

# Report of the Strategic Director Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 18 January 2017

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## Summary Statement - Part One

### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	Land At Fife Street Haworth Keighley - 16/08628/FUL [Approve]	<b>Worth Valley</b>
B.	Undercrag Hollin Hall Drive Ilkley LS29 9QU - 16/07916/FUL [Approve]	<b>Ilkley</b>
C.	Undercrag Hollin Hall Drive Ilkley LS29 9QU - 16/07919/HOU [Approve]	<b>Ilkley</b>
D.	133 North Street Keighley BD21 3BG - 16/08612/FUL [Refuse]	<b>Keighley Central</b>
E.	Beacon House Riverside Business Park Dansk Way Ilkley LS29 8JZ - 16/08743/VOC [Refuse]	<b>Ilkley</b>

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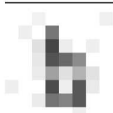
Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

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**Portfolio:**  
Regeneration, Planning and Transport

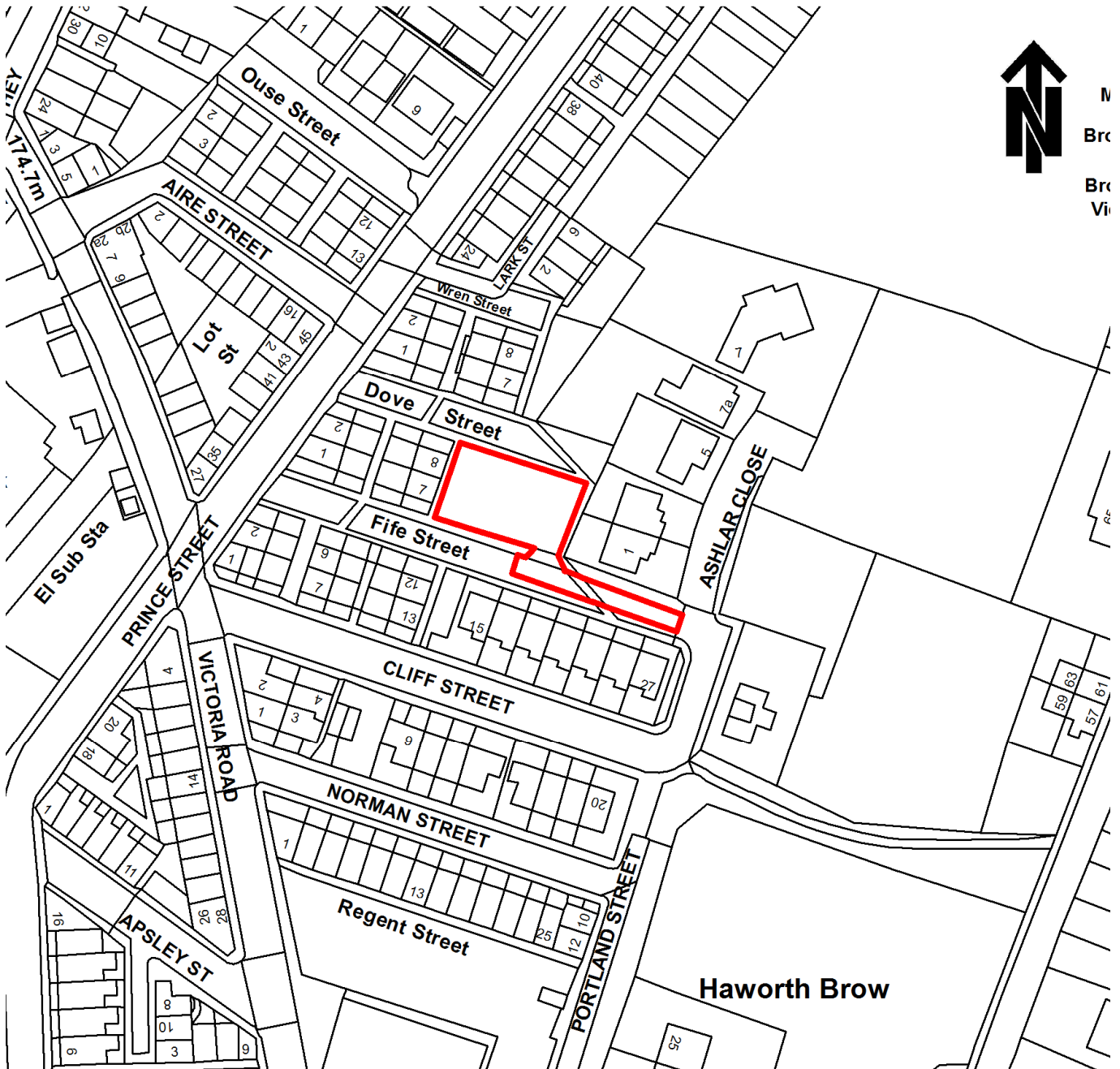
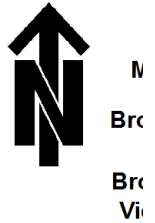
**Improvement Committee Area:**  
Regeneration and Economy



16/08628/FUL

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**Land At Fife Street  
Haworth  
Keighley**

**18 January 2017**

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

**Application Number:**  
16/08628/FUL

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

Full planning application for construction of two dwellings, new access road and associated works. Land at Fife Street, Haworth.

**Applicant:**

Mrs Jean Blythe

**Agent:**

Heritage Planning Design

**Site Description:**

This site comprises a rectangular area of open, sloping ground enclosed by stone walls that was previously occupied by terraced housing. These houses were cleared many years ago. As part of a General Improvement Area (GIA) scheme in the 1980s Fife Street and Dove Street, which run up either side of the application site were surfaced with grass and provided with pavements and a small number of trees. Of these two streets, only Fife Street links through to Ashlar Close which is at the top of the slope at its eastern end. Dove Street, to the north side of the application site may not have ever been a through route but in any event it is now terminated at its eastern end by recent detached dwellings along Ashlar Close.

A terrace of new housing has also recently been completed on the opposite side of the former Fife Street, accessed from Cliff Street on the south side.

Vehicular access to the application site would be formed by way of reintroduction of a hard surface over approximately one third of the length of Fife Street, linking the site with Ashlar Close, and thereby to the road network.

**Relevant Site History:**

15/02893/OUT – Outline application for four dwellings and new access road. Refused 22 September 2015.

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

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

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

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

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

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

***Allocation***

Unallocated land.

***Proposals and Policies***

UDP3 Impact of development on natural and built environment

D1 General Design Considerations

UR3 The Local Impact of Development

TM2 Highway Safety Considerations

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

**Parish Council:**

Haworth, Cross Roads and Stanbury Parish Council objects: The proposal represents overdevelopment and intensive infill. It is the Parish Council's view that the proposed development is wholly unsuitable for the site. The lack of vehicular access to the site is a concern and the Council strongly objects to any proposal for change of use for the site, due to the removal of green space, footpaths and public amenities.

**Publicity and Number of Representations:**

Publicised by letters to neighbours and site notice. Ten objection letters have been received

**Summary of Representations Received:**

1. The grassed Fife Street is currently a safe play area for young children.
2. This is an important green space.
3. The development would result in lost wildlife and trees.
4. The area is already crowded.
5. The grassed street is used by many people for exercising their dogs.
6. New dwellings nearby have already harmed the area.
7. Local car parking will block access to this site.
8. There are no bin collections on Cliff Street.
9. The site just needs tidying up.
10. There are no access rights to the site.
11. This will lead to more houses being proposed.
12. This is the same as the last refused application.
13. The local community chose pedestrianisation in the 1980s.
14. Steep streets are dangerous in winter.

15. The application site should be a community garden or allotments.
16. This scheme is for fewer houses but they are still unacceptable.
17. The new road will increase flooding.
18. Parking problems in Haworth have increased now that CBMC has removed free parking.

**Consultations:**

Highways Development Control:

A suitable access can be achieved to serve the proposed development.

Fife Street was pedestrianised as part of an Order made in 1982 to convert a group of local streets into footpaths and bridleways. In order to allow vehicular access to the proposed dwellings a legal procedure is required to amend the Order.

The proposed access improvements along Fife Street are acceptable in principle subject to their detailed design under a S.278 agreement. This can be subject of a planning condition if the application is approved.

Drainage:

The use of soakaways for surface water drainage requires a minimum 5m easement from any building or the public highway. This requirement for an easement, together with the steep topography of the site, makes the use of soakaways impracticable in this instance.

The development shall be drained via separate surface water and foul water systems within the site boundary.

**Summary of Main Issues:**

Principle.

Local Amenity.

Highway safety.

**Appraisal:**

A previous outline planning application for the redevelopment of this site for four dwellings was refused planning permission in 2015 due to a lack of information to properly assess the impact of the development on the locality. There were concerns about the potential scale of the development given that it was for four dwellings, and that the impact on local amenity may have been unacceptable.

This current proposal is for siting two dwellings on the land; using the same proposed access from the top of Fife Street.

**Principle**

There is a need nationally for the provision of new housing land to meet increasing demand, and all areas of the country must ensure that new housing is delivered.

The increase in density of housing here represents an efficient use of urban land, thus reducing pressure on green-field sites and the Green Belt. However, increases in urban density must be carefully managed in order to preserve the amenities and general living conditions of local occupiers.

The application site, formerly occupied by housing, is privately owned and has no protected status or any recognition as protected open space in the Development Plan.

In principle it would be acceptable to redevelop the site with an appropriate scale and design of building. It would be necessary to return a part of the pedestrianised Fife Street to a vehicular highway, sufficient to serve the proposed dwellings.

### **Local Amenity**

The proposals are for a pair of modestly scaled dwellings on the land that would present a stepped roofline in response to the fall in levels across the site from east to west.

The drawings show a pair of 2.5 storey dwellings to be built with stone to the external walls. The scale and proportions reflect the character of the traditional terrace housing prevalent in the area. It is considered that the scale and appearance of the houses would be appropriate to the character of these streets and the wider locality and in accordance with Policy D1 of the RUDP.

