

# Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 07 October 2015

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## Summary Statement - Part One

### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	18 Barley Cote Avenue Riddlesden Keighley BD20 5QB - 15/02473/FUL [Approve] (page 1)	<b>Keighley East</b>
2.	23 Lime Street Haworth Keighley BD22 8BL - 15/03016/FUL [Approve] (page 9)	<b>Worth Valley</b>
3.	First Scout And Guide Group Peel Place Burley In Wharfedale Ilkley LS29 7RX - 15/02730/FUL [Approve] (page 20)	<b>Wharfedale</b>
4.	1374 Thornton Road Denholme Bradford BD13 4HE - 15/03205/HOU [Refuse] (page 34)	<b>Bingley Rural</b>

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**Portfolio:**  
Housing, Planning & Transport

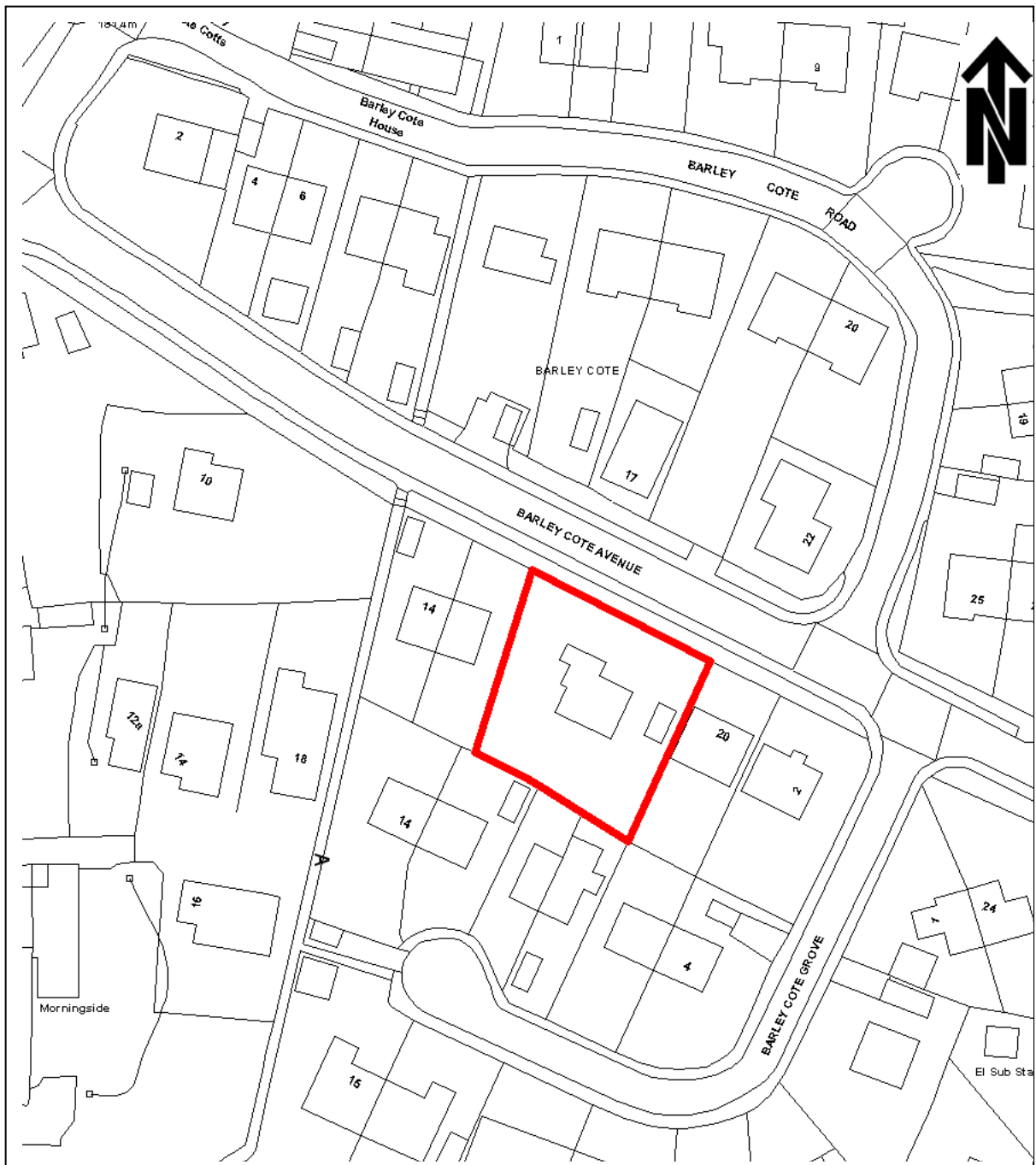
**Overview & Scrutiny Committee Area:**  
Regeneration and Economy



**Area Planning Panel (Keighley/Shipley)**

**15/02473/FUL**

7 October 2015



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ITEM NO. : 1

LOCATION:

**18 Barley Cote Avenue  
Riddlesden**

**7 October 2015**

**Item Number: 1**  
**Ward: KEIGHLEY EAST**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
15/02473/FUL

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

Full application for construction of detached dwelling. Land at 18 Barley Cote Avenue, Riddlesden, Keighley.

