

## Agenda for a meeting of the Area Planning Panel (Keighley and Shipley) to be held on Wednesday, 14 June 2017 at 10.00 am in the Council Chamber - Keighley Town Hall

### Members of the Committee – Councillors

CONSERVATIVE	LABOUR	THE INDEPENDENTS
Miller Riaz	Lee Amran Bacon Mullaney	Naylor

### Alternates:

CONSERVATIVE	LABOUR	GREEN
Ellis M Pollard	Farley Greenwood S Hussain Shaheen	Love

### Notes:

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

### From:

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

### To:



## A. PROCEDURAL ITEMS

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

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

### 2. DISCLOSURES OF INTEREST

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

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

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

*Notes:*

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

### 3. MINUTES

**Recommended –**

**That the minutes of the meetings held on 22 March and 26 April 2017 be signed as a correct record.**

(Claire Tomenson – 01274 432457)



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

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

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Claire Tomenson – 01274 432457)

#### 5. PUBLIC QUESTION TIME

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

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

**Questions must be received in writing by the City Solicitor in Room 112, City Hall, Bradford, by mid-day on 12 June 2017.**

(Claire Tomenson - 01274 432457)

### B. BUSINESS ITEMS

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

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

The sites concerned are:

- |     |   |                             |
|-----|---|-----------------------------|
| (a) | 15 Prod Lane, Baildon (Approve)                   | <b><u>Baildon</u></b>       |
| (b) | 31 Bark Lane, Addingham (Approve)                 | <b><u>Craven</u></b>        |
| (c) | 95 Main Street, Bingley (Approve)                 | <b><u>Bingley</u></b>       |
| (d) | Gateacre Mews, Hollingwood Gate, Ilkley (Approve) | <b><u>Ilkley</u></b>        |
| (e) | 34 Nessfield Drive, Keighley (Refusal)            | <b><u>Keighley West</u></b> |

(Mohammed Yousuf – 01274 434605)



## 7. MISCELLANEOUS ITEMS

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

- (a) Request for Enforcement/Prosecution Action
- (b) Decision 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 of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 14 June 2017

# A

### Summary Statement - Part One

#### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
1.	15 Prod Lane Baildon BD17 5BN - 17/01702/FUL [Approve]	Baildon
2.	31 Bark Lane Addingham LS29 0RA - 17/01719/FUL [Approve]	Craven
3.	95 Main Street Bingley BD16 2HT - 17/01035/FUL [Approve]	Bingley
4.	Gateacre Mews Hollingwood Gate Ilkley LS29 9PP - 16/07366/FUL [Approve]	Ilkley
5.	34 Nessfield Drive Keighley BD22 6NP - 17/01427/HOU [Refuse]	Keighley West

Julian Jackson  
Assistant Director (Planning, Transportation and  
Highways)

Report Contact: Mohammed Yousuf  
Phone: 01274 434605

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**Portfolio:**  
Regeneration, Planning &  
Transport

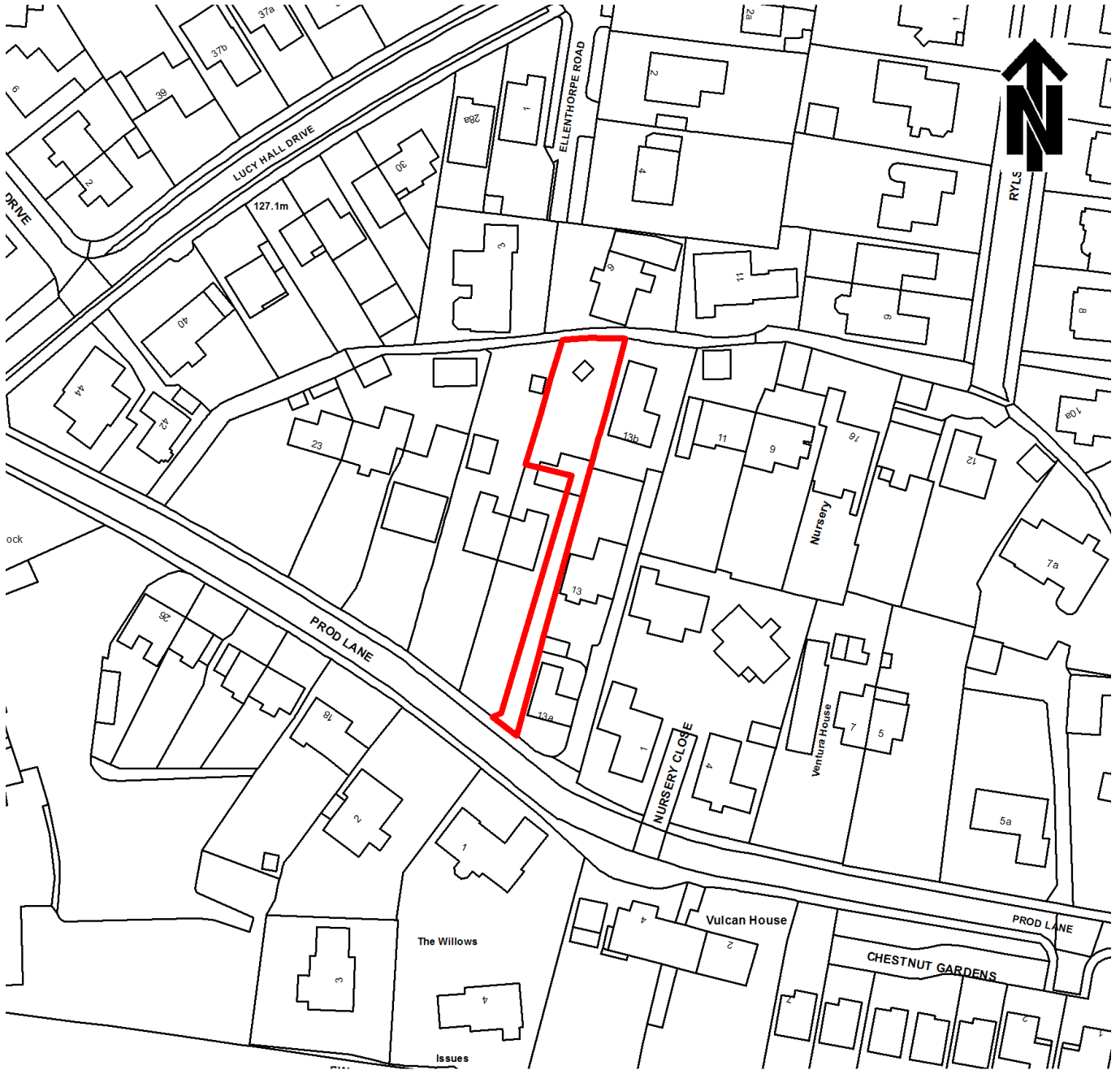
**Overview & Scrutiny Committee  
Area:**  
Regeneration and Economy



17/01702/FUL

City of Bradford MDC

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**15 Prod Lane  
Baildon  
BD17 5BN**

14 June 2017

**Item:** A  
**Ward:** BAILDON  
**Recommendation:**  
**TPO GRANT PLANNING PERMISSION**

**Application Number:**  
17/01702/FUL

**Type of Application/Proposal and Address:**  
Construction of detached dwelling at 15 Prod Lane, Baildon, BD17 5BN.

**Applicant:**  
Mr David Murgatroyd

**Agent:**  
Rone Design

**Site Description:**

This site comprises part of the long residential garden to the rear of 15 Prod Lane – one of a pair of semi-detached, stone built houses set back from the street. It is within a residential area which has a history of infill dwellings being inserted into the built form. Another dormer bungalow dwelling has been built on a similar plot behind No 13 Prod Lane immediately to the east. Land levels rise away from Prod Lane towards the north, such that the application site is higher than the existing dwellings. Beyond the site to the north, the side wall of a house No 6 Ellenthorpe Road is visible, and there is an intervening narrow footpath running east-west along the backs of the gardens. Vehicular access to the site is proposed via the existing driveway to No 15 which leads into the site via a gate opening in the stone wall along the frontage to Prod Lane to an existing prefabricated double garage which would be demolished.

**Relevant Site History:**

14/04634/FUL: Construction of detached dwelling. Granted 25 February 2015.

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

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

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

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

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

***Allocation***

Unallocated.

***Proposals and Policies***

UR3 – Local planning considerations

D1 – Design considerations

TM19A – Traffic management and road safety

TM12 – Residential parking standards

**Parish Council:**

Baildon Town Council has not sent a response.

**Publicity and Number of Representations:**

7 objections received in response to neighbour notification.

A Ward Councillor has requested that the application be determined by Panel.

**Summary of Representations Received:**

1. Residents objected to the previous application in November 2014 which subsequently was passed. Original objections are still relevant.
2. The land is on a slope and the house will be at higher elevation in relation to the properties below.
3. The adjacent area is a haven for wildlife, in particular summer roosts for bats.
4. A large pine tree which was on the site for 40 years plus two mature apple trees.
5. Nos. 15 and 17 Prod Lane have long gardens and an open aspect. A house in one of the back gardens would harm the character and would not enhance the local environment.
6. The house would overlook No 17, being in an elevated position and result in a loss of privacy.
7. The locality is already being overdeveloped, currently a fairly large development of nine houses further down Prod Lane which is resulting in a higher degree of cars and wagons using this quiet no through road.
8. Car parking in the plans does not take into account provision for guest parking which is likely to overspill onto a narrow lane.
9. The new proposal is significantly further forward than on the previously accepted plans and also has a much higher roof ridge line and much larger windows are proposed on the front elevation, including full length patio windows and a window in the gable which overlook neighbours.

**Consultations:**

Drainage Section: No objections are raised subject to standard conditions requiring the development to be drained via a separate foul and surface water system within the site boundary and details of a scheme for foul and surface water drainage, including any balancing and off site works to be submitted to and approved in writing by the LPA.



