

Report of the Strategic Director, Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 26 April 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 Braithwaite Avenue Keighley - 17/00296/FUL [Approve]	Keighley West
B.	200 Leeds Road Shipley BD18 1EA - 17/00481/FUL [Refuse]	Windhill and Wrose
C.	200 Leeds Road Shipley BD18 1EA - 17/00864/ADV [Refuse]	Windhill and Wrose
D.	5 The Hallows Keighley BD20 6HY - 17/00244/HOU [Refuse]	Keighley Central

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Portfolio:
Regeneration, Planning & Transport

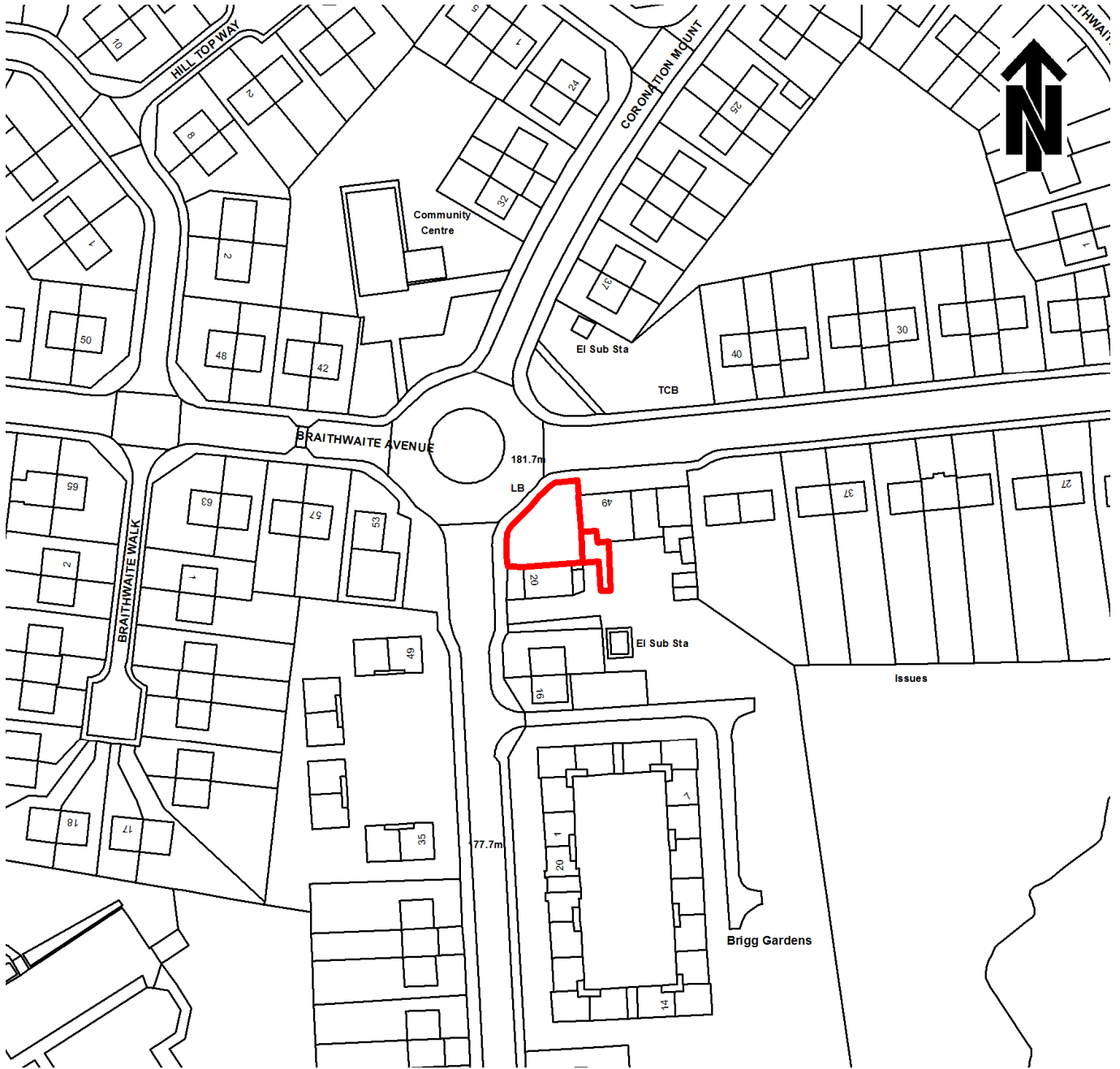
Overview & Scrutiny Committee Area:
Regeneration and Economy



17/00296/FUL

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**Land At Braithwaite Avenue
Keighley**

26 April 2017

Item: A
Ward: KEIGHLEY WEST
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
17/00296/FUL

Type of Application/Proposal and Address:
Construction of retail and residential development at land at Braithwaite Avenue, Keighley.

Applicant:
Mr Hussain

Agent:
Belmont Design Services Ltd

Site Description:
The site is an untidy vacant plot of land amounting to 247 sq. metres in area. It is situated adjacent to a roundabout in the centre of the Guardhouse estate to the west side of Keighley. The land is of irregular shape as it wraps around the road junction between the blank gable wall of 20 Broster Avenue and a single storey extension on the side of 49 Braithwaite Avenue. These premises - to either side of the application site are local convenience shops with residential accommodation above.

Relevant Site History:
No site history.

The National Planning Policy Framework (NPPF):

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UR3 – Local Impact of Development

D1 – General Design Considerations

UDP3 – Quality of Built and Natural Environment

TM2 – Impact of Traffic and its Mitigation

TM11 – Parking Standards for Non-Residential Developments

TM12 – Parking Standards for Residential Developments

TM13 – On-street Parking Controls

TM19A – Traffic Management and Road Safety

Parish Council:

Keighley Town Council – Recommends approval.

