

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 18 December 2019

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Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A	17 Main Street Haworth Keighley BD22 8DA - 19/03644/FUL [Approve]	Worth Valley
B	24 Clifton Road Ilkley LS29 8TT - 19/02787/FUL [Approve]	Ilkley
C	Dove Hall Green Lane Baildon BD17 5AP - 18/03272/FUL [Approve]	Baildon
D	Haworth Fire Station Station Road Haworth Keighley BD22 8NL - 18/02585/FUL [Approve]	Worth Valley
E	74 Wheatley Lane Ilkley LS29 8SF - 19/01115/HOU [Refuse]	Ilkley

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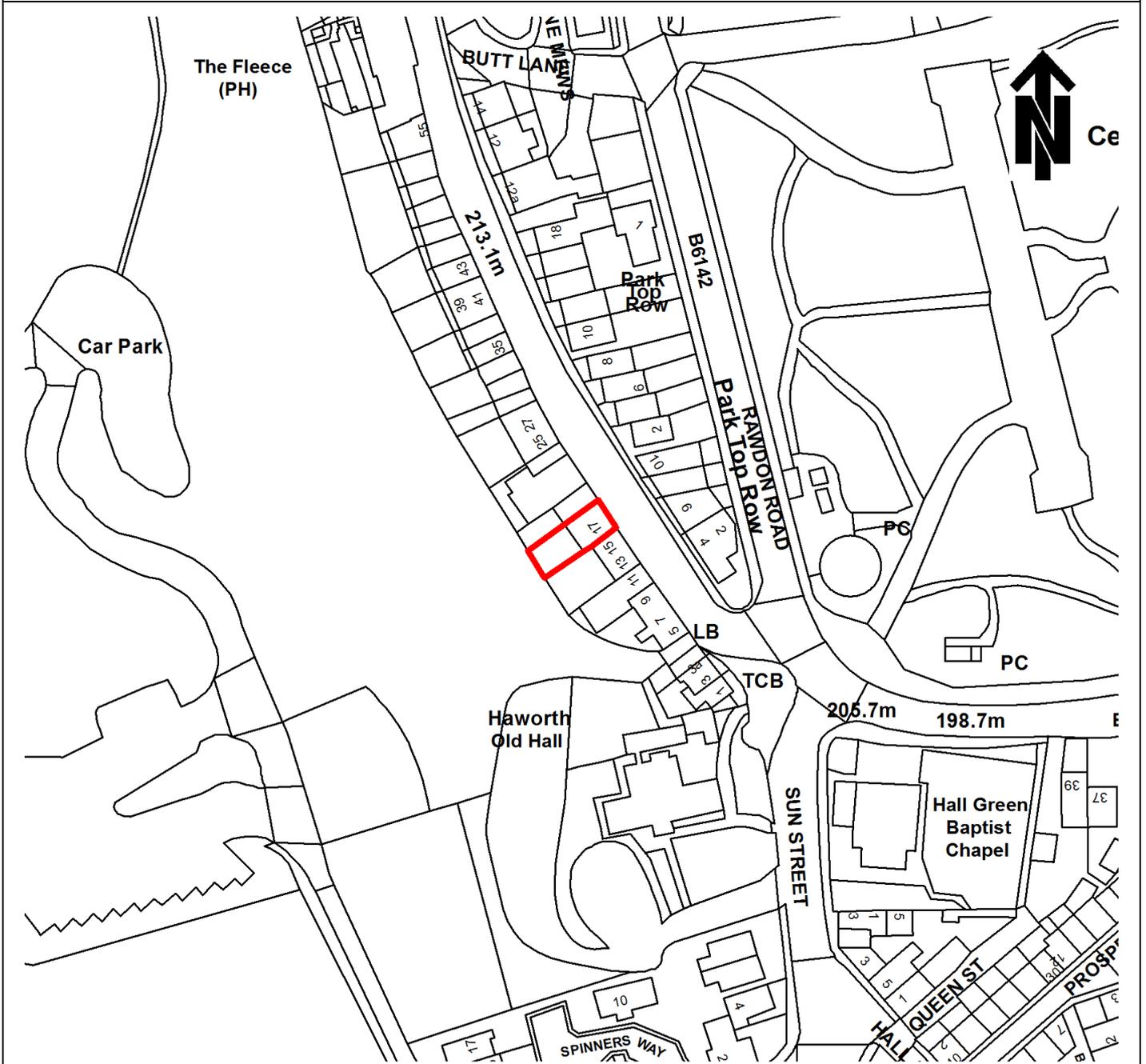
Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

19/03644/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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17 Main Street
Haworth
Keighley BD22 8DA

18 December 2019

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

Application Number:
19/03644/FUL

Type of Application/Proposal and Address:
Change of Use from (A1) bric-a-brac shop to (A4) drinking establishment and replacement of shop front at 17 Main Street Haworth BD22 8DA

Applicant:
Mr Daryl Ley

Agent:
Mr William Cartwright

Site Description:
17 Main Street occupies part of the ground floor of a 3-storey, 19th century building at the lower end of the Haworth Main Street. The whole block was once a Co-operative store that is now split into 3 separate shop units on the ground floor. The shop fronts to these separate units have been altered and now lack design consistency and period details have been lost. The premises at No 17 seem to have remained in retail use, most recently as bric-a-brac shop, but this unit is currently vacant. No 19 Main Street was granted planning permission for change of use to a tea room earlier in 2019 and this tea room is now in operation. Four residential flats addressed as 1-4 Rochester House, occupy the floors above Nos 17 and 19. These properties have a stair access from the street which is alongside the application premises. One of the flats owned by the same landlord is on the floor above No 17. There is also a row of residential dwellings facing the premises across the cobbled Main Street. The site lies within the Haworth Conservation Area.

Relevant Site History:
19/03085/FUL : (Flats 1 - 4 Rochester House 17 - 19 Main Street) Replacement of existing front windows with traditional timber sash windows (double glazed) and rear windows and doors with PVC in similar style to current design – Granted

19/02374/FUL : Change of Use from (A1) bric a brac shop to (A4) drinking establishment - Withdrawn

19/01632/FUL : Change of use of 19 Main Street from retail shop (A1) to tea room (A3) Granted 21.6.2019

The National Planning Policy Framework (NPPF):

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

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

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

Local Plan for Bradford:

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

Core Strategy Policies

EN3 – Historic Environment
DS1 – Achieving good design
DS3 – Urban Character
DS4 – Streets and Movement
DS5 – Safe and Inclusive Places
EC5 – City Town District and Local Centres
TR2 - Parking Policy
EN8 - Environmental Protection Policy

Publicity and Number of Representations:

Publicised by neighbour notification letters, site notice and in the local press with an overall expiry date for comments of 26.09.2019.

Letters/emails have been received by 121 individuals with

- 80 in support, and
- 37 objections including 1 objection from a ward councillor.

Summary of Representations Received:

Comments in Support

The proposal would benefit the run down premises to benefit of locals and tourists
The proposal would breathe life into the lower part of Main Street
The closing time at 9 would ensure not much noise disturbance would occur
The proposal would complement nearby businesses in Main Street
The applicants would be making a significant investment to bring back and improve a run down building on Main Street

Comments in Objection

The proposal would result in problems with noise and disturbance for both residents and other businesses in this quiet part of Main Street.
The proposal would lead to a loss of on street parking and problems for surrounding neighbours
The proposal would detract from the area and introduce more drunken and anti-social behaviour in Main Street.
There is no information regarding bats or fire safety
Haworth has enough pubs and bars and does not need another
There are quiet residential properties surrounding the proposal that would suffer from the proposal which would affect their residential amenity

Consultations:

Highways - Highway Development Control have no objections to the proposal

Environmental Health Officer - Had concerns regarding nearby residential dwellings, but acknowledge the noise management proposals now submitted in support of the application. The Environmental Health Officer has no objections provided the noise management plan is adhered to and recommended conditions are applied to an approval.

Haworth, Cross Roads & Stanbury Parish Council – Raise a number of issues and concerns.

1. Should a bat survey be provided?
2. Noise late at night from using waste bins and concern that bins might be stored to the front of the premises in the future.
3. No comment is made regarding a fire risk assessment
4. Concern regarding soundproofing and noise disturbance
5. Concern regarding customers outside the premises with regard to noise and littering.

Design and Conservation Officer – The proposal will bring significant visual improvement to this property, and set a standard for future enhancement to the adjoining units in the same building block. A sample of the stone stallriser/plinth will be required to ensure this is appropriately constructed in ashlar stone.

Summary of Main Issues:

Background and principle of development
Heritage Impact
Residential Amenity
Highway safety
Other planning matters raised by representations

Appraisal:

Background

The proposal seeks permission for change of use of the ground floor and cellar of these premises from an A1 retail shop to an A4 drinking establishment.

The supporting statement describes the applicant's vision as being to create a small micro-pub providing a relaxed social meeting place, with a strong emphasis on locally sourced products including coffee, gin, confectionary, pickles as well as beers. The applicant's vision also includes an intention that the premises will provide community notice boards and information about local attractions for visitors; a free mini-library, and a space for small scale community meetings and events.

The key planning issues are (1) The implications for heritage assets including the Haworth Conservation Area and (2) Impacts on the amenity of nearby residents.

The application has been resubmitted following a recent withdrawn application 19/02374/FUL for the same use. The newly submitted proposals have been refined and are now accompanied by additional detail including a Noise Assessment and this new application includes positive proposals to install a new shop front.

Principle of A4 use

The site is on Haworth Main Street which is defined as a Local Centre by the RUDP. As such, Core Strategy Policy EC5 and the provisions of the NPPF in respect of town centres are relevant. The up to date NPPF (2019) says planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Bars and pubs, as well as shops, restaurants and arts, culture and tourism development are all defined by the NPPF as "main town centre uses" deemed appropriate to Town and Local Centres. The proposed A4 use is therefore acceptable as a matter of principle.

Also, national and local policies aim to diversify the role of Town and Local Centres in recognition of changes occurring in lifestyles and shopping habits. In this case, it is recognised that, as retail shop, the ground floor premises have been empty for some time and are in poor condition. The proposal for an alternative use thus presents an opportunity to bring the empty premises back into use. An intention to invest in its improvement is evident in the applicant's proposals to install a much better shop front.

It should also be pointed out that the premises are of modest size – having a floor space of only 103 square metres, with a modest single frontage. Such a small scale change of use would therefore not diminish the overall shopping function of the Local Centre and would, instead, add a new use that would diversify its range of attractions. It has been noted above that the vacant unit at No 19 Main Street secured permission for change of use to a tea shop in June 2019 and this is another example of the adaptation of the Main Street shopping frontage to accommodate an appropriate mix of new uses.

The proposed A4 micro bar is therefore of a scale compatible with the role of the Local Centre and it would not have any adverse impact on the vitality and viability of the Main Street. The principle of the change of use is considered acceptable subject to considering its impact on the locality

Heritage Implications

The property is within Haworth Conservation Area. It is not a listed building, although there are listed buildings elsewhere along the Main Street which could be regarded as within its setting.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty that, in the exercise of a Local Planning Authority's planning functions with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In this case, the proposed use would restore activity to the premises and contribute to the upkeep of the building. The Council's Conservation Officer supports the proposals for the replacement shop front which will bring significant visual improvement and set a standard for future enhancement to the adjoining units in the same building block. Officers agree with applicant's Heritage Appraisal which points out that the replacement of the existing unattractive shop front with a much more appropriate, traditional design of shop front will substantially enhance the appearance of the building and its contribution to Haworth Conservation Area and the setting of the nearby listed buildings.

The agent also argues that the proposal must be treated favourably under the terms of NPPF paragraph 200. This requires Local planning authorities to look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. The proposals therefore cause no harm to the relevant Heritage Assets and, indeed, are very beneficial to them - and so are compliant with Core Strategy policy EN3.

Impact on Neighbours' Amenity

The application has been subject to many objections, including the Parish Council, referring to potential impact of the A4 use on the amenity of neighbouring occupants due to noise. The premises are located at the lower portion of Main Street, where surrounding uses are in a variety of commercial uses including cafés, the new tea shop, an art gallery, shops, B&B accommodation etc. but it is acknowledged there are residential properties across the street and above the shops.