Highways Development Control: This proposal is similar to the extant approval (14/04634/FUL). The new application is seeking approval for amendments to the dwelling design but there are no objections on highway grounds subject to the previous conditions being applied.

**Summary of Main Issues:**

Background - Previous permission.

Whether any material changes in circumstances.

Impact of the changes to the dwelling design on neighbouring properties.

Highway issues.

**Appraisal:**

**Background – previous permission**

The application site benefits from a full planning permission for construction of a 3 bedroom dormer bungalow granted by the Area Planning Panel in February 2015. That permission is extant until 25 February 2018.

The area surrounding the application site is residential in character and a dwelling (13B Prod Lane) has previously been built on a similar rear garden plot immediately east of the application site. That neighbouring dwelling is aligned with other modern development further to the east and it shares a single but widened driveway arrangement with No 13 Prod Lane.

The format for the proposed dwelling behind No 15 Prod Lane closely follows that of the dwelling granted permission and now built behind No 13. In considering the application for a dwelling on the plot in 2015, Area Planning Panel accepted that repeating this form and orientation of dwelling on the garden behind No 15 Prod Lane would not result in harm to the prevailing character of the area.

**Principle**

There remains a need to find more land for housing across the district and there have been no material changes in planning policy or circumstances since the 2015 decision other than the reported removal of a pine tree from the site. However, that tree (to the front of the existing house) was not protected, nor was it identified as a constraint to development in 2015.

**The Proposal**

The scheme now proposed is again for a dormer bungalow. There are some differences to the dwelling that was approved in 2015. As pointed out by the objectors, the dwelling would step forward of the previously approved alignment so it would be about 1.5 metres closer to the back elevation of Nos. 15 and 17. The eaves would be 3.2 metres high and part of the ridge would be around 0.9m than the dwelling given consent by the 2015 permission.

**Impact on character**

The proposed dwelling would be aligned with the recent housing development extending to the east, which includes a similar form and scale of dormer bungalow built behind No 13 Prod Lane. Although occupying a back garden, Planning Panel has previously accepted that the dwelling would not greatly affect local character in a suburban locality that has seen a variety of modern infill developments.

Mention is made in objections to the impact on wildlife and loss of trees. However, this is a conventional suburban garden with few features of habitat value. The prefabricated garage structure to be demolished would not provide suitable habitat for bats and the fruit trees on the site and the pine trees that have been removed from the garden since 2015 were not protected and did not impact on the development.

### **Impact on neighbours**

The site is acknowledged to be sloping, falling in level from the north towards the street. This level difference would make the proposed dwelling stand higher than the existing property, but on a comparable level to the dwelling to the east. However, the front of the dwelling would be set 18 metres from the habitable room windows in the back wall of No 15 Prod Lane and slightly offset in relation to the windows in the back wall of No 17. It is not considered that the slight adjustment of the position of the front wall would have any significant impact on privacy beyond what was anticipated with the previous scheme.

The objectors have mentioned that patio windows are now shown in the front wall rather than a conventional window. It is appreciated that this would give increased perceptions of overlooking, but a planning condition could be imposed to require some form of screen wall/fence to be installed between the existing and proposed dwellings which would benefit the amenity/privacy of existing and future occupiers. Indeed this is suggested on the submitted plan. It is suggested that this requirement be imposed as an additional condition to those imposed in 2015.

The relationship to the properties on Ellenthorpe Road would not be materially different. No 6 Ellenthorpe Road has a side wall facing the site, the upper part of which is blank. The side wall of the house at 13B Prod Lane, adjoining the plot to the east, is blank.

Overall, it is not considered that the proposed development here would lead to significant issues of loss of privacy for existing or future residents. As before, Policies UR3 and D1 of the RUDP are satisfied.

Previously it was acknowledged that the development would be close to neighbouring homes and so it is again proposed that the standard condition limiting hours of construction be imposed to safeguard amenity during the construction process.

### **Highway issues**

The Council's Highway Officer observes that the proposal, in highway terms, is similar to the extant approval (14/04634/FUL). An additional single dwelling would be unlikely to increase vehicular traffic on Prod Lane or the surrounding highway network to an unacceptable level and TRO restrictions are in place along the street.

The new application is seeking approval for amendments to the dwelling design but not to the access and parking arrangements which still include the widening of the drive to 4 metres for the first 5.0 metres from Prod Lane and provision of new car parking for the existing and proposed dwellings.

It is acknowledged that 9 houses have recently been completed on the old funfair site at the top of Shipley Glen tramway, but this is not considered to appreciably affect local highway capacity.

No objections are raised on the proposed development in highway terms subject to the application of the previously imposed conditions. The proposed development would not give rise to harm to highway or pedestrian safety and Policies TM2, TM12 and TM19A of the RUDP are satisfied.

**Community Safety Implications:**

There are no apparent 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 proposal reflects the scale and position of recent development to the rear of the adjoining dwelling and is considered to be in keeping with the prevailing character and pattern of development in the locality. There have been no material changes in policy or circumstances since permission was granted for a similar dwelling on the plot in 2015. The development would maintain appropriate separation to adjoining dwellings and, subject to the suggested conditions, there are no objections on grounds of highways safety or visual amenity. The proposal is considered to accord with Policies UR3, D1, TM12, TM19A of the Replacement Unitary Development Plan.

**Conditions of Approval:**

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

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

2. 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. In accordance with details shown on the approved plan, before the new dwelling is brought into use, the means of vehicular and pedestrian access shall be laid out through the widening of the existing drive entrance to 4.0 metres over the first 5.0 metres of its length, and hard surfaced, sealed and drained within the curtilage of the site.

This drive access shall be hard surfaced or surfaced using only gravel that is bound to stop migration of material onto the footway. A suitable raised edge restraint should be put in place between the drive access and the highway to prevent any loose material moving onto the highway through the action of being walked or driven on.

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

4. 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.

5. Before the new dwelling is brought into use, and as shown on the approved drawing, a screen fence/wall shall be installed between its curtilage and the curtilage of No 15 Prod Lane in accordance with details of the height, position and design that have first been submitted to, and approved in writing by the Local Planning Authority.

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

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

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

7. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

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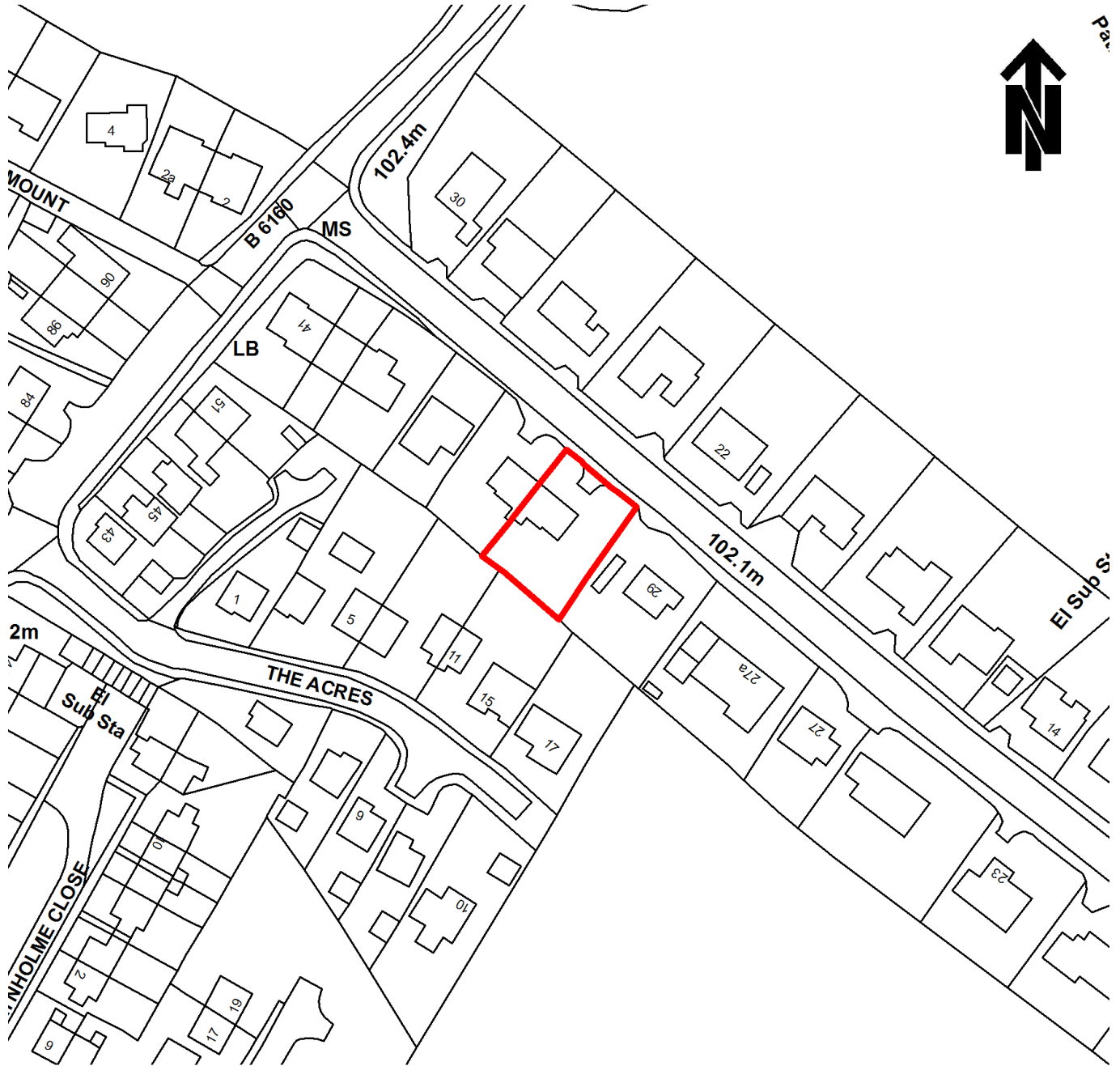
17/01719/FUL

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31 Bark Lane  
Addingham  
LS29 0RA

**14 June 2017**

**Item: B**  
**Ward: CRAVEN**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
17/01719/FUL

**Type of Application/Proposal and Address:**  
Full application for demolition of a garage and construction of a new dwelling at 31 Bark Lane, Addingham, LS29 0RA.

