

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (Keighley and Shipley) to be held on 26 June 2019

A

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

| <u>Item</u> | <u>Site</u> | <u>Ward</u> |
|-------------|---|---------------|
| A. | 38 Grove Road Ilkley LS29 9QF - 18/05269/FUL [Approve] | Ilkley |
| B. | A And A Lampkin Greengate Silsden BD20 9LA - 18/05099/FUL [Approve] | Craven |
| C. | Beltrees Occupation Lane Keighley BD22 7LB - 19/00278/FUL [Approve] | Keighley West |
| D. | Kirklands Community Centre 119 Main Street Menston Ilkley LS29 6HT - 19/01677/FUL [Approve] | Wharfedale |
| E. | Kirklands Community Centre 119 Main Street Menston Ilkley LS29 6HT - 19/02069/FUL [Approve] | Wharfedale |
| F. | Land Of Ryan Grove Braithwaite Road Keighley - 19/00336/OUT [Approve] | Keighley West |
| G. | 77 Otley Road Shipley BD18 2BJ - 19/01030/FUL [Refuse] | Shipley |
| H. | Flat 1 2 Alexandra Crescent Ilkley LS29 9ER - 19/00574/HOU [Refuse] | Ilkley |

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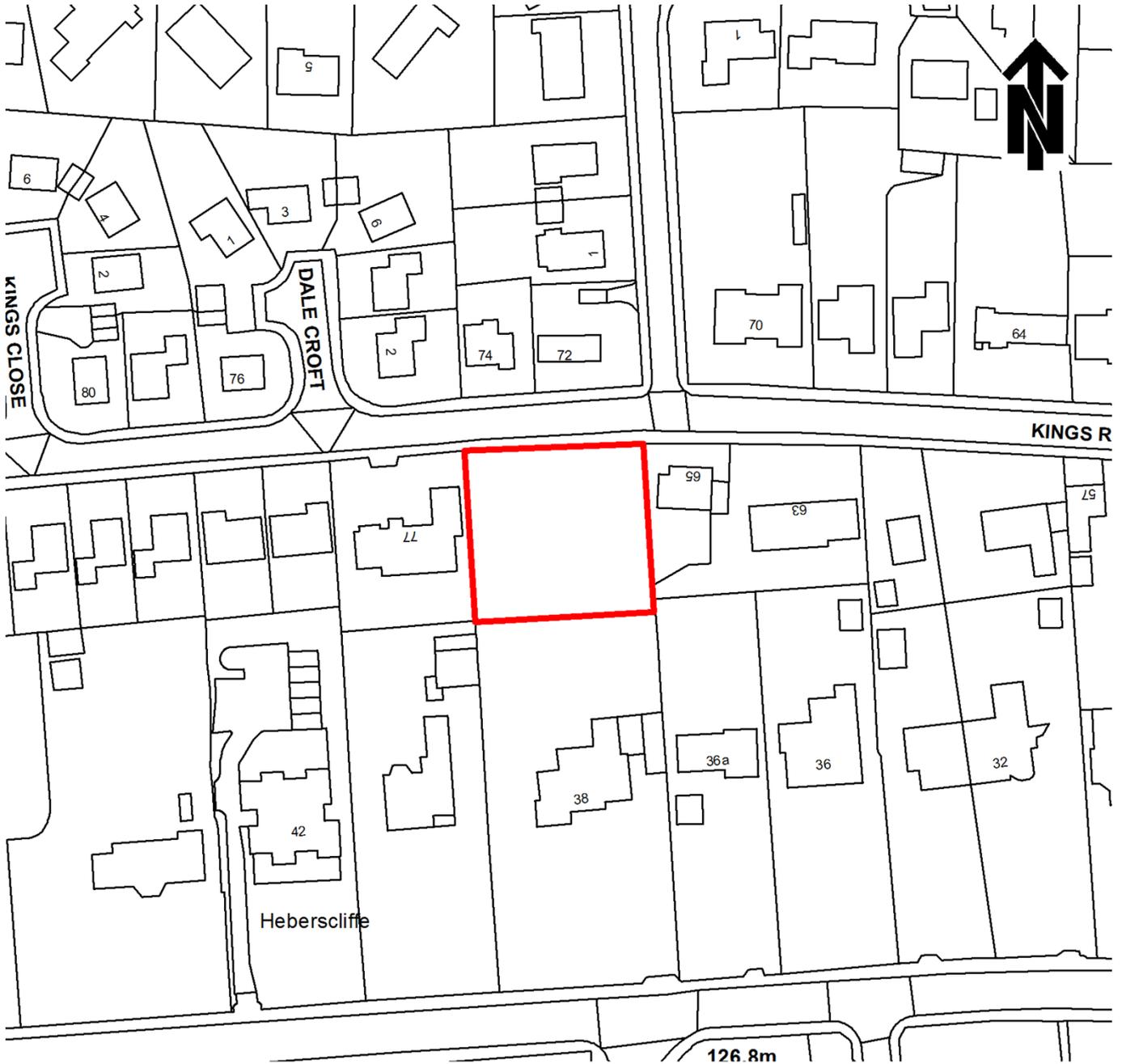
Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

18/05269/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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38 Grove Road
Ilkley LS29 9QF

26 June 2019

Item: A
Ward: ILKLEY
Recommendation:
TO GRANT PLANNING PERMISSION
Application Number:
18/05269/FUL

Type of Application/Proposal and Address:

Full application for the construction of two detached dwellings on land to the north of 38 Grove Road, Ilkley, LS29 9QF

Applicant:

Mr & Mrs Robinson

Agent:

Halliday Clark Limited

Site Description:

38 Grove Road is a substantial detached house in a suburban area west of the centre of Ilkley. It is part of the Ilkley conservation area. The application site is part of the large back garden of the house which is reasonably level and extends northwards behind the house to a frontage on Kings Road. This part of the back garden is disused and somewhat overgrown by scrub and bushes. Historic maps show that all the houses along this section of Grove Road originally had substantial gardens stretching back to Kings Road but, over time, the rear portions have been developed with new houses that front Kings Road. This property is one of the last to retain its full length garden. There is currently a dense cluster of trees along the west boundary of the garden. To the east side of the site is a modern detached bungalow at 65 Kings Road and to the west is a large detached house at 77 Kings Road that was built in recent years.

Relevant Site History:

None relevant to this land.

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any development proposal. The NPPF 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 NPPF 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 un-allocated in the Replacement Unitary Development Plan.
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
TR2 Parking Policy
SC9 Making Great Places

Parish Council:

The Ilkley Parish raised concerns for the adjacent property with the proposed trees.

Publicity and Number of Representations:

A press advert, a site notice and neighbour notification letters advertised the application. The publicity period expired on the 12th April 2019.
Four objections have been received, including one from a former Ward Councillor. The Ward Councillor referred the application to Area Planning Panel for determination in the event of an officer recommendation to approve.

The Ward Councillor is no longer a member of Council.

Six letters of support for the applicants have also been received.

Summary of Representations Received:

- A number of concerns were raised regarding interpretation of the scale the development from the plan and lack of clarity with regard to the boundary treatment.
- Concerns over the height of the dwellings and possible overbearing impact.
- Loss of trees and impact of tree removal as well as concerns with regard to the impact on amenity as a result of the required re-planting scheme.
- Concerns over the design (in particular) the chimney and its resulting impact on character of the area.
- Loss of wildlife
- Covenant on the site preventing development.

-A number of comments in support of the application have also been received, including support from the Ilkley Civic Society. These focus on the merits of the contemporary design which would complement the existing built form.

Consultations:

Highways DC: Raise no objections. The development provides double garage and two parking spaces on drive for each dwelling which accords with local car parking policy.

Trees Team: No objections to development subject to implementation of the tree re-planting scheme in its amended form.

Design and Conservation Officer: On balance, believes that the loss of trees will cause less than substantial harm to the heritage asset (Ilkley Conservation Area) but is mindful that the trees are shown to be of poor quality and that proposed replacement planting will, in time, replace some of the lost tree cover. The less than substantial harm should therefore be weighed up against the public benefits of the proposals.

Summary of Main Issues:

1. Principle of development
2. Impact on the conservation area: design, scale and loss of trees
3. Impact on residential amenity
4. Highway issues
5. Wildlife
6. Other matters raised in representations

Appraisal:

1. Principle of development:

Paragraph 59 of the Revised NPPF continues to stress the need for Local Planning Authorities to boost significantly the supply of new housing. The Core Strategy reiterates this strong policy support for delivering new housing and emphasises that housing delivery is one of the key issues facing the district. This proposal would make a modest but valuable contribution towards meeting that need.

The site is located in a residential area, where there is a mix of mostly detached and semi-detached dwellings. The site is unallocated on the Replacement Unitary Development Plan and is therefore not protected for any other uses. The proposed development would provide 2 dwellings (5-bed) on a site of 0.13 hectares, providing a housing density of approximately 15 dwellings per hectare. The site occupies a sustainable location within an established residential area, where shops and services are accessible on foot or public transport. There is an acknowledgement that the density falls below the minimum requirement; however, the proposal put forward here aims to work with the existing pattern of development and a higher density in this location would likely compromise the character of the area and prevent the necessary tree re-planting.

The National Planning Policy Framework has introduced a presumption in favour of sustainable development and this weighs significantly in favour of the proposed residential development of the land. Taking into account the above, the principle of housing development on this site is considered acceptable.

2. Impact on the conservation area: design, scale and loss of trees

38 Grove Road and its garden are in Ilkley Conservation Area. The back garden runs down to a frontage with Kings Road along which there has been infill development in similar adjoining plots. Historic maps show that all the houses along this section of Grove Road originally had substantial gardens stretching northwards to Kings Road but, over a number of decades, the rear portions have been developed with new houses fronting Kings Road. As a result of the previous modern infill developments along this section of Kings Road, the area is now characterised by the varied age and architectural style of the properties with no cohesive or dominant style evident.

The garden makes no meaningful contribution as open space to the Ilkley conservation area and loss of the garden to infill development would not harm its character or appearance. The Council's Conservation Officer also considers that developing this garden plot for residential purposes will not be necessarily out of keeping with the character and sense of place in this part of the conservation area.

The scale, form and design quality of the proposed detached dwellings is also respectful of its character and appearance. Being set back from the street, the dwellings would be proportionate and appropriate in scale for the plot whilst also respecting the scale and massing of the neighbouring properties. The detail of the house design combines elements of traditional design and uses natural stone as the predominant walling materials and natural slate roofing materials as well as incorporating contemporary elements. The two dwellings will be the mirror image of each other, each having a single storey integral double garage closest to the adjoining neighbouring plots.

The Conservation Officer complements the design – considering it to be well thought out and imaginative and subject to careful control of details would not appear out of place within the context of the surrounding built form.

The proposed chimneys, which have attracted comments, both positive and negative, refer to the arts and crafts features found elsewhere in the Ilkley area and although appear quite prominent as viewed on a 2D plan, each will be set back sufficiently from the front elevation as to not be visually dominant and are thought to add a degree of interest to the properties.

The site currently has a number of trees on the plot which add considerably to the leafy character of the streetscape and thereby contribute to the character of the conservation area. The applicant has submitted an arboricultural survey by Smeeden Foreman which demonstrates that the individual trees in the group are specimens of low amenity value. The Council's Tree Officer accepts that the findings reflect the condition of the individual trees, but he and the Conservation Officer consider that the trees make a contribution as a group to local amenity.

Their removal to facilitate development of two houses would have a less than substantial harmful impact on the character and appearance of the conservation area, but their removal could be supported if the scheme makes provision for compensatory tree planting.

To mitigate the loss of the existing trees, the applicant has agreed to replacement planting of five trees along the frontage of the site. The quality of specimens in the replanting scheme identified on plan SF 2840 Rev A, includes three black pine and two silver birch trees. The pine trees are similar specimens to mature trees further along Kings Road.

To accommodate the replacement trees, a slight re-adjustment to site the dwellings further south on the plot has also been tabled. Adequate space and light is now provided for the trees to grow to their full potential. In the long term, the trees along this frontage will be of higher quality than the existing stock and, overall, will provide a positive long term contribution to the character of the conservation area. The less than substantial harm caused principally by loss of the existing tree group has been weighed against the public benefits of the proposal which are securing the high design quality and visual interest the scheme will add to the street scene and the contribution it will make to housing land supply as well as long term enhancement of tree stock secured through the required replanting of better tree specimens. The proposals are considered to comply with the duty under S.72 of the Planning (Listed Buildings and Conservation Areas) Act, NPPF objectives regarding heritage conservation and policy EN3 of the Core Strategy.

Subject to control of the external materials and the replacement tree planting, the amended proposals are supported by the Council's Conservation officer and Tree Officer. The scale, design and appearance of the houses are sympathetic and respectful of the character of the area, and the proposal will comply with the policies DS1 and DS3 of the Core Strategy Development Plan.

3. Impact on neighbours' residential amenity:

The properties are well proportioned for the size of the plot and their siting on the plots ensures that ample distances are retained to property 38 Grove Road to the south. Further, the dwellings have been designed so that the single storey side garage element runs to the side of each dwelling, reducing the material bulk of the built form along the common boundaries with 65 Kings Road to the east and 77 Kings Road to the west. Ample distances can also be achieved to the properties to the north, across the highway. On this basis, there are no concerns in terms of loss of outlook, light and or resulting dominance. Windows are sensitively located to prevent direct overlooking to private amenity space from new habitable room windows.

A number of concerns have been raised with regard to the impact on residential amenity from the new trees to be planted along the frontage, since when fully grown they will reach generous heights. The Council's Tree Officer has considered their resulting scale and potential impact since there is an underlying aim to prevent future pressure to prune or lop trees. Having regard for the location of the trees and distance to neighbouring plots and windows, no substantive harm has been identified. Further, the requirements of the tree replanting scheme to mitigate the impact of the loss of the existing trees on site in order to facilitate the development proposal would outweigh the limited impacts which would likely only occur 10 to 20 years post planting.

During the course of the application, the dwellings were moved back slightly into the site. Nonetheless, a generous private amenity space would be provided. There are no concerns for the amenity of future occupants of these two dwellings.

The proposal will achieve and maintain good standards of amenity for existing and future occupiers and is compliant with policy DS5 of the Core Strategy Development Plan.

4. Impact on Highway Safety:

Vehicle and pedestrian access to the houses will be taken from Kings Road and the site can comfortably accommodate parking and garaging of in excess of 2 vehicles off the highway. The traffic generated by a development of the scale proposed would not overwhelm the local highway infrastructure and with no objections from the Council's Highway Officer, the development does not raise any appreciable highway and pedestrian safety concerns and complies with policies TR2 and DS4 of the Core Strategy Development Plan.

5. Wildlife:

The site is an area of former garden which has become overgrown and dominated by dense scrub habitat. Hedgerows occur to the boundaries and a number of semi-mature trees occur to the western section of the site. The habitats on site are considered to be of minimal botanical interest, though of some conservation value as they are likely to provide cover for local wildlife. Recommendations in the applicant's Preliminary Ecological Appraisal (PEA) include the retention of hedgerows to the boundaries and the planting of appropriate native tree and shrub planting to mitigate for losses and to try and maintain site biodiversity. The hedges are being retained, and a tree planting scheme is submitted and for these reasons, nature conservation interest are safeguarded and there is no conflict with policy EN2 of the Core Strategy.

6. Other matters raised in representations:

- The plans are submitted by professional architects and are scaled and clearly indicate the siting, scale and relationship with neighbouring plots. Comments that
- The granting of planning permission does not override any other legal requirements, such as covenants. Whether or not covenants prevent development is a civil law matter.
- Any damage occurred during construction and/or removal of trees on site is also a civil matter.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. 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 site is unallocated in the Replacement Unitary Development Plan, so the principle of residential development is acceptable given the lack of an adequate supply of land for housing across the District. The scale and design of the new dwellings are appropriate and subject to the tree planting scheme will contribute positively to the character of the conservation area. Their position on the site is such that it would not cause significant loss of amenity to neighbouring occupiers. Subject to conditions the development is considered to accord with relevant Core Strategy DPD policies and to amount to sustainable development in accordance 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 development above damp proof course 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 in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

3. The development shall not begin, nor shall there be any 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 shown on the approved plans to be retained, until the tree protection fencing and other tree protection measures have been installed in accordance with the details and positions shown on the submitted arboricultural report Ref. No SF 2840 TPP01 Rev A by Smeedon Foreman dated 07/12/2018 and the associated tree protection drawings.

Once the tree protection measures are installed, development shall not proceed until the Local Planning Authority has inspected and given its written approval confirming that the agreed tree protection measures are 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 accord with Policy EN5 of the Bradford Local Plan Core Strategy.

4. 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.

5. Before the development is brought into use, the associated off street car parking facility shall be laid out, hard surfaced and drained within the curtilage of the site in accordance with the approved drawings.

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

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

Reason: To ensure that the site is 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.

7. In the first planting season (1st December to 15th March) following the substantial completion of the development, the tree planting scheme as shown on plan SF2840 Rev A, dated 28th March 2019 shall be implemented.

