

# Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 13 July 2016

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## Summary Statement - Part One

### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
(a)	2 Tower Road Saltaire Shipley BD18 4BP - 16/03326/FUL [Approve]	Shipley
(b)	28 Lindisfarne Road Shipley BD18 4RD - 16/02066/FUL [Approve]	Shipley
(c)	50 Falcon Road Bingley BD16 4DW - 15/06926/OUT [Approve]	Bingley
(d)	6 Wheatley Rise Ilkley LS29 8SQ - 16/01922/FUL [Approve]	Ilkley
(e)	9-11 Rocklands Avenue Baildon BD17 5NF - 16/00891/OUT [Approve]	Baildon
(f)	Oxenhope Station Station Road Oxenhope Keighley BD22 9JJ - 16/01036/FUL [Approve]	Worth Valley
(g)	Rivendell 49 Cemetery Lane Keighley BD20 6AX - 16/03273/FUL [Approve]	Keighley Central

Julian Jackson  
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**Portfolio:**  
Regeneration, Planning & Transport

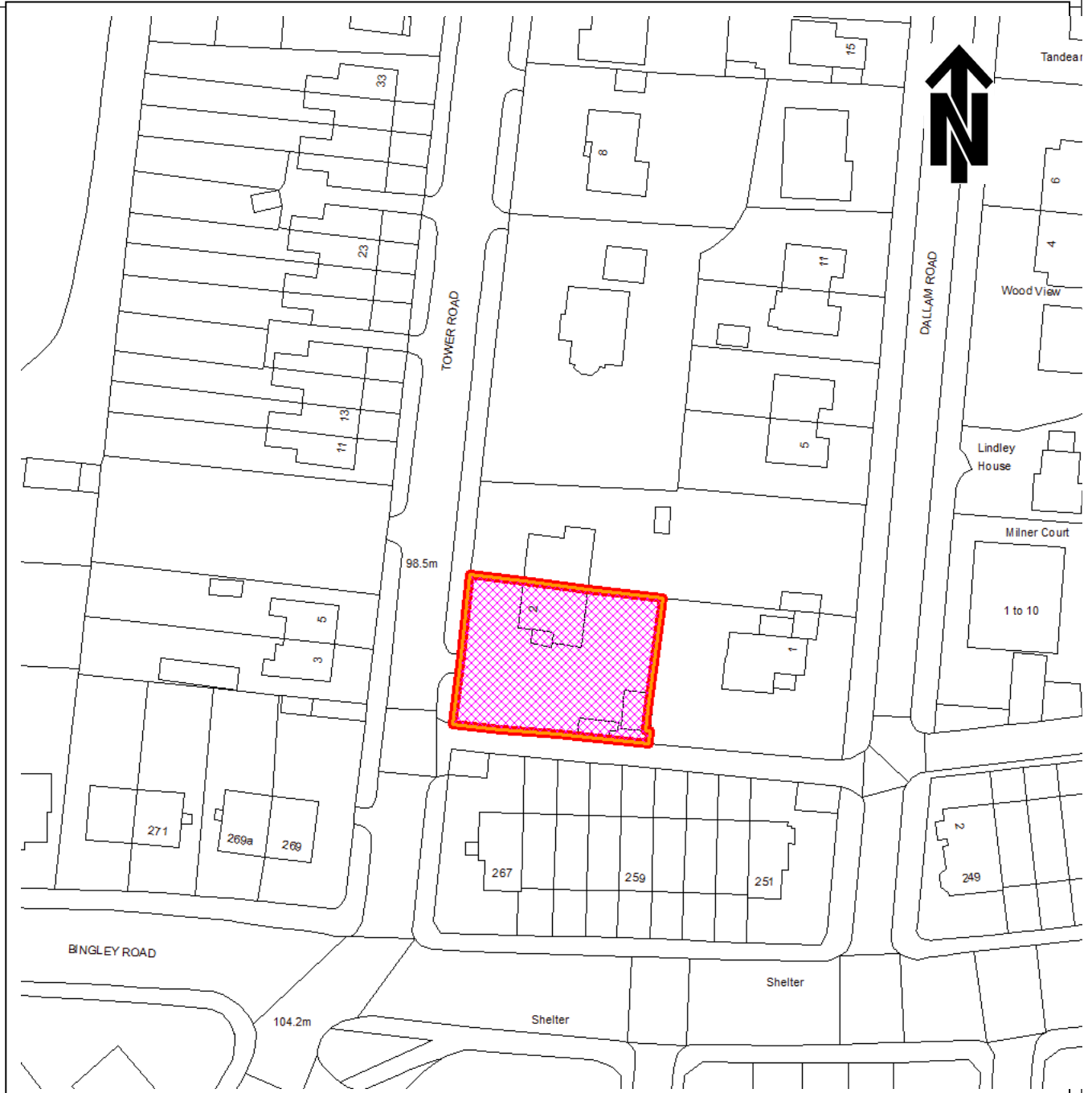
**Overview & Scrutiny Committee Area:**  
Regeneration and Economy



Area Planning Panel (Keighley/Shipley)

16/03326/FUL

13 July 2016



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ITEM NO. : 1

LOCATION:  
**2 Tower Road**  
**Saltaire BD18 4BP**

**13 July 2016**

**Item Number: 1**  
**Ward: SHIPLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
16/03326/FUL

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

Full planning application for construction of two dwellings on land at 2 Tower Road, Saltaire, Shipley, BD18 4BP.

**Applicant:**

Pinnacle View Homes

**Agent:**

SR Design

**Site Description:**

This application relates to the side garden of a large semi-detached house built in natural stone, with blue slate roof. It stands on the east side of a steeply sloping in a residential street on the outskirts of Saltaire, close to the junction of Tower Road with the main Bingley Road. The existing house is two storeys with a porch and bay arrangement at the front and is served by front, rear and side garden. The main access to the property is from Tower Road but there is also an access via the back street running along the side of the garden that also serves properties fronting Bingley Road. The area of the side garden to be developed is approximately 337m sq. There are some small, unprotected garden trees on site.

**Relevant Site History:**

94/00740/FUL: Cloakroom extension. Granted 26 May 1994.  
No other previous planning applications.

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

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

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

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

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

***Allocation***

Unallocated land.

Within Saltaire World Heritage Site Bufferzone BH14

***Proposals and Policies***

UDP1 Promoting Sustainable Patterns of Development

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development

H7 Housing Density - Expectation

H8 Housing Density - Efficient Use of Land

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

D1 General Design Considerations

D4 Community Safety

D5 Landscaping

NE4 Trees and Woodlands

NE5 Retention of Trees on Development Sites

NE6 Protection of Trees During Development

S/BH14 Saltaire World Heritage Site

**Parish Council:**

None for this area.

**Publicity and Number of Representations:**

The application was publicised by means of a site notice and individual neighbour notification letters. Overall publicity expired on 07.06.2016.

Eight representations objecting to the proposal have been received including two from local Ward Councillors.

**Summary of Representations Received:**

The Ward Councillors have asked that the application be determined by Panel if recommended for approval by officers. One of the local Ward Councillors asks that if consent is granted, that a condition of approval is that the applicant pays for the cost of extending the double yellow lines further away from the junction with Bingley Road.

The reasons for refusal are summarised below:

1. Increased traffic congestion and parking issues in an area already suffering from considerable housing density.
2. The loss of trees (that are not mentioned on the application), this would result in loss of residential amenity, and consequent effects on wildlife and green open space.
3. Overdevelopment of the site. Garden grabbing or cramming is contrary to para 53 of the NPPF.
4. Loss of view for the dwellings on Bingley Road and Tower Road.

5. The new houses will undermine the sense of privacy for neighbouring residents, notably on Dallam Road and Bingley Road whose rear living spaces might be overlooked.
6. Loss of light for the dwellings on Bingley Road and Tower Road.
7. Increased on street parking leads to concerns for the safety of pedestrians and residents, access to unmade road behind Bingley Road and access for bins.
8. More building in the area will impact on current levels of biodiversity and will rob the community of green breathing spaces.
9. Loss of privacy for the dwellings on Bingley Road and Tower Road.
10. Will generate traffic, pollution, smell and noise during and/or after construction.
11. Decrease in on road parking to the detriment of existing residents.
12. Additional pressure on infrastructure such as drainage and schools. The area being already subject to considerable housing density and traffic pressures.
13. Design is contrary to the character of surrounding houses.

### **Consultations:**

Design and Conservation Officer: The site is located in the Buffer Zone to Saltaire World Heritage Site. The proposed pair of dwellings would not be inconsistent with the scale of the surrounding built form, and hence would not result in a discordant element in the setting of the World Heritage Site. There is no conflict with policy S/BH14 which protects the buffer zone.

Drainage Section: Development to be drained via a separate system within the site boundary. In order to keep the impermeability of the land to a minimum the applicant should investigate the use of porous materials in the construction of the car parking & hard standing areas.

Highways Development Control: have no objections to the proposals from a highways point of view subject to the imposition of conditions covering the provision of off road parking, gates not opening over the highway and the provision of dropped footway crossings.

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

Principle and density of development.

Impact on character and appearance of site and surrounding area.

Impact on residential amenity.

Highway safety.

Other matters.

### **Appraisal:**

#### **Principle of development**

The site is located within the built up urban area of the district near to sustainable public transport and with good access to services and facilities in the Saltaire local centre without the need to travel by car. Development of this site for housing will accord with policies UDP1 and UR2 of the RUDP.

The density of development meets the objectives of effective and efficient use of land as laid out in policies H7 and H8 of the RUDP. The NPPF in para 47 looks to Councils to set out their own approach to housing density to reflect local circumstances. The present site would be classed as a windfall site.

The current character of this residential area is of terraced and semi-detached dwellings on Bingley Road and Tower Road. Although the proposed development would remove the side garden of the current dwelling both the existing and proposed dwellings would retain front and rear gardens and would reflect the layout and density of other dwellings in the area and on the same street. Despite the representations it is not considered that the density of development would be out of keeping with the character of the area and would not cause the inappropriate development.

### **Impact on character and appearance of site and surrounding area**

The site is in the Buffer Zone to Saltaire World Heritage Site. The WHS and Saltaire Conservation Area are some distance to the east of the site with intervening residential development. There is agreement with the Conservation Officer's view that the development of what is a relatively unobtrusive site would not result in a discordant element being created in the setting of the World Heritage Site. There is no conflict with the WHS buffer zone policy S/BH14.

Objectors have referred to the loss of trees – trees that are not mentioned on the application, and say that this would result in loss of amenity. However, the trees on site are small garden trees that are not protected and do not play any significant part in the setting of the site. It is not accepted that loss of the trees would have any serious effect on visual amenity or wildlife habitat. It is not considered that development would conflict with policies D5, NE4, NE5 or NE6 of the RUDP.

Objectors also say the scheme is an overdevelopment of the site, and oppose garden grabbing or cramming which is said to be contrary to Paragraph 53 of the National Planning Policy Framework. However, the NPPF as a whole does not prevent development on infill sites or gardens, and has important objectives of securing delivery of new homes. A core objective of the NPPF is that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

Paragraph 53 of the NPPF actually says “Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area”.

Although the objectors say more building in the area will impact on current levels of biodiversity and will rob the community of green breathing spaces, the site has no protective designations that would preserve it as open space. There are also no local policies resisting garden development other than Policy D1 of the RUDP which requires attention to be paid to ensuring that the scale, density, design, and materials etc of new development are appropriate to the particular locality. In this instance, the submitted drawings are considered to show a development that will sit back from the street in a walled garden with reasonable separation to the larger houses fronting Bingley Road and will use the fall in levels and the retention of the wall along the side boundary to mitigate the effects of the new houses in wider views.

In terms of visual appearance, the proposed pair of dwellings would not be inconsistent with the scale of the surrounding built form. Although this side of Tower Road is characterised by substantial detached and semi-detached stone built houses, the west side has a more mixed

character and higher density, with a variety of C20th semi detached, two storey houses set back from the street.

The form and design of the proposed pair of semis are traditional and the materials are specified as being natural stone and concrete roof tiles. The houses are shown as a conventional two storeys in height and the site sections show their bulk and height being compatible with both the existing house at 2 Tower Road and the row of imposing houses fronting the main road to the south. They would not appear out of place.

The specific stone and tiled to be used on the development could be controlled by condition to require agreement of samples, D1 and UR3 of the RUDP in terms of impact on the character and appearance of the site and surrounding area.

Gardens to the front and rear of the dwellings could also retain the green appearance of the area to some extent.

### **Impact on residential amenity**

The habitable room windows in the proposed dwellings are designed to face east along the rear garden and west across Tower Road. The distances between the elevations of the proposed dwellings and neighbouring gardens and dwelling to the rear (1 Dallam Road - Dallam House) is considered acceptable and sufficient to maintain privacy and not lead to undue overlooking at close quarters. The front of the dwellings will be over 30m from the front of the dwellings across Tower Road and to the rear there will be distances of 9m to the rear boundary and 21m to the rear elevation of the recently extended house at 1 Dallam Road. These distances are sufficient to prevent the new dwellings from being overbearing.

To the sides, the windows in the north and south gable elevations of the proposed dwellings are shown to serve a landing. Therefore, concerns regarding the houses overlooking the rear yards and living spaces of the houses at 261 - 267 Bingley Road seem unfounded. It can be a condition of approval that these windows be obscure glazed to prevent overlooking / loss of privacy for the occupiers of either 2 Tower Road or those houses along Bingley Road.

There is a distance of at least 13m between the side elevation of the proposed dwellings and the rear elevation of the dwellings fronting Bingley Road. In addition, there is a significant change in levels between the rear of the houses on Bingley Road and the gable wall of the proposed new dwellings. This is considered sufficient distance for the new dwellings not to have an overbearing impact on outlook or cause unacceptable loss of light or aspect. The proposed houses are also to the north of the houses on Bingley Road which would substantially reduce any effects on light, and the existing boundary wall is also shown to be retained and so this would provide screening.

