

Report of the Strategic Director, Regeneration to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 14 December 2016

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Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
A.	11 Menston Old Lane Burley In Wharfedale Ilkley LS29 7QQ - 16/08271/FUL [Approve]	Wharfedale
B.	17 Victoria Road Saltaire Shipley - 16/08238/FUL [Approve]	Shipley
C.	5 West View Wells Road Ilkley LS29 9JG - 16/07924/FUL [Approve]	Ilkley
D.	Unit 15 The Moors Shopping Centre South Hawksworth Street Ilkley LS29 9LB - 16/08529/FUL [Approve]	Ilkley
E.	Car Park Former 18 Russell Street Keighley - 16/07573/FUL [Refuse]	Keighley Central

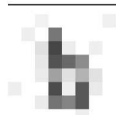
Julian Jackson
Assistant Director (Planning, Transportation and Highways)

Report Contact: Mohammed Yousuf
Phone: 01274 434605

Email: mohammed.yousuf@bradford.gov.uk

Portfolio:
Regeneration, Planning & Transport

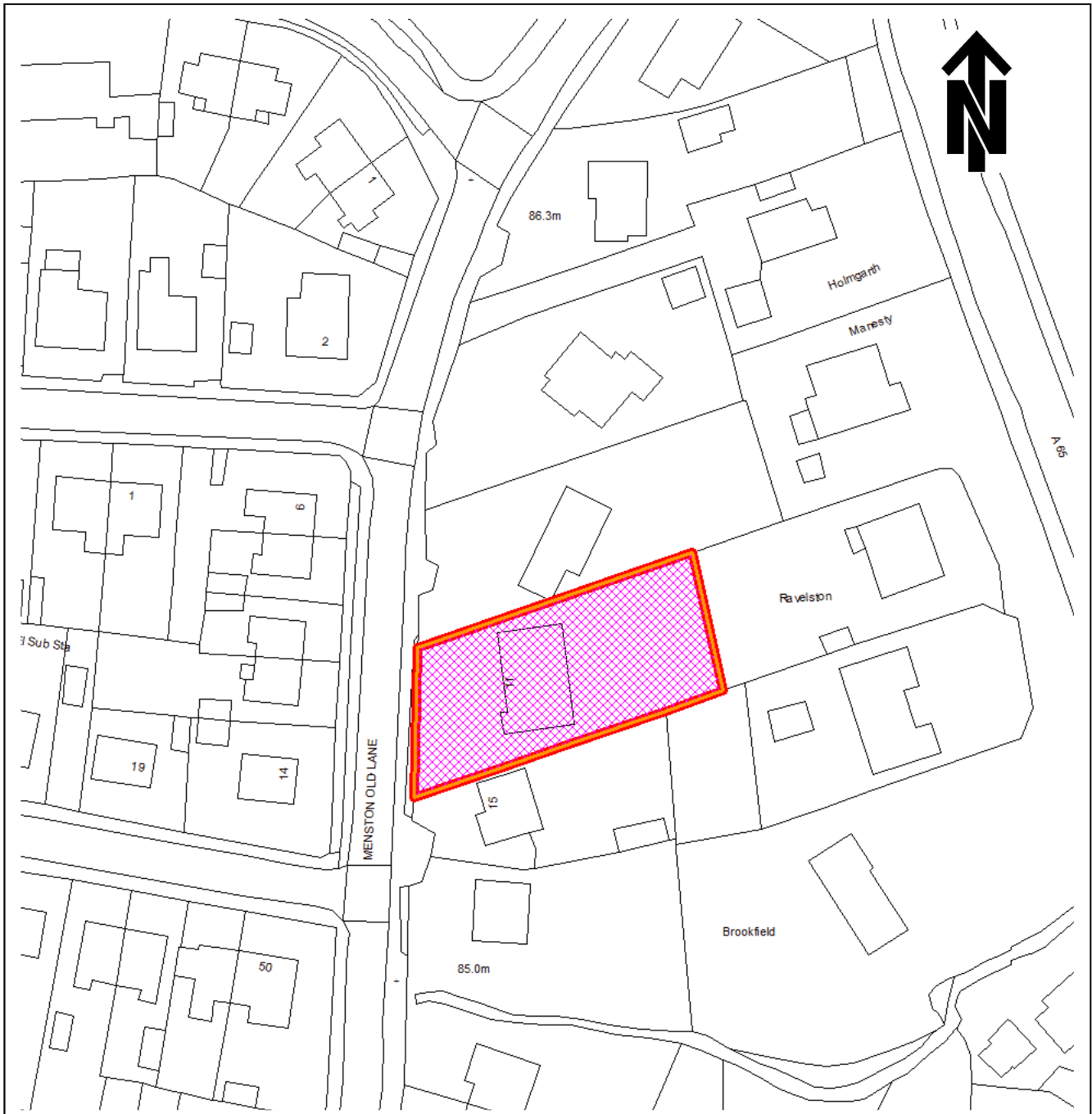
Overview & Scrutiny Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley/Shipley)

16/08271/FUL

14 December 2016



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ITEM: A

LOCATION:

**11 Menston Old Lane
Burley In Wharfedale LS29 7QQ**

14 December 2016

Item: A
Ward: WHARFEDALE
Recommendation:
TO GRANT PLANNING PERMISSION
APPLICATION WITH A PETITION

Application Number:
16/08271/FUL

Type of Application/Proposal and Address:

Full application for the demolition of a detached bungalow and construction of a pair of semi-detached dwellings with associated parking at 11 Menston Old Lane, Burley-in-Wharfedale, Ilkley, LS29 7QQ.

Applicant:
Bank Head Group

Agent:
MAS Design Consultants

Site Description:

11 Menston Old Lane is a 1960's brick built bungalow flanked to north and south by two dormer bungalows at 9 and 15 Menston Old Lane. The existing bungalow is unobtrusive - being low in height and sitting behind a hedge along the street frontage. There is a long back garden stretching back to dense screening along the rear boundary of the plot.

The surrounding area is characterised by a mixed assortment of C20th housing. A variety of architectural sizes, styles and building materials are in evidence. Across the street are conventional, two storey rendered semis with red clay tiled roofs. The dwellings to either side are dormer bungalows built predominantly in brick and render. Number 9 has a steeply pitched roof. Number 15 has an extension projecting to the rear.

Relevant Site History:

No previous applications are recorded. The existing bungalow has no extensions.

The National Planning Policy Framework (NPPF):

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

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated land.

Site is in Flood Risk Zone 2 as defined by the Environment Agency Flood Risk Maps.

Proposals and Policies

UR3 – local planning considerations

D1 – design considerations

TM12 – car parking standards (residential)

TM19A - road safety and traffic management

NR16 – Surface Water Run Off and Sustainable Drainage

NR15B – Flood Risk

Parish Council:

Burley Parish Council: Recommends approval.

Publicity and Number of Representations:

Publicity by site notice and neighbour letters to 3.11.2016.

Eight representations of objection have been received, including objections from the MP for Shipley and a Ward Councillor on behalf of residents.

A petition of objection has also been received, signed by ten residents from six local properties.

Summary of Representations Received:

1. The pair of semi-detached houses would be totally out of character with the neighbouring detached 1930s chalet style bungalows either side, due to their much higher roofline and because they would be closer to the road than the existing bungalow and any other homes on Menston Old Lane. This would disturb the street scene. Reducing the roofline and setting the development back from the street would mitigate the adverse effects on adjacent properties and preserve the character of the street.
2. As a result of the proposed higher roofline, adjoining homes and those across the street will suffer increased shadow and loss of direct sunlight particularly during the winter months. The views from No 9 of the surrounding countryside to the west will be totally obliterated by an unreasonably high gable end on the semis.

3. The proposed development will reduce the privacy enjoyed by the neighbours opposite who are not currently overlooked by the existing bungalow. Particular concern is with a possible balcony area accessed from the first floors of the development which would seriously reduce the privacy at the rear of adjacent property. Impact on a bedroom window to No 9 s also referred to.
4. Menston Old Lane is an increasingly busy road where the 30mph limit is often ignored. The proposed second driveway introduces a new hazard to Menston Old Lane which is a busy road with cars often going over the 30mph limit.
5. There is insufficient parking and turning room for cars in the lower of the 2 proposed dwellings. Reversing out of the proposed dwelling would be hazardous, particularly as the site is set down off the road.
6. This is a quiet residential area with families and professional working people and we have concerns about noise and disturbance during the development.

Consultations:

Highways Development Control: Raise no objections and recommend standard conditions to secure provision of access and car parking before occupation of the dwellings.

Drainage Section: Development to be drained via a separate system within the site boundary. The development should not begin until details of a scheme for foul and surface water drainage, including any balancing and off site works have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include proposals for the disposal of 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.

Summary of Main Issues:

Principle of development.

Design, Scale and siting – appropriateness to the character of the area.

Impact on the amenity of neighbours.

Highway issues.

Flood Risk/Drainage.

Appraisal:

Principle

The site is within the built up area and is previously developed land, being occupied by a single bungalow. The proposal for two houses presents an opportunity to secure a higher density of residential development - providing the scale and height maintains the character of the area and does not adversely affect the amenity of existing occupants.

Objectors and petitioners generally accept that the site is suitable for redevelopment. The issue is the proposed position and height of the houses now being proposed.

Scale and siting

RU DP Policy D1, amongst other things, requires new development to relate well to the existing character of the locality in terms of scale massing height and materials. Policy D1 is consistent with the general thrust of the National Planning Policy Framework which seeks good quality design and to reinforce local distinctiveness.

It is agreed that the position of the dwellings, along with the height, scale, and materials are important to local character. Objectors call for the two houses to be set further back into the site to the position of the present bungalow and so reduce the effects on properties across the street and maintain the building line. They also consider that the height must be lower, being proposed as chalet/dormer bungalows, to reflect the nature of dwellings to either side.