Publicity and Number of Representations:

Advertised by neighbour notification letters and site notice with a 21 day deadline of 26.2.17.

Seven neighbour representations received objecting to the development.

Summary of Representations Received:

The main concerns of objectors are lack of parking; the car park opposite being private and can only be used by customers of the attached shop and hairdressers.

This is a very busy area with 2 schools and a nursery close by. The building is going to be on a roundabout so there is no on street parking available outside the premises.

Both shop entrances will be within 10 feet of the junction making it illegal for anyone to park outside.

There is a lack of parking for delivery vehicles.

There are no plans for storage of waste bins / recyclable waste bins / trade bins.

There's a tree and shrubs down the side of the land (side of no 20) which will be removed.

The parking at the back of the shops is not accessible.

Consultations:

Highways Development Control – In order for Highways to raise no objections the applicant will be required to fund provision of a new Traffic Regulation Order (TRO) to prohibit parking on or around the roundabout.

Also, in order to discourage parking in front of the properties and/or on the footway bollards or boundary fence/wall should be installed at the back edge of the footway within the proposed paved area.

Drainage Section - Development to be drained via a separate system within the site boundary. The applicant should investigate the use of porous materials in the construction of the car parking & hard standing areas.

West Yorkshire Police – Comments regarding parking, bin storage, external lighting, intruder alarm, physical security and partition walls were submitted which have been addressed within the officer report.

Summary of Main Issues:

Impact on Local Environment.

Impact on Neighbouring Occupants.

Parking and Highway Issues.

Appraisal:

The retail and residential development comprises a single building that would wrap around the road junction filling the disused land between 49 Braithwaite Avenue and 20 Broster Avenue. It would consist of two retail shops at the ground floor and two separate flats on 2 storeys above. The building would be two storeys in height with part of the accommodation formed in the roof space and served by dormer windows.

Principle

The site is a vacant and neglected plot of land on a road junction at the centre of the estate. Its development would improve the site and its surroundings. The retail development is of a scale that would complement existing shops that already exist around this junction. They could potentially improve the range of local retail facilities available to residents of the estate and provide some employment. The scale of the retail shops is very small and the retail use is likely to provide only for local needs, enhancing choice and accessibility to goods and services for residents of the estate rather than posing any threat to the vitality and viability of Keighley Town Centre. In principle both the residential and retail uses are acceptable and supported by the economic, social and environmental strands of the National Planning Policy Framework.

Design

As described above, there is a mix of retail and residential properties in the vicinity but buildings are of a domestic scale and character. This is a typical post-war housing estate with brick and render being the most prolific materials used in the area, with a mixture of both concrete tile and blue slate roofs.

The layout of the proposed development is designed to wrap around the roundabout junction. The height and bulk reflects the scale of the adjoining buildings to either side. The building would be faced in render topped with an artificial slate roof. Design, scale, form and materials are all appropriate to the locality.

Amended plans have been received from the agent to include a bin storage area to the rear of the property serving both the retail and residential parts of the development. A condition is suggested to secure its provision as part of the scheme.

The agent has confirmed that detailed recommendations of the West Yorkshire Police Architectural Liaison Officer will be followed. For example, dusk until dawn external lighting will be provided to the flat entrances and secure bin storage is now confirmed to the rear of the property. The development will be fully alarmed. Security glass will be installed to relevant BS and building control approval. Doors will be to building regulation approval and partition walls will all be to building control approval with solid masonry being used.

The small trees and shrubs to the southern edge of the site referred to by some objectors are not considered to contribute to the local environment and removal of these is acceptable.

There is level access to the front of the retail units to ensure accessibility for all.

The design of the proposal is therefore considered to comply with Policies UR3, D3, D4 and D1 of the Replacement Unitary Development Plan.

Impact on Neighbouring Occupants

Two residential properties are located within close proximity to the proposed development. However, one is occupied in relation to, and above, the neighbouring convenience store which operates late into the evening (10.00pm), and the second is situated between an existing shop (although currently unoccupied) and hot food takeaway.

A condition will be included in the recommendation to limit the opening hours of the retail units to between 0700 and 2200 Monday to Saturday and 0800 until 2200 Sundays and Bank Holidays. This is in line with what has been suggested by the applicant on the application form and would be similar to the hours of business of the neighbouring shop.

It is therefore considered that immediate neighbours will not be affected by potential noise and disturbance from the proposal. It has also been confirmed that there will be appropriate sound proofing incorporated between the retail and residential floors of the development to ensure future residential occupiers have good standards of amenity.

The proposal is therefore considered to comply with Policy UR3 of the Replacement Unitary Development Plan.

Impact on Highway Safety

The majority of objections to the proposal relate to what seem to be on going parking problems affecting the roads surrounding the site. The site is situated alongside a local roundabout at the junction of 4 roads that run through the estate. It is clear from the comments received that local residents see parking as a significant issue in the area.

The scheme provides no customer parking but an area indicated to the rear of the building in a shared yard is earmarked for two spaces that will provide for the needs of the flats and shop staff.

However, it is likely that a high proportion of customers (and staff) of the shops will live locally and would travel to the shops on foot. There are a number of off road parking spaces opposite the site but these are for the exclusive use of the associated shop and hairdresser. The only alternative parking is on street down the Braithwaite Avenue, Broster Avenue and Coronation Mount from the application site.