The dwellings would be set back from the site boundaries to an extent that separation distances between existing and proposed habitable room windows are satisfactory at 17 metres from the existing houses at 7 Dove Street and 15 Fife Street. This reflects the degree of separation between the original terrace dwellings facing across these streets.

The distances between the proposed dwellings and existing properties facing the site will also ensure that there would be no significant loss of light and privacy for existing occupiers.

The proposed development is therefore considered to be of a scale and design that would sit comfortably on this formerly developed site and there would be no visual harm to the street scene, subject to agreement of satisfactory facing and roofing materials.

### **Loss of part of the grassed street**

The concerns of local residents in substantial part relate to the loss of the grassed area from around one third of the length of Fife Street in order to create a surfaced vehicular access to the plot. This grassed area is said to be used for various purposes as noted in the summary of representations. The proposals would also involve loss of some street trees planted as part of the 1980s improvement works.

However the greater part of the grassed area would remain unaffected. The new vehicular running surface to serve this small scale development would not encompass the whole width of Fife Street and a wide verge would separate the existing footway from the new driveway. The development would not in any way affect Dove Street on the north side of the site, which is similarly grassed over.

Clearly the development would not involve any through traffic and the use of the drive to serve two modest dwellings would not result in such significant effects on local amenity that the benefits of new housing provision would be outweighed.

Whilst the loss of part of the grassed street is regretted, this must be weighed against the benefits of delivering additional housing. The majority of the grassed street would remain to provide an amenity space for existing occupiers and it is not considered that loss of the affected part would significantly affect local amenity to the extent that would justify refusal.

It is considered that the development complies with Policies UDP3, UR3 or D1 of the Replacement Unitary Development Plan and with the National Planning Policy Framework.

### **Highway Issues**

The Council's Highway officer is content that this small development can safely be served by way of the proposed route leading down Fife Street from Ashlar Close and Cliff Street.

The proposed short and quite narrow roadway leading to the two dwellings from Ashlar Close would not result in vehicles travelling at speed and pedestrian safety would not be compromised as a consequence of the development.

There is a need for a legal agreement for the carrying out of works to Fife Street and similarly the works would need to be subject to a S.278 Agreement under the Highways Act.

Subject to satisfactory detailed design of the new access the development would accord with Policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

### **Community Safety Implications:**

There are no community safety implications.

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

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

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

The proposed development will deliver additional housing on a previously developed site and can be achieved without significant harm to local residential amenity or highway safety. The development would enable more effective use of urban land for the provision of new housing. The proposals comply with Policies UDP3, UR3, TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

### **Conditions of Approval:**

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

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

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

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

3. The development shall be drained using separate foul sewer and surface drainage systems within the site boundary.

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

4. Before any development works commence on site, full design details of the proposed means of access and the turning facility shown on the approved layout drawing shall be submitted to and approved in writing by the Local Planning Authority. The means of access shall be implemented in accordance with the details so approved prior to the occupation of any of the dwellings comprised within the development.

Reason: To establish a suitable form of access and turning facilities commensurate to the scale of the development proposed and to accord with Policy TM19A of the Replacement Unitary Development Plan.

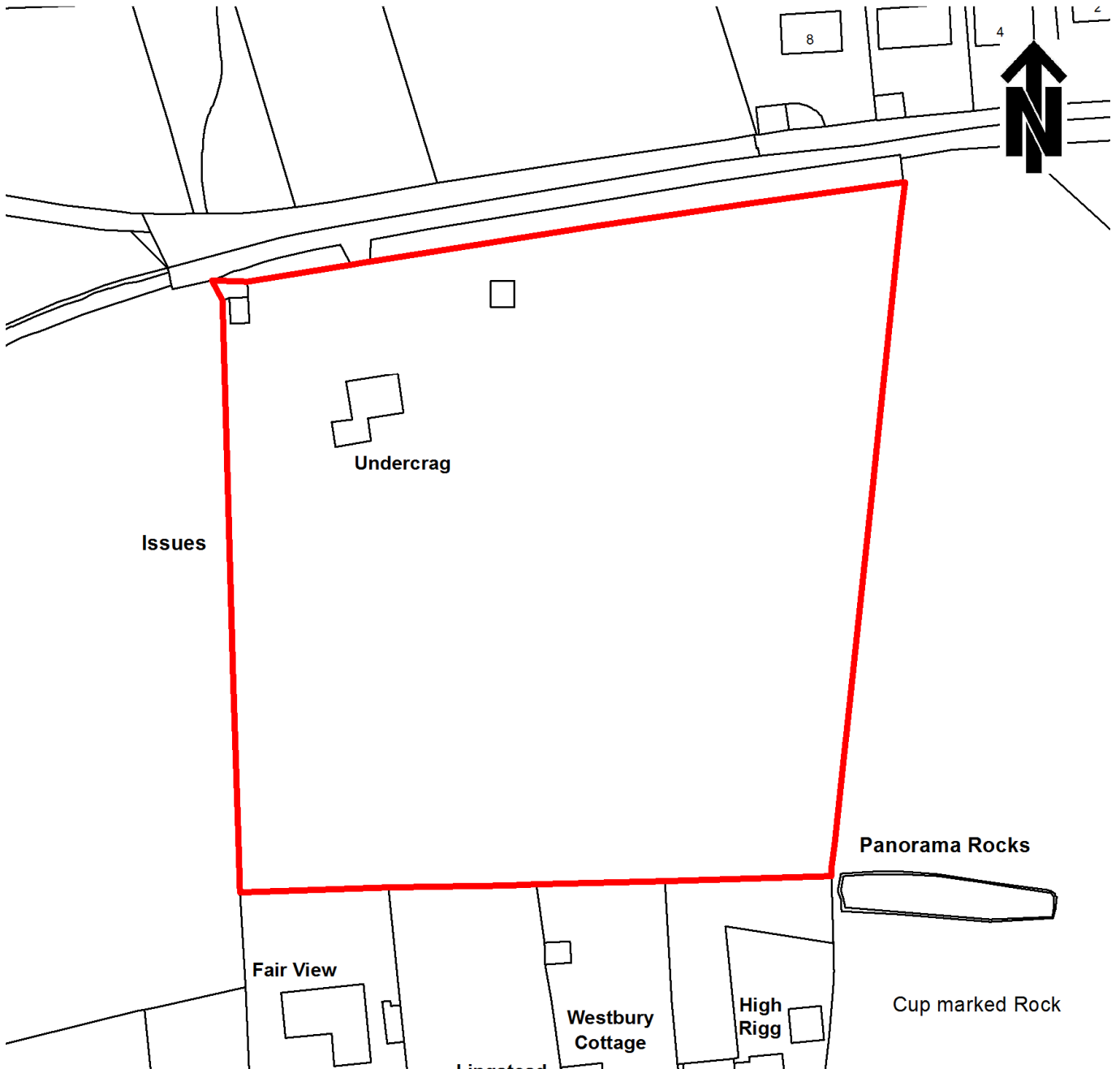
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**Undercrag**  
**Hollin Hall Drive**  
**Ilkley LS29 9QU**

**18 January 2017**

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

**Application Number:**  
16/07916/FUL

**Type of Application/Proposal and Address:**  
Full application for two new dwellings – grounds of Undercrag, Hollin Hall Drive, Ilkley, LS29 9QU.

**Applicant:**  
Judith C Fitzpatrick & Robert Edward Anderson

**Agent:**  
Halliday Clark Architects

**Site Description:**  
The existing dwelling called Undercragg is a coursed stone, split-level, three storey house which is set into a corner of this very large and secluded area of land elevated on the north facing slope towards the edge of Ilkley. The site slopes steeply and parts were apparently once a quarry working. The existing house is built into the existing steep site contours in one corner and is accessed via a drive climbing up from the main entrance to the site from Hollin Hall Drive. Two other accesses from the lane are evident but are now overgrown. Around the drive are sloping lawns and scattered garden trees. Beyond the lawned areas, protected woodland extends up the slopes southwards. The whole site is 1.7 hectares in size.

**Relevant Site History:**  
The house has been extended under an application in 1992 for a double garage, porch and extension.

See also companion application 16/07919/HOU for extensions to the existing dwelling.

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

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

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

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

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

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

***Allocation***

K/OS1.3, Panorama Woods Urban Greenspace

***Proposals and Policies***

OS1 – urban greenspace

D1 – general design considerations

UR3 – local planning considerations

NE10 – nature conservation

NE4/NE5/NE6 – tree protection

TM19A – road safety and traffic management

**Parish Council:**

Ilkley Parish Council recommends refusal of this application as there would be a loss of habitat in this heavily wooded area. There are also highway and drainage concerns.

**Publicity and Number of Representations:**

Publicised by neighbour letters and site notice to 3.11.2016. Three objections and one general comment (about the access) have been received.

A Ward Councillor has also objected to the application and if officers are minded to approve the application asks for it to be referred to Area Planning Panel.

**Summary of Representations Received:**

1. This garden is a unique creation by the former owner and has many varieties of trees and shrubs and supports an extensive range of wildlife. The garden is very special and must be preserved as an entity. Locals know of the general extent of the wildlife in this area, and a public footpath fairly adjacent to the site is used by many of the visitors who walk the Moor.
2. The process of building would itself be very destructive as building machinery would cause great damage and the proposed two new houses would utterly ruin this very special garden and nature reserve.
3. The site is classed as Urban open space because of its natural assets and it is an integral part on the Panorama woods area. The site being desecrated by two homes on what is a link between the Moor, the Green Belt and the Urban open space is sacrilege. This site is within 400M of a SSI (SSSI/SPA/SAC?) which will be seriously affected by this sites development.
4. There are 7 homes at present on the unmade, rough road leading from Hollingwood Rise. It is also a cul de sac. This road is half way up the Moor and will never get snow clearance. More homes, if built, will be isolated from Council services, bins etc.

5. This is a difficult site to develop. It is steep, wooded and at times very wet. Road access is via an un-adopted road which is not surfaced adequately to take heavy plant traffic.
6. The two new houses are to be three storeys high but should be two storeys in height so they are less prominent in views from across the valley and from Hollin Hall Drive.