However, the developer and agent consider that the scheme submitted is an appropriate and sympathetic response to the site, using the site more efficiently than the existing outdated bungalow to provide two new family houses built to modern construction standards.

It has to be said that the street scene along Menston Old Lane is very varied. It displays a range of residential house types from the 1960s, 1970s and 1980s. Houses along the road are also set on varying alignments and built at different densities and heights. There are conventional two storey semi-detached houses directly opposite the application site which are on a strong alignment and grouped closely together, with side extensions closing the gaps between properties. In contrast, along on the east side of the street, the 6 dwellings to north and south of the application site are detached properties built in larger gardens. The Ordnance Survey plan shows clearly that the houses on the east side of Menston Old Lane are not set on a regular alignment or at a fixed distance back from the street frontage. The adjoining dwelling at 9 Menston Old Lane is built at an angle to the street.

The prevailing layout and therefore character of residential development in the immediate locality is therefore not especially regular or consistent.

This proposal is for a pair of two storey semi-detached dwellings of conventional two storey height. The height to the ridge is 9.4 metres and reflects the height and roof form of the houses opposite. These existing semi-detached houses have ridges at 94.4 metres AOD, and 93.65 metres AOD. The proposed pair of semis would have their ridge at 94.04 metres AOD, which is midway between. The propose houses would therefore be of similar height, scale and impact as the semi-detached houses immediately across the street.

Objectors, including the ward councillor, have expressed concern about land levels. There is a very gradual slope across the street but it is almost imperceptible. The datum levels provided by the agent demonstrate that the ridge of the proposed houses would not be higher than the semis opposite and so while they would be taller than the existing bungalow, they would not appear out of keeping or be over dominant.

Whilst the existing bungalow has a very low profile, the adjoining dwellings are not especially low in height. Number 9, for example has a steeply pitched red tiled roof that provides roof space accommodation.

With regard to siting, whilst the houses directly opposite follow a strong “building line”, on the east side of the street there is no strong or continuous “building line” that the new houses must follow.

The position of the new houses is set forward of the position of the present bungalow. The new houses would be between about 6 metres and 2.5 metres forward of the present bungalow, but they would still be set back between around 7.8 metres and 10.9 metres from the back of the footway. By comparison, the existing property immediately to the south at 15 Menston Old Lane is set back by around 10.7 metres.

Objectors say that no reason has been given why the proposed development must be built so much closer to this narrow road compared to the existing dwelling, nor has any reason been given why the proposed dwelling cannot be positioned further back on this large site. However, the agent/applicant has not proposed such a scheme and consider that the scheme presented optimises use of the site without detriment to local character or amenity.

Officers accept that the mix of properties along the street is such that the application site could successfully accommodate a building that is slightly higher than the adjoining dwellings without it appearing unduly dominant or out of keeping. This is demonstrated by a submitted elevation showing the profile of existing and proposed development.

Illustrative material from the applicant supports the argument that the proposed pair of new dwellings would sit comfortably on the plot, sufficiently back from the street and behind the alignment of 15 Menston Old Lane so as not to harm the varied character of the street. Given the evidence presented, there is no compelling planning reason why new housing development on this side of the street must only be set in the position of the existing bungalow, and no further forward. Nor is there any convincing case why it must be limited to the same height as the dwellings to either side. The degree of set back of the houses from the street is sufficient to maintain the general character of the area.

Design and materials

The materials to be used have now been clarified. The surrounding area contains a varied mix of stone brick and render, with blue, grey and red tiles all being visible. The new dwellings will incorporate a contrasting mix of natural stone and render and the composition of the elevations now shows an attractive presentation to Menston Old Lane. Roof materials would be a blue slate.

The parking forecourt to each house would be block paved in buff coloured block paving. The plans indicate an intention to retain the existing hedge along the street frontage, although parts would need to be removed to create gaps for the drive access points.

Despite local objections, the design of the dwellings has been well considered and would be appropriate to the existing character of the locality in terms of scale massing height and materials. Requirements of Policy D1 are satisfied.

Impact on the amenity of adjoining occupiers

The proposed houses would be designed so principal windows face east into the long back gardens, where there is a dense hedge, or forward onto the street. No habitable room windows are placed facing the properties to either side.

Objections have been received from occupiers of houses across Menston Old Lane expressing concerns about loss of outlook and privacy due to the closer presence and greater height of the proposed houses compared with the present bungalow.

However, there is a gap of 26 metres between the proposed and existing houses and the separation is across a well used public highway. The new houses would be between 2.5 and 5.2 metres closer to the street than the present bungalow, but the degree of separation exceeds standards that are normally sought. While the proposed houses would clearly be higher and more noticeable than the present bungalow, there is no evidence that they would cause undue dominance, loss of privacy or overshadowing to the houses across the street.

The existing semi-detached houses opposite have ridges set at 94.4 metres AOD, and 93.65 metres AOD. The proposed pair of semis would have their ridge at 94.04 metres AOD. The height of the new houses would therefore be essentially the same as the houses across the road.

The new houses would be slightly higher than the adjoining dormer bungalows, but would not unduly dominate them. The new houses would maintain a separation of 3 metres between the two storey section of side wall and the boundary with the dwellings to either side.

To the south, 15 Menston Old Lane has no habitable room windows in its side wall and, the new dwellings would not overlap the rear elevation windows. No objections have been submitted by this occupier and it is not considered that the amenity of the occupiers of this property will be harmed.

On the north side, 9 Menston Old Lane is orientated so it is set at an angle to the street, but the part of that dwelling closest to the side wall of the new houses is a single storey garage. There is a 1st floor bedroom window presently facing onto the application site and great concern about the effects of the development on this has been expressed by the neighbour. However, whilst the proposed house would be visible from the window compared with the existing low rise bungalow, protection of views would not be a valid reason for refusal. The bedroom window would be set around 11.8 metres from the 2-storey side wall of the new dwelling and the window is placed so it is orientated at an angle, rather than facing directly onto the blank side wall. In such circumstances, the proposed houses would have little effect on daylight or outlook from this window.

Balcony: Finally concern is raised regarding a possible rear balcony area accessed from the first floors of the development which would allow views into adjacent gardens. However, the agent has made it clear that no balcony is shown on the drawings and, indeed, nor is one structurally possible. The rear part of the kitchen/dining rooms to each house has a flat roofed projection with doors that lead onto a rear patio. However, the flat roofed projections are designed with large areas of roof glazing which would preclude the use of the flat roofs as balcony space. Incorporation of these flat roofed kitchen/dining rooms as part of the house design would not compromise the privacy of adjacent properties because they could not be used as balconies.

Highway and parking issues

The scheme provides an integral garage and at least two parking spaces on the drive forecourt for each dwelling, with a minimum driveway width of 3m retained for each. The driveways for each house will be 7.8 metres and 10 metres long, providing ample standing space clear of the highway for cars.

There is limited space for turning, so cars would need to back out into Menston Old Lane, but this is the prevalent arrangement for existing houses along this street.

The Council's Highway Officer raises no objections in principle to the redevelopment of the site for two dwellings subject to standard conditions requiring provision of the car parking facilities.

Flood risk

Although comments have been made that this area has never flooded, the majority of this site is, nevertheless, located in land identified by The Environment Agency as within Flood Zones 1 and 2 of the Environment Agency Flood Map, and as such it has a low to medium risk of fluvial flooding from a beck to the south of the site.

A Level 2 Flood Risk Assessment in accordance with the National Planning Policy Framework has been prepared to support the planning application. This describes how the development will be made resilient to future risk of flooding and avoid imposing flood risk to other properties.

The source of flood risk is Mickle Ing Beck situated approximately 35m to the south, and culverted beneath Menston Old Lane. Flood levels for the watercourse known as Wood Head Beck located approximately 250m north of the site would not affect the proposed development during all return periods. The applicant's consultants determined that the potential level of flooding associated with Mickle Ing Beck during the 1 in 1000 year event is approximately 84.59m AOD.

To mitigate against the fluvial flood risk, the applicant's consultants recommend that the following measures are incorporated into the development proposals:

- Finished floor levels of the new build should be set at a minimum of 300mm above general ground levels. $84.59\text{AOD} + 300\text{mm} = 84.89\text{m AOD}$. This will need to be specified in the planning conditions but is already factored into the plans presented.
- Secondary sources of flooding such as artificial water sources; groundwater; overland flows; and ponding have also been investigated by the applicant's consultants and are deemed to present a low risk of flooding to the proposed development site.

Drainage

Due to the scale of the development it is considered that the surface water and foul flows from the development should re-utilise the existing connection currently serving the existing dwelling. Following completion of the development, surface water runoff levels will be marginally increased. However, it is proposed that the effects of this can be offset by the incorporation of SUDS methods within the final design, with permeable block paving to hard surfaces, and rain harvesting being included within the applicant's drainage strategy.

The Council's Drainage Section has raised no objections to the development. The existing development on the site is currently served by a drainage network, with surface water runoff being directed via traditional gutters and downpipes to the public combined sewer in Menston Old Lane. Surface water and foul flows from the development would re-utilise the existing connection currently serving the existing dwelling.

The Council's Drainage section has recommended that a condition should require details of foul and surface water drainage, including any balancing and off site works, to be reserved for detailed approval.

Bats

The applicant has carried out a survey to establish the likelihood of the bungalow being used by roosting bats. The applicant's consultant advises that it has limited roosting opportunities and is categorised as being of low importance to bats. This is because the walls and roof are in good condition - without gaps or cavities or obvious access points to the wall tops that would offer roosting potential.

