

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 31 October 2018

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	1 Margerison Crescent Ilkley West Yorkshire LS29 8QZ - 18/02143/HOU [Approve]	Ilkley
B.	25 Dale View Ilkley West Yorkshire LS29 9BP - 18/02804/HOU [Approve]	Ilkley
C.	29 New Close Road Shipley West Yorkshire BD18 4AU - 18/03501/HOU [Approve]	Shipley
D.	64 Victoria Avenue Ilkley West Yorkshire LS29 9PN - 18/00144/HOU [Approve]	Ilkley
E.	Brent Villa Upper Town Oxenhope Keighley West Yorkshire BD22 9LL - 18/03279/OUT [Approve]	Worth Valley
F.	Land At Fife Street Haworth Keighley West Yorkshire - 18/03416/FUL [Approve]	Worth Valley
G.	Sirius Langbar Road Ilkley West Yorkshire LS29 0AR - 18/02554/FUL [Approve]	Ilkley
H.	122 - 124 Lawkholme Lane Keighley West Yorkshire BD21 3JR - 18/03553/FUL [Refuse]	Keighley Central

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

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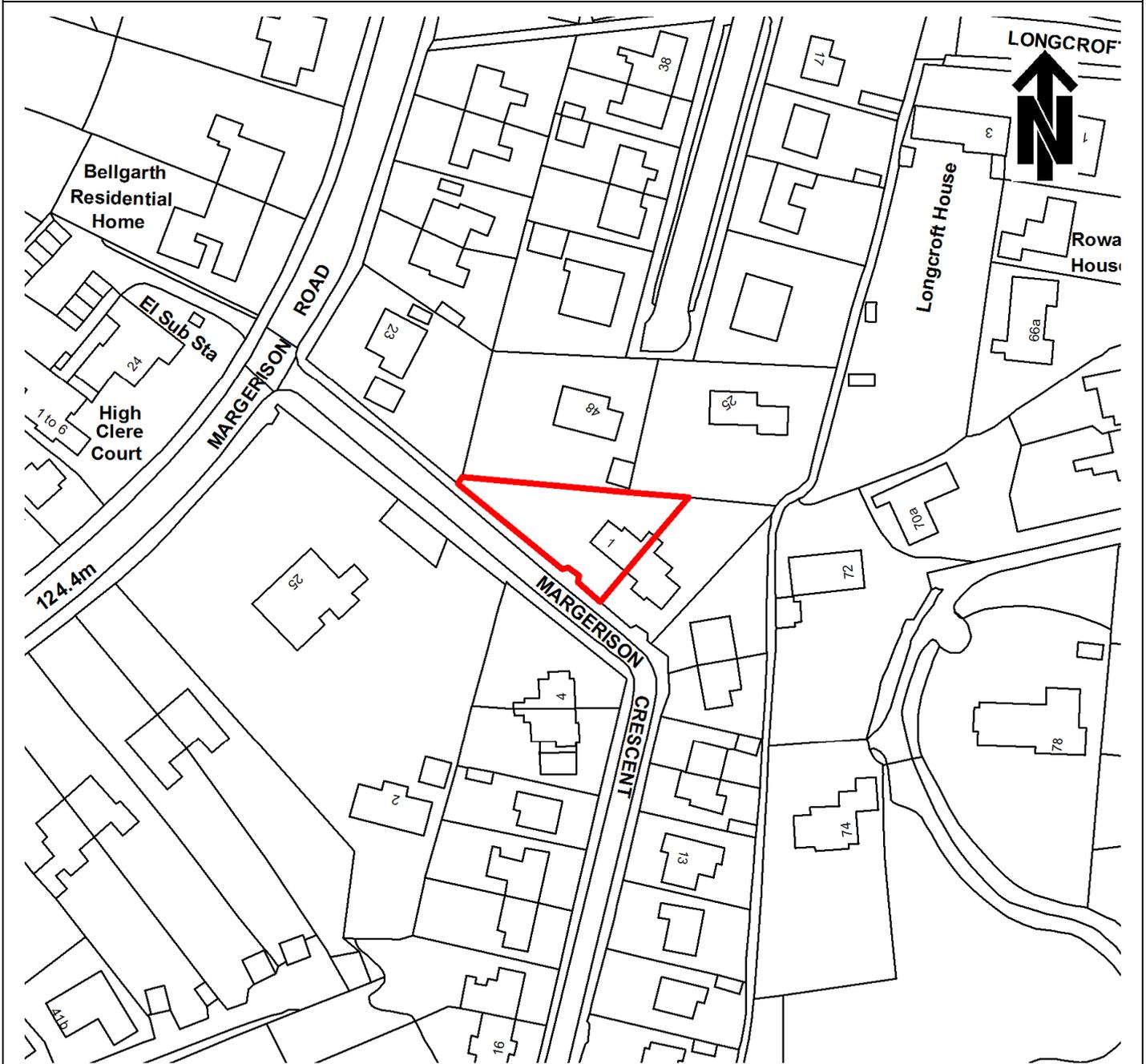
Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

18/02143/HOU



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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1 Margerison Crescent
Ilkley
LS29 8QZ

31 October 2018

Item: A
Ward: ILKLEY
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
18/02143/HOU

Type of Application/Proposal and Address:

Householder application for construction of a replacement rear single-storey extension, and decked area to the side 1 Margerison Crescent Ilkley LS29 8QZ

Applicant:

Mrs Caroline Cherrill

Agent:

Architectural Emporium, Liverpool

Site Description:

The property is one of a pair of semi-detached houses faced in stone and render, with a concrete tiled roof. The street is in the Ben Rhydding area of Ilkley and is lined by similar C20th residential properties. To the rear of the property, the garden slopes down to the back gardens of 25 and 48 Wheatley Avenue. The application property is elevated above the levels of those neighbours.

Relevant Site History:

98/00924/FUL – Kitchen extension to the rear. Granted 24.4.1998
97/00424/FUL – Two storey side extension. Granted 17.4.1997

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

- DS1 – Achieving good design
- DS3 – Urban Character
- DS4 – Streets and Movement
- DS5 – Safe and Inclusive Places

Parish Council:

Ilkley Town Council recommends refusal on the basis of insufficient information and notes that several objections have been lodged in relation to this application.

Publicity and Number of Representations:

3 objections received, plus an objection and referral of the application to Panel by a Ward Councillor.

Summary of Representations Received:

1. No 3 Margerison Crescent, which is the adjacent semi-detached house, will be affected by the rear extension as it projects more than 3 metres from the original back wall of the house and is 3.7m high to the eaves.
2. The neighbour's kitchen is not accurately shown on the Lower Ground Floor Plan. The relative height of the proposed extension cannot be established from the submitted drawings.
3. There is no method statement regarding the neighbour's foundations and maintenance. It is unclear from the plans how much of the intervening hedge will be removed for the extension or how shared gutters will be managed.
4. The rear extension and raised decking have the potential to substantially affect privacy of occupiers of the property to the rear (48 Wheatley Avenue) especially as the application property is substantially elevated in comparison to the garden of that house. The existing rear extension only overlooks the drive, not the garden or primary living space. The proposed new extension however will protrude from the house and will create a direct line of sight into the garden.
5. Concerns also about the changes to the garden landscaping due to a substantial difference in elevation between neighbouring plots and 1 Margerison Crescent. A retaining wall, which varies in height, runs the length of our neighbours' property and if altered could affect roots of a tall Scots Pine in the adjacent garden.

Consultations:

None

Summary of Main Issues:

Impact on the amenity of adjoining occupiers.

Appraisal:

PROCEDURAL MATTERS

The original application described a number of works that the owner intends to carry out at the property. It was originally entitled "Removal of existing garage, front porch, rear extension and side conservatory for construction of replacement rear single-storey extension, re-clad dormer window and adjustment to external opening and landscape changes".

However, several of these works such as the recladding of the existing rear dormer window and changes to landscaping would not amount to development requiring planning permission. Other works, including removal of an existing garage, porch and conservatory together with adjustments to an opening to place new bi-fold doors where the conservatory presently connects to the house, are alterations that could be carried out under Part 1 Class A permitted development rights.

Objections have been received which include reference to the works that do not need permission as well as those that do.

However, this planning application is being considered only on the basis of the amended description agreed with the agents which is for the works that actually need planning permission rather than those that can be carried out under permitted development rights:

- Construction of a single storey extension to the rear of the house. This will replace and enlarge the existing extension approved here in 1998.
- Formation of a raised platform or patio on the site of the existing conservatory at the north west side of the house.

In addition, amended drawings have been received which improve the relationship of the rear extension to the garden to the rear and clarify its position with regard to the adjoining semi in terms of the relative height and impact on windows in that adjoining dwelling.

THE REAR EXTENSION

This proposed single storey rear extension would project 5.0 metres from the original back wall of the house. It would be built using buff coloured brickwork and will provide a garden room. It will replace an existing kitchen extension approved in 1998. The existing extension projects 2.25 metres from the back wall of the original house which is the same as degree of projection of the kitchen extension on the adjoining semi at 3 Margerison Crescent.

The neighbour's points about the representation of the adjoining property on the submitted plans have now been addressed by amendments to the drawings and Officer site visits have enabled a careful consideration of the relationship to 3 Margerison Crescent to be made – especially with regard to the relative height of the extension to windows in the adjoining house.

Although the neighbours at 3 Margerison Crescent object on grounds that the resulting extension would exceed 3 metres depth from the original back wall of the house, the issue is whether this amount of projection would result in a harmful impact on daylight and the outlook from that property. The proposed extension would, in fact, only project 2.75 metres beyond the window and part-glazed door that provides light to the neighbours' kitchen. The

impact on daylight and outlook would be further reduced because the new extension is proposed to have its roof sloping up away from the joint boundary and because its floor will be set at a lower level. Because the extension is to serve as a Garden Room it is designed to have direct access to the garden and so is being built below the level of the ground floor rooms – with 6 steps shown descending into it from the house.

Therefore, although the extension projects out a total of 5 metres from the back wall of the original building, it would be set with an eaves level that is actually lower than the mid-point of the nearest window in the neighbouring house. Although the adjoining occupiers were concerned about the relative height of the extension in reality the additional projection accords with guidance in the Householder SPD in that the extension will have no appreciable impact on outlook, daylight or privacy to occupiers of the adjoining house.

The neighbours have referred to various civil law issues and matters such as lack of a method statement describing how the existing kitchen will be demolished and how their property will be kept waterproof and foundations safe during the work. However, these are not matters for the planning authority. Similarly, questions regarding access for purposes of maintenance and retention of the unprotected hedge between the gardens are private property matters. They are not material planning considerations.

Amendments have been secured to address objections about the impact of the rear extension on the garden of 48 Wheatley Avenue. The large opening corner window doors have been omitted and the windows re-positioned to give a less direct and less overbearing view towards the neighbouring gardens at a lower level to the rear. A combination of the re-positioning of the windows and the retention of garden screening is now such that the effects on privacy of occupiers of 48 Wheatley Avenue are not unreasonable compared with the existing situation which already involves a degree of mutual overlooking.

Although set on a sloping site, the rear extension would be set lower down compared with the present ground floor windows which will also significantly reduce the sense of over dominance or overlooking from inside the proposed extension.

RAISED PLATFORM TO THE SIDE

The other aspect of the proposals is to demolish the conservatory at the side of the house and to create a patio area in the position of the base of the conservatory. Although this will form a raised platform, and neighbours have concerns about possibilities of overlooking from it, its position in relation to the adjoining gardens appears satisfactory. It would be around 15 metres from 48 Wheatley Avenue.

As a raised platform, it will have no greater effects on privacy of neighbours than the existing conservatory. Indeed, as the raised deck is uncovered it is likely to be used far less than the conservatory and so will give fewer opportunities for overlooking.

OTHER ISSUES

The existing garage in the corner of the garden is to be demolished and an open parking area will be created in its place. The amended drawings now confirm that this parking area will be limited to the extent of the existing garage base so the roots of a large Pine tree in the neighbour's garden will not be affected by any new excavations.

