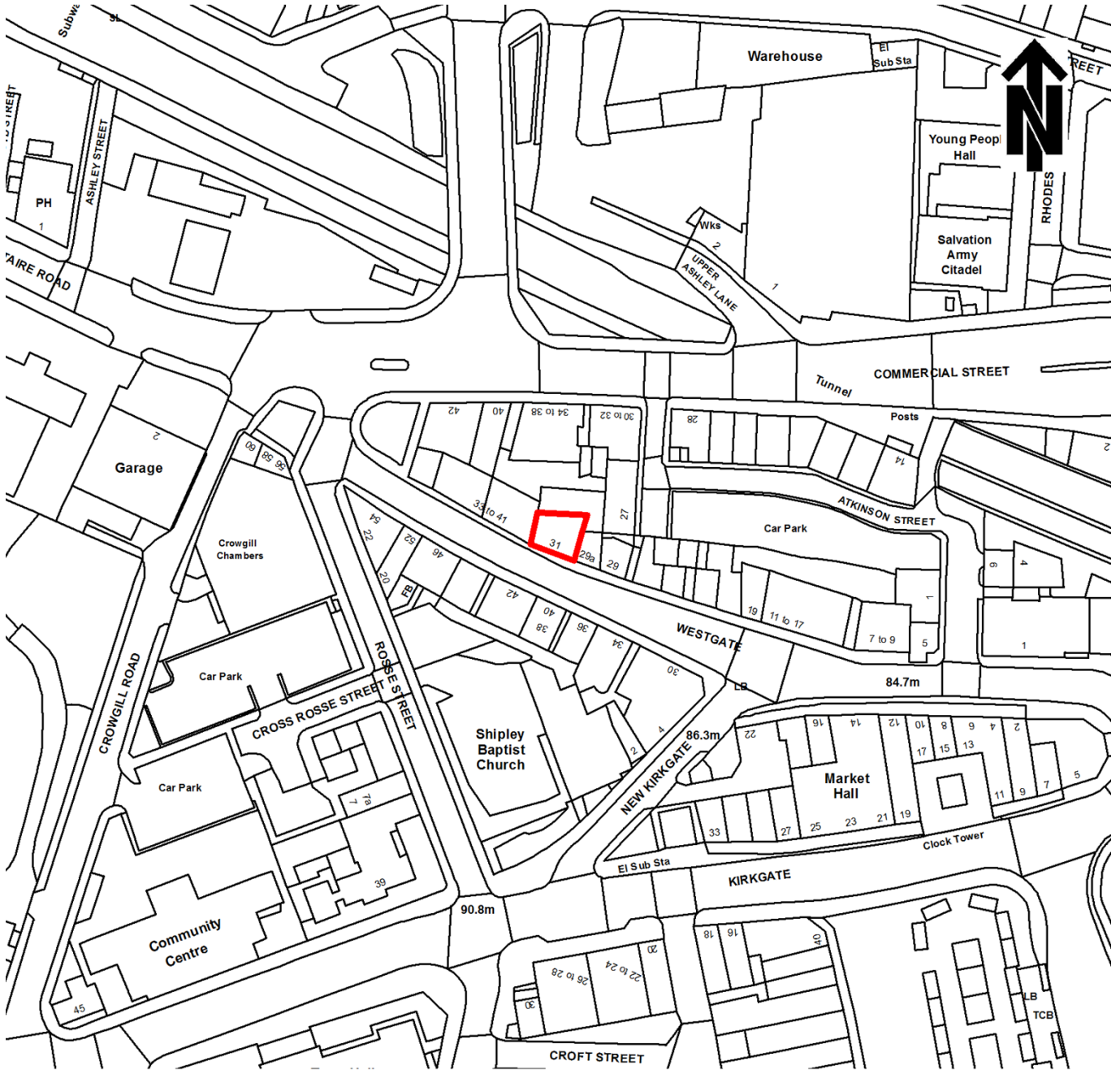
Overview & Scrutiny Committee Area:
Regeneration and Economy



16/01019/ENFUNA

City of Bradford MDC

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**31 Westgate
Shipley
BD18 3QX**

22 March 2017

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

Enforcement Reference:
16/01019/ENFUNA

Site Location:
31 Westgate, Shipley, BD18 3QX

Breach of Planning Control:
Unauthorised externally mounted roller shutters.