Although the objections from occupiers of dwellings along Bingley Road have been considered, the proposed dwellings would be set sufficiently away from the windows and gardens of these homes and it is not accepted that undue loss of amenity would be caused. The proposal will not conflict with policies D1 or UR3 of the RUDP in terms of its impact on residential amenity.

### **Highway safety**

Despite the parking and highway objections raised in representations the Council's Highways Officer has raised no objection to the proposal as the existing dwelling and the two proposed

dwellings will have two off road parking spaces and relocation of the existing access for 2 Tower Road and the new accesses for the proposed dwellings. As such the proposal will accord with policies TM12 and TM19A of the RUDP.

A local Ward Councillor has asked that if granted that a condition of approval is that the applicant pays for the cost of extending the double yellow lines further away from the junction with Bingley Road. This TRO would not solve the existing on road parking problem raised in the representations but would exacerbate it by providing less on street parking room. The Council's Highways Officer has given no highway safety reason for imposing the condition and the application does not need the implementation of the suggested TRO to make it acceptable and therefore officers would recommend that this condition is not imposed.

### **Other matters**

No objections to the proposal have been raised by the Councils Drainage Team.

With regard to objections regarding additional pressure on schools and local community infrastructure, the size of development is not of sufficient size to enable the LPA to require developer contributions towards education or other infrastructure under normal planning policies and S.106 agreements.

All construction projects would cause a degree of disruption, but the disturbance caused by the development during construction would be transient and does not form a reason for refusal. The use of the site is residential and will be residential and therefore in principle there is no conflict in use by reason of pollution, noise or smell.

### **Community Safety Implications:**

The proposed dwellings will be located within secure residential curtilages and raise no community safety issues contrary to policy D4 of the RUDP.

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

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

### **Reason for Granting Planning Permission:**

The principle of development at the density proposed is considered acceptable and the details of the development are such that it would have no significant adverse impact on the character and appearance of the area, the setting of the Saltaire World Heritage Site, trees of public amenity value, the amenity of occupiers of adjoining properties or highway safety. As such the proposal will accord with policies UDP1, UR2, UR3, D1, D4, D5, S/BH14, NE4, NE5, NE6, H7, H8, TM12 and TM19A of the RUDP and forms sustainable development in the built up area compatible with the NPPF.

### **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 development is brought into use, the off street car parking facilities for the existing and proposed dwellings 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.

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

Reason: To ensure the provision of an appropriate standard of pedestrian access to serve the development and to accord Policy TM19A of the Replacement Unitary Development Plan.

4. Any gates to be constructed as part of the development shall not open over the highway.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

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

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

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

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

7. The landing windows in the south and north elevations of the dwellings hereby permitted shall be glazed in obscure glass prior to the first occupation of the building and thereafter retained.

Reason: To prevent overlooking or loss of privacy to adjacent occupiers and to accord with Policies D1 and UR3 of the Replacement Unitary Development Plan.

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

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

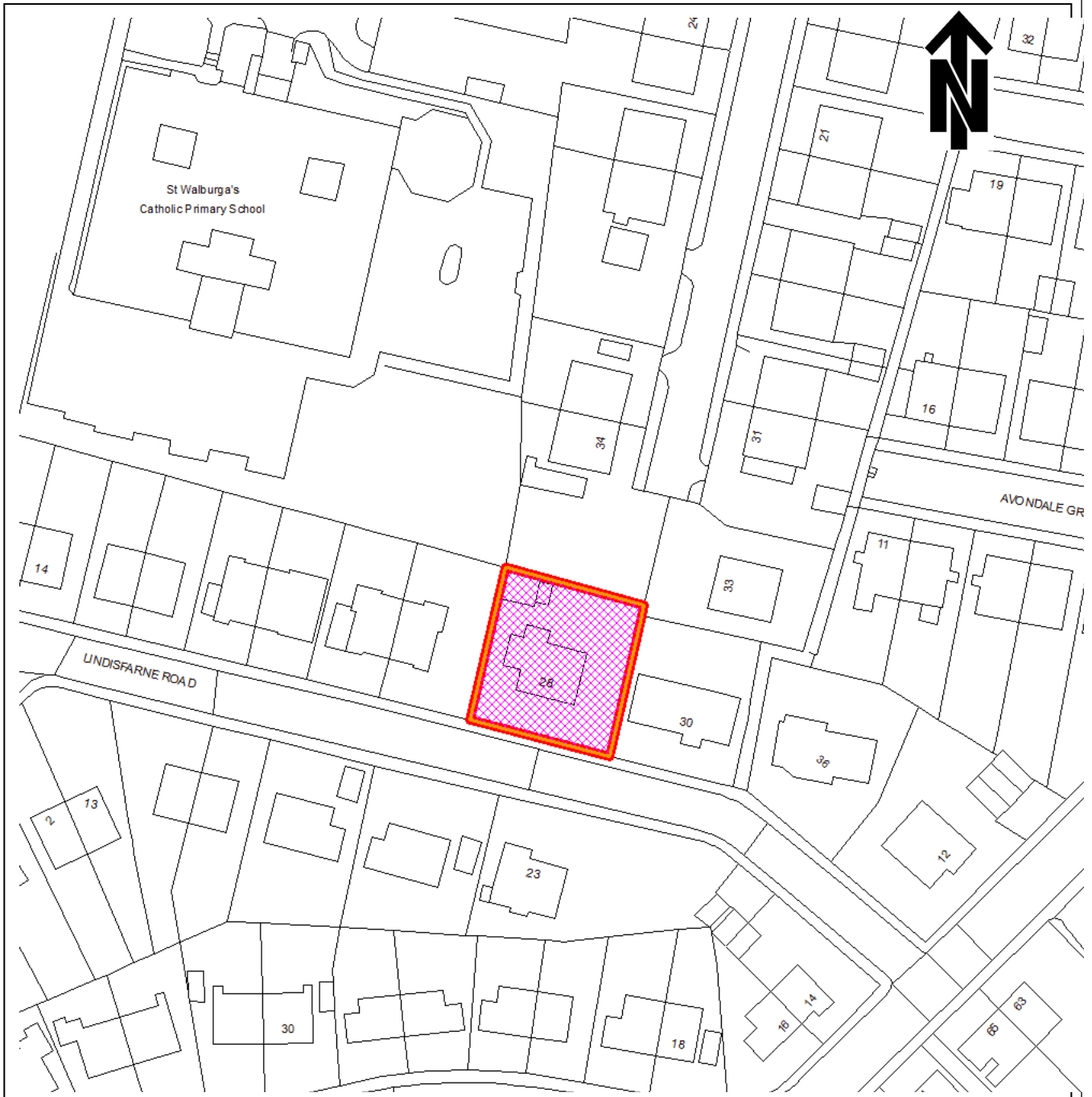
9. The parking and other surfaced areas within the site shall have permeable surfaces. These porous surfaces shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the rate of surface water run-off from the development and to protect adjoining properties from flooding and to accord with Policies NR16 and UR3 of the Unitary Development Plan.

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

**16/02066/FUL**

13 July 2016



**ITEM NO. : 2**

**LOCATION:  
28 Lindisfarne Road  
Shipley BD18 4RD**

**13 July 2016**

**Item Number: 2**  
**Ward: SHIPLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
16/02066/FUL

**Type of Application/Proposal and Address:**  
Full application for a two storey dwelling with side, rear and front porch extensions at 28 Lindisfarne Road Shipley West Yorkshire BD18 4RD

**Applicant:**  
Mr Israr Hussain

**Agent:**  
Laurie Reader Designs

**Site Description:**  
This proposal seeks the replacement of an existing 2-bedroom 1930's bungalow with a two storey house. The property stands on the north side of Lindisfarne Road within a wholly residential area to the south west of Shipley town centre. Lindisfarne Road is characterised by a variety of houses and bungalows running along the north and south sides of the road. Those bungalows opposite the application site occupy elevated positions such that their apparent roof height is comparable with the two storey dwellings that face them.

**Relevant Site History:**  
15/05119/FUL: Extension of existing bungalow to form a two storey dwelling with side, rear and front porch extensions. Granted 16 February 2016.

This planning permission was granted by the Area Planning Panel (15/05119/FUL). The proposals here indicate a change in the design of the previously approved dwelling.

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

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

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

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

***Allocation***

Unallocated.

***Proposals and Policies***

UDP3 – Impact of development on the natural and built environments.

UR3 – local impact of development.

D1 - design issues.

TM12 – residential car parking standards.

**Parish Council:**

None for this area.

**Publicity and Number of Representations:**

Advertised by neighbour notification letters. 23 objection letters have been received.

**Summary of Representations Received:**

1. The proposed dwelling is too big and would be out of place.
2. The development would dominate its surroundings.
3. Local drainage would be compromised.
4. A property with double garage and hardstanding would put pressure on local traffic conditions.
5. The development would put pressure on local schools.
6. A property of this size suggests a number of people and therefore a number of vehicles.
7. The development will block views in the locality.
8. The proposed parking facilities are not enough for a dwelling of this size.
9. The development would compound an already flawed decision.
10. The development would lead to overlooking and over-dominance of neighbours.
11. The previous scheme was approved despite much local opposition. This scheme is worse.

A Ward Councillor has also commented:

The revised proposal increases the size of the development far beyond that for which permission was originally granted and is an over-development of the site. The rise in ground level between this side of Farfield Road and Lindisfarne Road is substantial.

The existing bungalow is in an elevated position in relation to Farfield Road and adding a further storey will make this equivalent to a three storey development. This is inappropriate to the site and location.

The proposed development will overlook nearby residential living areas and constitutes a serious intrusion into the privacy and amenity of local residents.

This application for a revised specification is an over-development of an established residential area and I ask that it be rejected.

**Consultations:**

Drainage section: No comments to make.

**Summary of Main Issues:**

Effects on local amenity and adjoining occupiers.

**Appraisal:**

The principle of extending or enlarging an existing dwelling within a residential area is acceptable subject to consideration of the effects on surrounding properties and the street scene.

In the case of the proposals here, planning permission was granted in February 2016 for the replacement of the existing bungalow on the site with a two storey house.

The application therefore seeks approval for a change to the approved design of the dwelling that was considered in February 2016. The resulting development would occupy a larger footprint than that already approved by virtue of the new design being 420mm larger when measured front-to-back. The redesign would also change the appearance of the building; instead of a two storey dwelling with a single storey element at either side, the upper storey would in effect be moved to one side so that the east facing end elevation would be a full height gable and the opposite end would remain single storey. The hipped form is retained to the roof.

**Impact on Local Amenity**

The plot is reasonably generous in extent, located between two storey properties standing to either side. The revised proposals here do not bring the dwelling any closer to the eastern boundary and the separation between the proposed dwelling and the eastern boundary would still be over 3 metres. This distance would be acceptable in any residential setting and is comparable with separation distances between other dwellings on Lindisfarne Road.

The rearward projection of the dwelling would not result in the two storey element extending beyond a 45 degree line from the nearest neighbouring habitable room windows in the dwelling to the east.

This ensures that the completed development would not encroach upon outlook or light to the neighbouring dwelling to the east.

The single storey side projection to the western flank of the proposed dwelling would remain the same distance to the western boundary as was previously approved. The neighbouring dwelling to the west is set more than 7 metres from that common property boundary and so again the spatial arrangement is acceptable.

Overall these separation distances are considered sufficient to ensure that no significant harm would arise for neighbouring occupiers to either side and a sense of spaciousness would be maintained in views along the street.

The distance to the rear boundary is reduced by 420mm, but the distance between the proposed dwelling and the gable of the dwelling on Farfield Road to the north would still be 24 metres, which exceeds the 21 metre separation normally required between habitable room windows.

The boundary between the application site and the property to the north is well screened and it is not considered that a refusal of planning permission on privacy grounds could reasonably be sustained.

In conclusion, the proposed changes here are relatively limited in extent and mainly involve a change in the profile of the building rather than a significant increase in scale.

Whilst the objections of local residents are acknowledged, the proposals do satisfy Policies UDP3 and UR3 of the Replacement Unitary Development Plan

**Community Safety Implications:**

There are no community safety implications.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The proposal seeks a redesign of a previously approved dwelling that would replace an existing bungalow on the site. The planning implications of the redesign for the surrounding environment, the amenity of occupiers of surrounding properties, and road safety have been carefully considered but are limited. The proposals therefore satisfy Policies UDP3, D1 and UR3 of the Replacement Unitary Development Plan.