There were no droppings on pathways, windowsills or glass and no obvious signs of bats being present found by an activity survey carried out. No bats were observed emerging from the building - but small numbers of common pipistrelle were observed hunting in gardens to the rear of the site. The conclusions were that bats are present foraging in the locality, but bats are not using the building and demolition of the existing bungalow is not likely to have any effect on the local bat population. It will not destroy or damage nursery roosts or cause loss of foraging habitat.

The Council's Countryside Officer questioned why there was only one activity survey in September, at the end of the acceptable survey period. However, the applicant's consultant argues that the single survey was, in his experience, sufficient to establish the potential for roosting bats given the good condition and construction of this particular building. Had this been a large period building or a stone barn less effectively maintained by the previous owner then a different approach would have been advised.

The internal loft space was not inspected, but the applicant's consultant has since revisited this. The consultant has found no evidence of access to the roof void by bats.

The applicant's surveyor recognises that bats are clearly present in the area and therefore recommends a precautionary approach during works, including the need to make demolition contractors aware of the possibility of bats and to remove the ridge and top rows of tiles by hand in the winter time. The applicant is aware that if the demolition is to take place during the summer period, a further activity survey at the optimal time should be undertaken. If bats are found, all work in that area would have to cease and advice sought from Natural England.

It is recommended that planning conditions can be imposed to require adherence to this suggested precautionary methodology for demolition and to require the creation of permanent bat roosting features in the new build in the form of an enclosed bat housing (lbstock or similar) located on a west or south facing wall of the new houses placed away from windows.

Community Safety Implications:

None.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposal makes more efficient use of previously developed land in the built up area for housing. Careful consideration has been given to objections, but the alignment, scale, layout, appearance and materials proposed are appropriate to the character of the surrounding area. The proposal for one additional dwelling raises no concerns in relation to highway safety and each dwelling is provided with adequate off street parking and garaging. Although having greater bulk and being sited forward of the position of the existing bungalow, the proposals will have no significant harmful impact on the amenity of occupiers of neighbouring properties or those across the street. The scheme will provide good standards of amenity for existing and future occupiers. The proposals accord with the national Planning Policy framework and relevant policies of the Replacement Unitary Development Plan for the Bradford District.

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 carried out in accordance with recommendations of the submitted Flood Risk Assessment by FRC (Report No: 2016-126 dated 01/09/2016), including incorporation of the surface water attenuation measures and the recommendation that the finished floor levels of the new build should be set at a minimum of 300 mm above general ground levels. 84.59AOD plus 300 mm or 84.89m AOD.

Reason: To mitigate against fluvial flood risk in accordance with Policy NR15B of the Replacement Unitary Development Plan.

4. 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.

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.

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

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

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

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

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

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.

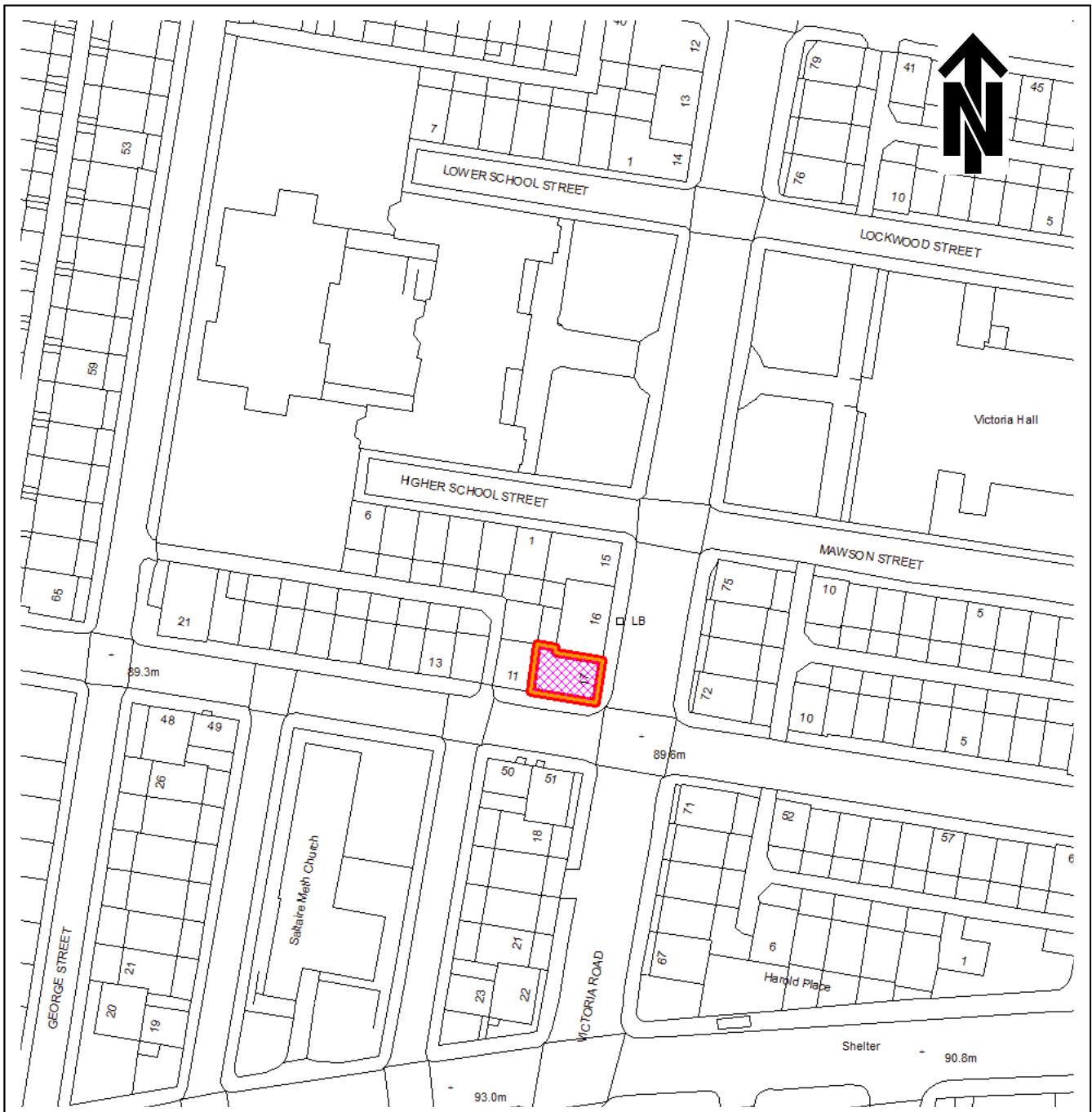
8. Development shall be carried out in accordance with the recommendations and mitigation measures outlined in the submitted bat survey and report received by the Council on 7 October 2016. A permanent bat roosting feature be incorporated in the new dwellings in the form of an enclosed bat house (Ibstock or similar) located on a west or south facing wall and placed high up and away from windows.

Reason: To enhance the provision of nature conservation habitat features at the site in accordance with Policy NE10 of the Replacement Unitary Development Plan and the objectives of the National Planning Policy Framework to promote sustainable development.

Area Planning Panel (Keighley/Shipley)

16/08238/FUL

14 December 2016



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ITEM: B

LOCATION:

**17 Victoria Road
Saltaire**

14 December 2016

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

Application Number:
16/08238/FUL

Type of Application/Proposal and Address:
Change of use of ground floor from A2 (financial and professional services office) to an A3 café at 17 Victoria Road, Saltaire, Shipley.

Applicant:
Mr David Walker

Agent:
Rance Booth Smith Architects

Site Description:
The property is a two storey Grade II listed building currently in use as an accountants office (A2) with the upper floor used for storage. It is located within Saltaire Conservation Area and World Heritage Site. The site is located with a frontage to Victoria Road on the junction with Titus Street. This part of Victoria Road has a more residential character than the lower end, which is closer to the railway station. The rear of the premises abuts a residential dwelling at number 11 Titus Street and to the rear is a shared yard with access off Titus Street.

Relevant Site History:
16/04482/FUL - Change of use to A4 (drinking establishment) – 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 but located within Saltaire World Heritage Site (BH14) and Conservation Area (BH7) and is a Grade II Listed Building (BH4).

Proposals and Policies

UR3 The Local Impact Of Development

TM11 Parking Standards for Non Residential Developments

TM19A Traffic Management and Road Safety

D1 – Design Considerations

D3 Access for People with Disabilities

D4 Community Safety

BH7 New Development in Conservation Areas

BH4 Alteration Extension or Substantial Demolition of listed buildings

BH14 Saltaire World Heritage Site

Parish Council:

Not applicable.

Publicity and Number of Representations:

Publicised with a site and press notice and neighbour notification letters expiry 18.11.16.

26 objections have been received. One objection is from a Ward Councillor.

Summary of Representations Received:

Ward Councillor – Lack of parking, increased vehicle movements, noise and disturbance, loss of residential amenity.

A licenced premises is not appropriate for this site, Saltaire is already saturated by drinking establishments.

Noise and disturbance.

Antisocial Behaviour.

Litter.

Lack of Parking.

Another use of this type is not needed.

Legal Issues regarding right to store bins.

Consultations:

Natural England – No comments to make.

Historic England – No comments to make.

Design and Conservation (World Heritage Site Officer) – The application for change of use to A3 in this location would not have an adverse impact on the Conservation Area, World Heritage Site or the listed building. Approval would support the Council's aspirations to maintain thriving shop front usages in Saltaire and to improve facilities for recreation, tourism and a lively social scene which all contribute to the economic prosperity of the locality. Bin storage is identified as a key issue by the WHSO.

Summary of Main Issues:

Impact on residential amenity.
Highway Safety.
Impact on the heritage assets.

Appraisal:

The application is for the change of use of an accountancy practice (use class A2) to a cafe (use class A3).

This is a speculative application with no defined end user. The premises are currently vacant and the purpose of the application is to allow it to be attractive to a larger range of potential users when it is marketed.