Circumstances:
In November 2016 the Local Planning Authority received an enquiry regarding the installation of roller shutters at the property.

An inspection showed that two externally mounted roller shutters 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.

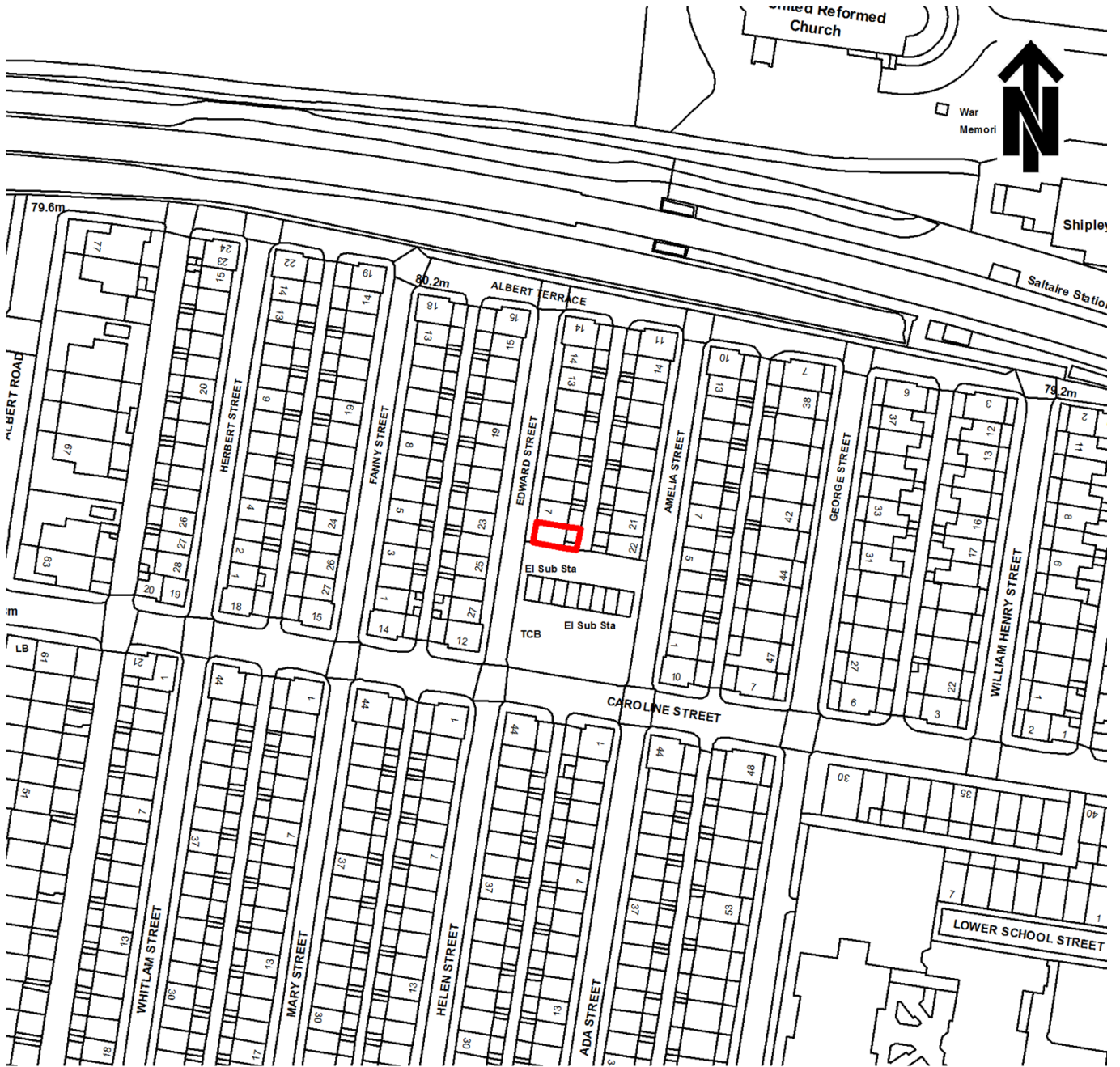
The owner/occupier has been requested to take action to rectify the breach of planning control, however no action has been taken.