To address concerns regarding amenity, the applicant has submitted a noise management plan document which attempts to explain how the business would operate with a view to minimising harm to neighbours. The Council's Environmental Health Officer has had some reservations but responds that, subject to the measures outlined in the noise management plan, the proposal would be acceptable. Conditions are advised regarding restricting opening hours, control of noise levels, and ensuring waste bin provision.

To secure implementation of the Noise Management Plan measures it is suggested that a condition be imposed that in accordance with the submitted Noise Management Plan, noise levels from the proposed use as measured in nearby dwellings shall not exceed certain specified levels at the indicated times (Condition below).

Also, to address noise from the proposed condenser unit, a specific condition restricting acceptable noise emissions from this feature has been specified by the Environmental Health Officer (Condition below).

With regard to hours of operation, it is appreciated that objectors raise concerns regarding the use worsening existing anti-social and drunken behaviour problems on Main Street and they point out that the lower part of Main Street is quieter and more residential in character than higher up Main Street. However, it does not necessarily follow that a micro pub operation, with a limited floor space and one with a community emphasis as is described in the submissions would act as an attraction to or destination for crowds visiting larger conventional public houses further up the street.

The proposed hours of operation have been discussed further with the agent. It is acknowledged that there is a need to achieve a balance between the hours needed to maintain business viability and protecting against unreasonable noise from comings and goings. It is also relevant that further controls would also be possible through the licensing regime which would better control the effectiveness of the management of the premises.

The suggested permitted hours, as set out in suggested Condition 3 are 09.00 to 22.00 Monday to Saturday and 12 to 19:00 on Sundays. To safeguard amenity, no customer shall be served or otherwise make use of the premises outside these hours. These hours would help to protect the amenity of nearby occupants and enable the viability of the business which would bring a vacant building back into use.

The property most closely impacted by the proposal would be the first floor flat directly above the premises. This is in the same ownership as the ground floor. In the Noise Report it is proposed to apply an acoustic underlay to the floor. It is suggested that the flat above the proposed bar is planned to become a short term holiday let flat. Notwithstanding this, subject to the suggested conditions put forward by the Environmental Protection Officer, the proposed use would not demonstrably adversely impact neighbours amenity.

With regard to waste storage, the property has a yard to the rear that allows the storage of bottle, casks and waste bins etc. These would need to be moved to the front of the property on collection day, but this is currently the case for the adjoining and nearby properties. Such arrangements reflect the constrained nature of many premises on the Main Street, and it is not considered that temporary storage within the street on collection days would result in significant problems.

Objectors question some of the detail in the accompanying noise report and express concerns regarding and general noise and disturbance given the quieter nature of lower Main Street. However, on balance, the impact on residential amenity from such a small scale of A4 use is acceptable subject to the suggested conditions and the proposal, complies with policies DS1, DS3 and DS5 of the Core Strategy DPD.

Highway Safety

The site is on Haworth Main Street amongst other well established commercial properties in the village centre. Whilst there is no off street parking provision proposed, there are established parking controls within the area in addition to public car parks and good public transport links. It is also considered likely that, similar to the past retail use of the property, trips to the A4 would be combined with those to other establishments in the area. The Councils Highway Office not raised any highway safety concerns to this change of use on highway safety grounds. The use is thereby compliant with policies DS4, TR2 and the National Planning Policy Framework.

Other Issues

Some comment has been received regarding bat surveys. However, whilst there may be bat activity around the site, it does not follow that this change of use would affect bats. In particular, if there are any roosts they would be at eaves/roof level whereas the proposal relates solely to the ground floor and cellar level. No works are proposed to the roof, and the upper storeys are already occupied as flats. As such there would be no reasonable requirement for the applicants to have submitted a bat survey or bat mitigation measures for this particular proposal.

It is not known why a fire risk assessment would be relevant to consideration of a planning application (Parish Council comment). This is a matter for Building Regulations.

Community Safety Implications:

None identified

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission

The A4 use is a Main Town Centre Use and is of a scale compatible with the role of the Haworth Main Street Local Centre. It would not have any adverse impact on the vitality and viability of the centre. Re-use of the premises and the replacement shop front would preserve and enhance the character and appearance of the Haworth Conservation area and the setting of nearby listed buildings, in accordance with Core Strategy Policy EN3. Subject to the suggested conditions, the scale of the proposed use is such that it is not considered harmful to the amenity of nearby occupiers. It is therefore considered to comply with the relevant policies of the Core Strategy Development Plan Document and is 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 the change of use is brought into first use, arrangements shall be made with the Local Planning Authority for the inspection of the stone stallriser/plinth.

Reason: To ensure this is appropriately constructed in ashlar stone in the interests of the character and appearance of conservation area and to accord with Policies DS1, DS3 and EN3 of the Local Plan for Bradford.

3. The premises shall not be open for the use hereby permitted other than between the hours of 09.00 hrs and 22.00 hrs (Monday - Saturday), and 12.00 hrs to 19.00 hrs (Sundays) and no customer shall be served or otherwise make use of the premises outside these hours.

Reason: In order to safeguard the amenity of nearby residents and to ensure that the development complies with policies DS5 and EN8 of the Local Plan for Bradford.

4. The rating level of the noise emitted from the proposed external condenser serving the proposed use shall be no greater than -5 dB(A) below the existing background noise level, LA90 at any time. The noise level shall be determined at the boundary of the nearest domestic dwelling. The measurement and assessment shall be made according to the methodology set out in BS 4142: 2014.

Reason: To ensure that the development does not harm the amenity of nearby occupiers and to comply with policy EN8 of the Local Plan for Bradford.

5. In accordance with the submitted Noise Report, noise levels from the proposed use as measured in nearby dwellings shall not exceed the following levels at the indicated times.

- NR 20 in bedrooms (23:00 to 07:00 hours).
- NR 25 in all habitable rooms (07:00 to 23:00 hours).

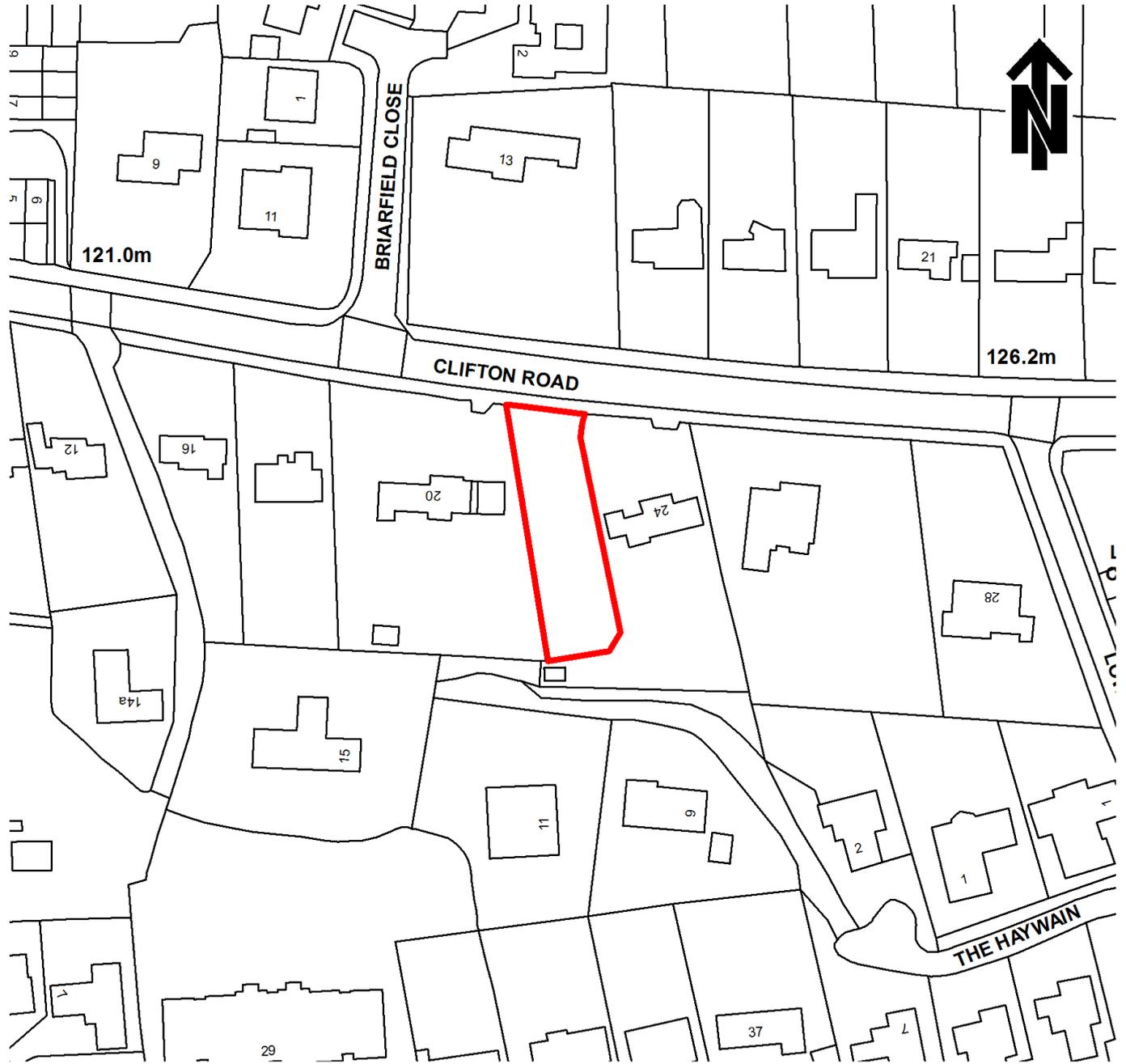
Noise rating curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 to 8 KHz.

Reason: To safeguard the amenity of occupiers of nearby properties and ensure that the development complies with policy EN8 of the Local Plan for Bradford.

19/02787/FUL



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24 Clifton Road
Ilkley
LS29 8TT

18 December 2019

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

Application Number:
19/02787/FUL

Type of Application/Proposal and Address:
Full planning application for the construction of a detached dwelling and integral garage on land at 24 Clifton Road, Ilkley LS29 8TT

Applicant:
Mr & Mrs Hoggett

Agent:
Halliday Clark Limited

Site Description:
24 Clifton Road is a detached stone built two storey dwelling dating from the 1960s set in a large garden plot and positioned well back from the south side of the highway. There is a mix of housing styles and ages in evidence along Clifton Road. All properties are set in generous plots with mature trees and landscaping which add to the character of the area. Due to changes in levels the property occupies a slightly elevated position relative to the highway and is set behind an established stone wall and mature planting.

The site the subject of this application comprises a sloping, lawned side garden area to No 24. Levels rise in a southerly direction towards the rear of the plot. There is an established belt of trees and landscaping along the western boundary of the plot where it adjoins No 20 Clifton Road. Immediately to the east of the site is the garage of the existing dwelling, No 24 Clifton Road.

Relevant Site History:
16/06049/OUT Construction of 2.5 storey 4 bed dwelling, approved 15.7.2016

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 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 site is not allocated for any specific land-use in the RUDP. The following adopted Core Strategy Development Plan Document 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

EN5 Trees and Woodlands

EN7 Flood Risk

HO5 Density of Housing Schemes

HO6 Maximising use of Previously Developed Land

HO9 Housing Quality

SC8 Protecting the South Pennine Moors and their Zone of Influence

SC9 Making Great Places

TR2 Parking Policy

Parish Council:

Ilkley Town Council recommends refusal. The scale of the house is too large for the plot and the proposal represents an overdevelopment of the site. There is insufficient information on drainage and the proximity of the proposed building to neighbouring dwellings is also a concern.

Publicity and Number of Representations:

Advertised by way of site notice and individual neighbour letter. Overall expiry date 10.8.2019
Objections have been received from five nearby residents together with an objection from Ilkley Civic Society.

An Ilkley Ward Councillor has also objected and requested that the application be referred to the Area Planning Panel.