All new trees must be to British Standard BS 3936 Nursery Stock rootballed or containerised, staked and tied in accordance with good arboricultural practice.

The Local Planning Authority shall be notified in writing of the date of planting and shall have confirmed that the trees are planted in accordance with the requirements of this condition before the development is brought into use.

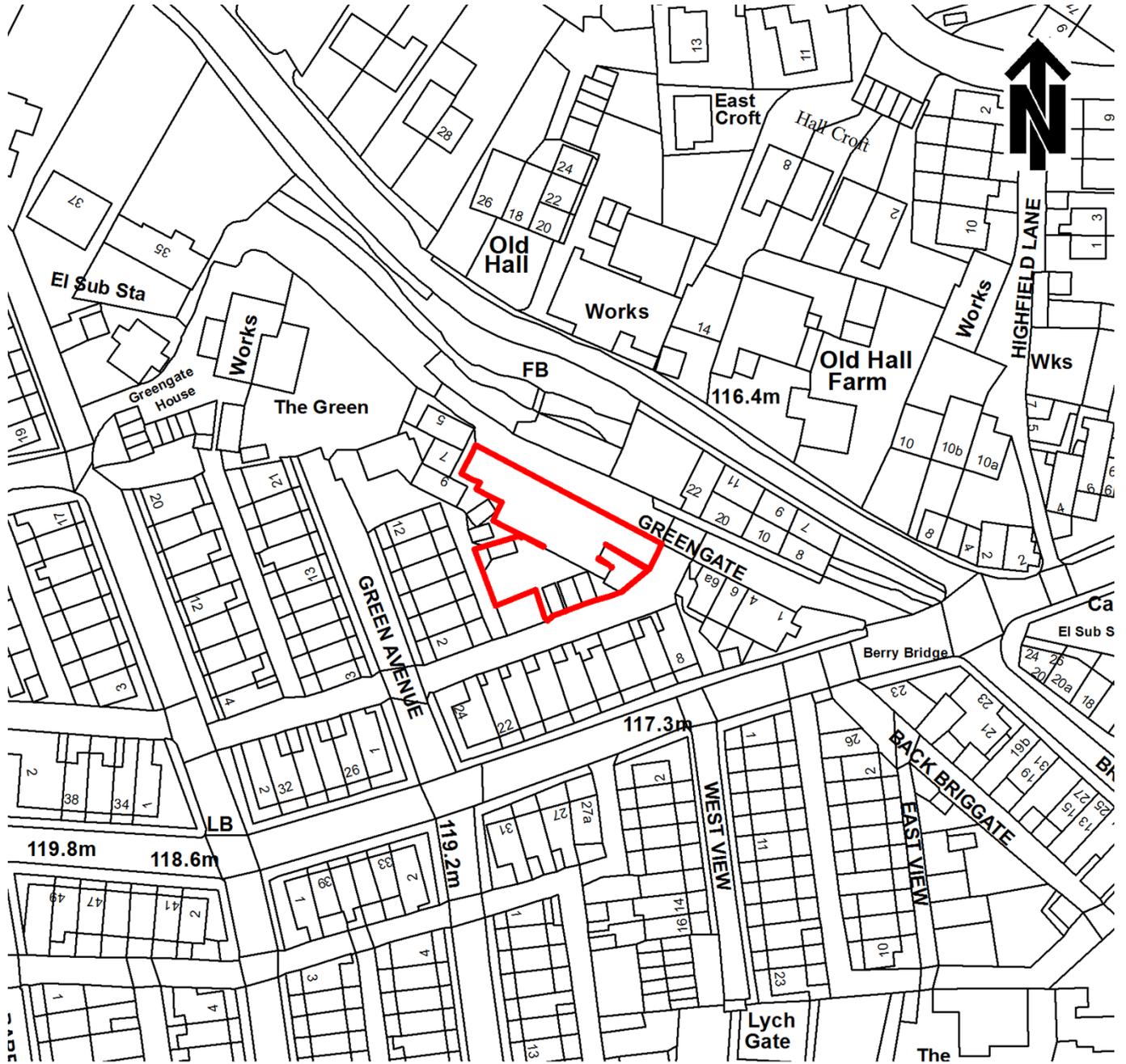
Any trees or plants comprising this replacement planting scheme that become uprooted, damaged or diseased or which die within the first 5 years following the completion of the planting shall be removed and a replacement tree of the same species/specification shall be planted in the same position no later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

Reason: To mitigate the environmental impact of the development, and provide appropriate replacement for existing trees that will need to be removed to accommodate the development, in the interests of visual amenity and in accordance with Policies SC9 and EN5 of the Core Strategy Development Plan Document.

18/05099/FUL



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A And A Lampkin
Greengate
Silsden BD20 9LA

26 June 2019

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

Application Number:
18/05099/FUL

Type of Application/Proposal and Address:

Full application for conversion of an existing workshop building to form 3 dwellings, demolition of existing single storey extensions and construction of 3 new build dwellings at A and A Lampkin, Greengate, Silsden, BD20 9LA

The scheme has been amended since submission to reduce the number of dwellings from 7 to 6, and increase the car parking provision.

Applicant:

A and A Lampkin of Silsden

Agent:

Lark Architects

Site Description:

A and A Lampkin is a small, specialised engineering company that occupies premises on Greengate in the centre of Silsden. These premises consist of a stone built, two-storey workshop, with two lower additions to either side. The two storey building at the centre already has a domestic appearance. The workshop addition to the north-west side is rendered and functional in appearance. The addition to the south-east is also functional but stone faced. The fronts of the workshops directly abut the unmade street and behind them to the south is an assortment of lean-to extensions, outbuildings and garages occupying land that rises up towards a rear access and the backs of houses on Green Avenue and Skipton Road. To the west of the workshops is a stone paved access to traditional residential cottages at 5, 7 and No 9, Greengate.

The site is part of Silsden Conservation Area.

Greengate is an unadopted, unmade street that leads north-west from Berry Bridge/Skipton Road. As well as the application premises it serves a number of buildings including the former Greengate Works (Nos. 8-22 Greengate) which were converted to dwellings in the 1990s; a workshop between the street and Bradley beck which has planning permission (18/03415/FUL) for conversion to 3 houses.

Relevant Site History:

No previous applications of relevance to these premises.

18/03415/FUL approved conversion of a smaller workshop across Greengate to create 3 houses.

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any development proposal. The NPPF 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 NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated land.

The buildings are in Silsden Conservation Area.

The site is located within Flood Zone 1 so does not require a flood risk assessment.

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) are saved for the purposes of formulating the Local Plan for Bradford, and remain applicable until adoption of Allocations and Area Action Plan development plan documents.

The following adopted Core Strategy Development Plan Document (CS) policies are applicable to this proposal.

Proposals and Policies

EN3 – Historic Environment

TR2 – Car parking

DS1 – Achieving Good Design

DS3 – Urban Character

DS4 – Streets and Movement

DS5 – Safe and Inclusive Places

EC5 – Employment land

Parish Council:

Silsden Town Council : Objects on the grounds of overdevelopment of a conservation area and over development (on) an unadopted road. Safety concerns over the narrow access to the site from Skipton Road have not been addressed. There has been no correlation in improvements to local infrastructure to support this new development.

Publicity and Number of Representations:

Publicised by neighbour letters and conservation area site/press notice.

7 objections received, plus an objection from a Ward Councillor with a request for referral of the application to Area Planning Panel for determination.

Summary of Representations Received:

1. The application is overdevelopment within a conservation area. It is much too large for its surroundings, and is in a conservation area – other properties on Greengate are in a listed building.
2. There are insufficient parking spaces for the proposed housing.
3. There would also be loss of a site/premises for light engineering in a growing town.
4. The unmade road (Greengate) is totally unsuitable for increasing amounts of traffic and the access in and out of Greengate onto Skipton Road is already difficult and has poor visibility due to many parked vehicles.
5. There is potential danger to children who play daily on Greengates. The condition of this unadopted road in its current state would not stand the increase amount of traffic.
6. What safeguards are to be put in place to protect the outbuildings to 12 & 10 Green Avenue which abut the boundary of the proposed application?
7. Overlooking of existing houses.
8. Fears that the sewage system will not be able to cope, as a serious blockage at the rear of Skipton Road happened in 2006.
9. There should be a restriction on the working hours of the developers as sound carries in this area.

The Ward Councillor has requested determination by Area Planning Panel due to overdevelopment within a conservation area. Specifically:

- There are insufficient parking spaces for the houses.
- There would be loss of a site for light engineering in a growing town.
- The unmade road is totally unsuitable for increased traffic and the access in and out of Greengates onto Skipton Road is already difficult and has reduced visibility.
- It will have negative impact on the local residents within this area.

Consultations:

Conservation Officer : No objections to the demolition of the extensions to either side of the main workshop and the proposed rebuilding and proposals for conversion are sympathetic. If conditions are imposed to secure control of the design detail, this residential proposal will maintain the character and appearance of the property and the wider conservation area and therefore will accord with Core Strategy Policy EN3.

Highways DC : Do not support the proposals. Greengate is an unadopted highway in poor condition with no regular maintenance. Whilst a change of use of an existing building to residential would normally lead to de-intensification, the proposal included seven dwellings which would be likely to lead to a greater number of vehicular trips than the previous use. Furthermore the scheme was underprovided for parking.

Highways DC advised that in order to satisfy requirements the proposal would have to be scaled down and an appropriate level of parking provided. A 1m wide footway with a low kerb edge should also be provided along the site frontage on Greengate.

Summary of Main Issues:

Principle - Loss of the business unit
Impact on the character and appearance of the conservation area
Impact on amenity of adjoining occupiers
Road safety/highway and car parking issues

Appraisal:

The proposal

Since original submission, the scheme has been amended to reduce the number of dwellings from 7 to 6, and increase the car parking provision.

The proposal will create a row of 6 new houses by converting the central two-storey workshop to 3 terraced dwellings and replacing the extension on the south side with 3 new build houses. Extensions and outbuildings to the rear would be cleared away to create the gardens and a small car parking area. A rendered extension on the north- west side will be demolished to create space for additional car parking.

Principle of residential redevelopment and the loss of employment premises

The proposal would create 6 additional houses in an accessible location close to the bus routes and retail/community facilities of central Silsden. The site would make a locally meaningful contribution to housing supply. However, it will result in loss of buildings from employment/business use which needs to be considered.

The applicant explains how the premises have been occupied by A & A Lampkin Engineers since 1946 and the current partners have worked here for 35 years. It is a specialised business producing small bespoke components for the power industry and its main orders are contracted from larger engineering companies. The applicant says that changes to the supply chains of these companies has meant that the business is finding it increasingly difficult to secure sufficient work to sustain it. The partners see no future in the continuation of the business and say that it is soon going to have to close.

With regard to Development Plan policies relevant to employment land, the CS Section 5 : Planning for Prosperity, Economy and Jobs, sets out the broad approach to delivering and managing economic development in support of the Core Vision and Strategic Objectives to create a sustainable and competitive economy. Policy EC3 of the CS deals with how future employment land requirements are to be achieved through the Allocations DPD and Policy EC4: Sustainable Economic Growth seeks for development decisions to manage economic and employment growth in a sustainable manner. It proposes that planning permission for the alternative development of land and buildings currently or last in use for business or industrial purposes be refused unless it can be demonstrated to the Council that a site is no longer suitable for such use in terms of:

1. Location.
2. Accessibility.
3. Adjacent land uses.
4. Environmental impacts.
5. Market significance.

Policy EC4 also links to other policies in the CS and the NPPF which set out the physical, social and environmental criteria against which all new proposals are tested.

A Ward Councillor and Silsden Town Council have also made calls to retain the buildings in their existing industrial use, but the applicant insists that this is both economically unviable and unrealistic for practical reasons due to the constraints of the existing premises and the cramped and restricted nature of the site which are not attractive to modern business operators. Rather than sell the site to an outside developer, the company itself wants to oversee the redevelopment of the site for housing.

The constraints said to be preventing continuation of employment are as follows.

Firstly, Greengate is an unmade road with no facilities for turning or unloading. If a new business occupier takes the site and requires deliveries by large vehicles it would face operational difficulties and inevitable conflicts with residential neighbours. The archaic nature of the premises and the poor site conditions are very likely to deter interest in the site by modern businesses which would not be attracted to a cramped site with such restrictions.

The premises have not been marketed but a supporting statement from a local estate agent testifies to the likely lack of demand for these premises by modern business. The local estate agent holds out little prospect of any interest from other operators who seek modern, purpose built premises in locations where, access and servicing arrangements are up to date and are far more practicable and suitable to the needs of modern business. Several such premises have been built on the south side of Silsden in recent years.

Secondly, Greengate already includes long established residential properties, and the premises opposite, which are owned by another business, were recently granted permission for residential conversion. Although, A and A Lampkin has been respectful of residents, a new business occupier might introduce more intensive operations and have materially different requirements and have less commitment to the neighbours and the locality. There will be potential conflicts between business and residential use given the close-knit nature of the buildings in this area. The continued use of these buildings for light industrial or office purposes by another occupier would not be controlled by any planning conditions, so hours of business, times of deliveries, numbers of employees etc. cannot be controlled in the interests of established residents. So while the existing occupiers have operated with due regard to neighbours, harm to the amenity of adjoining residents may arise from alternative business operations.

With regard to CS Policy EC4, the location, condition and poor accessibility of these old premises is such that it is reasonable to expect that market demand by modern business will be limited. In the event that new employment uses did find the site viable, their industrial processes, hours etc would not be regulated by planning conditions. The possible effects on adjacent land uses and general environmental impacts mean that the prospect of alternative industrial uses resuming in such close proximity to existing housing is undesirable.

In terms of Policy EC4, its five criteria of (1) location, (2) accessibility (3) adjacent land uses (4) environmental impacts and (5) market significance are all factors against continuing to insist this site remains in employment/industrial use. It therefore seems consistent with the interests of good planning to permit the change of use of this workshop site to residential, and this would be consistent with paragraph 127 of the NPPF, which says planning decisions should ensure that developments will function well and add to the overall quality of an area. Furthermore, balanced against loss of employment premises is the fact that the proposal would support the Government's objective of significantly boosting the supply of homes. The site would make a locally meaningful contribution to housing supply.

Impact on the character and appearance of Silsden Conservation Area

The existing property is a stone built, late 19th century building with later extensions located towards the north-western edge of Silsden Conservation Area. Greengate is an unmade road that retains much of its traditional character and what the Council's Conservation Officer describes as a close knit and distinctive sense of place.

Under S72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 the Local Planning Authority has a general duty with respect to any buildings or other land in a conservation area that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The scheme includes conversion of the existing two storey stone workshop building at the centre of the site. This requires some external alterations, such as new openings and roof lights, but many of the existing openings are to be used. Amendments have been received which remove some of the more modern additions initially proposed to the front elevation. The Conservation Officer is satisfied that if the details of conversion are carefully controlled, the scheme presented for part conversion and part redevelopment will maintain the character and appearance of the conservation area.

The Conservation Officer does not object to the removal of the existing extensions to either side as these do not contribute to the architectural interest of the host property nor the wider conservation area. The extension to the west side is particularly poor – being rendered with a corrugated metal roof. The proposed new dwellings which will replace these buildings will follow the linear form of the existing structures and they are to be constructed in a simple style, using traditional coursed stone and slates for walls and roof. The rooflines of the new houses are to be lower than the principal building and this will add visual interest and overall the scheme contributes to the simple cottage-like character of this area. The design of the new dwellings will complement and enhance the setting of Silsden conservation area. The Conservation Officer has advised on a number of conditions listed at the end of the report to require approval samples of the external facing and roofing materials, control gutters, windows and roof lights to minimise the visual impact.

With the original scheme, few details of the boundary treatments (height, appearance etc.) were provided, but the revised drawings confirm an intention for stone boundary walls to be used to the site perimeter. This would strengthen the character of the scheme. The amended scheme also now shows that the 6 new houses will not open straight out onto the unmade road as a flag paved footway will separate the front doors from the vehicle carriageway.

Objectors' criticisms of the development as unsuitable overdevelopment for the conservation area are not accepted. The predominant form of housing in central Silsden is small terraced houses, so the terraced form, the height, style and size of the terraced dwellings being proposed seems entirely compatible with that character.

The amended scheme will revive the buildings which it is desirable to retain and provide for a sensitive redevelopment that will preserve and enhance the character and appearance of the conservation area in accordance with the duty set out in S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals will accord with CS Policy EN3.

Impact on the amenity of existing and future occupiers

The front elevations of the houses face northwards across the highway towards the other works building which has permission for conversion. To the rear the existing poor quality outbuildings will be cleared away to allow outlook and light from the south side - as well as to create small gardens on the south side of the new terrace. Although these gardens are small, they will be of similar size to the small yards available to many other small terraced houses in the vicinity. The small gardens will provide appropriate standards of external amenity space for the future occupiers.