**Applicant:**  
Mr and Mrs Atkins

**Agent:**  
Allison and MacRae Ltd

**Site Description:**  
31 Bark Lane is a hipped roof stone built semi-detached house in a residential area on the north side of Addingham. The house has a flat roofed garage on the side and a side garden that extends to the boundary with No 29 Bark Lane - a stone built detached house to the east. No 29 has a detached garage between its side elevation and the application plot. The application land is the side garden which is more or less level with the street. To the rear is a hedge forming a boundary to the back gardens of properties on a cul de sac called The Acres.

**Relevant Site History:**  
No previous planning history.

**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***

UR3 – local planning considerations.

D1 – design considerations.

TM19A – traffic management and road safety.

TM12 – residential car parking.

**Parish Council:**

No response had been received when the report was written.

**Publicity and Number of Representations:**

Publicised by site notice and neighbour letter. Eight objections received from occupiers/owners of local properties.

**Summary of Representations Received:**

1. The proposal dwelling is ambitious for this small site. It would be squeezed into a modest sized garden, creating an inelegant addition to the street scene. Bark Lane has until now been developed sympathetically, with a reasonable sense of spatial distance between properties.
2. The building size, design, materials and roof are completely at odds with the local character which is a blend of traditional stone-built houses and bungalows. The two opposed mono pitches, timber cladding and aluminium windows are not appropriate.
3. The house does not even allow any prospective occupier adequate amenity space.
4. The parking arrangements for the retained and proposed dwellings are contrived (and narrow) and are likely not to be used to their maximum. Parking on the carriageway will become inevitable. Bark Lane is an important through road so parking on the road is not safe. Although it has a speed limit of 30 mph, many motorists do not observe this restriction.
5. A large non-frosted window in the side of No 29 Bark Lane will be overlooked by the toilet window of the new development and the upper storey windows will look towards houses behind - such as 11 The Acres.
6. A request is made that the substantial evergreen hedge to the rear of the plot should not be relied upon. It should be removed and replaced as it already overhangs and overshadows the houses in The Acres which are at a lower level.

**Consultations:**

Highways Development Control: No objections subject to standard condition to secure provision of the car parking.

Drainage Section: Development to be drained via a separate system. If soakaways are used the results of percolation tests and subsequent design details (in accordance with Building Research Establishment Digest No 365), should be submitted for comment. Soakaways should not be built within 5m of a building or the public highway or in areas of unstable land.

**Summary of Main Issues:**

Principle.

Design.

Impact on the amenity of neighbours.

Parking and Highway issues.

**Appraisal:**

This is a proposal to fill a gap in the residential development along the south side of Bark Lane. The new house would fit between the applicant's semi-detached house (31 Bark Lane) and the detached house (29 Bark Lane) further east. A flat roofed garage on the side of the applicant's house would be removed to help create the plot. A smaller utility room extension would be added to the side, replacing the garage. This small extension is shown on the plans but could be built under permitted development rights.

It is not accepted that the plot is too small or that the development would appear cramped. The proposed house is a conventional two storeys in height and would have three bedrooms, so it is not excessive in size or an overdevelopment of the plot.

Objector comments that the proposed house leaves very little space between the properties to either side are not borne out by the submitted drawings. These show that the proposed house is of a width and scale that relate successfully to the detached house on one side and the hipped roof semi on the other. A reasonable 1 metre separation is retained to the side boundaries. A gap of 3.97 metres is retained between the new house and the main flank wall 31 Bark Lane, with 9.4 metres remaining to the side wall of No 29. The drawings show that this gives sufficient space in which to fit the size of house proposed whilst maintaining a suitable sense of spaciousness comparable with the other assorted developments along the length of this long road.

**Design**

Objectors recognise the diversity of residential designs along Bark Lane. There is a variety of detached and semi-detached houses and there are many bungalows and a short terrace of houses further to the west of the site. Consistency is provided by the degree of set back from the road frontage. It is also observed that many properties are faced in render, although stone is a more characteristic material of Addingham and the predominant material on the south side of the road.

The proposed house is of contemporary appearance, using two opposing roof pitches to ensure that its height and scale are balanced with those on either side. The house is designed so it does not attempt to mimic the older houses and has its own individual visual interest but it harmonises with the two houses on either side through use of natural stone as the predominant external material for the front wall and use of natural slate for the roof. These natural materials reflect the appearance of the semi-detached houses adjoining the plot and will ensure a good quality finish.



The design is criticised by neighbours, but the comments seem unfounded. Policy D1 of the RUDP says good contemporary design, sympathetic or complementary to its setting will be welcomed. The design approach is explained in the submitted Design and Access Statement from the architects. The house, whilst displaying what the architect calls a “contemporary edge” - with features such as the roof and use of some cladding - is shown on plan to be of a scale and form that would harmonise with the prevailing mix of house types in the locality. Use of blue slates and natural stone as the predominant material to the front wall will ensure it reflects the appearance of the more conventional houses along the road.

It is agreed that the proposed house would complement the existing variety of bungalow and house types already seen along Bark Lane. It will make a positive contribution to the street through the quality of the design and will be well related to the existing character of the locality in terms of the design, scale, massing and height, and also the materials. It accords with Policy D1 of the RUDP.

### **Impact on the amenity of occupiers of adjoining properties**

The house is designed with no habitable room windows in the two sides facing the existing houses to either side. The occupiers of the detached house at No 29 have complained that a large non frosted window will be overlooked. This is understood to be a dormer in the eaves of the roof that faces onto the application plot. However, this window is elevated and so would not be affected by loss of daylight or outlook. The proposed house has only windows to a hall and wc on the side facing towards No 29. An intervening garage will prevent overlooking from the ground floor hall window and the wc can be expected to be obscure glazed. There is also an intention to install 1.8 metre fences along the side boundaries of the new house.

To address neighbour objections, it is suggested a condition be imposed to require use and retention of obscure glazing to windows at first floor level in the side walls to prevent overlooking from this level. Subject to this, it is not accepted that the new house will have any significant adverse effects on the privacy or amenity of occupiers of the properties to either side.

The separation between rear elevation windows and the houses on The Acres is 22.7 metres. This exceeds the normal standards of separation that would be sought (21 metres). An existing tall Leylandii hedge presently forms a dense screen between the properties. The drawings indicate that this will be retained. The separation between the properties means that even if this hedge did not exist, the new house would be acceptable so it is not necessary for the Local Planning Authority to insist that it is retained. The calls by some neighbours for it to be removed are not material to this application. This is a matter to resolve by private agreement or (as a last resort) through the High Hedges (nuisance) legislation. However, it is understood that the applicant is happy to discuss and agree a proposal for the Leylandii hedge with the neighbours on The Acres.

The proposed house will provide good standards of amenity for future occupiers and will cause no detriment to the amenity of any existing neighbouring occupiers – in accordance with Policies UR3 and D1 of the RUDP and this objective of the National Planning Policy Framework.

### **Highway Issues**

It is appreciated that Bark Lane is well used as it carries through traffic travelling towards destinations in the Yorkshire Dales National Park and is well used by walkers and cyclists. However, it is a wide road (7 metres) with footways and lighting. It is subject to a 30 mph speed limit.

The proposed scheme provides 2 off street car parking spaces for the existing house and 2 spaces for the new house. These have a 6 metre reversing space so vehicles can turn within the site and exit in forward gear. Bark Lane is straight so vehicles emerging from the application site will have good visibility in both directions. The access point is around 80 metres from the junction with Bolton Road.

The car parking and reversing area are indicated to have permeable paved surfaces.

Despite the objector comments, the Council's Highway Officer has no objections. A single additional dwelling will not affect road safety, being provided with adequate car parking and the ability for cars to turn inside the site. Subject to the suggested planning condition necessary to deliver the off street car parking facilities, there are no road safety problems or conflicts with Policy TM19A of the RUDP.

### **Community Safety Implications:**

The proposal raises no community safety implications.

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

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance 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 plot provides an opportunity for infill development within the built up area and the submitted drawings show a dwelling of suitable design, height, form and scale that will complement the character of the area in accordance with Policy D1 of the Replacement Unitary Development Plan. Appropriate standards of amenity will be provided for future occupiers and the amenity of occupiers of existing, neighbouring dwellings is not adversely affected. The scheme provides adequate car parking and no significant traffic or road safety problems are identified. The proposal provides sustainable development and new housing in accordance with the National Planning Policy Framework and satisfies the relevant saved policies of the RUDP.

### **Conditions of Approval:**

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

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

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

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

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

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

4. The windows in the side elevations of the house hereby permitted shall be glazed in obscure glass prior to the first occupation of the building and thereafter retained with this form of glazing.