Summary of Representations Received:

There are sewers running through the site and there is a concern that building over or adjacent to the sewers could have an adverse impact upon the integrity and future maintenance of the local sewer system.

The property would site too close to neighbouring dwellings and appear cramped and out of keeping with the character of the rest of the street along Clifton Road.

The height of the property is a concern in that it would be taller than the immediate neighbours and, being a three storey property it would not be in keeping with the character of the street.

The proposed dwelling would have an overbearing impact on neighbouring dwellings due to its height

The proposed rear terrace would result in neighbours to the rear on The Haywain being overlooked.

The proposal could have an adverse impact upon adjacent established trees

There is a lack of section drawings so the full impact of the build cannot be appreciated

The proposal does not follow the conditions/stipulations imposed on an earlier grant of outline planning permission.

The proposal should retain as much of the existing boundary wall along the Clifton Road frontage in the interests of visual amenity

Tree protective fencing and provision for replacement planting is required as per the earlier grant of outline approval.

Any further windows in the side elevation adjacent to No 20 Clifton Road should have obscure glass.

Any increase in height should not be permitted if the application is approved

The development would be too high and over dominant being harmful to both visual amenity and the amenities of neighbouring dwellings.

Consultations:

Drainage – No objection in principle. The site should be drained using separate foul and surface water drainage and conditions are suggested. It is noted that public foul and surface water sewers cross the site in the area of the proposed building. The sewerage undertaker (Yorkshire Water) must be consulted for a view on this proposal and on the impact of the development on the public sewerage system.

Yorkshire Water – No objection subject to the imposition of pre-commencement conditions to control foul and surface water discharge.

Highways – No objection subject to conditions. It is noted that the principle of development, from a highways perspective, has been previously agreed under the grant of an outline planning consent.

Biodiversity – The site lies within 400m of the South Pennine Moors SAC/SPA therefore an assessment against Policy SC8 is needed to assess whether the development will impact the European Site through 'urban edge effects'. There is no evidence of bat activity on the existing building.

Summary of Main Issues:

Background and Site History
Principle of Development
Position of the Sewer Pipe and Drainage
Visual Amenity
Residential Amenity
Trees and Landscaping
Highway Issues
Biodiversity
Outstanding Matters Raised by Representations

Appraisal:

The proposal seeks full planning permission for the construction of a detached dwelling with an integral garage on the site. The dwelling is to be positioned alongside and within 0.9m of the garage of the existing property at 24 Clifton Road. The dwelling is traditional in style but with contemporary features being constructed from natural stone and slate. Whilst the dwelling is two-storey in height, accommodation is provided across three floors with the master bedroom accommodated within the roof space. Access to the site is achieved off Clifton Road with the formation of a new driveway.

The scheme has been amended since initially submitted in that the overall height of the dwelling has been reduced by about 2m to address Officer concerns about the imposing mass of the original proposal and in response to the objections.

The design of the roof has also been amended as a consequence of this - with the gable feature now set into the roof and the first floor recessed balcony removed from the plan. The size of the accommodation has also been reduced from five to four bedrooms. A section drawing has also been submitted to demonstrate how the building will sit relative to neighbouring dwellings along Clifton Road.

Background and Site History

Outline planning approval for a 2½-storey, four-bed detached dwelling was granted by the Area Planning Panel on 15 July 2016 (see 16/06049/OUT). Matters of access and scale were agreed with all others being reserved for future consideration. An illustrative plan was submitted to indicate the probable position of the dwelling on the plot in order to demonstrate that a property could be satisfactorily accommodated in view of local constraints such as the line of the sewer pipe, adjacent trees and neighbouring properties. Whilst it is acknowledged that the current submission is broadly similar to the outline approval in many respects i.e. the means of access, positioning on the plot, scale and number of bedrooms, this application seeks full planning permission and should therefore be considered on its own merits.

Principle of Development

Whilst the NPPF has removed private residential gardens from the definition of previously developed land, this would not necessarily preclude the redevelopment of such sites provided, inter alia, that they do not harm the character of the established residential area. This is in recognition of the fact that such sites would often satisfy the sustainability objectives as set out in the NPPF through representing an appropriate use of an unallocated site within the limits of the built up settlement and with good access to existing local facilities.

Outline planning consent has been granted for the construction of a detached dwelling on the site. Whilst this consent has lapsed there has been no change in local circumstances or planning policy that would result in the Local Planning Authority (LPA) from taking an alternative view.

Overall the proposal will accord with Policies DS1, DS3, DS5, HO5, HO6 and SC9 of the Core Strategy Development Plan Document.

Position of the Sewer Pipe and Drainage

It is likely that the plot has not been previously developed due to the fact that the site is crossed by two Yorkshire Water sewers running towards Clifton Road. These are represented on the statutory sewer map as:-

- a) one 150 mm diameter public foul sewer (at a recorded depth of 5.03 metres); and
- b) one 225 mm diameter public surface water sewer (at a recorded depth of 4.32 metres).

Yorkshire Water were initially opposed to the development as it was felt that the site layout would compromise their ability to maintain an effective sewer network. Following extensive negotiations, Yorkshire Water have now withdrawn their objection to the development as it is considered that the construction of the proposed dwelling would not compromise the structural integrity of the sewers taking into account the topography of the site and the depths of the sewers. A pre-commencement condition however to finalise the foundation details with Yorkshire Water is therefore essential in order to ensure that the local sewer network would not be compromised by any construction work.

The Council's Drainage Officers have advised that the property should be drained using a separate system for foul and surface water. It is noted from the submitted Design and Access statement that surface water is to be drained to an adjacent watercourse near the site boundary. However, as this watercourse is unrecorded it would be prudent to attach a condition to establish that the watercourse is both hydraulically and structurally suitable to drain surface water from the site. No conflict with Policy EN7 is therefore anticipated.

Visual Amenity

The proposed dwelling is traditional in appearance although it incorporates some contemporary detailing such as the covered canopy to the ground floor and feature gable within the roof on the front elevation. The use of a natural stone walling material and slate roofing tile is considered to be acceptable in this locality which is typified by individually designed dwellings.

Whilst properties are generally two storeys in appearance along Clifton Road, a number incorporate three storey sections and appear taller than their neighbours. No 26 Clifton Road is a good example of this being a C19 detached dwelling with rooms in the attic space and standing much taller than its adjacent neighbour, No 24 Clifton Road. The scheme, as amended, now shows the eaves level of the new property being comparable with that of the existing dwelling at No 24 with the ridge height at about 1m taller than No 24 to give sufficient headroom to the bedroom accommodation contained in the roof space. The dwelling is somewhat taller than No 20 but this is acceptable given the relative orientation of the dwellings and resulting separation distances between the plots. Any 2½-storey dwelling would always be taller than the neighbouring property at No 20 and it should be noted that the previous outline approval specifically granted consent for a 2½-storey dwelling i.e. a two storey property with rooms within the roof space.

It is acknowledged that the separation between the new dwelling and the parent dwelling at No 24 is less than that experienced on other properties nearby however in mitigation the new unit is positioned in line with the existing house, set well above and back from the street. From long range views the perceived separation between No 24 and the new unit is likely to be greater given that the adjacent garage at No 24 is single storey in height. It would also be set further back into the site than the adjacent property to the west, No 20 Clifton Road. It would therefore not be especially visible or dominant and would not materially erode the spacious qualities of the area.

Overall, given the non-uniform nature of this stretch of Clifton Road, the dwelling can be accommodated successfully within the plot without adversely impacting upon the character of the local area. The proposal therefore accords with Policies HO9, DS1, DS3 and SC9 of the Core Strategy Development Plan Document.

Residential Amenity

The main area for concern has been the impact of the proposed dwelling on the nearest neighbouring house at No 20 Clifton Road. It is noted that the new unit is taller than the neighbouring property however it should not appear an over dominant or overbearing structure given that it is set further back into the plot than No 20. The substantial intervening hedging line and tree belt along the joint boundary will also help to screen the dwelling, in part, from view. A condition to secure and reinforce this landscape buffer should help to maintain this feature in the long term.

No overlooking concerns are envisaged. The siting of the dwelling accords with the Council's normally applied minimum spacing standards in respect of facing distances and consequently properties opposite and to the rear of the site should not suffer any loss of privacy through overlooking. The two windows shown in the side elevation nearest to No 20 Clifton Road are small secondary windows to a bedroom and first floor lounge and the drawings show these to be fitted with obscure glass.

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

Trees and Landscaping

The existing established landscaping to the western side boundary is to be retained. A tree protection plan has been included with the submission and a condition is recommended to ensure that it is put in place prior to construction. A replacement planting condition is also suggested as per the landscaping conditions imposed on the previous grant of outline consent in 2016. Aside from the formation of the new access point, the majority of the existing stone boundary wall to Clifton Road is to be retained. Both of these measures will ensure that the proposal will sit comfortably in its surroundings. The proposal accords with the provisions of Policies DS1, DS3 and EN5 of the Core Strategy Development Plan Document in this regard.

Highway Issues

The Council's Highway Officers are satisfied that the parking and access arrangements for the proposed dwelling is acceptable, subject to the imposition of relevant conditions. No conflicts with Policies DS4 or TR2 of the Core Strategy Development Plan Document are envisaged.

Biodiveristy

This application site is in close proximity to the South Pennine Moors Site of Special Scientific Interest (SSSI), which forms part of the Special Area of Conservation (SAC) and Phase 2 Special Protection Area (SPA).

The scale of the proposal here and physical separation from the moor by roads and other residential properties is such that there would not likely to be any increased recreation pressure impact on the nature conservation interests over and above the existing situation. Therefore, the proposed dwelling is not likely to have a significant effect on the interest features for which SAC and SPA have been classified. Similarly effects on the SSSI will be insignificant. No conflict with Policy SC8 is therefore envisaged.

Representations

The comments made by the objectors are noted. The LPA agree that, on the initially submitted plans, the height of the proposed dwelling was excessive and that it would be poorly related to neighbouring dwellings, appearing cramped and overlarge on the plot. The submission also lacked a streetscene representation to show how the resulting development would integrate into the frontage to Clifton Road. Amendments were accordingly sought to address these concerns. In order to address the objections of the neighbours to the rear on The Haywain, the rear balcony element was deleted.

The LPA s fully aware of the concern as to drainage given the presence of the statutory sewers within the confines of the site. The matter has however been resolved to the satisfaction of Yorkshire Water, the statutory undertaker, and any objections on these grounds cannot be sustained.

It is acknowledged that the space about the dwelling and the original property at No 24 is less than the majority of properties along Clifton Road however there is no uniformity to the layout of this stretch of Clifton Road and the dwelling is set so far back into the site that the resulting development would not appear as an over dominant feature in the street. The dwelling is taller than its immediate neighbours but this is not in itself sufficient reason to refuse the development. In approving the earlier outline planning permission for the 2½ - storey property and therefore there was an assumption that accommodation would be provided within the roof space of the property and that this would be likely to be taller than the parent dwelling which is a conventional two storey structure.

Care has been taken to ensure that the development would not harm the established tree line and a tree protection condition is recommended to ensure this. The application is not a reserved matters proposal and as such there is no need to comply with the conditions of the outline consent. Any amendments to a scheme once determined would require the approval of the Local Planning Authority. There are provisions in place within the Town and Country Planning (General Permitted Development) (England) Order 2015 to deal with the insertion of windows in side elevations at a future date once the property is occupied.

Community Safety Implications:

None

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission

The proposed development would result in the creation of an additional dwelling in an established residential area which would add to the variety of the local housing stock without having an adverse impact on either highway safety, local services or the amenities of neighbouring residents. Outline planning permission has been previously granted on the site for a 2½ -storey dwelling on the site and there have been no material changes in circumstances to warrant the Local Planning Authority coming to an alternative view. The proposal is considered to accord with Policies DS1, DS3, DS4, DS5, HO5, HO6, HO9, SC9 and TR2 of the Council's adopted Core Strategy Development Plan Document.

Conditions of Approval:

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

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

2. The development hereby permitted shall be constructed using external facing and roofing materials as specified on the hereby approved drawing number 001D received by the Local Planning Authority on 28 October 2019.