**Applicant:**

Mr and Mrs Bebb

**Agent:**

Michael Ainsworth

**Site Description:**

This site falls steeply in level to the west from its frontage with Barley Cote Avenue towards housing at substantially lower level along Barley Cote Grove to the south. The site is occupied by a single detached stone built bungalow that stands within a row of properties fronting onto Barley Cote Avenue, whose gardens all fall in level towards the south. Beyond the southern boundaries are dwellings along Barley Cote Grove.

Generally the area, which occupies a relatively steep hillside overlooking Keighley, is wholly residential in character.

**Relevant Site History:**

09/03237/FUL – Proposed detached dwelling. Refused.

09/04819/FUL – Demolition of existing bungalow and construction of 3 dwellings. Refused.

11/00454/FUL – demolition of bungalow and construction of two pairs of semis. Refused.

11/02591/FUL – demolition of bungalow and construction of two pairs of dwellings. Refused and appeal dismissed.

13/01353/HOU – extensions to existing bungalow. Granted (Area Planning Panel).

14/04831/FUL – construction of dwelling. Refused (Area Planning Panel).

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

***Allocation***

***Proposals and Policies***

Policy UDP3 promotes acceptable forms of development that respect the urban and natural environments.

Policy UR3 local impact of development.

Policy D1 requires all development proposals to make a positive contribution to the environment and quality of life through high quality design, layout and landscaping.  
Policy TM2 seeks to ensure highway safety  
Policy TM12 requires residential developments to achieve the necessary standard of off-street car parking  
Policy TM19A – traffic management and road safety

**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.

**Town Council:**

Keighley Town Council

Recommended for refusal due to overdevelopment.

**Publicity and Number of Representations:**

The application was advertised by neighbour letters and site notice. Twelve objection letters have been received.

**Summary of Representations Received:**

- 1. Parking and traffic along the road will be increased, causing congestion.
- 2. Properties behind the site will be severely overshadowed and overlooked.
- 3. The design is not in keeping with the area.
- 4. A new house would do more harm than the approved extension.
- 5. Development would damage a pear tree in next door garden.
- 6. More congestion may stop the bus service from running.
- 7. There is little privacy between properties in the winter months.
- 8. Barley Cote is overdeveloped already.
- 9. Repeated applications waste taxpayers' money.
- 10. This proposal has already been refused.
- 11. Development would have poor relationship with parking area.

**Consultations:**

Highways

No objections subject to conditions requiring the provision of off-street car parking prior to first occupation of the dwelling.

Drainage

Development to be drained via a separate drainage system.

A public sewer runs beneath the highway verge. Yorkshire Water will provide details of any constraints but the development would not result in building works that would prevent access to the sewer.

**Summary of Main Issues:**

Background.

Principle.

Local Amenity.

Highways.

**Appraisal:**

**Background**

This property, 18 Barley Cote Avenue, has previously been subject of a series of refused applications for redevelopment, involving either the construction of a fairly substantial new dwelling adjacent to the existing bungalow, or the removal of the bungalow and its replacement with up to four new dwellings in the curtilage. The history of this site is summarised in detail elsewhere in this report.

These earlier proposals were unsuccessful on the basis in large part of overlooking or over-dominance of the dwellings along Barley Cote Grove at lower level to the south.

This current application is effectively a resubmission of planning application 14/04831/FUL that was referred to the Area Planning Panel on 8 April 2015 with a recommendation of approval. The application was refused by Area Planning Panel.

This positive recommendation by officers followed a grant of planning permission by the Area Planning Panel for a large side extension to the existing dwelling, under 13/01353/HOU. The proposed dwelling would have largely occupied the same position as the approved extension and so officers did not think the new dwelling would have any greater impact because the scale and effect of the approved extension would be broadly the same as the impact of the proposed dwelling and, in these circumstances, officers felt that a refusal of permission for the proposed house on the grounds of adverse effects on neighbours to the west and north could not reasonably be sustained.

The planning panel however refused the application for the new dwelling for the following reasons:

1. The proposal would intensify the residential use of the site and the proposed dwelling is dependent on the forming of off-street parking spaces within part of the public highway and be contrary to Policies TM12 and TM19A of the Council's Replacement Unitary Development Plan.

2. The proposal would be over dominant on the street scene and on the properties at a lower level to the site on Barley Cote Grove. It would adversely affect the amenity of occupiers of adjoining properties and the street scene, contrary to Policies UR3 and D1 of the Council's Replacement Unitary Development Plan.

### **The new proposal**

The applicants did not lodge an appeal against the planning panel decision on application 14/04831/FUL, but again here seek the same format of development, using plans and drawings that are amended to address Reason for refusal 1 above.

### **Impact on the amenity of adjoining occupiers**

As noted above, the principal residential amenity issues in respect of development on this garden space have consistently been the effects on properties at lower level to the rear, along Barley Cote Grove.