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

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

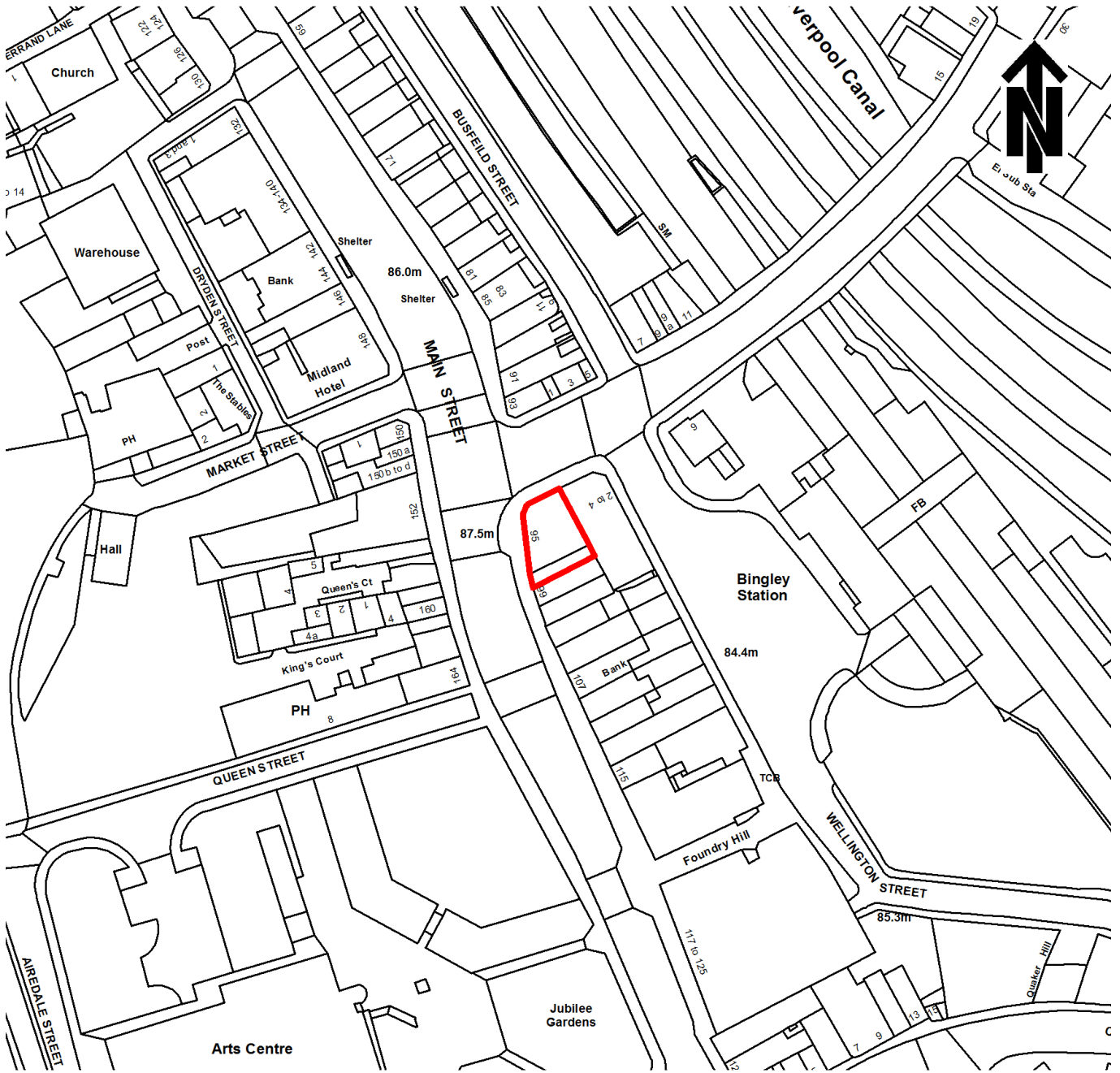
Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan

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17/01035/FUL

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95 Main Street  
Bingley  
BD16 2HT

14 June 2017

**Item:** C  
**Ward:** BINGLEY  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
17/01035/FUL

**Type of Application/Proposal and Address:**  
Change of use from an estate agent (Class A2) to a hot food takeaway (Class A5);  
installation of extraction/ventilation equipment and other external alterations at  
95 Main Street, Bingley, BD16 2HT.

**Applicant:**  
Glenn Martin Chivers and Personal Pension Trustees Ltd

**Agent:**  
Pegasus Planning Group Ltd

**Site Description:**  
The application seeks change of use of 95 Main Street - a stone building prominently sited on the corner of Main Street and Park Road in the town centre of Bingley. It is currently vacant, having been last used as an estate agency (Use Class A2). Signs for the previous business remain on the building frontages. The design of the building suggests it was originally built as bank premises. The building is in the Bingley Conservation Area but is not a Listed Building. The Conservation Area Appraisal describes the single storey rusticated ashlar stone structure of 95 Main Street which backs onto the more ornate and larger building at 4 Park Road.

**Relevant Site History:**  
85/04416/FUL: Lowering of sill levels to enlarge window openings on Main Street. Granted 19 August 1985.

**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***

Bingley Town Centre  
Primary Shopping Area  
Bingley Conservation Area

***Proposals and Policies***

CT5 – primary shopping areas  
BH7 – conservation areas  
D1 – design considerations  
UR3 – local planning considerations  
TM19A – traffic management and road safety

**Parish Council:**

Bingley Town Council recommends that this application be refused on the following grounds:

1. There are highways and parking considerations with the proposed development being on double yellow lines. This will be the case for customers and deliveries for the proposed take away.
2. The visual impact of signage etc is not clear in what is a Conservation area.
3. The issue of consumer waste is not adequately addressed in the application.
4. The proposed development is within close proximity to 2 primary schools and other youth facilities.

The Town Council has requested referral to Planning Panel for a decision.

**Publicity and Number of Representations:**

Publicised by press and site notice. Four objections received.

A Ward Councillor has also objected and asked that if officers are minded to approve that the Area Planning Panel makes the decision so members of the public can voice their concerns.

**Summary of Representations Received:**

1. Another takeaway on the main street of Bingley is not needed.
2. It is especially not needed at this location where traffic is very busy.
3. There is no off street parking and the property is on a very busy junction.
4. The use would result in cars parking on double yellow lines.
5. Property is in Bingley Conservation Area. This property should stay in day time retail use otherwise Bingley will become a ghost town during the day
6. The use will generate rubbish and discarded litter.
7. The Council needs to have a better vision for the next use of this attractive and historic building at the heart of the town.

**Consultations:**

Highways Development Control: The proposal would not have a significant material impact on the surrounding highway network - therefore no objections from a highways point of view.

Drainage: No comments other than a recommendation that a grease interceptor or other effective means of grease removal is provided.

COMMENT: The applicant has now clarified that the operator will be a pizza takeaway using ovens. There will be no frying, so very little grease and the odour levels will be low. It is agreed that special conditions regarding grease traps seem unnecessary.

Department of Public Health and Well Being - Environmental Health Officer  
No objections to the proposal.

**Summary of Main Issues:**

Principle: Impact on the Town Centre  
Implications for the Conservation Area  
Highways Issues  
Impact on the amenity of adjoining occupiers  
Waste Storage

**Appraisal:**

The application seeks planning permission for the change of use from an estate agent (Class A2) to a hot food takeaway (Class A5) with minor external changes. The applicant says the takeaway will be open between 10:00am to midnight Sunday to Thursday and between 10:00am and 01:00am on Fridays and Saturdays.

The applicant says the proposed store will generate a number of employment opportunities - part time and full time and the employees will be sourced locally.

Although the type of takeaway is not a material consideration, the applicant confirms that the (unnamed) operator will be a pizza takeaway business.

**Principle: Impact on the Town Centre**

The site is in the town centre and the defined Primary Shopping Area of Bingley as identified on the 2005 RUDP Proposals Map. It is within an area already characterised by a mixture of commercial uses including conventional retail shops, banks, offices, cafés, restaurants, pubs and bars. A town centre is normally an appropriate location for main town centre uses such as a hot food takeaway where it will add to the range of services and facilities available and accessible to residents and visitors.

Saved Policy CT5 of the RUDP aims to maintain a balance of retail and non retail uses on primary shopping streets, saying that uses other than Class A1 will only be permitted within defined Primary Shopping Areas where the proposal would not result in an adverse impact on the character of the shopping street.

Principle 1 of the Council's Hot Food Takeaways Supplementary Planning Document (adopted November 2014) also deals with the issue of over concentration. It says that when considering whether a proposed hot food takeaway would result in an over-concentration of such uses regard will be given to a number of factors including the number of existing hot food takeaway establishments in the immediate area and their proximity to each other. However, neither the SPD nor the RUDP set specific numbers or thresholds in relation to this aim.

In this instance, whilst there are public houses and bars nearby, there appear to be no other A5 takeaways within the same Main Street frontage. The nearest existing takeaways in the town centre are located on the separate frontages north along Park Road or on Main Street further west of the application site.

In this case, the proposal would not result in the loss of a Class A1 retail unit.

Furthermore, the property has a lawful use as an estate agent's and was probably previously a bank (both Class A2). There will therefore be no loss of conventional shopping floor space or outward retail character. The agent also points out that a takeaway could potentially generate more footfall than an estate agency and would complement and support retail and other town centre activity.

Contrary to what is said by objectors, the agent says that the proposed takeaway operator would intend to be open during the day as well as the evening. It is therefore very difficult to demonstrate and find evidence why the vitality and viability of the town centre would be materially affected by a takeaway as opposed to the previous use.

The NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development. Securing the optimum viable use of this building as a prominent heritage asset, securing employment and achieving public benefits are key material considerations for application proposals. The proposal would not result in an over-concentration of Class A5 hot food takeaways in the locality and would not have any harmful impact on the character of the shopping street or create an unacceptable balance of retail and non-retail uses. It is therefore compliant with saved Policy CT5 of the RUDP and the Hot Food Takeaways Supplementary Planning Document.

Principle 2: Hot Food Takeaways Supplementary Planning Document (SPD)

In order to support Council objectives towards health, Principle 2 of the above SPD seeks to prevent new hot food takeaways within 400m of the boundary of an existing primary or secondary school or youth facility, or a Recreation Ground or Park boundary. Bingley Town Council has objected on grounds that the proposed use is within close proximity to 2 primary schools and other youth facilities.

However, it is clearly stated in the SPD that this principle does not apply to new hot food takeaway proposals in the city or town centres, district centres and local centres. There would therefore be no grounds to oppose this proposal in Bingley town centre using SPD Principle 2.