The Council's Highways Officer agrees with the concerns of residents and has advised that in order for Highways to raise no objections the applicant will be required to fund the provision of a new Traffic Regulation Order (TRO) to prohibit parking on or around the roundabout. The applicant will have to meet the full cost of promoting the TRO, which is £7,000, and this sum will have to be paid to the Council before they start the process of promoting the TRO.

A letter has been received from the agent confirming that the applicant is happy to agree to the TRO and pay the full costs.

A condition has therefore been included in the recommendation requiring the TRO promotion process to be implemented prior to the development being brought into use.

The Highway Officer also noted that a paved area was to be provided behind the existing footway and in front of the new properties on land that is presently open. It has been made clear that this area must remain part of the shop forecourt and will not be adopted by Highways as an extension of the footways.

In order to discourage parking in front of the properties or on the footway an amended plan has been received detailing that bollards would be installed at the back edge of the footway within the proposed paved area.

Subject to conditions to secure the necessary highway mitigation measures, the proposal is therefore considered to comply with Policies TM2, TM11, TM12, TM13 and TM19A of the Replacement Unitary Development Plan.

Community Safety Implications:

The proposal poses no apparent community safety implications and is considered to accord with Policy D4 of the Replacement Unitary Development Plan.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed development is considered to relate satisfactorily to the character of the existing building and adjacent properties. The impact of the proposal upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significant adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with Policies UR3, UDP3, TM2, TM11, TM12, TM13, TM19A and D1 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 shall not be brought in to use until measures such as bollards or a barrier to prevent indiscriminate car parking across the footway and forecourt in front of the development have been implemented in accordance with details that have first been submitted to, and approved in writing by the Local Planning Authority. The measures so approved shall be retained as long as the retail premises are in use, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway and pedestrian safety and to accord with policy TM19A of the Replacement Unitary Development Plan.

3. The development shall not be brought in to use until all best endeavours have been undertaken to implement a Traffic Regulation Order (TRO) on Braithwaite Avenue; Broster Avenue; and/or Coronation Mount. A scheme indicating the extents and full details of the TRO shall first be agreed with and approved in writing by the Local Planning Authority. The cost of processing and implementing the TRO shall be borne by the Applicant.

Reason: In the interest of highway and pedestrian safety and to accord with policy TM19A of the Replacement Unitary Development Plan.

4. Before any parts of the residential or retail development are brought into use, the proposed bin store shall be made available for use in accordance with the approved plan and thereafter retained for this purpose as long as building is in use.

Reason: To ensure that a suitable form of bin storage facility is made available to serve the development, in the interests of good design and the amenity of occupants of adjoining properties and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

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

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

6. Notwithstanding details shown on the approved drawings, the vehicular parking/manoeuvring areas and hard standing areas shall be surfaced using permeable materials.

Reason : In the interests of securing sustainable drainage of the site and reducing surface water run-off, particularly to the highway, and to accord with Policies UR3, TM19A and NR16 of the Unitary Development Plan.

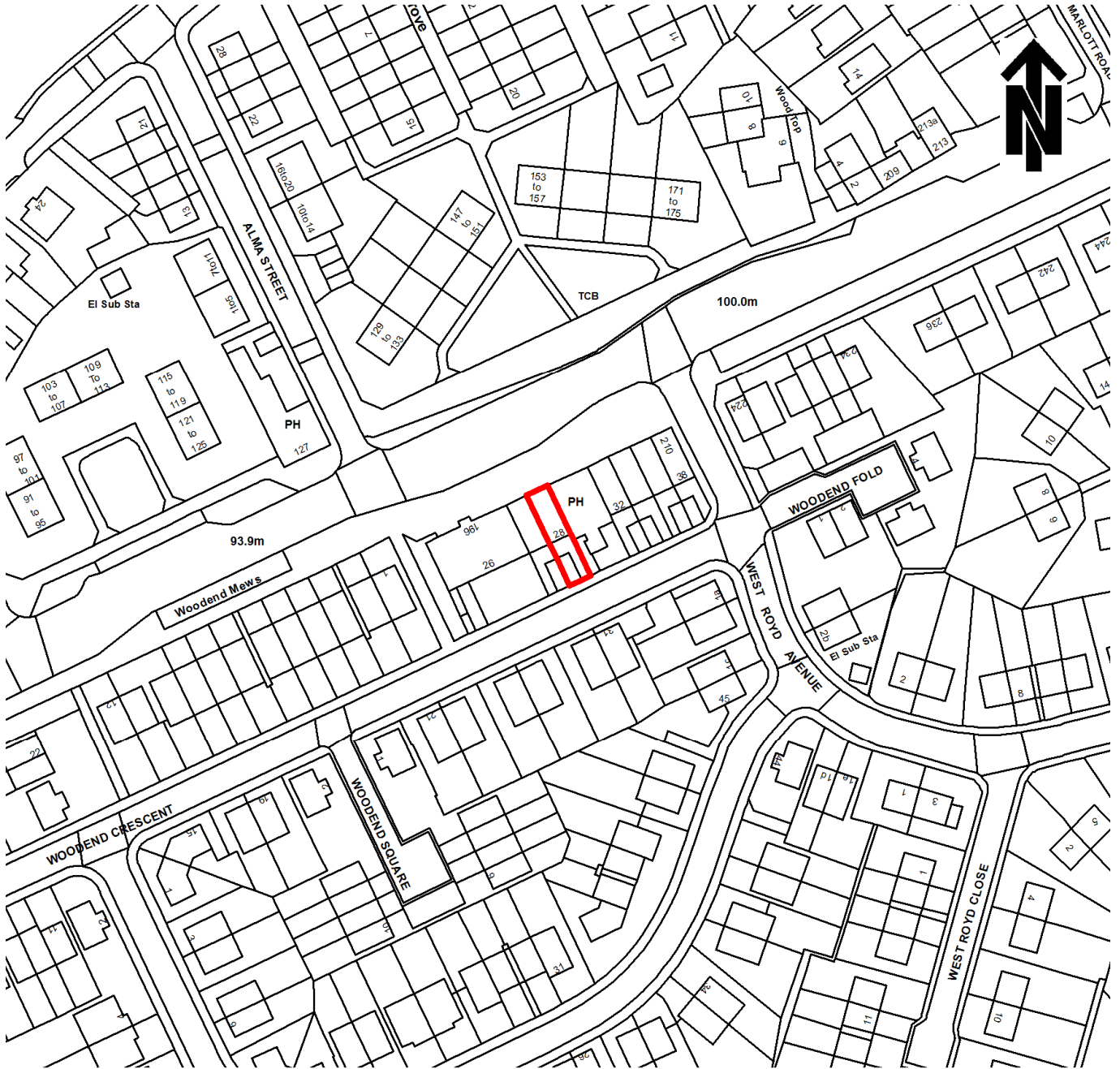
7. The use of the premises shall be restricted to the hours from 0700 to 2200 Mondays to Saturdays and from 0800 to 2200 on Sundays, Bank or Public Holidays.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policy UR3 of the Replacement Unitary Development Plan.