The unauthorised roller shutters remain in place and on 8 February 2017 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 shutters are detrimental to visual amenity by virtue of their 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.

15/00989/ENFCOU

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6 Edward Street
Saltaire
Shipley BD18 4PZ

22 March 2017

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

Enforcement Reference:
15/00989/ENFCOU

Site Location:
6 Edward Street, Saltaire

Breach of Planning Control:

Change of use from a residential use to a mixed use including both residential and a new retail use for the operation of a bakery.

Circumstances:

It was brought to the attention of the Local Planning Authority that the owner had carried out a material change of use of this residential dwelling, a grade II listed building, to a mixed-use including both residential and business retail uses specifically the operation of a bakery.

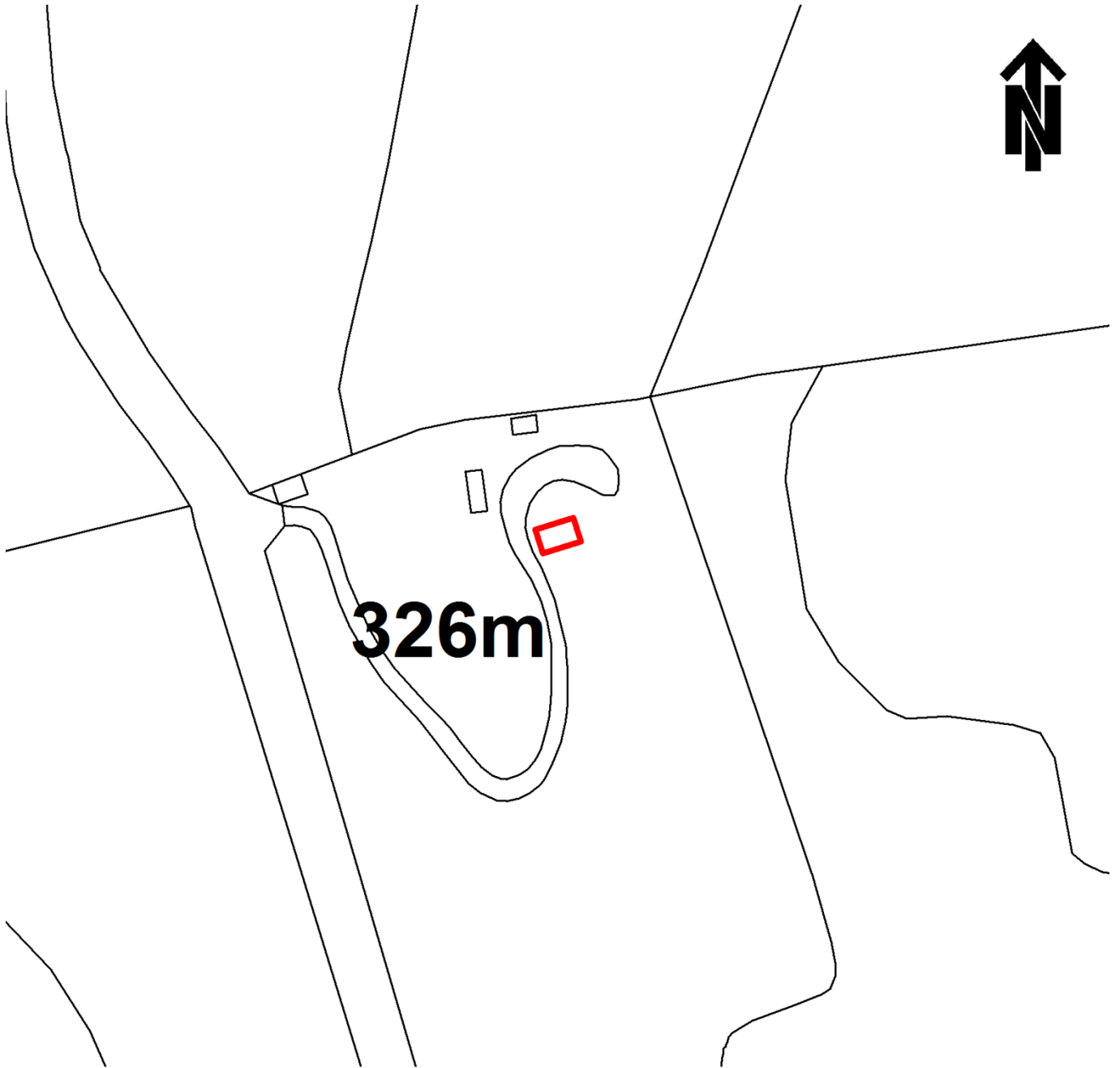
Following written challenge it was confirmed that a commercial baking enterprise was occurring from the property however the use was infrequent and restricted access to the public. Further information received since indicates the use has intensified with a regular provision for customers to visit and purchase from the property to the significant detriment of the amenities of residents of adjoining properties and the wider area. No planning permission has been sought for the change of use which is unauthorised.