The property is a Grade II listed building within Saltaire conservation area and the World Heritage Site. The premises are at the end of the commercial part of Victoria Road at the junction with Titus Street. Victoria Road has a number of existing cafes sandwich shops and a bar. It is acknowledged that this upper part of the street is much more residential and quiet in character than the lower end which is closer to the railway station and college. There are residential properties in close proximity and number 11 Titus Street directly adjoins the rear of the premises. Residents have concerns about the effects of the use on their living conditions and have pointed out that most properties within Saltaire do not have double glazing which makes them more susceptible to noise disturbance.

A previous application for an A4 use, with proposed opening hours till 9pm has recently been refused on grounds of harm to residential amenity and harm to the character of the conservation area. This proposal seeks permission for an A3 café or small restaurant.

To draw a distinction, an A4 use is a drinking establishment where the primary purpose of the premises is the consumption of alcohol. An A3 use (restaurants and cafes) is where the predominant use is for the consumption of food on the premises, although alcohol may be consumed with a meal.

Cafes and bars are within different use classes and it is not possible to change from the A3 use class to an A4 use without planning permission.

Impact on residential amenity

The limited size of the floor area of these premises will physically restrict the numbers of customers that can be accommodated inside. Indeed, an indicative layout plan suggests 12 seats with a small serving area.

Given the small size of the premises, it is considered that a cafe use (A3) would be acceptable in principle in this location. Whether alcohol is served ancillary to the main use as a cafe which would be a matter for the Council's Licensing Section to control, also a retail element of takeaway food and drink is acceptable from an A3 use.

The application form states that opening hours would be until 7pm Monday to Saturday.

However, due to the close proximity to residential properties and in view of the significant level of objection from local residents, it is proposed that if a café is to be acceptable here, the opening hours should be restricted to 8am-6pm Monday to Saturday, and between 10am-4pm on Sundays and Bank Holidays. A condition to limit hours has therefore been proposed in this report.

The small size of the A3 use as well as the proposal to restrict opening hours are such that it is not considered that the proposal will result in undue disturbance to surrounding neighbours.

The submitted drawings show an intention for soundproofing to the internal wall abutting 11 Titus Street. Full details of the soundproofing should be required to be submitted, agreed and implemented prior to the use commencing. As this is a speculative application, it is difficult to fully appreciate how the premises will operate. The indicative layout suggests that the food preparation area would be the same as the kitchen presently serving the accountant's office. It is likely that a kitchen for a café will be noisier than a kitchen for an office, and also additional noise will be generated by customers. However, it is considered that this can be mitigated by a combination of adequate soundproofing and the restricted opening hours which would avoid late evening opening.

Other Issues

Some objectors make comments regarding the lack of need for another café in Saltaire. These are noted, but this is a non-planning matter dictated by market forces. An A3 use, such as a café, would give more options for future re-use of the premises and this supports the Council's aspirations to maintain thriving shop front usages in Saltaire and to improve facilities for recreation, tourism and a lively social scene.

The objections to a drinking establishment being created are noted. However, as explained above, planning permission would be required for any permitted A3 use to change to an A4 bar. If the premises become used as an A4 bar, it would be subject to possible enforcement action. Whether an A3 use is granted a licence to allow alcohol to be served with food is outside the remit of the planning authority.

Concerns regarding littering and people smoking outside the building have been raised, but the use is not proposed as a takeaway and smoking on the pavement outside will be less prevalent than with an A4 bar use.

It should also be noted that under the Town and Country Planning General Permitted Development (England) Order 2015, if this building were not Grade II listed, its change of use from A2 to A1 to an A3 use would be permitted development subject to the prior notification process.

No external alterations to the property are proposed and only inconsequential minor internal alterations are proposed including removal of non-original stud walls. It is not considered that the works proposed require listed building consent.

At this stage it is not known whether the future user would require an external flue. If this is required Listed Building Consent would be necessary.

Parking

As is common with virtually all properties in Saltaire, there is no off street car parking for the premises, but there is on street and public parking available and this is a sustainable location with good public transport links. It is accepted that an A3 use such as a café would attract more visitors than the previous use as an A2 office and there is already pressure for on street parking in this area. However, a large number of customers may already be visiting the village or local facilities like Shipley College, so it is difficult to gauge how much more direct demand for parking that the use would generate. It is considered that the proposal could result in a slightly increased demand for parking but this would be during the day and is not considered to be significant enough to cause harm to road safety.

Waste storage

The applicant's plans show an intention that a trade waste bin will be stored within the rear yard. There is ample space within this shared yard to store a bin.

Comments have been received which imply that the property has no right to use the rear yard for a trade waste bin, but this has not been proven and rights of usage of the space at the rear is a private matter. From a planning point of view the application shows appropriate arrangements for bin storage and waste handling commensurate with the relatively small size of the proposed A3 premises. Whether the premises remain in A2 or A1 retail use or become an A3 use, occupiers would generate demand for waste bin storage. The small size of the A3 use is such that it is unlikely that it would generate significantly more need for bin storage space than alternative uses. This is a relatively small unit and the amount of waste will be limited by its small scale.

There are a number of bins stored in the yard at the moment presumably including the bins associated with the accountant's office.

Community Safety Implications:

None.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance quality of opportunity between different groups and foster good relations between different groups. 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 cafe has been assessed as being acceptable in this location and its visual impact on the surrounding area including the conservation area, listed building and world heritage site, potential adverse impact on residential amenity, highway safety and community safety has been assessed as being acceptable or can be made so by means of condition on the planning permission. As such the proposal is considered to be in accordance with Policies UR3, D1, TM11, TM19A, BH4, BH14 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. Notwithstanding any details on the submitted application form, the use of the premises shall be restricted to the hours from 0800 to 1800 Mondays to Saturdays and from 1000 to 1600 on Sundays, Bank or Public Holidays and no customer shall be served or otherwise make use of the premises outside these hours.

Reason: In the interests of the amenities of neighbouring residents and local character and to accord with Policy UR3, D1, BH7 and BH14 of the Replacement Unitary Development Plan.

3. Prior to any works commencing to install any external extraction flues or vents to the property, full details of the design location and method of installation shall be submitted to and approved in writing by the local planning authority, the works shall then be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and local character, in accordance with saved Policies BH4, BH7 and BH14 of the Replacement Unitary Development Plan.

4. Before the use commences the building(s) hereby permitted the wall adjoining number 11 Titus Street shall be insulated against noise in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the impact of noise emitted from buildings on neighbouring noise sensitive locations and to accord with Policies UR3 and P7 of the Replacement Unitary Development Plan.

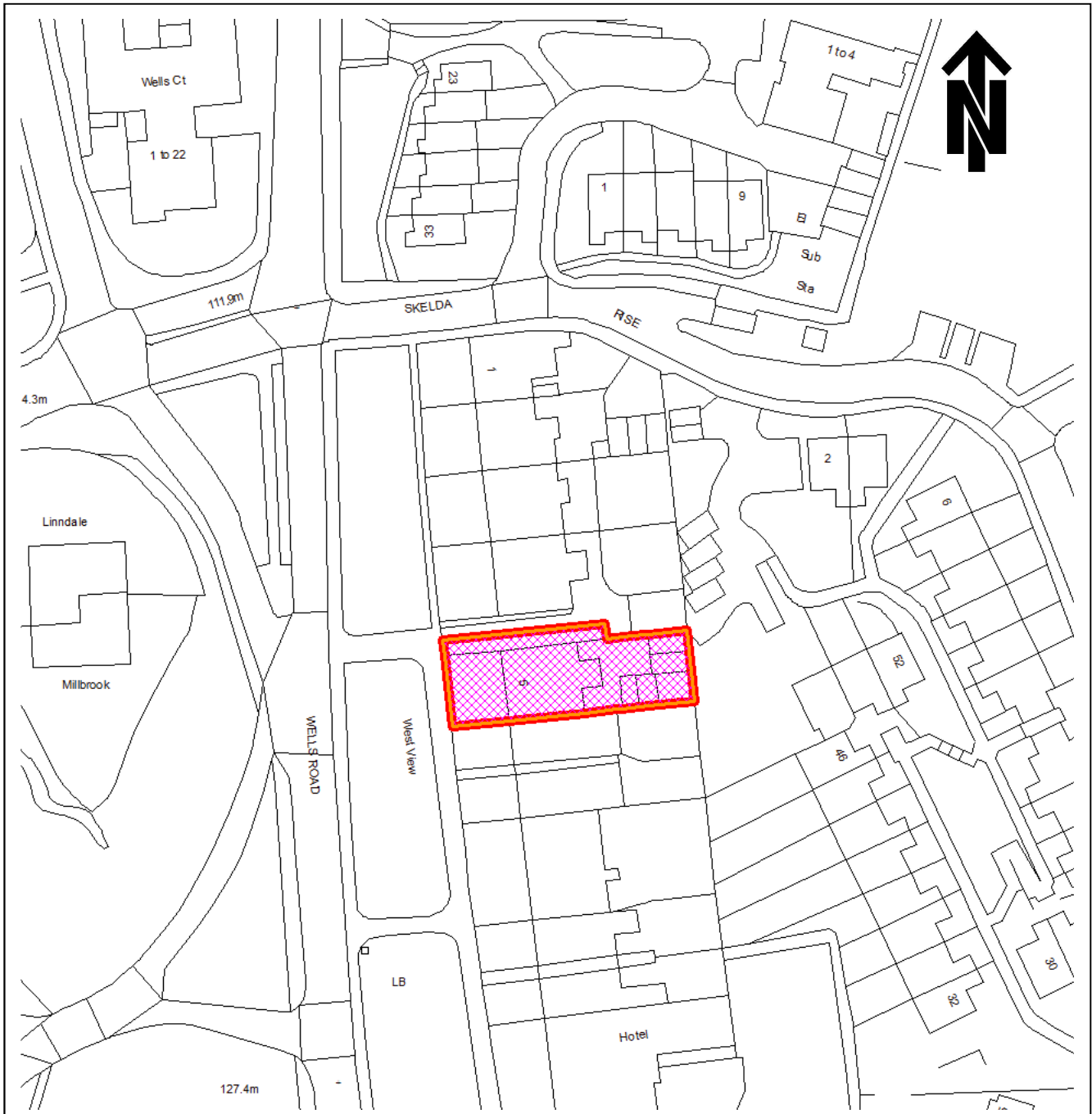
5. The use of the premises as an A3 café shall be restricted to the ground floor of the premises only.