17/00481/FUL

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**200 Leeds Road
Shipley
BD18 1EA**

26 April 2017

Item: B
Ward: WINDHILL AND WROSE
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
17/00481/FUL

Type of Application/Proposal and Address:
Full application (retrospective) for the installation of external roller shutters at 200 Leeds Road, Shipley BD18 1EA.

Applicant:
Noreen Akhtar

Agent:
Not applicable.

Site Description:
200 Leeds Road is located in the middle of a commercial parade on the south side of Leeds Road, the A657. The property has an existing shop unit at ground floor, which is presently vacant, with residential accommodation above. The property, like many others in this row, has an external roller shutter. Aside from this parade, the surrounding area is generally residential in character with new housing development occurring in recent years.

Relevant Site History:
17/00864/ADV Internally illuminated advertisement. Undetermined.
13/05013/SUB01 Submission of details to comply with condition 2. Approved 6.11.14.
13/05013/FUL Change of use of ground floor from youth centre (D1) to fish and chip shop (A5). Approved 13.2.2014.
06/06430/COU Change of use from youth centre (D1) to café (A3). Refused 12.2.07.
04/03653/COU Change of use from shop (A1) to youth centre (D1). Approved 17.11.04.
04/02672/COU Change of use from shop (A1) to amusement arcade. Withdrawn 8.9.04.

The National Planning Policy Framework (NPPF):

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

Policies D1 General Design Considerations, D13 Shopfronts, UR3 The Local Impact of Development, and the Council's Supplementary Planning Document 'A Shopkeepers Guide to Securing their Premises ' (2012) are of most relevance.

Parish Council:

None for Windhill.

Publicity and Number of Representations:

Advertised by site notice. Expiry date 14 March 2017. Letters of support have been received from two neighbouring businesses together with a local PC for the Windhill and Wrose area.

A Ward Councillor has also supported the application and made a request that it be considered by Members of the Area Planning Panel if recommended for refusal.

Summary of Representations Received:

Local business owners feel that shutters offer a deterrent to criminals and promote peace of mind for the shop keeper. They also state that other businesses on the parade have external shutters and that they cannot see why the applicant should not be able to install the same.

A local PC has confirmed that the area suffers from anti-social behaviour and that the applicant would benefit from the addition of shutters as have her neighbours.

The Ward Councillor also shares this view and considers that the applicant would feel more secure, once the business is opened, if the shutters could be retained.

Consultations:

None.

Summary of Main Issues:

Principle of Development.

Visual Amenity.

Supporting Information.

Representations.

Appraisal:

The proposal seeks retrospective permission for installation of a solid external security shutter with an external box housing. The shutter has been powder coated with a red coloured finish and has been in place on the premises since early November 2016.

The premises are currently unused although planning permission has been granted for a hot-food takeaway on the premises which is due to open for business in the near future.

Principle of Development

In December 2012 the Council adopted the 'Shopkeepers Guide to Securing their Premises' Supplementary Planning Document (SPD) which sets a strong presumption against external shutters.

This aspect of the policy guidance is based on advice from West Yorkshire Police. The guidance notes that while solid shutters provide some security they deaden a street scene, do not allow views in, often attract graffiti and can enable criminal activity to proceed unnoticed once the shutters are breeched. Solid shutters also result in a blank and oppressive shop frontage and reduce light to the pavements thus creating a deadening, unwelcoming and neglected effect on the street which in turn can create a perception of an unsafe environment. The view of the police, as expressed in the guide, is that people perceive an area as having high crime because of the way it looks and so they avoid it. This in turn can encourage antisocial behaviour, causing residents and pedestrians to further avoid the area thereby embedding a 'fear avoidance' cycle.

The adopted Shopkeepers Guide therefore makes it expressly clear that the use of external shutters is unlikely to be acceptable, unless it can be demonstrated that internal security measures have been fully considered and would be unsuitable in the particular circumstances.

The solid shutter installed on these premises is contrary to the adopted guidance. It creates a deadening, unwelcoming and neglected effect on the street which in turn can create a perception of an unsafe environment – as described in the SPD.

A solid (or perforated) external shutter design is not acceptable under the adopted guidance. Such a shutter would ordinarily be considered to be contrary to Policies UR3, D1 and D13 of the Council's adopted Replacement Unitary Development Plan (RUDP) and the adopted the 'Shopkeepers Guide to Securing their Premises' Supplementary Planning Document (SPD) 2012.