The new houses would be sited at appropriate distances from adjoining houses and no adverse impacts on outlook, amenity or daylight will arise from the new development. Objections from occupiers of homes on Green Avenue about overlooking have been considered, and calls for only non-opening, opaque glass windows in the rear elevations seem unnecessary given the degree of separation, difference in levels and the orientation of the new houses to avoid direct face-to-face views towards the back of that terrace.

One benefit of the scheme will be to occupiers of 5 and 7 Greengate. The section of the workshops that are currently placed directly in front of those two cottages would be demolished and the new houses be much further away. This would significantly improve outlook and light to these cottages.

In addition, note is made of comments that this area of Silsden acts like a "natural amphitheatre" where sound carries, as well as calls by the Ward Councillor to protect existing residents. A standard condition restricting the hours of construction is therefore justified in this particular instance.

The proposals are well designed and will provide good standards of amenity for future occupiers and the development will, subject to the suggested conditions, maintain amenity of occupiers of existing properties in accordance with Policy DS5 of the CS.

Highway Issues/Parking

It is acknowledged that Greengate is an unmade cul de sac road in poor condition with no regular maintenance. Objectors refer to this and say that access in and out of Greengate onto Skipton Road is also difficult due to poor visibility due to many parked vehicles. The application premises are located about 30 metres along the unadopted road from its junction with Berry Bridge. The road is between approximately 6 metres and 8 metres wide and currently provides access for several dwellings, including providing rear access to 8-24 Skipton Road and serving the various industrial premises.

The Highway Officer did not support the original proposals. It is accepted that a change of use of an existing building to residential would normally lead to de-intensification of traffic movements, but there was concern that the original proposal for seven dwellings would be likely to lead to a greater number of vehicular trips than the previous use. Furthermore the scheme was underprovided for parking.

In order to satisfy the above requirements the proposal has been scaled down to 6 three-bedroom dwellings and an increased level of off street parking is now provided with 8 spaces to the rear of the main workshop building and 5 on the site of the demolished extension on the north west side. The scheme therefore now achieves 13 spaces, 2 per dwelling.

The scheme layout has also been amended to incorporate a 1m wide footway with a low kerb edge along the frontage on Greengate to benefit access by pedestrians.

With regard to traffic generation, the 6 three-bed dwellings would be expected to generate a number of vehicle trips a day, although the accessible location is such that many trips would also likely be on foot.

However, if the workshops remained in office, business or industrial use, they would also generate traffic movements. A & A Lampkin say they have not generated a large amount of traffic in recent years due to declining business, but estimate that approximately 10 to 20 vehicles movements a day were associated with their activities.

The business in premises opposite, which imports motorcycles from Italy, generated a considerable amount more, with about 20 deliveries per year of between 50-80 motorcycles which after they had been delivered were then collected by dealers from around the country and that business operated a trade counter for the general public to buy spares. The business opposite is estimated to have generated between 20 and 40 vehicles a day. That business has now ceased following relocation and the old premises will revert to 3 dwellings.

The estimate is therefore that the two businesses would have generated between 30-60 vehicle movements per day along Greengate. The applicant argues that the residential scheme would be expected to generate a comparable or possibly lesser amount of traffic.

In addition, the applicant has provided some photographic evidence to show the obstructions created by delivery vehicles to the business uses. These problems would be expected to be significantly reduced if the site reverted to residential development of 6 houses.

With regard to prevailing road conditions, it is appreciated that the surface of Greengate is unmade but the road serving the proposed houses is of generous width, it is level and straight. It allows for a good level of visibility when travelling along it and the surface does not facilitate high speeds. Adequate space remains to enable access and servicing of the houses by domestic vehicles, delivery and emergency vehicles.

It is accepted that the surface of Greengate and its junction onto the Skipton Road may fail to meet modern day standards. However, this application is not proposing development on a green field site. It concerns making alternative use of a site that already has a long established lawful use as a business workshop and a building in a conservation area that needs to be put to productive use.

The NPPF states (at paragraph 109) that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In view of the above arguments, there is no substantive evidence that the cumulative impacts of the residential development - compared with continuation of the industrial or business use of the site or premises - would be severe.

Accordingly, there is no substantive evidence to justify refusal on grounds that the road itself will be an unsuitable or dangerous means of access to the proposed 6 houses. Taking all these matters into consideration, it is judged that the scheme would not cause significant harm in terms of highway safety. The proposal's parking provision accords with Policy TR2 of the CS.

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 scheme will revive the buildings which it is desirable to retain and provide for a sensitive redevelopment for housing that will preserve and enhance the character and appearance of the conservation area in accordance with the duty set out in S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals will accord with CS Policy EN3. The loss of land and premises from employment use has been assessed but the arguments of the applicant in respect of the poor location, accessibility, conflict with adjacent land uses, environmental impacts and the market significance of the site are all factors against insisting this site remains in employment/industrial use. Amendments have secured an appropriate level of car parking and improved pedestrian access. Although the site is served by an unmade access, the geometry and width of the road, the fact the alternative use of the buildings would continue to attract trips along it by vehicles, and the amount of development involved is such that no significant adverse effects on highway safety are evident. The proposals accord with the relevant policies of the CS.

Conditions of Approval:

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

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

2. Before development above damp proof course 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 in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

3. Prior to the installation of any new or replacement windows in the building(s), details of the materials for the frames, a sectional joinery profile, details of the pattern and method of opening, and confirmation of the paint finish of the frames shall be submitted to and approved in writing by the Local Planning Authority. The windows shall then be installed in accordance with the approved details and so retained in this form thereafter.

Reason: In the interests of the protection and enhancement of the historic value of the building to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

4. The frames to all new and replacement windows hereby permitted shall be recessed into the reveals by approximately 100-125mm, and shall be retained in this form thereafter.

Reason: In the interests of visual amenity and the character of the heritage asset and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

5. All new roof lights or roof windows to be installed in the buildings shall be conservation-type roof lights that are fitted flush with the roof slates and these shall be retained in that form thereafter.

Reason: In the interests of visual amenity and the character of the heritage asset and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

6. Before the development is brought into use, the off-street car parking facilities for the dwellings shall be laid out, hard surfaced and drained within the curtilage of the site in accordance with the approved drawing 401-112, with a gradient 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.

7. Before the development is brought into use, the stone flag paved footway at the front of the dwellings shall be laid out, surfaced and drained within the curtilage of the site in accordance with details shown on the approved drawing 401-112.

Reason: To improve the connectivity of the site for pedestrians and in the interests of highway safety and to accord with Policies DS4 and TR2 of the Core Strategy Development Plan Document.

8. All gutters to be installed on the existing and new buildings shall be fabricated in cast iron or sectional aluminium with a black finish and shall be mounted on brackets or stone corbels.

Reason: In the interests of visual amenity and the character of the heritage asset and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

9. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no enlargements, dormer windows or roof extensions falling within Classes A to C of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the dwelling houses hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To safeguard the character of the area and the amenities of occupiers of adjoining properties and to accord with Policies EN3, DS3 and DS5 of the Core Strategy Development Plan Document.

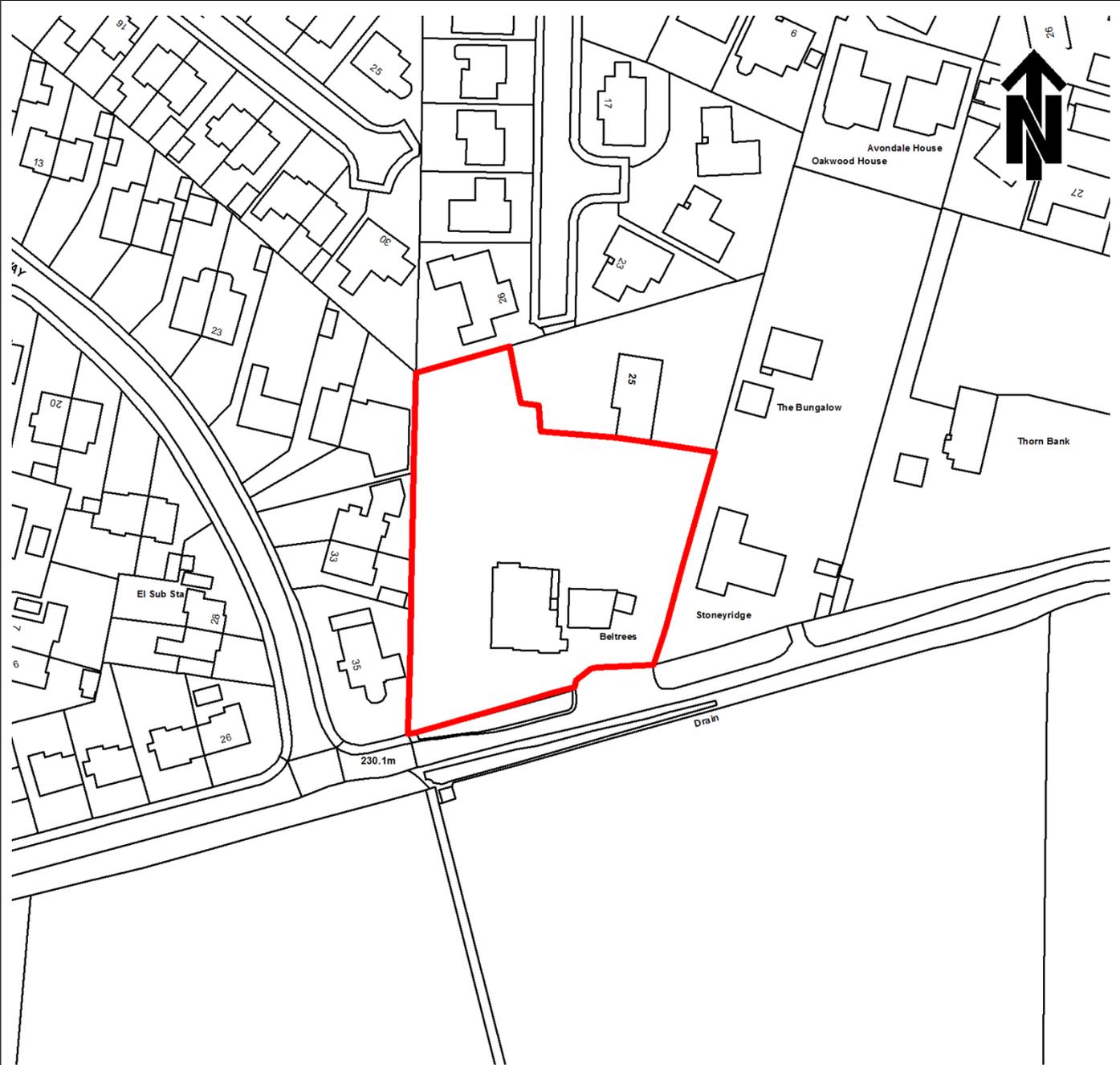
10. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy DS5 of the Core Strategy Development Plan Document.

19/00278/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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Beltrees
Occupation Lane
Keighley BD22 7LB

26 June 2019

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

Application Number:
19/00278/FUL

Type of Application/Proposal and Address:

Full application for the construction of two wooden pre-fabricated outbuildings in the rear garden to be used in connection with a small-scale, home-based cattery business at Beltrees Occupation Lane Keighley BD22 7LB

Applicant:
Mrs Gemma Andrews

Agent:
Chris Eyres Design

Site Description:

Beltrees is a sizeable detached house standing in a generous plot with vehicular access from a gate in its southern frontage with Occupation Lane. Alongside the gate, part of the verge has been formed into a roughly surfaced lay-by. There are a number of outbuildings in the curtilage, including a detached garage, some hen huts and the cattery buildings which are the subject of this application. To the east of the site, Stoneyridge is a bungalow set at a lower level to the application garden. There is planting along the intervening boundary. Occupation Lane is a narrow road lacking footways and is in poor condition. To the east, it runs steeply downhill to a junction with the main Keighley - Oakworth Road. Uphill, to the west, is its junction with Camborne Way, a conventional estate road serving a large residential area to the north. To the south of this junction a new residential development of around 124 houses is currently under construction, planning permission being granted under 14/02541/MAF.

Relevant Site History:
None relevant to Beltrees

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any development proposal. The NPPF 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 NPPF 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 are applicable to this proposal.

Core Strategy Policies

DS5 – safe and inclusive places

DS4 – streets and movement

TR2 – car parking standards

Parish Council:

Keighley Town Council makes no comment and says it defers to the opinion of Planning Enforcement.

Publicity and Number of Representations:

By neighbour notification and site notice.

5 objections received.

The application is referred to Panel by a Ward Councillor in view of the need to carefully consider the highway implications.

Summary of Representations Received:

1. The business of a cattery will result in an increase of traffic using Occupation Lane due to customers and deliveries in addition to the present increase in traffic due to the new housing estate. There are many schoolchildren and other pedestrians who regularly use the lane and increased traffic could pose a safety hazard. There is enough congestion in this area without causing more.
2. Concerns over the potential for noise and smells from a cattery business to make life unpleasant for neighbours. Previous owners only had about 12 to 15 hens on the land and no other animals.
3. These buildings have already been put up with disregard of due process. The planning for this business should have been put in place before it was built.
4. Adjoining neighbour is concerned about drainage and possible increase in rainwater percolation through the boundary as there does not appear to be any formal guttering to deal with rainwater.
(COMMENT – a gutter taking water to a water butt is now installed).

Consultations:

Highways DC: Occupation Lane is a public bridleway, it is narrow and poorly surface. Visibility at its junction with Oakworth Road is poor, particularly to the right, for vehicles leaving Occupation Lane. The proposal would result in increased vehicular movements along this substandard access, which would not be desirable and is likely to result in conditions detrimental to the safety of its users.

Rights of Way Section: Keighley Public Bridleway 71 abuts the site. It follows the route also known as Occupation Lane. This part of Occupation Lane is roughly surfaced. While this (RoW) Section would generally have no objections to the operation of a small business, any increase in vehicular use of the Occupation Lane/Bridleway is a concern. As a result of this planning application local residents have already contacted the Rights of Way Section regarding their concerns about the adverse impact on highway users and this (RoW) Section is unable to support the application due to the likely intensification of vehicular use on Occupation Lane.

Drainage Section: Recommended that the development should not begin until details of a scheme for surface water drainage, including any off site works have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include proposals for the disposal of surface water from the development using sustainable drainage techniques or, proof that such techniques are impracticable in this instance. If a Soak-away is proposed for surface water disposal it must not be constructed within 5m of any building or road, in an area of unstable land or where site gradients exceed 5%. The soak-away must also be designed & constructed to comply with requirements of BRE Digest 365.

Summary of Main Issues:

Circumstances – background to the application

Principle of a cattery

Impact on road safety

Impact on amenity

Drainage

Appraisal:

Circumstances – background to the application

The applicant has already erected the two timber panelled, pre-fabricated outbuildings in the rear garden of Beltrees next to established outbuildings used by previous owners.

The new wooden sheds were installed by a specialist supplier in January 2019. It is understood that at the time of writing this report they had not yet been brought into use as a cattery although the applicant has been boarding cats inside the dwelling house.

The largest building is 13m x 4.5m, rising to a height of 2.3 metres. It provides 10 separate pods in which cats are boarded. The smaller building measures 4.5 metres x 1.4 metres and is an isolation unit where a single cat that becomes ill can be isolated from the others and kept under observation.

Although objectors have criticised the fact that they were constructed without planning permission, permitted development rights (under GPDO Part 1 Class E) would have allowed the provision within the curtilage of the dwelling house of an outbuilding with an eaves height of up to 2.5 metres as long as it is required for a purpose incidental to the enjoyment of the dwelling house as such.

These buildings could therefore have been erected under Permitted Development rights except insofar as the intention is that they will be used in connection with a small-scale, commercial cattery business. This is not regarded as being required for a purpose incidental to the enjoyment of the dwelling house as such. Although boarding a small number of cats within the house could have been regarded as an ancillary and incidental operation, the new cattery is a more visible and separate entity and the view has been taken that it constitutes a material change of use for which planning permission is required.

Although the application is retrospective, the applicant seems anxious to regularise the situation and says she was not aware that planning permission was required since this was not mentioned by other departments of the Council. The applicant says she undertook pre-application advice and has worked with the animal welfare officers of the Council to secure licensing for the cattery under Environmental Health licensing requirements. An animal boarding license was obtained on 21/01/2019.

Principle of a cattery

The economic strand of the NPPF seeks to support economic development and facilitating home working is part of that - providing there are no significant adverse effects such as on highway safety or the amenity of neighbours.

The applicant has explained that, previously, cats have been boarded inside the house but changes in animal welfare regulations now require the cats to be housed separately, and hence the 10 cat pens have been created in the two new buildings in the curtilage.

The curtilage of the house is reasonably generous and the house is detached and stands in its own grounds. Similar catteries in domestic gardens have been approved at other residential properties in the Bradford District, such as at Bankfield Road in Shipley, where planning conditions have been imposed to regularise the nature and scale of the business and control any further intensification.

In principle, this scale of home-based business would be acceptable subject to consideration of its effects on amenity and road safety. Issues raised by objectors.