**Conditions of Approval:**

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

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

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

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

3. Before the development is brought into use, the off street car parking facility shall be laid out and permeably surfaced 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. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

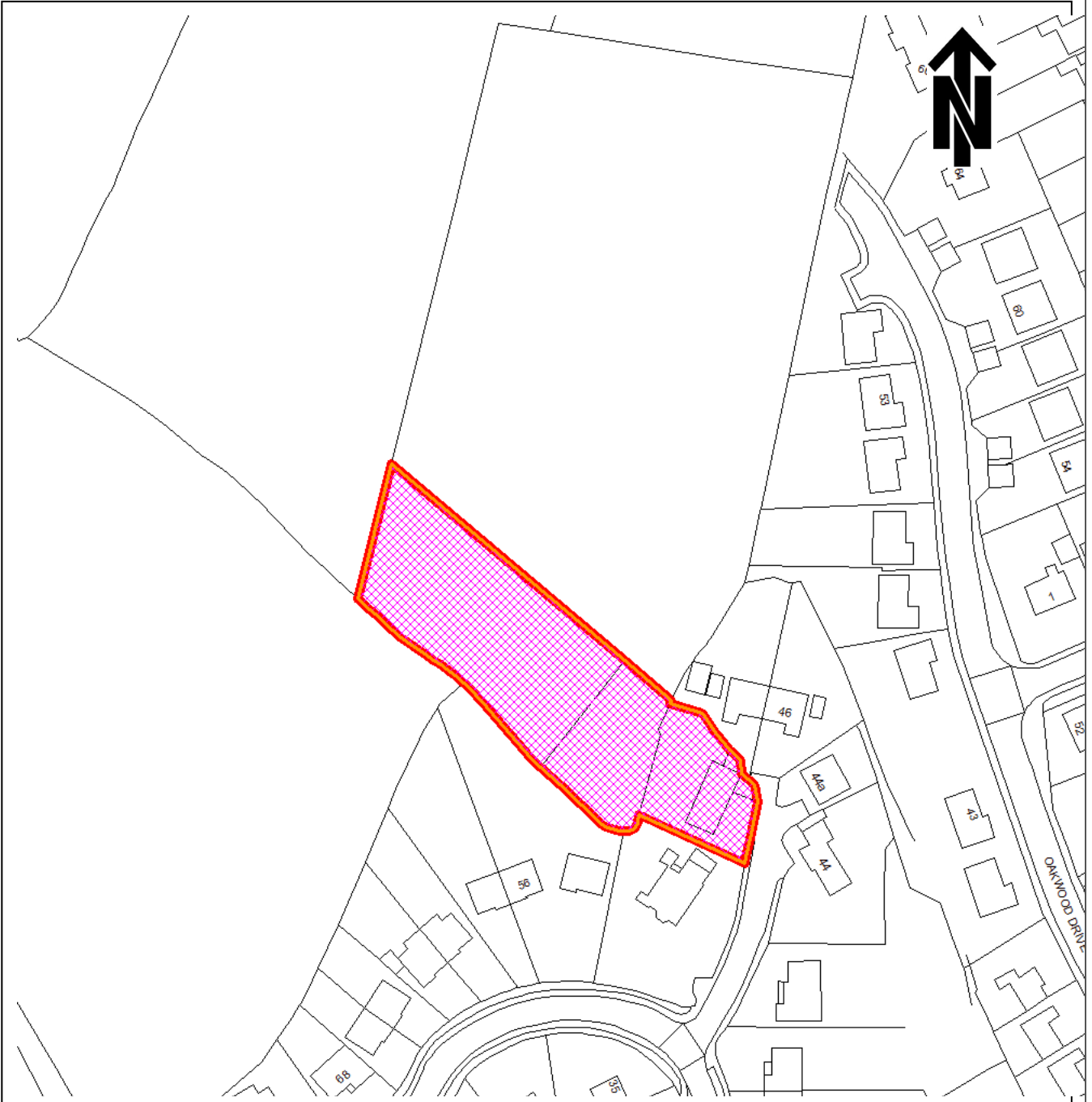
Reason: To safeguard the amenity of occupiers of neighbouring properties and to accord with Policy UR3 of the Replacement Unitary Development Plan.



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

**15/06926/OUT**

13 July 2016



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ITEM NO. : 3

LOCATION:  
**50 Falcon Road**  
**Bingley BD16 4DW**

**13 July 2016**

**Item Number: 3**  
**Ward: BINGLEY**  
**Recommendation:**  
**TO GRANT OUTLINE PLANNING PERMISSION**

**Application Number:**  
15/06926/OUT

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

Outline planning application for demolition of existing house and construction of seven, two-storey detached houses.  
Land at 50 Falcon Road, Bingley BD16 4DW

**Applicant:**

Mr And Mrs Crawford

**Agent:**

Belmont Design Services

**Site Description:**

This elongated area of garden land extends to the rear of dwellings located at the end of a short, cul-de-sac spur running north and rising in level from Falcon Road, Bingley. The surrounding area is residential, but with agricultural land extending to the north of the site.

Access to the site requires the demolition of the host property, number 50 Falcon Road, allowing a new roadway extension from the existing cul-de-sac to serve the proposed dwellings. One of the new dwellings would replace that to be demolished.

The planning application here is in outline and seeks approval in principle for the demolition of an existing single dwelling and the construction of seven new dwellings.

**Relevant Site History:**

15/03857/OUT – Construction of four detached houses. Refused

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

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

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

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

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

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

#### ***Allocation***

Unallocated.

#### ***Proposals and Policies***

Policies

UDP3 – Impact of development on the natural and built environments

UR3 – local impact of development

TM2 – highway safety

TM12 – residential parking standards

TM19A – highway safety

#### **Parish Council:**

"text"

#### **Publicity and Number of Representations:**

Publicised by site notice and letters to neighbours. Expiry 29.5.16. 27 letters of objection received - including from the Shipley MP. Eight letters of support.

#### **Summary of Representations Received:**

1. Access to the site is inadequate for large vehicles.
2. The character of the cul-de-sac will be harmed.
3. The cul-de-sac is a haven for children and small animals but extra traffic will compromise safety.
4. This development was previously refused.
5. Too many houses served off a private drive.
6. More traffic in this area would be dangerous.
7. Local road network is inadequate.
8. The building work and associated traffic would cause long term disruption.
9. The application lacks detail.
10. The development would lead to loss of privacy for neighbours.
11. HGVs have to reverse up the cul-de-sac already.
12. People park in this area to visit Five Rise Locks, making it very busy.
13. Difficulties in accessing council web-site.
14. Council has already stated that no more development would be served by the poor local road network.
15. Following the TPO being issued the site cannot now be developed.

#### **Support letters**

1. The use of large gardens should be supported.
2. The development would bring a younger generation into this area, which is safe for children.
3. Excellent use of an infill plot, in line with Government policy.

**Consultations:****Highways Development Control**

No objections subject to acceptable details at the Reserved Matters stage, and to conditions requiring the access, turning facility and off-street parking being completed and made available prior to first occupation of the dwellings.

**Drainage Section**

The development should not begin until details of a scheme for separate foul and surface water drainage, including any balancing and off site works have been submitted to and approved in writing by the Local Planning Authority.

The site must be investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered.

The developer must submit, to this council for comment a copy of a report detailing the results of the ground investigation, together with a design for the disposal of surface water from the development using sustainable drainage techniques or, proof that such techniques are impracticable in this instance.

**Trees Team**

The two oak trees within the site have been made subject to a TPO.

**Summary of Main Issues:**

Principle of development.

Local amenity.

Highway safety.

Representations.

**Appraisal:**

This is an outline application seeking permission for the principle of demolishing an existing house and the residential development of the land for 7 x two storey houses. The means of access and layout are tabled for consideration. The appearance, scale and landscaping would be reserved matters for consideration under a future application.

**Principle**

Local Authorities are required to deliver new housing to meet current shortfalls and the use of windfall sites within the existing urban area will assist in meeting the housing targets. Where such sites are capable of development these will normally be supported.

This rectangular site represents existing residential curtilage that is unallocated by the development plan. It is within the existing urban area of Bingley.

New residential development is principle acceptable in an existing urban context, provided that the Development Plan policies relevant to amenity and the living conditions of neighbours, local highway safety and the wider environment are not significantly compromised.

A number of objections have been received from local residents, whose concerns include that the use of existing garden spaces in the urban area is not appropriate for the provision of new housing. These objections are acknowledged and are addressed in detail below. However all planning applications are considered on their individual merits and where sites are capable of development without significant adverse impact then it would indeed be appropriate to grant planning permission.

In this case, as noted, the site is unallocated and subject to the following considerations the development is in principle an appropriate means by which best and most efficient use of urban land for new housing provision can be achieved. This relieves pressure on the Green Belt and undeveloped 'greenfield' land.

### **Impact on Local Amenity**

The layout of the application site is such that part of its southern boundary meets the boundaries of existing domestic curtilages associated with three dwellings, numbered 52, 54 and 56 Falcon Road to the south.

The northern boundary extends across part of the frontage of an enlarged semi-detached bungalow that is set at higher level at the head of the cul-de-sac. The greater part of the northern boundary and the western boundary however opens onto agricultural grazing land that is subject of a separate planning application for residential development.

With regard to the domestic curtilages abutting the south of the site, it is acknowledged that the site boundary is well screened by shrubs and trees. As a consequence, privacy and outlook would be adequately preserved for the existing gardens to the south.

The proposals involve the formation of a new roadway alongside the southern boundary of the site, with dwellings arranged along the north side of the new roadway.

The demolished dwelling at the site entrance would be replaced with a new house.

With regard to the effects of the development on occupiers of surrounding properties, the proposed dwellings would not directly impact upon the privacy or living conditions of the nearest neighbouring occupiers. The proposed dwelling at the site entrance, replacing that to be demolished, would be sited on the same footprint as the existing property.

Whilst the proposals have resulted in a number of objections that are summarised in this report, given the proposed layout here and its relationship with neighbouring properties it is considered that the proposed development satisfies Policies UDP3 and UR3 of the Replacement Unitary Development plan

In terms firstly of the spatial arrangement of the proposed dwellings, the surrounding layout is reasonably open and the proposals here satisfactorily reflect the general character of the surrounding residential area. The siting of the proposed dwellings is such that they would not compromise the privacy or general amenities of nearest occupiers and in this respect the proposals satisfy Policy UR3 of the RUDP.

## **Impact on Trees**

In order to facilitate the development of 7 houses and the proposed access, the development would result in the loss of two mature oak trees that stand in the middle of the existing garden area.

Following a request from a local ward councillor, these two oak trees have been made subject of a Tree Preservation Order. This request was made and the TPO issued during the course of the processing of this planning application.

Even though a TPO is now in place, the granting of planning permission would supersede the Order and authorise removal of the trees. However, the presence of the TPO prevents them being removed by the site owner until the planning application can be properly considered. This enables the Council to make a carefully considered decision and ensures retention of the trees unless it is considered that the proposed benefits of housing justify their removal.

In the event of a grant of outline planning permission here, the loss of these two trees could be offset by a requirement for a comprehensive replacement planting scheme including the use of heavy and extra-heavy standard trees that would provide immediate impact.

The view of officers is that the benefits of the proposed development would outweigh the loss of these two large trees and the landscaping of the completed development site would ensure succession growth in more appropriate positions on the site, whereas the two trees in question are presently in the middle of the garden.

## **Highway Issues**

The proposed access is considered by the Council's Highway Officer to be acceptable in principle and that subject to constructional details the access would satisfy Policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

The proposals would result in additional traffic in a short and quiet cul-de-sac and this is an issue of significant concern to local residents, who point out that children presently play in the road along the cul-de-sac.

Further, residents point out that high vehicle numbers would make the cul-de-sac unsafe for existing road users and pedestrians.

However, the Council's Highway Officer notes that traffic speeds in this cul-de-sac are low and that the proposals would not compromise road safety.

Standard conditions to require formation of the means of access, turning area and car parking facilities are recommended by the Highway Officer and are proposed at the end of this appraisal. Accordingly, the engineer considers that Policies TM2, TM12 and TM19A of the RUDP are satisfied.

## **Consideration of Representations**

A number of representations have been received, which fall into three main categories.

(1) Those opposed to the principle of increasing the density of development in this locality as it will lead to harm to living conditions of existing residents;

- (2) Those saying that the development would lead to harm to highway and pedestrian safety and
- (3) That the development would harm the local natural environment through the loss of trees.

The objections are acknowledged. However the National Planning Policy Framework confirms that best and most sustainable use of existing urban land will be supported unless the benefits of the development are outweighed by other factors.

In this case, the proposals are in outline, dealing with the principle of the development and indicating siting and means of access. It can be seen from the layout drawing that the proposals would not give rise to unacceptable implications for privacy, light of outlook for surrounding properties. Moreover the development would be served by an access that the highway engineer considers is acceptable subject to details being agreed. It is considered that this development would not exceed the capacity of the local road network.

**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 that any issues with regard thereto are raised in relation to consideration of this application.

**Reason for Granting Planning Permission:**

The site is unallocated by the development plan but comprises land within the existing built up area surrounded by other residential development. As such its use for new residential development is in principle acceptable subject to conditions and to acceptable details at the Reserved Matters stage.

**Conditions of Approval:**

1. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended)

2. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

3. Before any development is begun plans showing the:

- i) access details,
- ii) appearance
- iii) landscaping
- iv) layout,
- v) scale

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 5 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. The development should not begin until details of a scheme for separate foul and surface water drainage, including any balancing and off site works have been submitted to and approved in writing by the Local Planning Authority.

The site must be investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered.

The developer must submit, to this council for comment a copy of a report detailing the results of the ground investigation, together with a design for the disposal of surface water from the development using sustainable drainage techniques or, proof that such techniques are impracticable in this instance.

Reason: In the interests of flood prevention in accordance with Policy UR3 of the Replacement Unitary Development Plan

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

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

6. Submission of reserved matters in respect of the landscaping of the site shall include proposals for replacement native trees to be planted along the perimeter of the site. Details of the number, location, specifications, proposed sizes and species of trees shall be submitted to, and approved in writing by the Local Planning Authority.

The replacement planting so approved shall be carried out prior to occupation of any of the dwellings comprised within the approved development.

