

Report of the Strategic Director, Regeneration to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 20 October 2016

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.	14 Cross Lane Oxenhope Keighley BD22 9LE - 16/06569/FUL [Approve]	Worth Valley
B.	24 Clifton Road Ilkley LS29 8TT - 16/06049/OUT [Approve]	Ilkley
C.	39 Millfields Silsden BD20 0DT - 16/06391/HOU [Approve]	Craven
D.	82 Bolling Road Ilkley LS29 8QQ - 16/04831/FUL [Approve]	Ilkley
E.	Land At Turf Lane Adjoining HCF Poultry Ltd Station Road Cullingworth Bradford BD13 5HP - 16/05102/FUL [Approve]	Bingley Rural
F.	Land West Of 50 Falcon Road Bingley - 16/06650/OUT [Approve]	Bingley
G.	Office 3 First Floor 2 Wellington Street/4 Park Road Bingley BD16 4JA - 16/06124/FUL [Approve]	Bingley

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Portfolio:
Regeneration, Planning & Transport

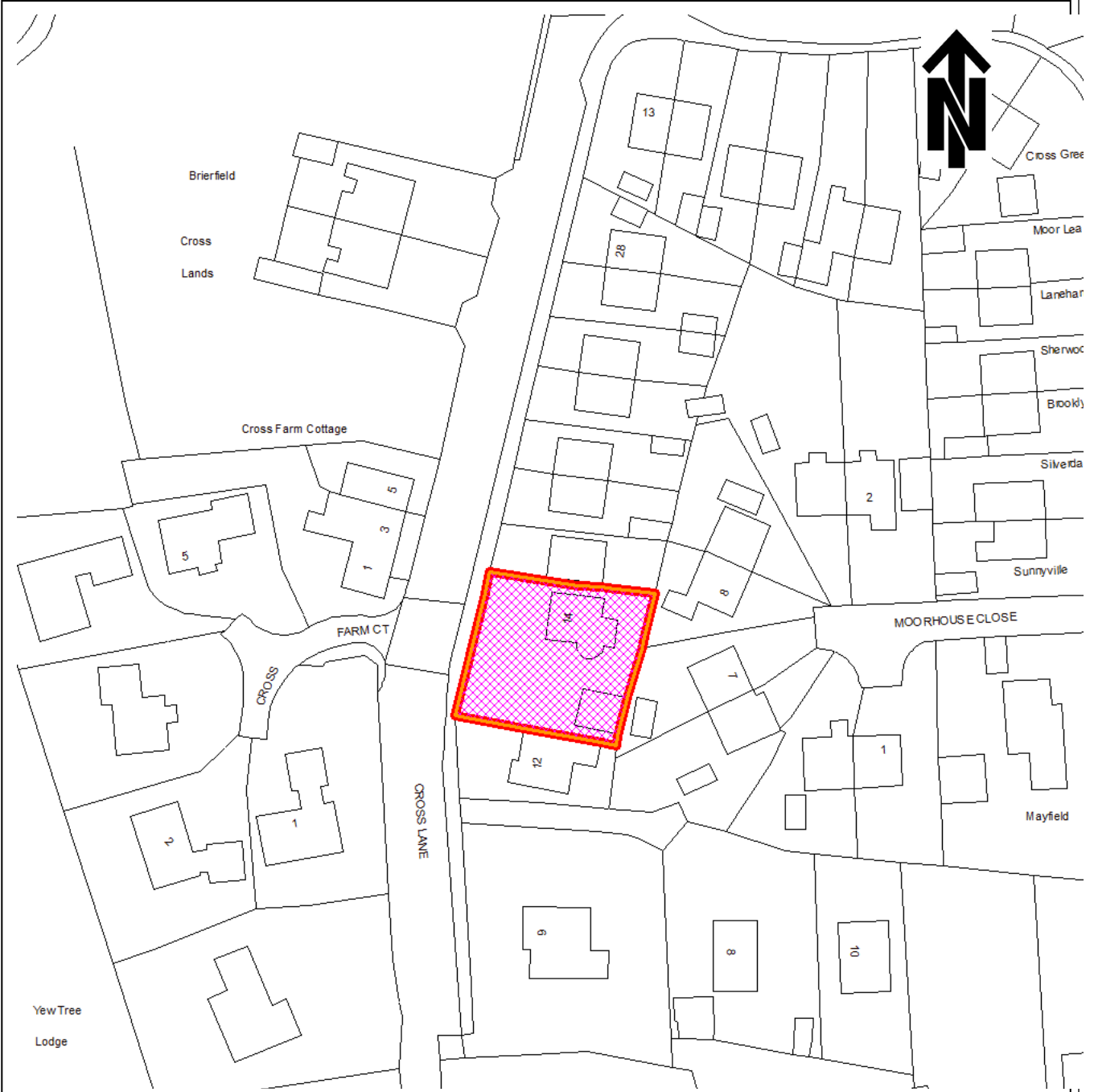
Overview & Scrutiny Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley/Shipley)

16/06569/FUL

20 October 2016



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<p>ITEM NO. : A</p>	<p>LOCATION: 14 Cross Lane Oxenhope BD22 9LE</p>
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20 October 2016

Item Number: A
Ward: WORTH VALLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
16/06569/FUL

Type of Application/Proposal and Address:
Full application for construction of a new dwelling, to include alterations to the existing dwelling. 14 Cross Lane, Oxenhope, BD22 9LE.

Applicant:
Mrs Rachel Coe

Agent:
Lark Architects Ltd

Site Description:
The property is located on the east side of Cross Lane, Oxenhope. It is not within a conservation area. Cross Lane is characterised by a significant variety of house types including terraces, semis, detached and bungalows. A small new housing estate faces the application site from beyond the street.

Cross Lane rises generally in level from north to south with the valley side, and the application site is located where level changes are locally steeper such that there is a clear transition point between bungalows at the higher level to the south of the application site, and the two storey detached and semi-detached houses which extend at the lower level to the north of the site. The roof levels of the bungalow to the south and the two storey dwelling to the north are therefore effectively the same due to these level changes.

Cross Lane becomes one-way a short distance further to the south as it passes the Oxenhope Primary School to emerge into Hebden Bridge Road.

Relevant Site History:
88/03319/FUL - Double garage. Granted 20.6.1988
08/00620/FUL - Replace garage with stone and rendered granny annex. Granted 15.4.2008.

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

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

The site comprises unallocated residential curtilage.

Proposals and Policies

UDP3 Impact of development on natural and built environment

D1 General Design Considerations

UR3 The Local Impact of Development

TM2 Highway Safety Considerations

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

Parish Council:

Objection.

1. The design is contrary to the character of other dwellings on Cross Lane;
2. The close proximity to neighbouring properties, number 12 in particular, would lead to loss of privacy;
3. Members concurred with the objections raised by the Highways Department*.

(*plans have since been amended)

Publicity and Number of Representations:

Advertised by site notice and by neighbour letters to 4.9.2016.

Objections received from six households.

Summary of Representations Received:

1. Excavations may cause subsidence to neighbouring dwelling.
2. Loss of light to rooms in neighbouring dwelling.
3. Overshadowing of neighbouring dwelling.
4. Development does not respect the building line in Cross Lane.
5. No drainage details are provided.
6. Planning permission 08/00620/FUL on the site for a granny annex had a condition stating its use as a separate living unit would be undesirable.
7. Design is out of character with the village.

Consultations:

Highways Development Control: 14 Cross Lane at present has three parking spaces and a garage. The proposal is for the existing and proposed dwellings to have two parking spaces each.

The proposed dwelling has four bedrooms and I assume the existing dwelling also has a minimum of four bedrooms. Therefore a minimum of three parking spaces per dwelling should be proposed and indicated on plan. Two parking spaces would be acceptable for a dwelling with up to and including three bedrooms. An amended plan has now been received complying with this request.

Drainage: The development shall be drained via a separate system within the site boundary.

Condition recommended requiring the submission and approval of foul drainage details prior to development commencing on site.

Summary of Main Issues:

Principle of development.

Local Amenity.

Design Issues.

Highway safety.

Appraisal:

Principle

The need for sites for new housing provision is well documented and all settlements in the district will contribute to increased housing figures where development is shown to be acceptable in detail terms.

The site here appears capable of appropriately designed and scaled residential development and this would assist in improving housing density in Oxenhope without placing pressure on green field land.

As a matter of principle then, subject to matters of design and materiel and consequent implications for local amenity and the environment, the proposals here are acceptable.

Design Issues

The proposed development is designed as a split level dwelling, with the floor levels and consequent roof levels reflecting the relatively steep rise in level across the site from north to south.

The design is contemporary, with use of natural stone, timber cladding and render for external walls and with single plane split roofing arrangement.

A number of objections have been received including from a local councillor and from the parish council, which all criticise the contemporary design. Concerns are expressed that the design would not match the existing housing along Cross Lane and would not complement the village.

However, Cross Lane is not in a conservation area, or close to heritage buildings, and it displays a notable diversity of building designs and types along its length. These reflect the age of the various dwellings that have been built here over many decades. Built form in the locality includes terraced housing, semi-detached and detached two storey houses, and single storey bungalows. A small, new housing development faces the site from beyond Cross Lane, which includes two storey detached houses, split-level houses and bungalows.

The Government, through the National Planning Policy Framework has said that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. Visual appearance and the architecture of individual buildings are very important factors and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

In the case of Cross Lane, it is acknowledged that the general form, roof profiles and windows of nearby houses are all of relatively standardised traditional domestic styles, but this does not necessarily rule out innovation or interest in architectural endeavour. The site is quite steeply sloping and the overall form of the proposed building makes use of this characteristic to provide an interesting elevation, to which the split, single plane roofs add further visual interest.

The modern design of dwelling proposed here would add visual diversity into Cross Lane in a location where level change permits a contemporary and fresh approach to design. The scale and massing of the new house would be appropriate and the proposal would not result in harm to the street scene simply because the appearance reflects a contemporary approach to the design.

On that basis, whilst objections to the design are acknowledged, the proposals are considered to be in accordance with Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

Impact on amenity of neighbours

With regard to implications for neighbouring occupiers, there are local objections on the basis of loss of privacy and light.

This has been assessed having regard to land levels and the details in the submitted plans. These details confirm that the proposed dwelling would respond to the level changes and would be effectively the same height as the neighbouring 1960s bungalow to the south, and by virtue of its split level arrangement it would be a comparable height to the host two storey dwelling to the north. Its flying roofs would fall towards the neighbouring properties either side so that the apparent height of the building seen from these properties would be reduced.

The proposals do not introduce windows that would cause overlooking or loss of privacy for the bungalow to the south, and this applies equally to the north facing elevation – although the host dwelling would be altered as part of the overall development to remove windows that face onto the application site.

The bungalow to the south presents a bathroom and side dining room window towards the site, but the development would not result in loss of privacy within the habitable room. The level of the roof eaves towards the common boundary with the property to the south is less than half the height of the bungalow, so that whilst there would be some effect on light to the habitable room it would not be significant enough to resist the proposed development.

Given that the development would not adversely affect neighbouring amenity or that of other nearby properties, the proposals are satisfactory in light of Policy UR3 and D1 of the Replacement Unitary Development Plan.

Highway issues

The proposals have been amended to satisfy a requirement for both the host dwelling and the proposed new property to have three off-street car parking spaces, given that each would be sizeable houses and would incorporate four bedrooms.

Subject to a condition to ensure that parking is made available prior to first occupation of the development the proposals would have no significant implications for highway safety and Policies TM2, TM12 and TM19A are satisfied.

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 proposed development is of satisfactory design and would have no significant implications for neighbouring amenity or for the street scene. The development would not give rise to harm to highway safety. As such, the proposed development is considered to satisfy Policies UDP3, UR3, D1, TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

Conditions of Approval:

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

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

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

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

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

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

4. The development shall be drained using separate foul sewer and surface drainage systems in accordance with details to be submitted to and approved in writing by the local planning authority prior to commencement of development on site.