Community Safety Implications:

None

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposal is not considered harmful to visual amenity, residential amenity or highway safety and is therefore considered to comply with the relevant policies of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Conditions of Approval:

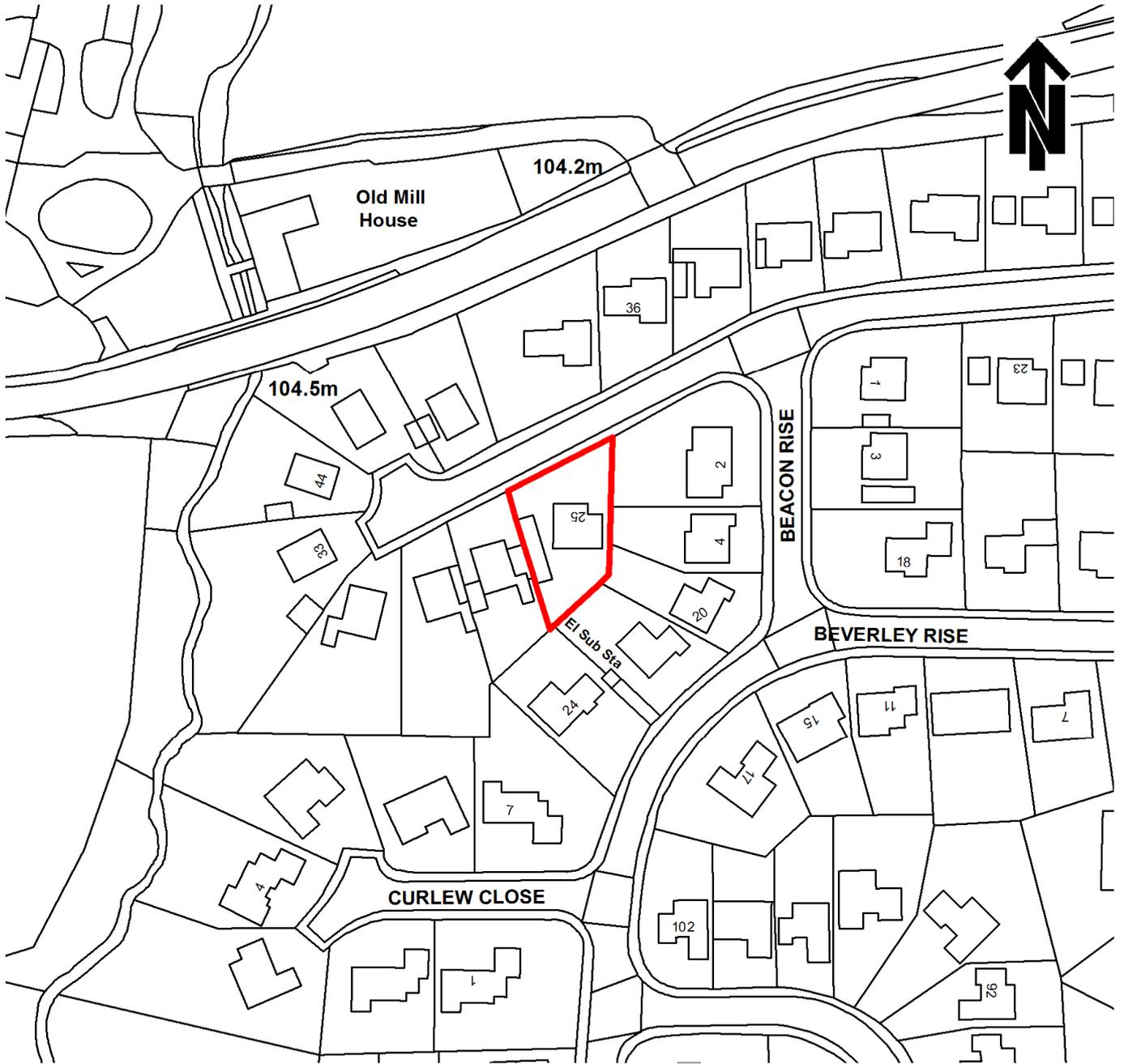
1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

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

18/02804/HOU



City of
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25 Dale View
Ilkley
LS29 9BP

31 October 2018

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

Application Number:
18/02804/HOU

Type of Application/Proposal and Address:

Householder application for a loft conversion incorporating front dormer window extensions and rooflights, rear rooflights and conversion of a flat roof to a pitched roof over the existing ground floor living room and entrance hall at 25 Dale View, Ilkley LS29 9BP.

Applicant:
Mr & Mrs Jowett

Agent:
None

Site Description:

The application is for works to a circa 1970's two-storey detached house situated in an estate of similar suburban style properties on the west side of Ilkley. The house is set back from the street and has an open plan frontage. The original house design includes a modest projection to the front which forms the entrance hall and part of the lounge. At the moment this has a flat roof.

Relevant Site History:

No previous applications recorded for 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.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies DS1, DS3, DS4 and DS5 policies are applicable to this proposal.

Core Strategy Policies

DS1 – Achieving good design

DS3 – Urban Character

DS4 – Streets and Movement

DS5 – Safe and Inclusive Places

Publicity and Number of Representations:

Publicised by neighbour notification letters with period for comments to 17.08.2018.

Letters/emails of comment have been received from 7 separate addresses objecting to the proposal including 1 from a Ward councillor.

Summary of Representations Received:

This application is totally out of keeping with the area, is overpowering at the front and also an intrusion on neighbours privacy.

The dormer windows would overlook neighbouring properties.

There are no other examples of two dormer windows to the front of properties on the road and they would be out of character with the area

The dormers should be below the ridge.

Objections to the rear velux roof terrace, it will overlook neighbouring property.

The drawings are unclear regarding boundary treatment and heights

The dormer will block light coming into neighbouring property.

Consultations:

Ilkley Parish Council – Recommends approval

Summary of Main Issues:

Impact on Local and Residential Amenity

Other issues

Appraisal:

The application is for alterations to a detached two storey house that is not listed nor in a conservation area.

It should be noted that conversion of the loft space to provide additional accommodation would not, by itself, require planning permission. Also, rooflights to the front and rear roof slopes would constitute permitted development alterations to the roof. Some alterations are also being proposed to the front garden, including widening the driveway by 1.3 metres and building a new path and steps to front door. These works are modest in nature and Officers consider that they could also be carried out under Part 1 permitted development rights. The submitted plans also show a Cabrio roof light on the rear roof plane. This would also be permitted development.

Therefore, only the two pitched roof dormers on the roof plane at the front of this house and the addition of a sloping roof to the existing flat roofed projection and porch to the front of the house would actually need planning permission. The planning assessment is therefore mostly limited to these features.

The new roof to the front projection

There are no objections to the remodelling of the existing projection at the front of the house to add a sloping roof in matching tiles. Similar works have been undertaken to other properties on this estate such as 23 Dale View - with generally beneficial results.

The front dormers

The two dormers to be added to the front elevation are subject to objections from neighbours and Ward Councillor on grounds of being inappropriate in this estate. As originally proposed, the size of the dormer windows to the front (2.2 metres wide) did seem a little overbearing. To reduce the effects and accord with guidance in the Householder SPD, the applicant has amended them to a width of 1.5 metres. This produces a better design that is less dominant of the roof. The dormers are now subordinate in appearance. Although dormers are not frequent features, it is not accepted that the addition of the two subserviently proportioned dormers to the front of this detached house is either inappropriate or contrary to the overall character of the house or the surrounding area.

It is noted that the Area Planning Panel authorised the addition of a similar dormer to the front of 23 Dale View in November 2008.

There are also concerns from neighbours that the front dormers would cause overlooking of neighbouring properties, especially because the property is set in an elevated position above the street. However, the separation between the dormer windows and properties across the street is around 27 metres with the views being across a public highway. The dormers will have little additional impact on the amenity of neighbours. Effects on daylight will be negligible.

Accordingly the impact of the proposals on local and residential amenity is considered to be acceptable and the proposal, complies with the requirements of policies DS1, DS3 and DS5 of the Core Strategy Development Plan Document.

Other issues

Plans: Comments from neighbours have been received regarding confusion over the plans, specifically regarding fence heights and chimney details. These have been clarified so the amended drawings and show appropriate height boundary treatments and confirm retention of the chimney.

The Cabrio roof light: The submitted plans show a Velux Cabrio roof light on the back of the house. In effect this is a hinged rooflight that partly folds back into the existing roof so that, when the weather permits, a small open space is created inside the roof plane. It does not create any new floor space or project forward of the roof line so it is not like a balcony. Also, the Cabrio rooflight is only 1.1 metres wide and set in the middle of the roof so it is not a significant feature. In reality, this and the two conventional rooflights being added to the rear roof slope, would cause no greater potential for overlooking than the existing windows in the

back wall of the house. In any case, Officers consider that these roof alterations are permitted development and do not need planning permission.

Community Safety Implications:

None identified.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

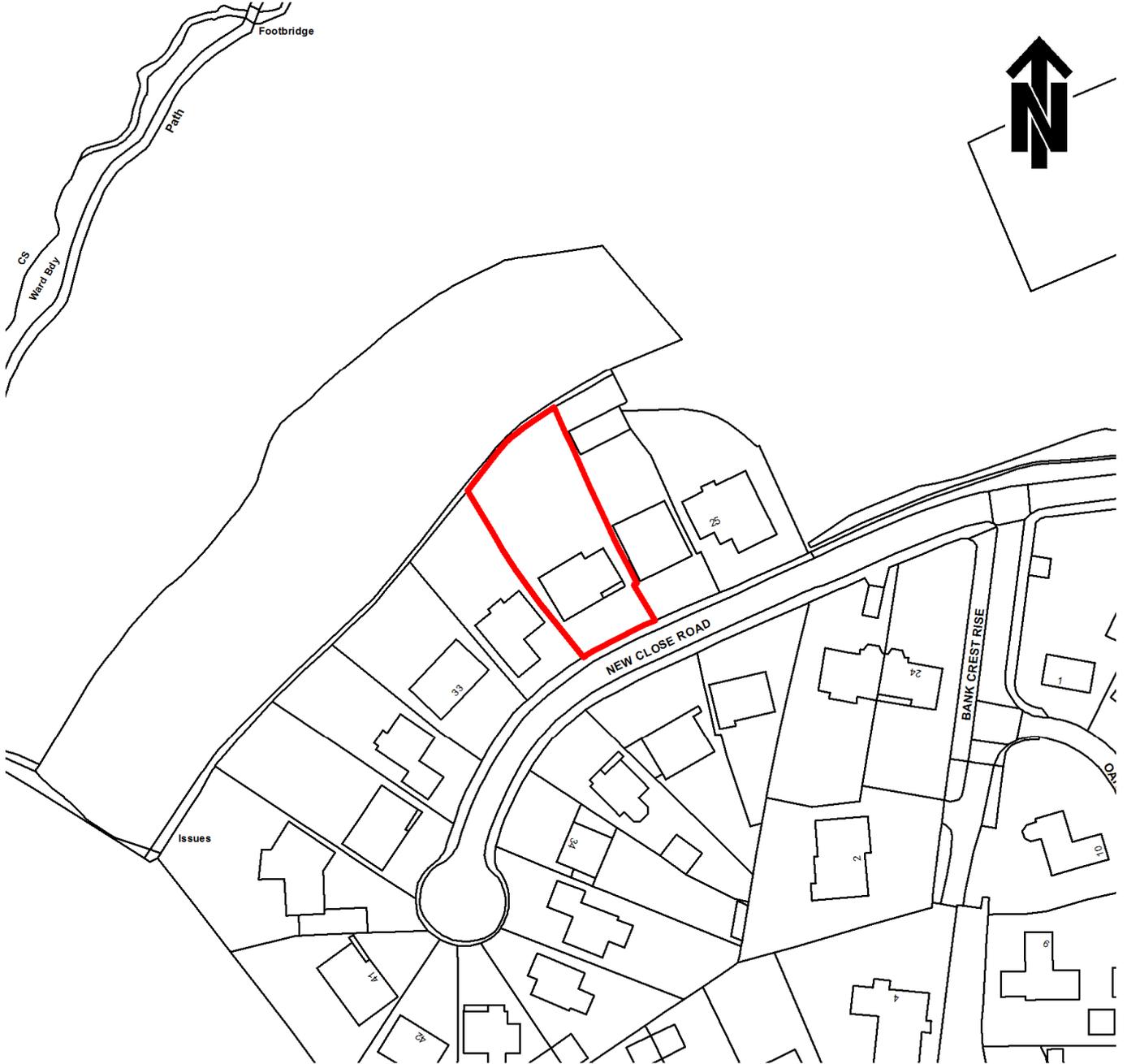
The proposal is not considered harmful to visual amenity, residential amenity or highway safety and is therefore considered to comply with the relevant policies of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Conditions of Approval/Reasons for Refusal:

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).

18/03501/HOU



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**29 New Close Road
Shipley
BD18 4AU**

31 October 2018

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

Application Number:
18/03501/HOU

Type of Application/Proposal and Address:
Householder application seeking retrospective planning permission for construction of a garden wall and gate to the front of 29 New Close Road, Shipley BD18 4AU.