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

3. Prior to the commencement of development, details of the foundations of the property must be submitted to and approved in writing by the Local Planning Authority in consultation with the Statutory Sewerage Undertaker i.e. Yorkshire Water and only the agreed scheme shall be implemented. The foundations must be designed and detailed to a depth lower than the invert of both sewers which cross the site.

Reason: To ensure that the property can be successfully accommodated without affecting the sewers which are known to cross the site and to accord with Policy EN7 of the Core Strategy Development Plan Document.

Reason for pre-commencement: The Statutory Sewerage Undertake requires formal confirmation that the development will not compromise the integrity of the public sewer network before work can start on site.

4. The development hereby permitted shall be drained using separate foul sewer and surface drainage systems.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

5. The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on sustainable drainage principles and including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Furthermore, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure proper drainage of the site and to accord with Policy EN7 of the Core Strategy Development Plan Document.

Reason for pre-commencement: It is proposed to discharge surface water to an unrecorded watercourse. Without further information the Local Planning Authority cannot be certain that the watercourse is both hydraulically and structurally suitable to drain surface water.

6. Before the development is brought into use, the off-street car parking facility shall be laid out, hard surfaced with a porous material and drained within the curtilage of the site in accordance with the approved drawings 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 any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 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.

8. The development shall not begin, nor shall there be any demolition, 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 that are to be retained on the site until the tree protection fencing and other tree protection measures have been installed in the locations and in strict accordance with the specifications and details shown on the submitted Arboricultural Impact Assessment and associated drawings TPP01 prepared by Smeeden Foreman received by the Council on 1 July 2019.

No ground works, development or demolition shall begin until the Local Planning Authority has inspected and given its written confirmation that the agreed tree protection measures have been installed in accordance with those details.

Reason: To ensure that trees are adequately protected prior to development activity beginning on the site in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

9. In the event that any trees or shrubs forming the existing planting along the west boundary of the site are damaged during the course of the development, including by any works to sewers, they shall be replaced during the first planting season following the completion of the building by a new planting scheme comprising similar hedge/tree species, details of which shall first be submitted to, and approved in writing by the Local Planning Authority.

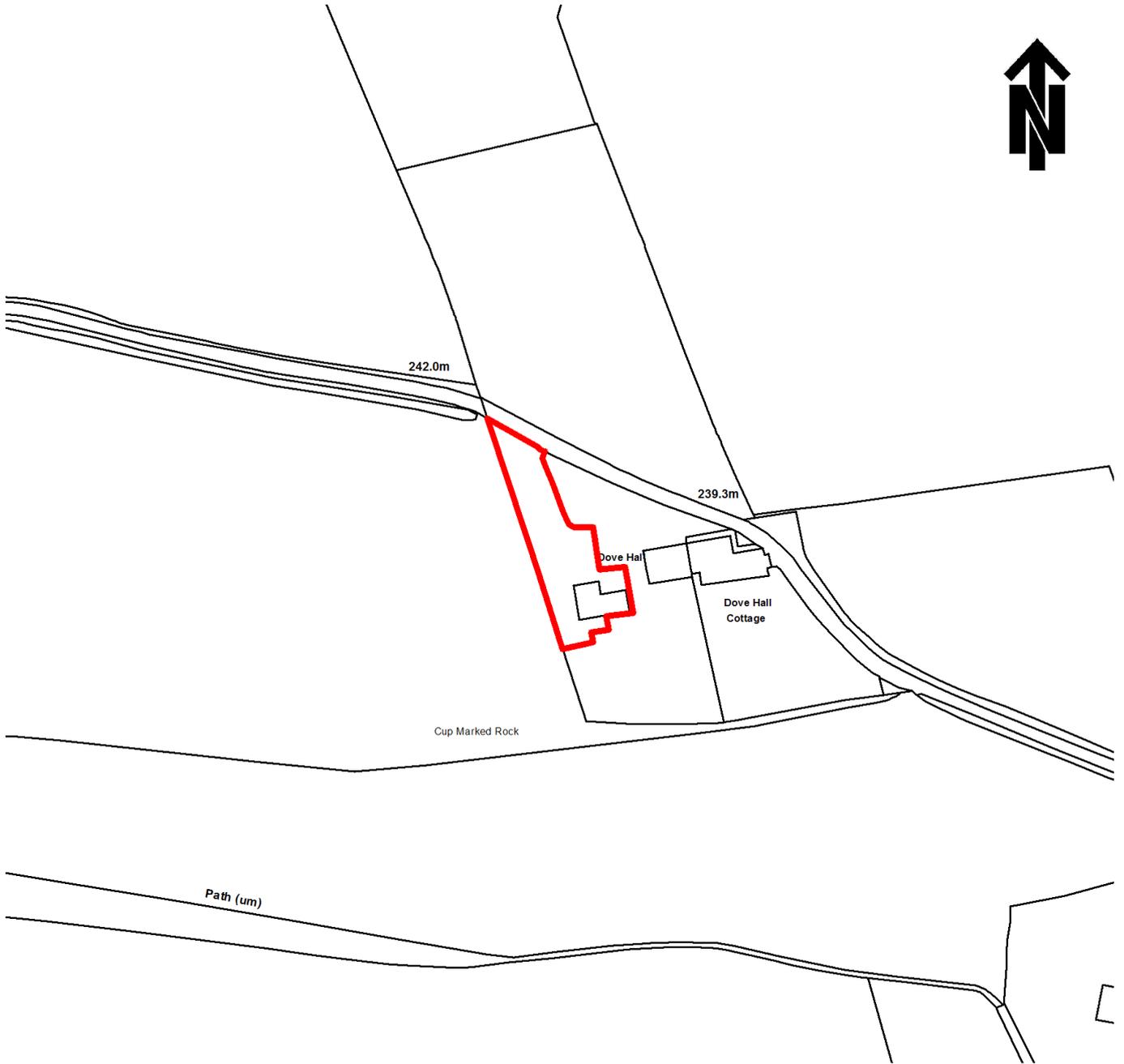
Any trees or plants comprising this replacement planting that become diseased or which die or are removed or damaged within the first 5 years after the completion of the planting shall be removed, and a replacement tree of the same species/specification shall be planted in the same position no later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

Reason: To mitigate the impact of the building on the landscape, and provide appropriate replacement for existing trees that may need to be removed to accommodate the development, in the interests of visual amenity and to accord Policies DS1, DS3 and EN5 of the Core Strategy Development Plan.

18/03272/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

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**Dove Hall
Green Lane
Baildon BD17 5AP**

18 December 2019

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

Application Number:
18/03272/FUL

Type of Application/Proposal and Address:
Change of use of an annex to a holiday let (retrospective) at Dove Hall, Green Lane, Baildon BD17 5AP

Applicant:
Gillian Kirtland

Agent:
Rose Consulting

Site Description:
Dove Hall is part of a group of buildings standing in open countryside to the west of Baildon on the south side of Green Lane. The lane is narrow and has no separate footways but has a good tarmac surface. It is recorded as Public Bridleway No. 59 (Baildon). The site stands on an elevated hillside from which the property enjoys views south across the Aire Valley. Green Lane also serves Hope Farm, a livery stable further to the west.

This planning application concerns the use of a free-standing single storey building to the west side of Dove Hall. It was originally used for stables and as a garage but was converted into habitable accommodation following a planning permission granted in 2016 which referred to "conversion of existing garage/stable to an annex". Instead of being used as ancillary accommodation, the building has been used as a holiday let since around April 2018.

Relevant Site History:
16/03171/HOU : Conversion of existing garage / stable to annex. Granted 13 June 2016
15/01493/HOU : Construction of two storey side extension. Granted 12 June 2015

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 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 site falls within an area of green belt in the RUDP. The following adopted Core Strategy Development Plan Document policies are applicable to this proposal.

Core Strategy Policies

Strategic Core Policy 4 (SC4): Hierarchy of Settlements (Local Service Centres and Rural Areas)

Strategic Core Policy 7 (SC7): Green Belt

Policy DS4: Streets and Movement

Policy DS5: Safe and Inclusive Places

Policy EC1: Creating a successful and competitive Bradford District economy

Policy EN3: Historic Environment

Policy TR2: Parking

Parish Council:

Baildon Parish Council – no comments have been received.

Publicity and Number of Representations:

Advertised by site notice. Expiry date 29.8.2018.

14 letters of objection have been received, including comments from the British Horse Society together with 14 representations in support of the proposal.

A Ward Councillor has also objected to the development and requested that it is considered by the Area Planning Panel.

Summary of Representations Received:

In Objection

1. Use has already begun with the property being advertised on letting sites.
2. Planning consent was only granted that the building would be used as an annex and the establishment of a B & B would be in blatant disregard of this decision.
3. The holiday use would generate additional traffic along this bridleway and this would be dangerous to road users including pedestrians, walkers, cyclists and horses.
4. There has been an increase in traffic along Green Lane since the use started.
5. Green Lane is narrow with limited passing places and unsuited to this development.
6. Holiday makers may not be familiar with driving near livestock or the conditions of the bridleway.
7. The proposal would have a negative impact upon the natural environment.

8. The grant of a retrospective approval could encourage other similar applications.
9. There are enough B&B's nearby.
10. There is a summer house associated with the unit but this has not been applied for.

The Ward Councillor is opposed because the establishment of a holiday let would be in breach of the original grant of approval for conversion of the garage/stable to an annex unit. They also point out that access to the holiday let is via a bridleway and public transport options are limited to the hourly bus service from the village centre.

In Support

1. Regular dog walkers using the lane have noticed no change in traffic flow and rarely come across any vehicles.
2. The majority of vehicles using Green Lane would appear to be continuing further along Green Lane towards the livery stables at the end of the track at the neighbouring Hope Farm.
3. The property is a one-bedroomed holiday let which is unlikely to generate any more traffic than the authorised annex use.
4. There are 3 passing places along the bridleway which is considered to be sufficient to allow for all road users to pass each other safely.
5. The grant of planning permission for a dwelling at the lower end of Green Lane would require the widening of a section of the bridleway which would bring with it some benefits to highway safety. Over 25% of the route would be double width
6. The development makes use of an existing building and will have no environmental or visual impact or result in harm to neighbouring occupiers.
7. The property is in good walking distance of the village centre and public transport links.
8. The lettings use brings in visitors to the local areas who spend money in local shops, bars and restaurants.
9. The property has been renovated to a high standard

Consultations:

Conservation Team – The use of the building has no implications for the Saltaire World Heritage Site or its setting. No conflict with Core Strategy Policy EN3 is envisaged.

Highways DC - The change of use of an annex to a holiday let would be likely to lead to an intensification of use of a bridleway which is too narrow for two way traffic, has no passing places and has poor visibility, and therefore would be likely to lead to conditions prejudicial to highway safety.

Rights of Way Officer – Some concern that the proposed change of use will lead to an increase in vehicles using the bridleway, including use by people unfamiliar with the area who may not expect to meet (and need to give way to) horses and pedestrians using the narrow lane. This could lead to safety concerns and conflict between vehicles accessing the proposed holiday let and bridleway users. Existing bridleway users must continue to feel safe using the route and must not be intimidated or deterred from using it by increased vehicular movements.

Summary of Main Issues:

Background and Site History

Highway Issues

Other Matters Raised by Representations

Appraisal:

The proposal seeks retrospective permission for the approved residential annex to be used instead as a 1- bedroomed self-contained holiday let.

Background – the previous permission

Previously, planning permission 16/03171/HOU authorised the conversion of the original building, which housed a garage and two stables, into a residential annex. The approved plans showed conversion to form a sitting room/kitchen, one bedroom, a store and a shower room/wc, plus construction of a small decked area outside the sitting room.

This permission was subject to a condition (Condition 2) that;

The development hereby permitted shall only be occupied or used in connection with and ancillary to the occupation of the existing premises or use and shall at no time be severed and occupied as a separate independent unit.

The reason given was to prevent the establishment of a separate unit in the interests of amenity.

Following completion of the conversion works, complaints were received that the annex was being used as a holiday let, with bookings advertised on-line. This was regarded as a material change of use requiring planning permission and this retrospective application seeks to regularise that use.