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

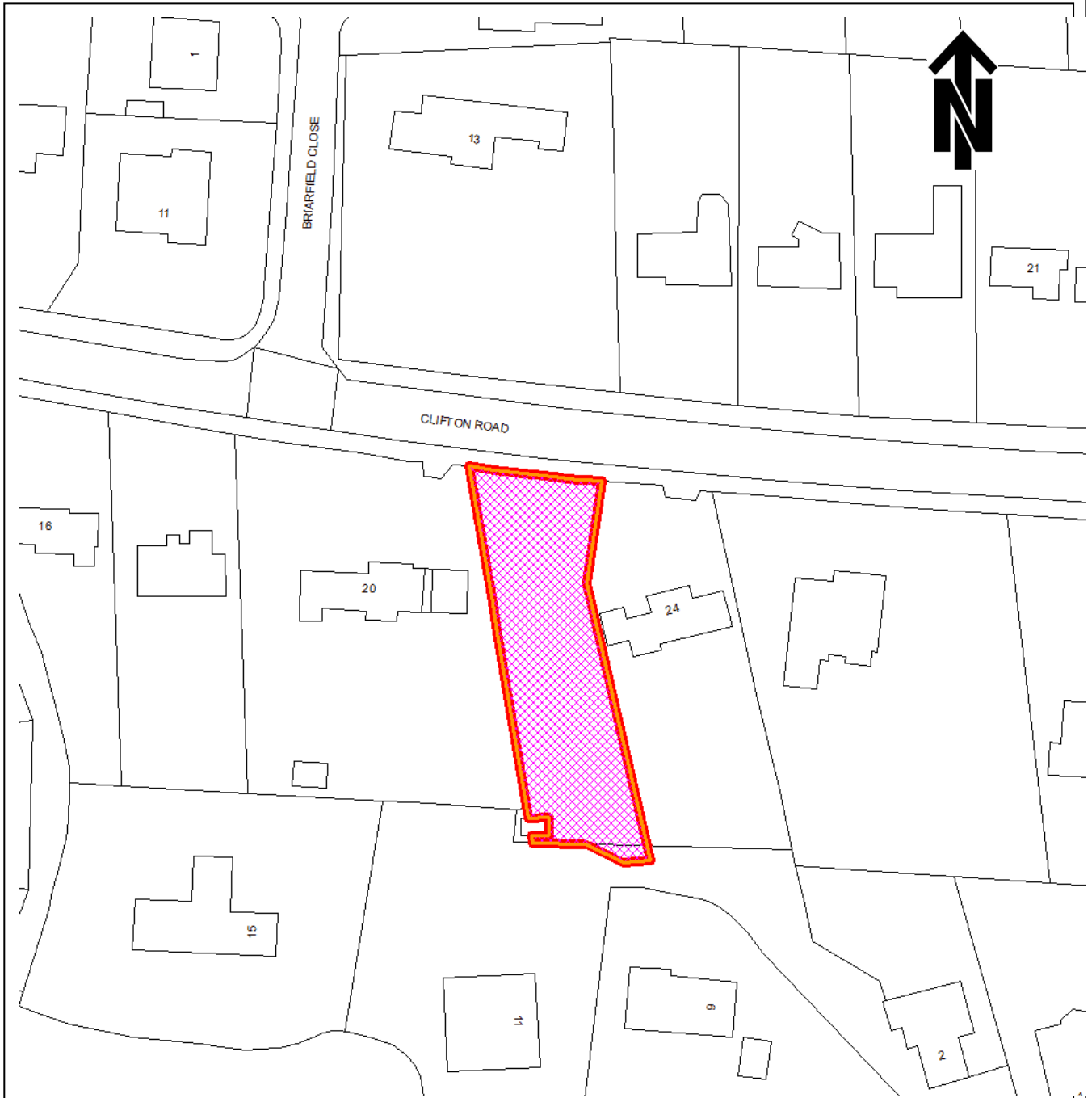
5. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission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

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

Area Planning Panel (Keighley/Shipley)

16/06049/OUT

20 October 2016



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ITEM NO. : **B**

LOCATION:

**24 Clifton Road
Ilkley LS29 8TT**

20 October 2016

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

Application Number:
16/06049/OUT

Type of Application/Proposal and Address:

Outline application for the construction of a detached 2.5 storey dwelling on garden at 24 Clifton Road, Ilkley LS29 8TT.

The application is outline, seeking approval of access and scale. Appearance, landscaping and layout would be reserved matters - for future consideration.

Applicant:

Mr D Hoggett

Agent:

Halliday Clark Limited - Architects

Site Description:

The site is a garden area to the side of 24 Clifton Road, Ilkley, which is a large stone built detached house that was probably built in the 1960s. Clifton Road is a wide residential street running east-west through a mature residential suburb that is characterised by a variety of residential developments set in generous grounds with mature trees and landscaping adding to the leafy character of the area. The application site is mostly a lawned area that is behind a stone retaining wall that fronts Clifton Road. Land levels rise from Clifton Road towards the rear of the site. Mature shrubs and planting exists to the site frontage and along the western boundary. To the west of the site is another large detached house (20 Clifton Road) that is also set in generous grounds and is separated from No 24 by the mature planting along the boundary. That part of the existing house nearest to the site is a garage. The existing house has a wide surfaced drive that sweeps up into the site from the north east corner of the plot.

Relevant Site History:

13/01344/HOU - Conversion of garage into habitable accommodation, first floor extension over attached single garage, replacement of attached single garage with two storey side extension – Granted - 23.05.2013.

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 – Recommends approval of this application.

Publicity and Number of Representations:

Publicised by neighbour notification letters and site notice. Overall expiry date for comments was 23 August 2016.

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

An Ilkley Ward Councillor supports the objectors and has requested consideration at Planning Panel should officers be minded to support the proposal.

Summary of Representations Received:

- The proposal would spoil a beautiful road by cramming a house between two substantial buildings.
- Concern raised regarding the ridge height of the proposed house.
- Concern raised regarding encroachment of re-routed pipeline onto adjoining land.
- The proposal may result in the loss of trees due to proposed re-routing of sewers.
- The proposal would be overdevelopment of the site and will have an adverse impact on the street scene.
- Proposal amounts to inappropriate design and siting and would harm adjacent residential amenity.

- Proposal would have an adverse impact on the street scene, closing a gap between existing dwellings.
- Proposal would be visually incongruous and includes features not present on surrounding properties.
- Proposal would result in overlooking of neighbouring property.

Consultations:

Yorkshire Water – Following initial response, information has been submitted regarding public sewers on the site. Yorkshire Water therefore would look for the relationship of the development to the sewers to be a matter to be controlled by Requirement H4 of the Building Regulations 2000.

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

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

Summary of Main Issues:

Principle of development and policy context.

Diversion of the sewers crossing the land.

Design/Scale and impact on visual amenity.

Impact on residential amenity.

Highway Safety.

Trees.

Drainage.

Other issues.

Appraisal:

The application seeks outline permission for a single detached dwelling within the garden at the side of 24 Clifton Road. Only access and scale are tabled for consideration although the submitted drawing includes the indicative position of the dwelling shown set alongside the existing house. Appearance, landscaping and layout would be reserved matters.

Access is proposed via a new private driveway from Clifton Road that would be created in the stone wall between the existing driveways serving numbers 20 and 24 Clifton Road.

The submitted scale parameters propose a 2.5 storey property (with accommodation on 2 storeys and in the roofspace) It would be a 4-bedroomed dwelling.

Principle of development and policy context

The site is unallocated on the Replacement Unitary Development Plan. It is an open private garden curtilage of a modest scale.

The National Planning Policy Framework does not include gardens within the definition of previously developed land. However, the Framework does not prevent residential infill in established suburban areas. It merely suggests that 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.

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 general shortage of land for new housing across the District is well documented.

Policy D1 of the RUDP exists to ensure that new development proposals make a positive contribution to the environment and quality of life through high quality design and landscaping. In particular they should be well related to the existing character of the locality in terms of design, scale massing, height and materials. They should provide a quality setting for development and retain and, where appropriate, enhance important ecological and landscape features.

Diversion of the sewers crossing the land

The land between No 20 Clifton Road and No 24 Clifton Road seems to have not been developed in the past because the garden at the side of the dwelling is crossed by two parallel Yorkshire Water sewers running towards the road between the exiting garage and the side boundary.

The agent has been in discussion with Yorkshire Water and has provided information regarding the surveyed size and depths of these public sewers. One is a 150mm diameter public foul water sewer, the other a 225mm diameter public surface water sewer.

Originally the proposal suggested a diversion of the sewers might be necessary. However, it may be possible to build the house over the sewer – subject to agreement with Yorkshire Water.

Following further discussions with the agents, Yorkshire Water has not objected to the proposed development, saying only that it would now look for this matter to be controlled by Requirement H4 of the Building Regulations 2000. Building over the sewers OR sewer diversion could only be undertaken with its agreement. A proposal by the developer to alter/divert a public sewer will be subject to YW requirements and a formal procedure in accordance with Section 185 Water Industry Act 1991.

Although the agent suggests that the sewers can remain where they are and some build over can be achieved, Officers must point out that this is not at all certain. Building over sewers must be by agreement and Yorkshire Water would need to be convinced by detailed technical information that considered the impact on the integrity of the public sewers and ensuring suitable protection of the pipes afterwards.

Requirement H4 of the Building Regulations is the legal framework for control of this matter.

The proposal originally envisaged a proposed diversion of the two sewers running through the site. Neighbours are very concerned that diversion could only be achieved at the expense of the vegetation along the west boundary.

The indicative siting of the dwelling allowed for retention of a 4.7 metre gap between the new house and the boundary through which an easement to contain the diverted sewers would be accommodated.

This should also be sufficient to allow the retention of the boundary planting.

However, there is admitted to be continuing uncertainty about:

- (a) whether the applicant can fulfil the technical requirements of Building Regulation H4 whereby the house could be built over the sewers.
- (b) if building over the sewer is not feasible, how the diversion would be achieved without significantly harming the boundary vegetation.

The perimeter vegetation does not include any protected trees but it is an important landscape feature of the locality and Policy D1 would support its retention. However, a planning condition could be attached to protect the boundary planting by erecting protective fencing, and to secure replacement shrub/tree planting should any plants be damaged during the works.

It is hoped that the house can be built over the sewer. But, if not, the details provided are considered to demonstrate that, with appropriate care, boundary planting could largely be retained and the proposed access and dwelling would not result in the loss or likely damage to any important specimens.

Conditions are suggested to require installation of protective fencing AND to require the developer to carry out replacement planting should any part of the existing boundary screen be harmed.

This will ensure continuity of the mature planting providing a setting for the house and which would further reduce its prominence and impact on the local environment and the neighbouring property.

Design/Scale and impact on Visual amenity

The site is set within a mature residential area typified by mostly individually designed dwellings built predominately in stone or occasionally render. There are no strong or uniform building lines to the southern side of Clifton Road, although the dwellings are typically set well back from, and above the level of the street.

Objections have been received on grounds that a house in the gap between No 22 and No 24 Clifton Road would harm the spacious layout of properties and amount to overdevelopment.

However, if the dwelling was sited in line with the existing house, it would be set well above and back from the street. It would also be set further back into the site than the adjacent property (No 20) to the west. It would therefore not be especially visible or dominant and would not materially erode the spacious qualities of the area.

The application seeks consideration of access and scale only. The scale and height would be comparable with the existing houses. Materials are not tabled for consideration but the expectation at Reserved Matters stage would be for the use of natural stone as the predominant external material.