Previous reason 2 states that the proposal would be over dominant in the street scene and on the properties at a lower level to the site on Barley Cote Grove. The proposed development was considered to adversely affect the amenity of occupiers of adjoining properties and the street scene, contrary to Policies UR3 and D1 of the Council's Replacement Unitary Development Plan.

Officers are mindful that on 27 July 2013 under planning application 13/01353/HOU, a substantial enlargement of the existing bungalow was considered and approved by the Area Planning Panel. The resulting building would extend across the space between the existing bungalow and the eastern garden boundary, leaving a 3 metre gap between it and the existing neighbouring dwelling to the east.

The effects of that approved extension upon the properties to the south would be similar to those of the dwelling proposed in the new application although clearly the current proposal here would leave a gap between existing and proposed dwellings, such that in fact a minor reduction in the apparent mass of buildings would accrue when viewed from the south.

Given that approval has been given for a large extension to the existing dwelling, it is not felt that a refusal here for a small dwelling on the same site as the extension could realistically be sustained on the basis of over-dominance or overlooking.

The approved extension to the existing bungalow would introduce windows facing south as would the proposed new dwelling proposed here and the height and massing is essentially the same such that the occupiers to the south would find little difference in outlook or from other effects.

Officers consider that there are therefore no additional effects here that would lead to demonstrable conflict with Policy UR3 of the Replacement Unitary Development Plan

Representations from local residents point to the scale and general design of the dwelling, suggesting that it would appear out of place in this locality.

These points are acknowledged but equally there are a number of different house types in the area surrounding the site, such that the proposed building would not appear contextually incongruous.

The building would have limited visual presence in the street scene since it would appear from the frontage as a bungalow at lower level than the highway. It is considered that in this local context the proposed development would be generally acceptable in light of Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

### **Highway safety**

The previous reason for refusal number 1 stated that the proposal would intensify the residential use of the site and that the proposed dwelling is dependent on the forming of off-street parking spaces within part of the public highway - a grass verge behind the footway. This would be contrary to Policies TM12 and TM19A of the Council's Replacement Unitary Development Plan.

The new proposals have also resulted in a significant number of objections that point to the capacity of the local highway network and residents express concern that further development in this locality would result in increased vehicular congestion and on-street parking demand. Objectors indicate that there are already difficulties for buses and emergency services due to parking along the nearby roads.

These concerns are acknowledged. However, the Council's Highway Officer has considered the technical implications of a further dwelling for the surrounding highway network. He has noted that the proposals ensure that the existing and proposed dwellings benefit from two off-street parking spaces each. The engineer concludes that the development would not result in harm to highway safety or the free flow of traffic.

It is also noted that the submitted site layout shows provision of 2 car spaces each for the existing and proposed dwellings. These would be 5.0 metres long and no longer appear to rely on parking on the grass verge or within the highway. It would, however, be necessary to form a hardstanding across the current grassed area to gain access to the car spaces.

The proposed development meets the necessary standard for parking provision and as a consequence there is no conflict with Policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

### **Community Safety Implications:**

There are no apparent community safety implications.

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

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

**Reason for Granting Planning Permission:**

The proposed development here would assist in increasing development density within the established urban area and reduce pressure on greenfield sites for the essential provision of additional housing stocks. The concerns of neighbours are acknowledged but the implications for surrounding occupiers are not likely to be significantly different than the effects of the previously approved extension to the existing dwelling on the site.

The objectors' concerns regarding highway safety and the free flow of traffic are acknowledged but the proposed development meets the necessary technical requirements to assure highway safety is not compromised and there are adequate off-street parking arrangements set out in the proposals.

On this basis it is recommended that planning permission be granted subject to conditions:

**Conditions of Approval:**

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

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

2. 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 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 TM19A of the Replacement Unitary Development Plan.