Application 16/03171/HOU was submitted as a Householder application so it was reasonably assumed that the conversion proposed was to be used as an annex to the existing residence; perhaps to provide ancillary living accommodation for a dependent relative. There was no indication at that time that it would be let to holiday makers and function as an independent unit.

As a 1-bedroom holiday let, it is small in scale and the external appearance of the building appears no different from drawings for the annex agreed in 2016. The site has ample parking arrangements so that cars of the holiday users can be accommodated within the site and the alternative use will not cause any overspill car parking on Green Lane. The site is generous and its layout is such that the holiday use causes no harm to any neighbouring occupiers.

It is also acknowledged that the development would accord with Strategic Policy SC4 which seeks to support tourism in local service centres and rural areas, such as Baildon, and Policy EC1 which recognises the economic benefits that tourism can bring.

The sole planning issue is highway safety because the property is served only by Green Lane which has various deficiencies as is highlighted in the consultations and representations of objection.

Highway Safety

Green Lane is a narrow track not generally wide enough to accommodate two-way traffic. It is a public bridleway with vehicular rights for existing dwellings. The Council's Highway Officer observes that the change from residential annex to a holiday let would be likely to lead to more traffic on Green Lane. The land also has no passing places and restricted forward visibility. The use would therefore be likely to lead to conditions prejudicial to highway safety.

The use of the lane by horse riders and walkers is very evident from Officer site visits.

The Council's Rights of Way Officer has also expressed concerns, reflecting comments of local people, about the increase in vehicles using the bridleway using the narrow lane, which could lead to safety concerns and conflict with bridleway users, including riders and walkers. The Rights of Way Officer says existing bridleway users must continue to feel safe using the bridleway route and makes the point that holiday users may be people who may be unfamiliar with the area and not expecting to be confronted by riders on horseback.

These concerns are understood. The applicant has not provided any information regarding the amount of traffic that might be expected to be generated, per day or per week, by a typical holiday rental.

However, the arguments are balanced.

On the one hand, holiday lets are not usually fully booked all year round whereas a dependent relative annex could be occupied 52 weeks a year by an active person.

There is no evidence to substantiate the point that holiday users would be any less careless or capable when confronted by riders on horseback than a regular occupant.

The small size of the building (one bedroom) is such that only 1 car is likely to be associated with the holiday use at any one time, an average holiday maker might be expected to make perhaps 4 or 6 one-way trips per day - on outings or to the village etc.

Holiday users would tend to be car dependent as the site is somewhat isolated from the facilities of the village.

The benefits of the holiday let to the local economy, whilst modest, need to be acknowledged and given some weight.

Policy DS4 of the Core Strategy on "Streets and Movement" says plans and development proposals should take the opportunities to encourage people to walk, cycle and use public transport through a variety of measures including where necessary improving existing routes.

Taking this policy into account, the Council's Highway Officer and Rights of Way Officer give reasons for opposing continuation of the holiday use. But compared with a dependent relative annex, there is no evidence that use as a holiday let would result in the intensification in the use of Green Lane. At any one time, traffic movements associated with such a modest one-bedroom holiday let would not be significant and any traffic movements would likely be sporadic.

It is noted, and is perhaps significant, that the reason given for imposing the condition restricting the use of the annex under 16/0 3171/HOU was “in the interests of amenity”, not highway safety.

Also, Paragraph 109 of the National Planning Policy Framework says 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.

On balance, it is not accepted that there is clear evidence that the use of this existing building for holiday let purposes rather than as a 1-bedroom dependent annexe would significantly intensify the level of traffic on Green Lane or result in conditions prejudicial to highway safety. Although its role as a bridleway is appreciated, there is similarly no evidence that scale of traffic movements associated with such a modest holiday let would severely affect the use of Green Lane as a local route for walking and riding. Planning Officers conclude that there is no evidence that would substantiate the refusal of this application.

Therefore, the proposal would not conflict with the requirements of Policies DS4 and DS5 of the Bradford Local Plan Core Strategy Development Plan Document which seek to promote safe and inclusive streets and places.

Other matter raised in representations

The comments made against and in support are noted.

The fact that the use has already commenced has no bearing on the consideration of this application. The Local Planning Authority is mindful of the concerns raised by horse riders and other users of the bridleway. It is noted that objectors and supporters disagree as to the significance of the impact on safety.

The fact that there may already be other holiday letting businesses in the area would not be a valid ground to withhold planning consent.

Some supporters have referred to works to widen a small part of the lower section of Green Lane which are required as a condition of permission 17/06921/FUL (for a house), but the Local Planning Authority cannot be certain when, or if this work would ever occur. These improvements would be very localised and would hinge on the actions of another applicant - so can be given little weight

Community Safety Implications:

None

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission

On balance, it is not accepted that there is clear evidence that the use of this existing building for holiday let purposes rather than its authorised use as a 1-bedroom dependent annex would significantly intensify the level of traffic on Green Lane or result in conditions prejudicial to highway safety. Although its role as a bridleway is appreciated, there is similarly no evidence that scale of traffic movements associated with such a modest holiday let would severely affect the use of Green Lane as a local route for walking and riding. Therefore, the proposal would not conflict with the requirements of Policies DS4 and DS5 of the Bradford Local Plan Core Strategy Development Plan Document which seek to promote safe and inclusive streets and places.

Conditions of Approval:

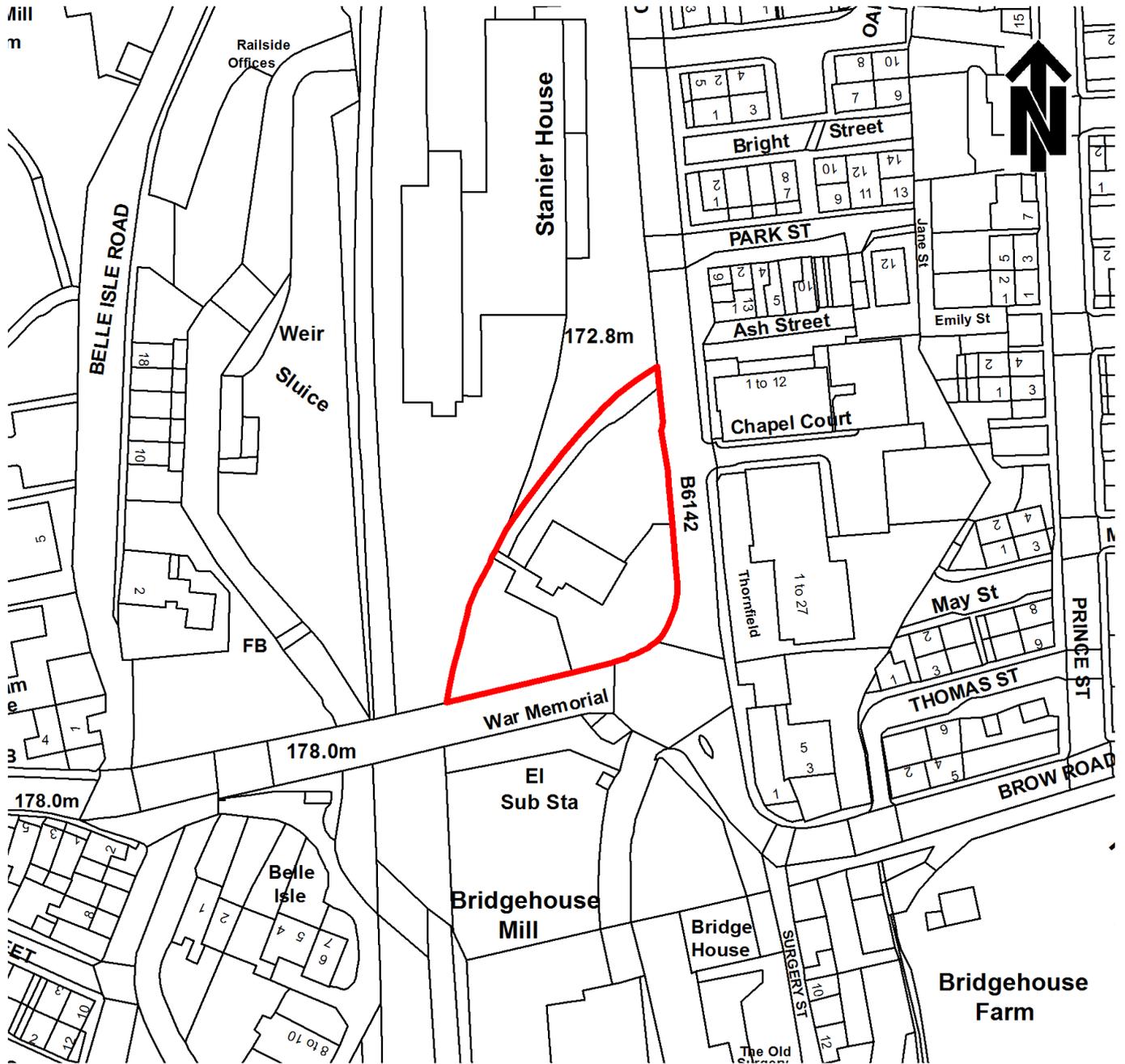
1. The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

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

18/02585/FUL



City of
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METROPOLITAN DISTRICT COUNCIL



1:1,250

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Haworth Fire Station
Station Road
Haworth BD22 8NL

18 December 2019

Item: D
Ward: WORTH VALLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
18/02585/FUL

Type of Application/Proposal and Address:

Full planning application for demolition of existing building and construction of an A1 food retail unit with parking and associated works and an ATM machine at Haworth Fire Station, Station Road, Haworth.

Applicant:

Dalehead Developments

Agent:

ID Planning Ltd

Site Description:

The site is a flat, roughly triangular parcel of land located at the corner of Station Road and Bridgehouse Lane; this junction is now controlled by a mini roundabout. The site is occupied by the single storey disused fire station. It abuts the railway station yard and is between the two defined local centres in Haworth (Main Street and Mill Hey). It is noted that there is a similar convenience store built in around 1990, opposite the railway yard, within a short distance of the site. There is a mix of land uses in the vicinity with housing predominating directly opposite.

Relevant Site History:

This planning application was considered by the Area Planning Panel on 27 March 2019. It was recommended for approval and permission was granted. However, the issue of the planning permission was challenged in the High Courts and the decision quashed for three reasons:

- failure to properly consider the impact on the setting of the conservation area;
- failure to consult the historic environment record; and
- the unlawful wording of several conditions.

The National Planning Policy Framework (NPPF):

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

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

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

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

Local Plan for Bradford:

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

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

Parish Council:

Haworth, Cross Roads and Stanbury Parish Council.

The Parish Council agrees in principle to the application, however they had some concerns regarding unsympathetic materials and signage, lack of service vehicle turning space and a proposed uncontrolled (rather than a 'Pelican') pedestrian crossing. Also, if officers are minded to grant the application a request is made that it be referred to the Area Planning Panel.

Publicity and Number of Representations:

The proposal was publicised with a site notice and neighbour letters with an expiry date of 2 August 2018.

Summary of Representations Received:

Letters have been received from 13 objectors, 34 supporters and one making general comments.

A Worth Valley Ward Councillor, whilst not objecting in principle, has raised concerns about highway safety and the design of the building.

In Objection

Another shop is not needed and if required, the Co-Op could open their premises in an existing building on Main Street.

The retail impact assessment submitted is inadequate.

The proposal will have a detrimental impact on the existing food retail premises in close proximity.

The opening hours could attract anti-social behaviour and disturbance to surrounding residents.

The proposal will have highway safety implications: increased traffic, deliveries, inadequate parking and pedestrians crossing near to the roundabout.

The roundabout has not been accurately shown on the plans and is not used correctly exacerbate highway safety issues.

The design is generic and not in keeping with the area; more natural stone should be used.

In Support

Another retail offering would be welcomed as residents currently have to travel to other towns for a good selection of food.

It may also encourage better pricing from competitors however some would prefer a different and less expensive retailer.

The design is attractive and would enhance the area; modern architecture would add some interest.