Any trees or plants comprising this replacement planting scheme that become diseased or which die or are removed or damaged within the first 5 years after the



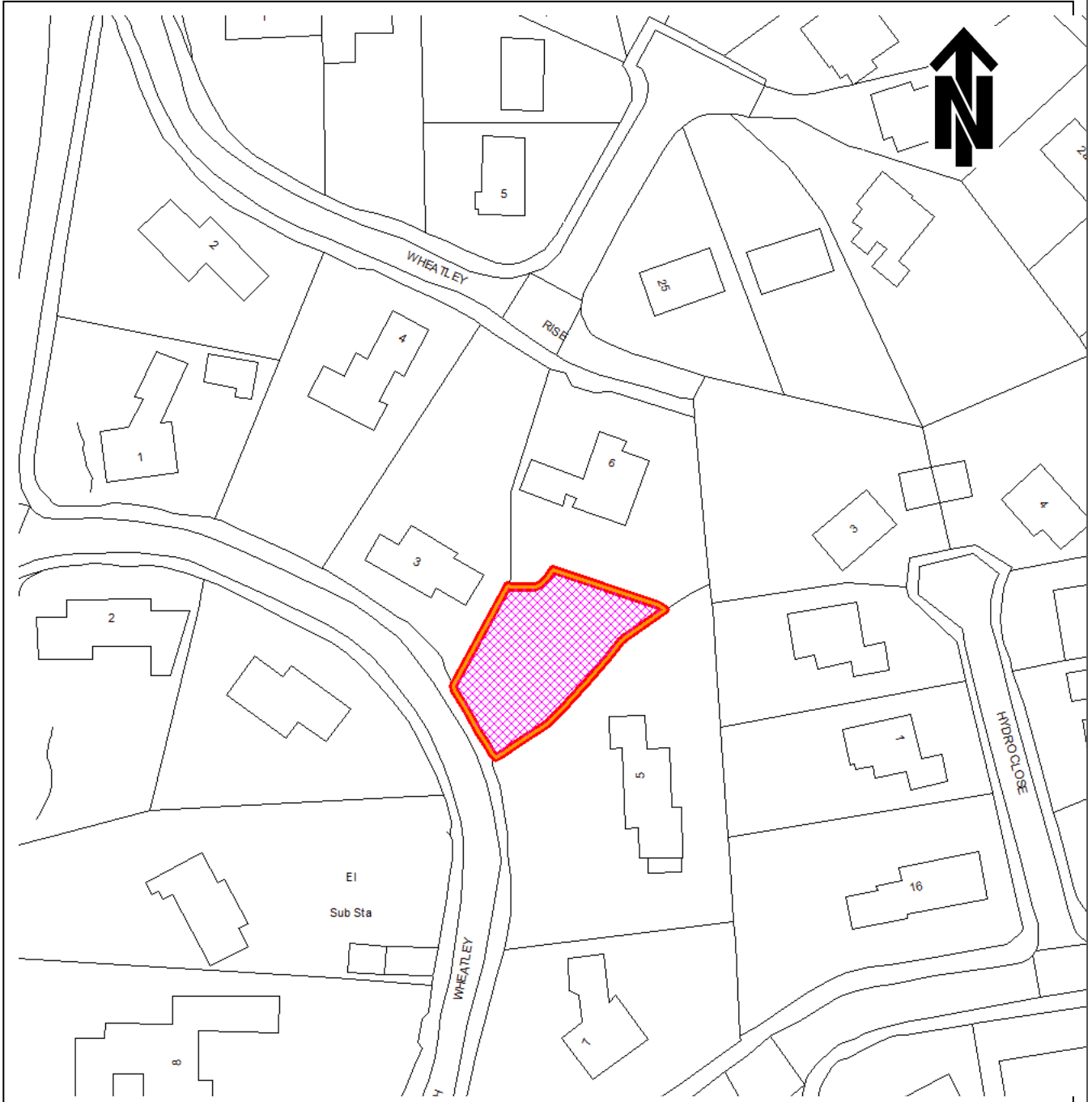
completion of the planting shall be removed and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death/removal of the original planting.

Reason: To mitigate the impact of the buildings on the local character, and provide appropriate replacement for existing trees that will need to be removed to accommodate the development, in the interests of visual amenity and to accord with Policies D5 and NE4 of the Replacement Unitary Development Plan.

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

**16/01922/FUL**

13 July 2016



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ITEM NO. : 4

LOCATION:  
**6 Wheatley Rise**  
**Ilkley LS29 8SQ**

**13 July 2016**

**Item Number: 4**  
**Ward: ILKLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
16/01922/FUL

**Type of Application/Proposal and Address:**  
Construction of detached dwelling with access from High Wheatley, at 6 Wheatley Rise, Ilkley, LS29 8SQ.

**Applicant:**  
Mr & Mrs K Towler

**Agent:**  
Mr Michael Allison

**Site Description:**  
6 Wheatley Rise is located in the Ben Rhydding area of Ilkley within a mature residential area of low density dwellings, constructed sometime in the 1960's. Whilst the neighbouring dwellings are of a similar style and character, they are individually designed and set at differing angles and distances from the highway, with a good deal of variation between individual plots. The existing dwelling at the application property fronts onto Wheatley Rise but the rear garden, where the proposed development would be located, has a frontage onto High Wheatley. Access to the proposed house would be taken from this direction. Land levels rise steeply in the area from north to south towards the moor. The site is currently a landscaped gardens and has a number of trees along its eastern side.

**Relevant Site History:**  
13/01037/FUL - Full application for the construction of new dwelling at 6 Wheatley Rise Ilkley West Yorkshire, LS29 8SQ. Granted by Area Planning Panel - 15 May 2013.

12/01146/FUL: Construction of detached dwelling with access from High Wheatley.  
Withdrawn

**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

NE5 Retention of Trees on Development Sites

NE6 Protection of Trees During Development

#### **Parish Council:**

Ilkley Parish Council - The planning committee recommends refusal of the application: "The decision is made on the grounds of overdevelopment of the site, a steep banking too close to the house and not enough consideration of the trees on site".

#### **Publicity and Number of Representations:**

Publicised by neighbour notification letters and site notice. Overall expiry date for comments was 12.04.2016.

Letters/emails of comment have been received from 12 separate addresses objecting to the proposal.

#### **Summary of Representations Received:**

- Neighbours believe that the proposed development would be entirely out of character with the area, to the detriment of the local environment. The houses in the area at present are all set in similar sized plots of land which were carefully planned to give a spacious effect. The proposed new property would completely destroy this. The site for the proposed new house is too cramped, and would result in there being two houses with very restricted gardens, quite out of keeping with the rest of the area.
- The plot size of the proposed development does not fit with the low density area and involves loss of garden land and the open aspect of the neighbourhood.
- High Wheatley is an example of good planning as all the developments enjoy large gardens with mature trees. This proposed development being shoe horned into the garden of 6 Wheatley Rise and would set a precedent and significantly and adversely affect the area, in particular the adjacent properties.
- Neighbours are also concerned about highway safety. The access to the proposed development is from High Wheatley, at a point where the road is both steep and narrow.
- Some objectors point to various apparent flaws in the application form and drawings. Including documents referring to the previous approved application on the site

(13/01037/FUL) as being pre application advice, and the design and access statement does not refer to the previously approved application (13/01037/FUL). Also, that the submitted location plan is out of date.

- Each house in this area, including 6 Wheatley Rise is protected by a Legal Covenant which allows one dwelling house and a garage to be developed on each plot. This plan is in breach of that covenant.
- No garage is planned and as such parking and access problems are anticipated.
- The site is steep and the development would impact on trees.
- The development should take account of drainage and impact on other properties. Building on garden area will increase drainage problems.
- The proposal would result in overlooking and overshadowing of neighbours

### **Consultations:**

West Yorkshire Archaeology Advisory Service – The application site lies on the presumed line of Roman Road 72b. Excavation for footings and landscaping should be subject to archaeological observation and recording (a watching brief). A suitable condition could be attached.

Drainage – No objections are raised. Drainage Section advises attaching condition that development to be drained via a separate system within the site boundary and that to keep the impermeability of the land to a minimum the applicant should investigate the use of porous materials in the construction of the car parking & hard standing areas.

Highways Development Control - No objections in principle to the proposed dwelling. Suggest standard conditions regarding provision of off street parking areas and formation of access prior to development being brought into use.

Trees - No objections raised. Suggest conditions regarding installation of the submitted tree protection measures prior to commencement of development and that the protection measures shall be retained on site for the duration of the development.

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

1. Previous permission.
2. Impact on Local and Residential Amenity.
3. Trees.
4. Highway Safety.
5. Drainage.
6. Other issues.

### **Appraisal:**

#### **Previous permission**

As stated in the Site History, planning permission (13/01037/FUL) for a house on this garden land was granted in May 2013. This previous application was determined by the Area Planning Panel and material objections were carefully considered. Three years later, this application is for a renewal of that permission. The submitted drawings are the same as were considered in 2013.

Officers have not identified any material changes at the site or in the surrounding area and there has been no significant changes in circumstances or with regard to planning policy

since the previously approval, other than, perhaps, the well-publicised need to identify more land for housing across the district.

The site is unallocated on the Replacement Unitary Development Plan and the principle of development for residential purposes is considered acceptable providing site specific constraints can be overcome and providing the character of the area can be maintained.

The site is private garden curtilage of a modest scale and its development would not harm the wider objectives of the development plan. The National Planning Policy Framework has not gone so far as to prevent residential infill on garden land, although increasing housing land supply needs to be weighed against the need to protect the character of established residential areas. However, the development of this plot was previously found acceptable by the Area Planning Panel and there remains a need to make more effective use of land for housing - where this is appropriate having regard to other policies of the RUDP and the NPPF.

### **Impact on Visual Amenity and Local Character**

The site is in a mature low density residential area typified by 1960's dwellings that are individually designed but to a consistent style and built predominately in stone, render and concrete tiles. No strong building line is in evidence. The locality is characterised by its scattered pattern of development.

The design and scale of the proposed dwelling are the same as was approved by the previous permission. The design seeks to reflect the design character prevalent in the area, rather than to introduce a new style which would blend less successfully into the local environment. The adopted design is considered to be acceptable and appropriate.

As was the case with the previous permission, objections have been received regarding the claimed adverse effects on the spacious layout of properties in the local area and that covenant is attached to this plot which would limit development. Concerns are raised that the subdivision of the plot and the proposal here would amount to overdevelopment and would erode the spacious quality of the properties in this area.

The proposed dwelling is roughly L shaped and set back from the frontage of the site by around 9.3m; a distance which reflects the set back of the dwelling to the west and which is sufficient to ensure that the building will not appear as an unduly prominent or uncharacteristic feature in the street scene. The sectional drawing submitted in support of the application demonstrates that the structure will be satisfactorily accommodated into the rising topography of Wheatley Rise and High Wheatley, in common with its neighbours. 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.

Overall, whilst this development will take place within an existing garden in an attractive suburban area, due to the small scale of the building, the sensitive design and the retention of much of the existing landscaping, the new dwelling would sit unobtrusively and modestly within the existing townscape. It would not give rise to any significant harmful impacts on local character. The scale, form and materials are not unduly imposing or out of keeping with the character of the locality, and the proposal accords with Policy D1 of the RUDP.

### **Impact on Trees**

High Wheatley, Wheatley Rise and the immediately surrounding residential streets are encompassed by a historic group Tree Preservation Order (TPO) and there are a number of trees within the garden of public amenity value as they contribute to the landscape character of the suburb.

However, information on trees and tree protection are submitted with the application and the siting has taken them into account. The Council's Trees Team has no objections to the development.

There have not been any significant changes on the site with regard to trees since the previous approval at the site. Subject to suitable tree protection measures during construction it is considered that the development will not prejudice retention of the trees.

### **Impact on Residential Amenity**

The relationship between the proposed development and neighbouring property remains as was the case on the previously approved scheme on the site.

A minimum of 21m is retained between the new habitable room windows on the rear of the proposed building and those of the parent dwelling, ensuring that overlooking between the existing and the proposed dwellings will be limited to an acceptable level. Both the properties will retain sufficient outdoor amenity space.

The adjacent property to the west, No 3 High Wheatley, has no upper floor habitable windows on the side elevation facing the proposed dwelling and the new dwelling would have no habitable room windows facing back towards this neighbour. No 5, to the east, is set much further back from the highway, at an angle across a well vegetated boundary. The proposed dwelling has one upper floor habitable room window facing No 5. This is, however, positioned approximately 10.8m from the shared boundary and No 5 is positioned on higher ground across a boundary which benefits from existing mature landscaping which will be retained. There is no dwelling directly opposite on the far side of High Wheatley, the closest being set at an angle some 24m away. Habitable windows have been carefully placed and sufficient space around the proposed development is retained.

As before, the development will not result in undue overlooking of neighbouring residential neighbours. It would be set on higher ground than 3 High Wheatley, but it will be positioned alongside this neighbouring property adjacent to its garage. No undue overshadowing or overbearing impacts are foreseen. The scheme is considered to maintain adequate standards of amenity for existing and future occupiers and to accord with policies UR3 and D1 of the RUDP.

### **Highway Safety**

The new dwelling will benefit from a separate access from High Wheatley and sufficient off street parking is provided for at least two vehicles. Highway officers are satisfied that the development of a single dwelling on this site will not generate levels of traffic such that highway safety would be compromised. Visibility at the access is acceptable. Several objectors have noted that the road get icy and slippery during snowy weather and due to surface water freezing on the road. This is common to all estate roads on rising topography in the winter months and this would not be a reasonable or defensible reason to withhold planning permission for the development.

Comment has been made regarding a lack of garage facility but this is not an essential requirement of housing developments. The Council's Highways section has no objections. A sufficient hardstanding area would be provided to accommodate at least two cars off the street and subject to provision of this and the access being formed prior to occupation, the proposal would be acceptable with regard to highway safety.

### **Drainage**

A number of objectors have expressed some anxiety about local land drainage in the area and the flow of surface and underground water, highlighting that this is of particular concern after the prolonged wet weather which has been experienced in recent years.

The Council's Drainage team has, again, raised no fundamental concerns. It is recommended that as under the previously approved application that conditions be re-attached to require details of the drainage scheme to be submitted for approval prior to commencement of the development, with the usual requirement for sustainable drainage techniques to be employed unless the underlying site conditions prove to be unsuitable. Surface water flows should be limited to the sites existing flow rates and details of excavations or levels changes provided.

The proposed driveway is to be constructed from block pavers, a porous material which will aid the dispersal of surface water within the site, however a drainage scheme will be required to deal adequately with all surface and foul drainage at the site. Subject to a condition requiring the submission, approval and implementation of such a scheme officers are satisfied that the development, if approved, would not cause any new drainage problems nor would any existing problems be exacerbated.

### **Other Matters**

Various comments are made by objectors about the site location plan being out of date and various submissions not having been updated since 2013. However, the site plan clearly identifies the location of the site and officers have made new visits to the site and so have sufficient knowledge of the site to be able to assess the planning impact of development and the implications, if any, of any material changes at the site and in the surrounding area since 2013.

Numerous objectors also refer to the presence of a covenant limiting development on the plot. However, this is a private legal restriction, enforceable under civil law. It and does not prevent the Local Planning Authority making a judgement on the planning merits of the application.