Applicant:
Mrs Zahida Bibi

Agent:
Mr Stephen Mitchinson

Site Description:
The property is a modern detached house situated towards the top of a residential cul-de-sac in the Nab Wood area. The surrounding properties are of broadly similar design – being circa 1970's detached houses set back from the adopted cul de sac behind front lawns and parking areas. The frontages of most properties are defined by low dwarf walls, some with planting, giving a spacious feel to the estate.

Relevant Site History:
No previous applications for this property.

The National Planning Policy Framework (NPPF):
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- 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.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated. Accordingly, the following adopted Core Strategy policies DS1, DS3, DS4 and DS5 policies are applicable to this proposal.

Core Strategy Policies

- DS1 – Achieving good design
- DS3 – Urban Character
- DS4 – Streets and Movement
- DS5 – Safe and Inclusive Places

Publicity and Number of Representations:

Publicised by neighbour notification letters with expiry date of 05.09.2018.

Letters/emails of comment have been received from 11 separate addresses objecting to the proposal.

Summary of Representations Received:

Objections to the height of the wall and design of the gate. The works are completely out of character with the established properties and frontages on the road.

This is the only gated driveway in the cul-de-sac, the rest of the 17 houses have ungated drives.

The "edgy" incongruous design impacts adversely on the street scene. Even when open it protrudes over 1 m above the boundary wall and is detrimental to visual amenity.

Light pollution is caused by the lights.

The stone used on the wall does not match.

The information on the application incorrectly states that no trees were removed to make the works possible. Garden trees were removed before the works.

The applicants have unfortunately destroyed one of the nicest gardens on the road simply in order to create a large parking area.

The objections include one from a Ward Councillor.

Consultations:

None

Summary of Main Issues:

Impact on Local Amenity

Other issues

Appraisal:

This householder application seeks retrospective permission for the retention of a boundary wall and metal gate already installed at the front of this detached house - 29 New Close Road, in Shipley.

The application follows receipt of complaints and investigation by the Council's Enforcement section. Planning permission was found to be required for the gate and wall as they exceed a height of 1 metre above ground level. (Where they adjoin a highway used by vehicular traffic,

walls, fences and gates can be installed as permitted development subject to a limitation that they must be less than 1.0 metres high).

Objections from neighbours are consistent in expressing the opinion that the wall and gate are inappropriate to the character of the street and have caused visual harm by compromising with the open plan nature of the cul-de-sac as it was originally set out.

The property occupies a sloping plot with levels falling down to the east, so the height of the wall varies as it steps up the slope. The wall is 0.5 of a metre at its lowest point and 1.08 metres at its highest. The wall therefore only marginally exceeds the permitted development limitation. Four decorative pillars have been added to the wall, each with small globe light attached. The pillars add an additional 0.3 of a metre and the lights a further 0.37 metres.

The height of the gate also varies, measuring 0.8 metre at its lowest point and rising to 1.9 metres at its highest point. The gates are in fabricated metal that is painted black with a decorative lattice type design. Due to the lattice design, views through the gates are afforded which minimises loss of openness. The opening mechanism of the gate is such that it slides behind the boundary wall so that when the gate is in the open position, it is partially hidden by the wall.

The wall is of very similar in design, and in materials similar to the two properties to the east. There are also examples of low boundary walls to properties across the street and examples of ornamental lights fixed to other walls nearby. The wall only marginally exceeds permitted development limits. Although comments of neighbours are acknowledged, it is not accepted that the new boundary wall and the accompanying pillars and lights are either dominant or have any appreciable or harmful effect on the character of the cul de sac. It is not accepted that the lights cause any serious light pollution or loss of amenity due to their brightness.

The gate is of unusual and of seemingly bespoke design. Despite views expressed by neighbours about the design aesthetics it is, nevertheless, a gate of domestic scale and proportions. As stated above, the open lattice arrangement means it is not especially dominant or unduly visible in journeys up and down the street.

Policies of the Core Strategy such as DS3 urge development to respond to the existing positive patterns of development which contribute to the character of the area, or be based on otherwise strong ideas. The policy says that innovative and contemporary approaches to design which respond to and complement the local context will be supported.

This gate is criticised by neighbours for being contemporary in appearance, and therefore incongruous. However, although it is unusual, the gate is not an especially dominant or imposing means of enclosure. It is a means of securing cars parked on the frontage to which some weight needs to be given.

Officers consider that neither the wall nor the gate is significantly harmful to the appearance or setting of the house or the adjoining houses and the gate is an innovative design which, though unusual, does not cause harm to the local context or character. Refusal by reference to design policies DS1, DS3 and DS5 of the Core Strategy Development Plan Document could not be justified.

Other issues

Comments from neighbours have been received regarding the removal of the lawn and greenery prior to the hard surfacing of the garden in front of the house to create a larger parking forecourt.

The provision within the curtilage of a dwelling house of a hard surface for any purpose incidental to the enjoyment of the dwelling house or the replacement in whole or in part of such a surface is ordinarily permitted development, and this application is submitted solely in respect of the wall and gates.

Reference is also made to removal of trees from the site, but these were apparently small garden trees in the front garden that were not protected by Tree Preservation Order or Conservation Area designation.

Community Safety Implications:

None identified.

Equality Act 2010, Section 149:

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Reason for Granting Planning Permission:

The development is not considered harmful to visual amenity, residential amenity or highway safety and is considered to comply with the relevant policies of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Conditions of Approval/Reasons for Refusal:

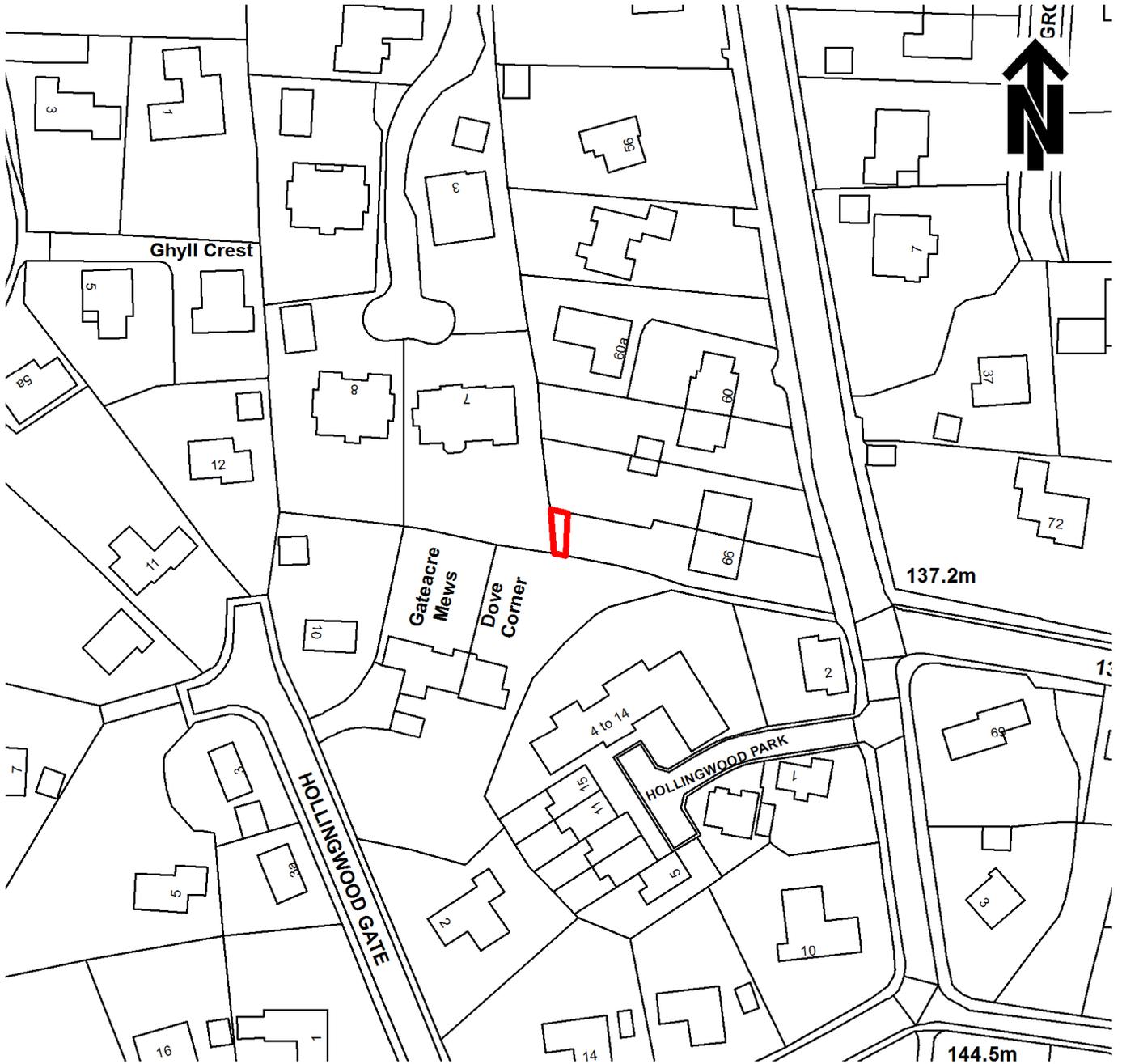
1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

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

18/00144/HOU



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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64 Victoria Avenue
Ilkley
LS29 9PN

31 October 2018

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

Application Number:
18/00144/HOU

Type of Application/Proposal and Address:

Householder planning application for two-storey extension to rear, extension of first floor bedroom with Juliette balcony, new vehicle access to rear and new garage/garden room in the back garden of 64 Victoria Avenue, Ilkley LS29 9PN.

Applicant:
Mr Tim Midgley

Agent:
Bowman Riley Architects

Site Description:

The application site comprises a large semi-detached house faced in white render and stone with a red tile roof. It is set 11 metres back from Victoria Avenue and long and large garden extends to the rear of the property. The dwelling is situated in a residential area on the west side of Ilkley with similar large semi-detached dwellings along this side of the road. The site is sloping with levels highest to the south and falling down towards the north.

Relevant Site History:

10/01824/HOU - Construction of two storey rear extension, single storey side extension to provide garage and utility room – Granted 01.07.2010

The National Planning Policy Framework (NPPF):

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Local Plan for Bradford:

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Core Strategy Policies

DS1 – Achieving good design

DS3 – Urban Character

DS4 – Streets and Movement

DS5 – Safe and Inclusive Places

Publicity and Number of Representations:

Publicised by neighbour notification letters with an overall expiry date for comments of 12.02.2018.

Letters/emails of comment have been received from 4 separate addresses objecting to the proposal including 1 from local councillor who requests consideration of the application by Area Planning Panel.

Summary of Representations Received:

Trees have been removed and pruning has taken place on the site of the proposed development

Proposed balcony would introduce overlooking

The proposed garden building is excessive in scale and concerns are raised regarding potential commercial use.

The extension would result in a loss of light to neighbouring property

The proposals amount to overdevelopment of the site

Proposed office windows would overlook neighbouring property

Consultations:

Ilkley Parish Council – Recommend for approval subject to a no separate occupancy condition.

Summary of Main Issues:

Principle of development

Impact on Local and Residential Amenity

Other issues

Appraisal:

The site subject of the application is occupied by a semi-detached residential property; and the proposal seeks permission for extensions and alterations to the side and rear and an outbuilding in the rear garden area.

All the proposals are hidden from general view and situated to the rear and would only be visible from the rear of this house and from the rear window and garden of neighbouring

properties. Some amendments are proposed to the side but limited to the glazing of a section of the existing garage roof towards the rear.

The proposal intends to retain the existing garage but adds double doors to the rear section so that it would be possible to drive through to access the proposed garage and office/store building which is proposed towards the end of the back garden.

Because the extensions and new garage/office are not seen from public areas and, generally, matching materials with appropriate design are employed, there would not be any adverse effects on the street scene and the proposal, complies with the requirements of policies DS3 and DS5 of the Core Strategy Development Plan Document.

Impact on Neighbouring Amenity

The proposal includes a two storey rear extension that enlarges a relatively recently constructed extension (approved in 2010). The new part would project rearwards by an additional 2 metres and it would be gable ended rather than replicating the current hipped roof configuration.

Single storey and flat roofed extensions are also proposed to the rear. The single storey elements are stepped, such that they would project rearwards by an additional three metres beyond the two storey element. This would be over 4 metres from the boundary to the north. A single storey element is also proposed that would project just less than three metres that is set just over a metre from the boundary with the adjoining neighbour.