The mini roundabout has slowed traffic down.

Though concerns are raised about the adequacy of the pedestrian access, a store with adequate parking would alleviate pressure for on-street parking close to the existing food retailers.

The proposal would put a disused site to a good use.

Consultations:

Highways Development Control - Amended plans alleviate the Highway Engineer's previous concerns and if approval is recommended then conditions are suggested.

Minerals and Waste - No objections.

Council's Conservation Officer - The site is adjacent to but not within the Haworth Conservation Area. I concluded before that the development is not affecting the setting of the Grade II listed Haworth station building, but it is assessed as impacting upon views of, and standing in proximity to the Grade II listed Bridgehouse Mills.

The applicant's Planning & Retail & Heritage Statement is proportionate to the importance of the assets and sufficient to understand the impact upon their significance. The statement properly and comprehensively identified all heritage assets which might be affected by the proposals.

The Historic Environment Record for West Yorkshire has been consulted on-line, and there is no content specifically for the application site.

It is noted that the external appearance of the proposed structure has been amended since it was first submitted, and since my first comments. The resulting design is considered to present a pleasing contemporary appearance. Local distinctiveness is acknowledged.

I conclude that the proposed development will not have any adverse impact on the setting of the heritage assets (Listed buildings and Conservation Area). By virtue of presenting a positive design which has some merit, and improves on the impact of the existing structure, it is also considered that the development will have a modest beneficial impact on the setting of the conservation area, meeting the aspirations of para.200 of the NPPF.

Environmental Health (Nuisance) - No objections to the proposal in principle and potential noise, dust and light would be controlled through Environmental Health legislation.

Environmental Health (Pollution) - Concurs with the geotechnical report and recommends that conditions are included on the decision notice to deal with any contamination.

Rights of Way Officer – No impact on any existing public rights of way or the aspirational cycleway along the Worth Valley.

Drainage Officer – No objections subject to a number of conditions to provide adequate drainage.

Summary of Main Issues:

Impact on Local Centres
Heritage Impacts
Visual amenity and design
Amenities of occupiers of adjacent land
Highway issues

Appraisal:

The site is unallocated by the Development Plan, but is previously developed land having accommodated a small fire station building and the associated hard standings. It is located between the two Local Centres of Haworth Main Street and Haworth Mill Hey. A similar sized convenience store (built in around 1990), is opposite the railway yard, within a short distance of the site.

The proposal is for a convenience retail store with a gross footprint of 405 sq. metres and a net sales floorspace of 263 sq. metres. It is to be built on the site of the former fire station site with associated access and forecourt for servicing and 19 car parking spaces.

The proposed building comprises a low rise, flat roofed structure with a glazed shop front facing the car park and a dark, standing seam metal roof.

The site has been vacant for some time and is in a sustainable central location. Redevelopment of the previously developed site is welcomed subject to the material planning considerations being resolved.

Impact on Local Centres

Chapter 7 and specifically paragraph 85 of the National Planning Policy Framework (NPPF) says that planning policies and decisions should support the role that town centres play at the heart of local communities by taking a positive approach to their growth, management and adaptation. Local planning authorities should apply a sequential test to planning applications for main town centre uses, including retail development, which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Policy EC5 of the adopted Core Strategy Development Plan Document is consistent with the NPPF approach, and seeks to ensure that new retail development is encouraged in sequentially preferable locations. The LPA should then give preference to accessible sites that are well connected to the centres.

Haworth has two Local Centres centred around Mill Hey and Main Street, the boundaries to which are defined by the RUDP. Applying the sequential approach, the two centres should be the first choice focus for appropriately-sized local convenience stores, then edge of centre locations and only if these sites are not available should sites that are 'out of centre' be considered.

This proposed retail store is not in an existing Local Centre. However, both existing Local Centres are small in size, are tightly defined and are constrained by topography and heritage considerations.

The Council's pre application advice confirmed that, given the small scale of the retail proposal, a qualitative assessment of impact, considering the health, vitality and viability of the centre is appropriate in this instance. The applicant's health check of both centres concludes that they are vital and viable, maintaining high occupancy figures and providing a range of services for local residents. However, the convenience (retail) offer across both centres remains limited.

The applicant has also carried out a sequential appraisal to identify alternative sites.

Retailing in the historic Main Street is now largely aimed at the tourist economy and this Local Centre offers little or no scope for new convenience retailing. Especially evident is an absence of sites for any new-build retail stores of the type being proposed. The Main Street Local Centre and existing shop premises are also very constrained in terms of access and servicing - as seen with the servicing difficulties of many existing retail units. The conservation area designation of this Local Centre and the presence of many listed buildings also limit opportunities for development and redevelopment.

The Local Centre based around Mill Hey to the north of the application site is the focus of a small number of traditional shopping parades that offer a range of independent and specialist retailers. It includes the 1990s Spar convenience store opposite the railway station. Elsewhere, opportunities for additional retail development are constrained by lack of land, the only undeveloped site being its small, split level car park.

The applicant's conclusion, with which Officers agree, is that following an assessment of the local centres, the constrained nature of Haworth means there are no sequentially preferable alternative sites that are available for the proposed development.

Para 7.13 of the applicant's sequential appraisal also identifies how the application site is located approximately 170metres from the southern boundary of Mill Hey Local Centre and 300m from the southern edge of Main Street Local Centre. The site is therefore well connected to those existing centres.

Officers consider that the applicant's submissions have assessed the impact of the retail development on the vitality of the existing Local Centres in accordance with the NPPF and accept the applicant's arguments that there are no vacant sites inside the two constrained and congested Local Centres that would be suitable for a proposal of this scale and type. Also there are none on the immediate edges of the two centres which Officers are aware are similarly constrained by heritage, built form and topography.

Paragraph 87 of the NPPF says that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. It also says applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Officers agree that, whilst the application site is outside the Local Centres, it is in close proximity to both and the retail store would be sufficiently well connected such that the development is likely to benefit both centres rather than adversely affecting their vitality. This proposal is not an unduly large retail development, being similar in scale to other recently approved convenience retail developments in the district that have been focused on meeting local needs for convenience shopping. The scale of the proposed store is commensurate with the size of the two nearby local centres. It is also a brownfield site in a sustainable location within walking distance of the nearby residential areas such that the store would offer a significant enhancement of choice to the community, amounting to sustainable development because it would reduce the need to travel further afield - as several supporters of the application have said.

Objections have challenged the scope of the applicant's retail assessment. However, given the small scale of the proposal the Council advised at pre application stage that a qualitative assessment of its impact would be the appropriate validation requirement. The Council does not consider, in this case, that a full retail impact assessment should be required given the relatively small scale and fairly evident lack of opportunity for the development to take place in a sequentially preferable location. This approach is consistent with Policy EC5 which says that the sequential test and impact assessment should be undertaken in a proportionate and locally appropriate way, drawing on existing information, which would include Officer knowledge of the locality.

The applicant's submissions are proportionate and locally appropriate. The NPPF also advises local planning authorities that there should be a presumption in favour of sustainable development. A convenience store use is considered a sustainable use of the site and is acceptable in principle. Given the evident lack of vacant sites in the densely developed and constrained existing centres which and because this site is well connected to those existing centres this is considered to be an appropriate location for this size of retail store.

Heritage Impacts

The application site is not within a conservation area, but is close to Haworth Conservation Area and within proximity to the Grade II listed Bridgehouse Mills and Grade II Haworth Railway station. Paragraph 187 of the NPPF states that LPAs should maintain or have access to a Historic Environment Record (HER), and at paragraph 189 that as a minimum the relevant historic environment record should be consulted and the heritage assets assessed using appropriate expertise where necessary.

The Historic Environment Record for West Yorkshire has been consulted on-line, and there is no content specifically for the application site. Moreover, the Record does not identify any additional heritage assets which might be affected beyond those considered in the applicants' submissions. The Record is in essence a glossary of heritage assets relevant to a site or locality. However, it does not serve to present the significance of those assets or indeed consider how they might be affected by development proposals. The Record does not presume to be a definitive resource on heritage matters.

The impact of the development on the relevant heritage assets has also been assessed by the Council's Conservation Officer. He has considered the Haworth Conservation Area Appraisal, prepared by the Council's Design and Conservation Team, as well as the listed building records.

Paragraph 189 of the NPPF says that, in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Officers are satisfied that a proportionate and sufficiently detailed heritage appraisal has been submitted by the applicant that makes an appropriate assessment of the impact on the heritage assets that may be affected. The potential impact on 4 key views within which parts of the proposed development is likely to be seen, including views identified in the Conservation Area Appraisal, has been assessed.

The conclusions will be discussed below.

The Duties

Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty in respect of listed buildings in the exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The development was concluded in the Conservation Officer's original consultation as not affecting the setting of the Grade II listed Haworth station building as it will be set some distance away from it - with unlisted railway yards and railway sheds in between. But the site is in proximity to the Grade II listed Bridgehouse Mills and was assessed as potentially impacting upon it.

Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty in respect of conservation areas. In the exercise of a Local Planning Authority's planning functions with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

This site is near Haworth Conservation Area, but the development does not involve any buildings or other land in the conservation area, so the duty under Section 72 (1) is not engaged. Nevertheless, it is recognised that the NPPF and Policy EN3 require local authorities to consider harm to the setting of such heritage assets. Paragraph 200 of the NPPF says local planning authorities should look for opportunities for new development within Conservation Areas...and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. This is also reflected in policy EN3 of the Core Strategy.

Harm to a heritage asset may be none; less than substantial; or substantial. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

(c) Assessment of impact

As described above, a proportionate but detailed heritage appraisal has been submitted by the applicant and is agreed by the Council's Conservation Officer to make an appropriate assessment of the impact of the proposals on all relevant heritage assets.

The proposed retail store would be of a similar size to the fire station building presently on the site. The scale and form of the proposed building would have no greater impact on its surroundings but as the site is very open on all sides, any new built form will be highly visible. In a supplementary consultation, the Conservation Officer also notes that the external appearance of the proposed structure has been amended since his initial consultation. The resulting design is considered to present an improved and pleasing contemporary appearance. Local distinctiveness is acknowledged through the use of coursed natural stone, whilst the standing seam cladding will offer a quality contrast.

The impact on 4 key views is considered in the applicant's heritage submission, these are also based upon key views identified in the Conservation Area Appraisal and the Conservation Officer agrees that these are the most appropriate for assessing the impact of this development on the setting of the Conservation Area and the Listed Building.

These views are considered to be maintained, with only a momentary loss of view from Station Road which is not identified as a key view in the Conservation Area Appraisal. The applicant's heritage submission therefore concludes that, "in all instances, the extent of visibility of the proposed development is considered to have negligible impact on the significance of the heritage assets" (para 6.44), and that "In summary therefore the degree of harm to the conservation area and heritage assets is considered to be minimal" (para 6.46).

The Conservation Officer agrees that there will be a negligible impact. However, he differs from the applicant and concludes that the negligible impact causes no harm to the significance or setting of the Conservation Area. Furthermore, by virtue of presenting a positive design which has some merit, and improves the existing structure, he considers that the development will have a modest but beneficial impact in terms of enhancing the setting of the conservation area. The key views are not affected except insofar as the proposals would modestly enhance and better reveal the significance of the nearby conservation area. This would meet the aspirations of para.200 of the NPPF.

Having regard to the NPPF and CS policy EN3, as well as the significance of the conservation area as defined in the adopted character appraisals, and taking account of the HER, the Council's Conservation Officer is now able to conclude that the development will cause no harm to the setting of the Haworth conservation area.

With regard to effects on the setting of listed Bridgehouse Mills, the site is separated by the road, and trees are to be retained around the south frontage. In comparison to the imposing scale of the mill, it will be a subservient replacement structure. The applicant identifies a negligible impact on the views identified. The Conservation Officer agrees that there will be a negligible impact. However, he differs from the appellant and concludes that these negligible impacts cause no harm to the significance of the Listed Building at Bridgehouse Mills or its setting.

In conclusion, Officers are satisfied with the level of detail provided by the applicant and conclude that the proposal is acceptable in terms of its impact on heritage assets, including their setting. The duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF have been fulfilled, and the proposal is considered to accord with Core Strategy policy EN3.