An additional consultation comment has been received from the West Yorkshire Archaeology Advisory Service. The projected route of a Roman Road through the Wharfe Valley may pass through, or near the development site. The Service has advised that a condition be attached to require the developer to maintain an Archaeological Watching brief during excavations at the site to look for any evidence of the Roman Road that may be found. This forms an additional condition to the list of suggested conditions.

Comment has been received regarding the red line boundary at the access straying onto neighbouring land. Amended plan has been received to clarify the red line boundary is within the applicants ownership.



**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:**

There have been no significant changes with regards to the site or planning policy since the previously approved application on the site. The impact of the scheme has been carefully assessed and it is considered that the development will have no significant adverse effects in terms of impacts on highway safety, visual amenity, residential amenity, drainage or protected trees. The development will have no significant adverse effect on local character, which is typified by a low density dwellings of a variety of sizes and designs set amongst mature landscaping with a scattered pattern of development and no defined building line. The proposal therefore complies with policies UR2, UR3, D1, TM2, TM12, TM19A, H7, H8, NE5, and NR16 of the replacement Unitary Development Plan.

**Conditions of Approval:**

**These are the same as applied to 13/01037/FUL with an additional archaeology condition.**

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. Development adjoining trees shall be carried out in accordance with the amended Tree Constraints Plan B-030-05 Rev A and Sections Drawing B-030-08.

The development shall not be begun, nor shall any demolition, site preparation, groundworks, construction materials or machinery be brought on to the site until temporary Tree Protective Fencing has been erected around the Root Protection Areas of the trees within the site and along the boundaries of the site. The Tree Protective Fencing shall be to a minimum standard as indicated in BS 5837 (2012)

"Trees In Relation To Construction". The position of the temporary Tree Protective Fencing will be outside Root Protection Areas (unless otherwise agreed with the Local Planning Authority). It shall be fixed in position and mounted on poles driven at least 0.6m into the ground and shall not move or be moved for the duration of the development.

The Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing and have confirmed in writing that it is erected in a satisfactory position and to a satisfactory specification.

No development, excavations, engineering works and storage of materials or equipment shall take place within the protected areas for the duration of the development, without written consent by the Local Planning Authority.

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

4. The development shall not begin until details of a scheme for foul and surface water drainage, including details of balancing and attenuation of surface water discharges from the site have been submitted to and approved in writing by the Local Planning Authority. The submission will provide for sustainable drainage techniques, or will provide evidence, based on site investigations, to show that such techniques cannot be used on the site. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

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

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

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

6. All hard surfacing to parking/turning/access areas to the front of the houses shall be surfaced using permeable materials and surface water shall be captured and disposed of in a sustainable way on site. Prior to the commencement of the development details/samples of these materials and also details of the way in which measures to capture and dispose of surface water in a sustainable way on site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall then proceed in accordance with the approved details and retained as such thereafter.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any subsequent equivalent legislation) no development falling within Classes A to F of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To accord with Policy D1, UR3 and NR16 of the Replacement Unitary Development Plan.

8. Construction work, including any works of demolition associated with the approved development, 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 and 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.

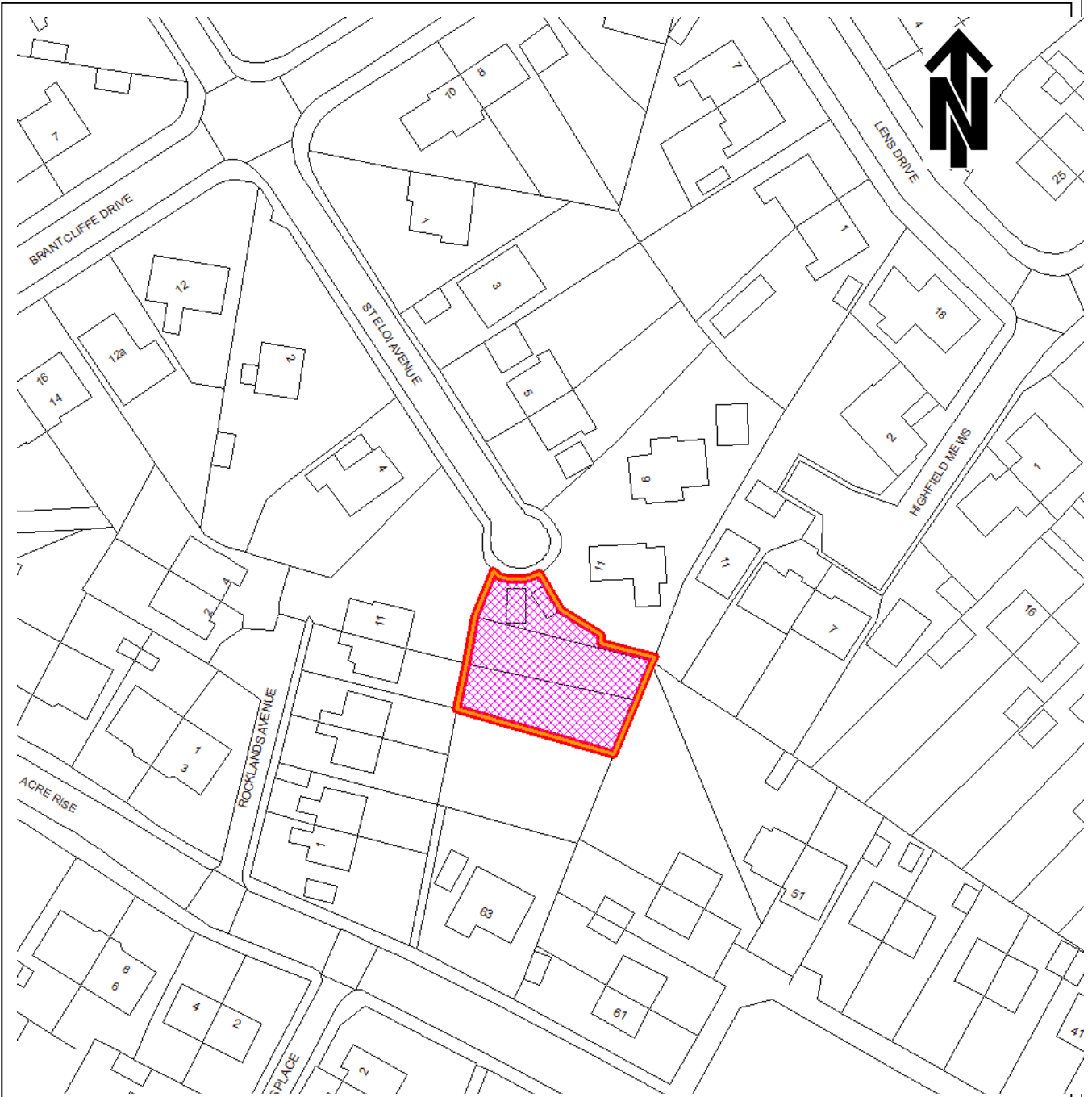
9. No development shall take place on the site unless the developer has secured provision for the implementation of a programme of archaeological observation and recording (watching brief) to be carried out on the site during the period of development. This observation and recording must be carried out by an appropriately qualified archaeological consultant in accordance with a written scheme of investigation/recording that shall first be submitted to, and approved in writing by the Local Planning Authority before any work begins on site.

Reason: To ensure appropriate recording of possible archaeological evidence on the site, to advance the understanding of the significance of such heritage assets in a manner proportionate to their importance, and in accordance with paragraph 14 of the National Planning Policy Framework.

Area Planning Panel (Keighley/ShIPLEY)

16/00891/OUT

13 July 2016



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ITEM NO. : 5

LOCATION:  
**9-11 Rocklands Avenue**  
**Baildon BD17 5NF**

**13 July 2016**

**Item Number: 5**  
**Ward: BAILDON**  
**Recommendation:**  
**TO GRANT OUTLINE PLANNING PERMISSION**

**Application Number:**  
16/00891/OUT

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

Outline application for the Construction of two three-bedroom houses with direct access from Saint Eloi Avenue including demolition of two old garages at land to the rear of 9-11 Rocklands Avenue, Baildon, West Yorkshire, BD17 5NF.

**Applicant:**

Mr Richard Craven

**Agent:**

Mr Malcolm Bayliss

**Site Description:**

The proposal seeks permission for the construction of two detached properties on land that was once part of the garden areas to a pair of semi-detached houses at Nos 9 and 11 Rocklands Avenue. The application land stands at a lower level to the remaining gardens of those two houses, with a retaining wall dividing it from the retained gardens. The application plot abuts the end of another cul de sac named St Eloi Avenue. The land is set below the level of the cul de sac and there is an existing disused garage abutting the cul de sac. A protected semi mature oak tree stands in the curtilage of 11 St Eloi Avenue - alongside the garage. St Eloi Avenue serves an assortment of detached and semi detached dwellings. Nos. 9 and 11 appear to be of recent construction.

To the north of No. 11 Rocklands Avenue, and to the south of No 4 St Eloi Avenue, is another vacant garden plot that has permission for another dwelling that is not yet built.

**Relevant Site History:**

Relevant to this plot

14/00846/FUL - Two dwellings in existing vacant plot – Refused – Appeal Dismissed  
15/03504/FUL - Construction of 2 no three bedroom houses in rear gardens with direct access from Saint Eloi Avenue, including demolition of two old garages, and retention of the adjacent listed Oak tree – This application was withdrawn.

Relevant solely to the adjoining plot to side of 4 St Eloi Avenue

14/03433/FUL - Construction of new dwelling house – Granted.  
11/04982/OUT - Detached house within side garden. – Refused.

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

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning

system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

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

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

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

#### ***Allocation***

Unallocated.

#### ***Proposals and Policies***

UR3 The Local Impact of Development

D1 General Design Considerations

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:**

Baildon Parish Council - The Council has commented on this location before and its stance remains the same –Baildon Town Council object to this application on the basis that the site will be over developed. The proposed buildings would not be in keeping with the current street scene. The Council also has concerns over the TPO.

#### **Publicity and Number of Representations:**

Publicised by neighbour notification letters and site notice. Expiry date for comments was 25.03.2016.

Letters/emails of comment have been received from 6 separate addresses objecting to the proposal.

#### **Summary of Representations Received:**

St Eloi Avenue is a small cul-de-sac originally built for First World War veterans and was not designed to accommodate so many houses or for all the motor vehicles that we have nowadays.

These proposed two houses are totally out of character.

Traffic would be increased in the cul-de-sac and would lead to parking and access problems. The additional vehicles from residents and visitors can only be a safety issue. There won't be enough room to park on the land or in the turning circle or on the street.

The site itself is cramped but the applicant seems to be determined to shoehorn two houses in.

There would be overlooking to the neighbouring houses and a loss of their privacy and light. The oak tree is protected and subject to a TPO. Development so close to the tree can only endanger it and spoil the look of the street.

The proposal is overdevelopment of the site and out of character with surrounding houses.

A bungalow would be less intrusive on the site

Drainage concerns and risk of flooding.

### **Consultations:**

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

Records indicate separate foul & surface water sewers exist in this area, the development shall therefore be drained via a separate system both on & off site.

Records indicate watercourses in this area. The developer must therefore investigate the site in the 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.

Baldon Parish Council - Object to the proposal with concerns regarding overdevelopment, impact on street scene and concerns over TPO.

Highways Development Control - No objections raised

Trees Team - Raise some concern regarding proximity to the oak tree and note that ongoing pruning would be required. Suggest that if approving to attach condition to require an arboricultural method statement to be submitted for approval for tree protection during construction.

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

Principle of Development.

Visual amenity considerations.

Impact on neighbouring residential amenity.

Highways and Parking.

Impact on Trees.

Drainage.

Other Issues.

### **Appraisal:**

#### **Background**

This land, in conjunction with the separate garden plot adjacent to 4 St Eloi Avenue, has been subject to previous applications and a planning appeal.

The applicant originally purchased number 11 Rocklands Avenue and proposed development on its side garden with access off St Eloi Avenue. Following refusal of outline permission 11/04982/OUT for a single dwelling on just the side garden land adjacent to 4 St Eloi Avenue, application 14/00846/FUL proposed one house on that plot and one in the land to the rear of 11 Rocklands Avenue. This application did not include the land behind 9 Rocklands Avenue. The application was refused and an appeal was dismissed.

The Inspector did not agree with the Council's concerns that the development would present a cramped appearance to the street scene. He also found the impact of development on existing houses at 11 Eloi Avenue and 9 Rocklands Avenue to be satisfactory. Instead the Inspector was concerned that the proposed rear garden of the house proposed behind 11 Rocklands Avenue (Plot ) would have an inadequate level of privacy for this proposed garden due to being overlooked from 11 St Eloi Avenue. Whilst I no harm to the living conditions of the occupiers of existing properties would be caused, the overlooking of the garden of Plot 2 would mean that this proposed development would not provide adequate living conditions for its future occupiers. The Inspector also commented on the effects on the protected tree and possible effects on the culvert.

In response to the appeal decision, the applicant has done two things.

1. Secured planning permission 14/03433/FUL for construction of new dwelling house on the plot adjoining 4 St Eloi Avenue, which the inspector regarded as acceptable. This house is not yet built but is shown as 4A on the submitted plans. That parcel of land is not affected by this proposal.
2. Has incorporated the land behind 9 Rocklands Avenue into the scheme to give greater flexibility in the layout as well as giving space for an additional dwelling to be proposed.

### **The Proposal**

The applicant therefore now seeks permission for two (two storey) dwellings on the two former garden plots behind 9 and 11 Rocklands Avenue.

Although submitted as an outline application, the submission includes a high level of detail and seeks approval of Access, Landscaping, Layout and Scale. Appearance is not for consideration at this point and would be subject to separate reserved matters application.

Access to the site would be taken from the head of cul-de-sac St Eloi Avenue where there are two dilapidated garages. A protected tree is located adjacent the proposed access within the garden of recent property built at 11 St Eloi Avenue. It overhangs the existing garages on the site and is subject of a Tree Preservation Order.