Amended plans have been received during the course of the application to revise the proposal in attempt to address some of the objections to the application. These revised proposed plans and elevations have addressed the following:

Rights of light to Neighbouring Property – The agent has resurveyed the site and taken measurements from the ground and first floor windows of the neighbouring property, and applied the 45° guideline to the plans. As a result the proposed extension has been reduced so it does not impinge within the 45° line.

The plans also confirm that the proposed French doors to the 1st floor bedroom would be a Juliet balcony and have a glazed balustrade to prevent use of the flat roof extension beyond as raised terrace. Any use of the flat roofed extension as a terrace would require a fence or rail around which would itself require planning permission, and be assessed accordingly. The agent says there is no intention to use the flat roof as a terrace.

A large, detached outbuilding is also proposed within the rear garden and towards the western boundary of the site. The building would use the sloping levels of the site and involve some additional excavation of levels to create a building that would provide room in the roof over the intended garage and a home office area. The building would be set off the rear boundary (west) by 3.8 metres.

The applicants have taken a levels survey of the existing garden and assessed the difference in level of the garden between the two adjoining properties. Section drawings have been submitted showing how the existing levels will be retained and used to provide the garage store at the upper ground floor level, and confirm that the garage will be at a lower level to 64 Victoria Avenue and its garden. This reduces the impact of the building on the existing

landscape and demonstrates that this aspect of the building from the neighbouring property will have little impact with regard to overbearing and overshadowing impacts.

Additional concern has been raised regarding the use of the outbuilding and about potential overlooking from the proposed office. The revised drawings now show that the windows to the office space above the garage will have obscure glazing, to avoid any overlooking issues of a the lower neighbouring property. The use of the office would also be restricted to a use ancillary to the occupants of number 64 and no separate commercial use has been sought.

Accordingly and for the reasons noted above, the overall impact on local and residential amenity is considered to be acceptable and the proposal, complies with the requirements of policies DS3 and DS5 of the Core Strategy Development Plan Document.

Community Safety Implications:

None identified.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposal is not considered harmful to visual amenity, residential amenity or highway safety and is therefore considered to comply with the aforementioned policies of the Core Strategy Development Plan Document and the National Planning Policy Framework.

Conditions of Approval/Reasons for Refusal:

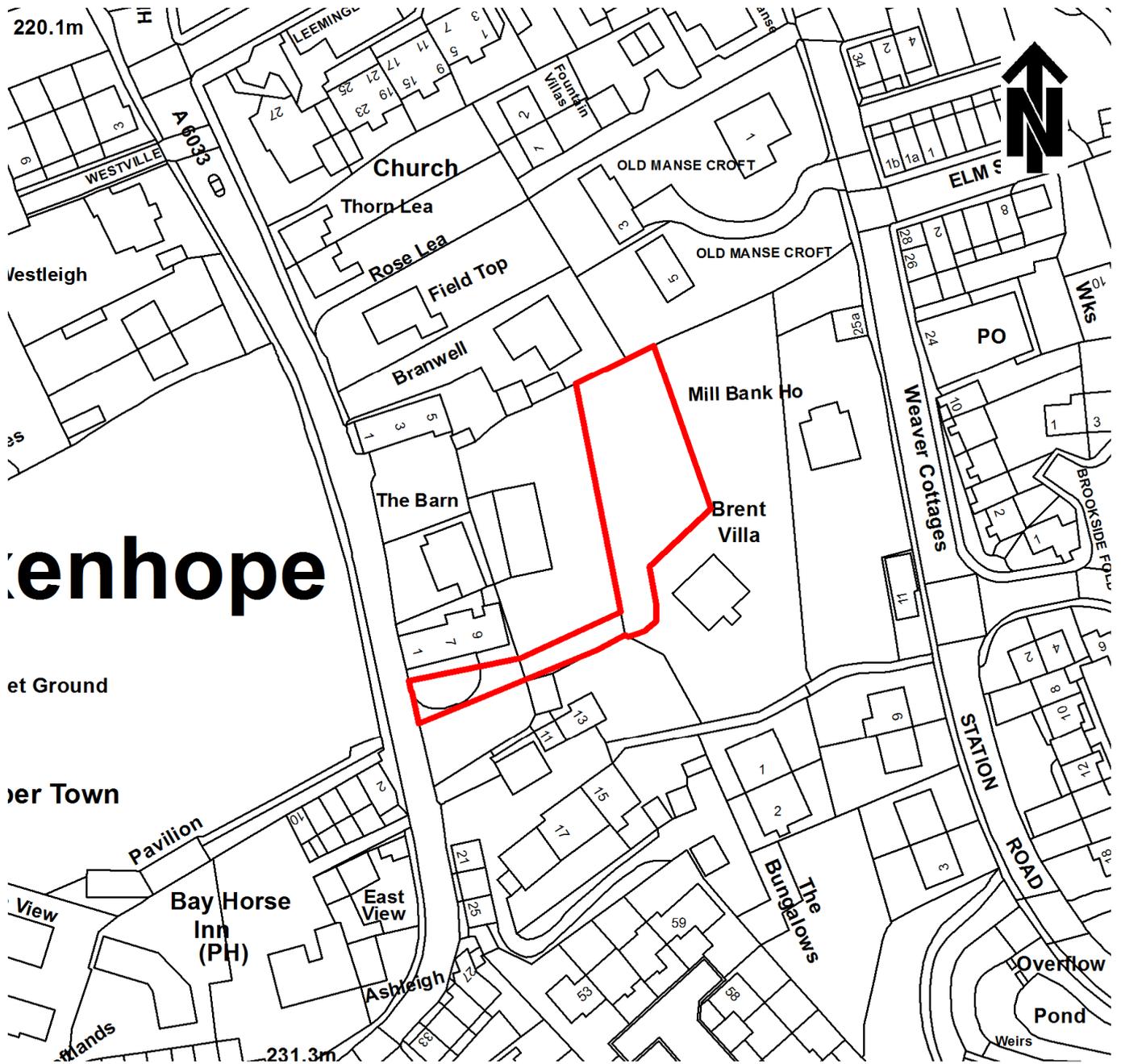
1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

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

18/03279/OUT



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



Oxenhope

1:1,250

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Brent Villa
Upper Town
Oxenhope
Keighley
BD22 9LL

31 October 2018

Item: E
Ward: WORTH VALLEY
Recommendation:
TO GRANT OUTLINE PLANNING PERMISSION WITH CONDITIONS

Application Number:
18/03279/OUT

Type of Application/Proposal and Address:

Application for outline planning permission for residential development of two semi-detached dwellings with garages, parking and garden areas at Brent Villa, Upper Town, Oxenhope.

Applicant:
Mr D Eccleston

Agent:
Mr V Craven

Site Description:

The application site comprises a grassed, roughly rectangular plot of land situated to the north of Brent Villa, a detached bungalow dating from the mid C20th set in an extensive grounds. Land levels fall steeply across the site towards its north-eastern corner. Station Road is to the east of the site and at a lower level. Access to the site is achieved off Hebden Bridge Road across a wide roughly surfaced, open forecourt area between Nos. 7-9 and 11-13 Hebden Bridge Road, opposite Oxenhope Fisheries. The surrounding area is generally residential in nature. Immediately to the north of the site is Old Manse Close, a small modern development of split-level properties. The site is outside but adjacent to two conservation areas, Oxenhope Upper Town to the west and Oxenhope Station Road to the north-east.

Relevant Site History:

16/08756/PMI Construction of three dwellings, pre-application advice provided 29.1.2016
17/06062/FUL Construction of detached dwelling, granted 29.6.2016

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated in the RUDP. Accordingly, the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

DS1 – Achieving good design
DS2 – Working with the landscape
DS3 – Urban character
DS4 – Streets and movement
DS5 – Safe and inclusive places
SC9 – Making great places
EN3 – Historic Environment

Parish Council:

Oxenhope Parish Council - Support the application

Publicity and Number of Representations:

The proposal was publicised with a site notice and neighbour letters, the overall expiry date being 13 September 2018. Six objections have been received.

Summary of Representations Received:

Inadequate drainage
Flooding
Overshadowing and overlooking
Harmful to character of the area
Loss of wildlife and trees

Consultations:

Conservation Team - No objections, subject to an appropriate design it would not harm the setting of the adjacent conservation areas.

Oxenhope Parish Council - Support the application

Drainage - No response has been received from drainage engineers but they have commented on previous proposals that the site should be drained on a separate system. It is acceptable to drain surface water to a soakaway provided that it accords with BRE 365. There is a combined public sewer in Hebden Bridge Road and foul water should be drained into this.

Highways Development Control - have not commented on this proposal but do so on the 2016 pre-application enquiry for three houses. They had no objection to the proposal as this

time and it is not considered that there have been any material changes in circumstances since then.

Summary of Main Issues:

1. Background and principle of development
2. Visual amenity
3. Amenities of occupiers of adjacent land
4. Highway safety
5. Other planning matters
6. Outstanding matters raised by representations

Appraisal:

Background and Principle of Development

The application seeks outline planning permission for an indicative proposal for a pair of semi-detached dwellings. The matters for consideration are access and scale with all other matters (appearance, landscaping and layout) reserved for future consideration.

Development of the site for residential purposes would make a (small) contribution towards meeting the District's housing demand. Whilst the NPPF has removed private residential gardens from the definition of previously developed land, this would not necessarily preclude the redevelopment of such sites provided, *inter alia*, that they do not harm the character of the established residential area. This is in recognition of the fact that such sites would often satisfy the sustainability objectives as set out in the NPPF through representing an appropriate use of an unallocated site within the limits of the built up settlement and with good access to existing local facilities.

It is evident that the redevelopment of garden plots is long established along the valley. The siting of two units on this plot would reflect the prevailing density of housing layouts in this part of Oxenhope and would not have an adverse impact upon the character or appearance of the immediate locality.

The small development directly to the north of the site at Old Manse Croft is broadly comparable with spacious detached properties set in similar sized plots to that shown here. The development at Old Manse Croft is also similar in size to the potentially available developable area surrounding Brent Villa. One dwelling has previously been approved at this site (17/06062/FUL) and it is considered that the site could comfortably accommodate further development in principle as seen by the previous pre-application enquiry for three dwellings.

The proposal is considered to accord with policies DS1, DS3, DS5, H05, H06 and SC9 of the Core Strategy Development Plan Document.

Visual Amenity

Appearance, landscaping and layout are reserved matters to be subsequently approved but the application gives details of the proposed scale of the development.

The application includes an indicative site layout, which shows the proposed location of the new dwellings, and there is also an indicative section through the site which demonstrates that the proposal will be in keeping with the recently approved dwelling adjacent and an appropriate scale for the surrounding area.

The Design and Access Statement specifies that the dwellings would be of a linked detached form of two-storeys with an overall ridge height of 7.2m and a footprint of 8.30m by 5.05m. The scale of the dwelling is to reflect the scale of the adjacent and surrounding dwellings.

The application form indicates that the proposal will be constructed using natural stone and slate with coloured UPVC for the windows, this is acceptable and a condition requiring material samples prior to development commencing shall be imposed.

Whilst appearance and landscaping are reserved matters the dwellings are indicated to be traditional appearance and is not dissimilar to the adjacent properties on Old Manse Croft and the recently approved scheme in terms of materials and styling. Due to falling levels and distance, the property would not be visible from Hebden Bridge Road. Similarly, the existing trees and landscaping to the north-eastern corner of the site would act as a natural buffer from Station Road. Although the plot is elevated relative to the highway it is not considered that the dwelling would represent an over dominant feature when viewed from Station Road given the distance by which it is set back from the highway and the intervening landscaping. Consequently the setting of the nearby conservation areas would not be adversely affected by the development. There is ample space retained about the parent dwelling, Brent Villa, as a result of the proposal.

As such it is considered that the site can accommodate further development without detriment to the character of the surrounding area.

Amenities of Occupiers of Adjacent Land

It is not anticipated that there will be any adverse impacts on the occupiers of adjacent land. The final design and layout of the dwellings has not been submitted at this stage but no adverse issues are anticipated in respect of neighbouring properties given the resulting separation distances and changes in levels - Millbank House being set at a significantly lower level and Brent Villa at a higher level than the site the subject of this application. The recently approved dwelling will sit side by side with adequate separation distances.

The original property at Brent Villa would still be able to maintain an appreciable level of amenity space as a consequence of the development. The comments of concerned neighbours are noted regarding overshadowing and overlooking, but it is considered that the new dwellings will have an acceptable relationship to surrounding neighbours.