### **Implications for the Conservation Area**

The building is an attractive and significant feature of the conservation area. But it is currently vacant and this proposal would provide for productive re-use and upkeep of the building as a heritage asset.

External alterations are limited. The existing frontages will not be changed other than a replacement of the existing modern front door by a new grey coloured aluminium framed door in the same corner location.

There will also be a need for the installation of extraction and ventilation equipment. The main external change is the necessity to route an extract duct rising vertically from the cooking area through the back of the hipped roof. This would be set alongside an existing original ventilation feature on the roof. The new flue and will terminate approximately 1 metre above the roof line. The extraction system will be fitted with carbon filters to deal with cooking odour emissions.

The flue would be finished in a matt black colour. It is proposed to make this a requirement of a planning condition. This would reduce the prominence of the flue as it would be seen against the backdrop of the dark grey slate roofs and stonework of adjacent building at 4 Park Road.

In addition to the flue, a fresh air intake will be formed via a louvred grille in the upper section of a window in the unseen side elevation, plus 2 floor mounted compressors will be installed on the side elevation of the building, next to the refuse and recycling facility. These features would not be prominent so will have negligible impact on the conservation area.

The extract flue on the roof will cause less than substantial harm but is deemed a necessary feature of the new operation and benefits of re-use would outweigh the slight impact on the character and appearance of the conservation area.

The Council's Conservation Officer has not raised any objections or comments in respect of the proposed external alterations. He does, however, express concern that the vitality and character of the conservation area can eroded by change which remove daytime activity and loss of retail space. However, as discussed above, although the premises are in the active part of the town centre, this change of use would not actually result in loss of retail floorspace and a takeaway may potentially result in a much higher footfall than an estate agency and thereby improve vibrancy and activity on this corner.

The external changes cause no detriment and the use would offer public benefit in terms of finding an occupier for a vacant building and it would accord with Policy BH7 of the RUDP for this reason.

The Town Council has objected to the lack of information regarding signage for the business. However, it is a principle of planning law that signs are subject to separate controlled under the Town and Country Planning (Control of Advertisements) Regulations. There is no obligation to provide details here. Indeed, some non-illuminated signs could be installed without the need for any consent. However, being made aware of the concerns, the agent confirms that signs will be in the same position as the existing fascia and projecting signs serving the estate agents. The signs will be externally illuminated. Whilst detailed sign designs have not yet been presented, the agent argues that the signs could potentially represent a more subtle form of signage than the existing situation.

### **Highways Issues and servicing**

The Town Council and Ward Councillor have raised objections on highway and parking grounds with particular concern about the position of the building on the busy light controlled junction of Main Street and Park Road.

However, parking restrictions are already in place around the junction. Further east and west of the site along Main Street, there are allocated parking lay byes at the side of the road and parking controls allow for 1 hours free parking here between 8am and 6pm with no return within 1 hour. There is also a pay and display car park located on Main Street approximately 75 metres to the west of the application site and there is an unsurfaced pay and display car park east of the station. Bingley train station is located nearby and there are bus stops on Main Street with frequent bus services running during the day and evening. The site is therefore well placed for alternative travel modes and many users are likely to be people already parked in the town centre.

The Council's Highway Officer considers that the proposal would not have a significant material impact on the surrounding highway network. While there is no off street parking associated with this site, parking controls already protect the light controlled junction and there is ample on and off street public parking available nearby in the town centre. The Highway Officer raises no objections from a highway safety point of view.

### **Impact on the amenity of adjoining occupiers**

There do not appear to be any residential uses in the adjoining buildings. The site is on a busy road junction, close to several uses such as public houses which already generate significant noise and activity, including in the evening.

The proposal is accompanied by comprehensive proposals for dealing with odour from cooking areas. The Council's Environmental Health Officer has confirmed there are no objections to the proposed use. Given the town centre location opening hours of nearby commercial uses, there are no sustainable planning grounds to restrict the opening hours of the takeaway which would extend to 1pm at weekends. These being similar to licensed premises and restaurants nearby.

### **Waste Storage**

The Town Council has said the issue of consumer waste is not adequately addressed. However, the applicant's proposals are clearly explained in the supporting submission.

There is a gated yard area to the right hand side of the building (as seen from Main Street). This area is in a poor condition but already contains a number of bins and has previously served as a fairly unobtrusive and secure area for waste storage. This would continue to serve the proposed A5 takeaway use. The drawings show an intention to introduce a fenced compound for storage of trade waste bins sufficient for the use. The agent has also confirmed that the metal gate would remain to prevent misuse of the waste storage area.

With regard to concerns regarding litter, the streets of the town centre are already served by litter bins.

The proposals have been designed to include clear and adequate design arrangements for waste handling for the use and so satisfy this requirement of RUDP Policy D1.

**Community Safety Implications:**

None are raised.

**Equality Act 2010, Section 149:**

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

Level access is to be provided to the premises. It is not considered that any other issues with regard to equality are raised in relation to consideration of this application.

**Reason for Granting Planning Permission:**

The hot food takeaway is an acceptable main town centre use, that will not affect the balance of retail and non-retail uses in this part of the town centre. The use will not have an adverse impact on residential amenity or the character and appearance of Bingley Conservation Area. Given the location of the use in the town centre, no objections are raised on grounds of lack of car parking or road safety. Waste storage facilities are provided as part of the proposals. The proposal will make positive use of a vacant commercial unit previously in A2 use and it will provide jobs. It will add to the facilities of the town centre and generally support the vitality and viability of Bingley. The proposed development would be compliant with local and national planning policy.

**Conditions of Approval:**

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

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

2. Before the premises are brought into use as a hot food takeaway, the proposed waste and recycling bin storage arrangements shall be made available for use in accordance with the approved plans and thereafter retained for this purpose as long as the premises are in use for the purpose permitted.

Reason: To ensure appropriate design arrangements for waste handling and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

3. The existing metal gates to the proposed waste/recycling area to the east side of the building shall be retained and not removed or replaced except with the written agreement of the Local Planning Authority.

Reason: To screen and prevent misuse of the waste storage area and safeguard the character and appearance of the conservation area in accordance with Policies D1 and BH7 of the Replacement Unitary Development Plan.

4. The extract flue to be installed through the roof of the building shall be finished in a matt black/dark grey colour and thereafter maintained in such a colour as long as this feature is present on the building.

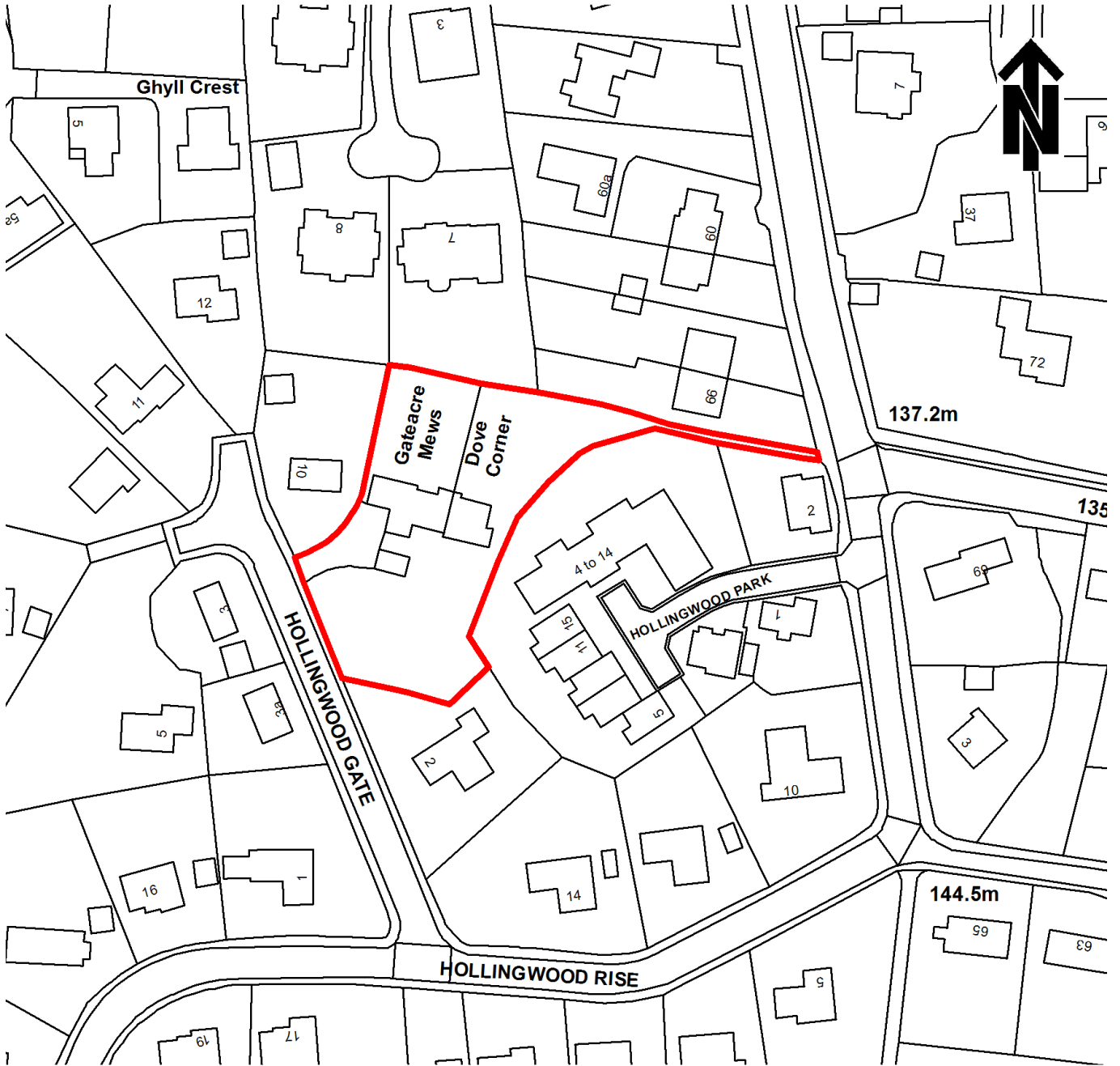
Reason: To mitigate the impact of this feature and safeguard the appearance of the conservation area in accordance with Policy BH7 of the Replacement Unitary Development Plan.