### **Principle of development**

Additional dwellings within this established residential area would conform to surrounding uses. The land is within the urban area of Baildon and with reasonably good access to existing facilities in the village. As such, the principle of development is considered to be acceptable under policies UDP1 and UR2, of the RUDP. The layout plan shows a density that is broadly consistent with the density of development in the surrounding area.



### **Impact on local character**

In the decision on the previous appeal, the Inspector did not accept the Council's concerns that the development of the former gardens would present a cramped appearance to the street scene. He did not find that the visual spacing between dwellings would be particularly out of context with its suburban surroundings which is diverse in its layout.

Although objections have been made regarding overdevelopment and harm to the character of the street scene. The local street scene is very mixed, with some recent properties off the eastern side of the cul-de-sac. There is no strong or defined character in terms of property style. The proposed dwellings would be sited well back from the street and would make use of the land which has already been divided off from numbers 9 and 11 Rocklands Avenue which will retain adequately size gardens. It is not considered that the siting, density, scale or layout of development is out of keeping with the prevailing character of the area and, in this respect, Policy D1 of the RUDP is satisfied.

The proposal is not considering the appearance, including walling and roofing materials, would be reserved for future consideration.

### **Impact on occupants of neighbouring dwellings**

Although the application site comprises former garden areas of 9 and 11 Rocklands Avenue, these are set at an elevated level above the application site. The retained gardens are around 1.5 metres higher than the application site, and the boundary wall rises above that level.

The proposed dwelling unit A would occupy a position close to the boundary with 9 and 11 Rocklands Avenue. At its closest point, the corner would be 2.5 metres away from the boundary, increasing to 5.5 metres. However, its siting has been angled so habitable room windows would look away towards the St Eloi Avenue frontage or towards a dense hedge on the rear boundary of the plot.

The proposed second dwelling, unit B, would be sited to the eastern side of the site and to the south west of the neighbouring number 11, St Eloi Avenue. Again, the proposed dwelling is orientated with principal room windows facing north and south in order to minimise impact on adjacent occupiers and to achieve acceptable separation distances.

Objections have been received regarding possible harmful impact upon number 11 St Eloi Avenue. However, a separation distance of 13 metres is achieved from the nearest corner of the dwelling to window positions in No. 11 St Eloi Avenue.

The proposed dwelling and its front and side garden area would be overlooked to some extent by 1st floor windows in 11 St Eloi. However the degree of overlooking of private amenity space is significantly reduced compared with the previous appeal proposal. There is a separation of 10 metres between windows in 11 St Eloi Avenue and the side garden to the new Unit B. The proposed house has private amenity space to the south of the property that would not be overlooked and as such would ensure acceptable amenity standards for prospective occupiers.

Window positions have been carefully considered to minimise opportunity for overlooking.

The application site is reasonably sized and it is considered capable to support the proposed development without impacting significantly upon neighbouring properties and for the reasons noted above, previous concerns and reasons for refusal have been overcome with this submission and accords with policies D1 and UR3 of the RUDP.

### **Highway and parking issues**

The Council's Highways Officer has not raised any objections to the proposal on grounds of the capacity of St Eloi Avenue to safely serve additional development. The proposal would provide at least 2 off street parking spaces per dwelling and as such is considered to accord with Policies UR3, TM2 and TM19A adopted Replacement Unitary Development Plan.

### **Impact on Trees**

There is a protected Oak tree located adjacent to and overhanging the current garages. Its trunk is within the grounds of number 11 St Eloi Avenue. A Tree survey has been submitted and the Council's Tree Officer has provided comments on the proposal. The tree is described as "early mature" in age and of moderate quality and value to amenity.

The land levels near the tree already change as there is a drop in levels between the base of the existing garages and the rest of the land. The Tree Report speculates that the tree has been growing since whenever the garages were first built and so it is likely that its roots will have adapted to existing land levels.

Tree Officer raises some concern regarding proximity of the oak tree to the proposed new driveway and agrees with the conclusions and recommendation of the submitted tree survey that care will need to be taken when removing the concrete base of the existing garages and installing the new drive access to the proposed houses across this land. It is recommended that to avoid disturbance to the roots, the new drive access is built across the footings and foundations of the existing garages rather than involving new excavation.

The Tree Report also notes that it would be necessary to crown lift the south side of the oak tree to avoid the tree being damaged during construction.

However, the proposed dwellings would, themselves, be substantially further away from the trees than the existing garages.

It is considered that, if the methodology suggested in the submitted Tree Report is followed, it should be possible to ensure that the oak tree survives. The Council's Tree Officer recommends that if approving to attach condition to require further detailed arboricultural method statements to be submitted for approval for tree protection during construction.

### **Other Issues**

#### **Drainage**

Comments have been received with respect to a culverted watercourse. This culvert is visible on the adjoining plot which was the subject of permission 14/03433/FUL. There is no culvert visible or apparent on this application site. The Council's Drainage section has been consulted on the proposal and raises no objection to the development.

However, as a precaution, and in light of neighbour comments, it is recommended that a condition is attached requiring the developer investigate the site in the area of the 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 along with full details for drainage scheme.

**Community Safety Implications:**

None identified.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The proposed development is considered to relate satisfactorily with the existing street scene and is not considered to result in any significant loss of residential amenity or significant harm to highway safety or trees. As a result the proposal is considered to comply with Policies UR3, D1, NE4, NE5, TM2, TM12 and TM19A. of the Replacement Unitary Development Plan.

**Conditions of Approval:**

1. Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended)

2. The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

3. Before any development is begun plans showing the:

- i) appearance of the dwellings

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

4. The development, including the dismantling of the existing garages, shall be carried out in accordance with the recommendations detailed in the submitted Arboricultural Method Statement by Aire Valley Tree Consultancy received by the Council on 09 February 2016. No development shall be carried out until a further and more detailed

Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. This further submission shall show how development is to proceed without interfering with tree roots and shall, in particular, address how existing garage foundations are to be affected and how the change in levels between the tree and the site will be undertaken whilst minimising impact on tree roots. It shall provide detailed cross and through sections both existing and proposed.

The submitted and approved Arboricultural Method Statement shall be undertaken in full, or in accordance with such variation as may be agreed in writing for by the Local Planning Authority.

Reason: To ensure tree damage is minimised and to safeguard the visual amenity provided by the tree on the site to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

5. No development shall begin on the site until the developer has carried out an investigation to determine the presence of any watercourses, culverts, or land drains on or adjoining the site, and until the developer has presented to the Local Planning Authority proposals for dealing with any watercourses, culverts or land drains found to exist and obtained its written approval for these proposals. The development shall thereafter be carried out in accordance with the details for dealing with any watercourses, culverts or land drains that are so approved.

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

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

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

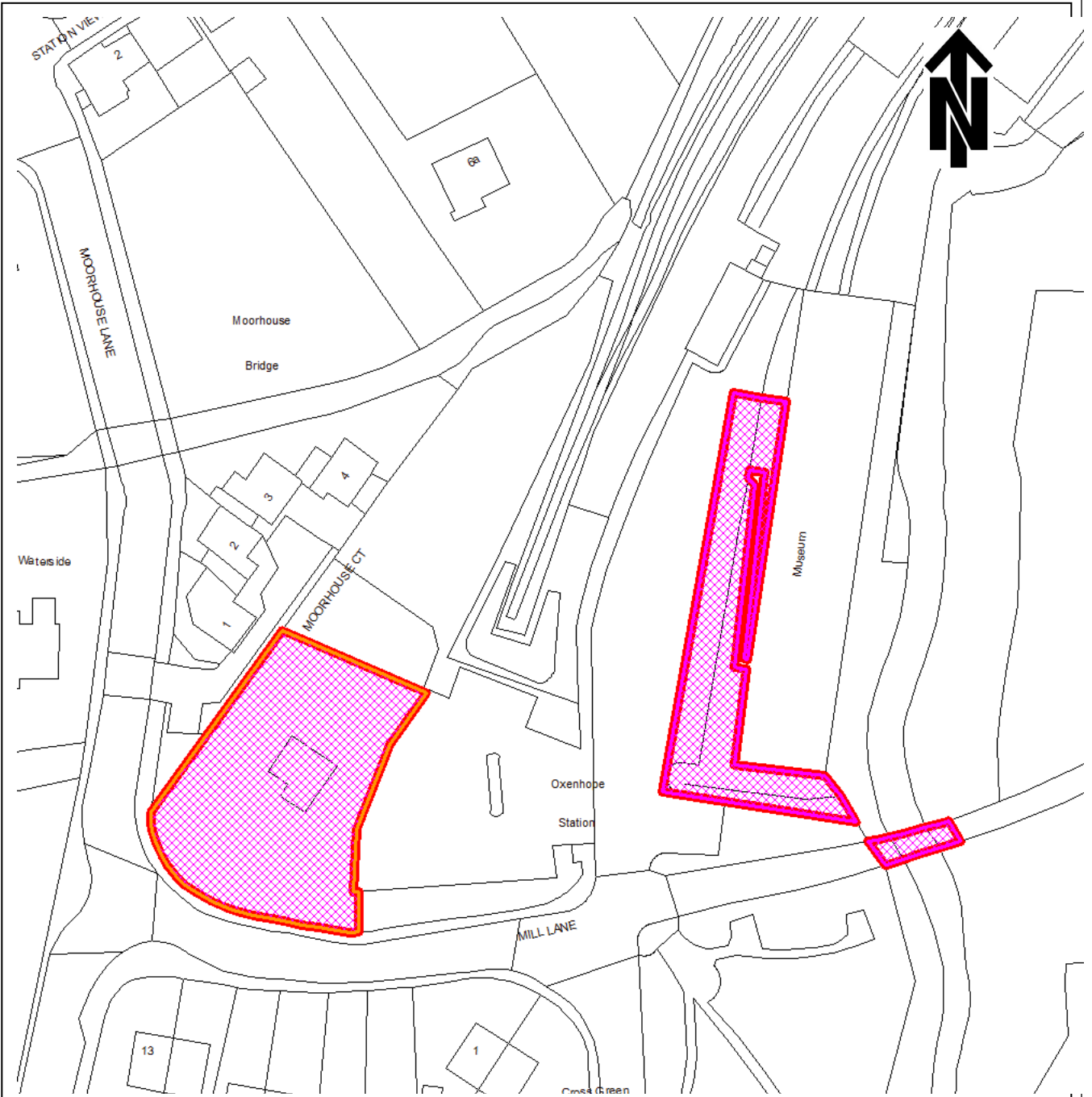
7. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by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

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

Area Planning Panel (Keighley/Shipley)

16/01036/FUL

13 July 2016



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ITEM NO. : 6

LOCATION:  
**Oxenhope Station**  
**Station Road Oxenhope BD22 9JJ**

**13 July 2016**

**Item Number: 6**  
**Ward: WORTH VALLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
16/01036/FUL

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

Full application for construction of single storey station cafeteria and extension to existing car park. Oxenhope Railway Station, Station Road, Oxenhope, BD22 9JJ.

**Applicant:**

Dr Matthew Stroh

**Agent:**

Roger France - Keighley and Worth Valley Light Railway Ltd.

**Site Description:**

Oxenhope Railway Station is located at the terminus of the Keighley and Worth Valley Light Railway, which links with Keighley via a number of minor stops.

The station comprises the main station building, with platform and engine sheds beyond, and further sheds over sidings to the rear (east) of the main building.

A small cafe facility occupies a non-running rail buffet car located behind the platform. This cafe is now markedly substandard and incapable of adequately serving the numbers of visitors and tourists that attend the station.

In order to provide better facilities, planning permission was granted for a new cafe to replace the buffet car under 13/04969/FUL but this has not been proceeded with due to costs and to physical site constraints that effectively preclude development in that position.

A large portal framed and sheet clad building stands to the east of the station approach from Mill Lane, this being the railway exhibition shed and museum. The proposals here seek planning permission to construct a new café building along the front elevation of this exhibition shed.

**Relevant Site History:**

99/02899/FUL New carriage shed with recladding and extension of workshop and provision of gabion wall. Granted.

01/01816/FUL Extension of station platform. Granted.

03/04861/FUL Replacement toilet accommodation. Granted.

03/04865/CAC Demolish toilet block. Granted.

13/04969/FUL Two-storey cafe adjacent to the existing railway platform. Granted.

### **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***

Site is within Oxenhope Station Road Conservation Area.

#### ***Proposals and Policies***

UDP3 – Impact of development on the natural and built environments

UR3 – local impact of development

D1 – seeking good design

BH7 – development within conservation areas

TM2 – highway safety

TM19A – highway safety

#### **Parish Council:**

The Parish Council in principle support the application, however, concerns were raised as regards to the materials and felt that a heritage railway should have a stone clad structure which would be in keeping with the station building and better suppress noise if a large function with music was held in the café. Furthermore, concern was raised as regards adequate drainage and that the hard surfacing of the car park should be able to cope with surface water.

#### **Publicity and Number of Representations:**

Eight objection letters from five authors.

The application has been referred to Panel at the request of a Ward Councillor.

#### **Summary of Representations Received:**

1. The station already causes parking problems in the area because visitors won't use the car parks and drivers go far too fast in the vicinity.
2. The development will increase flood risk in the area.
3. The development will increase noise and disturbance for residents.

4. The new facility will likely be in use 7 days a week until late at night.
5. There are no sound-proofing and car/taxi/coach drop-offs and pick-ups will cause nuisance, as will smokers outside the building.
6. The design is more 'supermarket' than heritage railway in a village.
7. More tree planting will not be welcomed due to nuisance.
8. The facility will generate heavy traffic flows on substandard roads at closing time.
9. Both this and the previously approved cafe might now be built.
10. Complex ramps for disabled users would be an eyesore. Wheelchair users should have a refuge from fire outside the existing fire exit.
11. The development would be a magnet for anti-social behaviour and crime.
12. HVAC (heating, ventilation, and air conditioning) equipment will likely be inadequate and is considered to be in the wrong place.
13. The Environment Agency have not explained why they do not object.