The proposed development would accord with Policy DS5 of the Core Strategy Development Plan Document.

Highway Safety

The Council would normally restrict the number of dwellings being served off a private drive to a maximum of five. Currently two properties, 9-11 Hebden Bridge Road and Brent Villa, use the access as well as the recently approved dwelling at Brent Villa; this proposal would bring the total to five. It is considered that the five resultant dwellings could utilise the access point off Hebden Bridge Road without giving rise to highway safety concerns. Whilst the forward visibility onto Hebden Bridge Road is less than ideal, the width of the access is such - it would appear to incorporate the curtilage of a former garage forecourt, that this off sets any shortfall with respect of visibility. Adequate provision has been made for parking and both vehicles to both Brent Villa and the site could enter and leave their respective premises

in a forward gear. No highway safety implications are envisaged compliant with policies DS4 or TR2.

Other Planning Matters

The Council's Drainage Engineer has raised no objections previously to the proposal in terms of land drainage, providing that the site is drained on a separate system and soakaways constructed in accordance with BRE 365.

Outstanding Matters Raised by Representations

Loss of wildlife and trees

Comment: The site is not located in an area afforded special protection to wildlife but the dwellings will retain adequate gardens and green space to provide habitat. It is confirmed that there are no protected trees on the site and so any works to them can be undertaken without the any consent form the Local Planning Authority.

Community Safety Implications:

None

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposal's impact on local amenity and highway safety has been fully considered and is considered acceptable when measured against the relevant development plan policies and the NPPF

Conditions of Approval/Reasons for Refusal:

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

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

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

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

3. Before any development is begun plans showing the:-
 - i) appearance
 - ii) landscaping and

iii) layout

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

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

4. 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 and the gradient shall be no steeper than 1 in 15.

Reason: In the interests of highway safety and to accord with Policy TR2 of the Core Strategy Development Plan Document.

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 DS1, DS3 and EN7 of the Core Strategy Development Plan Document.

6. Surface water shall be discharged to soakaways designed and constructed in accordance with Building Research Establishment Digest 365.

Reason: To provide an adequate means of surface water drainage and to accord with Policies DS1, DS3 and EN7 of the Core Strategy Development Plan Document.

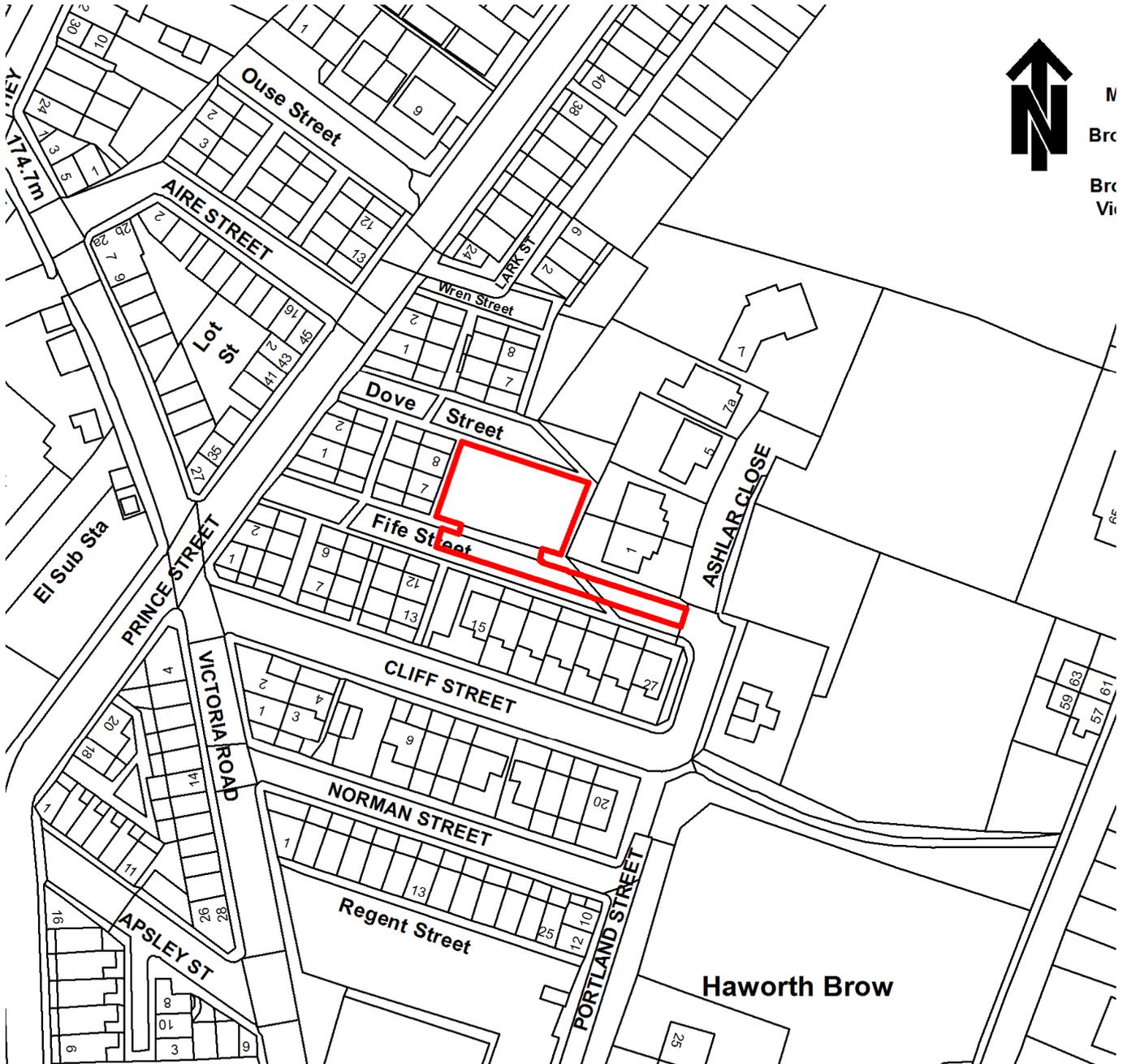
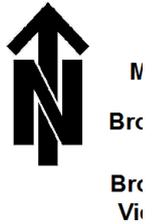
7. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development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

Reason: To safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS3 and DS5 of the Core Strategy Development Plan Document.

18/03416/FUL



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1:1,250

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Land At Fife Street
Haworth
Keighley

31 October 2018

Item: F
Ward: WORTH VALLEY
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
18/03416/FUL

Type of Application/Proposal and Address:

Full planning application for the construction of three terraced dwellings with parking and an access road at Land at Fife Street, Haworth, Keighley.

Applicant:
Mr J Slater

Agent:
N/A

Site Description:

This site comprises a rectangular area of open, sloping ground enclosed by stone walls. As part of environmental works under a Housing General Improvement Area (GIA) scheme in the 1980's, 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. 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 recently been built on the opposite side of 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 Construction of four, three-bedroom town houses REFUSED 22.09.2015
16/08628/FUL Construction of two dwellings, new access road and associated works
GRANTED by Area Planning Panel 23.01.2017

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.

Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated in the RUDP. Accordingly, the above adopted Core Strategy and saved RUDP policies are applicable to this proposal.

Proposals and Policies

SC9 - Making Great Places
DS1 - Achieving Good Design
DS2 - Working with the Landscape
DS3 - Urban character
DS4 - Streets and Movement
DS5 - Safe and Inclusive Places
EN7 - Flood Risk

Parish Council:

Haworth, Cross Roads and Stanbury Parish Council has concerns of over development of land in this area and access issues to the site, and therefore objects to this application.

Publicity and Number of Representations:

Publicised by neighbour notification letters and site notice.
15 objections have been received from 10 households.
These include an objection from a Ward Councillor.

Summary of Representations Received:

This new application increases the number of properties on this small area of land to 3 which will cause extra access and parking issues. There is a shortage of parking in this area. The top of Fife Street opens onto an area of green space and a heavily used public footpath. Access to this will become more difficult and more dangerous. The grassed Fife Street is currently a safe play area for young children. The site is not easily accessible. This is an important green space. The development would result in lost wildlife and trees. Drainage issues on the access road. There are bats on the site. The area is already crowded. The grassed street is used by many people. Bins will blow around and damage property. Steep streets are dangerous in winter.

The new road will increase flooding.

Many people have seen bats in this area. There is no ecological survey.

Consultations:

Drainage Section – During May 2017 there was an issue with water seeping out of the ground in the area of the proposed access road for the development, consequently, the developer must investigate the site in this area of the development in order to determine the extent of any land drainage network and submit, to this council for comment, proposals for dealing with any watercourses, culverts, land drains, springs etc. existing within the site boundary.

It is noted no drainage proposals have been indicated for the access road, however, due to the hard surfacing of the road & the topography of the site the proposed access road must be adequately drained.

Highways DC – No objections to raise on the proposed development subject to a condition that details of the proposed access improvements along the re-opened section of Fife Street are agreed.

Minerals – There are no apparent minerals or significant waste legacy issues that would have an adverse impact on the proposed development. No objections.

Summary of Main Issues:

Principle

Local Amenity

Highway safety

Appraisal:

A previous full planning application for the redevelopment of this site for two dwellings with a new access road being constructed across part of Fife Street was approved in 2016 and will be valid until January 2019. This new proposal is essentially the same except it proposes a row of three houses on the land. These will rely on the same means of access to be constructed down the side of the grassed area from the top of Fife Street.

Principle

The site is unallocated and within the built up area. There remains a need for the provision of new housing land to meet increasing demand. The increase in density of housing yield on this site from 2 to 3 will represent a more efficient use of 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, is privately owned and has no protected status or any recognition as protected open space. 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 pedestrianized Fife Street to a vehicular highway, sufficient to serve the proposed dwellings.

Local Amenity

The proposal is now for a terrace of three modestly scaled dwellings on the land. The row would present a stepped roofline in response to the fall in levels across the site from east to west. The drawings show three x 2-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 Core Strategy Policies SC9, DS1 and DS5.

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 1980's 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. 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 access to serve three modest dwellings would not result in such significant effects on local amenity that the benefits of new housing provision would be outweighed.

As was decided in January 2017 when application 16/08628/FUL was considered, 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 Core Strategy Policies SC9, DS2, DS4 and DS5 and with the National Planning Policy Framework.

Highway Issues

The Council's Highway officer remains content that this small development, increasing by only one dwelling compared with the previous permission, can safely be served by way of the proposed access leading down Fife Street from Ashlar Close and Cliff Street. The proposed short roadway leading to the three 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.

However, fuller design details of the proposed access need to be provided to ensure it is built to a suitable standard and accords with Policy DS4 of the Core Strategy DPD. In particular drainage details need to be agreed.

Planning permission 16/08628/FUL was subject to a planning condition (4) that before works commence on the site, full design details of the access be submitted and agreed. This should be re-applied but it is suggested that it be made more precise to include reference to a requirement for drainage details.

In addition there will be a need for a separate legal agreement for the carrying out of works to the public highway comprising 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 Core Strategy Policy SC9, DS4 and DS5.

Conclusion

The site has extant permission for two dwellings and the new scheme for three would maintain the character of the area whilst securing more housing. Issues relating to loss of part of the grassed area of Fife Street were considered in the assessment of the previous application. Details of the means of access can be reserved by planning condition, as before, and requirements regarding a survey of the site to establish the presence or otherwise of springs or drains on the land can also be reserved by condition.

Community Safety Implications:

The proposal poses 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 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 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 Core Strategy Policies SC9, DS1, DS2, DS3, DS4 and DS5.

Conditions of Approval/Reasons for Refusal:

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

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

2. Before any development above damp proof course of the dwelling commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used. 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 DS1 and DS3 of the Core Strategy Development Plan Document.

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 Core Strategy Policies SC9 and DS5.

4. The development shall not begin until a survey has been carried out to establish details of any watercourses, culverts, land drains, springs etc. existing within the site boundary and along the route of the proposed access road. The developer shall then present the results of that survey and details of measures for dealing with any water features encountered by the survey to the Local Planning Authority. The survey and mitigation measures shall be approved in writing before work begins. The mitigation measures so approved shall thereafter be implemented and completed prior to the development being brought into use.

Reason: To ensure proper drainage of the site from the start of development and to accord with Core Strategy Policies EN7, SC9 and DS5.

To deal with potential flood risk issues, more evident now than in 2017, this needs to be a pre-commencement condition.