Traffic Generation

There is ample space for car parking - either on the private drive or in the lay bay that has been formed alongside Occupation Lane where customers dropping off and collecting cats could park vehicles without obstructing vehicle movements along Occupation Lane or causing problems for walkers or horse riders.

The key planning issue is whether the cattery business will worsen traffic safety conditions on Occupation Lane due to the number of additional traffic movements it may generate. The poor state of the road is very evident at the site. As objectors say, it is narrow and very poorly surfaced. The gradient from Oakworth Road is very steep and there are no footways. Occupation Lane also serves as a bridleway and the Council's Rights of Way Officer has been especially concerned to reduce potential conflicts between vehicle users and horse riders.

Initial consultations from the Council's Highways DC Section and the Council's Rights of Way Officer expressed opposition to the proposal because the officers feared it is likely to cause an intensification of traffic on Occupation Lane. Because of its poor condition there are understandable concerns over potential conflicts with bridleway users should such intensification be significant.

However, there are reasons to question the degree to which the cattery business will truly intensify vehicle movements along Occupation Lane. The applicant argues that that fears about the level of traffic that might be generated have been exaggerated. The scale of the business operation is very small and for the following reasons the traffic being attributed to it does not stand up to scrutiny.

First, the applicant argues that most commercial cattery businesses deal with 100-400 cats, whereas this cattery could only physically accommodate an absolute maximum of 20 cats and because only 2 cats that know each other can be accommodated in the same pen, this maximum capacity is rarely, if ever, going to be achieved. More likely there would only ever be a maximum of 10 cats, belonging to 10 customers present at any time. Furthermore, because people do not usually book cats into a cattery for less than one week, and because such visits will be spread throughout the week, the day-by-day traffic movements associated with collecting or delivering cats will be modest and barely noticeable.

Secondly, the applicant says that all supplies used for the cattery (food, bedding) are brought in on a small scale, by the applicant herself. So the number of delivery and service vehicles connected with the business use will be negligible.

Thirdly, the applicant says that many of the cats boarded are collected by her from their homes, often in combination with other trips. So many customers do not ever arrive at the Beltrees address in vehicles. The collection service will slightly lessen the use of the bottom part of Occupation Lane - which is the longer section and in the worst condition – because the applicant usually tends to use the Camborne Way approach unless travelling directly from Oakworth.

Fourthly, although neighbours have reported an increase in traffic associated with Beltrees in recent months, most of this will have been associated with quite extensive home renovation work during 2018. The applicant has confirmed that as recent owners they have had to have the house re-plastered, re-wired, and the plumbing altered. Inevitably this involved contractor's vans and vehicles going to Beltrees along Occupation Lane throughout 2018. Apart from the construction of the cattery unit, in January, this traffic was not associated with the ancillary cattery business but seems to have been unfairly attributed to it.

Finally, the applicant says she has been operating a boarding cattery from within the house for some time, and evidence provided on 28 March 2019 gives clarification on the numbers of cattery customers between July 2018 and March 2019, the take up of the delivery service and the additional traffic on Occupation Lane likely to have been caused by the cattery business. They show, for example, that during October 2018 (regarded as a fairly typical month), a total of just 6 customers boarded 8 cats - with 4 customers choosing the collection service and only 2 dropping their cats off in person. July 2018 was the busiest month for which figures are provided, with a total of 14 customers boarding a total of 18 cats over the 31 days. Even in this busiest month only 6 customers dropped and picked up cats from the site - with 8 using the collection service. In April 2019, pre-bookings were for a total of 7 customers for the whole month with 5 of those choosing the collection service.

Although it is acknowledged that Occupation Lane is a very poor access, the traffic generation associated with a cattery business use will be limited by the capacity of the 10 cattery pens, and the length and frequencies of stays. The amount of additional trips generated in excess of normal private trips generated by the occupiers of Beltrees are estimated at 12-16 trips a month. This is considered a negligible number and the impact of this size of business on road safety would not seem to justify refusal despite the acknowledged deficiencies of the road.

Highways DC and Rights of Way Officers remarked in original consultations that they are unable to support this application as it is likely to cause intensification of vehicular use of Occupation Lane. However, Planning Officers are concerned that the evidence does not seem to justify refusal of this application on those grounds. The business will cause a small increase in trips along Occupation Lane, but the applicant's statistics about numbers of customers attending the business when it was running from within the house suggests only a small number of clients over a whole month. Many do not drive to the site as the applicant collects and drops off the cats.

Planning conditions could also be used to ensure there is no further intensification of use by enlarging or subdividing the pens to accommodate more cats. These are listed at the end of the report.

Highways DC and Rights of Way Officers and neighbours have referred to the refusal in 2009 of two houses in the garden at Thornbank on Occupation Lane on the grounds of the poor condition of Occupation Lane. The Council's decision was upheld at appeal. However, that application proposed two fairly large family homes which would each have been expected to generate 5-8 trips per day, or 10-16 trips per day in total. That's 300-480 a month. The statistics provided by the applicant suggest that the number of vehicle journeys in excess of normal private use would be, perhaps, 12-16 a month. Therefore a 10-pen cattery would be expected to generate approximately the same amount of trips in the course of a month as the two houses would have been expected to have generated in a single day, so the comparison of this proposal with the refusal of two houses at Thornbank is somewhat unfair.

The Rights of Way Officer and Highway Officer accept that the use is not likely to generate as much traffic as initially thought but maintain concerns about any intensification of use of the bridleway, Planning Officers consider that there will not be a significant intensification. The figures provided for the house based cattery business operated over the period from July- December 2018 show relatively modest movements and the applicant says that there will be little difference in the traffic activity because approximately the same number of cats will still be accommodated. Planning Officers consider that the refusal of this application on grounds of any intensification of use of Occupation Lane by vehicles would not be justified given the small scale of the intended business.

Impact on amenity of neighbours

Concerns by near neighbours regarding effects on their amenity are appreciated, but the applicant points out that cats are clean animals and a well-run cattery will be silent and odourless – not least because hygiene and amenity standards will have to be maintained at a high level to meet regular inspections by Animal Licensing Officers. Animal licensing requirements mean that the facility must be kept in good condition for the welfare of the cats, and customers are unlikely to leave cats at an unhygienic facility. It is also understood that hens were previously kept by previous owners and seem not to have given rise to complaints.

The nearest dwelling is Stoneyridge which is set at a lower level than the application site and the position of the cattery in relation to that dwelling is such that it is difficult to see how any direct effects on living conditions would arise from the use.

The applicant confirms she has no intention to board dogs. A condition could be imposed to preclude dogs from being looked after as these would create very different amenity issues.

Therefore, in terms of odour and noise, the nature and scale of the business use is such that it will have no demonstrable impact on the amenity of neighbours and there is no conflict with CS Policy DS5.

Drainage

The Council's Drainage Section have said that development should not begin until details of a scheme for drainage, including any off site works have been submitted to and approved in writing and that the disposal of surface water using sustainable drainage techniques is urged.

Since that comment the applicant confirmed there is no foul drainage connection to the new outbuildings and that the waste from the litter trays is compostable. Although there were concerns regarding surface water drainage and lack of a gutter, this now seems to have been remedied. A gutter is in place taking rainwater to water butts for use on the garden. The disposal of surface water from the development therefore uses sustainable drainage techniques. No new soakaways are being proposed and it would not be anticipated that a small structure like this would generate significant run off, especially given that the buildings seem to have replaced some previous hen huts. The proposal raised no serious drainage issues.

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 that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission

It is fully accepted that Occupation Lane is a substandard road that serves as a bridleway and that intensification of its use should be avoided. However, this is acknowledged to be a relatively modest business and refusal on traffic grounds would not seem reasonable given that planning conditions can be employed that would retain control over future changes in its nature and scale and thereby mitigate effects on neighbours. Planning guidance is that such conditions should always be used rather than refusing development proposals.

The conditions would require:

- The cattery shall only be operated and used in connection with, and ancillary to the occupation of Beltrees. It can't then be severed and operated by another person.
- To prevent intensification the cattery must be limited to the defined buildings showing a maximum of 10 pens, and the isolation unit. It shall not be subdivided or extended to increase the accommodation unless with the prior written permission of the Local Planning Authority.
- The use is for cats only – no dogs to be boarded.

The applicant accepts the need for these and says there is no intention to operate this ancillary cattery otherwise.

Conditions of Approval:

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

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

2. The cattery hereby permitted shall only be operated and used in connection with, and ancillary to the occupation of the existing dwelling known as Beltrees, and shall at no time be severed and used as a separate, independent planning unit.

Reason: In the interests of highway safety and to safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS4 and DS5 of the Core Strategy Development Plan Document.

3. The development hereby permitted shall be used solely for the accommodation and care of cats. No dogs shall be accommodated in the pens or other structures approved by this permission.

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

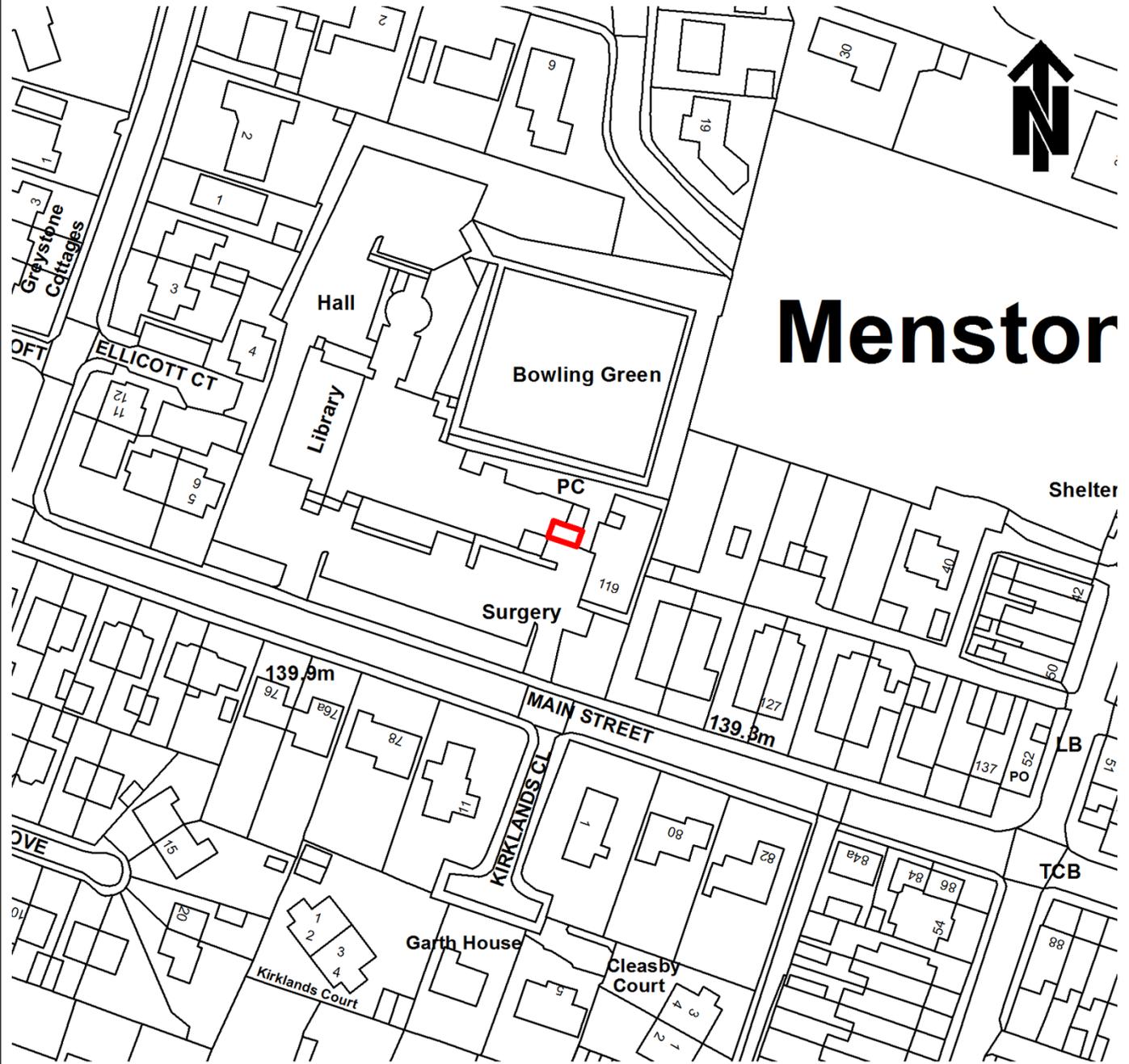
4. The cattery hereby permitted shall be limited to the defined buildings shown on drawing 9006/02 showing a maximum of 10 pens, and the isolation unit. The cattery unit shall not be subdivided or extended to increase the accommodation unless with the prior written permission of the Local Planning Authority.

Reason: In the interests of highway safety and to safeguard the amenities of occupiers of adjoining properties and to accord with Policies DS4 and DS5 of the Core Strategy Development Plan Document.

19/01677/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



Menston

1:1,250

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Kirklands Community Centre
119 Main Street
Menston
Ilkley LS29 6HT

Tue

26 June 2019

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

Application Number:
19/01677/FUL

Type of Application/Proposal and Address:
Change of use of a store room to a private hire vehicle office at the Kirklands Community Centre 119 Main Street Menston LS29 6HT

Applicant:
Mr Tariq Hussain (Rideaway taxis)

Agent:
Rone Design, Saltaire

Site Description:
Kirklands community centre is on the north side of Main Street in Menston and is housed in a range of buildings facing the road. At its centre is a two/three storey ashlar stone former mansion with extensions to sides and rear. A tarmac car park is between the buildings and the street and a line of mature trees runs along the frontage. The car park extends around the west side and rear of the buildings and provides a total of around 63 spaces. There are two access points to Main Street.

The community centre is now run by a Trust on behalf of the community and provides meeting space and other facilities including a library and pre-school facility. The village medical centre is housed in a separate single storey building on the east side of the parking forecourt. To the rear (north) of the buildings is a bowling green.

This application relates to use of a room forming part of a single storey extension on the east side of the main buildings. The Bowling Club occupies most of the rest of these low rise buildings with its main aspect facing the bowling green. A toilet facility is also within this extension.

This is one of two applications submitted by the same applicant seeking permission for a private hire base in different parts of Kirklands. The other application is 19/02069/FUL seeking permission for change of use from library store to vehicle office (alternative site).

Relevant Site History:
09/01886/REG : Construction of children's centre with external part-covered play deck and reorganisation of front and rear car parking areas and recycling area. Granted: 21-July 2009.

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any development proposal. The NPPF 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 NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Local Plan for Bradford:

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

The following adopted Core Strategy Development Plan Document (DPD) policies are relevant to this proposal."text"

Core Strategy Policies

DS5 – safe and inclusive places

TR2 - Parking policy

EN8 - Environmental Protection"text"

Parish Council:

Menston Parish Council notes that the proposal affects an area of the Bowling Club used for a variety of purposes and the loss of the space would have a detrimental effect on its use as a bowling pavilion. The Parish Council says that the siting of the 'taxi office' as proposed by this application is probably the best place to do so within the Kirklands complex as it would have the least effect on neighbouring properties with regard to noise and disturbance during the intended operating hours. It says any siting to the rear of the building or within portable-type accommodation would not be acceptable because of the proximity of neighbouring properties.

However, the Parish Council expresses concern regarding overloading the parking provision for Kirklands. Should any approval be given then the permission should be limited to not more than 2 cars. The change of use would be for a commercial operation whilst the general use of the complex is regarded as being for community activity.

The Parish Council recognise both the concerns of the Bowling Club and the support from numerous parishioners to re-site the 'taxi office' within the village. It asks that the decision is based on the Planning Policy of Bradford Council with regard to such applications but ultimately the decision whether to re-house the vehicle hire company at Kirklands, should a favourable (planning) decision be made, lies with the Kirklands Trust as landlord of the building.

Publicity and Number of Representations:

Publicised by site notice and letters to neighbours.

49 objections.

19 representations in support.

Summary of Representations Received:

OBJECTORS

1. The proposed change of use will increase traffic in the area. The access over the pavement crossing is used by users of the Kirklands Centre, including patients of the G.P. Surgery arriving on foot. This includes many elderly people and those using mobility aids. Lots of young children also walk to school and on returning home pass this access and will encounter much increased traffic from the proposed use.
2. The 24 hour use is of concern to nearby residents regarding increased traffic noise and increased street parking outside homes. The 'taxi' use will cause noise which will not be appreciated by many residents who live opposite - especially as this 'taxi office' is to be open throughout the night.
3. Only 2 parking spaces are proposed as part of the application. Ride Away Taxis have 5 'taxis' and 2 mini buses which will have to be parked somewhere when not in use. This will take spaces away from other users. Where will the other private hire vehicles, including mini buses, park?
4. The entrance to the 'taxi office' will have a negative impact on users to the G.P. Surgery opposite due to the increase of 'taxi' vehicles and people crossing the car park. Ambulances regularly require access to the G.P. Surgery and need to park adjacent to the fire door and this should be kept clear.
5. Whilst there is a need for the relocation of the 'taxi' business, the Kirklands Centre is not suitable and the application should be refused.
6. The application gives a totally false impression that the space involved is only a store room whilst it actually provides Menston Bowling Club's Locker Room where club bowls, members' bowls and personal items are kept and the room gives access to the toilets. A notice board gives the fixture details of all the League matches and additional spectator seating is stored in the Locker Room to be taken out on match days. This vital and integral part of the bowling club is being sacrificed for a 'taxi office'.
7. Menston Bowling club is an important asset within the community. The use of club premises by Ride Away Taxis will cause disruption especially when there are matches being played.