### **Consultations:**

#### **Highways Development Control**

No objections subject to the replacement car parking being formed, marked out into bays and made permanently available for use prior to the café being brought into use.

#### **Conservation Section**

The proposed structure would not cause harm to the conservation area or the setting of the key unlisted station building. It is long and low, and would not appear dominant or incongruous. The form has interest and potential to be an attractive asset to the facilities of the Railway. There is however limited information on the intended materials. Additional information as to the nature of the cladding, its application, appearance and jointing is required to ensure the finish of the proposed building is commensurate with its appearance and location.

The proposed extension to the car park is not considered to cause significant harm to the conservation area, despite being partly identified as key open space. The surfacing appears to be proposed to retain and reinforce the grass. It should be clarified if any trees in this area would be affected.

Subject to further information on the proposed materials prior to determination, the proposals are considered to maintain the character of the conservation area in accordance with BH7.

#### **Trees Team**

Unable to assess impact on trees around the edges of the site due to lack of detailed survey. A landscaping/tree planting scheme should also be submitted to potentially mitigate the tree loss in addition to a tree protection plan.

#### **Yorkshire Water**

No objections.

#### **Environment Agency**

No objections.



**Summary of Main Issues:**

Local amenity.  
Visual implications.  
Heritage assets.  
Highway safety.

**Appraisal:**

The proposal here is to site the replacement cafe facility on the front elevation of the exhibition shed. The development would displace a row of 17 existing car parking spaces from the frontage of the exhibition shed and it is therefore also proposed that the existing car parks be extended onto an area of disused ground formerly occupied by the stationmaster's house, now demolished. The area of ground is bounded by a stone wall that fronts onto Mill Lane/Moorhouse Lane and whilst prominently located on a bend in the highway, it is regenerated with grass, shrub and tree cover.

The treatment of this area to provide replacement parking facilities will require significant care, and it is essential that the trees along the boundary with the highway are retained. In the current absence of full details and an absence of full survey information it is considered that a condition requiring approval of all details for the car park, including levels, surfacing, extent of level surface and landscaping prior to any development commencing is needed in this case. The applicants have accepted this.

**The New Building**

The station approach falls in level from the entrance from Harry Lane/Mill Lane down to the main station building. The exhibition shed to the side of the station approach sits at lower level than the approach road and associated parking areas because of the level at which the railway lines run into the site, and into the exhibition shed.

This drop in level between the approach road and the exhibition shed means that the proposed cafe would also be set at lower level than the road, such that at its southern end, only half the height of the building would be effectively above road level. As the relative levels of the road and exhibition shed reconcile at their northern end the full single storey elevation of the proposed cafe would be exposed. This being adjacent to the public entrance to the main shed.

The proposed new cafe building is designed as a more contemporary structure, with large areas of glazing and panels of composite materials and timber cladding and it presents a curving main elevation to the approach road, reminiscent of the gentle curves of rail tracks. This combination of curve, material and its 'emergence' from the ground towards its northern end would ensure that the proposed facility here would be both complementary and relevant to the evolving character of the light railway as a recreational and educational resource that brings significant tourism revenue into the district.

On this basis, whilst some representations seek a traditional 'Victorian' stone building for the cafe, this would merely be pastiche that would be both expensive and difficult to justify, particularly when it would be attached to an existing portal framed and sheet clad exhibition shed.

Accordingly the proposed development is considered to be appropriate in design and locational terms and an important resource that will benefit both the light railway society and visitors, whose current only opportunity for refreshment is a rather ramshackle and care-worn former buffet car.

The proposed design satisfies Policies UDP3, UR3, D1 and BH7 of the RUDP

### **The Car Parking**

From a highway safety perspective, the proposals involve the loss of frontage parking alongside the exhibition shed, but the replacement parking, accessed via the existing car park, would provide more spaces than are lost to the development. The proposals therefore do not conflict with Policies TM2 and TM19A of the RUDP

As noted, the submission is somewhat light on information in respect of the construction and precise extent of the replacement car parking area, much of which would function as overspill only for the greater part of the year.

It is clear that there is a need for some raising of levels to achieve the extended parking facility, since there is evidently some collection of surface water run-off in this presently low lying area. It is possible that the demolition of the stationmaster's house, which previously occupied this part of the site, may have resulted in some damage to pre-existing drains.

Full details of this element of the proposal are required, as noted above and it will be necessary for the parking area to stop well short of the boundary wall in order to protect the surrounding trees from damage and to prevent additional loadings against the highway boundary wall.

Details to be submitted will need also to demonstrate by cross-sections that the development will not lead to headlights shining into houses beyond the site boundary

Subject to appropriate conditions the proposed car park extension is acceptable in principle and would satisfy Policies TM2 and TM19A of the RUDP.

### **Means of Escape from Exhibition Shed**

The relative levels within the shed are significantly higher than outside levels such that an extensive sequence of disabled ramps are required to effect emergency egress from the shed. These ramps are in part in a reasonably well screened location which mitigates their visual effects. Any landscaping to further screen these ramps would be addressed by condition.

### **Representations**

Eight objection letters have been received from 5 individual households, with the following issues raised:

1. The station already causes parking problems in the area because visitors won't use the car parks and drivers go far too fast in the vicinity.
2. The development will increase flood risk in the area.
3. The development will increase noise and disturbance for residents.
4. The new facility will likely be in use 7 days a week until late at night.

5. There is no sound-proofing and car/taxi/coach drop-offs and pick-ups will cause nuisance, as will smokers outside the building.
6. The design is more 'supermarket' than heritage railway in a village.
7. More tree planting will not be welcomed due to nuisance.
8. The facility will generate heavy traffic flows on substandard roads at closing time.
9. Both this and the previously approved cafe might now be built.
10. Complex ramps for disabled users would be an eyesore. Wheelchair users should have a refuge from fire outside the existing fire exit.
11. The development would be a magnet for anti-social behaviour and crime.
12. HVAC (heating, ventilation, and air conditioning) equipment will likely be inadequate and is considered to be in the wrong place.
13. The Environment Agency have not explained why they do not object.

These objections are acknowledged.

In substantial part the objections relate to the perceived problems of visitors attending the premises and of disturbance from evening functions. These issues can and will be addressed by conditions limiting opening hours and by careful management of the facility.

The Keighley and Worth Valley Light Railway is one of the highlights of Bradford's tourism portfolio. It is critical that the operation of the railway is able to function at a level consistent with its attraction, including the provision of refreshments in acceptable surroundings, rather than in an increasingly ramshackle buffet car.

For reasons outlined above the proposals here are an honest and contemporary response to a need to provide adequate refreshments at a heritage / museum site that is recognised regionally if not Nationally.

Subject to appropriate conditions the development would add further value and quality to the tourism offer in this part of the district to the benefit of wider social and economic regeneration.

As such they merit support.

**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 that any issues with regard thereto are raised in relation to consideration of this application.

**Reason for Granting Planning Permission:**

The proposals would ensure the provision of essential refreshments at a facility that is important to local tourism, which contributes to local social and economic regeneration. The contemporary design is appropriate to its location and there would be no significant implications for local amenity or highway safety.

### **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.

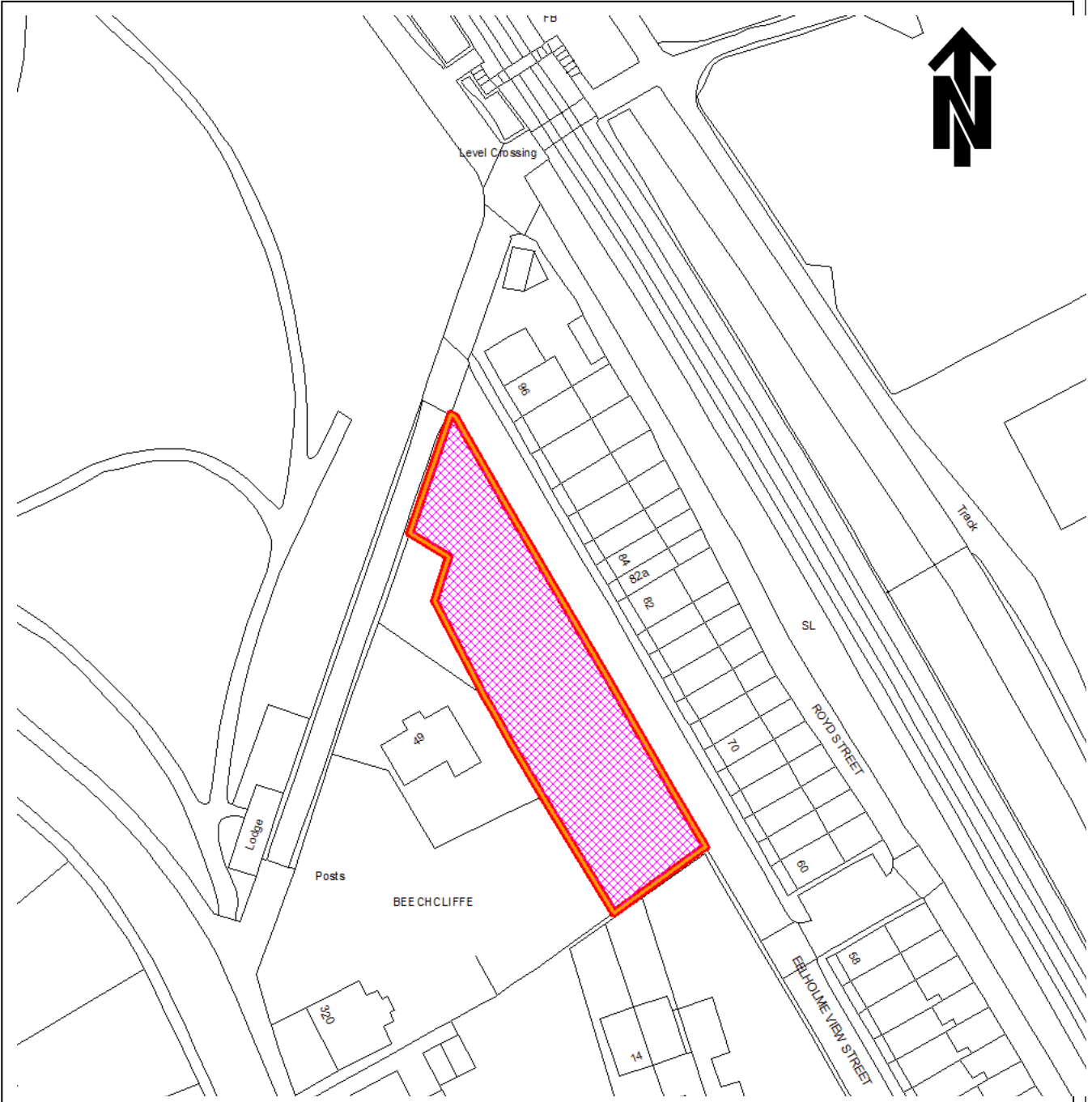
Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Prior to the commencement of development, full details of the construction of the proposed replacement/overspill car park shall be submitted to and approved in writing by the local planning authority. The details shall set out the following:
  - a) Extent of parking areas and levels across the site, including stand-off from the site boundaries. Where levels are to be changed, the submission of a flood risk assessment appropriate to the scale, nature and location of the work is required
  - b) Full details of all surface water drainage from the site including any settlement or balancing tanks, petrol and oil interceptors, and outfall/discharge point construction.
  - c) Surfacing materials
  - d) Security gates or security provisions to be installed
  - e) Cross-sections indicating means by which headlights will be prevented from affecting nearest neighbouring dwellings.
  - f) An Arboricultural Impact Assessment to consider the effects of car parking on the retained trees around the perimeter of the car park and provision of protective fencing measures.
3. Prior to commencement of development, samples of all external materials and their means of fixing shall be submitted to and approved in writing by the local planning authority.
4. Drainage serving the kitchen within the cafeteria shall be fitted with a grease separator or other effective means of grease removal prior to discharge to sewer.
5. Within a period of 6 months of the date of this decision a landscaping scheme for the site shall be submitted to the local planning authority for its written approval. The scheme shall indicate all surfacing materials, grassed areas, planting and landscaping provisions, including measures for protection and maintenance of planted areas. The scheme so approved shall be implemented to the satisfaction of the local planning authority during the first planting season following completion of the cafeteria facility and car park extension.

Area Planning Panel (Keighley/Shipley)

16/03273/FUL

13 July 2016



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ITEM NO. : 7

LOCATION:  
**Rivendell**  
**49 Cemetery Lane Keighley BD20 6AX**

**13 July 2016**

**Item Number:** 7  
**Ward:** KEIGHLEY CENTRAL  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
16/03273/FUL

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

Full planning application for construction of three dwellings on land at Rivendell, 49 Cemetery Lane Keighley West Yorkshire BD20 6AX.

**Applicant:**

Mr Donald Bates

**Agent:**

Mr Andrew Kaminski

**Site Description:**

This application relates to land that is part of the large garden of a detached modern house called Rivendell. The land is rectangular in shape and is at a lower level than Rivendell. It slopes down to a long frontage to Eel Holme View Street. There is no footpath and no vehicular access currently on the Eel Holme View Street frontage. The site area is 1195m sq. The northern boundary of the land is formed by Cemetery Lane which climbs up alongside a boundary wall to Utley Cemetery. Rivendell takes access from Cemetery Lane but the lane is closed to vehicles by a bollard closure towards its junction with Skipton Road. The surrounding area – Beechcliffe - is predominantly residential, containing a mix of two and one storey, terraced, detached and semi-detached properties of different ages and styles. The predominant walling material is stone. To the north of the site, across Cemetery Lane is Utley Cemetery, a Grade II registered park and garden. The cemetery also contains a Grade II listed building (the Butterfield family vault and chapel).

**Relevant Site History:**

79/09467/OUT - Ten Houses Cemetery Lane / Eelholme View St Beechcliffe Keighley.  
Refused 08.02.1980.

80/62027/OUT - Two Bungalows Cemetery Road / Eelholme View Beechcliffe Keighley.  
Refused 03.06.1981.