Objectors express concern over the height of the proposal, but other properties in the vicinity are typically large detached two storey dwellings with some with three storey elements and rooms in the roof.

Assessment of the detailed design at reserved matters stage would allow appropriate design and height to be considered and ensure it fits appropriately into the street scene.

Overall, whilst this is development within an existing garden in an attractive suburban area typified by low density housing, it is considered that due to the scale of the development, with sensitive design and retention of the existing landscaping, the new dwelling would sit unobtrusively and modestly within the existing townscape and that it would not give rise to significant harmful impacts on local character or conflict with RUDP Policy D1.

Impact on residential amenity

Concern has been raised by neighbours regarding the likely impact on the living conditions of occupiers of neighbouring properties. Particular concern has been raised with regard to overlooking and over dominance of nearby properties.

However, the plot is a generous one. A house on the land would be a significant distance from the boundary to the south and the properties set down hill on the other side of Clifton Road to the north. The house would abut the large garage of the existing house at No 24.

The only property that may be affected is No 20 Clifton Road but the submitted indicative layouts show a significant separation to that property, as well as a degree of separation to the joint boundary.

The detailed layout and design would be matters for consideration at a later stage in the planning process but there seems no reason why any habitable room windows would need to be installed in the side walls of the house. The expectation would be that it would be orientated with views towards Clifton Road and the retained garden to the south.

Whilst the concerns of neighbours have been carefully noted, there seems no evidence to demonstrate that a house of the scale indicated would have an adverse impact on the amenity of neighbouring occupiers.

It is not accepted that existing homes along the site boundaries will notice any appreciable loss of sunlight or privacy from the layout and house could be appropriately designed for the site that would not conflict with policies D1 or UR3 of the RUDP in this respect.

Highway safety

The proposal includes consideration of access and involves the formation of new private driveway from Clifton Road. Space is also shown for parking and turning of vehicles within the site to the frontage of the proposed dwelling.

Outside the site, Clifton Road is a wide and straight road with footways. It carries relatively little traffic. The Councils Highways Section does not have any objection to the proposal, advising that preferably, the boundary wall on the Clifton Road frontage should be reduced in height to match the wall at the entrance to number 24 in order to minimise any obstructions to visibility.

This could be secured by condition and would in any case be considered fully under detail submitted at reserved matters stage for boundary treatments in the landscaping details.

A single dwelling would not affect road safety and is considered to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

Drainage

The proposal is for foul water to discharge to the existing combined sewer in Clifton Road. There is no objection to this from Yorkshire Water.

Surface water proposals are less certain as there are 3 possible options identified by the agent: connection to sewer at an attenuated rate, connection to an existing surface water culvert at a controlled rate, or via soakaways.

Requirement H3 of the Building Regulations 2000 establishes a preferred hierarchy for surface water disposal. Consideration should firstly be given to discharge to soakaway, infiltration system and watercourse, then to public sewer, in this priority order. It is understood that a culverted watercourse is located along the northern boundary of the site. Restrictions on surface water disposal from the site may be imposed by other parties.

The Councils Drainage department has advised that they have no objections to the proposal, conditions should be attached to require development to be drained via a separate system and that full details should be submitted for approval. Appropriate conditions are suggested at the end of the report.

Other issues

This application site is in close proximity to the South Pennine Moors Site of Special Scientific Interest (SSSI). This SSSI forms part of the South Pennine Moors Special Area of Conservation (SAC) and the South Pennine Moors Phase 2 Special Protection Area (SPA).

There is emerging LDF policy regarding restriction of new dwellings within close proximity to the moorland due to 'urban edge effects'. The scale of the proposal here and physical separation from the moor by roads and other residential properties is such that there would not likely to be any increased recreation pressure impact on the nature conservation interests over and above the existing situation. Therefore, the proposed dwelling is not likely to have a significant effect on the interest features for which South Pennine Moors SAC and South Pennine Moors Phase 2 SPA have been classified. Similarly effects on the SSSI will be insignificant.

Community Safety Implications:

None identified.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed development would fill a gap between two existing dwellings and 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, NE6, 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. Reserved Matters

Before any development is begun plans showing the:

- i) appearance,
- ii) landscaping,
- iii) and, layout

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

4. Before any part of the development hereby permitted is brought into use, the off-street car parking facility shall be constructed of porous materials, or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, and laid out with a gradient no steeper than 1 in 15. The parking so formed shall be retained whist ever the use hereby permitted subsists.

Reason: In the interests of highway safety, drainage and to accord with policies UR3, TM12 and NR16 of the Replacement Unitary Development Plan.

5. The development shall not begin, nor shall there be any demolition, site preparation, groundwork, materials or machinery brought on to the site until tree protection fencing has been installed around the trees that are to be retained within the site. The fencing and other protection measures shall be installed to create construction exclusion zones around the retained trees in accordance with an arboricultural method statement or tree protection plan to the specifications set out in BS 5837 : 2012.

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

Reason: To ensure trees along the boundary are protected during the construction period. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

6. In the event that any trees or shrubs forming the existing west boundary of the site are damaged during the course of the development, including works to sewers, they shall be replaced during the first planting season following the completion of the building, by a new planting scheme comprising similar native deciduous hedge/tree species, details of which shall first be submitted to and agreed in writing by the Local Planning Authority.

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

Reason: To mitigate the impact of the building on the landscape, in the interests of visual amenity and to accord Policies D5 and NE3/NE3A of the Replacement Unitary Development Plan.

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

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

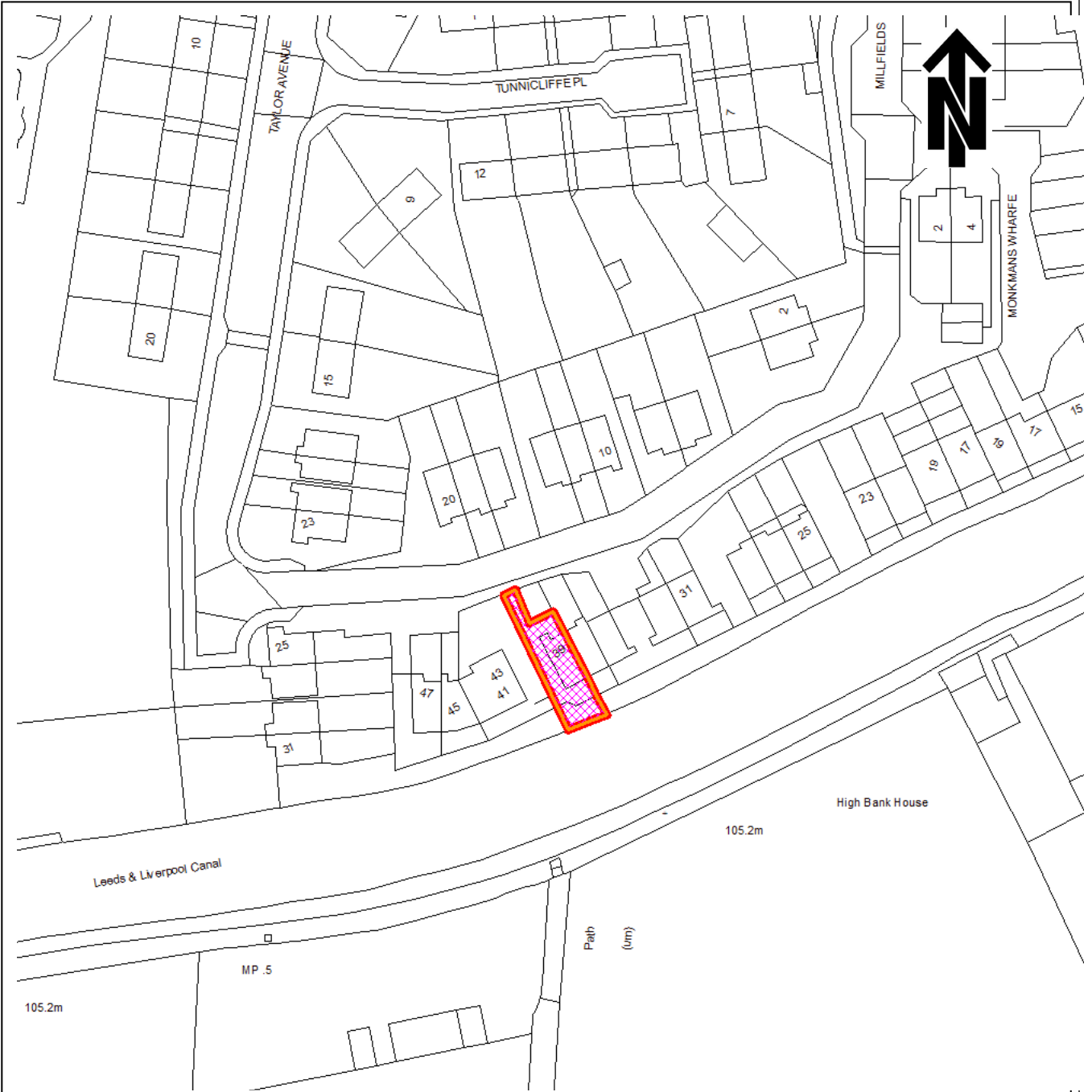
8. No development shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the local planning authority

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

Area Planning Panel (Keighley/Shipley)

16/06391/HOU

20 October 2016



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<p>ITEM NO. : C</p>	<p>LOCATION: 39 Millfields Silsden BD20 0DT</p>
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20 October 2016

Item Number: 3
Ward: CRAVEN
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
16/06391/HOU

Type of Application/Proposal and Address:
Retrospective householder application for construction of a summer house to the rear of 39 Millfields, Silsden, BD20 0DT.

Applicant:
Mr and Mrs Michael Hawksworth.

Agent:
Eric Breare Design.

Site Description:
The site is a modern end terraced dwelling forming part of a 1990s development that backs onto the Leeds and Liverpool Canal. As such it lies within the Leeds and Liverpool Canal Conservation Area. The rear of the application property and the adjacent dwellings is characterised by open plan patios and planting areas with no boundary fences or walls. These rear garden spaces lead down to the canal side and form part of the character of this stretch of the canal when viewed from the towpath on the opposite bank. Permitted development rights were removed when the original residential development was approved in 1993. The dwelling has previously benefitted from planning permission for a modest single storey extension to the side which has been constructed.

Relevant Site History:
93/03331/FUL: Construction of 56 dwellings. Approved.

13/01373/HOU: Construction of extension to side of the house. Approved.

The National Planning Policy Framework (NPPF):

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

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated

Leeds and Liverpool Canal Conservation Area

Proposals and Policies

D1 – General Design Considerations

UR3 – The Local Impact of Development

BH7 – New Development in Conservation Areas

Parish Council:

Silsden Town Council: Objection - this is out of keeping with the conservation area policy and precedence has already been set for its removal.

Publicity and Number of Representations:

Publicised by Neighbour Notification letters, Site Notice and in the Keighley News.

Eight letters of objection have been received from six addresses.

Two letters of support were received from one address.

Summary of Representations Received:

- The structure was erected without planning permission or any consultation with neighbouring properties.
- There is a covenant in place which prohibits fences, walls or hedges along the canal side.
- In the past a small fence within this area, was refused planning permission both by Bradford as it degraded the open aspect onto the canal.
- The summer house is out of keeping with the open character of the development and detrimental to visual amenity, with an impact on the conservation area and causing loss of views.
- This shed stands out like a sore thumb, higher than a fence it spoils the enjoyment of their properties for the immediate neighbours.
- Any sheds along this row of houses are at present kept generally to the sides of the houses not on the canal side.

Comments were received regarding the impact on parking. However the application is for a small timber structure in the rear garden which has no impact on parking or the highway.

Consultations:

Silsden Town Council objected to the proposal.