Reason: For the avoidance of doubt as to the terms of this planning permission and in the interests of residential amenity to accord with policy D1 and UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

16/07924/FUL

14 December 2016



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ITEM: C

LOCATION:

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

14 December 2016

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

Application Number:
16/07924/FUL

Type of Application/Proposal and Address:

Full application for an extension to the building to accommodate a lift shaft, at 5 West View, Wells Road, Ilkley, LS29 9JG.

Applicant:

Oak Tree Developments Limited

Agent:

Peter Brooksbank

Site Description:

5 West View is a substantial 19th century end-terraced building which forms part of an elegant row of historic terraced residential properties set back from Wells Road behind open common land and walled gardens. The property is not listed but the adjacent dwellings at 3, 4, 6 and 7 West View are all Grade II listed and the property forms part of the Ilkley conservation area. An access track runs off Wells Road along the north wall of the property giving access to a rear yard which is to provide car parking.

Relevant Site History:

16/02397/FUL: Conversion of eight bedsit flats into five self-contained apartments and demolition of detached garages to the rear. Granted by Area Planning Panel 16 June 2016.

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

16/06615/FUL: Alteration and extension to rear of property to house lift and staircase - amendment to planning permission 16/02397/FUL dated 16.6.16: Conversion of eight bedsit flats into five self-contained apartments and demolition of detached garages to the rear. Withdrawn

The National Planning Policy Framework (NPPF):

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

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

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

Proposals and Policies

BH7:	New development in a conservation area
BH4A:	Within the settings of listed buildings
UR3	The local impact of development
D1	General design considerations

Parish Council:

Ilkley Parish Council: Recommend an approval.

Publicity and Number of Representations:

The application was initially publicised by individual neighbour notification letters, site notice and through the newspaper. Publicity expired 17 November 2016.

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

The Ward Councillor has requested the application to be determined by planning panel.

Summary of Representations Received:

- Impact on the character of the building, street scene and wider Conservation Area as the extension will result in a dominant and incongruous form to an already disproportionate addition.
- Heritage statement is incorrect.
- Not clear how it will affect parking arrangements.
- Loss of outlook, dominance and loss of light impacting on the amenity of neighbouring occupants.
- Disturbance of the noise from the lift shaft.

Other comments have been raised which relate to aspects of the scheme which already have approval but have been duplicated on this application. These are not specific to the current application for the proposed extension to accommodate the lift shaft and so have been omitted from this report.

Consultations:

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

Summary of Main Issues:

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

Residential amenity.

Highway safety.

Other issues raised in the representations.

Appraisal:

Background

A previous application, 16/02397/FUL, determined by Area Planning Panel, in June 2016 has authorised the change of use of this conservation area building to 5 apartments and the conversion work has begun.

The previous application originally included proposals for excavating the front garden to create off street parking and for a lift tower to the rear elevation of the building. Both these aspects of the scheme attracted strong opposition and both were withdrawn from the amended scheme presented to Panel.

The applicant clearly considers it desirable to improve accessibility to the flats by incorporating a lift to enhance access to the building for future occupiers. It would benefit the amenity of future occupiers and permit better access to the upper storey flats by persons with mobility problems.

However, there are constraints to providing a lift tower due to the heritage value of the building and surrounding listed buildings, and the need to avoid harmful effects on neighbours. A revised design for a lift shaft was submitted in a separate application 16/06615/FUL, but the Council's Conservation Officer continued to object to its design, so this application withdrawn.

This current application seeks permission for a modified proposal to accommodate a lift shaft by building an extension onto an existing and original projection at the back of the building.

Impact on conservation area and listed buildings:

The existing projection to the rear of the building will be built outwards by 1.05metres. This will allow reconfiguration of the existing staircase so the space can accommodate a lift shaft alongside the staircase.

The extension is to be constructed by re-using existing coursed stone from the outer walls of the building. Natural slate tiles will match on the existing roof.

If it is approved, the overall depth of the existing and original rear projection would be 3.71 metres. The enlarged rear projection will have an increased presence, but the resulting projection is only 1.05 metres longer and this is not considered either disproportionate to the host building or discordant in the conservation area. Being to the rear of the building, the structure would be relatively hidden and its form and proportions are broadly consistent with neighbouring properties, some of which also have extensions at the rear.

Most of the structure would be faced in matching stonework but a high level, a stone faced structure will protrude above the roof to accommodate the lift gear. A flat roof (grey polyroof) hidden by a small parapet wall with sawn stone copings is also proposed. Although this projection will be a little incongruous, it is not considered prominent, particularly given its siting to the rear of the building. The re-use of the existing stone will ensure the development integrates into its context and the window details submitted are compatible and in-keeping with approved fenestration details.

The installation of a lift shaft in this building will provide improved access for people with restricted mobility requirements, encouraging more sustainable long term occupancy levels for the building. Weight is given to the important objective of improving accessibility for people with disabilities. The development is proportionate and consistent with its context and will not harm the conservation area or the settings of neighbouring listed buildings. The new proposal is now supported by the Council's Design and Conservation team and is considered to accord with policies D1, BH4A and BH7 of the RUDP and with the NPPF.

Residential amenity:

The development would be set in from the two side boundaries with the adjoining properties at 6 and 4 West View. The increase in the depth of the existing rear projection is fairly minimal (1.05metres) and, applying design principles from the Council's supplementary guidance on house extensions, it would not encroach beyond a line drawn at 45 degrees line from the habitable room windows of those neighbouring dwellings. It is therefore not accepted that the additional projection would cause a significant loss of outlook or dominance to the adjoining properties.

Projecting east, there are no concerns with regard to any resulting overshadowing issues to the rear.

It is noted that number 6 West View has a single storey rear extension which appears to be a later addition and benefits from a secondary window which faces toward the application site. The additional depth of the development on the rear will have some effects but not significantly harm the living conditions for the occupants at this address.

A number of windows are currently evident in the north and east elevations of the rear projection. The new proposal reduces the overall number of windows. These windows will serve the stairwell, which is not habitable space and will not in that respect significantly compromise the privacy levels of the neighbouring occupants. Property number 4 West View is set approx 8 metres away with the land separating the two buildings and is used for car parking/access.

The proposed lift shaft mechanism is located at an appropriate distance from the neighbouring dwellings and will be enclosed in a stone structure. Resulting noise disturbances from the mechanism will not significantly impact on the amenity of the neighbouring occupants.

The proposal would not harm the living conditions of occupiers of adjoining properties or conflict with Policy UR3 of the Replacement Unitary Development Plan.

Highway issues:

The extended part of the building will project 1.05metres in depth from the rear elevation of the existing building and will not impact materially on the access and parking arrangements previously approved for this development. In this respect the development poses no concerns with regard to highway or pedestrian safety, satisfying policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

Other matters raised in the representations:

Heritage Statement:

Despite criticism of the lack of detail in the submitted Heritage Statement, the Local Planning Authority has been able to understand and fully assess the impact of the proposed development on the character of the building, nearby listed buildings and the wider conservation area. In itself, this is not a reason for refusal.

Community Safety Implications:

None.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed extension to the building to accommodate a lift shaft would improve accessibility and standards of amenity for future residential occupiers. The degree of additional projection from the rear of the building is now considered proportionate and acceptable. The scale, design and materials are considered to relate satisfactorily to the character of adjacent properties and the wider conservation area. The impact of the development on the amenity occupants of neighbouring properties will not be significant and no highway implications foreseen, and the scale and design are now considered to be in accordance with the requirements of the NPPF and policies D1, UR3, BH4A, BH10, BH7 and TM19A.

Conditions of Approval:

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

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

2. The development hereby permitted shall be constructed of facing and roofing materials to match the existing building as specified on the submitted application which indicates that the stone will be re-used stone from the existing building. Pointing details shall match the existing details.