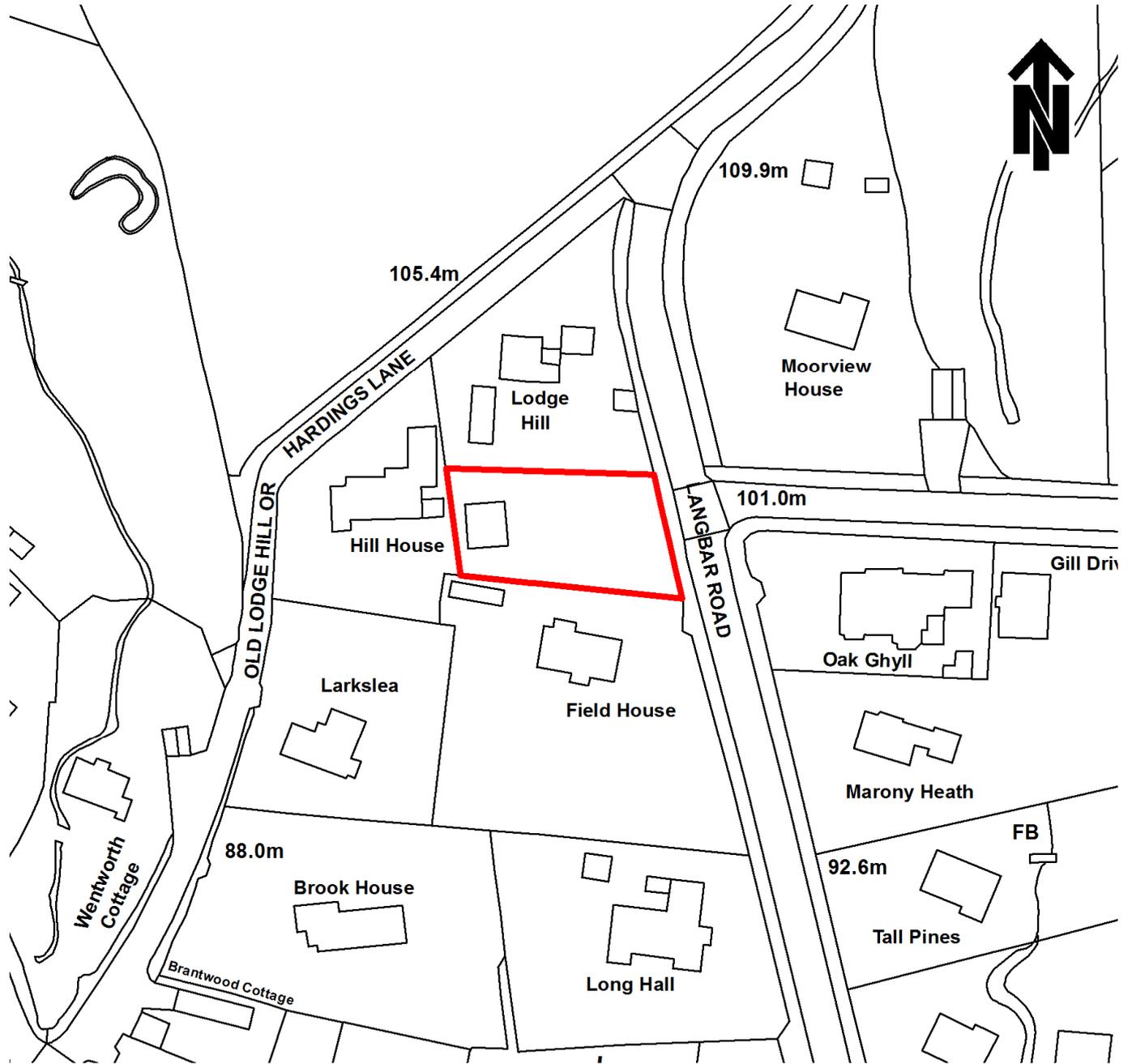
5. Before any works, other than construction of foundations commence on site, full design details of the proposed means of access and the turning facility shown indicatively on the approved layout drawing, including details of the means of surface water disposal, shall be submitted to and approved in writing by the Local Planning Authority. The means of access shall be implemented in accordance with the details so approved prior to the commencement of any development.

Reason: To ensure that the development is safely connected to existing street and path networks, public transport and places and that a safe and suitable form of access is made available to serve the development in accordance with Policy DS4 of the Core Strategy Development Plan Document and Paragraph 32 of the National Planning Policy Framework.

18/02554/FUL



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Sirius
Langbar Road
Ilkley
LS29 0AR

31 October 2018

Item: G
Ward: ILKLEY
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITONS

Application Number:
18/02554/FUL

Type of Application/Proposal and Address:

Full application for demolition of an existing single storey garden building and construction of a five bedroom detached dwelling with integral double garage and associated garden area at Sirius, Langbar Road, Ilkley LS29 0AR.

Applicant:
Mr N Simpson

Agent:
Halliday Clark Limited

Site Description:

The site is 0.1 hectares in size and located in the Middleton area of Ilkley. It was formerly part of a neighbouring property's garden but is now in separate ownership. It has a frontage on the west side of Langbar Road, and is directly opposite the junction with Gill Bank Road. It currently includes a single storey summerhouse building set towards the rear which once served a large area of hard surfacing which covers the majority of the site's surface area. This seems to have once been a tennis court.

This area of Ilkley is characterized by large detached houses interspersed with sections of mature tree belts and gardens. The majority of the dwellings nearby were built from the early twentieth century onwards and use a variety of materials and architectural styles. There are mature hedges trees along the north and south perimeters of the site. The site is located outside Middleton conservation area. The boundary of the conservation area runs along the southern edge of the site and extends northwards along the opposite side of Langbar Road. The site is unallocated.

Relevant Site History:
None relevant to this plot.

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.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is unallocated, so the following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

DS1 – Achieving good design
DS3 – Urban Character
DS4 – Streets and Movement
DS5 – Safe and Inclusive Places
EN3 – Historic Environment
EN5 – Trees and Woodlands

Parish Council:

Ilkley Parish Council recommends approval, subject to conditions to ensure that development is visually sympathetic to the land, recreational and residential amenity.

Publicity and Number of Representations:

Publicised by neighbour notification letters and site notice. Expiry date for comments of 24.10.2018.

Letters/emails of comment have been received from 5 separate addresses including 1 from a Ward Councillor who has requested referral to Panel should officers be minded to support the application.

3 objections received, including the Councillor;

1 neighbour comments and says that subject to conditions (see appraisal and suggested conditions) they have no objection.

1 neighbour comments that he is fully in support of the proposal.

Summary of Representations Received:

COMMENT: The plans show louvered screens fixed over the west facing living room window and along the western side of the upper floor terrace. These are essential to prevent overlooking of Hill House and need to be conditioned to be permanently fixed.

OBJECTIONS:

- The house is too close to trees, and the homes to the north and west, and is especially too close to the back edge of pavement and well outside the general line of the existing building, causing a change to the surrounding environment.
- Ilkley Civic Society appreciates the considerable effort that has gone into design of this

modernist property in both the form of the building and the materials proposed but have a number of concerns; it feels far too big for the site; it sits too close up against neighbouring properties, and sits on the street line which is unusual for the area (though interesting to look at).

- Concerns regarding adverse impact on trees.
- Design is out of keeping with the area and would impact on the Middleton Conservation Area.
- The proposed house would cause overlooking and impinge upon the privacy of neighbouring property.

SUPPORT COMMENT says the applicant has had dialogue with neighbours to develop a high quality design which is sympathetic to our property, views and outlook. Efforts have been made to keep a low roof line and to keep the bulk of the building close to Langbar Road, minimising any impact on neighbouring properties. We are comfortable that, if the current design is adhered to, there will be no overlooking issues and (effects on) views and outlook will be minimal.

Consultations:

Trees Team – No objections. If approving add conditions regarding tree protection fencing.

Drainage Section – No comments to make.

Biodiversity Officer - The recommendations set out in the Bat Assessment report undertaken by Smeeden Foreman are supported. It is unlikely that the proposed site can be regarded as providing foraging or supporting habitat for SPA birds species, being previously developed, wooded, enclosed garden in a semi-urban setting.

Summary of Main Issues:

Principle of development

Design

Impact on Neighbours

Impact on Trees

Ecology (Bats)

Appraisal:

Principle of development

The principle of infill residential development on this unallocated site within the built up area is acceptable. Furthermore, given the lack of a 5 year housing land supply in the Bradford District, the National Planning Policy Framework requires that Local Authorities must consider applications for residential development favourably unless there are clear material reasons otherwise.

Design

The Middleton area has always been a location for housing designs that reflect contemporary trends in architecture, and this application can be seen as following that tradition. The key feature of this scheme is the unique and somewhat striking contemporary design for what will be a substantial detached house.

Large single dwellings set in leafy grounds are seen in the wider area including the conservation area. The proposed house is substantial and has accommodation across two levels, but it incorporates a low rise, flat roof form which is designed to respond to the levels

of the site and reduce the prominence and perceived bulk of the building. The siting is such that the house will maintain mature tree and shrub cover along the north and south boundaries whilst maintaining a satisfactory relationship with the three neighbouring properties and the street. The scheme would include some excavation works so the house will be partially cut into the site to further reduce its impact. It would have a flat roof with areas of sedum roof design to minimise the bulk and other sustainable design features are to be used in the construction.

Materials proposed include, Ashlar cut stone, dry stone walling, larch cladding and the sedum roof covering.

The site is not in Middleton Conservation Area but the Conservation Area begins over the other side of Langbar Road from the site and the older property to the south is part of it. Also the development would be visible in views along Gill Bank Road - which is one of the principal east-west streets through the Conservation Area. The impact of the proposed development on the setting of the conservation area must therefore be considered.

The proposed contemporary form and design of the dwelling is interesting and such a unique design would sit well within the context of the built form to the north and south. The residential area of Middleton has no overriding single architectural character.

Housing design styles from the turn of the 20th century onwards are all represented. Indeed, Middleton has always been an area for innovative residential houses, with the variety of designs reflecting a variety of architectural themes over the last 100 years. It would seem appropriate, and not out of keeping, for the design of this proposed house to be clearly of its age and for it to be bold and contemporary in style.

Policy DS3 of the Core Strategy seeks for development proposals to create a strong sense of place and be appropriate to their context in terms of layout, scale, density, details and materials. In particular designs should respond to the existing positive patterns of development which contribute to the character of the area, or be based on otherwise strong ideas. However, the Policy then makes it clear that "innovative and contemporary approaches to design which respond to and complement the local context will be supported".

In this instance, the innovative contemporary design and massing of this proposed house is considered to be appropriate to its context, and the dwelling, though large, would sit well within the context of the surrounding built form and grain of development. The trees standing along the southern boundary of the site are of great amenity value and are identified in the Conservation Area Appraisal as being 'Important Trees'. However, the scheme makes provision to retain these mature trees around the edge of the site which will continue to provide a leafy setting and backdrop to the conservation area.

In terms of views from within the Conservation Area along Gill Bank Road, the proposed house would present a new focal point, replacing the present view of an uninspiring wooden fence and the open gap of the tarmac tennis court. It would present an innovative and visually interesting new building in views along the street and the architectural quality is such that this is regarded as a positive development. Though close to the street frontage, due to use of a flat roof, the low height of the proposed house would reduce its dominance and the proposed hedge along the frontage would further soften the visual effects.

Further to advice received from the Council's Design and Conservation Officer, the agent has agreed to omit a proposed stone wall along the site frontage with Langbar Road. This wall rose to quite a significant height and would have been a discordant feature given that most houses in this locality are bounded by low dwarf walls, railings and mature hedges. The agent has now proposed to plant a hedge along this boundary using a Corten vertical fin boundary fence to support the hedge. This will result in a much softer boundary detail that is more appropriate to the character of the area. A condition is suggested to require installation of the boundary railings and hedge before the house is brought into use.

Although the concerns of the Ward Councillor and others are noted, this bold and innovative proposal would be supported by Policy DS3 and has the potential to add a high quality 21st century house to the already diverse mix of quality homes seen across the Middleton area of Ilkley. It would maintain and indeed enhance the setting of the conservation area across the street by creating a new focal point in views along Gill Bank Road. Design, form, siting and materials are all considered acceptable and the proposal will satisfy Policies EN3 and DS1, DS2 and DS3 of the Core Strategy DPD.

Impact on Neighbours

The agent seems to have discussed the proposals with neighbours prior to submitting the application and careful consideration has been given to avoid overlooking of neighbours through window placement and use, where necessary, of fixed louvered screening and use of sunken levels to avoid overlooking.