Design and Conservation Team: No objections subject to the building being stained in a darker and more muted colour. On balance the impact on the character and appearance of the conservation area is minimal and the proposal accords with Policy BH7 of the Replacement Unitary Development Plan.

Summary of Main Issues:

Impact on the character and appearance of the conservation area.

Impact on the amenity of neighbouring occupants.

Appraisal:

This is a very modest structure installed on the patio at the back of the house. It is understood that the householder did not appreciate that planning permission is required. Ordinarily such structures can be installed in the curtilage of a dwelling house under Part 1 Class E permitted development rights but, in this case, permitted development rights were removed when the original residential development was approved in 1993.

The summerhouse is relatively small and located close in to the property. The structure is of timber panelled construction and is not fixed to the ground, but merely placed on the patio. It is the sort of garden structure that has a limited lifespan.

Whilst the Conservation Officer had some concerns about the garden of the property close to the canal being cluttered with structures, this one is relatively small and temporary in appearance; it is located close to the house.

Although it is seen from the canal towpath, it is not especially prominent and it is not considered that it will interrupt any important views or vistas or have a negative impact on the character of the housing development or the overall setting of this part of the conservation area. When viewed from the canal towpath on the southern bank of the canal, the summerhouse is viewed against the context of a variety of domestic garden furniture and accessories in the adjoining garden spaces.

A condition requiring the summer house to be stained a dark colour to match the window and door frames in the existing dwelling is recommended by the Conservation Officer and this would ensure the summerhouse sits more comfortably with the host dwelling than at present.

In terms of residential amenity the proposal is of small scale and does not cause any significant loss of outlook or daylight or have any negative impact on the living conditions of occupants of neighbouring dwellings.

Although objections are lodged on grounds of car parking, the structure does not occupy or affect any car parking for the dwelling.

Community Safety Implications:

There are no community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The comments of the Council's Conservation Officer are relevant. Whilst there is a desire to avoid the gardens close to the canal being cluttered with unsightly ancillary structures, this particular structure is relatively small and temporary in appearance. It is located close to the modern house and visible from the towpath but it will not interrupt or impede any important views or vistas of heritage buildings.

The Local Planning Authority needs to be proportionate in its approach. Weight needs to be given to the fact that these are houses where families live. A degree of patio furniture and ancillary garden storage buildings is not unreasonable. The impact of the structure would benefit from it being stained in a more subdued colour that matches the stain to the windows. Subject to this it will have a neutral impact on the character or appearance of this part of the conservation area.

Conditions of Approval:

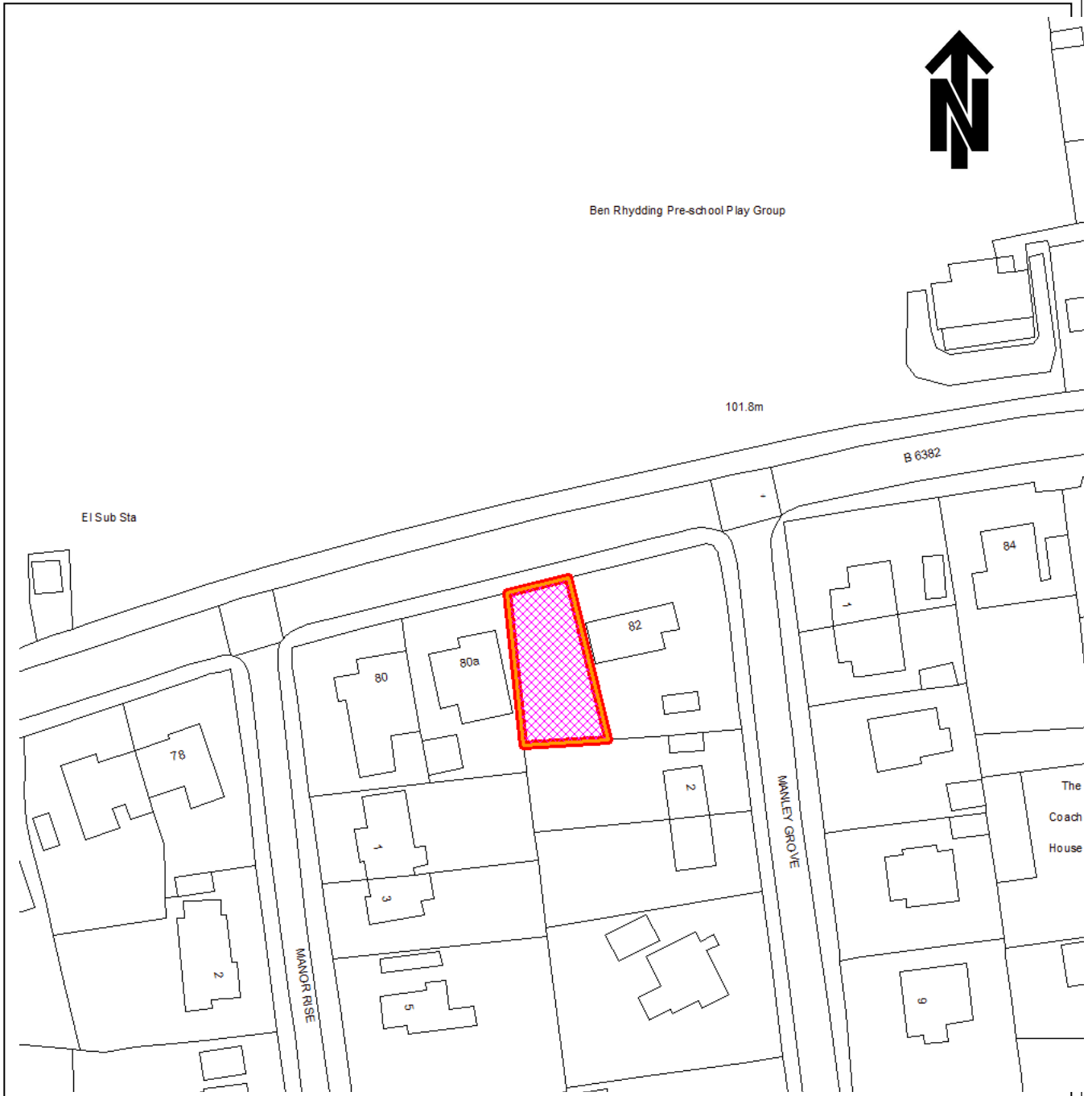
1. The summerhouse hereby approved shall be stained a dark colour to match the existing windows and doors at the dwelling.

Reason: In the interests of the local character and amenity, and to accord with Policy D1, BH7 and UR3 of the Replacement Unitary Development Plan

Area Planning Panel (Keighley/Shipley)

16/04831/FUL

20 October 2016



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ITEM NO. : D	LOCATION: 82 Bolling Road Ilkley LS29 8QQ
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20 October 2016

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

Application Number:
16/04831/FUL

Type of Application/Proposal and Address:
Construction of three-bedroom dwelling on garden land at 82 Bolling Road, Ilkley, LS29 8QQ.

Applicant:
Mrs Jane Elms

Agent:
Sense of Space Architects

Site Description:

The application site is an area of garden to the side of 82 Bolling Road, now fenced off to form a separate plot. It lies between No 82, which is a large and uniquely designed detached house, and No 80A which is a conventional rendered bungalow. The plot is around 10 metres wide and extends 24 metres back from the small fence which forms the frontage to Bolling Road. To the rear is the boundary to the back garden of 2 Manley Grove. The site is in a predominantly residential area. Bolling Road is a B-Class Road running between Ben Rhydding and the centre of Ilkley. Along its length is an assortment of house types in a wide variety of materials and architectural designs - reflecting the ages of the various properties. Across the road to the north is the Ben Rhydding Playing Field.

Relevant Site History:

13/02417/HOU: Two storey side extension to existing detached property. Granted 7.8.2013.
06/01848/FUL: Single Storey extension to side of house and new gable to north facing roof slope. Granted
07/09410/OUT: Construction of detached dwelling. Refused 6.1.2008.
08/01454/OUT: Construction of detached dwelling. Refused 24.4.2008. Appeal Dismissed 16.9.2008.

The National Planning Policy Framework (NPPF):

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

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UR3 – local planning considerations

D1- design considerations

TM12 – car parking standards (residential)

TM19A - traffic management and road safety

Parish Council:

Ilkley Parish Council: Recommends approval.

Publicity and Number of Representations:

Publicised by neighbour letters and site notice.

Two objections received - including an objection from a Ward Councillor.

The Ward Councillor requests that the application is presented to members (Panel) for consideration.

Summary of Representations Received:

Ward Councillor: This site does not allow sufficient residential amenity space. The car parking is only large enough for one car but the level of occupancy (of the house) is likely to result in parking on highway. It will be difficult to turn around in order for cars to enter the main road in a forward direction. This is important because Bolling Road is a B-class road. Front gardens along the road should be front gardens of flowers, grass and shrubs but here we will have a car park unsympathetic to the environment and surrounding properties.

Objector : Development by squeezing a house onto the garden will set a precedent and cause loss of the overall aspect of pleasant greenery along Bolling Road. Cars will have to back out into what is a busy main road. There are concerns about overlooking to the rear from the velux windows.

Consultations:

Drainage Section: No objection is raised. Development to be drained via a separate system within the site boundary.

Highways Development Control: No objection in principle. The off street parking will only work if the vehicles park, perpendicular to the building. Therefore the proposed access should be widened to at least 4m and notation on the drawing that the dropped crossing to highway authority specification.

Summary of Main Issues:

Background.
Impact on the character of the area.
Amenity of existing and future occupiers.
Highway safety.
Housing land supply.

Appraisal:

Background

Two previous outline planning applications for a detached dwelling on this plot in 2007 and 2008 have been refused. A subsequent appeal was dismissed.

Since those refusals, planning permission 13/02417/HOU has been granted (the permission is now expired) for a 5.5 metre wide, two storey extension to the side of 82 Bolling Road which, if built, would have extended across much of the plot.

The 2007 and 2008 applications were outline applications. The drawings submitted with those outline applications were illustrative and showed a fairly conventional 2.5 storey dwelling (with roofspace accommodation) extending across the plot. Both applications were refused on grounds that the dwelling would be overdevelopment, having regard to the restricted size of the plot and the space which would be left around it. It was considered that this would not be well related to, or to complement the existing character of, the surrounding area and would appear out of keeping. In addition, the depth of the back garden was not considered sufficient and this would give rise to the new house causing overlooking of the garden of 2 Manley Grove and dominance of the rear garden of that neighbouring property.

In considering the appeal against refusal of 08/01454/OUT, a Planning inspector concluded that, on the evidence before her, the proposed 3 bedroom 2.5 storey house would have appeared unacceptably cramped. Also, that whilst the house need not cause unacceptable harm to the living conditions of occupiers of adjoining houses, this would depend on a reliance on using rooflights to prevent overlooking, which would not provide a good quality residential environment.

Impact on the character of the area

The garden contains no significant trees or other features of importance. Although 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, this frontage of Bolling Road contains a diversity of house types and there is no consistent regularity to the layout of houses along its length. There are no strong grounds to resist the principle of development of the side garden and planning permission has previously been granted for a two storey extension across much of its width.

As was the case with the previous applications and appeal, the key issue is whether a house can be accommodated on the side garden without it appearing excessively cramped or dominant.

Once again, the submitted drawings show the front wall of the proposed house set back 6.4 metres from the street, in alignment with the front wall of No 80 Bolling Road to the east, and slightly behind the front wall of the bungalow to the west. The proposed materials are indicated as being brickwork for the walls at ground floor level with a render above and a grey slate roof. As discussed above, building materials used in existing houses along Bolling Road vary significantly.

The previous proposals showed a 2.5 storey house with a 1.5 storey section providing a garage to one side. It was shown with a 1 metre gap to the boundary with No 82 and a gap of 0.7m - 1.6m to the bungalow at 80A. The Inspector was especially concerned that such narrow gaps would make the area appear more built-up and prejudice the setting and character of No 82 Bolling Road, considering that the loss of open space would harm the character of the street scene.