8. The mission statement circulated by the Trustees of Kirklands (Menston) Trust is "To provide a high quality and affordable focal point for village activities which is available and accessible to all residents of Menston Village." Removing facilities from this well established village activity to make provision for a commercial enterprise runs contrary to that mission statement and should be grounds for refusal of this application.
9. The fact that the 'taxi' firm may not be based in Menston in the future will not remove the ability of this firm to offer a 'taxi' service to the residents of Menston.

SUPPORTERS

1. Ride Away Taxis provide an essential service to the village and have done so for the last thirty years. They are not a new company. They are not going to add to traffic going through the village as their cars are already here.
2. Ride Away is a lifeline. The drivers provide an invaluable service for those who do not drive themselves and cannot use public transport. The drivers are helpful and uncomplaining about helping elderly and disabled passengers. Their service would be a loss to the community of Menston.
3. The company don't want to park cars at Kirklands. They are 'our village taxi company'. Part of the community. Do we really want to lose them? This company is a vital transport link. All they want is a small office. Surely there is room in Kirklands to allow this?

Consultations:

Environmental Health: The Council's Environmental Health Officer has noted the numerous objections submitted. There is, however, no issue within the remit of statutory nuisance, as defined in section 79 of the Environmental Protection Act 1990, that he could envisage in respect of this application. Therefore, he has no objections.

Highways Development Control: Current car parking standard for private hire booking offices is a minimum of 5 spaces or 1 space per every 4 cars operating from the centre, whichever is the greater. There is no specific off street parking available for the company on this site, but there is a car park serving all users.

It is noted that the applicant intends running the site for bookings only and says vehicles would park elsewhere and receive jobs through an electronic 'App' system.

Some on street parking could be acceptable. Although the proposed development does not fully achieve the recommended parking standards, the highway safety implications of the application are not severe enough to warrant refusal on those grounds.

Summary of Main Issues:

Circumstances – the reason for this application

Impact on community facilities

Impact on local amenity

Highway implications: Parking provision and effects on road safety

Appraisal:

Circumstances – the reason for this application

The applicant company is Ride Away Taxis, a private hire operator which has been operating within Menston for 26 years. It is currently based at the Fairfax Social Club further to the west. However, this site is to undergo redevelopment following the granting of planning permission 18/04430/FUL for construction of 3 detached houses and a new club house. The new clubhouse will not provide facilities for the private vehicle hire business, which therefore says it needs to find a new base in Menston.

This is one of two applications by the same applicant proposing a private hire office in different locations within the Kirklands complex.

The Kirklands Centre was once run by the Council but has now been transferred and is run on behalf of the community by the Kirklands Trust.

The proposal

This proposal is to change the use of what is described by the applicant as a “store” behind the library to a private vehicle hire control office.

The intended office has been reduced in size, in response to objections from the bowling club. The private vehicle hire office would occupy a room to be partitioned off from the bowling club that would be 8.5 sq metres in size.

The first submission showed the inclusion of wc facilities. However, the amend plan omits these. The business now intends to use the public conveniences next to the office space.

At present the business employs 12 people. The stated intention is that the office would operate 24 hours per day, seven days a week. The business says it has a maximum of 12 cars operating between 4pm to midnight but between 7 am until 4 pm only 5 cars are usually working.

Impact on the community facilities

Many objectors and the Parish Council complain that this application gives a false impression that the space involved is only a store room. They say it is actually an area that provides vital locker room facilities for the Menston Bowling Club where members' bowls and personal items are kept and the original proposals included the notice board displaying fixtures and affected access to the toilets. They say a part of the bowling club is being sacrificed for a commercial vehicle hire office and this loss of important space for a community use runs contrary to the Mission Statement of the Trustees.

Since receipt of the objections, the applicant has revised the plans to propose a smaller office - reducing the amount of space taken to create a room of just 8.5 sq. metres floorspace that would be partitioned off from the rest of the Bowling Club and would not require removal of the notice board or prevent access to the toilets.

Criticisms that the Trustees of the Kirklands Centre are departing from their mission statement in offering an office to a commercial business is not a matter for the Local Planning Authority. It is for the Trustees to decide between differing uses and tenants.

It is, however, relevant that Paragraph 92 of the NPPF says that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

The comments regarding loss of space for community facilities are noted. However, whilst encroachment of the private vehicle hire office into a part of the space used by the bowling club may cause short term inconvenience, the space lost is small (8.5 sq. metres) and it seems unreasonable to say this would threaten the viability of the club. The applicant has reduced the space that needs to be taken and observations on site suggest that the hire office use would not displace essential facilities. The notice board is now unaffected and the lockers could be easily repositioned within the space being retained by the club. Access to toilets for bowlers is now not disrupted.

Also the objection comments have to be balanced with the service to the community provided by the private hire business. A large number of supporters testify to the invaluable service the business provides to those who do not drive themselves and cannot use public transport. Supporters strongly assert that their service would be a loss to the community of Menston if the business cannot relocate within the village.

Therefore, it is not accepted that this application would cause any significant threat, overall, to Menston's community facilities.

Impact on local amenity

Neighbours have expressed concern that increased activity will arise due to private hire cars being present at the site, particularly because the intention is 24 hour operation.

However, whilst the use would involve a degree of additional coming and going by cars and staff/drivers throughout the day and night, the office is small in scale and its position within the site and in relation to nearby houses across Main Street is such that it is not envisaged that the operations would directly impact on the amenity of neighbouring occupiers. The houses opposite are separated from the office by the car park, the frontage landscaping and the width of the road. At unsocial hours such as late evening and night, the activities at the community centre will have ceased so displacement of the private hire vehicles that may arrive at the office would not occur.

It is noted that the existing company private hire office at the Fairfax Club exists alongside and opposite housing development and the small scale and intended nature of the use at the new site would similarly not cause significant loss of amenity for neighbours. Significantly, the Council's Environmental Health Officer has raised no objections to the private hire use.

Highway Implications

The applicant makes the point that the business is already based in Menston and serves its community. Therefore, the proposed relocation of the control office will not add to overall traffic levels within the streets of the village.

The main highway issue is the level of off street car parking provision and whether relocation to Kirklands will cause additional parking congestion and conflicts with existing users of the various facilities provided at the site.

The Council's current car parking standard for private hire booking offices is a minimum of 5 spaces or 1 space per every 4 cars operating from the centre, whichever is the greater. Ideally, this office should therefore provide 5 spaces for its cars.

At this site, there is a large, open car park at the front of the buildings and extending around the rear. Altogether it provides around 63 off street parking spaces (28-30 to the rear and 33 on the front). Several spaces are designated for disabled users, and there are no restrictions or charges on use, so it would be available for use by private hire vehicles.

During off peak hours and overnight, observations suggest there are usually spaces available. However, it is acknowledged that the car park can become over-subscribed at certain times – mainly when community events being held. Objectors also make the point that the private hire office would be located opposite the entrance to the surgery and that private hire vehicles must not occupy spaces near the surgery that are needed for elderly and disabled users of the surgery; nor should the manoeuvres of private hire vehicles be allowed to cause problems for people crossing the forecourt on foot, or pedestrians using the footway along Main Street.

To answer this, the private vehicle hire business confirms that there is no intention to offer customer waiting facilities or pick-up/collection facilities at the site. Ride Away Taxis intends to run the base solely to receive bookings by internet or phone and to convey instructions to drivers via a new 'app' data system and mobile devices. It says that compared with past operations at the Fairfax Club, the new internet booking system it is to install will significantly reduce the visits to the control office by private hire vehicles as drivers will receive instructions on the move.

The business insists that (a) presence of private hire vehicles at the site during peak hours will be insignificant and (b) the business will behave responsibly and ensure that when drivers are at the site they will not occupy the designated disabled driver spaces nearest to the surgery and will park away from parts of the car park needed by others.

The business has been allocated two off street parking spaces in the quieter car park at the rear of the site by the Kirklands Trustees.

The view of the Council's Highway Officer is that because the applicant clearly intends on running the site for bookings only and vehicles would park elsewhere and receive jobs through an electronic 'app' system, the existing car park will provide adequate space for the private hire cars that do come to the office.

The Highway Officer also notes that there are no parking restrictions on Main Street and that prevailing highway conditions are such that some on street parking by private hire vehicles on the street would be acceptable. Therefore, although the proposed development does not fully achieve the recommended Core Strategy parking standards, the highway safety implications of the application are not severe enough to warrant refusal on those grounds.

It is noted that Menston Parish Council suggests that permission should be limited to not more than 2 cars. However, any planning condition that sought to control the number of vehicles visiting at the site at any one time would not be unenforceable. In any case, such a restriction would be onerous for the business.

Apparently, the Kirklands Trustees have included a clause within the terms of the proposed lease to require the operator to manage the site so as to deter private hire vehicles from parking in a position that might affect other users of the centre.

A degree of control by the land owner would therefore be exerted through the lease.

A planning condition is suggested that would prevent the office offering customer waiting and collection facilities to reduce pressure for parking and protect local amenity. This condition has been used on other private hire permissions in the Metropolitan District.

The very small scale of the office and the intention to operate an app based control system are such that the new use would not generate significant vehicle trips or demand for car parking. Such demand for off street car parking that might be generated could be accommodated within the large communal car park available for all users of Kirklands or, to a degree, on street. The Highway Officer is satisfied that the proposal will not lead to any significant road safety problems.

Community Safety Implications:

None is anticipated and the agent makes a reasonable point that a 24 hour presence by a member of private hire staff would provide a degree of surveillance for the centre that will help deter crime.

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 small scale of the office and the intention to operate an app based control system with no customer collection are such that the new use would not be likely to generate significant vehicle trips or demand for car parking. Such demand for off street car parking that might be generated could be accommodated within the large communal car park available for all users of Kirklands or, to a degree, on street. The Highway Officer is satisfied that the proposal will not lead to any significant road safety problems. The location and size of the office is such that no adverse implications for local amenity are foreseen. Note is made of the loss of space for a local community facility but the amount of space is very small and the business also offers services to the community of Menston so, overall, no significant adverse impacts on community facilities would arise. The proposal satisfies relevant policies of the Bradford Core Strategy DPD and the NPPF.

Conditions of Approval

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

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

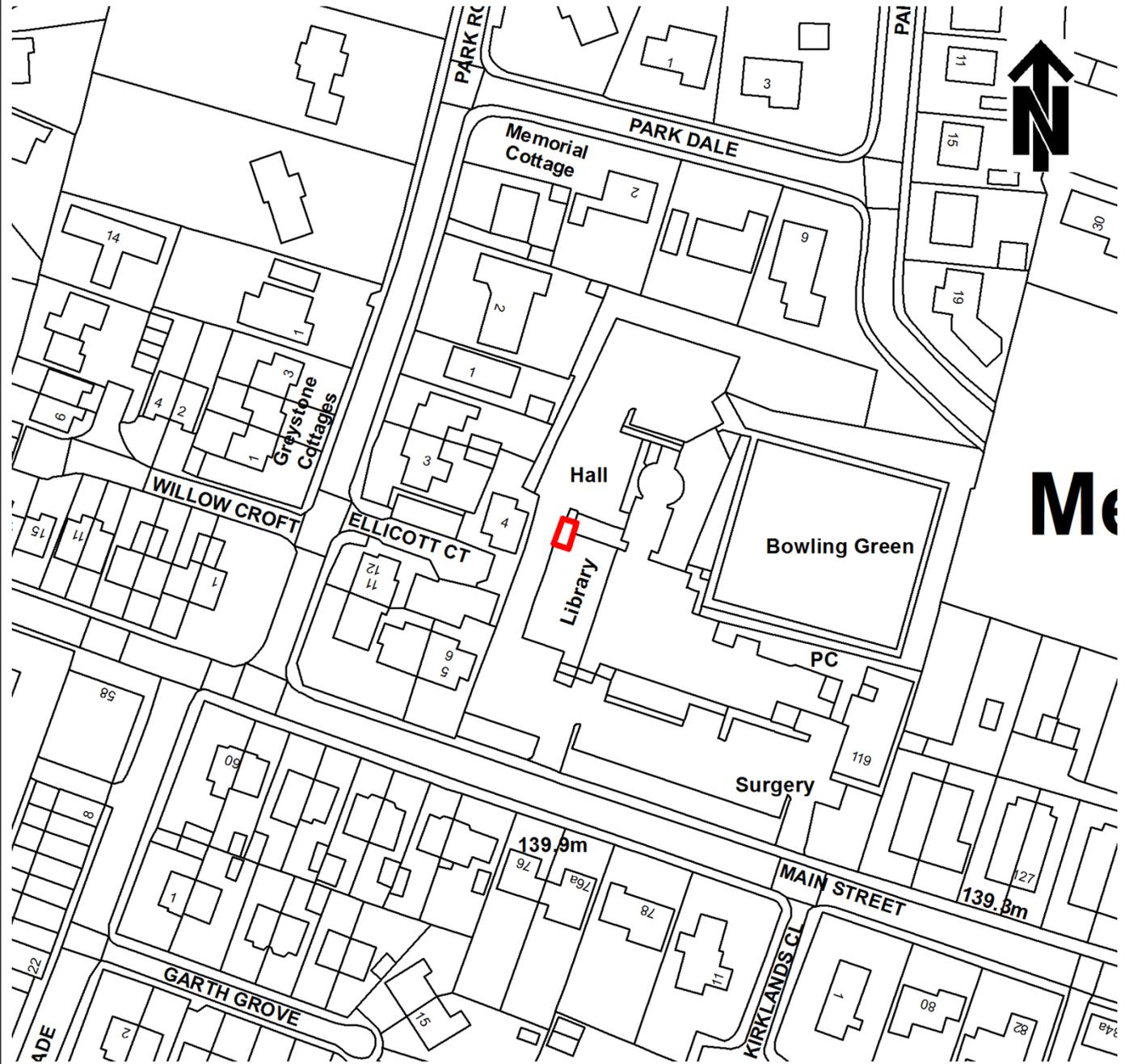
2. The private vehicle hire office hereby permitted shall only be used for the arrangement of the private hire business by means of telephone or internet, and no facilities shall be created that allow customers to enter the premises or use the premises as a waiting room.

Reason: To prevent the office operating in a manner that attracts visiting customers, in the interest of highway safety and to safeguard the amenities of nearby residents to accord with Policies DS5 and TR2 of the Core Strategy Development Plan Document.

19/02069/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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Kirklands Community Centre
119 Main Street
Menston
Ilkley
LS29 6HT

26 June 2019

Item: E
Ward: WHARFEDALE
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
19/02069/FUL

Type of Application/Proposal and Address:

Change of use from library store to private vehicle hire office (alternative site) at the Kirklands Community Centre 119 Main Street Menston LS29 6HT

Applicant:

Mr Tariq Hussain (Rideaway taxis)

Agent:

Rone Design, Saltaire

Site Description:

Kirklands community centre is on the north side of Main Street in Menston and is housed in a range of buildings facing the road. At its centre is a two/three storey ashlar stone former mansion with extensions to sides and rear. A tarmac car park is between the buildings and the street and a line of mature trees runs along the frontage. The car park extends around the west side and rear of the buildings and provides a total of around 63 spaces. There are two access points to Main Street.

The community centre is now run by a Trust on behalf of the community and provides meeting space and other facilities including a library and pre-school facility. The village medical centre is housed in a separate single storey building on the east side of the parking forecourt. To the rear (north) of the buildings is a bowling green.

This application relates to use of a store room behind the library extension on the west side of the main buildings. This presently has a window facing north towards the rear car park that would be adapted to form a door accessed via an existing ramp serving the playgroup which is to the east.

This is one of two applications submitted by the same applicant seeking permission for a private hire base in different parts of Kirklands. The other application is 19/01677/FUL seeking permission for change of use of a store room on the east side of the community centre.

Relevant Site History:

09/01886/REG : Construction of children's centre with external part-covered play deck and reorganisation of front and rear car parking areas and recycling area. Granted: 21-July 2009.

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any development proposal. The NPPF 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 NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

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) are saved for the purposes of formulating the Local Plan for Bradford, and remain applicable until adoption of Allocations and Area Action Plan development plan documents.

Core Strategy Policies

DS5 – safe and inclusive places

TR2 - Parking policy

EN8 - Environmental Protection

Parish Council:

Comments on this application not yet received. (21 day consultation expired 4.6.19).

Publicity and Number of Representations:

By site notice and neighbour letters.