Hill House is the dwelling that used to own the site prior to the mid 1990's. It is located beyond the western boundary and set at lower level than the application site. The proposed dwelling has been designed to include use of fixed timber angled louvres to the windows on the western elevation. These would allow light into the rooms at this end of the building whilst preventing views onto the garden terrace at Hill House. As urged by the neighbour in his comments, a planning condition is suggested to require that these fixed louvres are installed prior to occupation of the dwelling and retained whilst ever the property is in use.

Lodge House is located at a higher level than the site beyond a dense hedge and trees along the northern boundary. This dwelling is set a significant distance back from the boundary and the proposed house has been designed to minimise windows on the northern elevation. There is a small section to the top of the full height windows serving the link corridor that would extend slightly higher than the boundary fence but this portion of the glazing would be obscured to prevent overlooking.

Field House is an older stone house located beyond the southern boundary and at lower level than the application site. As with the northern boundary, there is a strong hedge and trees along this boundary providing mature screening. Towards its rear, the proposed dwelling includes a terrace at upper ground floor level within 4.5 metres of the boundary. However, the excavated levels would be such that it would be only in the region of half a metre higher than the existing ground levels on site. Remaining windows along the southern elevation facing towards Field House are set at a distance of almost 10 metres to the shared boundary. The fact that Field House is at a lower level and retention of the dense vegetation screen and mature trees along the boundary will ensure that undue overlooking of occupiers of Field House is avoided.

The design has therefore been carefully considered to avoid significant or harmful overlooking of the neighbouring houses. The amenity of existing and future occupiers of adjoining land and buildings will not be unduly affected and the proposal, complies with Policies DS3 and DS5 of the Core Strategy DPD.

Highway Safety

Satisfactory access, turning and parking facilities are provided for the needs of future occupiers. The development provides a double garage and hard standing area to the front to meet usual parking standards and the applicant has submitted a site plan demonstrating that vehicles can enter, manoeuvre and leave the site in a forward motion without needing to reverse into Langbar Road. This highway is of very generous width and traffic flows are light. The new dwelling will not have any significant impact on traffic congestion or highway safety, and is thereby compliant with policy DS4 of the Core Strategy DPD.

Impact on Trees

The Council's Tree Officer advises that the trees around the perimeter of the site would remain unaffected by construction works subject to appropriate protective measures being put in place. This is because the site is already hard surfaced and has been for substantial period of time with a former use as tennis court. The excavation works and construction therefore would mostly affect this area under which limited root activity will be present. Attachment of conditions to require the tree protective fencing proposed by the applicant and to require that this fencing remains in place for the duration of the development is suggested.

Ecology (Bats)

The applicant has provided 'Bat Assessment' report and results of bat activity surveys undertaken within the 2018 survey period. These have found that the existing summerhouse building is being used by species of bats and so, before it can be demolished, a European Protected Species Mitigation Licence will be required.

Depending on when demolition is undertaken and prior to the demolition works taking place, further surveys are to be undertaken to provide an update of bat activity on site (i.e. changes in bat roosting activity such as species present or roosting location). This will determine if any changes need to be made with regard to bat protection and mitigation required before demolition can proceed. This information would be used to inform the licence application to be made to Natural England prior to the commencement of works.

As this work is clearly covered by alternative legislation, it should be sufficient for the LPA to require proof that a Bat Licence has been obtained, before demolition of the summerhouse can proceed.

Community Safety Implications:

None identified.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

In this instance, the innovative contemporary design and massing of this proposed house is considered to be appropriate to its context, and the dwelling, though large, would sit well within the context of the surrounding built form and grain of development. The proposal is not considered harmful to local visual amenity, or to harm the residential amenity of adjoining occupiers. Key trees are retained, and the dwelling will have no significant effect on the adjacent conservation area or highway safety. It is therefore considered to comply with the relevant policies of the Core Strategy Development Plan Document and to amount to sustainable development compliant with 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 any development above damp proof course of the dwelling commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external facing and roofing materials to be used. 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 DS1 and DS3 of the Core Strategy Development Plan Document.

3. The vertical timber louvered screens to the western elevation shall be angled and fixed in accordance with the submitted details and retained thereafter.

Reason: To protect the amenity of neighbouring property and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

4. Before the dwelling is first occupied the Corten vertical fin boundary fence and hedge shall be installed along the Langbar Road frontage of the site in accordance with the submitted details shown on drawing 771.01 (-- 105.

Reason: In the interests of visual amenity and the setting of the adjacent conservation area and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

5. The development shall not begin, nor shall there be any demolition, site preparation or groundworks, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees that are to be retained, until tree protection fencing and other tree protection measures are installed in strict accordance with an arboricultural method statement or tree protection plan to BS5837: 2012 to be approved in writing by the Local Planning Authority.

The development shall not begin until the Local Planning Authority has inspected and given its written approval confirming that the agreed tree protection measures are in place in accordance with the submitted details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site which would otherwise harm trees to the detriment of visual amenity.

To ensure that key trees are retained this condition needs to be a pre-commencement condition.

To accord with Policy EN5 of the Bradford Local Plan Core Strategy.

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

Reason: To ensure that trees are adequately protected during development activity on the site which would otherwise harm trees to the detriment of visual amenity. To accord with Policy EN5 of the Bradford Local Plan Core Strategy.

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

Reason: In the interests of amenity, flood risk and highway safety, and in accordance with Policies TR2 and EN7 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

8. Bat Mitigation
Prior to the demolition of any part of the existing summer house building Prior to the demolition of any part of the existing summer house building on the site, the developer shall submit to the Local Planning Authority either;
 - (a) A copy of a licence agreement from Natural England (European Protected Species Mitigation Licence) permitting such works and confirming the appropriate bat mitigation and working methods for such works; OR
 - (b) Written confirmation from Natural England that such a licence is no longer required in the light of updated surveys.

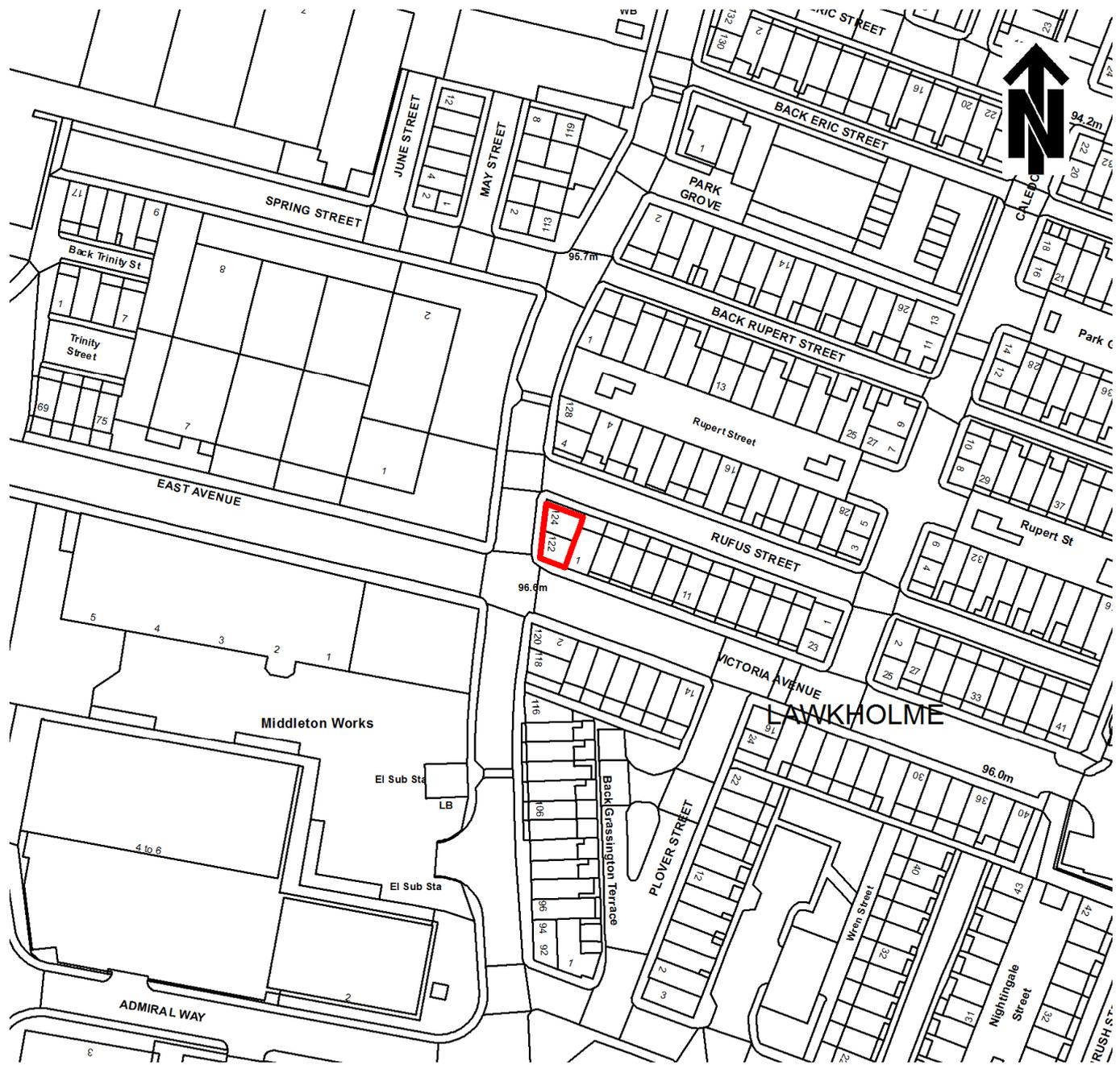
Reason: To provide verification that bats found to be actively using the building by the 2018 bat assessment survey are being adequately safeguarded, to accord with Policy EN2 of the Core Strategy Development Plan Document.

To ensure that protected species known to be present at the site are retained this condition needs to be a pre-commencement condition.

18/03553/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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122 - 124 Lawkholme Lane
Keighley
BD21 3JR

31 October 2018

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

Application Number:
18/03553/FUL

Type of Application/Proposal and Address:
Change of use from shop (A1) to hot food takeaway (A5) at 122 - 124 Lawkholme Lane,
Keighley BD21 3JR

Applicant:
Mr J Hussain

Agent:
AA Planning Services

Site Description:

The application property comprises two former end terrace houses in the Lawkholme area of Keighley that were converted to a clothes shop in the 1990's. In 2008, the retail use was permitted to include a showroom on the first floor. The shop now appears to be closed. It is located at the end of a residential terrace bounded by Lawkholme Lane, Rufus Street and Victoria Avenue. The entrance doors and display windows for the shop face directly onto Lawkholme Lane and the property also abuts the pavements of Victoria Avenue and Rufus Street which are residential streets. There is only a very narrow yard (750mm wide) on the Rufus Street side partly occupied by a small lean to extension. A terrace house at 1 Victoria Avenue directly adjoins the east side of the application property.

Relevant Site History:

08/06294/FUL : Change of use of part of first floor from dwelling to extended shop and addition of doorway and enlarged first floor display windows to front elevation. Granted: 02-DEC 2008.

98/00032/COU : Change of use of ground floor of dwelling to shop and alterations to form shop front. Granted: 12-FEB 1998.

95/01126/COU : Change of use of ground floor to clothes shop. Refused: 03-JUL1995.

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework was updated in July 2018 and is a material planning consideration on any development proposal. It says the purpose of the planning system is to contribute to the achievement of sustainable development, explaining that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the

right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and 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.

Local Plan for Bradford:

The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents.

The following adopted Core Strategy policies and the adopted Hot Food Supplementary Planning Document are applicable to this proposal.

Core Strategy Policies

DS4 - Streets and Movement

DS5 - Safe and Inclusive Places

TR2 - Parking Policy

Supplementary Planning Guidance

Hot Food Takeaway Supplementary Planning Document adopted by the Council November 2014.

Parish Council:

Keighley Town Council objects to this application due to the close proximity to schools, the park and homes. The extractor fan will be intrusive.

Publicity and Number of Representations:

Publicised by site notice and neighbour letters to 18 September 2018.

Summary of Representations Received:

41 objections

90 representations in support.

A Ward Councillor also supports the application and has referred it to Panel if it is recommended for refusal.