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

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



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

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

5. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

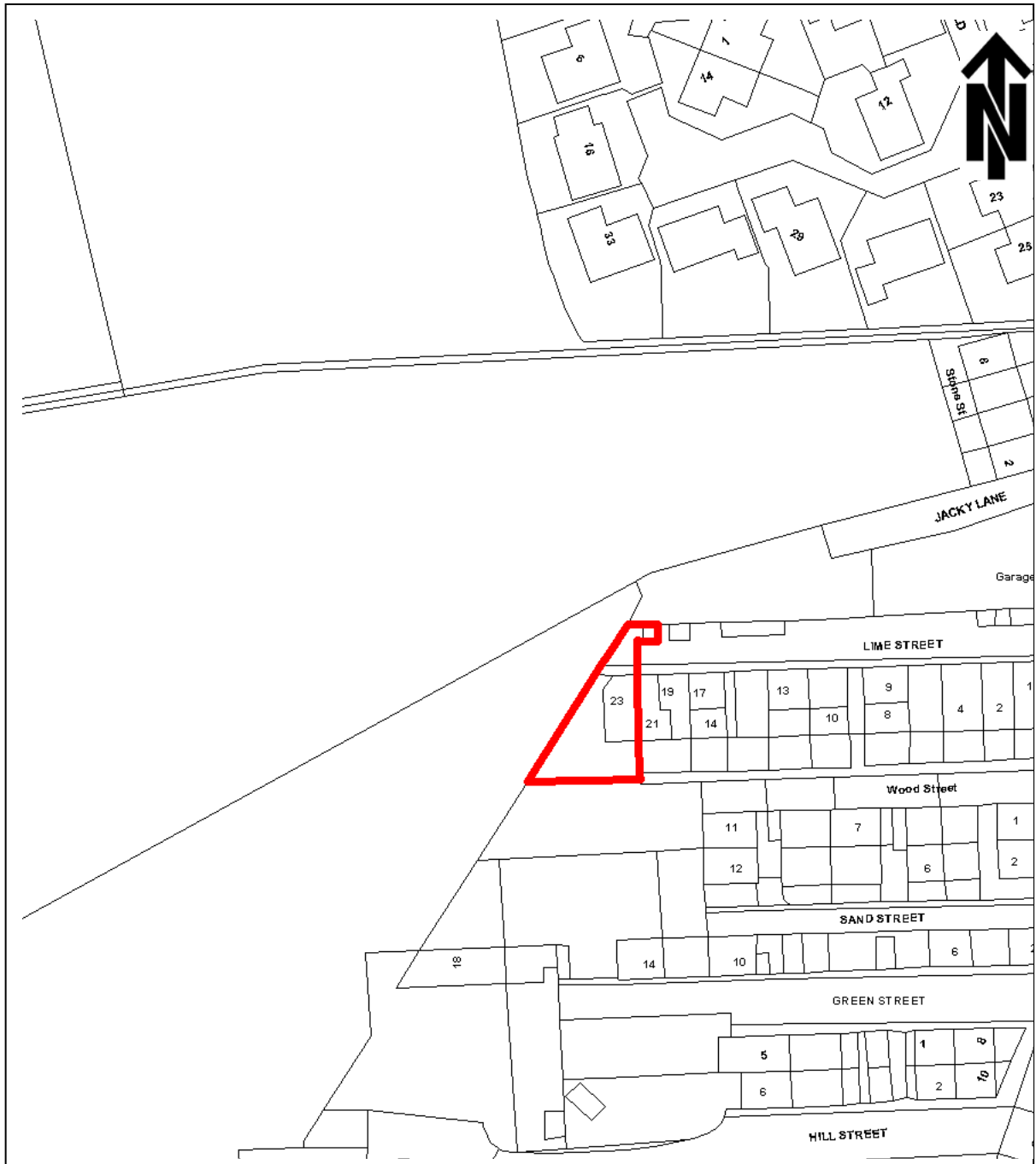
Reason: To accord with Policy UR3 of the Replacement Unitary Development Plan.

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**Area Planning Panel (Keighley/Shipley)**

**15/03016/FUL**

7 October 2015



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ITEM NO. : 2	LOCATION: <b>23 Lime Street Haworth</b>
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**7 October 2015**

**Item Number: 2**  
**Ward: WORTH VALLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
15/03016/FUL

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

Full planning application to convert existing workshop/storage premises back to previous use as a single dwelling at 23 Lime Street, Haworth, Keighley, BD22 8BL.

**Applicant:**  
Ms Gillian Penny

**Agent:**  
Not applicable.

**Site Description:**

Lime Street is an unadopted street leading off Cold Street in Haworth. A terrace of stone built houses (some back to backs) lines the south side of this unmade street. To the north side of the access are some outbuildings and beyond that a public footpath (Jacky Lane) abuts open fields. The application relates to No 23 Lime Street which is a single-storey, brick building attached to the western end of the terrace. The adjoining property, 21 Lime Street, is a traditional two storey terrace house. Lime Street forms one of the boundaries to Haworth Conservation Area. The street and the land to the north are inside the conservation area but the application property is not.

**Relevant Site History:**

12/04836/FUL - Conversion of workshop/storage premises to dwelling with dormers to front and rear. To include parking space and turning circle outside the property. Refused on the grounds of:-

1. Inadequate access / turning.
2. Poor design/adverse impact on the street scene.

An appeal was subsequently dismissed on the grounds that the proposal would amount to poor design. The Council's highway safety reason was not upheld by the Inspector.

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

**Allocation**

Unallocated.

Site abuts Haworth Conservation Area (Policy BH7).

**Proposals and Policies**

UDP1 Promoting Sustainable Patterns of Development  
UR2 Promoting Sustainable Development  
UR3 The Local Impact of Development  
TM12 Parking Standards for Residential Developments  
TM19A Traffic Management and Road Safety  
D1 General Design Considerations  
D4 Community Safety  
BH7 New Development in Conservation Areas  
D5 Landscaping

**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.

**Parish Council:**

Haworth Parish Council has concerns regarding this application and seek assurances before planning consent is given:

1. The Parish Council is not aware that this property has ever been a dwelling and seek confirmation of this, along with proof that the property has sufficient foundations to support the proposed domestic dwelling.
2. The Parish Council is aware through local knowledge of an ongoing dispute regarding the ownership of land and outbuildings at this site, therefore would seek indisputable proof regarding ownership.
  1. If planning consent were to be given the Parish Council requests that all building work is completed within 10 weeks of commencement; that no vehicular access is permitted over 3 tonnes; and that any damage to Lime Street during works is fully reinstated.