Visual Amenity

The proposed shutters here have had a negative impact on visual amenity in that they create contribute to creating an unattractive, 'dead' frontage. It is acknowledged that the majority of neighbouring businesses on this parade already have externally fitted, solid shutters. These are likely to be unauthorised or to pre-date the adoption of the 'Shopkeepers Guide to Securing their Premises' Supplementary Planning Document (SPD) 2012. Any applications to retain these shutters would not be supported nowadays.

An appeal against an Enforcement Notice relating to the fitting of similar external security shutters on a nearby property at 296 Leeds Road, Shipley, was recently dismissed on appeal in February of this year. The Planning Inspectorate fully supported the Council's approach to resist solid shop front security shutters as set out in the adopted SPD.

The impact of the shutter at 200 Leeds Road would be further compounded by the proposed advertisement. The applicant intends to incorporate the external shutter box housing behind an internally illuminated box sign – application for advertisement consent 17/00864/ADV refers. Whilst the level of detail for this application is poor, it is evident that the proposed dimensions of the fascia sign with a depth of 1.28m and projection of 0.68m would be significantly in excess of all other adverts on the parade and the resulting shop front would appear as an alien and obtrusive feature to the detriment of visual amenity.

For this reason the proposal is considered to be contrary to Policies D1 and UR3 of the Council's adopted RUDP.

Supporting Information

In support of the scheme, the applicant says that the application has been made retrospectively due to a security risk. The applicant considers that the shutter offers a visual improvement to the parade as it has a coloured, powder coated finish and also states that 'the shutter housing will fit neatly under the new shop sign and thereby shall not be in any way obtrusive'. The shutters will only be in the closed position between the hours of 10pm to 10am and should not therefore be highly visible to members of the general public.

The applicant states that the layout of the shop window precluded the fitting on shutters with an internal box housing and that in any event, internal shutters would not deter vandals from breaking the shop window. Recent incidents of antisocial behaviour at the back of the parade prompted the applicant to install the current shutter to the front.

In response to these points, the principle of fitting external security shutters is unacceptable. Leeds Road is a major traffic route and as such the Council has a duty to ensure that the quality of the streetscene remains an attractive and safe route for passing members of the public. Solid shutters are known to create oppressive frontages and a negative impact on the appearance of the wider streetscene particularly during evening hours. The shutter box may be obscured by the proposed sign however this is only because the size of the sign is unduly excessive. No firm evidence has been submitted by the applicant to demonstrate that the fitting of an internal shutter is impracticable.

The submitted crime report mostly records general criminal and antisocial behaviour in the ward of Windhill and Wrose and does not include any entries which specifically relate to this property. The intended use is as a hot food takeaway. Such uses are not likely to have high value goods on the premises, unlike for example a jewellers, and the business is not yet open for business. The perceived threat of potential damage to the shop front is not so great as to warrant approving a scheme which is contrary to the Council's adopted Planning Policies in all other respects.

Representations

The comments made in support have been noted. The Council is aware that security is a major concern for shop keepers and owners but does not consider that external measures are the most appropriate means of securing the premises. The high incidence of solid shutters on this parade has resulted in the creation of a 'dead frontage' which has had a negative impact upon the ambiance and attractiveness of this part of Shipley with the proliferation of external roller shutters reinforcing public perceptions of an unsafe environment. The Council now has an adopted 'Shopkeepers Guide to Securing their Premises' Supplementary Planning Document (SPD) 2012 which says such shutters should be resisted.

Community Safety Implications:

These have been considered above.

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.

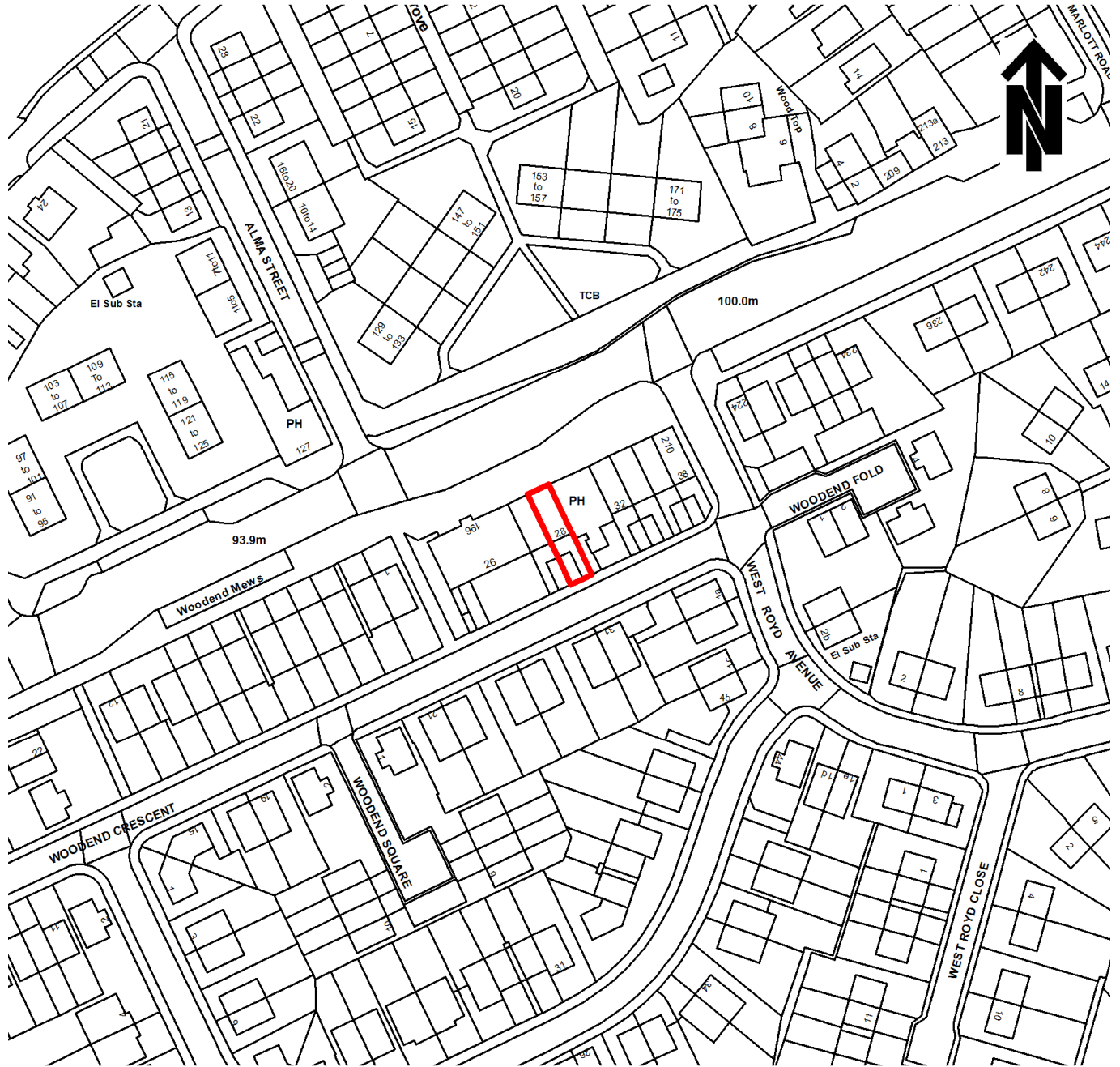
Reasons for Refusal:

The shutter by reason of its design, solid appearance and external shutter box and guides is a discordant feature which causes unacceptable harm to the building and street scene. This would be further compounded by the proposed addition of an excessively large illuminated box sign over the shutter box housing. The proposal is contrary to Policies D1, D13 and UR3 of the Council's adopted Replacement Unitary Development Plan and guidance set out in the Council's adopted Shopkeepers Guide to Securing their Premises Supplementary Planning Document (2012).

17/00864/ADV

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200 Leeds Road
Shipley
BD18 1EA

26 April 2017

Item: C
Ward: WINDHILL AND WROSE
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
17/00864/ADV

Type of Application/Proposal and Address:

Application for advertisement consent for the installation of an internally illuminated box sign at 200 Leeds Road, Shipley BD18 1EA.

Applicant:
Noreen Akhtar

Agent:
Not applicable.

Site Description:

200 Leeds Road is located in the middle of a commercial parade on the south side of Leeds Road, the A657. The property has an existing shop unit at ground floor, which is presently vacant, with residential accommodation above. The property does not currently have any advertisements displayed although a substantial metal framework at fascia level is evident on the frontage. Aside from this parade, the surrounding area is generally residential in character.

Relevant Site History:

17/00481/FUL External roller shutters. Undetermined.

13/05013/SUB01 Submission of details to comply with condition 2. Approved 6.11.14.

13/05013/FUL Change of use of ground floor from youth centre (D1) to fish and chip shop (A5). Approved 13.2.2014.

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- 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

Policy D15 Advertisements of the Council's Adopted Replacement Unitary Development Plan is of note.

Parish Council:

Not applicable.

Publicity and Number of Representations:

None.

Summary of Representations Received:

None.

Consultations:

None.

Summary of Main Issues:

Amenity.

Safety.

Appraisal:

The proposal seeks approval for installation of an internally illuminated box sign over the existing shop front. No details of the appearance, design and siting of the sign have been submitted for consideration. However, the application form and a sketch drawing say the sign will be 1.28m deep with a projection of 0.68m and would appear to span the whole frontage of the property. It is envisaged that the sign would be red, white and yellow in colour advertising the applicants' proposed hot food business 'Chickways'. The applicant has advised that the sign has been specifically designed to incorporate the external box housing of a proposed security shutter, the subject of a separate companion planning application, 17/00481/FUL.

Paragraph 67 of the National Planning Policy Framework gives advice in respect of control of advertisements. It says poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Amenity

The primary issue for concern is the visual impact of the proposed sign on the existing building and its surroundings. All other units on this parade have modest fascia signs of similar dimensions which sit comfortably between the shop window and first floor windows.

Existing signs on nearby properties are fitted flush with the building fascia and are either non-illuminated or lit by an external light source. The depth of the internally illuminated box sign proposed sign is significantly deeper than those on neighbouring properties and it would therefore appear clumsy and disrupt the visual balance of the row in which it is situated. The advertisement would, by virtue its excessive depth and projection from the face of the building and means of illumination, have an appreciable adverse effect on local amenity. It would appear as an unbalanced and unsympathetic feature on this building along what is a major traffic route. The proposal therefore fails to accord with Policy D15 and the aims of the NPPF.

Safety

No safety adverse issues are anticipated from the sign.

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.