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16/07366/FUL

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**Gateacre Mews  
Hollingwood Gate  
Ilkley LS29 9PP**

14 June 2017

**Item:** D  
**Ward:** Ilkley  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
16/07366/FUL

**Type of Application/Proposal and Address:**  
Full application for the demolition of two existing dwellings and the construction of five new dwellings at Gateacre Mews, Hollingwood Gate, Ilkley, LS29 9PP.

**Applicant:**  
Croft Building

**Agent:**  
White Young Green

**Site Description:**  
The site forms an irregular shaped parcel of land with a frontage to a cul de sac called Hollingwood Gate. It is surrounded by residential gardens on the other sides. The land is occupied by a pair of semi-detached stone-built houses called Gateacre Mews and Dove Cottage. These have principal elevations facing southwards onto a cobbled forecourt/access and across to a rising area of lawn beyond. No 2 Hollingwood Gate is a bungalow set at a higher level to the south east. Adjoining the site to the west of Gateacre Mews, and set at a lower level, is No 10 Hollingwood Gate – a modern two storey house with a gable closest to the site. There are some TPO protected trees along the boundary with the street and more substantial TPO protected trees to the north and east boundaries. On the north side, the gardens fall away behind the existing houses to a boundary with gardens of houses on Ghyll Royd. To the east is a recent residential redevelopment scheme known as Hollingwood Park which is accessed from the east.

**Relevant Site History:**  
11/02537/OUT - Outline permission for the demolition of two existing houses on the site and construction of three dwellings on the site at Dove Corner, Hollingwood. Granted 26.8.2011.

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

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

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

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

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

***Allocation***

Unallocated.

***Proposals and Policies***

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  
NE4 Trees and Woodlands  
NE5 Retention of Trees on Development Sites  
NE6 Protection of Trees During Development

**Parish Council:**

Ilkely Parish Council – Recommends refusal of the application on the grounds of; loss of high amenity mature trees; overdevelopment of the site; the proposal being out of character with the surrounding properties which are mainly bungalows.

**Publicity and Number of Representations:**

Publicised by neighbour notification letters and site notice. The application was readvertised following receipt of amendments to the scheme with an overall expiry date for comments of 11.05.2017.

Letters/emails of comment have been received from 17 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 application.

**Summary of Representations Received:**

- Proposal will result in over intensive development of the site, out of character with the surrounding area.
- Proposal is garden grabbing and should be resisted.
- Proposal would exacerbate existing problems with increased run off.
- Proposal would have detrimental impact on wildlife.
- Increased traffic would lead to highway safety concerns.

- There is a covenant on the site restricting the number of dwellings to 3.
- The case to demolish the current houses need justification as they are of some merit and historical significance.
- Proposal would be harmful to trees.
- Proposal would overlook neighbouring property.
- Extra noise and disturbance.

**Consultations:**

Drainage Section – No objections are raised. Advise attachment of conditions requiring full drainage details. Also advise that a watercourse exists along the site boundary and an investigation of the site for the land drainage network and proposals for dealing with any culverts watercourses or land drains etc should be submitted for approval prior to development commencing.

Highways Development Control - No objections subject to standard conditions.

**Summary of Main Issues:**

Principle of residential redevelopment.

Design/Scale and impact on character and visual amenity.

Impact on residential amenity/neighbours.

Access, parking and highway safety.

Safeguarding of the trees

Drainage.

Other issues raised.

**Appraisal:**

The application seeks permission for the demolition of the two existing properties standing on the site and the construction of five new dwellings with garaging and parking. Access to the site would remain as existing from the Hollingwood Gate cul de sac and the proposed layout includes modification/widening of the existing drive access.

**Principle of residential development**

The site is unallocated on the Replacement Unitary Development Plan. It is previously developed in that it is presently occupied by two existing houses and their private garden curtilages. More effective use of land for housing development would be sustainable development, help contribute to increasing the supply of land for housing and so would be generally compatible with objectives of the NPPF.

It is, however, important to ensure good design that safeguards the character of this established residential area and maintains good standards of amenity for existing and future occupiers of land and buildings. Protection of the significant protected trees around the edges of the site will be very important to delivering sustainable development on this land.

It should also be noted that outline permission has been previously granted on the site for the demolition of the two existing houses on the site and construction of three dwellings (Reference 11/02537/OUT).



### **Design/Scale and impact on character and visual amenity**

The site is set within a mature residential suburb that is typified by a mixture of old and modern properties. Existing properties in Hollingwood Gate are typically 1960's era two storey detached properties built in stone and with a variety of roof materials. A recent development to the east (Hollingwood Park) consists of a mews court arrangement of three storey town houses.

Much of the application site is not prominent because the Hollingwood Gate street frontage is not extensive and is lined by trees. Trees and planting also screen much of the site from within adjoining gardens.

The proposals presented comprise one detached dwelling to the southern end of the site and a two pairs of tall semi-detached dwellings to the northern end of the site. Due to the fall in levels towards the north, the semi detach properties are 2.5/3 storey in height to their front elevation and 3.5/4 storeys to the rear.

The houses are proposed in natural stone.

Revised plans indicate that the proposal subject to suitable conditions could be accommodated on the site and allow retention of existing boundary vegetation and trees.

Objections have been received regarding the height of the houses. However, the agents have argued that the height of the buildings is comparable to proposals approved under the previous outline permission. Properties in the vicinity are typically large detached two storey dwellings with some with three storey elements and or rooms in the roof. The drawings submitted include cross sections and comparison to the adjacent house and demonstrate that, whilst clearly larger than the existing houses standing on the site, the new proposals would not be substantially larger than those previously approved and commensurate with the ridge heights of surrounding property.

As far as possible existing mature vegetation within the site would be retained to provide a mature setting for the house and this would further reduce its prominence and impact on the local environment so as to accord with RUDP Policy D5 and Policies NE5 and NE6 in relation to tree retention and protection.

Overall, whilst this is development within an existing garden in an attractive suburban area, it is considered that due to the scale of the development that the new dwellings would sit unobtrusively and would not result in any harmful impact with regard to local character. For the above reasons, the proposal would be considered acceptable and would not appear unduly imposing or out of keeping with the locality, and accord with Policy D1 of the RUDP.

### **Impact on residential amenity/neighbours**

Concern has been raised by neighbours regarding the feared impact on neighbouring properties and the amenity of their occupants. Particular concern has been raised with regard to overlooking and over dominance and additional noise and disturbance.

However, adjoining houses are situated well beyond the property boundaries or (as with No 10 Hollingwood Gate) are positioned with blank elevations facing towards the proposed development. The submitted layout of houses achieves the Council's normal required separation distances and distances to boundaries and so would avoid any undue impact on privacy, outlook or light to the neighbouring homes and gardens.

Objections refer to effects on amenity of additional vehicle movements and manoeuvring, but the parking and turning areas are situated centrally within the site and largely set away from any neighbouring property boundaries. The access is in more or less the same position as the existing drive. The increase of 3 dwellings would not result in significant additional noise and disturbance caused by the present situation of two existing dwellings.

Whilst the concerns of neighbours have been carefully noted, the plans submitted, demonstrate that development could be accommodated on the site whilst meeting acceptable spacing standards and would not have adverse impact on neighbouring amenity. It is not accepted that existing homes along the site boundaries will notice any appreciable loss of sunlight or privacy from the layout and house could be appropriately designed for the site that would not conflict with policies D1 or UR3 of the RUDP in this respect.

#### **Access, parking and highway safety**

The proposal includes the widening of the existing drive access and the formation of a centralised parking court and garaging to service the development. The Council's Highway Officer has no objections to either the additional amount of housing development, or the proposed access and car parking arrangements.

Although objectors have several concerns regarding additional traffic, Hollingwood Gate is a traditional estate road - surfaced with a turning head, footways and lighting, it is designed to good adoptable standards and is capable of accommodating the relatively small amount of additional traffic that would be generated by the proposal. The scheme includes provision of turning within the site plus parking/garaging and conditions can be attached to require the access improvements and the provision of the parking and turning areas prior to the development being occupied.

The proposal is not considered to raise any highway capacity or road safety problems, and so accords with Policies TM12, TM2 and TM19A adopted Replacement Unitary Development Plan.

#### **Safeguarding Trees**

The site includes a number of substantial protected trees around the perimeters of the plot plus shrubs and hedges that provide a mature setting to the site.

Retention of trees and their protection during construction has been a major concern of officers and there has been lengthy discussion between the agents and the Council's Arboriculturalist. Various revisions to the scheme and clarifications have been submitted. For example, due to concerns about the dominance of the dwellings by a substantial tree on the north boundary, the latest proposals remove a rear balcony terrace to avoid future conflicts.

The Council's Arboriculturalist has some reservations regarding shading to gardens at the northern end of the site and the practicability of some of the applicant's proposals for tree protection during the construction period. However, on balance, the plans now show suitable separation between the houses and the protected trees located on the northern boundary. Subject to effective application of the suggested tree protection proposals the proposed development should be capable of being constructed whilst retaining the trees without damage. Any future residents would be aware of the protected status of the trees and any future applications for tree works could be controlled appropriately under the usual TPO process.

The Arboriculturalist has advised that several planning conditions be attached to any permission requiring implementation of the submitted tree protection measures prior to development commencing. The protection fencing must be retained for the duration of the development to ensure that trees are adequately protected during the construction period in the interests of visual amenity and to accord with NE5 and NE6 of the Replacement Unitary Development Plan. It is also suggested that permitted development rights be removed to maintain sufficient controls to protect trees from damage by subsequent enlargements or alterations.