Town Houses and Garages Eel Holme View Street / Cemetery Lane Beechcliffe Keighley.  
Granted 04.03.1983.

89/07728/OUT - Construction of 145 flats Eel Holme View Street Utley Keighley. Granted  
15.05.1990.

97/00261/OUT- Residential development at Land at Eel Holme View Street Beechcliffe  
Keighley West Yorkshire. Refused 23.09.1997 on the grounds that the proposed  
development by virtue of the restricted nature of the site and the proposed siting and scale

would have an adverse impact on the residential amenities of the existing occupants along Eel Holme View Street resulting in overlooking and creating a dominant feature in the street scene. The proposal would therefore be contrary to Policy GP2 of the Unitary Development Plan. Dismissed at appeal. These dwellings appear to have been three storey.

02/04292/FUL - Construction of detached house and garage and stationing of temporary caravan during construction only at Land to the rear of 318 - 320 Skipton Road Keighley. Refused 13.02.2003.

03/00980/FUL - Construction of a detached house and garage with temporary caravan during construction only at Land to the rear of 318 - 320 Skipton Road Keighley. Granted 29.05.2003 and implemented.

11/04510/HOU - Construction of garage and store at Rivendell 49 Cemetery Lane Keighley West Yorkshire BD20 6AX. Granted 29.11.2011 and implemented.

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

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

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

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

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

#### ***Allocation***

Unallocated.

#### ***Proposals and Policies***

UDP1 Promoting Sustainable Patterns of Development

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development

H7 Housing Density - Expectation

H8 Housing Density - Efficient Use of Land

D1 General Design Considerations

D4 Community Safety

D5 Landscaping

TM2 Impact of Traffic and its Mitigation

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety  
BH4A Setting of Listed Buildings  
BH16 Historic Parks and Gardens  
NE4 Trees and Woodlands  
NE5 Retention of Trees on Development Sites  
NE6 Protection of Trees During Development  
NR16 Surface Water Run Off and Sustainable Drainage Systems  
NR17 Groundwater Protection  
NR17A Water Courses and Water Bodies

**Parish Council:**

Keighley Town Council : “Rejected - based on drainage and parking”.

**Publicity and Number of Representations:**

This application was publicised by means of a site notice and individual neighbour notification letters. Overall publicity expired on 15 June 2016.

15 representations objecting to the proposal have been received.

**Summary of Representations Received:**

Grounds of objection are summarised below:

1. Overlooking.
2. Car pollution.
3. Increased traffic.
4. Loss of public on street parking.
5. Re-siting of bollards on Cemetery Lane will cause highway safety issues. Private non planning related issues concerning re-siting of bollards.
6. Loss of light.
7. Overbearing impact. New properties too close to existing properties.
8. Parking congestion, causing obstruction, particularly to emergency vehicles. Lack of space for vehicles to turn.
9. Unusable parking spaces for the proposed dwellings.
10. Concerns about pluvial flooding. The development will increase the risk by decreasing the permeability of the land it's built on.
11. Loss of wildlife habitat and disturbance to bats and owls during the construction phase of development.
12. Drainage will be an issue causing local flooding.
13. Overloaded drainage and sewer systems.
14. There should be a public footpath to the left side of the site which seems to have disappeared.
15. Concerns over construction traffic.
16. Loss of green space.
17. The excavation of the hillside could subject my home to flooding as underground streams are present.
18. Construction noise.
19. History of refusals on the site due to adverse impact on residential amenities of existing dwellings on Eel Holme View Road.



20. The planning application claims there are no mature trees on the site. However there are some large trees along the south-eastern end of the site which appear large enough to be classified as mature and the plans should take account of this.
21. Blocking of Keighley footpath 15.

**Consultations:**

Design and Conservation Team: The application site is located to the south of Utleigh cemetery, a Grade II registered park and garden. The cemetery also contains a Grade II listed building (the Butterfield family vault and chapel). The Conservation Officer considers that the proposed development will not impact to any significant degree on the setting of the nearby heritage assets compared with the existing situation. The cemetery is bound to the south and west by a mostly residential setting and the proposed site is set amongst existing houses of a variety of ages and architectural styles. The proposal is therefore considered to accord with saved RUDP Policies BH4A and BH16.

Trees Team: Trees Team has considered the proposals but has no objections.

Highways Development Control: Each of the three dwellings provides adequate off-street parking facilities within the curtilage of each property.

If the Council were minded to approve this application recommend the inclusion of conditions covering provision of vehicular and pedestrian access, footpath and parking within the Decision Notice.

Further comments have suggested provision of a 2 metre footway along the frontage of the development site. This is considered in the appraisal below.

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

In order to keep the impermeability of the land to a minimum the applicant should investigate the use of porous materials in the construction of the car parking & hard standing areas.

Local knowledge suggests an unrecorded watercourse may cross the site. The developer must therefore investigate the site in the 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.

Supplementary drainage comments have been submitted by the agent on 6 June 2016. There is no knowledge of any watercourses on the applicant's land but it is confirmed that care will be taken during site excavation.

Countryside and Rights Of Way : Keighley Public Footpath 15 crosses the south east edge of the application site. This footpath is currently obstructed and while the proposed properties do not affect the route of the footpath Officers would like to see the applicant acknowledge the existence of the path and either look to incorporate it into the edge of the development or to look to formally close the route on the grounds that it is not needed for public use.

If planning permission is granted please ensure that the applicant is made aware of the need to adhere to standard requirements to avoid further obstruction to rights of way during any works on site.

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

Principle and density of development.

Impact on character and appearance of the surrounding area.

Residential amenity.

Highway safety.

Other matters raised.

### **Appraisal:**

The applicant's house at Rivendell was built in accordance with a permission granted in 2003 (03/00980/FUL). The unallocated application land which runs down to Eel Holme View Street has been used as part of what is a large garden curtilage to that property and is now proposed for development of 3 dwellings.

### **Principle and density of development**

The site is unallocated, but is within the built up area and in a sustainable location where there is adequate access to services and facilities, including bus routes. The predominant land use within this area is residential. There is no objection in principle to the development of the land for housing.

The development presents a density of around 25 dwellings per hectare, which is a lower density than policies H7 and H8 of the RUDP would look for. However, the NPPF does not specify density levels for development and the proposed density is appropriate to the character of this side of Eel Holme View Street - given the constraints of slope and to avoid additional impact on the existing dwellings opposite.

### **Impact on character and appearance of the surrounding area**

The scheme proposes 3 detached dwellings facing onto, and accessed from Eel Holme View Street. They would be set into the slope of the land with two split level dwellings (Plots 1 and 2) and one conventional bungalow. The scale and low height of the proposed dwellings has been influenced by the need to safeguard the residential amenity of occupiers of the existing dwellings on the opposite side of Eel Holme View Street. The agent has described how the presence of these has influenced the height and massing and the positioning of habitable room windows.

The materials indicated for the external surfaces are artificial stone walling and dark coloured concrete interlocking tiles. These materials are acceptable in principle and details can be reserved under a standard condition. Given that the proposed site is set amongst existing houses of a variety of ages and architectural styles it is considered that the design and appearance of the proposed dwellings will be acceptable and accord with policies D1 and UR3 of the RUDP.

The Council's Conservation Officer has confirmed that the proposal would not have an adverse impact on the adjacent heritage assets at Utley cemetery, a Grade II registered park and garden including the grade II listed Butterfield family vault and chapel.

There are trees along or near to the southern boundary of the site that contribute to the green nature of this location. However, the Council's Tree Officer has raised no concerns about the impact of the development on them.

### **Residential amenity**

The applicant has used the sloping nature of the site to minimise the height of the proposed dwellings and their mass when viewed from existing dwellings on Eel Holme View Street. The proposed dwellings on plots 1 and 2 will be seen as 1 and a half storey dwellings and the dwelling on plot 3 will be seen as a single storey bungalow. The maximum height will be 7.26m above the level of Eel Holme View Street. Sections provided with the application show that the proposed dwellings will be proportionate to the existing dwellings and will not dominate or have an overbearing impact on them.

The minimum distance between the front elevations of the dwellings on plots 1 and 2 and existing dwellings on Eel Holme View Road will be 14.87m and the minimum distance on plot 3 will be 12.14m. These distances, combined with the given height of the proposed dwellings are considered sufficient that the proposed dwellings would not adversely affect the aspect of or overshadow the occupiers of the dwellings on Eel Holme View Road.

The habitable room windows to the proposed properties have been designed to avoid loss of privacy or overlooking of existing residents. Non habitable room windows to bathrooms and w.c. can be obscured by condition to prevent loss of privacy.

The sections and plans show that the proposed dwellings will have no adverse impact on the residential amenity of Rivendell or residential properties to the south of the site.

The proposed houses have been sensitively positioned into the slope of the land to avoid significant adverse effects on the amenity of occupiers of existing dwellings and they would retain space around for garden use and so would provide a good standard of amenity for future occupiers. The proposals accord with Policies UR3 and D1 of the RUDP and with the National Planning Policy Framework.

### **Highway safety**

Despite the concerns raised by representations about parking and highway safety, the Council's Highways Officer has raised no objection to the proposal on the grounds of capacity of surrounding streets, the adequacy of parking or highway safety - subject to the imposition of conditions. The proposals show provision, off street of an adequate level of car parking to serve the needs of the development.

It is appreciated that existing residents rely on parking along this side of the street. However, the highway is not reserved exclusively for this purpose. Lengths of the road between the drive access points would still be available for car parking. This loss of car spaces has not been raised as a reason for refusal in highway consultation advice.

The Highway Officer has suggested that a 2 metre footway be installed along the Eel Holme View Street frontage. However, there is no footway along the rest of the north side of Eel Holme View Street and so it would not be possible to connect such a new footway to any other footways. There is a footway along the south side of Eel Holme View Street which would seem sufficient given that Eel Holme View Street has relatively limited vehicle use and

is not through route for vehicular traffic. Also a new footway along the north side would not be continuous as it would be interrupted by the drives to the dwellings.

Given that the size of the development is only 3 dwellings, this requirement has not been pursued with the applicant. A footway would not advance the interests of highway safety as it would form an isolated footpath and users would still need to cross Eel Holme View Road to use the existing footway on the opposite side.

### **Other matters**

#### **Public Footpath No 15**

The Rights of Way Officer has pointed out that Keighley Public Footpath 15 adjoins the site and its route is blocked. However, the footpath is separated from the site by a boundary and the proposed development will not interfere with or affect the footpath in any way. Although the route is blocked, this is not material to the planning merits of the proposed houses and there is separate legislation to deal with the obstruction of rights of way.

#### **Drainage**

With regard to the drainage and flooding concerns raised in the representations, the councils Drainage Section have not raised objection to the proposal either on drainage grounds or as Local Lead Flood Authority. There have been suggestions that water course crosses the site. However, the Council has no records or firm knowledge of such a watercourse and the applicant/landowner is not aware of any. The agent has discussed this matter further with the drainage officer, and confirms that care will be taken during excavation works and should any unexpected watercourse or culvert be encountered, the Council will be notified and any necessary land drainage works carried out to the satisfaction of the Local Authority. A precautionary planning condition (Condition 4) is suggested to require further investigations.

#### **Bollards in Cemetery Lane**

One major concern of some objectors is that one of the proposed plans and a document in the submission made mention of a desire by the owner of Rivendell to move the existing bollards on Cemetery Lane to permit access to that property from Skipton Road. However, the planning application houses take access through Beechcliffe and from Eelholme View Street and do not require or depend on access from the top of Cemetery Lane.

The proposals therefore do not raise any material safety implications due to increased traffic exiting or entering the lane from Skipton Road and would have no effects on use of the lane for car parking by existing residents such as occupiers of the Cemetery Lodge.

In addition, any alteration to the Traffic Regulation Order which first introduced the bollards to Cemetery Lane will have to be progressed under completely separate Highway legislation under the jurisdiction of the Area Committee. Moving the bollards is not a matter that can be promoted or considered under this planning application and, indeed, a revised drawing and amended Design and Access Statement have now been submitted which omit reference to the moving of the bollards. The applicant accepts that this idea is not part of this planning application.

The disturbance from construction works is temporary and not a reason for refusal of planning permission.

No roosts for bats and owls have been identified on site and the development will not adversely affect trees they may roost in. Habitat will remain in the form of the nearby cemetery.

**Community Safety Implications:**

The proposed dwellings can be set within secure curtilages and give rise to no community safety issues contrary to policy D4 of the RUDP.

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission:**

The proposal forms sustainable development that contributes to the Districts housing requirements at an appropriate density and the details of the dwellings have been assessed as having an acceptable impact on the character and appearance of the surrounding area, residential amenity, wildlife, trees, flooding, parking, highway safety and community safety. As such the proposal will accord with policies URP1, UR2, D1, D4, D5, NE4, NE5, NE6, UR3, TM12, TM19A, BH4A, BH16, NR16, NR17 and NR17A of the RUDP and will form sustainable development compatible with the NPPF.

**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 any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered and completed to a constructional specification approved in writing by the Local Planning Authority.

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

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. Prior to development on site the developer must investigate the site in the area of their proposed development in order to determine the extent of any land drainage network and submit their findings in the form of a report including proposals for dealing with any watercourses, culverts and land drains, affected by the development for approval by the Local Planning Authority. The development shall only be carried out in accordance with the recommendations of the approved report.

Reason: To reduce the rate of surface water run-off from the development and to protect adjoining properties from flooding and to accord with Policies NR16 and UR3 of the Unitary Development Plan.

5. The parking and other surfaced areas within the site shall have permeable surfaces. These porous surfaces shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the rate of surface water run-off from the development and to protect adjoining properties from flooding and to accord with Policies NR16 and UR3 of the 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. 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.

8. The en-suite, toilet and bathroom windows in the north east elevations of the dwellings hereby permitted shall be glazed in obscure glass prior to the first occupation of the building and thereafter retained.

Reason: To prevent overlooking or loss of privacy to adjacent occupiers and to accord with Policies D1 and UR3 of the Replacement Unitary Development Plan.

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

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