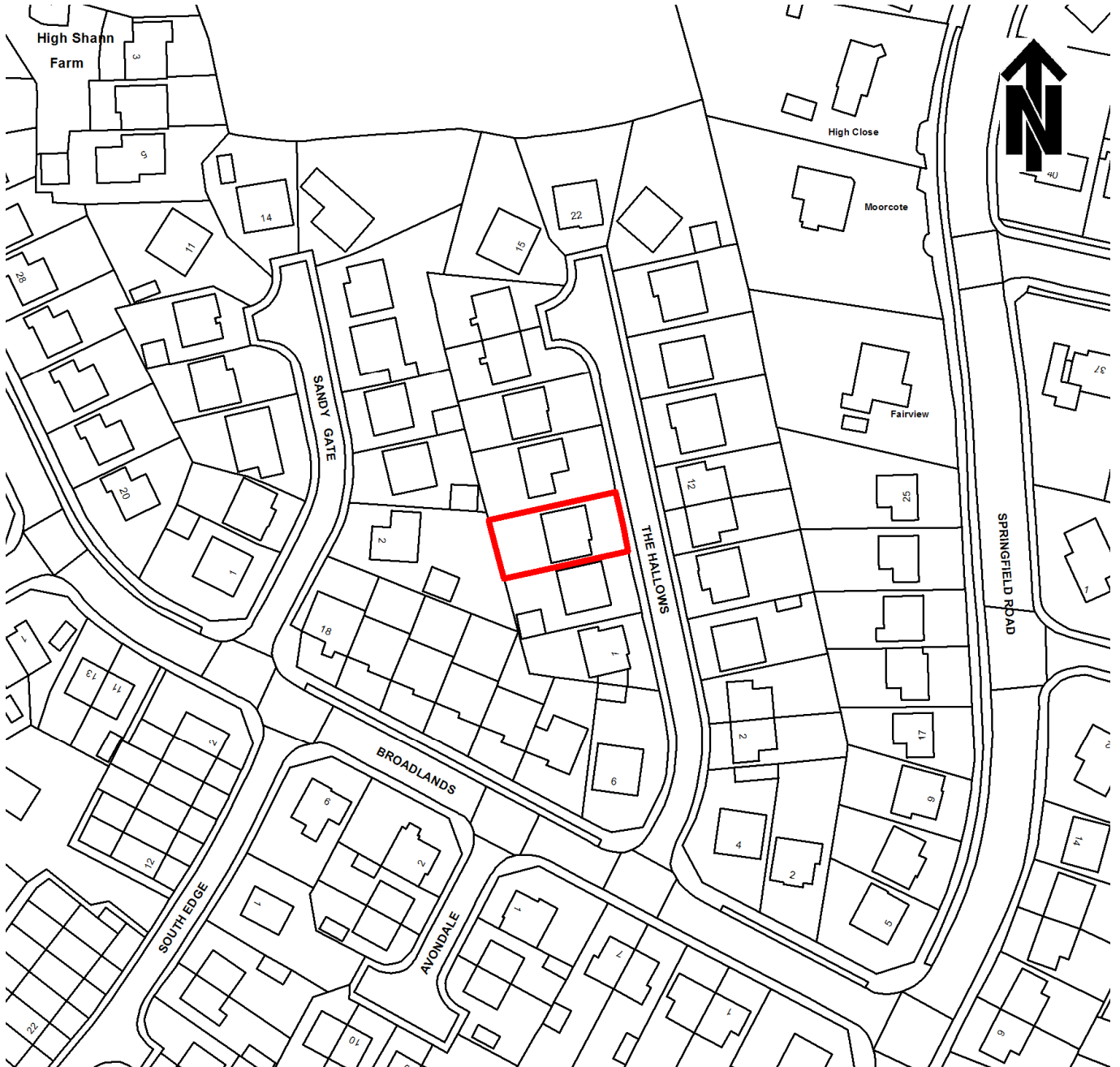
Reasons for Refusal:

1. The proposed fascia sign would, by virtue of its excessive depth and projection from the face of the building and means of illumination, appear as an incongruous, obtrusive and unsympathetic feature on the property. The advertisement would detract from the character and appearance of the building, the commercial parade in which it is situated along a major traffic route and the wider local environment to the detriment of visual amenity. The proposal therefore fails to accord with Policy D15 of the Council's adopted Replacement Unitary Development Plan and the aims of the National Planning Policy Framework.
 2. Notwithstanding the above reason for refusal, the application as submitted provides insufficient information, leading to doubt as how the proposed sign on the will relate to the host property preventing its proper consideration by the Local Planning Authority.
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17/00244/HOU

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Keighley
BD20 6HY

26 April 2017

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

Application Number:
17/00244/HOU

Type of Application/Proposal and Address:
Two storey side extension and alterations at 5 The Hallows, Keighley, BD20 6HY.

Applicant:
Mr G Khan

Agent:
A A Planning Services

Site Description:

The application proposes to extend a detached two-storey house which stands in a row of modern detached houses along The Hallows, a residential cul de sac on the north-west side of Keighley. The cul de sac leads is lined on both sides by detached houses and some bungalows of varying designs, mostly built with stone fronts and pebble dashed sides and rears. The application house is set above the level of the street behind an open plan frontage. There is a single storey garage extension on the side towards the blank side wall of No 3 The Hallows.

Relevant Site History:

No previous applications recorded at this property.

The National Planning Policy Framework (NPPF):

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

D1 – design considerations

UR3 – local planning considerations

TM2 – car parking standards (residential)

Adopted supplementary planning guidance - Householder Supplementary Planning Document.

Parish Council:

Keighley Town Council recommends approval.

Publicity and Number of Representations:

By letter notification to neighbours. No representations have been received.

Summary of Representations Received:

Application is supported by a ward Councillor who considers that it should require dispensation from the planning requirements due to overcrowding.

The Ward Councillor has referred the application for consideration by Planning Panel.

Consultations:

None deemed necessary.

Summary of Main Issues:

Impact on local street scene and whether there are any special circumstances to depart from the Council's adopted Householder Supplementary Planning Guidance.