13 objections and 35 emails in support have been received.

Summary of Representations Received:

OBJECTIONS

1. 'Taxi' firms are 24/7 businesses and will inevitably generate a good deal of traffic at all times of the day and night. This is a residential area with many bedrooms facing this location. It is totally inappropriate to have a commercial business operating in this location during the night.

2. The route to the rear of the library is through a walled corridor which amplifies sound. This operation will create a regular flow of cars alongside bedrooms of houses on Ellicott Court and Kirklands Community Centre. There will be a considerable amount of noise generated by cars and the drivers' activities as drivers will leave their cars to use the facilities of the 'taxi' office for comfort breaks, admin and social purposes. This will be very disruptive for sleeping.
3. The noise of traffic, car doors slamming and conversations between drivers in the open air will be happening at all times of the day and night. As a result this operation would have a significant and detrimental effect on neighbour's quality of life.
4. The 'taxi' firm claims that the office will be barely used by the drivers as they park up on the road in and around the village waiting for the next fare. I do not believe that this will be the case. This is not normal practice of taxi firms where drivers will return to base during quiet times for refreshments, social interaction and admin. s they do at the existing office at the Fairfax Club. They confirm that there is indeed a great deal of noise and disturbance caused by the firm's activities during the night.
5. Supporting comments have been submitted from individuals supporting the concept of a 'taxi' firm in Menston. They do not consider the suitability of this particular location. They should be disregarded. A 'taxi' firm could operate from any number of locations both within the village or close by.
6. There must be better locations which are more appropriate and will cause minimum disruption to local residents e.g. the station car park.
7. Menston Pre School is situated behind the library. Co-locating 'taxis' and increasing car activity where there are lots of small children who are not traffic aware is unsafe.
8. Parents and staff of the pre-school facility are concerned that the increase in exhaust fumes and health concerns. The children's outside play area is next to the car park and having cars driving in and out constantly throughout the day and exposing them to additional exhaust fumes near to their play area is unacceptable. The risk to health from exhaust fumes is well documented.

SUPPORT

1. People in Menston need this 'taxi' firm here in Menston. Everyone that lives in Menston or around should get behind Rideaway taxis and fully support them.
2. This is the ideal location for the 'taxi' firm in the village, located near the Medical Surgery, Library and community centre facilities.
3. The store room behind the Library is not in regular use and contributes nothing to the Library itself.
4. There are approx. 20 parking spaces immediately outside the proposed location of the office. The 'taxi' firm does not propose to station vehicles there but to keep them 'on the road' by use of an IT app, so there is no increased risk to persons in the vicinity of the proposed office.
5. The 'taxi' firm is much appreciated in Menston and enjoys a good reputation for service and the conduct of its staff. They are a 100% reliable service and everyone that uses them in the village wouldn't know what to do without them.
6. Given the more elderly profile of Menston's residents, this central location in the village is likely to improve access to the 'taxi' services and to contribute (via rent payable) to the maintenance/development of Kirklands Community Centre.

Consultations:

Environmental Health : The Council's Environmental Health Officer has noted the numerous objections submitted. There is, however, no issue within the remit of statutory nuisance, as defined in section 79 of the Environmental Protection Act 1990, that he could envisage in respect of this application. Therefore, he has no objections.

Highways DC : Current car parking standard for private hire booking offices is a minimum of 5 spaces or 1 space per every 4 cars operating from the centre, whichever is the greater. There is no specific off street parking available for the company on this site, but there is a car park serving all users.

It is noted that the applicant intends running the site for bookings only and says vehicles would park elsewhere and receive jobs through an electronic 'App' system.

Some on street parking could be acceptable. Although the proposed development does not fully achieve the recommended parking standards, the highway safety implications of the application are not severe enough to warrant refusal on those grounds.

Summary of Main Issues:

Circumstances – the reason for this application

Impact on community facilities

Impact on local amenity

Highway implications : Parking provision and effects on road safety

Appraisal:

Circumstances – the reason for this application

The applicant company is Ride Away Taxis, a private hire operator which has been operating within Menston for 26 years. It is currently based at the Fairfax Social Club further to the west. However, this site is to undergo redevelopment following the granting of planning permission 18/04430/FUL for construction of 3 detached houses and a new club house. The new clubhouse will not provide facilities for the private vehicle hire business, which therefore says it needs to find a new base in Menston.

This is one of two applications by the same applicant proposing a private hire office in different locations within the Kirklands complex.

The Kirklands Centre was once run by the Council but has now been transferred and is run on behalf of the community by the Kirklands Trust.

The proposal

This proposal is to change the use of what is described by the applicant as a "store" to a private vehicle hire control office.

The intended office is small, being 9.77 sq metres in size. It is proposed to wall up the internal door linking it to the library so it will only be accessed from the new door in the north wall facing the car park.

At present the business employs 12 people. The stated intention is that the office would operate 24 hours per day, seven days a week. The business says it has a maximum of 12 cars operating between 4pm to midnight but between 7 am until 4 pm only 5 cars are usually working.

Impact on the community facilities

The office would occupy a store room behind the library and there is no evidence that the loss of this space would cause any significant threat, overall, to Menston's community facilities.

A significant number of supporters testify to the invaluable service the business provides to those who do not drive themselves and cannot use public transport. Supporters strongly assert that their service would be a loss to the community of Menston if the business cannot relocate within the village.

Impact on amenity

Ride Away Taxis confirms that there is no intention to offer customer waiting facilities or pick-up/collection facilities at the site. It will solely function as a control office.

The scale of the office operation and the distance between the office and the rear boundary are such that there will be no impact on the amenity of occupiers of properties on Park Dale which are well to the north.

There has been some concern regarding the effects of 24 hour operation on the amenity of occupants of properties on Ellicott Court to the west of the site. In particular, No 4 Ellicott Court has a side wall close to the driveway to the rear car park, which would be the route in and out for private hire drivers who needed to call at the office, and has bedrooms facing north and south. No 5 Ellicott Court is similarly arranged but this abuts the existing car park which is already well used by visitors to Kirklands Community Centre.

Objections from neighbours on Ellicott Court about the potential noise generated by the cars and drivers' activities such as having conversations outside late at night are understood. However, during daytime and evening hours those movements and activities are unlikely to be noticeable above the general comings and goings to the car park that are associated with Kirklands Community Centre and the pre-school facility.

Private hire vehicle movements at night and drivers congregating at the site during those hours could potentially cause some disturbance. To answer this, the business says it intends to run the base solely to receive bookings by internet or phone and to convey instructions to drivers via a new 'app' data system and mobile devices. It says that compared with past operations at the Fairfax Club, the new internet booking system to be installed will significantly reduce the need for visits to the control office by private hire vehicles as drivers will receive instructions on the move.

Given the above, the very small scale of the office and the existing layout of the car park, it is not considered that the addition of the private hire office would be appreciably disruptive for the adjoining homeowners compared with existing activities. The existing Ride Away private hire office at the Fairfax Club exists alongside and opposite housing development and the small scale and intended nature of the use at the new site would similarly not cause significant loss of amenity for neighbours.

The Council's Environmental Health Officer has raised no objections to the private hire use so it is not considered that refusal on grounds of nuisance and loss of amenity could be sustained.

Highway Implications

The applicant makes the point that the business is already based in Menston and serves its community. Therefore, the proposed relocation of the control office will not add to overall traffic levels within the streets of the village.

The main highway issue is the level of off street car parking provision and whether relocation to Kirklands will cause additional parking congestion and conflicts with existing users of the various facilities provided at the site.

The Council's current car parking standard for private hire booking offices is a minimum of 5 spaces or 1 space per every 4 cars operating from the centre, whichever is the greater. Ideally, this office should therefore provide 5 spaces for its cars.

At this site, there is a large, open car park at the front of the buildings and extending around the rear. Altogether it provides around 63 off street parking spaces (28-30 to the rear and 33 on the front). Several spaces are designated for disabled users, and there are no restrictions or charges on use, so it would be available for use by private hire vehicles.

During off peak hours and overnight, observations suggest there are usually spaces available. However, it is acknowledged that the car park can become over-subscribed at certain times – mainly when community events being held.

The applicant confirms there is no intention to offer customer waiting facilities or pick-up/collection facilities at the site. Rideaway Taxis intends to run the base solely to receive bookings by internet or phone and to convey instructions to drivers via a new 'app' data system and mobile devices. It says that compared with past operations at the Fairfax Club, the new internet booking system it is to install will significantly reduce the visits to the control office by private hire vehicles as drivers will receive instructions on the move.

The business insists that (a) presence of private hire vehicles at the site during peak hours will be insignificant and (b) the business will behave responsibly and ensure that when drivers are at the site they will not occupy the designated disabled driver spaces nearest to the surgery and will park away from parts of the car park needed by others.

The business has been allocated two off street parking spaces in the quieter car park at the rear of the site by the Kirklands Trustees.

The view of the Council's Highway Officer is that because the applicant clearly intends on running the site for bookings only and vehicles would park elsewhere and receive jobs through an electronic 'App' system, the existing car park will provide adequate space for the private hire cars that do come to the office. The Highway Officer also notes that there are no parking restrictions on Main Street and that prevailing highway conditions are such that some on street parking by private hire vehicles on the street would be acceptable.

A planning condition is suggested that would prevent the office offering customer waiting and collection facilities to reduce pressure for parking and protect local amenity. This condition has been used on other private hire permissions in the District.

On balance, the very small scale of the office and the intention to operate an app based control system are such that the new use would not generate significant vehicle trips or demand for car parking. Such demand for off street car parking that might be generated could be accommodated within the large communal car park available for all users of Kirklands or, to a degree, on street. The Highway Officer is satisfied that the proposal will not lead to any significant road safety problems.

Implications for the pre-school

It is noted that objections have been made by staff and parents of children at the pre-school which would be immediately next to the private hire office. These are on grounds of traffic safety and additional pollution/health risks arising from the additional vehicle movements that might arise from the business.

However, there is no intention to change the existing demarcation of pedestrian routes to the rear of the Kirklands Centre, and the pre-school is already located directly alongside the existing car park and the access to that car park. There are 28-30 spaces in the rear car park as well as refuse and recycling skips.

The private hire business says it has a maximum of 12 cars operating between 4pm to midnight but between 7 am until 4 pm only 5 cars are usually working.

Given these figures and the intended use of an app based control system, it seems unlikely that the 5 cars operating during the day would be coming to and from the site with any great frequency when the pre-school facility is in use. The cars would be elsewhere on the road system. While it cannot be denied that private hire vehicles would occasionally be visiting the site during hours of the pre-school, the frequency of such movements would not be significant. Also, it seems most unlikely that those visits would be noticeable compared with the movements of vehicles into and out of the 28-30 space rear car park generated by all the rest of the daytime activities at Kirklands Community Centre, and indeed by parents dropping off and collecting children at the pre-school facility.

Although the concerns are understood, there is no tangible evidence that the number of private hire vehicles involved would significantly add to pollution levels or road safety threats to children or parents compared to the existing situation.

Community Safety Implications:

None is anticipated and the agent makes a reasonable point that a 24 hour presence by a member of private hire staff would provide a degree of surveillance for the centre that will help deter crime.

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 small scale of the office and the intention to operate an app based control system with no customer collection are such that the new use would not be likely to generate significant vehicle trips or demand for car parking. Such demand for off street car parking that might be generated could be accommodated within the large communal car park available for all users of Kirklands or, to a degree, on street. The Highway Officer is satisfied that the proposal will not lead to any significant road safety problems. The location and size of the office is such that no adverse implications for local amenity are foreseen. No significant adverse impacts on community facilities would arise. The proposal satisfies relevant policies of the Bradford Core Strategy DPD and the NPPF.

Conditions of Approval:

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

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

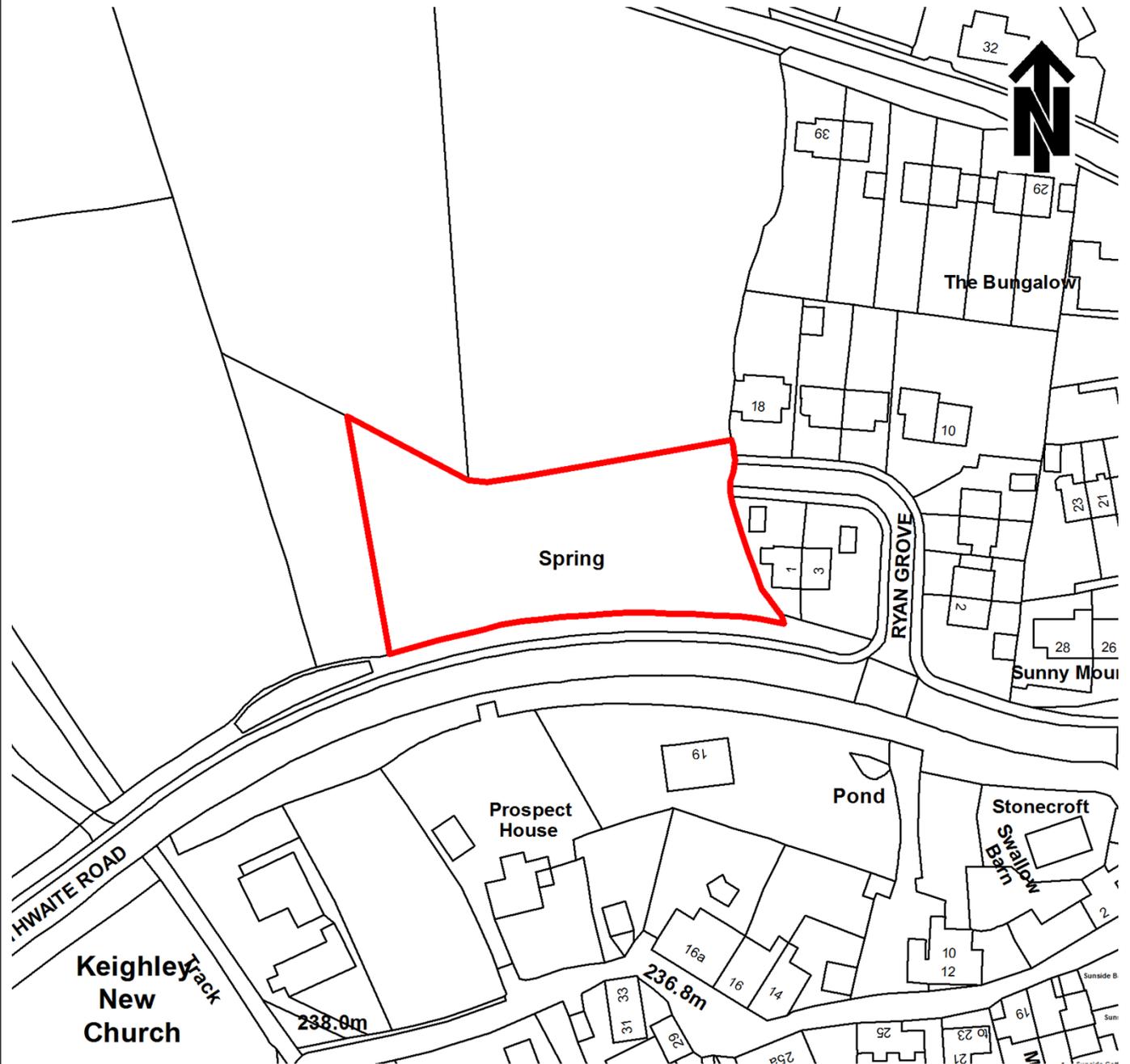
2. The private vehicle hire office hereby permitted shall only be used for the arrangement of the private hire business by means of telephone or internet, and no facilities shall be created that allow customers to enter the premises or use the premises as a waiting room.

Reason: To prevent the office operating in a manner that attracts visiting customers, in the interest of highway safety and to safeguard the amenities of nearby residents to accord with Policies DS5 and TR2 of the Core Strategy Development Plan Document.

19/00336/OUT



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Land Of Ryan Grove
Braithwaite Road
Keighley**

26 June 2019

Item: F
Ward: KEIGHLEY WEST
Recommendation:
TO GRANT OUTLINE PLANNING PERMISSION

Application Number:
19/00336/OUT

Type of Application/Proposal and Address:

Outline application for residential development of land (0.24ha) for six semi-detached dwellings requesting consideration of access, layout and scale at Land Of Ryan Grove, Braithwaite Road, Keighley.

Appearance and landscaping are not submitted for consideration.

Applicant:

Executors of J Baxendall (Deceased)

Agent:

Mr Luke Binns (David Hill LLP)

Site Description:

The application site is on the western edge of Keighley. It is an undeveloped green field site adjoining the west end of Ryan Grove which is a residential cul de sac lined with circa 1970's semi-detached houses (and 1 detached) of varying designs. The road runs up to a stone boundary wall to the land. The south boundary is a tree lined embankment to Braithwaite Road. To the north of the site is a steeply rising field. Braithwaite Road is the boundary of Braithwaite Conservation Area, which extends to the south around a cluster of old traditional buildings.