### **Drainage**

The Council's Drainage officer has assessed the application and does not raise any objections. It is advised that conditions should be attached to require development to be drained via a separate system and that full details of surface water should be submitted for approval.

It is also noted that records indicate a watercourse exists along the site boundary. Conditions could suitably be attached to require that the developer investigate the site in this area of their proposed development in order to determine the extent of any land drainage network and submit, to this Council for comment, proposals for dealing with any watercourses, culverts, land drains etc, affected by the development.

### **Other issues**

This site is in close proximity to the South Pennine Moors Site of Special Scientific Interest (SSSI). This SSSI forms part of the South Pennine Moors Special Area of Conservation (SAC) and the South Pennine Moors Phase 2 Special Protection Area (SPA). There is emerging LDF policy regarding restriction of new dwellings within close proximity to the moorland due to 'urban edge effects'. The relatively small scale of the proposal here and its physical separation from the moor by roads and other intervening residential properties is such that there would not likely be any direct increased impact on nature conservation interests over and above the existing situation of two houses on the site.

The site is a garden area and the proposal for net increase of three dwellings is not large enough to lead, by itself, to any significant impact on the moor. Therefore, the proposed dwelling is not likely to have a significant effect on the interest features for which South Pennine Moors SAC and South Pennine Moors Phase 2 SPA have been classified. Similarly effects on the SSSI will be insignificant.

### **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:**

Subject to the suggested conditions, the proposed development would comprise sustainable development making more efficient use of previously developed land in the built up area and delivering additional housing. The layout presented is considered to relate satisfactorily with the existing character of the area, the layout and design of the houses being compatible with the characteristics of the locality, and the layout achieves appropriate separation between existing and neighbouring dwellings and protected trees. As such the development is not considered to result in any significant loss of residential amenity or significant harm to highway safety or trees and the proposal is considered to comply with Policies UR3, D1, NE4, NE5, NE6, 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 any part of the development is brought into use, the proposed means of vehicular and pedestrian access, including the access widening and turning facility hereby approved shall be laid out, surfaced and drained within the site in accordance with the approved plan numbered 1451-101 Revision S.

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

4. 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.

5. The development shall not begin, nor shall there be any demolition, site preparation, groundwork, materials or machinery brought on to the site, nor shall there be any work to any trees to be retained on the site until the tree protection fencing and other tree protection measures are installed in strict accordance with the details and positions shown on the submitted ROSETTA LANDSCAPE DESIGN Drawing Ref. No 2633/2 Revision J dated 06 April 2016.

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

6. The development shall not begin, nor shall there be any demolition, site preparation, groundwork, materials or machinery brought on to the site, nor shall there be any work to any trees to be retained until the LPA has inspected and given its written approval to confirm that the agreed tree protection measures are in place in accordance with the ROSETTA LANDSCAPE DESIGN plan Drawing No 2633/2 Revision J, dated 06 April 2016. Upon completion of the development written verification/evidence of contemporaneous supervision and monitoring of the approved tree protection during the whole construction period shall be submitted to the Local Planning Authority by a suitably qualified and pre-appointed tree specialist and the Local Planning Authority shall have confirmed its agreement to that verification prior to occupation of the dwellings.

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

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

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

8. 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.

9. The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on sustainable drainage principles and including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Furthermore, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

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

10. No development shall begin on the site the developer has carried out an investigation to determine the presence of any watercourses, culverts, land or drains on the site and has submitted the findings of such an investigation together with measures/proposals for dealing with any watercourses, culverts, land drains etc, existing within the site boundary to the Local Planning Authority Council for its approval. The development shall thereafter be carried out in accordance with the details for dealing with any watercourses, culverts or land drains so approved.

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

11. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

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

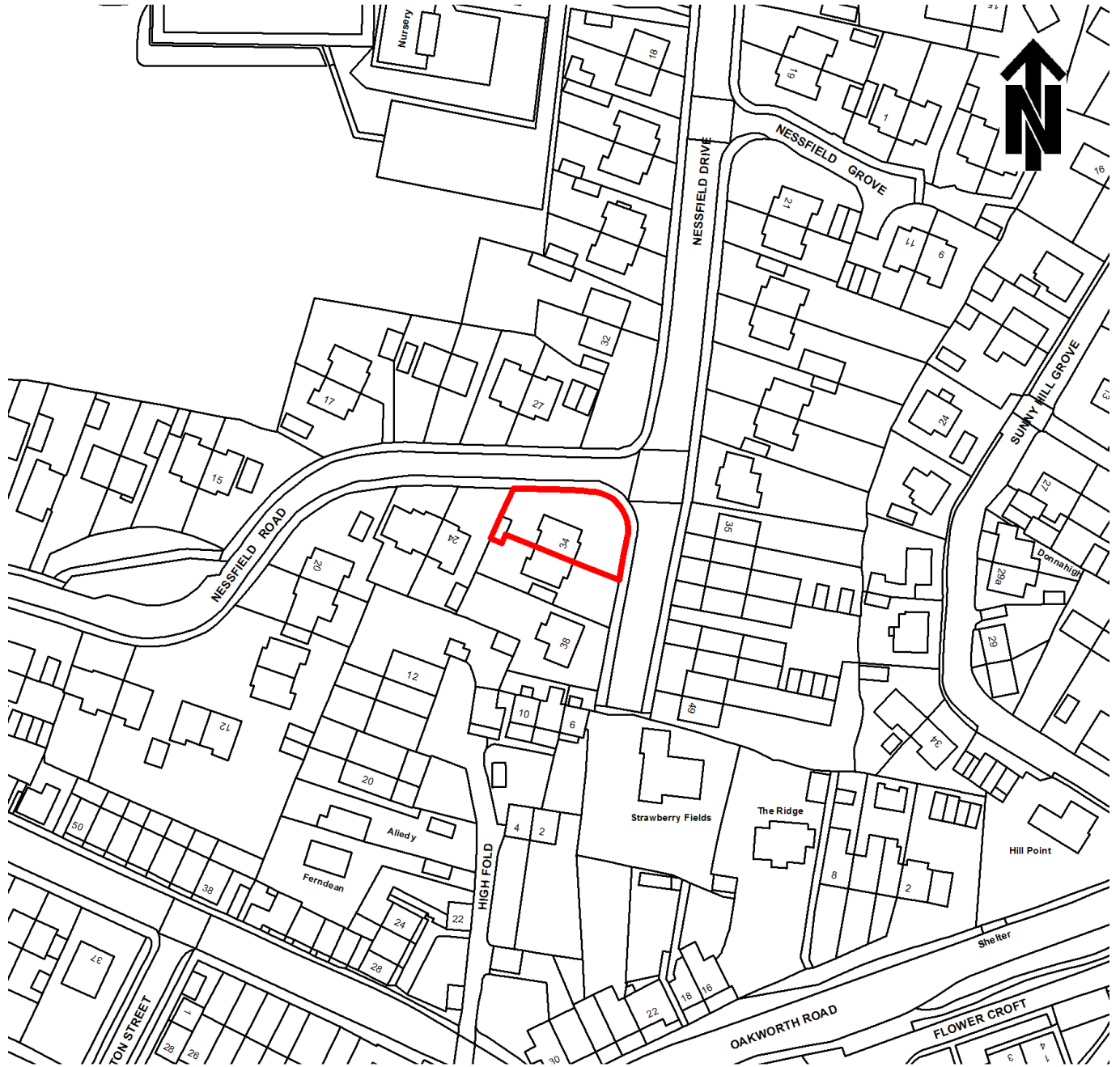
Reason: To safeguard the character of the dwellings and protect the trees within the site from subsequent enlargements or alterations and to accord with Policies D1 and NE5/NE6 of the Replacement Unitary Development Plan.

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17/01427/HOU

City of Bradford MDC

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**34 Nessfield Drive**  
**Keighley**  
**BD22 6NP**

**14 June 2017**

**Item:** E  
**Ward:** KEIGHLEY WEST  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
17/01427/HOU

**Type of Application/Proposal and Address:**  
Householder planning application for the construction of two storey side and two storey/single storey rear extension at 34 Nessfield Drive, Keighley, BD22 6NP.

**Applicant:**  
Mr S Khan

**Agent:**  
A A Planning Services

**Site Description:**  
The application proposes extensions to a semi-detached two storey dwelling occupying a prominent corner plot in a suburban residential area of Keighley. The property is on the corner of Nessfield Road and Nessfield Drive. The prominence of the dwelling is increased by the topography of the area.

**Relevant Site History:**  
14/04845/HOU: Construction of two storey extension to side and rear. Refused.

15/01207/HOU: Construction of two storey extension to side. Refused.

15/02890/HOU: Construction of two storey side extension. Refused.

All three planning applications were refused under officer delegated powers on the grounds that the proposed two storey extension would, by reason of its size and design, result in an overly prominent addition to the existing dwelling thereby harming the character and visual amenity of the existing dwelling and the street scene. The extensions were therefore considered contrary to Policies D1 and UR3 of the Replacement Unitary Development Plan for the Bradford District.

**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

D4 Community Safety

UR3 The Local Impact of Development

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

Weight has also been given to guidance and design principles set out in the Council's adopted Householder Supplementary Planning Document.

**Parish Council:**

Keighley Town Council recommends refusal of this application. The Town Council considers the proposed extension to be over-development of the site.

**Publicity and Number of Representations:**

This application was publicised by means of individual neighbour notification letters. Overall publicity expired on 6 April 2017. Eleven representations have been received: ten objections and one in support.