Appraisal:

The application proposes three extensions:

- (1) A two storey extension to the side of the detached house. This would replace the existing single storey garage but would encroach beyond its footprint up to the side boundary with No 3 The Hallows.
- (2) A 1st floor extension added to the front elevation over a ground floor section of the original house. This would create a bathroom.
- (3) A porch over the front door.

The resulting house would have 5 bedrooms and two bathrooms on the 1st floor.

There are no design objections as the roof form, window design and proposed materials of the three extensions would appropriately match and complement the existing house.

The extensions do not raise any significant problems in respect of any harm to the amenity of occupiers of neighbouring properties. The side wall of No 3 The Hallows has no windows so the side extension would not affect it. The side extension does not extend behind the house and so would not cause any dominance or loss of light to the properties on either side and there is adequate space to the property to the rear.

Although the scheme displaces a garage, space is retained on the 7.8 metre drive in front of the house for cars. There are no highway objections.

Impact on street scene – loss of space to side boundary

The Council's adopted Householder Supplementary Planning Guidance Document establishes as Design Principle 1: that the size, position and form of extensions should maintain or improve the character and quality of the original house and wider area. Extensions should not appear to dominate the original house or neighbouring properties. The SPD states that to ensure this, an extension on the side of a house should normally be positioned 1.0 metres behind its front wall, with a corresponding lowering of the roofline. This will help make the extension appear subordinate, preserve the original design, avoid an awkward junction between old and new materials and help reduce the loss of the openness between buildings.

In this instance, the variety of house designs along the street and the fact that this is a detached house are such that it is not strictly necessary, in design terms, to insist on the requirement for a full 1.0 metre set back to the front wall. The agent has proposed a lower ridge line to the extension which would achieve a degree of subservience. A side extension that is integrated and not fully subservient is therefore justified.

However, acceptance that a full 1.0 metre set back to the front wall of the two storey side extension is not necessary means that it is more important to insist on a meaningful gap being retained to the side boundary. By encroaching right up to the side boundary, the new two storey side extension would result in a loss of this openness between the buildings and cause an oppressive "terracing effect" to this side of the street – giving an appearance of a terrace rather than individual detached houses.

This key principle of design is explained in the adopted Householder Supplementary Planning Guidance Document. It says that where detached or semi-detached houses are built in a uniform row, the Council will insist that a minimum gap of 1 metre between the side extension and the side boundary should be retained to prevent a cramped 'terracing effect' and loss of space between houses. This gap will also allow access to the rear of the property and assist in the future maintenance of walls and roofs.

In the case of 5 The Hallows, the upper part of the existing house is currently sited 4.8 metres from the corresponding side wall of 3 The Hallows - leaving a spacious gap. At ground floor level the garage extends to 900mm from the boundary. The side wall of No 3 The Hallows is about another 900mm from the side boundary. If built, the extension would result in a total gap of only 1 metre retained between the resulting two storey buildings. Only a nominal 100mm of this gap would be on the applicant's side of the boundary to enable foundation construction on his property.

The effects of the resulting loss of spaciousness between the two houses would be more pronounced in this instance due to the elevated position of the houses above the street and the open plan layout. The lack of a meaningful gap would create an unduly dominant and oppressive mass of building above the street.

The loss of a gap to the side boundary would cause an oppressive impact. Because the proposal does not incorporate a minimum gap of 1.0 metre between the two storey side extension and the side boundary as advised by guidance in the Council's adopted Householder Supplementary Planning Guidance, it would create a cramped 'terracing effect' and the loss of space between houses would be to the detriment of the character of the street scene contrary to Policy D1 of the Replacement Unitary Development Plan.

Whether there are mitigating circumstances

A Ward Councillor has said the application should be approved because overcrowding is an issue in this case. The Householder SPD does make provision to allow the Local Planning Authority to take into account the need to alleviate overcrowding as a material consideration. In circumstances where there is acute need for accommodation to meet family circumstances, the Council can allow a larger extension than might otherwise be permitted under strict application of the Design Principles of the Householder SPD - as long as there is no harm to neighbours.

The SPD says this should be assessed on a case by case basis but that it is for the applicant to establish particular needs through the submission of documented evidence and through consultation/verification with the Council's Housing Department. The SPD says any submission of documented evidence must be provided at the start of the application process.

In this instance, the applicant has not submitted any evidence of acute need or overcrowding. The side extension would provide an enlarged sitting room and living room at ground floor level with 2 bedrooms at 1st floor level. The resulting house would then have 5 bedrooms and two bathrooms at 1st floor level in the house. If the side extension was reduced in width to allow a 1.0 metre gap to be retained to the side boundary (as has been requested by officers) the extension could still permit 2 bedrooms with an internal width of 2.8 metres to be created on the side. It has not been explained how smaller bedrooms would fail to address the claimed family needs.

In the absence of any submitted evidence of acute overcrowding or other special circumstances, no weight can be given to this issue in making the recommendation.

Conclusion

There is clear conflict with the adopted supplementary planning guidance that 1.0 metre gaps should normally be retained to side boundaries, and as a result harm would be caused to the character of the locality due to an oppressive massing of structure and a loss of spaciousness between houses. This which would be contrary to Policy D1 of the RUDP.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. No issues relating to disability or special needs of occupiers have been raised by the applicant in any supporting information and it is not therefore considered that that any issues with regard to equality issues are raised in relation to the consideration of this application.

Reasons for Refusal:

The proposal does not incorporate a minimum gap of 1 metre between the two storey side extension and the side boundary as advised by guidance in the Council's adopted Householder Supplementary Planning Guidance. As a result it would create a cramped 'terracing effect' and the loss of space between houses would be to the detriment of the character of the street scene contrary to Policy D1 of the Replacement Unitary Development Plan.