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

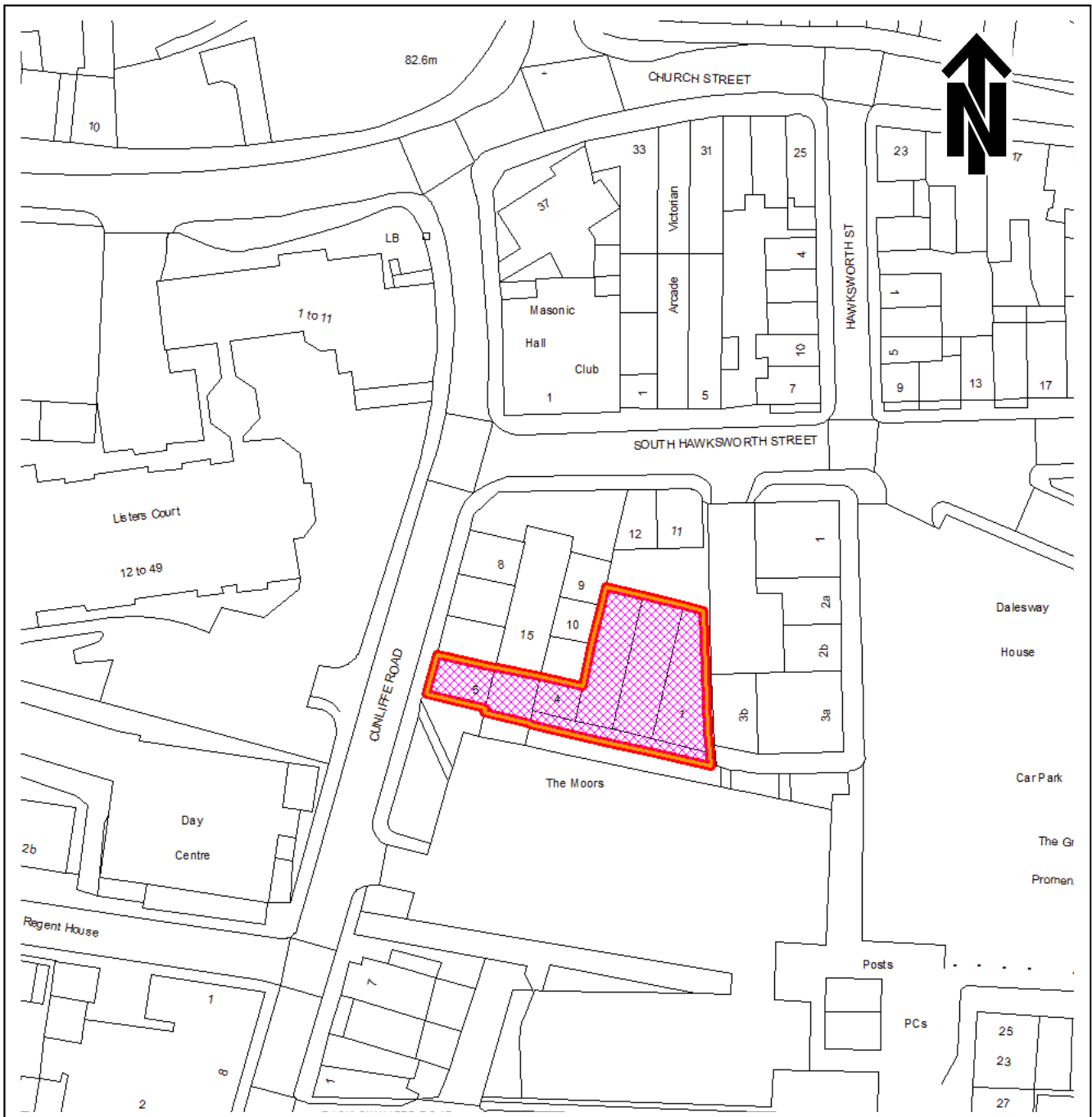
3. The window frames shall be a timber sliding sash design to match in detail to the existing approved window details on this building, as specified on the submitted plans.

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

Area Planning Panel (Keighley/Shipley)

16/08529/FUL

14 December 2016



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ITEM: D

LOCATION:

**Unit 15 The Moors Shopping Centre
South Hawksworth Street Ilkley LS29 9LB**

14 December 2016

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

Application Number:
16/08529/FUL

Type of Application/Proposal and Address:

Change of use from retail shop (Use Class A1) to Fitness centre (Use Class D2 - assembly and leisure).

Unit 15, The Moors Shopping Centre, South Hawksworth Street, Ilkley, LS29 9LB.

Applicant:

Ms Kuljit Thiaray - Grove Fitness Limited

Agent:

Ms Susan Long - Anytime Fitness

Site Description:

The application property is a unit within the purpose built 1980s shopping centre known as 'The Moors' in the centre of Ilkley. It is within Ilkley town centre and Ilkley conservation area. The shopping development is built on three levels as it is on a sloping site. It consists of a number of shop units, a restaurant and a public house. Frontages are to South Hawksworth Street, Cunliffe Road and Ilkley's large town centre public car park.

The application unit incorporates an existing lower ground floor shop unit on the south west corner of the shopping centre currently used by a recruitment agency. The proposed fitness centre would extend beyond this corner unit into basement areas below the level of the shops facing onto the car park. These are largely vacant or used for storage. The subterranean space runs under the neighbouring retail units to an internal service yard.

Relevant Site History:

15/02948/ADV - Re-siting of previously approved fascia sign – Granted 09.09.2015
14/02007/ADV - Signage – Granted - 10.07.2014

The National Planning Policy Framework (NPPF):

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

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Ilkley Town Centre

Ilkley Conservation Area

Proposals and Policies

CL1 Leisure and Entertainment Development within City, Town or District Centres

D1 General Design Considerations

UR3 The Local Impact of Development

TM2 Impact of Traffic and its Mitigation

TM19A Traffic Management and Road Safety

BH7 New Development in Conservation Areas

Parish Council:

Ilkley Parish Council – Recommends approval but would like to see a condition attached to restrict hours of opening to be between 06:00am to midnight due to noise and parking in a residential area.

Publicity and Number of Representations:

Publicised by neighbour notification letters, site notice and advertisement in the local press.

Overall expiry date for comments was 01.12.2016.

Letters/emails have been received from 30 separate addresses objecting to the proposal and seven in support.

Summary of Representations Received:

Objections

- The proposal would result in late night noise and disturbance for nearby residential property due to proposed 24 hour opening hours.
- There are already numerous gyms in Ilkley. The market is saturated with four other providers and does not need a multi-national “chain-gym” pushing out local businesses.
- The proposal would exacerbate existing parking problems in the town centre.
- It will cause huge congestion at peak times, when the public car park is full of shoppers.

Support

- Support should be given for any opportunity for improved public fitness. The proposal would allow more flexibility for people to exercise when convenient for them.
- An injection of investment of this kind makes use of otherwise vacant and underused commercial space, not to mention business rates. A new business such as this brings customers to the doors of other local businesses.

Consultations:

Drainage – No comments to make.

Highways Development Control - No objections are raised.

Design and Conservation - Change of use to a gymnasium as this is unlikely to impact on the character and appearance of the conservation area.

Summary of Main Issues:

Impact on the Town Centre.

Impact on Residential Amenity.

Highway and parking issues.

Appraisal:

The Proposal

The application seeks permission for the change of use of a lower ground floor shop unit and the adjoining storage space which extends under the Moors Shopping centre. The proposed use is a 24 hour gym/fitness centre within Class D2 (assembly and leisure) of the Use Classes Order. Access would be via the existing door to the corner shop unit, facing south towards the large town centre car park. Emergency exit would be into an internal courtyard area enclosed by the buildings with access leading onto South Hawksworth Street.

The total floor space of the gym/fitness centre would be 409 square metres.

The supporting statement states it would be a 24 hour; 7 days a week operation similar to other facilities operated as franchises – the nearest one being in north Leeds.

It would be staffed between 9.00 am and 9.00 pm by a team of up to 8 staff. Between those staffed hours, members would be free to use the facilities and equipment, gaining access via a secure access door.

The supporting documents refer to the installation of two air conditioning units on the wall facing the internal courtyard area but no details were submitted. Following discussion with the agent, it is confirmed that this aspect of the proposals is not being pursued under this application and, if required, would be subject of future application should the change of use be granted.

Impact on the Town Centre

The site is in the designated central shopping area of Ilkley. The shop unit was last used as recruitment agency. Over the years it has had a number of occupiers.

The thrust of the National Planning Policy Framework (NPPF) is that Local Planning Authorities are advised to recognise town centres as the heart of their communities; pursue policies to support their viability and vitality; and for planning decisions to promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.

The NPPF defines main town centre uses – being those uses which should be located and retained in town centres. As well as retail development, Main Town Centre uses include leisure and entertainment facilities, cinemas, restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls.

The Replacement Unitary Development Plan is in broad accordance with the NPPF on this point. Policy CL1 supports proposals for leisure and entertainment uses in Town or District centres, provided that they are appropriate in scale to the role of the centre and the catchment area they serve. In this case, the proposed fitness centre is 409 sq metres which is of relatively modest scale.

A health and fitness centre is therefore clearly appropriate in Ilkley town centre by reference to national and local planning policies. It would result in loss of a small retail shop but would add to the range of facilities available in the town centre, thereby adding to its vitality.

Proposed Hours - Impact on Residential Amenity

The operational model for this franchise is that the proposed gym would operate 24 hours a day, 7 days a week. The facility would only be staffed between 9.00 am and 9.00 pm by a team of up to 8 staff. The applicant says that such 24 hour access by clients is a feature of all of the growing national gym operators (Pure Gym, Anytime Fitness, the Gym Group). These operators are successfully using the 24/7 model to provide fitness options to all who seek them. Outside the staffed hours, members would be free to use facilities and equipment, gaining access via a secure access door.

Objections have been received regarding the possible effects of late night operation on neighbouring residential properties. It is acknowledged that there is an elderly persons housing complex (Listers Court) on the other side of Cunliffe Road (to the west).

However, whilst there are residential properties in the vicinity, they are not immediately adjacent to the premises. The shopping centre is already part of a vibrant town centre where there is a degree of evening and late night activity. Indeed, the application property is next to an entrance to the large public car park and immediately adjacent to the Listers Arms public house (a Wetherspoons outlet).

Though objectors are worried about the 24 hour opening hours, the applicant has stated that the typical usage during the night time hours would be very minimal and the size of the premises (409 sq metres) is not especially large.

Statistics have been provided giving member usage at other gyms in the franchise which use a tracking system that records each key fob entry. Over the month of May in 2015 and 2016, the survey shows that, on average, use of these comparable facilities between 11:00 pm and 5:00 am is by only a handful of people.

The customer access to the proposed gym would be through the existing vacant lower floor unit. The fitness areas for exercise and training would be located in the basement areas further to the south and underneath the retail units fronting the car park. Activity in this basement space would not be likely result in noise noticeable outside the premises. In addition, the submitted surveys show that comings and goings at unsocial hours would be minimal and they would be taking place towards the large car park rather than anywhere that would affect the nearby residential properties.