Relevant Site History:

18/04679/OUT : Outline application for residential development of land (0.24 ha) for eight semi-detached dwellings requesting consideration of access, layout and scale. Refused 20.12.2018.

01/03471/OUT : Outline application for residential development. Refused 16.1.2002.

The National Planning Policy Framework (NPPF):

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

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

The land is unallocated on the Replacement Unitary Development Plan Proposals map. Fields to north and west are Green Belt.

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.

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
TR2 – Parking policy
EN3 – Historic Environment
EN5 – Trees and Woodlands

Parish Council:

Keighley Town Council – No response.

Publicity and Number of Representations:

Publicised by site notice and neighbour letters. Expiry 26th February 2019.

10 objections from 9 separate addresses have been received opposed to the development.

Summary of Representations Received:

1. Ryan Grove is not wide enough to accommodate any increase in traffic. The present congestion of parked cars, visitor parking, especially at weekends and passing places renders access to the proposed site extremely difficult especially for waste collection, waggons and delivery vans.

2. The junction visibility is poor and due to the gradient, in winter, the corner soon becomes blocked with ice and snow requiring us to clear it ourselves.
3. This is not a brownfield site and does not contribute to any local shortfall of housing. It is not allocated for residential use.
4. There are several drainage problems already without adding to them.
5. The development is untenable on the basis of the loss of amenity to neighbours and disruption due to construction traffic if this goes ahead, and what mess will it cause?
6. The views will be concrete and not open green field.

Consultations:

Highways DC – Confirm that the revised layout is acceptable subject to plot 1 being restricted to 2 bedrooms due to the lack of parking. Advise of standard conditions to be imposed on the decision notice.

Trees Team – no objections subject to conditions

Design and Conservation Team – The proposal will not harm the setting of the conservation area to the south and will have no impact on listed buildings.

Minerals and Waste Planning - No minerals legacy so no objections.

Environmental Health Officer – The site for the development has remained undeveloped since at least 1889. Braithwaite Edge Quarry (BMDC Landfill Site Reference: 04sw06) is recorded approximately 165.51 m away and records indicate that it was infilled with foundry sand and builders waste. Planning permission specified inert materials.

Drainage – Were not consulted on this application however they had no objection to the recently refused outline application subject to conditions requiring drainage details to be submitted.

Summary of Main Issues:

1. Land allocation and principle of development.
2. Impact on heritage assets
3. Design
4. Amenities of occupiers of adjacent land
5. Highway issues
6. Other Matters

Appraisal:

The site history records that in 2018, application 18/04679/OUT for residential development of the site was refused for reasons that the layout failed to protect the belt of mature trees along the southern boundary and that proposal did not provide adequate levels of off-street and visitor parking.

This resubmission has been redesigned to address those reasons for refusal. This has resulted in a reduction in the number of proposed dwellings from 8 to 6.

Land Allocation and Principle of Development:

The officer assessment of the 2018 application concluded that residential development was acceptable in principle but the layout proposed was not satisfactory.

Although it is an undeveloped field and is adjoined on its north and west sides by Green Belt, the land itself is not in the Green Belt. It is unallocated on the Bradford RUDP Proposals Map. The site is not, itself, protected by any other planning, nature conservation or heritage designations. Therefore objections on grounds that it is a green field could not be sustained in the event of a planning appeal given the known shortfall of housing land across the Bradford Metropolitan District and the strong emphasis in the National Planning Policy Framework on housing delivery.

Although the land is not specifically allocated for housing, the District lacks a 5-year supply of housing land and two key objectives of the National Planning Policy Framework are (a) to bring forward land for housing without delay, and (b) to promote sustainable development. The development of this land would make a useful contribution to local housing land supply on an underused site that is not protected from development. It is in a location that is reasonably sustainable - being on the edge of the built up area of Keighley close to existing highway, drainage and other infrastructure and close to some local services, including schools, and public transport links.

There is reference by objectors to a previous planning outline refusal of application 01/03471/OUT which proposing residential development. However, this refusal was on 16 January 2002 and the reason for refusal that the proposal would involve development of a previously undeveloped site depended on principles contained in Planning Policy Guidance Note 3: Housing. Along with related UDP policies quoted in the reason for refusal, this PPG has long since been abandoned and is superseded by the NPPF (2019). As stated above, this places substantial emphasis on housing delivery. The objectors' comments regarding the site being a green field are not supported by up to date national and local planning policies and the redevelopment of the land for residential purposes is acceptable in principle.

Impact on Braithwaite Conservation Area and Heritage Assets

The application site is north of the Braithwaite conservation area but is not within it. It is separated from it by the road. The duty under S.72 of the Planning (Listed Buildings and Conservation Areas) Act is not engaged, although Policy EN3 of the Core Strategy requires consideration of the effects of development on the setting of all heritage assets.

There are listed buildings to either side of the lane running through Braithwaite village but these are remote from the site and the Council's Conservation Officer advises that the setting of the listed buildings is not likely to be affected due to the distances and limited physical and visual relationship between site and these heritage assets.

The proposed houses would be visible from points within the conservation area and would occupy an area which currently provides part of the green setting to the conservation area. However, the Conservation Officer notes the intention is to retain the trees along the edge of Braithwaite Road and, having viewed the Conservation Area assessment and appraisal for Braithwaite is of the opinion that the setting to the north of the conservation area, at this point where the edge of the established housing estate ends, is of somewhat lower significance. The site relates more strongly to the modern houses to the east which do not contribute to the character of the conservation area. In the opinion of the Design and Conservation Officer, providing the trees are retained and the details (design, scale, massing and materials) are carefully controlled, the proposed dwellings could be accommodated without harm to the setting of the conservation area and so accords with Core Strategy Policy EN3.

Design:

The submitted site layout plan shows an arrangement of 3 pairs of semi-detached houses which would form a continuation of the built form along Ryan Grove. The layout therefore the pattern of development in this established residential cul de sac and as stated above, the site relates more strongly to the modern housing than to the cluster of traditional buildings in Braithwaite conservation area village.

The existing semi-detached houses along Ryan Grove are of slightly varying designs. This should give scope to a variety of design approaches for the new build. However, the appearance - detailed design and materials - of the houses has not been submitted for consideration at this stage. If outline permission is granted, the appearance of the houses would be controlled by a requirement for a further submission of plans for approval of reserved matters. The developer/house builder would then need to demonstrate how the detailed design and materials of the houses responds to local distinctiveness and integrates itself into the landscape character of the area.

For now, and for purposes of this outline application, there are no objections to the suggested layout and scale of the new housing, which relates well to the existing built form along Ryan Grove and would reflect the broad character of the adjacent housing. It is in accordance with Bradford Core Strategy Policies SC9, DS1, DS2 and DS3.

Height/Scale:

The outline application requests consideration of the scale of the dwellings and the submission describes a scheme of conventional two storey housing. Submitted sections show that this scale of houses and the intended levels would respect the scale of the existing houses on Ryan Grove and suit the topography with the last pair on the street stepping up the hill slightly. The properties will be oriented towards the road in line with the existing form of development. The site would also be quite well screened due to the existing roadside trees to the south. The previously refused scheme showed houses to the opposite side of the site which was incompatible with retaining these trees. The new proposal would retain the trees and so the houses would not be unduly dominant or imposing in scale.

Impact on Trees:

The mature trees along the roadside are in good health and provide a pleasant green buffer on the edge of town, as well as an attractive backdrop to the conservation area. The scheme has been revised and reduced in terms of house numbers since the previous refused application so that the houses would be set back and away from the trees rather than the causing the trees to overshadow their back gardens – which was a feature of 18/04679/OUT. A Tree Survey has been submitted by the applicant which confirms that the development will be outside the root protection area of the trees. Given the separation and orientation of the dwellings in relation to trees the proposal is considered to have an acceptable relationship to the trees subject to their protection during construction.

The Tree Survey does not include specific details of tree protection measures so the Council's Tree Officer requests that such details be required by a pre-commencement condition which has been agreed by the agent. It should also specify that such arboricultural methodology should be required, to ensure that engineering works for the new road will not damage the roots, given that there are level changes across the site and possible retaining structures. Suggested Condition 7 is worded to cover this point.

Subject to tree protection conditions the proposal is now considered to address the first reason for refusal of application 18/04679/OUT and to accord with policy EN5 of the Core Strategy DPD.

Residential amenity:

Some objectors have commented with regards to overshadowing and overlooking but the positions of the 6 houses is remote from any neighbouring dwellings and the proposed dwellings have an acceptable relationship to neighbouring houses and will not result in a loss of amenity. Locations of windows would be assessed and determined at reserved matters stage but no significant issues are anticipated. The proposal would afford good standards of amenity for both future occupiers of the scheme and existing occupiers of neighbouring land and buildings in accordance with Policy DS5 of the core Strategy DPD.

Highway Safety:

Ryan Grove is an adopted estate cul de sac which is of adequate width to serve the 6 additional houses. Amended layout plans have been submitted to the Council to overcome concerns about detailed design initially raised by the Highway Officer who now confirms that the amended layout is acceptable.

There is also an element of highway gain, in that Ryan Grove does not presently have a dedicated turning head and the proposed scheme incorporates a turning head in the new length of cul de sac to allow vehicles to turn around.

Neighbours have raised concerns about on street parking, but each proposed dwelling will have off street parking for two cars, with the exception of the house on Plot 1 which has one parking space but a condition can be imposed to require that this will have a maximum of two bedrooms. There seems no reason why the 6 houses would cause additional parking outside the existing houses given that the new houses will be along a new section of highway well beyond those existing homes, and that each house has off street parking in line with current Core Strategy Appendix guidelines.

It is not considered that the proposals would raise any significant highway safety or congestion problems and requirements of Policies TR2 and DS4 are considered to be satisfied.

Other planning issues

The Environmental Health Officer has confirmed that the site has not been previously developed so contamination is unlikely. The site is situated around 160 metres of a historic landfill site at Braithwaite Edge Quarry which was filled with inert waste. It is considered appropriate to deal with possible migration of contamination by imposing a condition to deal with any unexpected contamination, although this seems unlikely.

The Council's Drainage Officer, consulted in respect of the similar application 18/04679/OUT, raised no objections to the principle of development subject to recommended conditions to require drainage details to be submitted and agreed prior to development commencing. This application is not materially different to the previous in terms of drainage issues so these comments are still relevant. With regard to comments from objectors, Drainage Section advised that records indicate a spring crossing the site and advised that the developer must investigate the site in this area of their proposed development in order to determine the extent of any land drainage network and devise proposals for dealing with any watercourses, culverts, land drains, or springs that may be affected by the development.

Subject to conditions to control these details, surface water drainage will be addressed and if the housing development enables a positive scheme of drainage to be introduced, there should be less prospect of flood risk to adjoining properties than there is at present.

Community Safety Implications:

There are no apparent community safety implications.

Equality Act 2010, Section 149:

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

Reason to grant planning permission:

The site is unallocated but there are no compelling reasons to refuse this proposal for new housing given current planning policy emphasis on housing delivery and that the location is sustainable. The outline proposal has been assessed against the relevant development plan policies and other material considerations, including impact on highway safety, amenity, trees and the nearby conservation area and is considered acceptable.

Conditions of Approval:

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

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

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

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

3. Before any development is begun plans showing the:

- i) Appearance and
- ii) Landscaping

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 development above damp proof course 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 in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

5. The dwelling to be constructed on Plot 1 of the approved development and identified on the hereby approved site layout plan shall have no more than two bedrooms.

Reason: in the interests of highway safety due to the limited parking provision for this property and to accord with policy DS4 of the Core Strategy Development Plan Document.

6. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced and drained within the site in accordance with the approved layout plan and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document

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

Reason: In the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document

8. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15.

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

9. The development shall not begin, nor shall there be any site preparation or ground works, nor shall any materials or machinery be brought on to the site, nor any works carried out to any trees until tree protection fencing and other tree protection measures have been installed in accordance with an arboricultural method statement and tree protection plan to BS 5837:2012 which shall be submitted to and approved in writing by the Local Planning Authority.

This arboricultural method statement shall include details of the proposed extent and depth of excavations and retaining works required for construction of the new access road and shall include methods to mitigate any impact of such works on the root protection areas.

Once the details have been approved, 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 accord with Policy EN5 of the Core Strategy Development Plan Document.

10. 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.

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 Core Strategy Development Plan Document

11. If, during the course of development, contamination is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Core Strategy Development Plan Document.

12. The development shall be drained via a separate system and development should not begin until details of a scheme for foul & surface water drainage, including any balancing & off site works have been submitted to & approved in writing by the Local Planning Authority. The use of sustainable drainage techniques is acceptable for surface water drainage but the developer should submit details of their proposals for comment, prior to the drainage works commencing on site.

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policies EN7 and EN8 of the Core Strategy Development Plan Document.

13. Prior to the commencement of development, the developer shall submit details of a site investigation to determine the presence of any springs or watercourses, and establish the extent of any land drainage network. Details of proposals for dealing with any watercourses, culverts, land drains, or springs encountered by such investigation and affected by the development shall also be submitted for the written approval of the Local Planning Authority.

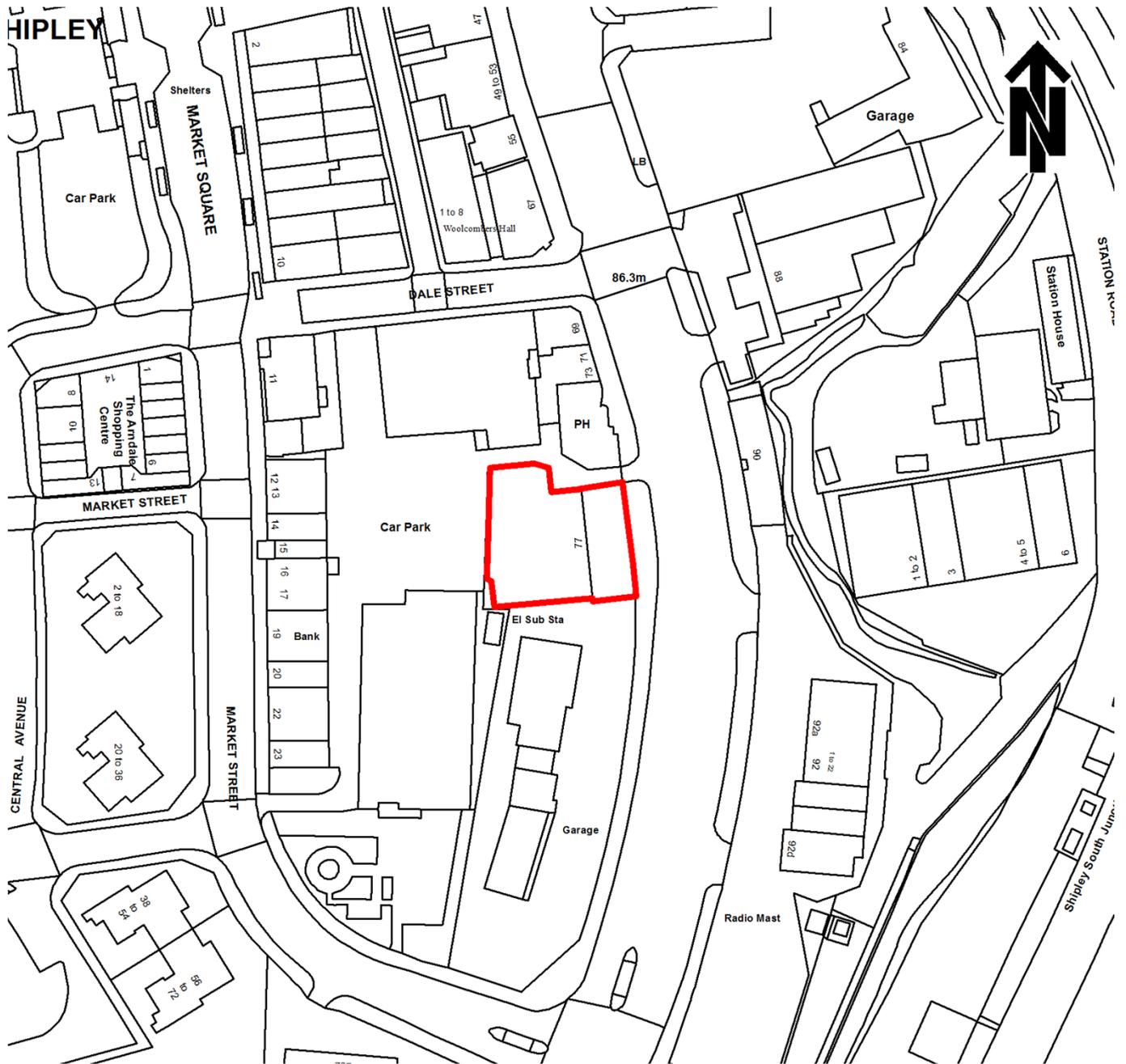
The land drainage measures so approved shall be implemented before the dwellings are occupied.

Reason: To ensure that the drainage system is satisfactory in relation to the existing land drainage network and watercourses to accord with policy EN8 of the Core Strategy Development Plan Document.