2. Also due to the tight site that building work is restricted to hours between 8.00am and 6.00pm, with no weekend work. That the building should be finished in stone to match the rest of the terrace and the current brickwork, which is out of keeping with surroundings, should be covered. That two parking places should be provided.

The Parish Council concerns regarding foundations, lack of sufficient parking and concerns regarding building materials warrant the need for the application to be considered by Planning Panel to ensure that appropriate representation is made.

**Publicity and Number of Representations:**

Publicised by means of a press and site notice and individual neighbour notification letters. Overall publicity period expired on the 27 August 2015.

There have been seven representations of support and five representations of objection.

**Summary of Representations Received:**

Representations in support:

1. The proposal would improve the aesthetics of the building, which is currently derelict. The building would make a charming / perfect dwelling and is being done sympathetically.
2. Renovation of the building rather than new build will assist with enhances the look of the street and is saving the history of Haworth. Conversion is required before the building becomes too derelict.
3. Conversion would not interfere with neighbours.
4. Conversion would not block the access of others.

The five representations objecting to the application are summarised below:

1. The building is and always has been a single outbuilding at the top of an unadopted dead end street so cannot be reverted back to a dwelling.
2. Vehicles using the street all day every day would make it worse.
3. Parking on the street, which is narrow and made of compacted hardcore, is limited and more traffic will exacerbate existing parking and access issues on Lime Street and Cold Street. There is no room for a turning circle on the land as stated on the plan.
4. The proposed application would, most probably mean a minimum of 2 vehicles for the dwelling which would mean an absolute minimum of 4 extra vehicle movements a day, not suitable for Lime Street.
5. Outbuildings shown as being demolished for access are not in the applicant's ownership and their owner will not agree to their demolition.
6. The land owned by 21 Lime Street extends half way across Lime Street to the outbuildings and the Land Registry states 'full right of way across this area is on foot only'.
7. The proposed development is not in keeping or sympathetic to the existing properties and would be detrimental to the character of the street.

8. Any increase in traffic would be detrimental to the enjoyment of the neighbourhood and safety.

**Consultations:**

Council's Conservation Officer: The site is adjacent to the Haworth Conservation area. The proposed use and alterations are not considered to cause harm to the setting of the Haworth conservation area.

Rights of Way Section: Keighley Public Footpath 155 abuts the application site. (Jacky Lane) This footpath does not appear to be adversely affected by these proposals. If planning permission is granted that the applicant is made aware of the need to adhere to standard requirements to avoid obstruction of the right of way during the period of works on site.

Highways Development Control Officer: Notes that a previous application (12/04836/FUL) was refused on planning and highway grounds. A subsequent appeal was dismissed on planning grounds only; the Inspector concluded that the effect of the proposal on pedestrian and highway safety would be acceptable and would not conflict with RUDP Policies TM2, TM12, TM19A or D1.

In view of the above the Council's Highway Officer has no objections to raise on highway safety grounds.

**Summary of Main Issues:**

Principle of residential use.

Impact on visual appearance of the building and surrounding area.

Residential amenity.

Highway safety.

Other matters raised in representations.

**Appraisal:**

The proposal is to convert this small vacant building on the end of Lime Street to form a small two bedroom cottage.

The site history refers to a previous 2012 planning application that was refused and an appeal that was subsequently dismissed (Appeal Decision APP/W4705/A/13/2195291). This appeal is a material consideration in the determination of the new application.

**Principle of residential use**

The applicant has described residential use as reverting to the original use of the building and says that, according to a local historian, it was built in 1875 as a dwelling. However, such residential use seems to have long been abandoned. The building was apparently last used as a workshop and for storage. It has been unused for some time and is now in poor condition. Conversion to a dwelling would involve a material change of use and, the Parish Council is correct insofar as that only limited weight should be attached to whether it was or was not a house in the past.

However, the building stands next to existing houses so a residential use would be preferable to the resumption of some form of commercial storage or workshop activity which would no longer be appropriate in this location because of the possible adverse impact on surrounding homes. Also, the building is in the built up area of Haworth, in a sustainable location due to its close proximity to shops, bus services and other facilities.

Providing it can overcome other planning constraints, there is no objection in principle to conversion of the building to a dwelling. This would accord with Policies UDP1 and UR2 of the RUDP, as well as finding a productive use for the property and facilitating its visual improvement.

### **Impact on the visual appearance of the building and surrounding area**

The property is single-storey but adjoins the western end of a row of traditional two storey terraced houses. The front elevation is partly brick and is visible from a number of public vantage points within the adjacent Conservation Area. The rear elevation can be seen from a number of neighbouring streets. The building therefore contributes to the setting of the conservation area but it is presently in a neglected condition.