It therefore seems unlikely that there will be any significant usage at unsocial hours, and that there is no significant likelihood of adverse late night noise and disturbance to residents either from activity within the premises, or from the comings and goings of clients via the entrance which is on the edge of the public car park. Normal daytime and evening activity is also unlikely to be noticeable compared with existing levels of activity associated with use of the car park, the adjacent Listers Arms public house and other nearby town centre uses.

In addition, the operator gives an assurance that measures would be in place to ensure that the proposed gym does not affect residential amenity. Music will be kept at a low volume and controlled from a unit locked in the office so it cannot be tampered with by unsupervised night time users. Acoustic flooring will be installed and gym classes involving larger groups of users will be limited to before 9:00pm and will not normally include classes with loud music. The studio and free weights will be located in the basement so that the noise generated from dropping weights and music from classes will be minimal to neighbours.

In conclusion, the proposal would not have significant impact on the amenity of occupiers of neighbouring residential or other properties and would accord with Policy UR3 of the RUDP.

In view of the above, it is not considered necessary to impose the planning condition suggested by Ilkley Parish Council to restrict its operation to 12 midnight.

Highway and parking issues

It is acknowledged that Ilkley is a well-used town centre. At peak times there can be difficulties finding parking and localised congestion. Nevertheless, objections regarding the impact on parking and congestion seem unjustified. The application site is directly adjacent to the main town centre car park which is of substantial size. In addition, the site is well located with regard to public transport by bus and train, and it is within walking/cycling distance of residential areas.

The Council's Highways officer has no objections given that the facility is proposed in a very sustainable location, well connected to public transport facilities and that there is ample public car parking within the immediate vicinity. Refusal on highway grounds could not be justified.

Conservation Area

Though in Ilkley Conservation Area, the application property is in a modern, purpose built shopping centre. The proposal is at the lower ground floor level and the retail units at ground floor levels will remain unaffected. The change of use to a gymnasium would not impact on the character and appearance of the conservation area and the proposal does not include any external changes. Any alterations that may subsequently be found necessary, including signage and air conditioning units, would be the subject of future application should the change of use be granted.

Competition Issues

A large number of objectors consider that there are already enough gyms/fitness centres in Ilkley and they oppose a national “chain gym” which they say would affect local businesses.

In response to these objections, the applicant wishes to point out that, although the facility will be part of a nationwide “brand”, the applicant is a resident of Ilkley and will operate the gym independently - as a franchise.

However, matters of competition are not a material planning consideration for the Local Planning Authority. From a planning-perspective, the proposal will promote a competitive town centre and provide customer choice in accordance with objectives of the NPPF. The proposal is an appropriate, alternative town centre use in an accessible, town centre location. It will add to the range of facilities of Ilkley town centre, and thereby maintain its vitality and viability.

Community Safety Implications:

With regard to concerns about security due to the 24 hour operation, the applicant argues that the proposal actually increases security in the locality by providing a well-lit entrance way with active CCTV cameras, in an area that is otherwise not active late at night. The entrance to the gym would be separate and there will be no access for clients to the rest of the Moors shopping centre through the gym.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed development is an acceptable main town centre use in an accessible, town centre location. The nature and scale of the facility and the position of the entrance are such that it would not result in loss of amenity for adjoining occupiers. Its location adjoining a large public car park with access to public transport services is such that no highway safety implications would arise. The proposal is acceptable having regard to the National Planning Policy Framework and policies of the Replacement Unitary Development Plan.

Conditions of Approval:

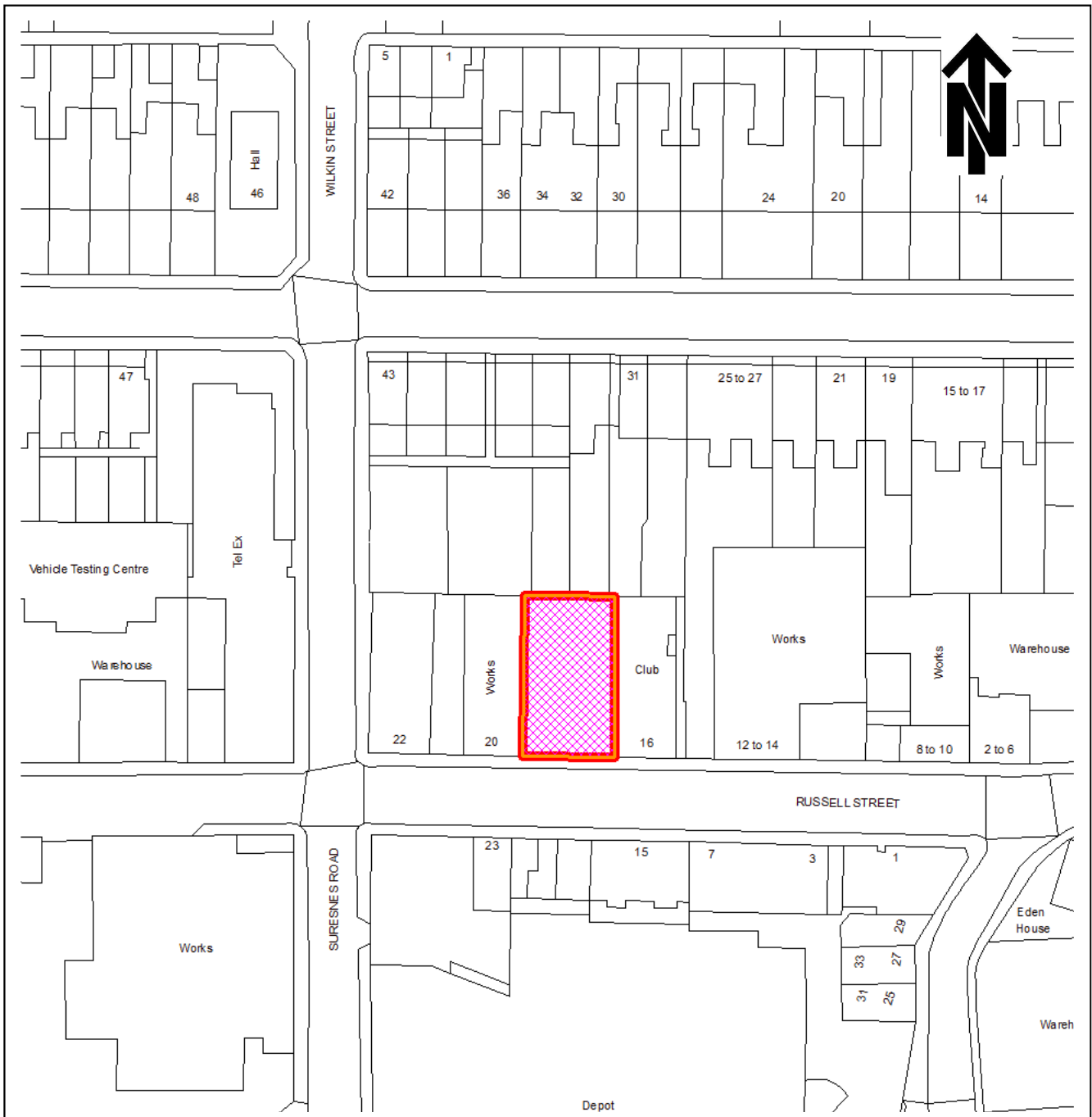
1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

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

Area Planning Panel (Keighley/Shipley)

16/07573/FUL

14 December 2016



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ITEM: E

LOCATION:

**Car Park Former 18 Russell Street
Keighley**

14 December 2016

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

Application Number:
16/07573/FUL

Type of Application/Proposal and Address:
Full planning application for the construction of an industrial unit at Car Park on site of 18 Russell Street Keighley.

Applicant:
Mr I Hussain

Agent:
SKP Architectural Design Services

Site Description:
This application relates to land used as a car park situated on Russell Street near Keighley town centre. It is open land located between a social club to the east and a two storey former industrial building at 20 Russell Street to the west. The latter building has recently been converted into flats and a small retail shop at ground floor. A number of windows are present in the side elevation of this building facing the site.

In the past, the land was occupied by a works building, but this was a considerable time ago. Any building here had been removed by at least 1993 and the current use is as an informal car park.

The flats at 20 Russell Street have been arranged with bedroom and some living room windows facing onto the application site at ground floor level and first floor level. The surrounding area is a mixture of industrial, commercial and residential uses with residential use in the form of flats becoming the increasing use in this part of Russell Street. On street parking is controlled by Traffic Regulation Order

Relevant Site History:
On this site:
93/00944/FUL - Taxi office with unlimited number of private hire vehicles plus off street parking at 19 Russell Street Keighley. Granted 30.06.1993.

On the adjacent site:
15/03167/FUL - Change of use from training unit to create 7 no one bed flats and a retail unit at 20 Russell Street Keighley. Granted 18.12.2015 and implemented.

The National Planning Policy Framework (NPPF):

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated land.

The rear boundary of the site is adjacent to Keighley Town Centre Conservation Area.

Proposals and Policies

UR3 - The Local Impact of Development

TM11 - Parking Standards for Non-Residential Developments

TM19A - Traffic Management and Road Safety

D1 - General Design Considerations

D4 - Community Safety

BH7 - New Development in (or adjoining) Conservation Areas

Parish Council:

Keighley Town Council recommends for approval.

Publicity and Number of Representations:

Publicised by means of a site notice and individual neighbour notification letters. Publicity expired on 17 October 2016.

Five representations objecting to the proposal and three representations supporting the application have been received including a representation in support from a local Ward Councillor.