However, the house now proposed is narrower – being 7.0 metres wide as opposed to 8.3 metres proposed in 2007/2008. This allows slightly more generous gaps of 2.0m and 1.15m retained to the side boundaries. Also, the new scheme proposes a lower height of house – it being a conventional two storeys rather than as was previously shown which was around 9.0 metres to its ridge.

In support of the application, the architects have also provided a street scene elevation drawing showing more clearly than in 2007/2008 how the new house would relate to the two dwellings on either side. This shows retention of reasonable gaps between the buildings and a transition in height between No 82 and the bungalow at 80A. The ridge height would be 1.2 metres lower than the ridge of No 82 and a gap of 3 metres would be kept between the existing and new buildings – thus maintaining a degree of subservience and separation.

The site is undoubtedly a limited infill plot, but what is now proposed is a narrower and lower house than shown on the 2007/2008 drawings. The narrower width allows greater gaps to the side boundaries. The drawings showing the proposal in context suggest that the new house would be better balanced with the two buildings to either side.

The architect has successfully revised the proportions of the proposed house to address previous concerns. The proposal is now deemed in compliance with Policy D1 of the RUDP which seeks to ensure that new development is well related to the character of the locality and provides a quality setting for new development.

Effects on the amenity of existing and future occupiers

The proposed house would add built form in closer proximity to No 82 and the bungalow at No 80A Bolling Road than the existing situation. However, there are no habitable room windows in the side wall of the bungalow facing the site and so the new house would not result in any loss of outlook, overshadowing or dominance of it. No windows are proposed to the side elevation of the house facing towards 80A so there will also be no implications in terms of privacy. Similarly, while there are some secondary windows in the side wall of 82 Bolling Road, that property would not be affected to an unacceptable extent.

The second reason for refusal of the 2007/2008 applications was the short distance between the rear of the proposed house and the boundary with the garden of 2 Manley Road. This would be 7.5 metres which is not, ordinarily, an adequate degree of separation.

However, the level of the adjoining garden is slightly higher than the application plot so that views from the large ground floor windows in the back wall of the new house could be screened by a combination of the changes in land levels, retention of existing shrubbery and new screen fencing along the boundary. The Inspector considering the 2008 appeal was content that this would prevent loss of privacy from the ground floor level and that the new house would not unduly dominate or be overbearing when seen from the garden of 2 Manley Grove.

This new proposal incorporates a roof form that drops down towards the garden of 2 Manley Grove and this means the bulk of the proposed house would be less dominant than the appeal proposal when viewed from that garden. To avoid overlooking of the garden from upper storey rooms, the architect has again proposed to provide daylight and outlook to the first floor bedrooms at the back of the proposed house (Bedrooms 2 and 3) by rooflights. Sections show these would be set above eye level and so would maintain satisfactory privacy within the adjoining garden.

The Inspector considering the 2008 appeal concluded that the proposed house need not cause unacceptable harm to the living conditions of existing or future occupiers to warrant refusal. The new architect has clearly made efforts to further refine the design of the dwelling to mitigate its impact on neighbour and the character of the area.

It is proposed to impose a condition removing permitted development rights to ensure that the form and layout of the rear elevation of the house is maintained as shown on the architect's drawings and that additional windows and dormer windows are not subsequently installed that would overlook the garden of 2 Manley Grove.

It is noted that the ward councillor says the site will not allow sufficient residential amenity space for the new house. The proposed rear garden is rather shallow, but approximately 11 metres wide. The appeal Inspector previously considered that such a garden would be large enough and usable for a dwelling of the size proposed. Officers agree with this view.

The proposed dwelling would provide adequate standards of amenity for future occupiers and has been designed to avoid loss of privacy, light and dominance of the three adjoining houses around the plot. It is considered to be in accordance with Policies D1 and UR3 of the Replacement Unitary Development Plan

Highway safety

The objector and Ward Councillor have objected on grounds that car parking arrangements require vehicles reversing into the road. It is appreciated that Bolling Road is a well-used B-class road and a link to and from Ilkley town centre. However, there are a substantial number of houses already lining this road which take access via private drives directly off the street. Few benefit from internal turning facilities.

The Council's Highway officer has raised no objections to the additional dwelling. The layout plan has been amended to provide a 4 metre wide access to two car parking spaces inside the garden. These are arranged perpendicular to the dwelling. A dropped crossing will be provided and is required by a planning condition requires this to be formed prior to occupation.

In the absence of an objection from the Highway Officer it must be concluded that the safety implications would not justify refusal. The proposal accords with Policies TM19A and TM2 of the RUDP in respect of satisfying road safety concerns and making adequate car parking provision.

Housing Land Supply

The Council cannot currently demonstrate a 5 year supply of housing land and this application would contribute, albeit in a minor way, to the supply of housing. The NPPF says that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The loss of the garden would have a small effect on the spacious character of this frontage to Bolling Road but modest adjustments to the height and scale compared with the 2007/2008 proposals have resulted in a better balanced proposal than before. In addition, whilst the reliance of the house on rooflights to serve two of the three bedrooms is not ideal, this is a necessary design feature to safeguard the adjoining garden from overlooking. The site is in a good location in terms of its accessibility to local services and public transport. Having regard to the National Planning Policy Framework as a whole, the proposal would deliver an additional dwelling and represents sustainable development. This is a material consideration which outweighs the dis-benefits perceived by the objectors and which further justifies a different decision to the 2008 appeal.

Community Safety Implications:

No material implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The loss of the garden would have a small effect on the character of this frontage to Bolling Road, but adjustments to the height and scale compared with the 2007/2008 proposals have resulted in a better balanced proposal that is shown by supporting information to achieve appropriate spacing to the buildings on either side. The house has been designed to prevent overlooking or dominance of the garden to the rear and will provide adequate standards of amenity for future occupiers.

Though the development relies on reversing from its parking spaces into Bolling Road, this is already a common arrangement for other houses already lining this road. The Council's Highway officer has raised no objections on safety grounds. The layout plan has been amended to provide access to two car parking spaces inside the garden. The proposal accords with Policies TM19A and TM2 of the RUDP in respect of satisfying road safety concerns and making adequate car parking provision.

The Council cannot currently demonstrate a 5 year supply of housing land and this application would contribute, albeit in a minor way, to the supply of housing. The NPPF says that housing applications should be considered in the context of the presumption in favour of sustainable development. The site is in a good location in terms of its accessibility to local services and public transport. Having regard to the National Planning Policy Framework as a whole, the proposal would deliver an additional dwelling and represents sustainable development. This is a material consideration which further tilts the balance in favour of an approval.

Conditions of Approval:

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

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

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

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

3. The development shall 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.

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

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

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

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

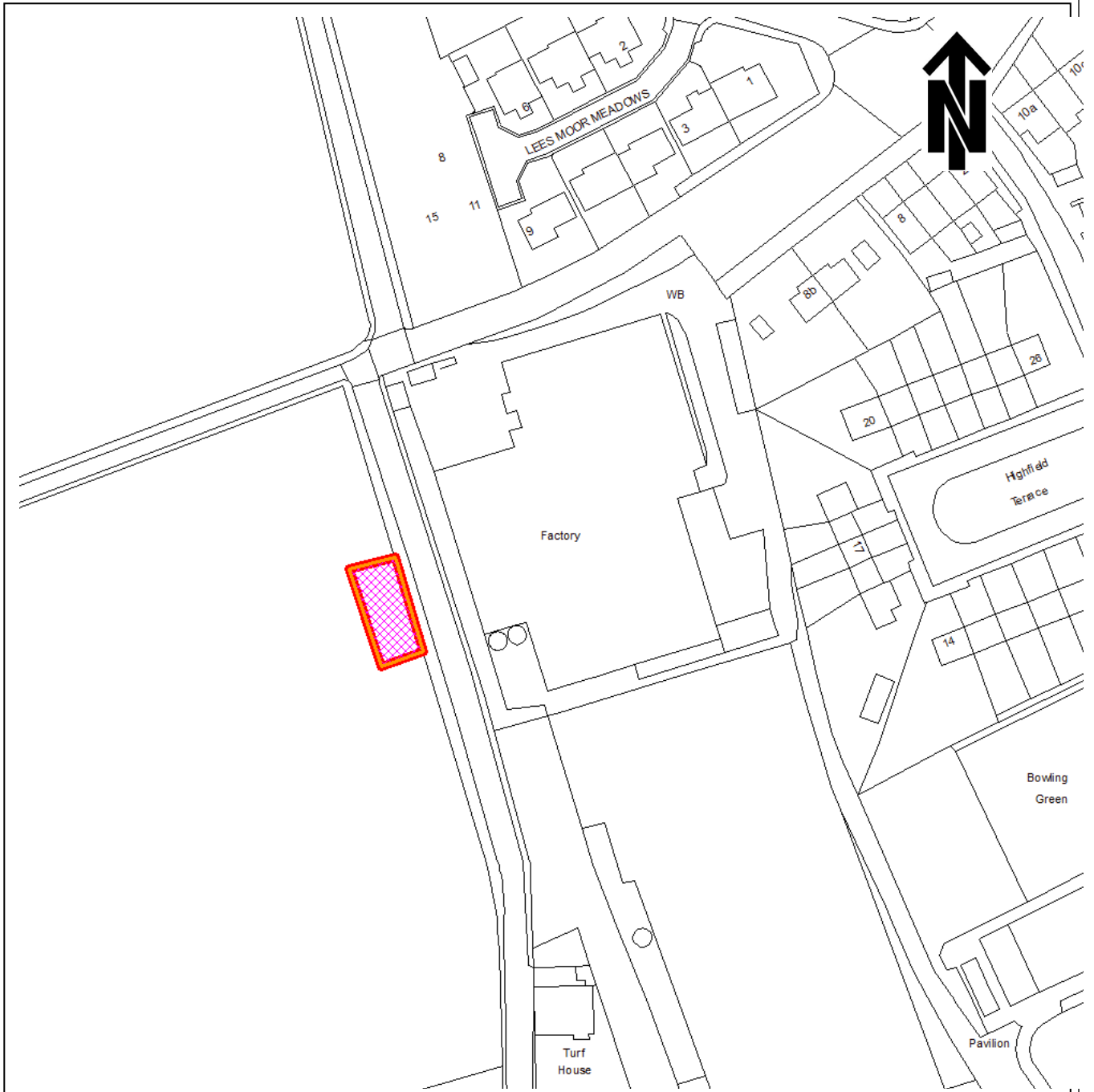
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) the rear elevation of the dwelling shall be maintained in the form shown on the approved drawings, and no further windows, including dormer windows, or other openings shall be formed in the rear elevation without the prior written permission of the Local Planning Authority.

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

Area Planning Panel (Keighley/Shipley)

16/05102/FUL

20 October 2016



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ITEM NO. : **E**

LOCATION:

**Land At Turf Lane Adjoining HCF Poultry Ltd
Station Road Cullingworth BD13 5HP**

20 October 2016

Item Number: E
Ward: BINGLEY RURAL
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
16/05102/FUL

Type of Application/Proposal and Address:

Full, retrospective planning application for retention of an industrial tank on a concrete base within a fenced compound. Land at Turf Lane, Station Road, Cullingworth BD13 5HP.

Applicant:

HCF Poultry Ltd

Agent:

JO Steel Consulting

Site Description:

This application relates to the siting by HCF Poultry Ltd of a gas storage tank on land within an open grazing field on the west side of an unmade and rough track known as Turf Lane. Turf Lane marks the boundary of the approved Green Belt and defines the western limit of the urbanised area of Cullingworth.