**Consultations:**

Highways Development Control: The only concerns with the proposal is the potential increase in conflicts on the fairly long single track drive and the need for a bin store close to the entrance due to the length of the drive and its width. Raise no objections to the proposals subject to the provision of a passing place and standard conditions to secure the provision of a vehicular turning head and visitor parking.

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

Disposal of surface water using sustainable drainage techniques is acceptable subject to the developer's submitting details of their drainage proposals to this Council for comment, prior to the drainage works commencing on site. Details of the proposed foul water outfall together with the results of a survey to demonstrate the outfall connects to the public sewerage network and is hydraulically and structurally suitable to drain the development, will also be needed prior to drainage works commencing on site.

**Summary of Main Issues:**

Principle of residential development - Impact on the Urban Greenspace.

Design, scale and appearance.

Impact on protected woodland.

Implications for nature conservation/ecology.

Highway issues.

**Appraisal:**

**Urban Greenspace**

The site is not within the Green Belt. The designation of the site on the RUDP is as K/OS1.3, Urban Greenspace. This planning designation is shared with Panorama Woods which extend to the east of the site. It is known that the Ward Councillor who has objected campaigned on behalf of the former owner to have this site included in the Urban Greenspace. It is therefore acknowledged to be a sensitive site.

However, the RUDP Policy OS1 on Urban Greenspace is not as restrictive as Green Belt and it is only in partial conformity with the National Planning Policy Framework. Other Urban Greenspaces elsewhere in the District, and elsewhere in Ilkley, have accommodated some limited development over the years - whilst maintaining their overall open character.

The policy states that:

Within Urban Greenspaces, development will not be permitted unless it retains their open and green character and, through design makes a positive contribution to the character and amenity of such areas.

In addition, the policy says developers and landowners are encouraged to prepare management plans for the improvement and upkeep of the urban greenspace as part of development proposals which might be acceptable under the policy.

As a policy which affects housing land supply, Policy OS1 also needs to be considered in the context of Paragraph 49 of the National Planning Policy Framework that (a) housing applications should be considered in the context of the presumption in favour of sustainable development; and (b) relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This was emphasised in the court judgement in the case of *Richborough Estates Partnerships LLP v Cheshire East Borough Council and Secretary of State for Communities and Local Government*. The judgement in this case confirmed that a wide range of restraint policies need to be weighed against the objective of increasing housing land, particularly where there is an absence of a five year supply of housing land, as currently in Bradford District.

NPPF paragraph 49 does not dis-apply, or bypass, an out-of-date policy in a statutory development plan. Such policies must still be given the weight they are due in all the circumstances of the case. BUT the weight to be given to policies of restraint will be reduced in so far as these would influence housing requirements. They need to be considered against the context of a need for housing land and lack of a 5 year supply. The weight to be given is a matter of planning judgment.

In the case of the Urban Greenspace at Undercrag, in considering whether a development proposal will be acceptable under the policy the test is whether development will retain the open and green character of the hillside, especially the impact of development on distant views and tree cover. Before the application was submitted, the applicant was advised that large scale built development, which would have had a detrimental impact upon openness would not be acceptable. The scale of what is proposed is therefore modest, and the two new dwellings would occupy only a very small proportion of the overall plot and occupy positions where they would not be visible outside the site.

A strong belt of dense vegetation alongside Hollin Hall Drive is maintained intact to achieve screening. Also, by setting the two houses on what were historically lawned areas, the impact on trees and other natural features is minimal; and by building them into the slope, the effects on landscape character and perceptions of the openness of the Urban Greenspace from vantage points on Hollin Hall Drive and further afield is minimised.

To support this argument, the application is accompanied by a Landscape Impact Appraisal which considers the effects of development on distant views of the site from across the valley, and the relationship of the site to the wider hillside of which it is part. The Landscape Impact Appraisal concludes that the proposed buildings would be of a scale and character in keeping with surrounding residential areas. The houses would not be at all prominent as they would be dwarfed by the extensive tree cover rising up the slope and continuing into Panorama Woods. The proposed development will not bring about adverse visual effects warranting mitigation, providing existing trees that provide significant screening are retained and effectively managed in the future. To this end, positive proposals for tree protection and future management of the woodlands have been presented as part of the package of proposals and are discussed below.

It is possible that parts of the roof of the houses would be seen in very distant views across the valley, as is the case with the existing house, but glimpses of the roofs would be set against tree cover rising behind. Subject to careful controls to ensure use of a matt grey roof slate, perceptions of new development on the land would be virtually non-existent in medium to long distance views and close views from Hollin Hall Drive are almost entirely screened by the tree cover along the frontage.

Subject to control of roof materials and protection of retained trees during construction, the contribution of the wooded hillside to the setting of Ilkley and its visual and ecological continuity with adjoining woodlands will be maintained and no substantial harm to the Urban Greenspace would be caused. The Landscape Impact Appraisal demonstrates that two houses on such a large plot is a modest proposal that can be absorbed with no adverse effects on the open and green character of the Urban Greenspace and no significant conflict with RUDP Policy OS1.

Such limited harm that may arise from encroachment of additional built form into the Greenspace has benefits in terms of delivery of housing, and needs to be considered in the context of NPPF Paragraph 49 as explained above.

### **Design, scale and appearance**

The two proposed dwellings are split level as they would be built into the steep slope of the existing lawn areas. They are shown to be 3 storeys at the front (north), where garaging is incorporated, and two storeys at the back (south). Despite the height, they will not be readily seen outside this secluded site due to the encircling trees which includes a dense belt of trees between the houses and Hollin Hall Drive.

In any case, the houses are shown to be constructed using natural stone walling and natural slate roofing which, together with use of traditional detailing, will ensure that the proposals are sympathetic to the character of existing house at Undercrag and the buildings within the immediate locality. The new dwellings are appropriately designed to reflect the character and proportions of the existing house and accord with Policy D1 of the RUDP. It is considered that, through design, these houses would make a positive contribution to the character and amenity of the greenspace area in accordance with Policy OS1.

### **Impact on the Woodland**

The site is subject to a woodland Tree Preservation Order (TPO) made on the 3rd of March 2015. The applicants have recognised the need to retain the woodland trees, thus retaining habitat. The woodland canopy largely comprises oak and birch, with sycamore becoming dominant. The woodland occupies the majority of the land but is generally sited above and beyond the position of the two proposed houses which would be confined to two sloping areas of cultivated lawn set below the woodland level alongside the drive access to the existing house.

The application is accompanied by a Tree Survey and Arboricultural Impact Assessment, which confirms that much of the tree cover within the garden areas surrounding the existing dwelling is not reflective of the woodland habitat to the south. Whilst the garden area does contain several native woodland species, the proposed development would affect garden scale ornamental species growing near the house such as rowan and cherry plum growing within maintained grassed lawns. These trees are of low to moderate quality and do not constitute 'woodland habitat'.

Those 10 trees that need to be removed are clearly identified in the submitted survey : Trees T10 to T13 to be removed to facilitate development of Plot 1 are all small garden scale trees, including several fruit trees. Given the close proximity of proposed Plot 1 to trees T14, T15 and T21 (goat willow - category C), it is also recommend that these trees be removed. The construction of plot 2 would require the removal of trees T4 (larch - category B), T5 (oak - category B) and T9 (rowan - category B). Larch tree T4 is an open grown specimen of moderate value, located outside the woodland, within the grassed area of the garden. Whilst trees T5 and T9 are native species, the removal of these small trees would not represent a loss of woodland habitat, as both stand within the established garden.

The Council's Tree Officer agrees that the two houses appear reasonably well sited to the woodland in that tree loss within the woodland itself is not required to facilitate development. The removal of those trees identified would not diminish the overall woodland and will be mitigated by future woodland management measures.

The sections demonstrate that the siting of the two houses in relation to trees and woodland is satisfactory. They are orientated to gain light from a variety of directions so rooms are not cast in shade by the woodland. The layout of the houses places the habitable room windows to face away from the dense woodland, to prevent any great overshadowing and nuisance conflicts between woodland trees and the dwellings.

Previous lack of clarity in respect of the size of gardens and boundary treatments has now been addressed on the amended site layout drawings. There is also now an indication of the intended tree protection proposals and the proposed establishment of a construction exclusion zone to avoid impact on the woodland during construction.

The initial proposals suggested fragmentation of the woodland into 3 segregated ownerships which would not be conducive to effective woodland management. The Council's Tree Officer and the Countryside Officer were concerned that conventional private gardens subdividing the woodland should not be created across the whole of the site and that garden cultivation, paths, lighting and garden buildings would be at odds with the woodland environment, harm natural regeneration of woodland and be detrimental to ecology.

Revisions to the scheme proposals and amendments to the submitted woodland management plan have therefore been requested. These now confirm that restricted amenity areas will be defined in the immediate vicinity of the houses for day-to-day domestic garden use but the protected woodland beyond will be left open and communally managed by owners of the three existing and proposed houses. Fences previously indicated to divide the woodland into 3 ownerships are removed from the plan.

Simple timber boundary fencing will be provided to define rear gardens to the plots and all woodland area will be maintained as a continuous entity. It is proposed that conditional restrictions be put in place to limit any permitted development rights for fencing and garden structures within the protected woodland area. The agent also suggests that a welcome pack to new residents will be produced, educating on the importance of the woodland area and suggesting measures that will protect the integrity of the woodland and wildlife in the future.

### **Woodland Management Plan**

The Urban Greenspace policy says developers and landowners are encouraged to prepare management plans for the improvement and upkeep of the urban greenspace as part of such development proposals as are found acceptable under the policy.

To achieve this, the applicants have therefore submitted a Woodland Management Plan (WMP) prepared by qualified consultants. It is also intended that the WMP would directly address the concerns of the Ward Councillor and others by giving assurance that the applicants wish to maintain and enhance the environmental legacy of the former owner.

The Council's Tree Officer had some issues with some of the management proposals listed at section 4.0. However, further to meetings, the Woodland Management Plan has been amended and expanded to better explain the modest degree of woodland thinning and replanting that would be necessary. It is particularly necessary to thin and control encroachment of rhododendron and laurel into the woodland to maintain or increase species diversity, and benefit the woodland.