The Ward Councillor has requested referral to Panel in the event of an officer recommendation to refuse.

Summary of Representations Received:

Five representations of objection on the following summarised grounds:

1. The building will cause obstruction to the light entering my apartment and other surrounding apartments now at 20 Russell Street.
2. New flats have been converted to the side of this car park and placing any sizable unit here would intrude on the privacy, block any light to the apartments also could potentially be a fire risk.
3. The metal clad industrial unit would look visually out of place in the street scene.
4. The industrial use of the site would be at odds with the character of the street, which is increasingly becoming residential.
5. The need for an industrial unit in this location is questioned.
6. Noise pollution from the industrial unit will have an adverse impact on the new business and occupiers of the flats at 20 Russell Street. If this unit is of a noisy nature i.e. building trade or motor services not only will this disrupt the small business but will also affect the parking in the surrounding areas.
7. Parking on Russell Street is limited already and this proposal will mean the current users of this car park will need to move elsewhere causing an adverse effect on the parking to the whole of Russell Street.
8. The industrial unit would be an intrusion into the privacy of the occupiers of the flats at 20 Russell Street.

Three representations including one from a local ward councillor support the application on the grounds that:

1. There is a shortage of small business units within the vicinity of Keighley centre. The development will enhance the environment, increase the number of much needed small business units in the area, provide jobs and be good for the local economy.
2. The land is currently an eyesore which only attracts anti-social elements and fly tipping.

Consultations:

Highways Development Control: This application should only be approved if there are benefits to outweigh the predicted highway problems. The site is located on Russell Street, which houses industrial, commercial and residential uses. The majority of these do not have any off-street parking facilities and therefore the demand for on-street parking is high. The proposed development will not only result in the loss of a valuable off-street parking facility but also in additional on-street parking taking place.

The proposal will result in an increase in on-street parking in an area that already experiences parking problems likely to result in conditions prejudicial to highway safety.

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

Environmental Health: It is unclear from the application what the previous industrial unit on the site was used for. EH have concerns about the new application proposal and there is insufficient information provided. There are residential properties in close proximity to the site and the EH Officer therefore recommends that a noise report is provided to show what the existing noise levels are and what the predicted noise levels will be for the end use of the unit before a positive recommendation can be given.

Summary of Main Issues:

Principle.

Impact on neighbouring occupants.

Design and appearance.

Highway safety.

Other matters.

Appraisal:

The site is unallocated land on the RUDP Proposals Map and abuts the boundary of Keighley Town Centre Conservation Area, which is to the north.

Ordnance Survey plans show that there was an industrial building on this site in the past but it was demolished some years ago. The cleared site has been used as an informal car park since at least 1993, when it is referred to in another planning application as being available to provide car parking for a proposed taxi office at 19 Russell Street (93/00944/FUL). It is understood that the former building had been demolished well before 1993.

Any previous industrial use on the site has therefore clearly been abandoned and the new proposal needs to be considered on its own planning merits in the light of current circumstances. In particular, the presence of residential flats now adjoining the land.

Impact on living conditions of adjoining residential occupiers in Russell Street and the surrounding area has historically included a mixture of small industrial, community, commercial and residential uses. The lower part of Russell Street has a more commercial character but the top part of Russell Street includes older terrace housing and over recent years it has become increasingly residential, having seen a number of flat conversions.

The site is now located next to a two storey building at 20 Russell Street that has been converted into seven bed sit flats under a recent planning permission (15/03167/FUL) granted by Area Planning Panel on 18 December 2015. This scheme has now been implemented. The rooms within 20 Russell Street facing the present car park at 1st floor level are a mix of living room/kitchen and bedrooms and bathrooms. The ground floor layout includes bedroom windows facing towards the position of the proposed industrial building.

Activity within the proposed industrial building and on its delivery forecourt will affect habitable rooms, including bedrooms where people may spend an appreciable amount of time and have expectations of reasonable standards of peace and quiet. Noise and other significant disturbance would be likely to occur in very close proximity to the bedroom windows of the adjoining flats.

No end user for the unit has been specified by the applicant, but a general industrial use would be one that would be expected to generate disturbance by reason of the noise and possibly vibration, dust, odours and fumes from whatever industrial processes take place inside. Also a general industrial use, and a building that includes roller shutter loading doors, is likely to rely on deliveries and loading and unloading activity on the forecourt. The manoeuvring of vehicles and loading/unloading in front of the roller shutter doors is likely to be a further source of disturbance to adjoining residents that would be difficult to insulate or control.

The Council's Environmental Health Officer expresses concern about this proposal. No noise survey report has been submitted to assess the potential noise impact of the intended B2 general industrial use. There is therefore no evidence to show that such a use will not have an adverse impact on the amenity of the adjoining residential occupiers or to show how such nuisance could be avoided or mitigated. To introduce a new B2 general industrial use immediately next to the flats would have a detrimental impact on the residential amenities of the occupiers of these flats and the industrial activity would also affect occupiers of the older dwellings on the opposite side of Russell Street.

Although there is an acknowledged need to provide sites for industrial buildings to generate more employment in the district, such buildings need to be sited in locations compatible with the NPPF core objective of ensuring good standards of amenity for occupiers of land and buildings. Erecting a new industrial building directly adjoining the new residential use will give rise to an incompatibility between the needs of residential occupiers for reasonable standards of peace and quiet, and the day-to-day needs of any business occupying the industrial unit to carry out its normal industrial processes and activity.

It is considered that a precautionary approach should be taken and the proposed industrial use should be resisted.

The other concern is regarding the adverse impact of the proposed building structure which would cause loss of light and result in a poor outlook for several of the new flats at 20 Russell Street due to the height of the proposed building and its closeness to several of the habitable room windows in the flats.

The sections provided with the application (and site plan) do not show the proposed building in relation to the flat windows. But referral to the approved drawings for the flat conversion shows clearly that the proposed Unit will block light to windows at close quarters. This will also have an unacceptable impact on the residential amenities of the flat occupiers contrary to policies D1 and UR3 of the RUDP.

A personnel door in the industrial unit will also open just 1.1 metres away from the wall of the flats at 20 Russell Street and gives concern that users of the industrial unit may cause privacy issues for the occupiers of the flats if this door is used.

Design and appearance

The proposed industrial unit would be single storey in height. It would have roller shutter doors, a mono pitch roof and would be clad entirely in profiled metal sheeting of a colour that the applicant requests be determined later.

Although there is a metal clad commercial building towards the bottom end of Russell Street the nature of development in this part of Russell Street is of stone and painted stone buildings with mainly slate and flat tiled roofs. The proposed building would be set back in the site behind a galvanised metal palisade fencing and stone wall that would mitigate to a certain extent against the incongruous appearance of the building but the appearance of the building would still appear out of keeping with the visual amenities of this part of Russell Street contrary to policies D1 and UR3 of the RUDP.

Highway Issues

The proposed unit would have a floor space of 1260 sq feet or 117 sq metres. The loading doors would face onto a forecourt set back from the frontage to Russell Street. The amount of off street parking provided is shown as two spaces. This is very limited and so the proposal is considered likely to lead to on street parking by staff visitors and customers.

The Highway Officer points out that parking is at a premium in this area and the recommendation is to reject the application due to lack of car parking unless the other planning benefits outweigh the highway concerns.

The end user of the unit is not known. However, space within the site is such that it is likely that on street car parking would be generated. It is not considered that the merits of providing additional employment floor space outweighs the safety concerns. Indeed, there are other significant and material planning objections to an industrial development on this plot. The Highway Officer advises that the proposal will result in an increase in on-street parking in an area that already experiences parking problems and so is likely to result in conditions prejudicial to highway safety.

Other matters raised

The fire risk of the industrial unit to the occupiers of the flats at 20 Russell Street is a matter that would be dealt with under building regulations and is not a material consideration under planning.

Community Safety Implications:

The industrial unit would be contained within a secured fenced curtilage and does not raise any community safety issues contrary to policy D4 of the RUDP.

Equality Act 2010, Section 149:

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

Reasons for Refusal:

1. The proposed general industrial unit would have a detrimental impact on the residential amenities of the occupiers of the flats created in the building at 20 Russell Street and the dwellings on the opposite side of Russell Street by reason of the noise and possibly vibration, dust, odours and fumes likely to be generated in close proximity to habitable room windows in the new dwellings. Such disturbance would be potentially generated in both the building and on its loading/unloading forecourt. The Local Planning Authority has no supporting evidence to show how the proposal would avoid or mitigate such adverse effects on residential amenity. The proposal is unacceptable having regard to policies P7 and D1 of the Replacement Unitary Development Plan. Failure to ensure good standards of amenity for existing and future occupiers of land and buildings is incompatible with the National Planning Policy Framework.
 2. The industrial unit would have an unacceptable impact on residential amenities due to the loss of light and poor aspect to habitable room windows of ground floor flats at 20 Russell Street due to the height of the industrial unit at close quarters to them. In addition a personnel door in the industrial unit will open 1.1m from the wall of the flats at 20 Russell Street that contain habitable room windows at ground floor level, which it is considered would cause an unacceptable loss of privacy for occupiers of the flats. As such the proposal will be contrary to policies D1 and UR3 of the Replacement Unitary Development Plan and form unsustainable development incompatible with the National Planning Policy Framework.
 3. The proposed development would, by reason of its unsympathetic cladding materials, be a visually incongruous feature and would not complement the character of the existing buildings. It would therefore be harmful to the visual amenity and character of the street scene and is contrary to Policies D1 and UR3 of the Replacement Unitary Development Plan and the National Planning Policy Framework.
 4. The proposal will result in an increase in on-street parking in an area that already experiences parking problems. It would be likely to result in conditions prejudicial to highway safety contrary to Policies TM11 and TM19A of the Replacement Unitary Development Plan.
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