HCF Poultry Ltd operates as an abattoir for the slaughter and subsequent processing of poultry. The business occupies a very compact industrial complex between housing on its east side and Turf Lane to its west.

Relevant Site History:

None on this site.

The National Planning Policy Framework (NPPF):

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Green Belt.

Proposals and Policies

UDP3 – Impact of development on built and natural environment

UR3 – Local amenity implications

GB1 – Green Belts

Parish Council:

The date of the retrospective application was given as 15 April 2016 but the initial work commenced at the beginning of February according to photographic evidence of residents of Turf Lane. Cullingworth Village Council has previously felt that in certain circumstance[s], the use of retrospective planning applications for work already completed is undertaken in the belief that there is more likely to be a requirement to amend work already undertaken rather than refuse permission outright which might have been the case had normal planning permission guidelines been adhered to.

This particular project, it believes would, under normal planning rules not have been allowed to proceed as not only does it involve non-agricultural work being built on classified green belt designated land but also the work undertaken is in no way related to the owner of or the business of the land owner whose name is attached to the retrospective application.

The work involved is for the direct benefit of HFC Poultry Ltd and is purely based on commercial grounds and in no way constitutes any “special/exceptional circumstances” which would be required for such work on green belt land. The Village Council is also at a loss as to why such a building could not have been constructed/permission for its construction been applied for, on land owned by HFC Poultry Ltd as opposed to the use of designated green belt?

It is obvious that there must have been a certain amount of pre planning undertaken between the applicant/land owner and HFC Poultry Ltd and at no point were local residents or the Village Council consulted. Additionally the work has involved the laying of supply pipes beneath the surface of Turf Lane which is in itself an unadopted road. The result has been to alter the visual aspect of the road and to make it even more difficult for pedestrian access along it, and also for other types of users, especially for bicycles and child’s pushchairs for example.

The Village Council would urge Bradford Council to refuse this application and demand that the building in question be removed immediately and that the road itself is returned to its pre works condition as a matter of urgency. To allow such building on green belt land purely for commercial reasons would be contra to existing rules and regulations and could set a seriously bad precedent for the future.

Publicity and Number of Representations:

Advertised by Neighbour Letters and by Site Notice.
Nine objection letters received.

Summary of Representations Received:

1. What is this tank going to be used for? What will be in it? Will the smell be even worse than it is now?
2. As a result of the installation Turf Lane is now difficult to walk on and impossible for pushchair or wheelchair users.
3. Wanton destruction of trees has taken place down both sides of the lane.
4. This installation should be removed and Turf Lane restored.
5. Industrial production has been extended on to agricultural green belt land.
6. This is an eyesore and should have been kept within the factory grounds
7. Granting permission would send out a message to developers that is alright to go ahead and build first then seek permission later.

Consultations:

Environmental Protection Officer: Comments to be reported verbally to the meeting.

Summary of Main Issues:

Principle.
Green Belt Policy.
Very Special Circumstances.

Appraisal:

Principle

This planning application seeks retrospective planning permission for a new gas storage tank and its concrete base and security fencing, which have already been placed in the field alongside Turf Lane. The land on which it has been placed is within the approved Green Belt.

The applicant company explains that the storage tank contains CO₂, which is used in the humane slaughter of animals at the plant.

The applicants explain that the tank has been positioned outside the main complex of buildings because there is not adequate room for the tank within the very densely developed main complex, whilst at the same time its siting on the field will allow for safety margins and servicing/maintenance of the tank.

Green Belt Policy

The Replacement Unitary Development Plan and National Planning Policy Framework identify the categories of development that are defined as being appropriate within the Green Belt. Development falling outside these categories of development is inappropriate development within the Green Belt.

The applicant's agent does not claim that the tank is one of the exceptions to Green Belt control listed in Paragraphs 89 and 90 of the NPPF. He acknowledges that the development is inappropriate development in the Green Belt, but in mitigation says it is required for animal welfare purposes and is a necessary piece of infrastructure that is needed in order for the poultry factory to meet other legal requirements and so assure the future of the business, which is a significant local employer numbering some 125 staff.

As with previous Green Belt policy, the NPPF says that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Consideration of the claimed Very Special Circumstances

It is acknowledged that the factory site is largely full of buildings and officers have been shown around all parts of the complex to demonstrate the problem of lack of space. There are demonstrably no alternatives to allow the siting of the tank within a security compound inside the complex. The field beyond Turf Lane is not owned or controlled by the applicant company, who have leased the affected land from the farmer.

The applicants have clarified that the carbon dioxide gas is required by current industry standards for animal welfare purposes; by way of it being used to stun poultry before they are slaughtered. Without the use of the gas in the process, the factory would fail to meet the standards for this type of facility and its continued function as a local employer would be jeopardised.

Officers accept that the tank is necessary to support jobs and the viability of the business. Substantial weight needs to be given to any harm to the Green Belt. But it is accepted that 'Very special circumstances' so exist and that the potential harm to the Green Belt by reason of inappropriateness, and any other harm, can be mitigated by a requirement that the tank and associated fencing be removed when no longer required and in operation.

The applicants have demonstrated that the development is necessary, and thus whilst it is unavoidable inappropriate in the Green Belt, it is justified.

Mitigation

Clearly the development results in visual harm to the character of the Green Belt and it adversely affects openness; effects that Green Belt policy is specifically intended to prevent.

Set against these effects is the legal requirement for the poultry business to meet current legislative and animal welfare needs, which it cannot without the CO2 stun facility.

In order to overcome the visual impact of the new tank and its security compound the applicants have prepared a landscaping scheme for screen planting around the compound. The planting would incorporate native species and would mature to provide adequate protection for the surrounding Green Belt landscape, satisfying Policies UR3, NE3 and NE3A of the Replacement Unitary Development Plan.

It is clear that the planting of a screen around this tank and compound does not overcome the inappropriateness of the development, and is only acceptable here on the basis of the very special circumstances that apply in this case.

Moreover, the siting of this CO2 tank beyond Turf Lane does not in any way signal that expansion of the factory or its operations onto the field would be supported.

Subject to recommended conditions, it is considered that the CO2 tank and its essential security compound may be accepted as a minor departure from Green Belt policy.

Finally, in the event that the CO2 facility becomes unnecessary or is replaced by other technology within the complex, the tank and compound must be permanently removed from the land.

Community Safety Implications:

There are no community safety implications.

Equality Act 2010, Section 149:

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

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. In the event that the tank hereby approved ceases to be used in connection with the industrial purposes of the adjoining business for a continuous period exceeding 6 months, it, along with the concrete base, security fencing, pipework and any other associated features shall be dismantled, the materials removed from the site and the land restored to its former agricultural use within a period of no more than 3 months of the period of cessation, or in accordance with such other timetable as might be agreed in writing with the Local Planning Authority.

Reason: To ensure that the openness of the green belt and the character of the landscape is maintained should the building cease to be required for its intended purpose. To safeguard the Green Belt from inappropriate development and to accord with Policies GB1 and NE3/NE3A of the Replacement Unitary Development Plan.

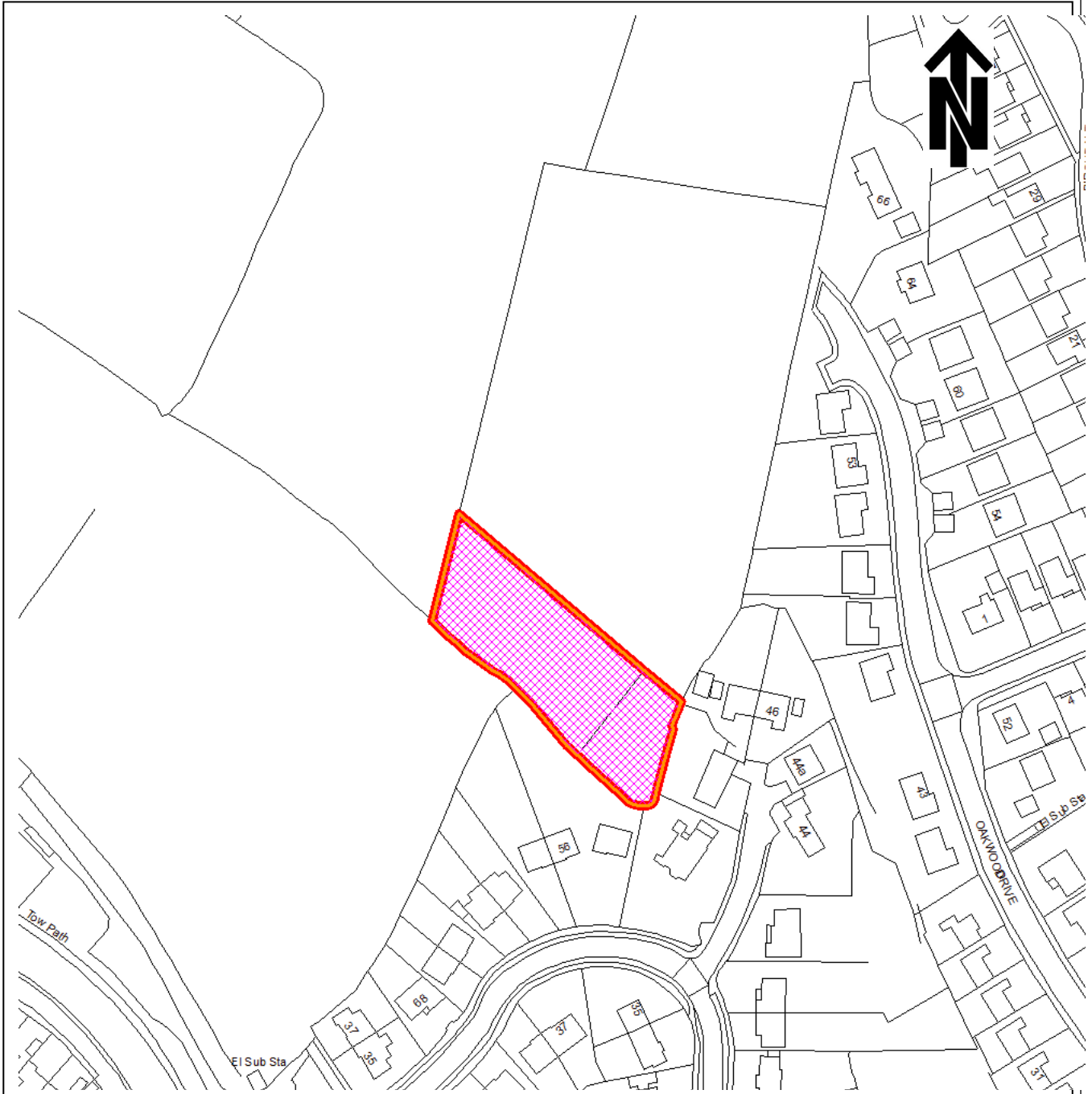
3. Screen planting shall be carried out around the tank installation during the next available planting season. This shall be in accordance with a detailed scheme showing the size and species of planting that has first been submitted to, and approved in writing by the Local Planning Authority. The planting shall be protected from grazing animals and, in the event that any plants are found to be dead, dying or diseased within five (5) years of planting shall be replaced with similar species and stock.

Reason: To ensure that the character of the landscape is maintained and to accord with Policies GB1 and NE3/NE3A of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

16/06650/OUT

20 October 2016



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ITEM NO. : F	LOCATION: Land West Of 50 Falcon Road Bingley
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20 October 2016

Item Number: F
Ward: BINGLEY
Recommendation:
TO GRANT OUTLINE PLANNING PERMISSION

Application Number:
16/06650/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:
The site comprises an elongated area of garden land that 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 – Four detached houses. Refused.
15/06926/OUT – Seven 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

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:

Bingley Town Council has not commented.

Publicity and Number of Representations:

Publicised by site notice and letters to neighbours.