Part of the woodland belt to the frontage (north) and west appeared to be omitted in the layout plan but this is now addressed.

In addition, a key amendment to the woodland management plan is the inclusion of responsibilities. It is made clear that the protected woodland beyond the immediate curtilages will be left open and communally managed by owners of the three existing and proposed houses. The WMP proposals will thus further ensure that the new housing development is successfully introduced without detriment to the woodland area and that positive measures are in place to ensure its effective management by future owners to ensure continuity into the future.

### **Impact on ecology**

The site is known to have ecological interest, so the prior to submission of the application the applicants commissioned a preliminary ecological appraisal (PEA) to inform and accompany the proposals. The Council's Countryside Officer considers that this has been prepared by a competent consultancy and the results and conclusions are considered appropriately informed and satisfactory. This includes conclusions in respect of a small pond on the site and a survey for bats in the existing house.

The assessment of habitat includes a Phase 1 Habitat survey conducted in August 2016 and a Habitat Suitability Index (HSI) assessment of the small garden pond on the site for great crested newts. However, the pond is identified as having no potential for newts – indeed there are no records for this species within 2 km of the site so it is highly unlikely that newts would be present.

With regard to bats, a transitional roost is found to have been established in the existing house and so a Licence will have to be obtained to facilitate the extensions to the house which are subject to the separate application. However, the position of the bat roost will not prevent that development proceeding, though it may require controls over the timing of work. These will be imposed as conditions of the licence.



With regard to effects on other protected species and the ecological value of the woodland as a whole, the Countryside Officer is satisfied that the development of the two houses will be confined to mainly amenity grassland and garden trees of no nature conservation value. An amended layout drawing has now clarified the extent of construction and excavation on the land and makes proposals for establishing a construction exclusion zone to protect the retained areas of woodland with protective fencing. This fencing would also exclude construction from areas of ecological value.

Minor criticisms of the PEA were tabled, such as that woodland trees were not assessed for bats or birds of prey. However, provision for both these points has been made in revisions to the PEA recommendations. In any case minimal work is proposed in the woodland areas.

The Countryside Officer was also concerned that development will result in a fragmentation of the woodland, and that although the number of trees proposed for removal is relatively small, the infrastructure of access roads and paths, lighting and cultivation of residential gardens might affect ecology. However, measures are now tabled to avoid fragmentation of the woodland through fencing, as described above, and it is intended that a condition would remove permitted development rights for fencing and garden structures outside the curtilage immediately around each dwelling.

There will also be separate Licensing requirements in respect of other protected species and the submitted PEA confirms that before development begins, a Protected Species Mitigation Licence will be required. However, the submitted professional appraisal has confirmed that the houses would be set into the slope whilst avoiding the main protected habitat features. Preliminary protection methodology and options for mitigation and avoidance of adverse effects have now been included in the PEA so that the Local Planning Authority can have confidence that development can proceed without the necessary licensing controls or prohibitions having to be exerted over the construction process in a way would make it unfeasible or harmful to build.

The applicant's professional ecology consultants are now confident that, subject to Licensing requirements under separate legislation populations of protected species on site will be maintained and that important habitat is excluded from areas of construction.

### **Habitat Regulations Assessment**

The site is around 225m of nearest edge of the South Pennine Moors SPA/SAC (European Site), which is also a SSSI and includes Ilkley Moor. Potential detrimental impacts of additional housing have been highlighted in the Habitat Regulations Assessment of the emerging Core Strategy for the Bradford District and, when adopted, the Core Strategy will include a policy to consider the impact of proposed housing developments on the European Site. These effects have been identified as an issue in a consultation from the Council's Countryside Officer and addressed in the applicant's Ecological Appraisal. Supplementary evidence is also tabled in an amended version of that appraisal which consider in more detail the impact of the proposed residential development at Undercrag on the South Pennine Moors SPA/SAC.

However, in this case, the site is not supporting habitat to the SPA/SAC as it is not habitat for nesting birds. It is within the 400m zone of influence in respect of damaging urban edge impacts (e.g. fire-spread, fly-tipping, cat predation) but the site is physically separated from the edge of the moor by intervening residential development, a road and a former quarry face. There is also a very well use footpath link across the moor between the site and the moors where dogs are regularly exercised. The Ecological Appraisal evaluates the possible impact from urban edge effects as being negligible and it is agreed that these particular impacts can be disregarded in this case.

It is acknowledged that a net increase of residential dwellings can, in principle, add increased recreational pressure on the SPA/SAC. However, the relatively small size of the proposal and availability of amenity space within the site itself are such that two additional houses are unlikely to add significant additional recreational pressure on the moors compared with that from the general population already within the 7km zone and that arising from visitors to the moors.

Furthermore, it is not possible at this stage to define the nature and scope of the mitigation that might be required from a developer because the Council does not have an adopted supplementary planning document outlining preferred means of mitigating recreational pressure on the SPA/SAC or defining levels of tariff based contributions towards mitigation through a Community Infrastructure Levy. At this stage, it would therefore not be reasonable for the Local Planning Authority to require imprecisely defined or unquantified mitigation of effects on the SPA/SAC from the applicant.

### **Highway Issues**

Hollin Hall Drive is an unmade track that is also a public right of way and is a route for walkers. Objectors including the Parish Council and Civic Society have concerns about the intensification of use of the road, and the position of the current access to the entrance in relation to the residential properties opposite. However, despite its surface condition, the track is wide, existing traffic volumes are negligible, and traffic speeds along the track are necessarily low. The amount of existing vehicular traffic is not significant and the small amount generated by just two additional dwellings will not add to traffic safety issues. The private house drives opposite are set some distance off the access to the site and it is not accepted that the position of the access would pose any increased problems of safety for vehicles emerging opposite, or for existing users of the Hollin Hall Drive including walkers.

Objectors have pointed out that Hollin Hall Drive is in a poor state of repair. However, it is not maintainable as a public highway and upkeep of the road is a private matter. It is presumed that a developer would need to maintain the condition of the access and make good any damage in order to sell the houses being built. The Highway Officer has not made any objections on ground of the condition of Hollin Hall Drive.

### **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 submitted Landscape Impact Appraisal demonstrates that the proposed buildings would occupy only a modest proportion of the site on areas of managed lawn. They would be of a scale and character that can be absorbed with no adverse effects on the open and green character of the Urban Greenspace and no significant conflict with RUDP Policy OS1. Such limited harm that may arise from the additional built form has benefits in terms of delivery of housing, and needs to be considered in the context of NPPF Paragraph 49. The impact of the proposals on tree cover, the integrity of the protected woodland and nature conservation interests has been assessed in the submitted reports and appraisals and appropriate amendments and methodology have been submitted to address and mitigate such impact. The addition of two dwellings will have no appreciable impact on local road safety. The proposals therefore accord with relevant policies D1, UR3, NE10, NE4, NE5, NE6, NR16, and TM19A. The development is considered compatible with the presumption in favour of sustainable development and the objectives of the National Planning Policy Framework.

**Conditions of Approval:**

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

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

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

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

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

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

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

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

5. The development shall not begin, nor shall there be any site preparation, groundworks and materials or machinery shall not be brought on to the site until tree protection fencing has been installed around the trees that are to be retained within the site. The fencing and other protection measures shall be installed to create a construction exclusion zone around the retained trees and woodland in accordance with the submitted arboricultural method statement and on the alignment shown on the submitted layout drawing 434.17 (-) 002.

The protective fencing shall be installed to specifications set out in BS5837 : 2012. The approved tree protection measures shall remain in place, shall not be moved or altered for the duration of the development without the written consent of the Local Planning Authority. There shall also be no excavations, engineering or landscaping work, service runs, or installations, and no materials will be stored within the construction exclusion zones created unless with the written consent of the Local Planning Authority.

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

6. The curtilages to the dwellings hereby approved shall accord with details shown on the revised site layout drawing 434.17 (-) 002, and fencing to define those curtilages shall also be installed and subsequently retained only in accordance with the details shown on that drawing.

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no fences, gates, walls or other means of enclosure shall be erected within the application site and no sheds, outbuildings, enclosures or other structures be erected outside those defined curtilages pursuant to Part 1 Class E to Schedule 2 of the Order without the prior written permission of the Local Planning Authority.

Reason: In the interests of amenity, so as to retain the integrity and continuity of the woodland by retention of the open character of the land and to accord with Policies D1, NE4 and NE10 of the Replacement Unitary Development Plan.

7. The development hereby approved shall be carried out in strict accordance with the conclusions and recommendations contained in the Preliminary Ecological Assessment reference SF-2567, as amended, including meeting separate requirements for appropriate Protected Species Mitigation Licences and submission of a copy of relevant licences to the Local Planning Authority prior to the commencement of development (in accordance with Section D.6 of BS 42020:2013 Biodiversity – Code of practice for planning and development).

Reason: To safeguard nature conservation interests that may exist on the site and to accord with Policy NE10 of the Replacement Unitary Development Plan.

8. The removal of trees from the site shall be restricted to those trees described in Section 7.2 of the submitted Arboricultural Survey SF 2567 (as amended) by Smeeden Foreman. These are garden trees T10 to T13; T14, T15 and T21 (goat willow - category C); T4 (larch - category B); T5 (oak - category B) and T9 (rowan - category B). No other trees shall be removed except with the express consent of the Local Planning Authority.

Reason: For the avoidance of doubt as to the terms of this permission and to mitigate the impact of the buildings on the landscape and ecology, to accord Policies OS1, D5, NE4, NE10 and NE3/NE3A of the Replacement Unitary Development Plan.

9. 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.