**Summary of Representations Received:**

Ten representations objected to the proposal. The grounds for objection were:

1. Inadequate parking – concerns increased due to site being near Oakbank School and adverse impact on highway safety.
2. Loss of privacy.
3. Loss of view.
4. Loss of / overshadowing of outlook.
5. Visual impact.
6. Concerns about the way publicity for the application was carried out.
7. Disturbance whilst the work is carried out.
8. Concern with the amount to extension work in general happening on the estate.

A Ward Councillor supports the proposal and believes, in view of the amendments, that the application satisfies all planning requirements. The Ward Councillor requests that this application should go before the planning panel.

**Consultations:**

None considered necessary.

**Summary of Main Issues:**

Principle of Development.

Scale and Impact on Visual Amenity.

Residential Amenity.

Highway Safety.

Other matters raised by representations.

**Appraisal:**

**Principle of Development**

The proposal is for domestic extensions in the curtilage of this semi-detached house. The scheme includes a 3.5 metre wide, two storey extension to the side of the semi, and a single storey and two storey extension projecting 3 metres from the rear wall.

The property is neither a listed building nor within a conservation area and so is not statutorily protected from such works. The principle of extending the property is therefore acceptable subject to consideration of the scale and design and possible effects on amenity and neighbours.

Three previous applications for similar single and two storey extensions to this property have been refused because of their impact on the original dwelling and local amenity – especially the street scene of Nessfield Road. Although the two storey rear extension proposed by the original application 14/04845/HOU has been modified and reduced in scale, the problems with the more prominent two storey side extension remain the same.

**Scale and Impact on Visual Amenity**

The existing dwelling is prominently sited on this corner plot. It was built in a position that projects beyond the alignment of other houses further along Nessfield Road. The proposed extension side extension would therefore increase the projection to such an extent that the proposed side extension, in combination with the rear extension would create a large, prominent and incongruous mass of structure dominating the street.

The effects are compounded because the extension does not incorporate a full 1.0 metre set back behind the front wall of the existing house. The purpose of this set back, as expressed in the Householder SPD, is to make the extension appear subservient so as to preserve the balance and symmetry of the original pair of semis. Although the submitted drawing shows a set-back of 1 metre, this is measured from the projecting bay window, not the front wall. The lack of subservience would compound the perception of an over-dominant mass of new building on the street corner.

Design Principle 1 of the Householder Supplementary Planning Document seeks that the size position and form of extensions should maintain or improve the character and quality of the original house and wider area. Some elements of these proposals are acceptable, but the extensions presented would not overcome the reasons for refusal of three previous applications. The extensions would cause harm to the quality and character of the original house and the visual amenity of the wider locality. The impact of the extensions will be increased by the topography of the area making the extensions appear taller and more dominant in the street scene than is usually the case.

A number of local residents have also expressed objections and the Town Council also considers the scheme to be an overdevelopment.

Though some variations to the previous refused schemes have been tabled, the proposals remain contrary to Policies D1 and UR3 of the Replacement Unitary Development Plan.

**Residential Amenity**

The proposal accords with design guidance principles 2 and 3 of the Council's Householder Supplementary Planning Document in so far as it will not cause any overbearing, overshadowing or overlooking / loss of privacy to occupiers of the adjacent and neighbouring dwellings. It is therefore not considered to have any significant negative impact and to maintain good standards of amenity for existing and future occupiers of neighbouring dwellings.

**Highway Safety**

Parking will remain on site for at least two cars to be parked in the site and therefore despite the representations received regarding overdevelopment and the effects on local parking problems, the proposal has no obvious or unacceptable effect on parking or local highway safety.

**Other matters raised by representations**

Comments regarding loss of view and disturbance whilst the work is carried out would not justify refusal of the application. The concern expressed with regard to the amount of extension work happening elsewhere on this residential estate is not a material planning consideration. The LPA would not wish to prevent or restrict home improvements for that reason.

Publicity has been carried out in accordance with the Council publicity guidance. Letters to immediate neighbours are appropriate for this type of application.

**Community Safety Implications:**

The proposal has 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.

**Reasons for Refusal:**

1. The proposed two storey extension would by reason of its size and design result in an overly prominent addition to the existing dwelling thereby harming the character and visual amenity of the existing dwelling and the Nessfield Roads street scene. The extension is therefore contrary to Design Principle 1 of the Householder Supplementary Planning Document and Policies D1 and UR3 of the Replacement Unitary Development Plan for the Bradford District.
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### Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 14 June 2017

# B

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#### Summary Statement - Part Two

##### Miscellaneous Items

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

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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

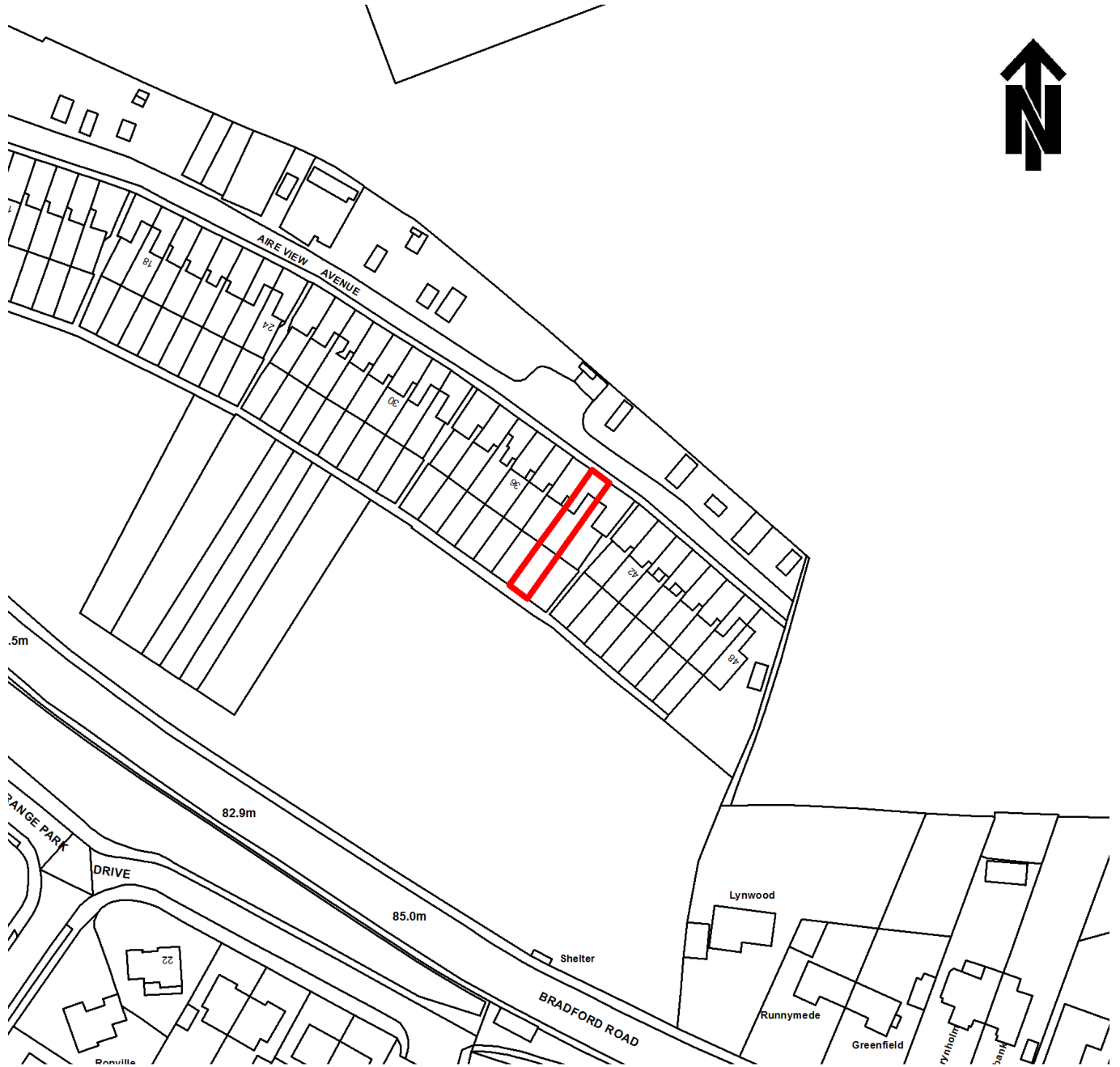
**Overview & Scrutiny Committee Area:**  
Regeneration and Economy



15/00951/ENFUNA

City of Bradford MDC

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**39 Aire View Avenue  
Cottingley  
Bingley BD16 1NS**

14 June 2017

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

**Enforcement Reference:**  
15/00951/ENFUNA

**Site Location:**  
39 Aire View Avenue, Cottingley, Bingley, BD16 1NS

**Breach of Planning Control:**  
Construction of an extension to the rear of the property.

**Circumstances:**  
It was brought to the attention of the Local Planning Authority(LPA) that the owners of the above premises had constructed a rear extension for which planning permission was required but had not been granted.

The owners of the premises have taken no remedial action in respect of this matter, despite request from the LPA.

The single storey rear extension due to its height, excessive depth, poor design and materials is considered to be overbearing and cause harm to the outlook from the habitable room windows of the adjoining residential property and overbearing of their outdoor amenity space. This results in a detrimental impact on the residential amenity of the present and future occupiers of the adjoining residential property and has a detrimental impact on the street scene.

It is therefore considered to be contrary to policies D1, UR3, UDP3 of the Replacement Unitary Development Plan, Guidance within the Householder SPD and national policy contained with the National Planning Policy Framework.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 10th May 2017.

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## **DECISIONS MADE BY THE SECRETARY OF STATE**

### **Appeals Allowed**

There are no Appeal Allowed Decisions to report this month

### **Appeal Dismissed**

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
B	Shipley (ward 22)	77 Albert Road Saltaire Shipley BD18 4NS  Refurbishment of property including structural repairs, refurbishment of rainwater goods and openings, demolition of outbuilding and services installations - Case No: 16/08258/LBC  Appeal Ref: 17/00040/APPLC2

### **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