The current proposal involves limited changes to the form, scale and appearance of the building. The front wall of the property presently comprises a mix of brick and block work with an exposed metal beam visible. This front wall is to be re-built using natural stone which would improve the appearance and be beneficial to the character of the surrounding area. The brickwork to the side and rear is in better condition and will be repointed as necessary with new opening inserted for windows

The 2012 application proposal involved more radical changes to the building including the addition of flat roofed dormers to the front and rear roof slopes. The Planning inspector considering the appeal agreed that the proposed dormers would not meet criteria of the Council's Householder SPD, being more than 3 metres wide and abutting the gable of No 21. When seen from vantage points in the conservation area and other streets, the large dormers would have dominated the front and rear roof slopes and would have appeared as awkward and obtrusive additions. Their horizontal emphasis, unlike the vertical patterns of fenestration within the adjacent houses, would also have added to the incongruity of the proposal. The Inspector saw the dormers as poor design.

Therefore the Inspector concluded that the previous proposal would cause unacceptable harm to the character and appearance of No 23 and the street scenes of which it forms part, contrary to the aims of Policies D1 and UR3 of the RUDP.

However, the new proposal does not propose to install dormers but instead proposes the use of conservation style roof lights to light the bedroom level. The Council's Conservation Officer considers that, with the dormers omitted, the alterations will not cause harm to the setting of the conservation area. Therefore, Officers do not agree with the objections to design and appearance. The proposal will now largely maintain the present scale and form and have no appreciable impact on the visual appearance of the building or the character of the surrounding area. It overcomes the reasons for the dismissal of the appeal.

**Impact on residential amenity**

Use of the building for residential purposes would not conflict with adjoining uses. The building is lower in height than the adjoining terrace and does not have an overbearing or overshadowing impact on the occupiers of any existing properties. The alteration of the front and rear elevations to introduce or alter existing windows will not give rise to any overlooking of neighbours. The proposal will accord with Policies D1 and UR3 of the RUDP in terms of its lack of impact on residential amenity.

**Access and impact on highway safety**

The objectors are especially concerned that another dwelling will increase the amount of vehicles using Lime Street and cause more traffic and parking on the street. The street is said to be narrow and it is mostly made of compacted hardcore.

These concerns are acknowledged and, indeed, the Council refused the previous application 12/04836/FUL on the grounds of the intensification of use of the existing unadopted access road and failure to provide adequate turning facilities for the proposed dwelling or a passing place for emergency and service vehicles.

However, although the inspector acknowledged the deficiencies of Lime Street as a means of access, he noted that, nevertheless, it already serves a significant number of dwellings. He said he was not provided with any compelling evidence to show that its use would result in any notable pedestrian or highway safety incidents or any insurmountable difficulties for emergency or servicing vehicles. The Inspector presented a clear conclusion that, in his judgement, any increase in use following conversion to residential use would be unlikely to be significant relative to the overall number of vehicle movements likely to be associated with all the other existing dwellings within the terrace.

The new proposal also includes the formation of a parking and turning area to the rear. The Inspector considered that this area to the rear would be sufficient to allow a car to turn around while another is parked, and would make adequate provision for the parking and turning needs of the proposed development. He concluded that any effects of the proposal on pedestrian and highway safety would be acceptable and it would not conflict with RUDP Policies TM2, TM12, TM19A insofar as these seek to ensure that development does not harm highway safety.

Given the Planning Inspectors assessment of highway safety matters in the decision letter for planning application 12/04836/FUL, it has to be accepted that any increase in vehicle movements arising from this small dwelling would be unlikely to be very significant relative to the overall number of vehicle movements already associated with the existing dwellings in the terrace.



To provide better access to the parking behind the building, the application originally included demolition of some outbuildings alongside the street. A neighbour claims ownership of some of these and so this element of the scheme has now been deleted. However, even without the removal of the outbuildings there would still be sufficient width in Lime Street to allow a car to access and exit the parking area behind the building. The space behind 23 Lime Street is sufficient to allow a car to turn around while another is parked, and this would make adequate provision for the needs of the proposed development.

Given the previous appeal findings, the effect of the proposal on pedestrian and highway safety would be acceptable and it would not conflict with RUDP Policies TM12, TM19A or D1.

### **Trees**

There are no trees on site itself. Trees on the edge of the field adjoining the site are separated from the site by a wall and all development involved in the conversion would be set some distance from these trees. It is considered that the proposal will accord with Policies D5, NE4, NE5 and NE6 of the RUDP.

### **Drainage**

The Council's Drainage Officer has raised no objections to the conversion of the dwelling subject to a standard planning condition to require agreement of drainage details. In this case this should also require agreement of details of the drainage of the new hard surfaced parking area.

It is noted that the plans show a culvert for a land drain emerging in one corner of the building curtilage. However, this is some distance from the proposed building conversion and rebuilding work but the Drainage Officer suggests a condition to say that no work should take place adjacent to the culvert unless details have first been agreed with the Local Planning Authority.