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

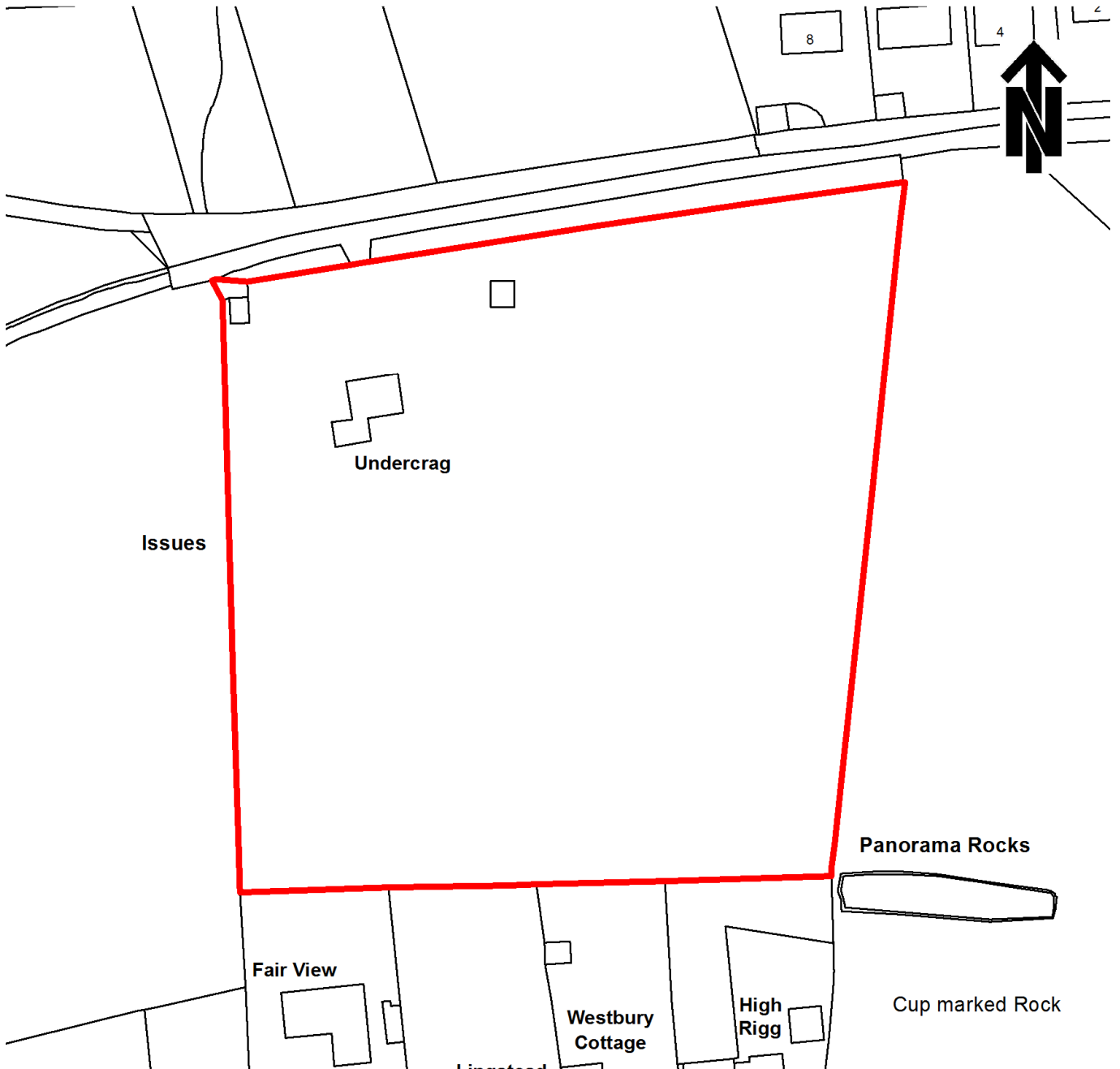
Reason: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

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16/07919/HOU

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**Undercrag**  
**Hollin Hall Drive**  
**Ilkley LS29 9QU**

**18 January 2017**

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

**Application Number:**  
16/07919/HOU

**Type of Application/Proposal and Address:**  
Householder application for two storey extension to existing dwelling at Undercrag, Hollin Hall Drive, Ilkley, LS29 9QU.

**Applicant:**  
Judith C Fitzpatrick & Robert Edward Anders

**Agent:**  
Halliday Clark Architects

**Site Description:**  
The existing dwelling called Undercragg is a coursed stone, split-level, three storey house which is set into a corner of this very large and secluded plot of land and built into the existing steep site contours. It has a double garage to the east side accessed from the main entrance to the site from Hollin Hall Drive. Two other accesses from the lane are evident but are now overgrown. A series of steps lead to the southern entrance door from a cobbled turning area.

**Relevant Site History:**  
The house has been extended under an application in 1992 for a double garage, porch and extension.

See also companion application 16/07916/FUL for two additional dwellings in the curtilage.

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

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

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

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

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

***Allocation***

Urban Greenspace

***Proposals and Policies***

OS1 – urban greenspace

D1 – general design considerations

UR3 – local planning considerations

NE10 – nature conservation

Householder Supplementary Planning Document

**Parish Council:**

Ilkley Parish Council recommends approval of this application.

**Publicity and Number of Representations:**

Publicised by site notice to 1.11.2016. Three representations have been received to this application although the comments made seem to refer mostly to the companion application proposing two additional dwellings.

A Ward Councillor has requested referral of the companion application AND this application to the Planning Panel for determination.

**Summary of Representations Received:**

One neighbour says there are no objections to the application relating to changes in the existing house.

The Ward Councillor refers to the general extent of tree cover and also wildlife with badgers, bats and endangered wildlife in this area and the local environmental organisations and the civic society comments.

Ilkley Civic Society makes no specific objections to this application for alterations and extensions to the existing house other than referring to the steep slope and difficulties of access.

**Consultations:**

None in respect of this application.

**Summary of Main Issues:**

Impact on the urban greenspace.

Scale, design, materials.

Impact on amenity of neighbours.

Access.

Bats/Nature conservation.



### **Appraisal:**

The existing three storey house set into a corner of a very large and secluded plot of land. It is built into the existing steep site contours. The site is encircled to the north and east by woodland, and a belt of trees lies between the house and Hollin Hall Drive to the north so that the existing house cannot be seen from outside the site.

The proposed 2-storey extension will wrap around the west end of the existing building with part projecting southwards towards the sloping garden to occupy the position of an existing slate roofed sunroom. This sunroom is not structurally sound and is to be demolished.

The increase of around 30% of the footprint of the existing dwelling would allow 2 extra bedrooms and a large kitchen, dining and family room to the ground floor.

### **Urban Greenspace**

The land within which the house sits is designated as Urban Greenspace on the Replacement Unitary Development Plan. RUDP Policy OS1 on Urban Greenspaces is not as restrictive as Green Belt and is only in partial conformity with the National Planning Policy Framework. The policy states that within Urban Greenspaces, development will not be permitted unless it retains their open and green character and, through design proposals, should make a positive contribution to the character and amenity of such areas.

This part of the Urban Greenspace is already occupied by the existing dwelling and the extensions would be unobtrusively sited on the side and rear. Also, the scale and form of the extensions would be subservient to the main house. Tree cover and slope, the extensions would not be very prominent in wider views. They would occupy garden areas close to the existing house and would not require removal of any of the existing tree cover. Therefore, they are considered to maintain the open and green character of the area and the setting of the existing house. It is not considered that the extensions are either unduly large or dominant and would not adversely affect the present spacious character or the open qualities of the Urban Greenspace.

### **Scale, design and materials**

The scale of the extension is subordinate, the design would be sympathetic to the original house and the materials will be stone and slate to match. The extension accords with design principles in the Householder Supplementary Planning Document and due to the good design, is considered to make a positive contribution to the character and amenity of the Greenspace area.

### **Trees**

The tree belts and woodland are agreed to be important to local ecology and landscape character, but on site it is clear that the extensions to Undercragg will not threaten any trees. The extension occupies the position of an existing sun room or a managed lawned area close up against the house. It would stand well clear of the trees along the west boundary of the plot and those to the south, which are at a higher level. Indeed, due to the position of the tree belts and the slope of the land, it is very unlikely that construction work in respect of the extensions will affect the trees. Construction traffic would be confined to the east side of the site where there is the existing hard standing. It is not necessary to require protective fencing in respect of the house extensions.

### **Neighbours**

There are no near neighbours. The nearest house (Westwood Cottage) to the west is set a significant distance from the boundary with intervening trees. The privacy and amenity of neighbours is therefore completely unaffected by these extensions.

### **Access**

The existing means of access and existing parking/garaging facilities are all being retained and are unaffected by the extension. Although Hollin Hall Drive is an unmade track, the proposal to extend a long established dwelling would not materially increase usage of the drive and so no highway safety implications are raised.

### **Bats**

The Ward Councillor comments regarding wildlife are appreciated but as the extensions affect only parts of the managed garden and lawned areas next to the house, they will have no impact on the ecological value of the wider area, apart from bats.

The application includes an investigation of the potential of the house and the small outbuilding for bats. To assess the presence/absence of roosting bats a bat emergence survey was undertaken at dusk/dawn within the active period (May-September). Surveys were conducted in-line with The Bat Conservation Trust's publication Bat Surveys for Professional Ecologists Good Practice Guidelines (2016) and by a licensed bat surveyor.

The results were that a day/transitional roost used by a small number of common pipistrelle bats was identified within part of the house. Proposed renovation works will therefore require an EPSM (European Protected Species) licence from Natural England prior to works commencing. This application would need to be sought following the granting of planning permission and before works begin.

No bats were noted to be roosting within the small outbuilding on site.

The applicant's consultant considers that the position and type of the roost (transitional roost rather than maternity roost) would not constrain extension and renovation works, but the applicant is clearly fully aware of the separate legislative requirements in respect of bats and the need to obtain a Bat Licence prior to carrying out any renovation or extension work, including works that do not need planning permission.

The applicant's consultant recommends the installation of temporary mitigation during the proposed renovation works comprising three Schwegler General Purpose Bat Boxes being installed on a retained tree within the vicinity of the building to act as an alternative roost habitat.

A footnote alerting future purchasers to the presence of bats is proposed for the decision notice, but it is not necessary to duplicate the separate legislative requirements in any planning conditions.

The applicant's consultant has recommended that bat roosting features might usefully be incorporated into the construction of the extension to enhance habitat provision. A planning condition to this achieve this is therefore recommended.