14 objection letters and 13 letters in support have been received

Summary of Representations Received:

Objections

1. The application is still short of information.
2. The number of objections outweigh the need for houses here.
3. Vehicular access is limited.
4. The last application was refused on safety grounds.
5. Development is too close to neighbouring houses.
6. Beck Lane is narrow and dangerous.

Support

1. The new houses are needed.
2. The access would provide a turning facility for the cul-de-sac.
3. Objectors live in houses that were likely objected to.
4. This prevents green fields being built on.

Consultations:

Highways

Access and layout have been highlighted as matters for which approval is being sought in this outline application and having reviewed the proposed site plans (7878/02F and 7878/04B) I would have no highway objections to raise, subject to standard conditions:

a) 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.

b) 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.

c) Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan numbered and retained whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

d) Before any development commences on site, full details, including all necessary calculations of those temporary and permanent works affecting the stability of the highway boundary walling to shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be carried out in accordance with a programme of works to be approved in writing by the Local Planning Authority.

Reason: No details have been submitted of necessary retaining structures and such measures are necessary to protect the stability of the highway in the interests of safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

Drainage

The development shall be drained via a separate system.

The development should not begin until details of a scheme for foul and surface water drainage, including any balancing & off site works have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include proposals for the disposal of all surface water from the development using sustainable drainage techniques or, proof that such techniques are impracticable in this instance. Only in the event of sustainable drainage techniques proving impracticable will disposal of surface water to an alternative outlet be considered.

Should sustainable techniques prove impracticable, any proposed surface water discharge to the public sewer network or to a watercourse to be limited to the rate that exists from the site prior to development less 30%, or to the Greenfield run off rate of two litres per second per hectare.

Full details and calculations of the pre and post development surface water discharge rates should be submitted to and approved by the local planning authority.

The developer must also submit details & calculations to demonstrate any surface water attenuation proposals are sufficient to contain flows generated in a 1:30 year event plus climate change within the underground system together with details & calculations to demonstrate flows generated in a 1:100 year event plus climate change will be contained within the site boundary without affecting the proposed dwellings or safe egress & access.

Discharge of surface water to a culverted watercourse will only be considered if the developer can prove via survey & flow calculation, that the hydraulic capacity and structural integrity of the watercourse are adequate from point of connection to outfall. Records indicate no known watercourses exist adjacent to this site.

Summary of Main Issues:

Principle of development.

Local amenity.

Highway safety.

Trees.

Representations.

Appraisal:

Background

This is an outline application seeking approval in principle for the demolition of an existing house and the development of the land for 7 two-storey houses including the replacement of the demolished property.

The means of access to the site and the development layout are tabled for consideration. The detailed appearance, scale and landscaping of the development would be reserved matters, for consideration under a future application

The proposals here were first presented to the area planning panel at its meeting of 13 July 2016. The panel decided to refuse outline planning permission in respect of application 15/06926/OUT for the reason that there was a lack of information with the application to assess the impact of the development in terms of the standard of access, visibility splays and turning facilities. The proposal was therefore considered to be contrary to Policies TM2 and TM19A of the Council's Replacement Unitary Development Plan.

Following that refusal further details have been prepared by the applicant, which show how, in engineering terms, the access would be formed, together with details of visibility and overall geometry of the access. The layout of the housing development remains the same as was previously considered.

Principle of Development

Local Authorities are required to deliver new housing to meet current shortfalls and the use of unallocated '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 in accordance with Governmental guidance.

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

New housing on unallocated land in an existing urban context is in principle acceptable, provided that local amenity and the living conditions of neighbours, local highway safety and the quality of the wider environment are not compromised.

All planning applications are considered on their individual merits in light of current Governmental policy and of local planning policies and guidance. Where sites are capable of development without significant adverse impact on local residents then it would indeed be appropriate to grant planning permission.

In this case, as noted above, the site is unallocated and subject to the following considerations the development of the site for housing is in principle acceptable. The proposals represent an appropriate means by which best and most efficient use of urban land for new housing provision can be achieved.

This in turn relieves pressure on the Green Belt and other 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 grazing land.

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 and separation distances are such that privacy and outlook would be adequately preserved for existing occupiers to the south.

Save for the semi-detached bungalow at the head of the cul-de-sac there are no dwellings to the north of the site that would suffer any adverse impact.

The dwelling to be demolished and rebuilt to the front of the bungalow would remain in the same position relative to the bungalow and its design, which has yet to be considered would ensure that no net harm would arise for the outlook from or light to that bungalow.

The demolished dwelling at the site entrance would in fact be replaced with a smaller property, the house being shortened in length to provide for the access road into the main part of the site. This would have the effect of moving that dwelling further away from the neighbouring dwelling (#52) at lower level to the immediate south.

That neighbouring dwelling stands at lower level than the frontage of the application site with a retaining wall between it and the proposed site access point. This retaining wall requires engineering work as set out in the submitted drawings. This work would need to be carried out in accordance with an approved structural methodology to ensure all work is satisfactorily and safely completed. Submission of a methodology would be required by condition, to be dealt with at the Reserved Matters stage.

In summary, the new properties would be a sufficient distance from nearest neighbours such that there would be no loss of privacy, light or outlook.

In terms then of implications for the amenities of nearest neighbouring occupiers, the layout of the proposed new houses satisfies Policy UR3 of the Replacement Unitary Development Plan.

The surrounding housing layout is quite open in arrangement and the proposed layout here satisfactorily reflects the general character of the area.

The development provides a mix of detached and semi-detached properties and there is opportunity for good quality landscaping within the site to ensure an attractive development complementary to its context.

Overall, the proposed layout here and its relationship to neighbouring properties are considered to satisfy Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

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.

During the course of the previous refused application, a request was received from a local ward councillor that these two oak trees be made subject of a Tree Preservation Order (TPO).

The TPO is now in place, preventing the two trees being removed without good cause and enabling the planning panel to make a determination on whether the benefit of new housing on this urban land outweighs the value of these trees.

The applicant offers to ensure that in the event of a grant of outline planning permission here, the loss of these two trees would 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 planting would ensure succession tree growth in more appropriate positions on the site

It is the view of officers that the benefits of the proposed development here would outweigh the removal of these two trees and the landscaping of the completed development site would benefit the wider environment.

Highway Issues

The proposals involve the formation of a new roadway alongside the southern boundary of the site, with dwellings arranged along the northern side of the new roadway. The roadway would fall in level with the contour from its junction with Falcon Road.

This new submission includes details of the means of construction of the site access and the measures to be taken to ensure appropriate levels of support to slopes.

As noted above, this work would need to be carried out in accordance with an approved structural methodology to ensure all work is satisfactorily and safely completed. The submission of a methodology would be dealt with at the Reserved Matters stage.

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

The proposals would inevitably 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 play in the road along the cul-de-sac. Residents are concerned that high vehicle numbers would make the cul-de-sac unsafe for existing road users and pedestrians.

In mitigation traffic speeds are necessarily slow in this short and quite steep cul-de-sac. The council's highway engineer considers that in view of the low traffic speeds the proposals would not compromise road safety and therefore the proposals satisfy Policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

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 or 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.

The two trees that would be lost presently occupy the middle of a residential garden, standing on what was likely to have been an original boundary line. The trees would be replaced by new planting of appropriate species and sizes and the new planting would occupy more suitable positions than the centre of a garden.

Community Safety Implications:

There are no community safety implications.

Equality Act 2010, Section 149:

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

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 engineering and construction methodology,
- ii) design,
- iii) landscaping,
- iv) layout, and
- v) scale of the development 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 under BRE Digest 365, 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.

The developer must also submit details and calculations to demonstrate any surface water attenuation proposals are sufficient to contain flows generated in a 1:30 year event plus climate change within the underground system together with details & calculations to demonstrate flows generated in a 1:100 year event plus climate change will be contained within the site boundary without affecting the proposed dwellings or safe egress and access.

Reason: In the interests of flood prevention and flood safety 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 during the planting season 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 character of the local area, 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.

7. 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 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.

8. 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.

9. Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan and retained whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

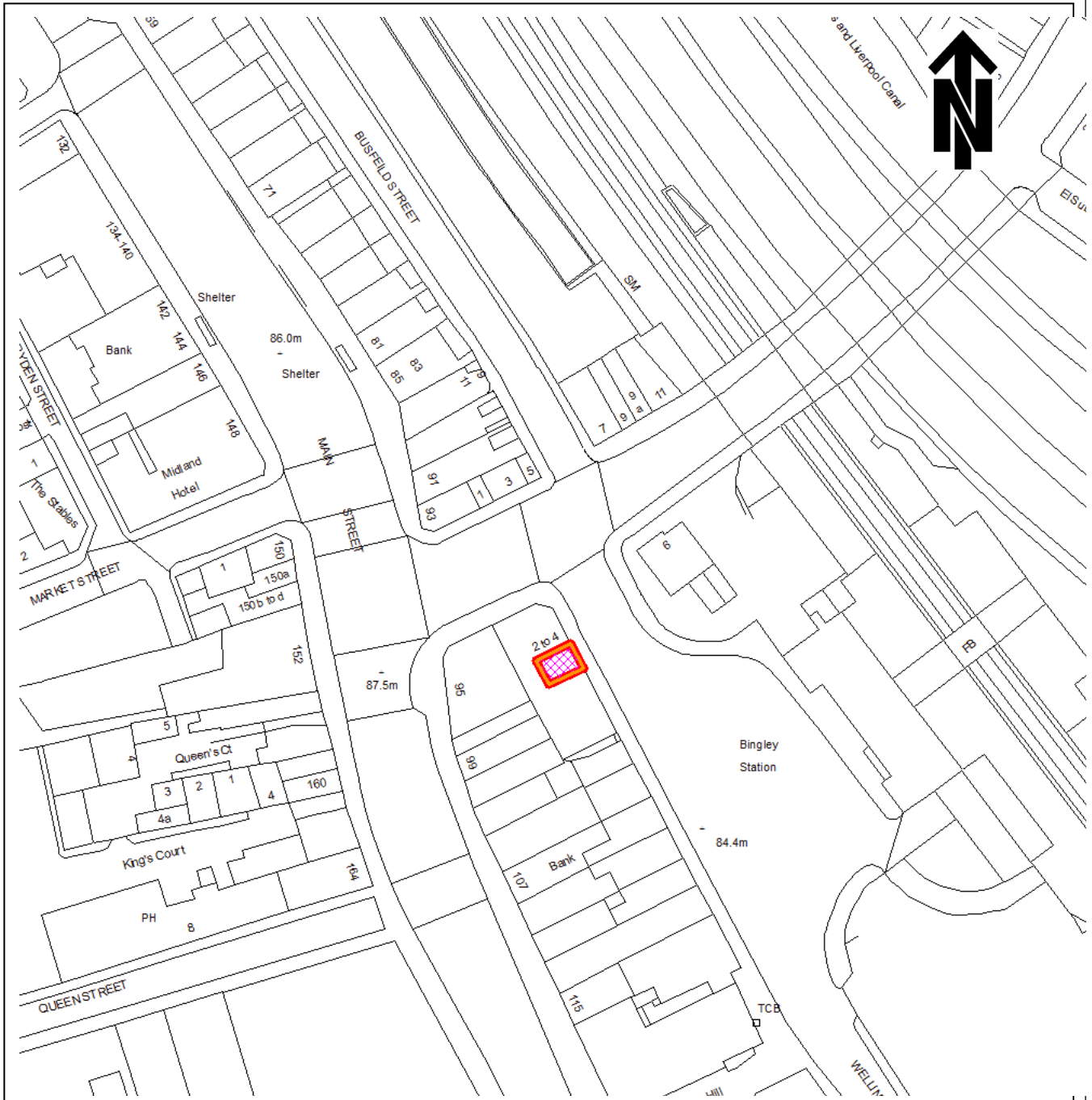
10. Before any development commences on site, full details, including all necessary calculations of those temporary and permanent works affecting the stability of the highway boundary walling to shall be submitted to and approved in writing by the Local Planning Authority. The measures so approved shall be carried out in accordance with a programme of works to be approved in writing by the Local Planning Authority.