Subject to these conditions the proposals raise no significant issues in relation to drainage or flood risk.

### **Other matters raised**

#### Land Ownership

Objectors claimed that outbuildings originally shown as being demolished to improve the width of Lime Street were not in the applicant's ownership and their owner will not agree to their demolition. This objection raises private legal matters, but, in any case, the small outbuilding in question does not need to be removed to facilitate the development. The applicant has now said it will remain and there is sufficient existing width to enable vehicles to access 23 Lime Street.

Also objectors say that the land owned by the adjoining property at 21 Lime Street extends half way across Lime Street. In support of this, the Parish Council seeks "indisputable proof regarding ownership". However, this is not the responsibility of the Local Planning Authority which can only assess the proposal on its planning merits. In support of the objection on the grounds of land ownership, the objectors make reference to Land Registry deeds stating 'full right of way across this area is

on foot only'. However, it is noted that this is a selective extract from the deeds and the reference to "full rights of way on foot only" appears to apply in respect of "so much of the footpath..." section of the roadway. There is still enough land beyond the footpath to enable access by vehicles. It is not considered that the ownership dispute has any bearing on the planning assessment of the proposals.

Whether there is vehicular access and across which part of the street is a private legal matter but it is not accepted that the deeds prevent vehicular access along Lime Street for owners of the application property.

#### Structural Condition

The Parish Council has made comments regarding the ability of the foundations of the building to support the proposed domestic dwelling. However, this is not a material consideration in the determination of this planning application. The structural condition of foundations would need to be addressed through the separate Building Regulations process. It would be for the developer to carry out whatever improvements were required to satisfy the Building Regulations through underpinning, rebuilding or other techniques. This would be examined as a part of this separate process should planning permission be granted.

#### Conditions suggested by the Parish Council

A number of detailed conditions have been recommended by the Parish Council. The requests for all building work to be completed within 10 weeks of commencement; for no vehicular access to be permitted for vehicles over 3 tonnes and for any damage to Lime Street during works to be fully reinstated would not meet the normal tests for planning conditions as they involve private matters (upkeep of the private street) or are unreasonable (time limit for completion) or unenforceable.

However, it is accepted that, in view of the position of the building, it would be reasonable to control hours of construction to protect neighbours from working at unsocial hours and it is recommended that a condition is attached requiring the stone to the front of the building to match with the existing terrace. Also a condition is suggested by the Highway Officer that the parking and turning facility shown on the submitted plan are brought into use before occupation of the dwelling.

#### **Community Safety Implications:**

The proposal is not considered to raise community safety issues and is considered to accord with Policy D4 of the RUDP.

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

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. No individuals or groups of protected characteristics have been identified and it is not considered that any issues with regard thereto are raised in relation to consideration of this application.

**Reason for Granting Planning Permission:**

The conversion of the existing workshop/storage premises to a single dwelling is acceptable in terms of the principle of residential use. The design of the proposed conversion respects the character and appearance of the building and surrounding area, including enhancing the setting of Haworth Conservation Area. The conversion will have no significant impact on residential amenity, or highway safety. As such the proposal will accord with Policies UDP1, UR2, UR3, D1, D4, TM12, TM19A, BH7, D5 of the RUDP and will form sustainable development compatible with the NPPF.

**Conditions of Approval:**

1. The development hereby permitted shall be constructed of facing materials to match the existing terrace row on Lime Street as specified on the submitted application.

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

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

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

3. 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 014-001-003 A and retained whilst ever the development is in use.

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

4. The development shall not begin until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. This should include details of the methods proposed for draining the new driveway facility. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

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

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

Reason: In the interests of preserving the setting of Haworth Conservation Area and to accord with Policy BH7 of the Replacement Unitary Development Plan.

6. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

7. No development shall take place adjacent to the existing culverted watercourse until structural calculations are submitted to show the existing structure or any proposed structure are capable of withstanding future predicted loads from this development.