**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 scale, form and design of the extensions are appropriate to the character and setting of the existing dwelling, and they will be clear of the trees and woodland belts that surround the plot. No neighbours are affected. The proposals comply with guidance in the Council's Householder Supplementary Planning Document and Policies UR3, NE10, D1 and BH7 of the Replacement Unitary Development Plan.

**Conditions of Approval:**

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

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

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

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

3. The extension hereby permitted shall include the creation of new bat roosting features, such as the provision of bat slates and gaps beneath soffit boards. Details of the new roosting features to be incorporated shall first be submitted to, and agreed in writing by the Local Planning Authority and subsequently incorporated into the fabric of the extension prior to it being brought into use.

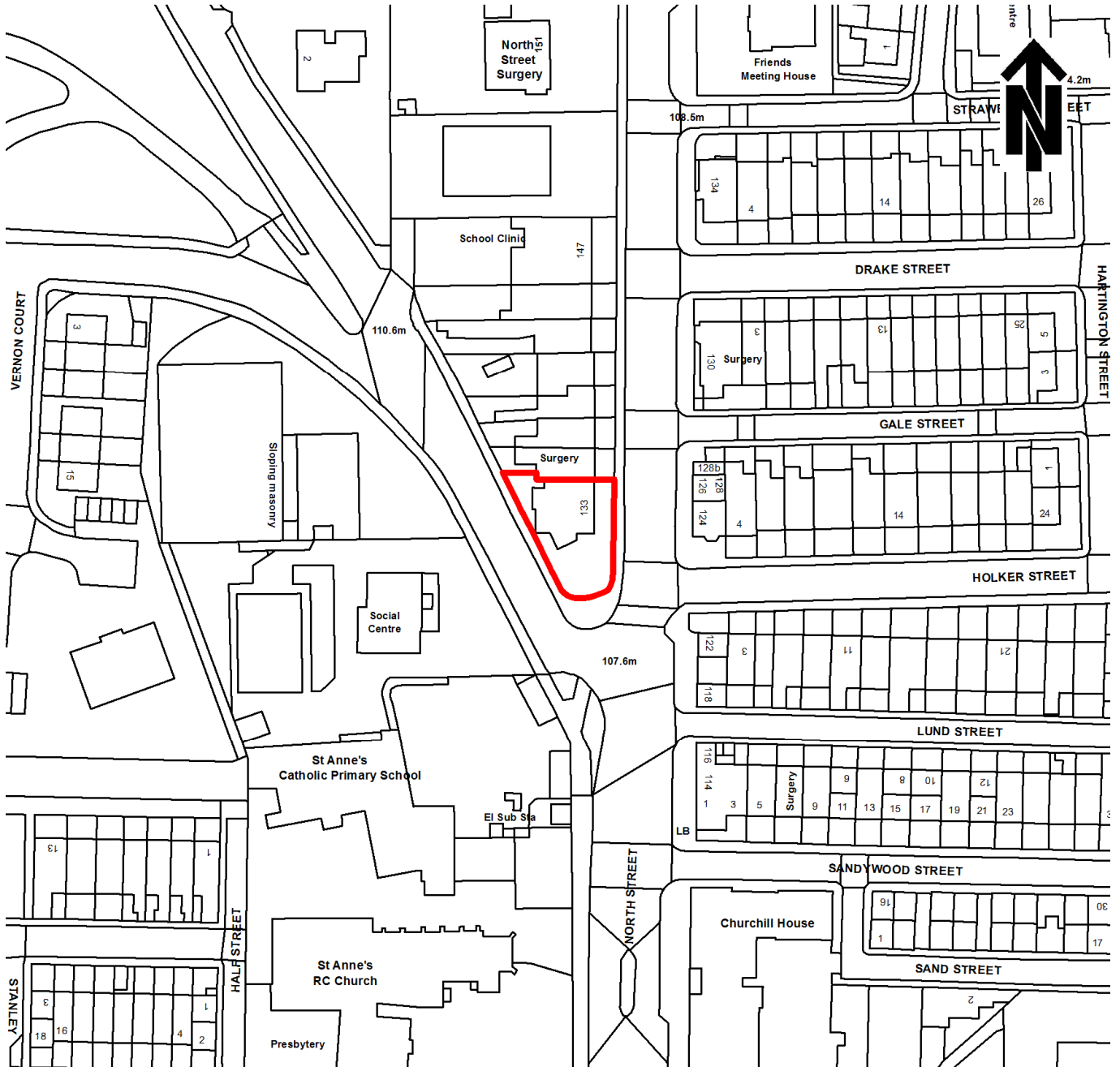
Reason: To enhance bat habitat features on the site and to accord with Policy NE10 of the Unitary Development Plan.

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16/08612/FUL

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**133 North Street**  
**Keighley**  
**BD21 3BG**

**18 January 2017**

**Item: D**  
**Ward: KEIGHLEY CENTRAL**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
16/08612/FUL

**Type of Application/Proposal and Address:**  
Change of use from office building to non-residential education and training centre/after school facility, and construction of a single storey rear extension at 133 North Street, Keighley, BD21 3BG.

**Applicant:**  
Mr Mohammed Ali

**Agent:**  
None.

**Site Description:**  
This property is an end of terrace 2 storey stone building in a prominent position at the junction of North Street/Skipton Road and Spring Gardens Lane. The property is within the Cliffe Castle/Devonshire Park Conservation Area on the edge of Keighley town centre. It was formerly occupied as offices by a company that supplied and fitted alarms (Keybury Alarms). There are prominent steel perimeter railings enclosing a tarmac yard formerly used for parking. There are 'No waiting at any time' restrictions and school markings in place along Spring Gardens Lane and 'No waiting or loading and any time' restrictions in place on A629 Skipton Road.

**Relevant Site History:**  
16/04767/FUL: Change of use from office building to nursery/after school activity and construction of single storey rear extension. Withdrawn – 7 September 2016.

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

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

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

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

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

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

***Allocation***

Unallocated

Keighley Devonshire Park/Cliffe Castle Conservation Area

***Proposals and Policies***

D1 – General design considerations

BH7 – New Development in Conservation Areas

UR3 – The local impact of development

TM11 – car parking standards (non residential)

TM19A – Traffic management and road safety

D10 – Transport Corridors

**Parish Council:**

Keighley Town Council: No comments made.

**Publicity and Number of Representations:**

Publicised by site notice to 1.12.2016.

**Summary of Representations Received:**

None received.

**Consultations:**

Highways Development Control: Consider that the proposal will result in conditions prejudicial to highway safety due to insufficient parking and turning for the use which will lead to manoeuvres and additional parking pressure on surrounding busy highways.

Conservation Officer: The proposed use will not present any issues for the conservation area, but any new signage must be fully controlled with existing detrimental clutter removed. The proposed extension is modest and proportionate.

**Summary of Main Issues:**

Background - Previous application

The principal planning issue is the adequacy of car parking and arrangements for vehicular access given the position of the property between Spring Gardens Lane and Skipton Road/North Street.

## **Appraisal:**

### **Background**

A previous application Ref 16/04767/FUL proposed the change of use of this building from offices to a children's day nursery, after school activity centre and construction of single storey rear extension. That planning application suggested hours of operation between 7.30am to 10.00 pm and that there would be 5 employees.

It was recommended for refusal on highway safety grounds due to concerns about the lack of car parking and the position of the site on a busy road junction.

The application was considered by the Area Planning Panel at its meeting of 5 September 2016, having been referred by a Ward Councillor. At the meeting, members of the Panel expressed a number of concerns about the suitability of the premises as an after school facility – including car parking and the absence of play facilities for a day nursery. In view of the recommendation for refusal, and having heard concerns expressed by members of panel, the applicant stated that he was withdrawing the application.

### **This proposal**

The applicant no longer proposes a day nursery.

The new proposal is that, by day, the premises would be used as a non-residential education and training centre for adults. Adults would be taught various employment and personal skills. Courses will be offered in arts, crafts and sewing; cooking and baking; computing skills; languages; courses for the workplace; skills for life and work; health and well-being; personal and professional development. The applicant says the intention is to work with schools and local community, voluntary and business organisations to deliver these courses.

Later in the day the site would become an after school facility for children. This would involve two 'activity rooms' from which after school academic support and mentoring would be provided to young people - in arts, sports and recreation. It would operate until 8pm and also at weekends and in school holidays.

The proposal includes retention of the existing car park on the south side of the building. The existing gate opening from Spring Gardens Lane would be unaltered. Past parking layouts were judged unworkable due to reliance on tandem parking. The submitted plans show only 4 parking spaces within the enclosed forecourt.

The hours of operation stated on the new application form are from 8.00am - 8.00pm – 7 days a week.

### **The extension**

The scheme includes the previously proposed single storey rear extension. This will be a minor, subservient and sympathetic addition to the Spring Gardens Lane elevation adding only 15 sq metres of floorspace for additional wcs and kitchen facilities. It would be built in coursed natural stone and a slate roof to match the existing building. There are no objections to this small extension. It would not detract from the appearance of the building or the character of the conservation area.

### **Amenity**

The new use would be as a D1 training centre with an adult education and training centre operating in the day, and an after school service providing academic support and mentoring to children and youths after school hours. The property has been occupied for commercial purposes for some years and it adjoins various other commercial uses. The change to a training centre would not have any great effects on local character or the conservation area.

Although nurseries can cause noise and disturbance, this is a mostly commercial part of the town located between two well used main roads. The proposed D1 training use is not likely to raise any nuisance conflicts or residential amenity issues.

### **Highway safety and parking issues**

The site and its access are located close to the junction of Spring Gardens Lane with Skipton Road/North Street (the A629). This is a particularly busy junction, North Street being a main approach to the town centre.

There are 'No waiting at any time' restrictions in place on Spring Gardens Lane and 'No waiting or loading at any time' restrictions in place on the A629. There is a school (St Anne's) located opposite with 'school keep clear' restriction markings in place. The demand for on street parking at this location is already high.

The Council's Highways DC section opposed the previous application (16/04767/FUL) to use of the premises as a children's nursery and after school facility because this was likely to generate significantly increased traffic movements and demand for car parking compared with the previous B1 business use.