Visual Impact and Design

The proposal's impact on the relevant heritage assets is discussed above but the general design and visual impact of the proposal on the surrounding area is also considered to accord with policies DS1 and DS3 of the Core Strategy and Para 124 of the NPPF which states that the creation of high quality places is fundamental to the purpose of the planning system.

The proposed structure will be of a similar scale to the building currently on the site which is agreed to be of no particular architectural merit. The proposal will have no greater impact in terms of its scale but the site is very open. Haworth has a strong prevailing character typical of the South Pennine villages with the majority of the buildings constructed in local stone.

The adjacent railway yard has some more modern buildings with metal cladding but these are not considered to be in keeping with the vernacular. As such amendments were requested to reduce the amount of cladding to the building and have the dominant material as stone. Whilst the building is of modern style, it is now considered that a balance has been struck between maintaining the retail identity and function whilst respecting the surroundings. The new pedestrian access to the site has also been designed to retain as much of the railings as possible whilst creating a safe pedestrian route.

The revised scheme is considered to reflect the character of the surrounding area and will not have an unacceptable visual impact. It is considered that the investment into the redevelopment of a neglected long vacant site will improve the appearance of this prominent corner plot by creating an attractive modern building in the heart of Haworth and as such potentially enhance the area.

A totem sign is also indicated on the site plan, which is commonplace for supermarket advertising. The Parish Council and others express concern about this, but consideration of the impact of advertisements will need to be undertaken through the separate advertisement consent process.

The proposal accords with policies DS1 and DS3 of the Core Strategy DPD.

Residential Amenity

The site is located just outside the defined local centres but is in a built up area occupied by a mix of uses. There are residential properties in the vicinity whose occupants may make use of the development but they are a sufficient distance away to not suffer a loss of privacy or disturbance. It is not considered that the use will conflict with other land uses or be detrimental to the amenities of surrounding occupants.

Neighbours have raised concerns about anti-social behaviour due to the proposed opening hours (6am to 11pm each day) but these are reasonable for this type of use in this location and can be controlled by a condition. It is accepted that the late-night opening could encourage people to loiter but this is not considered a reason to refuse planning permission. It would be the responsibility of the proprietors and the police to deal with any issues that arose.

The proposal accords with policy DS5 of the Core Strategy DPD.

Highway Safety

The highway network in the vicinity includes Station Road, a busy main route into and through Haworth. The site is located on the western side of Station Road where there is no pedestrian footway. The potential traffic generation is likely to create problems of highway capacity and congestion and the Highways Engineer was initially unable to support the application due to the potential highway and pedestrian safety implications that would arise. Lengthy discussions between the applicant and the Council's Highway Engineer have taken place resulting in amendments to the proposal.

A new zebra crossing directly opposite the pedestrian entrance to the site off Station Road will be provided. In addition the footpath will be continued on the site side of Station Road around the tight corner where it becomes Bridgehouse Lane, there will then be tactile paving installed at the end of this path so pedestrians can cross at an uncontrolled crossing point above the mini roundabout to the path at the other side.

The Highway Structures Section has confirmed that there will be no implications for the bridge as a result of the proposal.

There will be a new vehicular access to the site at the same point as the access to the former fire station. 19 parking spaces including one for disabled drivers and one 'parent and child' bay will be provided such that the parking provision is adequate.

An objector is concerned that there is insufficient disabled parking provision as the parking standards state that 6% of spaces should be set aside for disabled persons with a minimum of 3 spaces. Whilst only one space is proposed, this meets the 6% minimum and, given the central and accessible location and that this is quite a small car park, in this case the provision is considered adequate.

The applicant has provided an internal layout drawing which convinces the Council's Highway Officer that the layout will accommodate 10.35m rigid delivery vehicles which are intended to be the largest used by the proposed operator. The access is also sufficient to allow deliveries subject to the restriction of vehicle size to a rigid length of 10.35 metres. However, to ensure that deliveries are subsequently managed to ensure that this is the maximum size of delivery vehicle, the Highway officer has recommended a planning condition that, prior to the development being brought into use, the applicant should submit a service management plan.

The highway impacts of the development have been carefully considered and the scheme prevented does not raise any highway safety implication and accords with policy DS4 of the Core Strategy DPD.

Community Safety Implications:

The pedestrian routes to the site have been amended to provide greater safety for users. There are no other envisaged 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. The issues with regard thereto are noted above in relation to this application but do not raise any matters that would outweigh the material planning considerations.

Reason for Granting Planning Permission

Although not within one of the two Haworth Local Centres, Officers agree that sequential opportunities within those centre do not exist and the proximity of the site to both, together with its strong connectivity, are such that the proposal might reasonably be regarded as "edge of centre" site and the proposed store would be sufficiently well connected for the development to benefit both centres rather than affect their vitality. It is also a brownfield site in a sustainable location within walking distance of the nearby residential areas such that the store would offer a significant enhancement of choice for the community.

The revised scheme is considered to reflect the character of the surrounding area and its form and design are appropriate.

Account has been taken of the impact of on the identified heritage assets. Officers are satisfied with the level of detail on heritage impacts provided by the applicant and available from other sources, including the HER, and conclude that the proposal will cause no harm in terms of its impact on the heritage assets comprising the settings of Haworth Conservation Area, Bridgehouse Mills and the Haworth Station building. The duties under the Planning (Listed Buildings and Conservation Areas) Act, 1990 and considerations under paragraphs 189-202 of the National Planning Policy Framework have been fulfilled and the proposal is considered to accord with Core Strategy DPD Policy EN3.

The investment into the redevelopment of a neglected, vacant site will improve the appearance of this prominent corner plot in the heart of Haworth and as such will enhance the area. The planning balance supports approval of the application, the proposals raise no significant issues with regards impact on local amenity, heritage, highway safety or any other planning-related matters and the proposals are acceptable when measured against the relevant development plan policies and the National Planning Policy Framework.

Conditions of Approval:

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

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

2. The use of the premises shall be restricted to the hours from 0600 to 2300, 7 days per week including Bank or Public Holidays.

Reason: In the interests of the amenities of neighbouring residents and to accord with DS5 and SC9 of the Core Strategy Development Plan Document.

3. 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.

4. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered 1625 PL103 Rev L 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.

5. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered 1625 PL103 Rev L and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while 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.

6. Before any part of the development is brought into use, the vehicle turning area shall be laid out, hard surfaced, sealed and drained within the site, in accordance with details shown on the approved plan numbered 1625 PL103 Rev L and retained whilst ever the development is in use.

Reason: To avoid the need for vehicles to reverse on to or from the highway, in the interests of highway safety and to accord with Policy DS4 of the Core Strategy Development Plan Document.

7. Before any part of the development is brought into use, the footway hereby approved shall be laid out in accordance with details shown on the approved drawings numbered 1625 PL103 Rev L and street lighting installed to a specification to be submitted to and approved in writing by the Local Planning Authority.

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

8. Before the development is brought into use the off-site highway improvements hereby approved, which include the provision of:-

(i) a new footway along the site frontage (Station Road and Bridgehouse Lane),
(ii) a zebra crossing on Station Road, and
(iii) a dropped crossing on Bridgehouse Lane and which are shown indicatively on Drawing No. 1625 PL 103 L, shall be implemented on site in accordance with a specification to be submitted to and approved in writing by the Local Planning Authority. The development shall then not be brought into use until these works have been completed on site to the satisfaction of the Local Highway Authority.

Reason: In the interest of amenity and highway safety, and in accordance with Policy DS4 of the Core Strategy Development Plan Document.

9. The servicing of the site shall be carried out in accordance with the Service Management Plan that has first been submitted to and approved in writing by the Local Planning Authority and the plan shall be retained whilst ever the use subsists. The size of vehicles servicing the site shall be limited to no larger than 10.35m rigid vehicles.

Reason: To ensure that service vehicles are able to enter and exit the site in forward gear and such that servicing does not take place from the highway, in the interest of pedestrian and highway safety.

10. The development shall be drained using separate foul sewer and surface drainage systems details of which, including any balancing & off site works must be submitted to and approved in writing by the Local Planning Authority prior to development commencing. The drainage scheme shall include proposals for the disposal of surface water from the development using sustainable drainage techniques or, proof that such techniques are impracticable in this instance. Only in the event of sustainable drainage techniques proving impracticable will disposal of surface water to an alternative outlet be considered. Should a surface water discharge to sewer be necessary, peak surface water discharge rates from the development shall be reduced by a minimum 30% from the existing rates. Full details and calculations of the pre- and post-development surface water discharge rates shall be submitted to and approved by the local planning authority.

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

11. Surface water from the vehicle parking and/or manoeuvring areas shall be drained using trapped road type gullies which shall be installed before the development is brought into use.

Reason: To ensure proper drainage of the site and in the interests of pollution prevention and to accord with Policy EN8 of the Core Strategy Development Plan Document.

12. Prior to development commencing, a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with Policy EN8 of the Core Strategy Development Plan Document.

13. Prior to development commencing the Phase 2 site investigation and risk assessment must be completed in accordance with the approved site investigation scheme. A written report, including a remedial options appraisal scheme, shall be submitted to and approved 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.

14. Prior to construction of the development, a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination, shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works and, where necessary, shall include proposals for phasing of works and verification. The strategy shall be implemented as approved.

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.

15. A remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to completion of the development.

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.

16. If, during the course of development, contamination not previously identified 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.

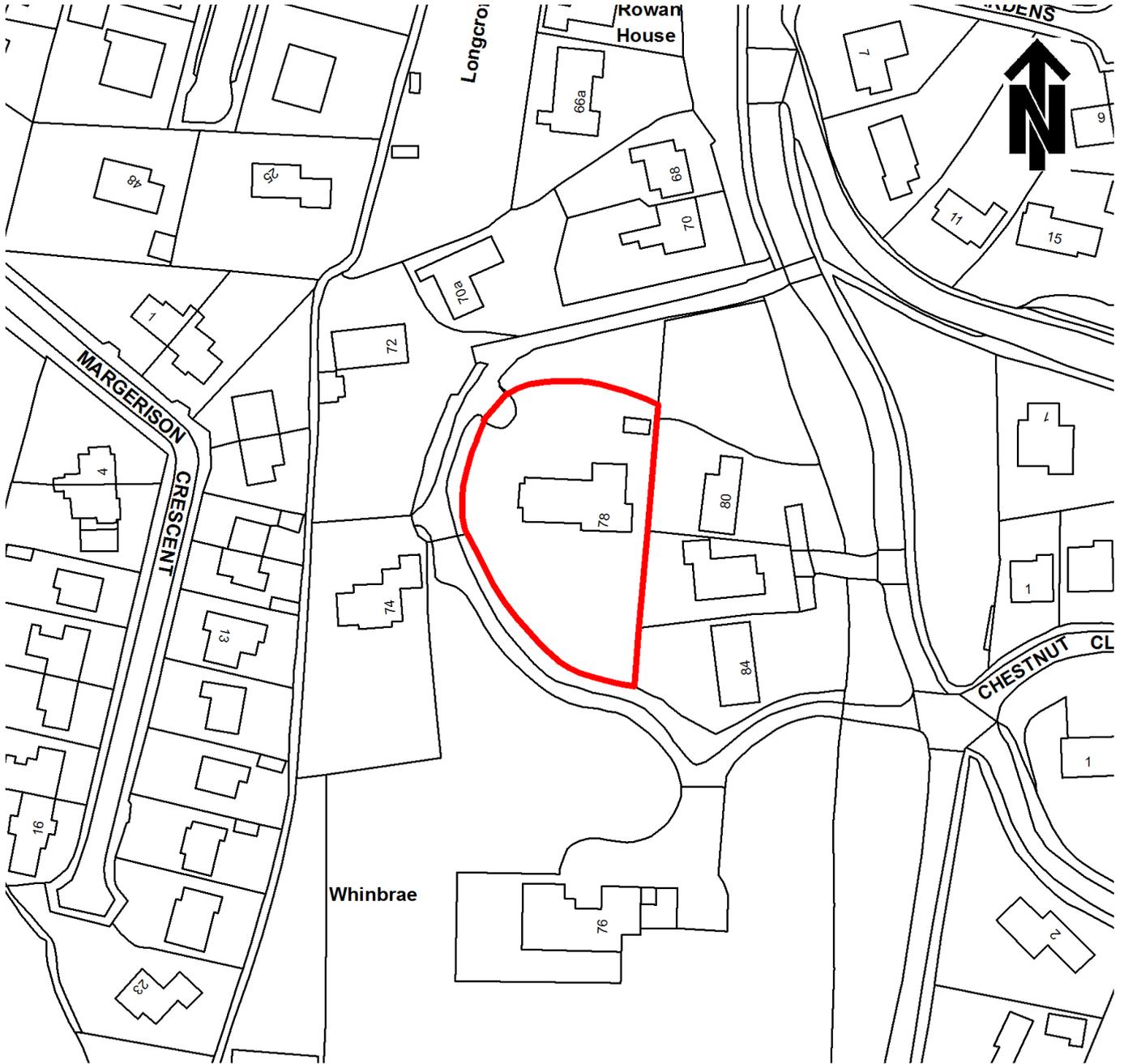
17. A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site. Relevant evidence and a quality control verification report shall be submitted to and is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with Policy EN8 of the Core Strategy Development Plan Document.