Reason: Details are required of necessary retaining structures and such measures are necessary to protect the stability of the highway in the interests of safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

16/06124/FUL

20 October 2016



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<p>ITEM NO. : G</p>	<p>LOCATION: Office 3 First Floor 2 Wellington Street/4 Park Road Bingley BD16 4JA</p>
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20 October 2016

Item Number: G
Ward: BINGLEY
Recommendation:
TO GRANT PLANNING PERMISSION
APPLICATION WITH TWO PETITIONS

Application Number:
16/06124/FUL

Type of Application/Proposal and Address:
Planning application for the change of use of a 1st floor office to use as a private vehicle hire office base at Office 3, First Floor, 2 Wellington Street/4 Park Road, Bingley, BD16 4JA.

Applicant:
Mr David Whitaker

Agent:
Mr Nick Verity

Site Description:
The application seeks to change the use of a first floor office in a building located on the corner of Park Road and Wellington Street in the town centre of Bingley. It is opposite Bingley railway station and its forecourt. There is a Hackney carriage rank on Wellington Street immediately adjacent to the site.

Relevant Site History:
None.

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

Within City, Town and District Centre Boundaries (S/CL1)

Primary Shopping Area (CT5)

Bingley Conservation Area (BH7)

Proposals and Policies

UR3 The Local Impact Of Development

CT2 Use of Vacant or Underused Upper Floors of Buildings within City and Town Centres

CT5 Primary Shopping Areas

TM11 Parking Standards for Non Residential Developments

TM19A Traffic Management and Road Safety

D4 Community Safety

BH7 New Development in Conservation Areas

Parish Council:

Bingley Town Council – No response has been received.

Publicity and Number of Representations:

The application was published by site notice and neighbour notification letters.

30 objections have been received plus two petitions objecting to the proposal. One with 25 signatures and one with 30 signatures

One letter of support from a Ward Councillor has been received.

Summary of Representations Received:

Support

Councillors representing the Bingley ward support of the application, being in favour of a local firm run by local drivers in the town. If the application was recommended for refusal the councillor requests that it be considered by Panel.

Objections

1. There are too many private hire cars all over the city. Now they trying to put hackney carriage drivers out of business by trying to open a base next to the hackney rank.
2. There are plenty of buildings to let in Bingley which have better parking and would be more suitable for a taxi operation. If (an office) is needed, I would suggest this be done well away from the taxi rank and away from the town centre.
3. The proposal will create serious highway and pedestrian safety issues as it fails to provide for any off street parking facilities to cater for the needs of the business and is therefore likely to lead to indiscriminate parking around the site. Contrary to Policies UR3, TM2, TM11 and TM19A of the RUDP.
4. Taxis will park on the street and use the railway station car park depriving rail users of it and they will manoeuvre on the street causing highway and pedestrian safety implications.
5. The need for more private hire provision in the area is queried. Another private hire business will have adverse economic implications for the existing taxi businesses in the area.

6. It will cause an increase in noise pollution and disturbance for residents.

Consultations:

Highways Development Control – The site is located on the Wellington St/Park Road junction. There is a hackney carriage taxi rank along the site frontage on Wellington Street which accommodates 5 vehicles.

The Council's current car parking standard for private hire booking offices is a minimum of 5 spaces or 1 space per every 4 cars operating from the booking office, whichever is the greater. There are no off-street parking spaces associated with these premises.

Notwithstanding this, the applicant intends on running the site for telephone bookings only and private hire vehicles would park elsewhere and be controlled by radio. In my experience drivers do tend to visit the office during quiet times and also to be as close as possible to sources of custom; some parking would therefore be likely to take place in public parking areas within the town centre, and on surrounding streets.

Although the proposal would have some impact on local roads, I do not foresee any undue highway safety problems arising if a condition is imposed to prevent facilities being provided at the site for customers and drivers, to prevent problems arising from the highway being blocked by private hire vehicles waiting for and picking up customers at this location.

While each application is considered on its merits, precedent for approving a private hire booking office with conditions preventing drivers and customers visiting the premises has already been set in Bingley town centre by planning permissions 10/00967/FUL for 96 Main Street and 12/05022/FUL on Chapel Lane. Therefore I can support approval of this application with similar conditions.

Conservation Team – The application site is a late 19th century office building located within Bingley conservation area. The proposal is for a change of use of part of the first floor to private hire booking office. I note that there will be no external alterations and that the office will not be open to members of public. On this basis the proposal is considered to preserve the character and appearance of the conservation area and accords with saved RUDP Policy BH7.

Environmental Protection – No objection subject to conditions to restrict number of vehicles and to prevent the premises shall be used for a booking office, and at no time shall customers wait in or be collected from the office. The office shall strictly be for employees of the business and not for patrons or customers.

Summary of Main Issues:

1. Principle.
2. Impact on Residential Amenity.
3. Impact on Conservation Area.
4. Impact on Highway Safety.
5. Community Safety Implications.
6. Comment on third party objections.

Appraisal:

The Proposal

The proposal is to change the use of one of a suite of offices situated at the 1st and 2nd floor of this building to a private hire office. The application describes the intended use as being for the control of pre booked cars - passing bookings made by telephone to cars out on the road. It is expressly stated that it would not function as a booking office for the public, and cars would not be collecting customers from the premises. The applicant maintains that as the office is at first floor level, with no obvious access for the public, this would further discourage customers coming to the premises.

The application form estimates that 3 part time employees would be involved. The bookings would be taking place 24 hours a day.

No external alterations or modifications to the pedestrian access are proposed.

Principle

The private hire office would be in Bingley town centre boundary, in the primary shopping area centred on Main Street. As the office would be located at first and second floor level it will not involve loss of any retail space and so would have no appreciable impact on the viability or vitality of the shopping area. The proposal will also accord with Policy CT2 of the RUDP, which encourages the use of vacant or underused upper floors of buildings in the town centre where there is no adverse effect on the appearance and retail function of the central shopping area

Residential amenity

There do not appear to be any residential properties immediately adjoining the site. 24 hour operation is therefore not likely to be a problem and the Council's Environmental Protection Officer has no objections. If no facilities are provided for customers to book rides at the site, the proposal will not encourage late night congregation of customers and so will have few, if any, implications for residential amenity. The conditions restricting the use suggested by Highways DC and Environmental Protection Officers should be imposed.

Conservation Area

Though in Bingley Conservation Area, the proposal will not require any external alterations and will not be a particularly intensive use compared with past use as a conventional B1 office. The proposal will have no significant impact on the character or appearance of the conservation area and will accord with Policy BH7 of the RUDP.

Highway safety

The site is located on the Wellington St/Park Road junction. It is agreed that this is a busy corner of the town centre. There is a hackney carriage taxi rank along the site frontage on Wellington Street which accommodates 5 vehicles, buses pass nearby and along Wellington Street and the station forecourt is busy with vehicles depositing and collecting people using the train - during the day and into the late evening.

There are no off-street parking spaces associated with these premises. If the use was a private hire booking office, the Council would expect a minimum of 5 off street parking spaces or 1 space per every 4 cars operating from the booking office, whichever is the greater.

However, the application states that there is no intention by the applicant to use the premises as a booking office. It would be used for the control of the private fleet by telephone and radio - and for taking telephone bookings. There will be no customer collection point; no customer waiting facilities at the premises; and there will be no public access to the office.

As the office is not at street level, members of the public would have to negotiate a door and flight of steps to reach it. It seems unlikely from the layout of the building that customers would attempt to gain access and the applicant intends to install a sign stating no access for the public at street level prior to development commencing to further clarify this point.

As the office will not function as a taxi booking office there will be no congregation of customers or vehicles outside or around the proposed site. If this is enforced, the change of use will not increase traffic or parking levels in the surrounding area.

Although officers accept the applicant's assertion that use as a private hire booking/control office will not involve visits from customers, they are more dubious about the claim that no drivers would make use of the office. Experience suggests that most control offices involve occasional visits by drivers during quiet times for rest or instruction. Officers therefore expect that some additional parking would be likely to take place in whatever public parking areas were available within the locality. However, whilst this would have some impact on local roads, the Highway Officer does not foresee such demand being significant or leading to any undue highway safety problems given the already busy nature of the roads and the character of the surrounding highway network.

If a condition is imposed to prevent facilities being provided at the site for customers and drivers, it is unlikely that the use would give rise to any significant problems compared with the existing situation. Such a condition was recently imposed in respect of permission 12/05022/FUL which authorised a similar taxi control office in 1st floor premises at 13A Chapel Lane (although this does not appear to have been implemented).

The private hire booking office hereby approved shall be used solely for the telephone and radio arrangement of the private hire business and shall not operate so as to attract visiting customers, as a waiting room for customers or as a rest and refreshment facility for taxi/private hire vehicle drivers. No facilities shall be provided within the premises that are designed to function for such purposes.

The Highway Officer can support approval of this application if this condition is imposed.

To further emphasise this, it is also proposed to act on the applicant's offer of a sign being fixed to the entrance door to say "No access for the public" which will further deter access by customers.

Response to objectors

The need for car parking, the impact on other road users and highway safety have been dealt with in the proceeding report. It is not accepted that a control office would worsen existing local traffic congestion or lead to safety problems. Nor would the use be inappropriate to this town centre location or affect residential amenity.

There is a perception by many objectors that a private hire car office next to the hackney carriage rank is provocative in that it would be providing competition and potentially threatening to put hackney carriage drivers out of business. Hackney Carriages and Private Hire vehicles provide different services, meeting different needs with the latter providing pre booked rides. But in any event, competition is not a matter for the Local Planning Authority.

There are also comments regarding public confusion of the two services if the private hire office is next to the Hackney Carriage rank, but if the proposed private hire booking office does not allow customers into the office or members of the public to make bookings at the site, it will not be attracting customers. If the suggested conditions are met, there will be no assembly of private hire customers or private hire vehicles at the site that would cause conflict with the use of the rank that is clearly marked and reserved for Hackney Carriage use.

Community Safety Implications:

The proposed private hire booking office will be secure, in an open location subject to surveillance by the occupiers of other properties and pedestrians in the surrounding area and is not considered to raise any community safety issues. As such the proposal will accord with Policy D4 of the RUDP.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance 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 principle of the proposed private hire booking office is acceptable in this town centre location. It would have no impact on the conservation area, or on residential amenity. Conditions limiting the use to prevent formation of customer booking facilities have been recommended which would address any highway safety and community safety concerns. As such the proposal is considered to be in accordance with Policies UR3, CT2, CT5, TM11, TM19A D3, D4 and BH7 of the Replacement Unitary Development Plan.

Conditions of Approval:

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

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

2. The private hire booking office hereby approved shall be used solely for the telephone and radio arrangement of the private hire business and shall not operate so as to attract visiting customers, as a waiting room for customers or as a rest and refreshment facility for taxi/private hire vehicle drivers. No facilities shall be provided within the premises that are designed to function for such purposes.

Reason: To discourage access to the office by customers, in the interests of highway safety and the amenity of adjoining occupiers. To accord with Policies UR3 and TM19A of the Replacement Unitary Development Plan.

3. Before the property is brought into use for the approved purpose, a sign saying "No access for the public" shall be fixed to the entrance door to the premises at street level.

This shall be retained whilst ever the premises are used as a private hire taxi office.

Reason: To discourage access to the office by customers, in the interests of highway safety and the amenity of adjoining occupiers. To accord with Policies UR3 and TM19A of the Replacement Unitary Development Plan.