There is no information with the application to indicate how many users would be taking part in training activities at the site at any one time, but the size of the building suggests the number could be significant. It is stated that 5 employees would be engaged.

The Council's Highway Officer considers that the application raises similar highway concerns to the previous application. The four parking spaces in the available yard area would be insufficient for the likely needs of the use. The four parking spaces would probably be utilised by staff so there is no provision for off street parking or any safe drop off facility for use by visitors or parents.

Although some children would live locally, inevitably, most after school facilities offering tuition draw customers from a wider area and involve parents dropping off and collecting children by car. The use would be likely to lead to an increased demand for on street parking, and indiscriminate parking close to the busy junction. It is likely to result in waiting restrictions being ignored.

Easy and safe facilities for dropping off and collecting children would also be difficult to provide at this site given that there are only 4 workable off street spaces. Should visitors choose use the yard for dropping off and collecting children for convenience they would be unlikely to be able to turn within the site and are therefore likely to have to reverse onto Spring Gardens Lane close to the busy junction. The proposed use is likely to hamper the flow of traffic and lead to conditions prejudicial to safety of road users - including the safety of pedestrians.



Although the applicant has argued that the property is within walking distance of the town centre and surrounding residential areas, it is outside the defined town centre and not immediately near the public car parks. It is not in a location where on street parking could be easily absorbed without detriment to the flow of traffic and pedestrians around and across the junction. Significantly, there is a school (St Anne's) to the south, opposite the site. School 'keep clear' restriction markings have been placed on the highway presumably for the safety of pedestrians, including children walking to that school.

Due to the presence of the school and various other commercial uses, the demand for on street parking at this location is already particularly high. Also, Spring Gardens Lane and the surrounding streets already cater for overspill car parking from the town centre area with motorists using the streets to avoid car parking charges.

At the previous Panel meeting, it was suggested that benefits may be derived from rebuilding the kerb along the Spring Gardens Lane frontage of the property so as to discourage vehicles mounting the pavement when arriving at the premises. Re-instating a kerb could help prevent parents or other visitors obstructing the footway and creating unsafe conditions for pedestrians. The applicant has not offered any specific proposals in this respect.

It is appreciated that training and after school facilities are potentially valuable assets for the community. However, this is not considered to be sufficient justification to permit a development that the Highway Officer advises is unsafe. There are no demonstrable public benefits to outweigh the highway safety implications of this development.

**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.

**Reasons for Refusal:**

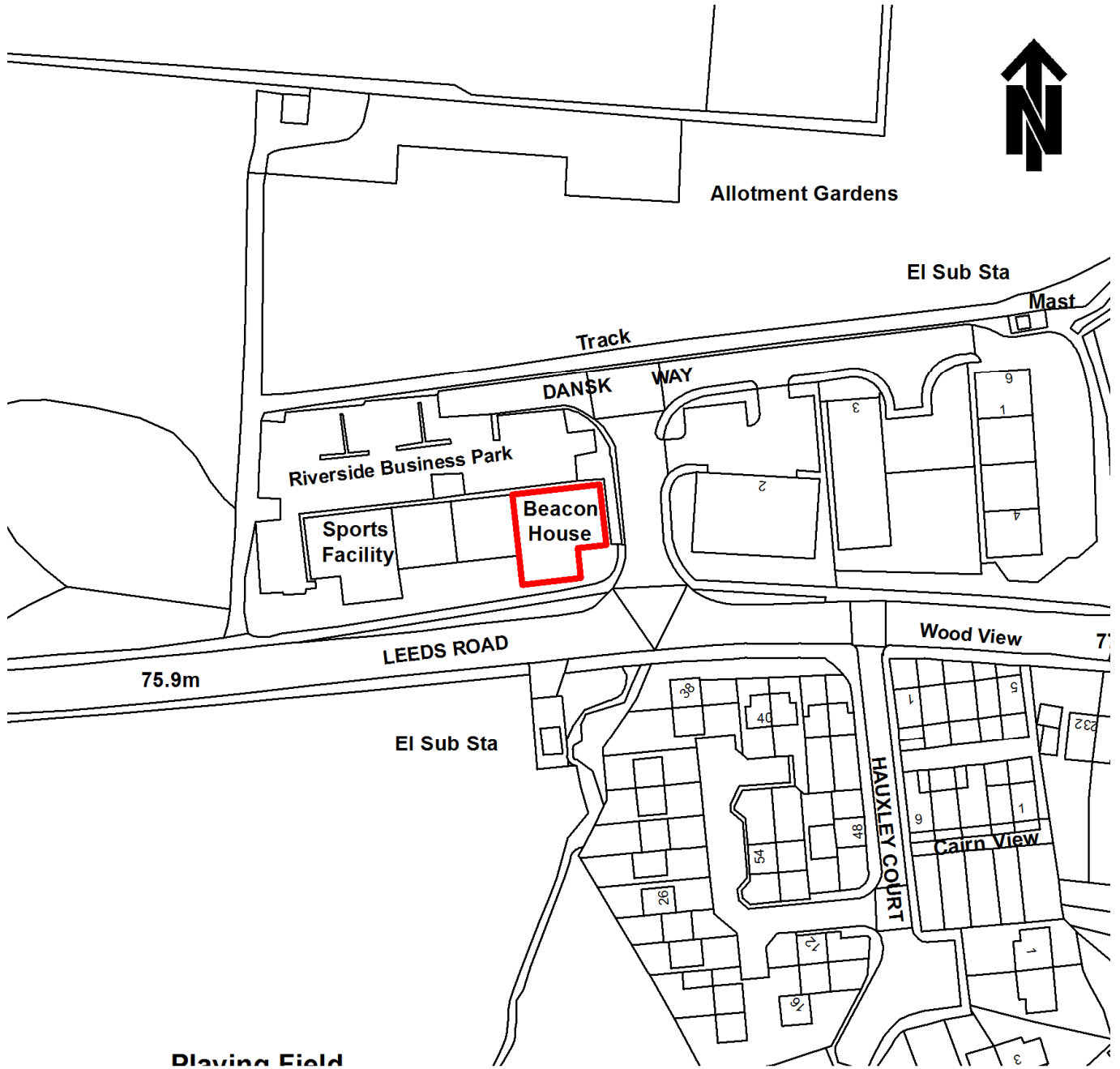
The proposed development provides insufficient parking, turning and drop off areas within the site and would be likely to lead to an increased demand for on street parking, indiscriminate parking on waiting restrictions and vehicles reversing on to the highway, close to a busy junction, likely to obstruct the flow of traffic and lead to conditions prejudicial to highway safety. The proposal is therefore contrary to Policy TM19A of the Replacement Unitary Development Plan.

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16/08743/VOC

City of Bradford MDC

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**Beacon House**  
**Riverside Business Park**  
**Dansk Way Ilkley LS29 8JZ**

**18 January 2017**

**Item: E**  
**Ward: ILKLEY**  
**Recommendation:**  
**TO REFUSE TO REMOVE CONDITION 2**  
**OF PLANNING PERMISSION 15/02269/FUL**

**Application Number:**  
16/08743/VOC

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

An application to remove condition number 2 on planning consent 15/02269/FUL. This authorised the change of use from business office (B1) to assembly and leisure use (D2) at Unit A Beacon House, Riverside Business Park, Dansk Way, Ilkley.

**Applicant:**  
Peter Billington

**Agent:**  
Not applicable.

**Site Description:**

Beacon House is a two storey purpose built modern office building on the northern side of Leeds Road, the A65, on the eastern edge of Ilkley. The building is part of Riverside Business Park which dates from the 1980s and which comprises a pair of similar buildings constructed in a modern style, with glass and cladding panels. Unit A forms part of this development, being situated on the western end of the western most block. The building is accessed via a purpose built industrial access road (Dansk Way) which runs into an area of landscaped car parking on the north side of the building. The parking is shared between Unit A and the other businesses in Units B, C and D. The surrounding area displays a mix of uses although commercial units are concentrated on the northern side of the highway with residential development and Ashlands school being on the south side.

Unit A is currently occupied and used as a gym by Heavy Metal Gym. This being authorised by planning permission 15/02269/FUL.

**Relevant Site History:**

15/02269/FUL Change of use of Unit A from business (B1) to assembly and leisure (D2)  
Approved 21.07.2015

95/02817/COU Change of use of vacant unit to Christian church Refused 30.1.1996  
93/04160/COU Change of use of vacant unit to Christian church Refused 18.2.1994

The following application at an adjacent unit, Unit D, is also relevant:

13/04211/FUL Change of use from B1 offices to a power lifting/weight training gym within the D2 use class Approved 3.12.2013

13/03077/FUL Change of use from A2 financial and professional services to D2 assembly and leisure Refused 20.9.2013

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

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

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

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

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

***Allocation***

Unallocated.

***Proposals and Policies***

UR3 The Local Impact of Development.

TM2 Impact of Traffic and its Mitigation.

TM11 Parking Standards for Non- Residential Development.

TM19A Traffic Management and Road Safety.

CL3 Leisure and Entertainment Developments outside the City, Town and District Centres are of particular relevance.

**Parish Council:**

Ilkley Parish Council – recommends approval.

**Publicity and Number of Representations:**

Advertised by site notice. Expiry date 6 December 2016.

74 representations in support of the proposal have been received together with 16 objections.

## **Summary of Representations Received:**

### **Support**

The numerous representations in support have been submitted mostly by customers of the Heavy Metal Gym (HMG) together with freelance fitness instructors who utilise studio space at the premises, together with 2 local GPs.

Class attendees praise the physical and mental health benefits of the gym and state that it is a valuable local community facility which provides cost effective, high quality, inclusive and much needed fitness facilities to all sectors of the community in the local area. A local GP has advised that the Wharfe Valley has the highest rate of childhood obesity in the Bradford District and that the exercise facilities and classes offered by HMG have a particularly beneficial impact on younger members of the community.

Parking is not considered to be a problem especially as the majority of classes operate outside office hours. As most gyms usually run group exercise classes, the offer at HMG should be no different. Instructors state that they rely on the gym as a main source of income and would suffer financially if the classes at HMG were not able to continue.