19/01030/FUL



City of
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77 Otley Road
Shipley BD18 2BJ

26 June 2019

Item: G
Ward: SHIPLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
19/01030/FUL

Type of Application/Proposal and Address:

Change of use from car showroom (sui generis) to a shop, restaurant and cafe (A1 & A3 use classes) for the sale of ice cream and desserts for consumption on and off the premises at 77 Otley Road, Shipley BD18 2BJ.

Applicant:

Mr Sajid Sadiq

Agent:

Spoke Architectural Design Limited

Site Description:

The application site is occupied by a single storey, flat roofed former car show room. The building is vacant. It is on the west side of Otley Road, the A6038, on the edge of Shipley Town Centre. It is a short distance south of the traffic junction at Fox's Corner and Otley Road is a major arterial route linking Shipley with Bradford and the settlements of Baildon and the Leeds district and airport to the north-east. There are two lanes of traffic in each direction at this point although the carriageway widens at road junctions to include three lanes in both directions. The building was last used in conjunction with a larger showroom dealership building immediately to the south of the site which is also empty. Both buildings are presently vacant following the relocation of the car sales business. To the front of the premises is a small tarmac forecourt area that provided space for car sales and parking. There is also a car park immediately to the rear of the unit which is to the rear of shops on Market Street and the bowling alley. However, this is not owned by the application property. Immediately to the north of the building, beyond the side street, is the Old House at Home public house. The surrounding area is largely commercial in nature.

Relevant Site History:

95/03519/COU: Change of use from car showroom/sales to a health and fitness suite
Approved 17.1.1996

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any development proposal. The NPPF 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 NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Replacement Unitary Development Plan (RUDP):

Allocation

Shipley Town Centre

The site falls within the Buffer Zone for Saltaire World Heritage Site.

Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 and so policies contained within it now carry significant weight. Some of the policies contained within the RUDP, however, are saved until adoption of the Allocations Development Plan Document/Area Action Plan Development Plan Documents.

The site falls within the area covered by the Canal Road Corridor Area Action Plan.

The following adopted Core Strategy policies are applicable to this proposal.

Core Strategy Policies

DS4 Streets and movement

DS5 Safe and inclusive places

EC2 Supporting Business and Job Creation

EC5 City, Town, District and Local Centres

SC9 Making great places

TR2 Parking

EN3 Heritage

Parish Council:

None

Publicity and Number of Representations:

Advertised by way of a site notice. Overall expiry date 5 April 2019.

One letter of support has been received from the applicant's Ward Councillor.

Summary of Representations Received:

A Councillor requests that the application be considered by Panel as the requirements of the Highway Officer fail to recognise the previous use of the property or take sufficient note of the steps proposed to address the highway points of concern. Any refusal here could have broader implications for the use of this and the adjacent buildings in this area.

Consultations:

Highways DC: No objection to the principle of the establishment of the use, but only provided that the existing dropped kerb along the site frontage is replaced with a full face kerb and the footway returned to full footway status. A boundary wall should also be created along the back edge of the footway to prevent any vehicular access to the site from Otley Road.

Environmental Protection: Have given advice on extraction and odour control.

Conservation: No implications for the Saltaire Wold Heritage Site buffer zone.

Summary of Main Issues:

Background to the Proposal

Principle of Development

Highway Safety

Appraisal:

The proposal seeks approval for the change of use of the building from car sales showroom to an A1 / A3 use to enable the building to be used as an ice cream and dessert parlour serving food for consumption on and off the premises. The application form advises that the premises will provide employment opportunities for 4 fte members of staff and will be open for business between the hours of 10.30- midnight Monday to Saturday and from 12.00 – 22.30 on Sundays and Bank Holidays. No changes to the exterior of the building have been proposed.

Background to the Proposal

The description of development has been amended since submitted for reasons of clarity. Reference to a proposed A5 use has been deleted, confirming that there was never any intention to use the building for hot food takeaway sales.

The applicant has also endeavoured to amend the site layout in order to allay Highway concerns. The applicant has agreed to construct a low boundary wall to the frontage of the forecourt area to prevent this being used for parking. However, he strongly resists the requirement suggested by Highways DC to reinstate a full face kerb to Otley Road to prevent all vehicular access to the forecourt. Highway Officers have given consideration to the amendment but it does not go far enough and Officer advise that they cannot support the scheme whilst the dropped kerb access remains.

Principle of Development

There are no other planning objections to the principle of the intended retail / café use in this building taking into account its position on the edge of Shipley Town Centre.

Paragraph 3.17 of the Canal Road Corridor Area Action Plan identifies significant scope for Shipley to enhance its current position as an important town centre through the refurbishment and redevelopment of parts of it - incorporating new residential and mixed uses. The proposed use would provide a retail/leisure facility in a central and sustainable location close to the train and bus stations serving the town centre. The Area Action Plan Policy SE5 provides that the Council will support all other main town centre uses proposed within the Shipley Town Centre boundary in accordance with Core Strategy Policy EC5.

It is noted that the proposed use would bring a vacant building back into use and provide local employment opportunities in the town. It's re-use will further contribute to the vitality of Shipley Town Centre by adding a new service to the town centre thus strengthening its role as a Centre. For the above reasons the scheme would accord with the provisions of Policies EC2 and EC5 of the Core Strategy Development Plan Document.

The proposed opening hours are similar to those of the neighbouring public house and the use poses no concerns as regards any adverse effects on any nearby residential or other uses. There are no conflicts with CS Policies DS5 or EN8.

Highway Safety

Although acceptable in other respects, the key point of objection is the impact of the proposed use on highway safety. Whilst the new use as a restaurant / café would generate parking demand which could be accommodated in other town centre car parks, Highway Officers remain concerned that the use would result in indiscriminate short-term parking taking place on Otley Road - especially as there is a long dropped kerb along the site frontage permitting access by vehicles onto the footway.

To address the objections of the Highway Officer, the applicant has agreed to amend the site plan to propose a low wall along the edge of the forecourt, with 2 gaps left for pedestrian access. However, although this will prevent access into the building forecourt by cars, the applicant will not agree to the Highway Officer request to also re-instate the dropped kerb along the length of its frontage with Otley Road which would completely prevent vehicle access off the main road.

Although the wall along the forecourt will go some way towards addressing the highway safety concerns, the advice from Highways DC is that it is also important to prevent vehicular access onto the wide footway in front of the premises. Leaving this dropped crossing in place will encourage customers arriving in cars to straddle the footway with the result that vehicles will obstruct pedestrian and vehicular movements. This can occasionally be seen to occur with visitors arriving at or being collected from the adjoining Old House at Home public house.

It is acknowledged that the car sales garage benefited from the dropped crossing access onto Otley Road. However, the dropped kerb is a historic feature probably dating from times when traffic levels on the A6038 were much lower. The dropped crossing is also likely to have been used infrequently by customers of the car sales business due to the nature of that previous business. Generally, car sales forecourts do not experience high volumes of customer visits in any given day, and the numbers of visiting customers will not be directly comparable to the proposed use which, from experience of other similar operations, would require a much greater turnaround of customers at all times, including peak hours, and depend on much higher volumes of customer visits for its viability.

In justifying the requirement for the re-instatement of the kerb, the Highway Officer points to the fact that over the years the importance of Otley Road as a major route through Shipley and the surrounding area has grown. There have been significant increases in the levels of traffic on the highway network as a whole. Local issues have meant that some parking bays that were marked out on the highway in the vicinity of the site have been removed and double yellow line TROs introduced as part of measures to reduce obstructions to the safe and free flow of traffic along the A6038.

The applicant has agreed to create a boundary wall to prevent vehicular access into the forecourt from Otley Road, but is not willing to return the vehicular dropped crossing to full footway status which would prevent access onto the footway. Highway Officers advise that leaving this dropped crossing in place will encourage drivers to straddle the footway with the result that some vehicles would still be attempting to turn into and out of the traffic flow and would result in an obstruction to pedestrian and/or vehicular movements along the A6038. Re-instatement of the kerb is regarded as imperative to fully discourage short stay customer parking on the site frontage arising from the proposed use. Without this measure the resulting disruptions to traffic flows on the A6038 caused as vehicles will be endeavouring to turn into and out, and across the flow of traffic will be problematic and detrimental to road safety.

For this reason the proposal is considered likely to give rise to highway safety issues and will be contrary to Policies DS5, and DS4 of the Core Strategy DPD.

Representations

The supportive comments by a Ward Councillor are noted. Officers have taken account of the previous car sales use of the site but the numbers of customers visiting a car sales showroom is not comparable with the likely numbers visiting the proposed use. The applicant's business will rely on significantly higher volumes of customer visits to be profitable. It is acknowledged vehicles occasionally take advantage of the long dropped kerb along the frontage to pull in off the highway – mostly taxi firms visiting the nearby public house. However, the concern is that this activity would intensify following the change of use. Otley Road is a very busy classified road and a significantly important route. These proposals would encourage indiscriminate parking, intentionally or otherwise and so cannot be supported due to the highway safety issues that would be caused. The proposed use could only be supported if the highway kerb is reinstated in accordance with Highway Officer advice. To grant permission without this requirement would result in situations that would put other road users, pedestrians and customers at significant risk and may affect the ability of neighbouring businesses to function effectively.

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.

Reasons for Refusal:

Insufficient steps have been proposed to prevent indiscriminate on-street parking from occurring along the site frontage to Otley Road, the A6038, which is a major transport route. The retention of the existing dropped crossing will encourage drivers to straddle the footway with vehicles resulting in an obstruction to pedestrian and/or vehicular movements to the detriment of highway and pedestrian safety. The proposal therefore fails to accord with Policies DS4, DS5 and SC9 of the Core Strategy Development Plan Document.

19/00574/HOU



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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Flat 1
2 Alexandra Crescent
Ilkley LS29 9ER

:

26 June 2019

Item: H
Ward: ILKLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
19/00574/HOU

Type of Application/Proposal and Address:

Retrospective application for alterations comprising refurbishing the existing roof dormers, removal of a small area of stone work, provide door set and external railings at Flat 1, 2 Alexandra Crescent, Ilkley LS29 9ER.

Applicant:

Mr Paul Knight

Agent:

Michael Carr Building Design

Site Description:

No 2 Alexandra Crescent is a late 19th century stone built terraced property on the corner of Skipton Road and Alexandra Crescent close to Ilkley town centre. There is a shop at ground floor, which has a display window facing Skipton Road. A flat (known as Flat 1) occupies the two floors above. The building is in Ilkley Conservation Area. The property has an existing small pitched roof dormer to the western roof plane facing Alexandra Crescent and it had a larger box style structure to the southern frontage to Skipton Road. The latter is the subject of this planning application.

Relevant Site History:

None

The National Planning Policy Framework (NPPF):

The NPPF is a material planning consideration on any development proposal. The NPPF 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 NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated for any specific use.
Ilkley Conservation Area.

Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 and so policies contained within it now carry significant weight. Some of the policies contained within the RUDP, however, are saved until adoption of the Allocations Development Plan Document/Area Action Plan Development Plan Documents.

Core Strategy Policies

DS1 Achieving Good Design
DS3 Urban Character
EN3 Heritage Assets
SC9 Making great places

Supplementary Planning Guidance – adopted Householder Supplementary Planning Document

Parish Council:

Ilkley Town Council recommends approval

Publicity and Number of Representations:

Advertised by neighbour letter, press and site notice. Expiry date 11 April 2019.
14 letters of support received, the majority of which are residents of Ilkley.

One letter of objection has been received from Ilkley Civic Society.

Summary of Representations Received:

Support

All letters of support consider that the alterations that have been carried out the property have vastly improved its appearance and the removal of the previous white upvc dormer is welcomed. The new grey dormer with the Juliet balcony is considered to represent a modern addition to the building, adding visual interest to the local area.

Against

The changes now applied for, have not preserved or enhanced the character and appearance of the building or the conservation area. The dormer appears as a negative feature on this prominent building. The removal of a section of the eaves / walling to accommodate the Juliet balcony has also removed an element of the integrity of the building. The dormer structure, as built, is contrary to the design advice set out in the Council's Householder SPD in terms of its overall size and design.

Consultations:

Design and Conservation Team:

The works to the dormer window have neither preserved nor enhanced the significance of the heritage asset (conservation area) and there are no public benefits which outweigh the harm caused. The proposal does not satisfy Core Strategy Policy EN3.

Summary of Main Issues:

Background to the Proposal

Impact on the character and appearance of the Ilkley conservation area

Appraisal:

Background to the Proposal

The applicants say they purchased Flat 1 in 2017 and undertook works to update it including extensive roof repairs, internal renovations and re-cladding of the existing dormer windows using slate and a dark grey cladding. Sliding sash style windows were also installed. The refurbishments included alterations to the dormer facing Skipton Road so that a Juliet balcony has been added to a section of the existing box dormer.

These alterations were brought to the attention of Planning Enforcement by a complaint received in February 2018 and this application seeks to regularise the situation. The applicant says he carried out the works in good faith and thought they fell under Permitted Development. However, this is not the case as the property, being a flat, does not benefit from any permitted development rights and the alterations have materially affected the external appearance of the building.

The proposal seeks retrospective permission for alterations to the existing dormer window and fenestration which have created a larger dormer with opening doors and a Juliet balcony on the south elevation facing towards the main road.

Impact on the character and appearance of the conservation area

As stated above, the building is part of Ilkley Conservation Area and the alterations affect a prominent elevation that faces onto the main road through Ilkley. The property is deemed by the Council's Conservation Team to make a generally positive contribution to the character and appearance of the conservation area.

The property is also located within the setting of the Old Grammar School (Grade II), the former Lister Arm's Hotel (Grade II) and the former stables to the hotel (Grade II). However, the proposal is judged to have no effect on the setting of those heritage assets.

The primary area for concern is the impact of the development on the character and appearance of the Ilkley conservation area. The duty under S.72 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 requires the local planning authority to pay special attention to the preservation and enhancement of the character and appearance of the conservation area in the exercise of its planning decision making powers.

Policy EN3 of the Core Strategy sets out objectives for conservation of the district's Heritage Assets in line with the S72 duty.

In terms of design guidance, the Council's Householder Supplementary Planning Document (SPD) says the Council will normally allow well designed pitched roof dormers to the front elevation of properties within Conservation Areas, but to a maximum width of 1.5 metres and if this does not significantly harm the character of the dwelling and the Conservation Area. The existing dormer to the west side is around 1.5 metres in width. The dormer on the south side is obviously significantly larger.

It is acknowledged that the white upvc box dormer that existed on the Skipton Road frontage already represented an incongruous addition to the traditional roof, and that the applicant has made some positive alterations through the change in materials.

However, the alterations have also inserted a full height door which along with the loss of the stonework at eaves level have made it a more pronounced and discordant disruption to the roof. Its overall mass and design and the breaking of the eaves line to facilitate the introduction of the opening doors and Juliet balcony have compounded its incongruous appearance. The Conservation Officer judges that overall, despite the submissions of the applicant, the alterations have had a negative impact on the host property and the wider conservation area.

In support of the application the applicant's Heritage Statement refers to other dormer windows and 'half dormers' in Ilkley. However, these are not directly comparable to this application. Many of the dormers on properties nearby (and possibly the dormers that existed on the application property) would pre-date the introduction of planning controls over dormer extensions in 1988, and will possibly pre-date the designation and later enlargement of the Ilkley conservation area.

The dormers on nearby modern properties, which are also referred to, are features of the overall design of those buildings and have a cohesive appearance whereas the bulkier dormer here appears to be somewhat clumsily added. The dormers referred to on other traditional properties nearby are generally the same width as the windows below and so appear as a proportionate feature. By comparison, on the host property, the dormer is much larger than the window below and is out of keeping with the overall proportions of the building. The addition of a Juliet balcony draws the eye and is not a traditional feature of this type of property.

The alterations to the dormer window have neither preserved nor enhanced the significance of the heritage asset (the conservation area) and no public benefits have been put forward to outweigh the harm caused. The proposal is therefore considered to conflict with Policies DS1, DS3, EN3 and SC9 of the Core Strategy DPD and the objectives of the NPPF in respect of heritage.

Representations

Comments raised by the applicant's supporters and Ilkley Parish Council are noted. The investment of the applicant and the other beneficial improvements undertaken in refurbishing the property are welcomed, but it is not considered that these outweigh the harm to the appearance of the building caused by the much more incongruous dormer now visible to the south elevation. Officers concur with the views of the Civic Society as to its negative impact on the character and appearance of the conservation area.

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.

Reasons for Refusal:

The alterations to the proposed dormer have had a negative impact on the character and appearance of this prominently sited building and the wider street scene. The increased bulk of the dormer enlargement and the breaking of the eaves line, the removal of part of the stonework and the introduction of the Juliet balcony have further compounded its incongruous appearance. The alterations do not preserve or enhance the character or appearance of the Ilkley Conservation Area and no public benefits have been identified that would outweigh such harm. The alterations would be contrary to Policies EN3, DS1, DS3 and SC9 of the Bradford Core Strategy Development Plan Document.