Objectors concerns can be summarised as:

- This will not be an environmentally friendly proposal for the surrounding neighbourhood. It fronts directly onto the road and is surrounded by homes.
- It's an unsuitable location within a residential area. They should open a take away in the town centre - not in areas where families are trying to live peaceful lives.
- There will be increased noise, smells from cooking and disturbance to neighbours.
- Late opening will cause problems. I fear for the safety for children as takeaways tend to act as a hub and attract crowds and rowdiness. People will be hanging around outside at times when children are trying to sleep.
- The previous shop closed before 6pm but a takeaway could be open all hours of the night causing disruption and multiple issues.
- Increased traffic and pressure on street parking affecting residential streets.
- A takeaway will cause rodent and pest increases, and litter.
- It will be hazardous to road safety as there is no off road car parking or loading facility.
- It will be extremely disruptive for neighbours.
- The smell of thick grease and food rotting in bins will be a health hazard.
- Close proximity to school promoting unhealthy eating habits.

Support comments :

- It's a great idea.
- There is no takeaway in the area. It would be nice to have a convenient takeaway you can go to when in a rush.
- There plenty of places to park across the road.
- Schools never have a problem with parking as most children walk to school.
- You can't blame takeaways for mice and litter.
- It will create jobs.

Consultations:

Highways DC : The site is located on Lawkholme Lane, which is a busy link road between Hard Ings Road and the town centre. It also provides access to a busy residential area on the eastern side and industrial area on the west. In accordance with the requirements set out in Appendix 4 of the Core Strategy the following levels of parking would be required:

- A1 Non-food retail (above 1000sqm) 1 space per 25sqm (this can be reduced to 1 space per 20 as it falls under the threshold level)
- A5 Hot food Takeaway City and Town Centres - sites meeting accessibility criteria - 1space per 5-10sqm

The gross floor area for the shop is shown as 50sqm and therefore would require at least 2 parking spaces for the A1 Use and a minimum of 5 for the A3 Use.

No off-street parking exists with the current use and none is being offered as part of this application.

Summary of Main Issues:

Background and principle of development

Hot Food Takeaway Policy

Amenities of occupiers of adjacent land

Highway safety

Other planning matters

Outstanding Matters Raised by Representations

Appraisal:

Note : The originally submitted drawing showed an intention to use the 1st floor as a “Dining Area”, with the kitchen and A5 takeaway counter on the ground floor. The agent has since confirmed that the dining area is now omitted and the space at 1st floor will be used for storage.

Proposed hours of opening are stated on the application form as being between 11am and 10pm Monday – Saturday and 12.00 to 10 pm on Sundays.

Hot Food Takeaway Supplementary Planning Document (SPD)

In November 2014 the Council adopted a new Hot Food Takeaways SPD

The purposes of this were:

1. To complement the aspirations of the Bradford Good Food Strategy.
2. Ensure City, District and Local Centres retain their primary purpose of providing a range of shopping and other functions and also contain appropriate concentrations of hot food takeaway establishments.
3. Minimise the negative impacts of takeaways on childhood health by controlling the proximity of new takeaways to primary and secondary schools.
4. Promote Safety on the highway for people who will use the takeaway.
5. Protect the amenity of surrounding residential properties from the adverse effects of disturbance, smells, litter or vehicular traffic movements.
6. Minimise impact on the street scene and the public realm.
7. Ensure appropriate disposal of waste products
8. Ensure hot food takeaways do not exacerbate any existing problems of Safety, Crime and Anti-Social Behaviour.
9. Ensure there is suitable accessibility to the premises for all users.

Impact of the proposal on childhood health

In pursuit of objective 3, to minimise the negative impacts of takeaways on childhood health, the SPD introduced a policy setting a presumption against the opening of hot food takeaways outside designated town centres where they would be within 400m of the boundary of an existing primary or secondary school, a youth-oriented facility, or a recreation ground or park boundary.

The rationale for this is to support wider public health initiatives aimed at tackling child obesity trends in Bradford, which are higher than the national average. There is an associated need to improve the quality of the food environment around schools, and parks frequented by young people, so as to influence children's food purchasing habits and potentially influencing their future diets. In response to planning appeals against refusals of planning permission for A5 uses in similar circumstances, Planning Inspectors have supported this and have said they consider that the evidence (about childhood health) ably justifies the approach towards the location of Takeaways which the SPD takes.

This property at Lawkholme Lane is not within an established Town, District or Local Centre and the proposed hot food takeaway would be within 400 metres of various education and recreation facilities frequented by young people - including Eastwood Primary School, Victoria Park, Cliffe Castle Park and Keighley Leisure Centre. The takeaway would have the ability to sell food which could jeopardise the approach towards childhood health set out in the Hot Food SPD approved by Councillors.

The application proposal is therefore contrary to Principle 2 of the Council's adopted Hot Food Takeaway SPD, which seeks to support healthy eating and to minimise the negative impacts of takeaways on childhood health by controlling their proximity to schools and youth facilities.

Impact on the living conditions of nearby residents

Principle 4 of the Hot Food Takeaway SPD seeks to protect the residential amenity of neighbours from the effects of hot food takeaways. It says these will be refused where there may be significant adverse impacts through noise, vibrations, odours, traffic disturbance, litter and hours of operation.

This property is located in a very close knit residential neighbourhood on a busy road. In 1998, the application premises obtained permission 98/00032/COU for change of use of the ground floor to a shop but conditions were attached to that permission limiting the hours to daytime use only (0900 - 17.30 on weekdays). The use was also restricted to the sales of cloth, clothes and shoes and it was a personal permission for the benefit of the applicant. The restrictive conditions in relation to hours of business and the range of goods sold were imposed "in the interests of residential amenity", recognising the close knit residential character of this locality.

The proposed change of use to an A5 hot food takeaway raises obvious concerns about disturbance and noise at unsocial hours. Takeaways, by their very nature, usually rely on evening and late night opening and can cause additional disturbance due to customers visiting and congregating outside the premises and also from delivery drivers and customers coming and going in vehicles. The activities associated with hot food takeaways often tend to reach a peak at times when the surrounding background noise levels are low (e.g. late evenings) and when residents have reasonable expectations of peace and quiet.

Also, odours, noise and vibrations generated from cooking activities and extraction equipment used in these premises, together with traffic disturbance, litter and the attraction of large numbers of people at particular times of the day mean that hot food takeaways can produce a higher degree of noise and disturbance to local residents than other kinds of retail use. This noise can be very difficult to control.

The application states an intention to open until 10pm in the evening which seems especially unreasonable to the local community.

Whilst conditions could be imposed to restrict the opening hours, it would seem necessary in view of the close proximity to dwellings for those hours to be less generous and this may be such that the use would not be viable.

A number of objections from near neighbours demonstrate that they also have worries about the effects of a takeaway use. They fear it will cause noise, customers congregating outside and creating disturbance to residents late into the evening. There is also concern regarding the effects of cooking odours and litter, and the extra traffic which may be attracted to the takeaway. Officers have sympathy with these views. A hot food takeaway would have significant detrimental effects on the living conditions of neighbouring residents by reason of the noise, vehicular activity, additional waste and general disturbance which such uses generate, particularly in the evening and at other unsocial hours. In this case these problems would extend until up to 10pm.

Dining Room : The original proposal for a dining room at 1st floor level gave rise to serious concerns about the noise disturbance to occupants of the adjacent house whose bedrooms will be next to an area in which a potentially large number of diners would be gathered until 10pm in the evening. However, this element of the scheme has since been omitted and an amended plan shows storage at the 1st floor. Proposals for noise insulation to protect the neighbouring resident from noise through the party wall are also suggested. However, the amendment does not resolve the other deficiencies of this property to accommodate a hot food takeaway.

Poor appearance of the flue

The plans indicate that the metal flue needed for extraction of kitchen odours would be installed within an insulated chamber inside the building and would then emerge through the roof and run up the roof slope to the ridge on the side of the building fronting Victoria Avenue. This would form a very unattractive feature of this residential terrace - highly visible from a number of public vantage points including Lawkholme Lane. It would be an unsympathetic addition to the terrace, alien to its character and appearance and contrary to design policies DS1 and DS3 of the Core Strategy DPD.

Lack of space for waste storage

The premises directly abut Victoria Avenue and Lawkholme Lane and there is only a narrow yard on the Rufus Street side. This small yard is partly occupied by a small lean extension which is shown on the floor plans as being an existing bin store (but it is not shown on the elevations). The plans indicate that the takeaway bins would be located either in the lean to, or in the yard. It is not clear which.

However, the space available is only wide enough for a domestic wheelie bin. The yard is just 750mm wide whereas a regular trade waste bin is 1.0 metres x 1.2 metres.

The Hot Food Takeaway SPD recognises how such establishments can generate a significant volume of waste and waste storage facilities must be of a suitable size, appropriately sited and screened and positioned to be accessible and enable servicing without adversely affecting adjacent residents. Inadequate waste storage facilities can result in harm to visual amenity and pose risk to public health.

A hot food takeaway of this size, occupying a double unit and with dining space shown on the upper floor would generate significant waste and would require at least one trade waste bin. However, there is no space to accommodate trade waste bins other than storing them on the footways in Lawkholme Lane where they would appear unsightly and prevent an obstruction for pedestrians, or on Rufus Street and Victoria Avenue where they would present an obstruction of pedestrians and a potential source of smells and vermin for the residents who live on those streets.

The effects of the inadequate waste storage facilities would impact adversely on local amenity and possibly health as well as the ability of people to move around their neighbourhood freely and safely. This would be contrary to Policies DS4 and DS5 of the Core Strategy DPD and would not be acceptable.

Highway Safety

The terrace dwellings in the area have no off street parking and Lawkholme Lane is a busy thoroughfare used as a cut through to the town centre from the A650 Hard Ings Road. In the side streets there is a high demand for on street parking by existing residents. The proposed takeaway use has no off street parking available. Whilst customers and delivery drivers may only park for a short time the proposed use would result in an increased demand for the already limited off street parking and potentially cause obstruction and inconvenience to other road users and local residents.

Applying standards in the Core Strategy Appendix 4, an A5 takeaway outside the town centre would be expected to provide 1 off street parking space per 5 -10 sq. m. of floorspace, depending on the accessibility of the site. The size of the floorspace for these premises given by the applicant is 50 sq. metres. Therefore, even allowing for the fact it is reasonably close to residential areas and the town centre, at least 5 or 6 parking spaces would normally be required.

However, no car parking at all can be provided here which means a strong likelihood that customers and delivery drivers would be trying to park either in Lawkholme Lane to the detriment of the safe and free flow of traffic, or parking outside people's homes on Victoria Avenue and Rufus Street, to the detriment of their residential amenity.

Community Safety Implications:

None evident.

Equality Act 2010, Section 149:

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

Reasons for Refusal:

1. The proposed A3 hot food takeaway would be located outside Keighley town centre and is not in a Local or District Centre. It is within 400 metres of various education and recreation facilities including parks and Eastwood Primary School. The proposal is therefore contrary to Principle 2 of the Council's adopted Hot Food Takeaway Supplementary Planning Document, which seeks to minimise the negative impacts of hot food takeaways on childhood health by controlling the proximity of new takeaways to those education and recreation facilities. It is also contrary to Policy DS5 of the Core Strategy Development Plan Document and the National Planning Policy Framework.
2. The use of the premises as a hot food takeaway would be detrimental to the amenities of neighbouring residents by reason of the noise, vehicular activity, additional waste and general disturbance which such uses generate, particularly in the evening and at other unsocial hours. The negative effects on nearby residents would be contrary to Policies DS5, EN8 and SC9 of the adopted Core Strategy Development Plan Document, and Principle 4 of the adopted Hot Food Takeaway Supplementary Planning Document.

3. Waste storage facilities for the proposed takeaway are inadequate or non-existent. The applicant has failed to demonstrate that trade waste bins can be stored safely and securely and clear of the public highway. This would impact adversely on local amenity, and possibly health, and storage on the highway would impair the ability of people to move around their neighbourhood freely and safely. As a result, the proposed takeaway would be contrary to Policies DS4 and DS5 of the Core Strategy Development Plan Document.
 4. No car parking facilities can be provided at the site which means the development falls well short of the indicative parking standards contained in Appendix 4 of the Core Strategy DPD. There is therefore a strong likelihood that customers and delivery drivers would need to park either in Lawkholme Lane, to the detriment of the safe and free flow of traffic, or outside people's homes on Victoria Avenue and Rufus Street, to the detriment of their residential amenity. The proposed takeaway is therefore contrary to Policies TR2 and DS5 and DS4 of the Core Strategy Development Plan Document.
 5. The position of the external extraction flue across the roof of the property would result in an unsympathetic addition that would be alien to the character and appearance of the building and locality, contrary to Policies DS1 and DS3 of the Core Strategy Development Plan Document.
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