### **Objections**

The objections to the scheme have been received from occupiers / owners / leasing agents of Unit B, the adjoining business premises. These describe how the building is subdivided into 6 No office suites employing 20 members of staff.

Objectors are concerned that HMG is operating in breach of the condition which restricts the use of the premises to a weightlifting / powerlifting gym only – the website for HMG clearly advertises fitness classes and studio space for hire. The occupants of Unit B experience noise and disturbance from the use of Unit A as a gym which is, allegedly, not compatible with a normal office environment.

In addition, parking is a particular concern with gym members using spaces which are actually leased to Unit B. Although there are 28 spaces in the car park at Riverside Business Park, 11 of these spaces are allocated to Unit B. Out of the remaining spaces, 2 are used for outdoor fitness training, thereby leaving only 15 spaces for use by HMG.

### **Consultations:**

Highways Development Control – It appears that the number of parking spaces available is approximately 15/16 and not 28 spaces as previously stated. The Council's adopted parking standards would require 22 car parking spaces for a D2 unit of this size/floorspace. It is acknowledged that a similar D2 use has been previously refused on parking grounds and that the current use of the site has generated some concerns from the adjoining premises. On balance it is considered that Condition 2 should be retained.

Ilkley Parish Council – recommends approval

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

Background to the Operation of Heavy Metal Gym on Riverside Business Park.

Supporting Information.

Principle of Development.

Highway Issues.

Representations.

**Appraisal:**

The application seeks to remove Condition 2 of planning permission 15/02269/FUL which granted approval for the change of use of Unit A from an office – a B1 use, to a weight training gym – a D2 use.

This condition states that the premises

*'shall only be used for the stated purposes of a power lifting / weight training gym and for no other purpose (including for purposes of any other fitness training use or any other activity falling within Class D2 of the Order)'.*

The reason for the condition was so that the Local Planning Authority retains control over future changes of use with particular regard to the availability of car parking at the site and in order to control the impact of out of town centre leisure facilities on the vitality and viability of nearby centres.

The application is retrospective in that fitness classes have been offered at HMG since January 2016.

**Background to the operation of Heavy Metal Gym on Riverside Business Park**

Originally the applicant's gym business occupied Unit D at Riverside Business Park. Permission 13/04211/FUL was granted to change the use from a business office to a D2 assembly and leisure use. Planning consent had initially been refused because the establishment of a D2 use was deemed contrary to Policy CL3 of the RUDP given that Riverside Business Park is not located within, or on the edge of, a town centre location and that no justification or special circumstances for the end use had been provided. In addition, the parking requirements for a D2 use are higher than that for a B1 business use. The Local Planning Authority had previously refused planning applications for the establishment of a church in Unit A on the business park, also a D2 use, for the same reasons, including shortfall of parking and fears that non office uses could lead to overspill parking on the A65.

However, subsequently the applicant made strong arguments that the change of use at Unit D was only for the establishment of a power lifting/weight training gym within the D2 use class. Suitable premises for weight training / power lifting gym in the Ilkley area were hard to find as such premises need to be both spacious and have a concrete floor to accommodate the specialist weight lifting equipment and machines needed.

The Local Planning Authority was given to understand that the premises would not operate as a conventional gym as the business model was that of a specialist facility giving niche performance training to small groups of no more than 6 people at any one time. Demand for car parking would therefore be limited.

Planning permission was only granted, having regard to the support to business and economic development given by the National Planning Policy Framework, and taking into account the particular business model proposed by the applicant.

Two conditions were imposed on the D2 use, one controlling hours to 1200 – 2100hrs; and the other limiting the use to none other than a powerlifting / weight training gym and for no other purpose (including for purposes of any other fitness training or any other activity falling within Class D2).

In 2015, the applicant company (HMG) wished to move to larger premises that had come available within the Business Park in order to accommodate extra equipment. A planning application was submitted to change the use of this larger Unit (Unit A to a D1 gym. A change in opening hours to allow the premises to open from 0900 am was also requested. The business model remained unchanged and planning consent was subsequently granted by the LPA subject to the same condition limiting the use of the premises to none other than a powerlifting / weight training gym.

Unit D has since reverted back to a B1 business use.

### **The applicant's case - Supporting Information**

The applicant has stated that general exercise classes have started at HMG in response to demands from customers and local independent personal trainers and martial arts instructors. Such classes have been running since January 2016 and this has helped to create a strong community of strength, fitness and martial arts excellence in which recognised international athletes train and teach alongside the general public. Sessions in Pilates, box-fit and Zumba are offered and local young people and school children also use the facility – an afterschool martial arts club is well attended by pupils of a nearby primary school. Aside from the obvious health benefits, the gym simultaneously supports several local businesses.

The applicant has stated that they need the condition removed to allow the classes to continue as i) they forgot that the condition was in place and ii) that the running of fitness classes is a standard part of any gym set up.

The applicant claims that the business has never filled the available car parking even at their busiest times. A supporting parking survey (carried out between 21-25 November 2016) showed that between 8-11 parking spaces were used by members attending classes between 0900-1700 and that between 5-18 spaces were required for classes after office hours. It is stated that classes do not currently operate every day – for example there are few classes on a Wednesday and Friday, and that the maximum class size is 12. During the survey around 50% of members attending the classes walked to the site.

The applicant has stated that the fitness classes were requested by public demand as there is insufficient provision within the town for quality, affordable sessions and there is no reason for this condition to remain in place. However the applicant has advised that they have no desire to be anything other than a gym and would be prepared to have the condition varied, if needs be, to prevent any other D2 use from operating from Unit A.

### **Principle of Development**

The establishment of a general D2 use on this out of centre site would ordinarily be contrary to the Council's adopted planning policies that seek to concentrate leisure uses in town centres. Also, the available parking available to serve a gym is lower than would normally be expected for such a use. Permission for the D2 use was only granted on the basis of the strong business case presented by the applicant; arguments regarding the lack of suitable premises elsewhere; and the assurances that it would be a gym offering specialist weight training rather than one offering conventional exercise classes and involving higher levels of users.

This situation has not changed since the establishment of HMG on Riverside Business Park in 2013. The LPA only granted consent on the proviso that it was not a conventional gym and the same restriction was imposed when HMG moved to Unit A, a larger unit, in the summer of 2015. Six months later HMG had started offering classes thereby acting in breach of the planning condition. The LPA received complaints about the problems being caused by operation of the premises prior to the submission of the current planning application.

### **Highway Issues**

A particular concern is the car parking situation at Riverside Business Park. Whilst there are approximately 28 spaces within the communal car park, only 15/16 spaces are specifically allocated to Unit B. The Council's adopted parking standards would require 22 car parking spaces for a D2 unit of this size.

It is acknowledged that a number of patrons may walk to the premises. However, the site is actually some distance from the town centre and public transport services are not frequent. Similar D2 uses have been previously refused on parking grounds and the current use of the site has generated concerns from businesses operating in the adjoining premises. On balance the Council's Highway Officer considers that the Condition 2 should be retained.

### **Representations**

Representations have been received both in support and against the proposal. It is acknowledged that the gym brings benefits to the health and wellbeing of the local community, providing a valuable service, including for school children, as well as employment opportunities for the freelance personal trainers and fitness instructors.

However, whilst most gyms run group exercise classes, these premises were never meant to be a conventional gym. The LPA only granted consent in 2013 on the basis that the applicant claimed it was a specialist training facility which could not be accommodated elsewhere within the Ilkley area. The applicant was aware of this condition and chose to expand their business by moving into Unit A rather than relocating into a more suitable area either within or on the edge of a nearby local centre.

Occupiers of the adjoining unit, Unit B have stated that the operation of HMG negatively impacts upon their right to a quiet office environment and that they may need to reconsider their future at Riverside Business Park. A number of complaints relate to the noise levels. However, these would appear to relate to the equipment used in the main gym rather than the operation of the classes themselves. Pilates in particular is a quiet activity with no music and, in the main, other classes operate during the evening - after conventional office hours.

The applicant has advised that the studios do not share a wall with the neighbouring offices in Unit B. Soundproofing has already been installed and music volumes have been limited in the general gym to reduce noise transference to the neighbouring occupiers. Issues relating to noise nuisance would be controlled through separate Environmental Protection legislation and not through the planning process.



It is acknowledged that the issue of parking is particularly controversial. The applicant contends that the car park at the rear of the building is never used to capacity with a number of clients walking from the local area and that customers / clients at Unit B often park in gym spaces and any misuse is unintentional and could be down to poor signage. The applicant questions whether the businesses in unit B have outgrown their current premises. Conversely, occupiers at Unit B state that parking is a concern with gym clients taking spaces that are allocated to their premises leaving staff and visitors unable to park on occasions. Although the management of the parking spaces could be improved, there is an overall shortfall in the number of parking spaces on offer at the gym if it is to continue to offer classes. For this reason parking is always going to be a source of conflict between neighbouring occupiers in Units A and B if the D2 fitness use is permitted to continue, especially during normal office hours.

**Community Safety Implications:**

None anticipated.

**Equality Act 2010, Section 149:**

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

**Reasons for Refusal:**

1. There is inadequate provision for car parking within the control of the applicants to meet the requirements of the Council's approved Car Parking Standards insofar as these relate to an unrestricted D2 use. As such, the proposed use as a gym facility offering fitness classes as well as specialised weight training / powerlifting is likely to lead to overspill car parking on Leeds Road the main A65, neighbouring streets and access roads/service areas for nearby business units, to the detriment of highway safety and the amenity of nearby commercial occupiers and residents. The proposal fails to accord with Policy TM11 and TM19A of the Council's adopted Replacement Unitary Development Plan.
  2. The establishment of an unrestricted D2 assembly and leisure use in this location would be contrary to the Council's adopted planning policies which promote the development of such uses within and on the edge of, existing local centres. The supporting evidence put forward is not sufficient to justify an exception to established policy, in this instance. The proposal fails to accord with Policy CL3 of the Council's adopted Replacement Unitary Development Plan.
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