19/01115/HOU



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



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74 Wheatley Lane
Ilkley LS29 8SF

18 December 2019

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

Application Number:
19/01115/HOU

Type of Application/Proposal and Address:

A planning application for the demolition of an existing garage and construction of a new two storey garage to house three vehicles and form a one bedroomed annexe on the first floor at 74 Wheatley Lane, Ilkley.

Applicant:
Mr SJ Kassapian

Agent:
Mr Michael Ainsworth

Site Description:

74 Wheatley Lane is a large detached property constructed primarily with a rendered finish but with sections of natural stone with a green coloured tile to the roof dating from the 1930s. The property is set in a large plot and does not appear as a prominent feature within the wider streetscene. Access to the property is achieved off a private drive from the highway Wheatley Lane which also serves a number of neighbouring properties. To the front of the property is a detached pre-fabricated single garage. There are a number of trees on and around the site which are protected by way of a Tree Preservation Order.

Relevant Site History:

18/02508/HOU Demolition of existing single garage and construction of new double garage, approved 16.8.2018
17/04572/HOU Construction of two-storey and single-storey extension to north-east elevation, approved 22.9.2017
16/07228/HOU Construction of 2 storey extension to side of dwelling and replacement double garage, withdrawn 25.1.2017
15/03766/HOU Construction of two-storey side extension and replacement double Garage, refused 29.10.2015

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 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 site is unallocated for any specific land-use in the RUDP. The following adopted Core Strategy Development Plan Document 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
EN5 Trees and Woodlands
SC9 Making Great Places
Householder Supplementary Planning Document

Parish Council:

Ilkley Town Council recommends refusal of this application. It has concerns for the removal of the trees, the proposed oversize of the garage and the potential use of the extra accommodation in the garage. Should the application be approved then they request that there should be a clause to restrict any occupation of the first floor annex to residents of the house.

Publicity and Number of Representations:

Advertised by individual neighbour notification letter. 14 letters received in support, one raising general comments and one objection to the proposal have been received.

Summary of Representations Received:

In Objection

Ilkley Civic Society object to the application since the proposed development would require major removals/tree surgery to fit the new garage plus annexe under the tree canopy and consequent root damage. They also consider that the proposed structure represents an overdevelopment of the site due to its height and massing. They also consider that the submitted Design and Access Statement is inconsistent with the drawings on several counts. If however the Local Planning Authority is minded to approve the scheme then they would like to see the use of the annex tied to the main house and not occupied independently to it.

General Comment

An adjacent neighbour has made a number of general points on the proposal as follows:-
The proposed drawings are confusing as it includes a previously approved scheme from 2017 which is not yet built.

The neighbour at No 80 also commented that they did not receive notification of an earlier planning application and suggested that all notification letters should be sent out by recorded delivery

Objects to any work which to a cotoneaster tree T11 on their property as this tree is valued in its own right and also for its potential screening benefits. Other trees on this neighbouring property are not clearly shown on the submitted drawings.

No objection to the removal of a number of other trees, notably T4, T9 and T10. The neighbour also wished to be notified well in advance of dates on which access to their property is required.

In Support

Representations have been received from various parts of the District and beyond making the following points:-

The two storey garage would be of great benefit to the property.

The existing pre-fabricated garage is an eyesore and its replacement would be welcomed.

The extension would not interfere with the existing surroundings

The garage would be preferable to extending the dwelling as approved under 2017.

This proposal will greatly improve the appearance of the area.

Consultations:

Trees Team: Object to the proposal. The level of engineering required for this extension will likely be extensive and have a materially adverse impact on the protected woodland edge trees and trees, jeopardise their retention and likely lead to their loss or damage. The introduction of living accommodation under the canopy spreads of trees with significant future growth potential is unacceptable

The information provided in the tree report cannot be relied upon as it is for a different scheme – the garage as shown is a conventional detached double garage and is not for a triple garage with living accommodation above. The Council cannot be therefore satisfied that the applicants intention to remove just one limb is accurate. The submitted plan also proposes to remove/ work upon trees that are outside of the application site. The proposal fails to accord with Policies DS2 and EN5 of the Core Strategy Development Plan.

Summary of Main Issues:

Background and Site History

Impact upon Protected Trees

Visual Amenity

Residential Amenity

Outstanding Matters Raised by Representations

Appraisal:

The proposal seeks approval for the construction of a triple garage building with residential accommodation above. The structure will be linked to, and occupied in connection with the parent dwelling providing guest accommodation. It is proposed to construct the building from natural stone with a green tiled roof. The existing pre-fabricated detached garage will be removed to facilitate the development.

Background and Site History

Planning permission has been previously granted on this site for a detached double garage in 2018 (18/02508/HOU refers). The consent is still valid and represents a fall-back position for the applicant. However, this garage is smaller than that as currently applied for and more importantly does not include a first floor or introduce living space under the canopy spread of protected trees.

Previous applications were either withdrawn (16/07228/HOU), amended (17/04572/HOU) or refused (15/03766/HOU) because of the impact of the proposed garage element on the adjacent trees.

Impact upon Protected Trees

The main area for concern is the impact of the development on the protected trees which are situated either on, or adjacent to, the application site. It is acknowledged that consent has been previously granted for a garage building however this balanced decision had to take into account the scale of the work required and the fact that the site of the garage is already hard surfaced. In this specific case it was concluded that the threat to the trees was not so substantial as to warrant a refusal of planning permission.

The garage now proposed is much larger than the previously approved scheme, being a triple as opposed to a double garage. The garage is also much taller as it now incorporates a first floor. The scale of the engineering work involved in the construction of this structure is likely to be more extensive than previously envisaged and have a materially adverse impact on the protected woodland edge trees. The garage will be constructed within the root protection area of a number of protected trees which are positioned within the rear garden area of a neighbouring dwelling, No 80 Wheatley Lane. One of these trees, a mature sycamore (T7), has a high amenity value. The Council's Arboriculturist is of the opinion that these trees would suffer significant damage and that this cannot be overcome with the use of specialist construction techniques. They have also noted that some damage to these trees has already been done with the digging of trial pits at the base of the proposed garage. It is not disputed that the roots in this area are small however this does not mean that they are not important. Any damage here could jeopardise the long term health and sustainability of the protected trees.

In order to accommodate the garage, some of the lower limbs of the trees which overhang the site of the garage building would need to be removed due to its height. The previously approved double garage could be accommodated without such works. The applicants have advised that only one limb would need to be removed however the Local Planning Authority (LPA) is not satisfied that the evidence put forward in the Arboricultural Report can be fully relied upon. The report is dated '30 April 2018' and was clearly prepared for an earlier submission as in it the garage is depicted as a standard double garage on the illustration within the document and not the tall, two-storey triple structure that is currently applied for. The submitted plan also proposes to remove/work upon trees that are outside of the application site.

The introduction of habitable living space under the crown spread of the protected trees is also undesirable. This is likely to result in future pressures for tree work as a consequence of the living accommodation being overshadowed by the tree canopy and/or by a perceived threat to property damage as a result of falling branches and leaves.

The harm to trees is considered to be significantly greater than the previously approved scheme and for this reason the proposal fails to accord with Policies DS2 and EN5 of the Core Strategy Development Plan Document.

Visual Amenity

Whilst the garage extension is large it would not appear as a disproportionate addition given the size of the original dwellinghouse and the plot in which it is situated. The garage extension is positioned forward of the principal elevation of the dwellinghouse however no harm to visual amenity is expected given that the property does not have a conventional frontage to Wheatley Lane and as such would not be unduly prominent in the wider streetscene. No conflict with Policies DS1, DS3 of SC9 of the Core Strategy Development Plan Document is anticipated.

Residential Amenity

It is acknowledged that the proposed garage will be about 2.5m taller than the previously approved garage as a result of the incorporation of the first floor, however the additional mass and bulk formed through the addition of the pitched roof should not be unduly overbearing when viewed from the neighbouring property to the rear, 80 Wheatley Lane. The intervening hedging and landscaping will also help to screen the structure from view at this point. The rear elevation of 80 Wheatley Lane is in excess of 12m from the garage unit and although the garage incorporates a first floor, the living space is essentially provided within the roof void with no window openings in the rear elevation.

The overall impact on residential amenity is acceptable and the proposal complies with the requirements of Policy DS5 of the Core Strategy Development Plan Document and the adopted Householder Supplementary Planning Document.

Representations

The LPA concurs with the views of the Ilkley Town Council and Civic Society in that the development would have a negative impact upon protected trees and should be resisted. The visual impact of the structure itself is however considered to be acceptable in the context of the size of the original dwelling and its plot.

If the annex is occupied independently of the main house creating a separate dwelling then this would require planning consent in its own right. In these circumstances it would be unreasonable and unnecessary to tie the occupancy by way of a condition. The LPA is mindful of the shortcomings of the applicants Design and Access Statement and is also aware that the proposed scheme includes an extension which, although approved, has not yet been built.

With regard to the publicity process, the neighbour in question was formally notified of the previous planning application on this site, according to the LPAs records. It would not be cost effective or an efficient use of resources to send out all notification letters by recorded delivery.

It is acknowledged that the existing pre-fabricated garage is in a poor state of repair and that the replacement structure could be seen to represent a visual improvement. However, the LPA does not share the view of the supporters that the 'extension would not interfere with the existing surroundings'. The extension is likely to have a harmful impact on the health and sustainability of the protected trees on the site due the detriment of visual amenity and the character of the local area as a whole.

Conclusion

Whilst there has been a grant of planning permission for a smaller garage on the site it is considered that the proposed unit would, due its larger footprint and height and the inclusion of habitable living space under the canopy spread of protected trees represent a substantial threat to the health of these trees and as such the scheme cannot be supported. The applicants could construct the smaller garage (as approved under 18/02508/HOU) and the extension (17/04572/HOU) which would give a similar scale of accommodation without any threat to tree health.

Community Safety Implications:

None

Equality Act 2010, Section 149:

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

Reasons for Refusal:

1. The proposed garage development will both require clearance work to the lower limbs and encroach within the root protection areas of protected trees which make an important contribution to the character of the surrounding locality. The developer has not demonstrated, to the Council satisfaction, that the works could be carried out without having a detrimental impact upon the long term health and sustainability of the protected trees. The submitted arboricultural information is inadequate in that it largely relates to an alternative (previous) proposal and fails to take into account of the impact of the first floor of the building. The proposal fails to accord with Policies DS1, DS2 and EN5 of the Core Strategy Development Plan Document.

2. The proposed development will result in the introduction of habitable accommodation under the canopy of protected trees on, or adjacent to, the site. The development would therefore likely result in an increased pressure to prune and /or remove these trees to the detriment of their long term sustainability and public amenity value. For this reason the proposal conflicts with Policy EN5 of the Core Strategy Development Plan Document.