The change of use is contrary to Policies UR3, BH1, BH6, BH7, BH13, D1, P1, P7, and D1 of the Council's Adopted Replacement Unitary Development Plan and national policy set out in the National Planning Policy Framework.

17/00053/ENFUNA

City of Bradford MDC

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**Buildings At Grid Ref 399985 441712
Long Gate Sutton-in-Craven
Keighley**

22 March 2017

Item: C
Ward: WORTH VALLEY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
17/00053/ENFUNA

Site Location:
Land on the East Side of Long Gate, Sutton in Craven (Oakworth), Keighley.

Breach of Planning Control:
Unauthorised development.

Circumstances:
It was brought to the attention of the Local Planning Authority that works had commenced on the above site including part demolition, rebuilding and engineering operations to create either a new dwelling/building.

The unauthorised development amounts to inappropriate development within the Green Belt and is harmful to the character of the landscape character contrary to Policies GB1, NE3 and NE3A of the Replacement Unitary Development Plan for the Bradford District and national policy set out in the National Planning Policy Framework.

In order to prevent significant harm caused by the unauthorised works on the land the Development Services Manager authorised the issuing of a Temporary Stop Notice under delegated powers, on 23 January 2017.

DECISIONS MADE BY THE SECRETARY OF STATE

Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
D	Worth Valley (ward 29)	High Binns Height Lane Oxenhope Keighley Barn conversion as ancillary to dwelling, minor extension of domestic curtilage, engineering works to create an underground car park within established curtilage and deposit of excavated material on adjacent field - Case No: 16/01852/FUL Appeal Ref: 16/00127/APPFL2

Appeals Dismissed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
E	Bingley Rural (ward 03)	1 Thorn Gate Whalley Lane Denholme Bradford BD13 3SD Change of use of agricultural building and land to residential use (C3) and associated external alterations - Case No: 16/04729/PAR Appeal Ref: 16/00128/APPPAR
F	Keighley Central (ward 15)	10 The Hallows Keighley BD20 6HY Appeal against Enforcement Notice - Case No: 15/00609/ENFUNA Appeal Ref: 16/00076/APPENF
G	Worth Valley (ward 29)	Broad View Hob Cote Lane Oakworth Keighley BD22 0RW Demolition of garden sheds and replace with new garden store building - Case No: 16/05490/HOU Appeal Ref: 17/00002/APPHOU

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
H	Keighley Central (ward 15)	Fair Deal Beds Unit 2 Back Prospect Place Keighley BD21 1PS Appeal against Enforcement Notice - Case No: 12/00451/ENFUNA Appeal Ref: 16/00070/APPENF

Appeals Upheld

There are no Appeal Upheld Decisions to report this month

Appeals Upheld (Enforcements Only)

There are no Appeal Upheld Decisions to report this month

Appeals Withdrawn

There are no Appeal Withdrawn Decisions to report this month

Appeal Allowed in Part/Part Dismissed

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

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