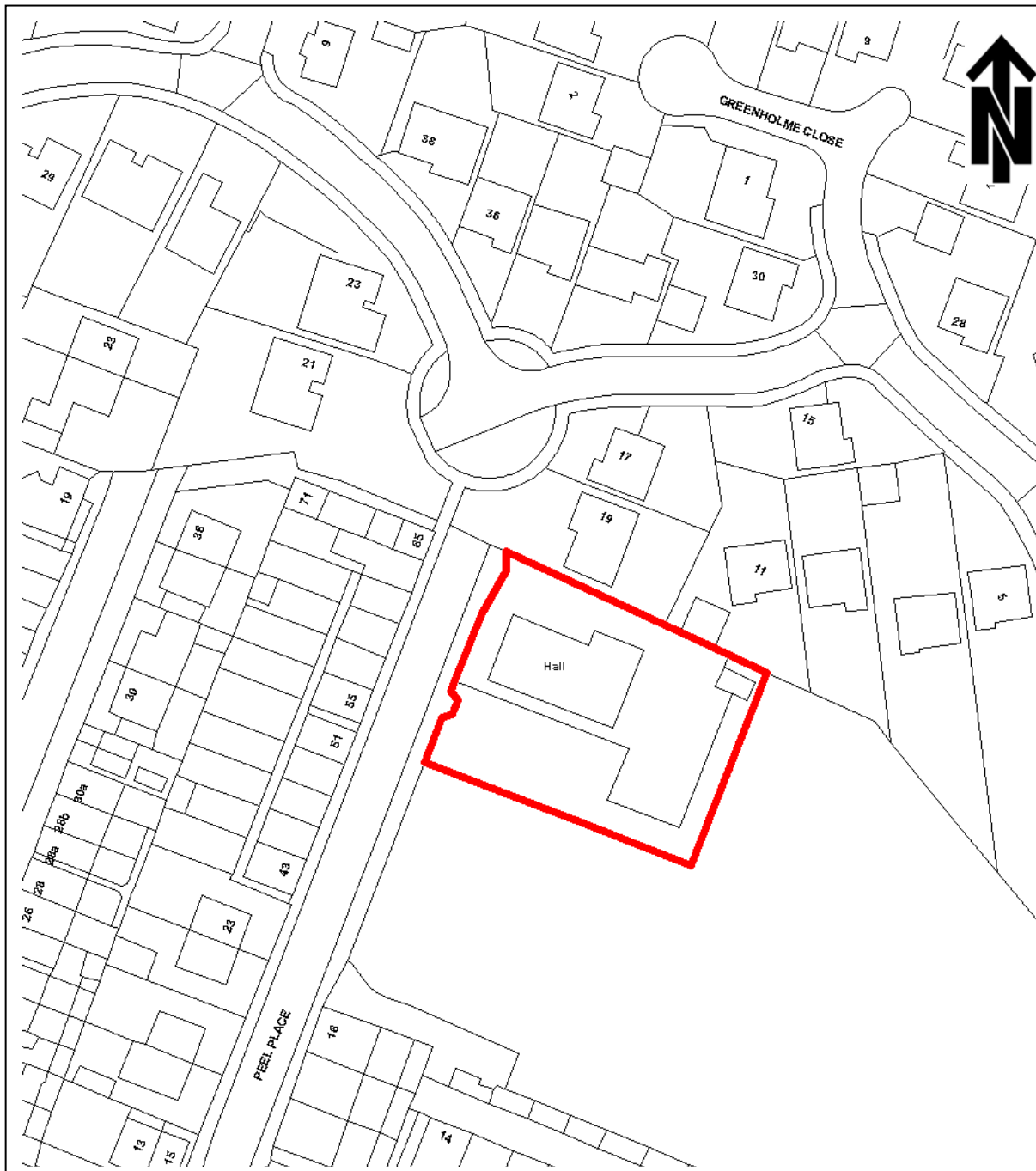
Reason: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

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**Area Planning Panel (Keighley/Shipley)**

**15/02730/FUL**

7 October 2015



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ITEM NO. : <b>3</b>	LOCATION: <b>First Scout And Guide Group Peel Place Burley In Wharfedale</b>
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**7 October 2015**

**Item Number: 3**  
**Ward: WHARFEDALE**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
15/02730/FUL

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

Demolition of existing scout/guide hut, formation of a new turning point and drop-off, construction of a new scout and guide headquarters and replacement of existing car parking. First Scout And Guide Group Peel Place Burley In Wharfedale, Ilkley, LS29 7RX.

**Applicant:**  
Burley Scout And Guide Association

**Agent:**  
Mark Hide Associates

**Site Description:**

The site is at the end of Peel Place and is presently occupied by an existing timber clad shed, built in 1968 that is used for meetings and activities by the Burley Scout and Guide Association. It is a large building with a pitched roof clad in pale coloured, plastic coated sheets. It stands on a plot of land in the corner of public open space known as Victoria Park. Peel Place is a no-through road which is reached via a junction with Burley Main Street. Along the west side of Peel Place, continuing opposite the site, is a row of traditional stone built, two storey houses, with front doors opening directly from the pavement. The application site is flat, and is bounded on the north side by a mature hedge, and on the other three sides by a post and rail fence. The existing building has an existing access leading from Peel Place that runs next to the hedge along the north boundary to a large tarmac area behind that is used for parking. There is a precast concrete garage in the north east corner. Beyond the hedge are modern detached houses served by Long Meadows. Two mature trees, one conifer and one sycamore occupy the boundary in the south west corner.

**Relevant Site History:**

09/01166/FUL: Construction of extension to be used for storing equipment. Granted: 24.04.2009

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

**Allocation**

Burley Conservation Area

The adjoining land (but not this site) is protected recreation open space (RUDP Policy OS3).

**Proposals and Policies**

D1 General Design Considerations  
BH7 New Development in Conservation Areas  
UR3 The Local Impact of Development  
TM11 Parking Standards for Non-Residential Developments  
TM2 Impact of Traffic and its Mitigation  
TM19A Traffic Management and Road Safety  
NE10 Protection of Natural Features and Species

**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.

**Parish Council:**

Burley Parish Council recommends approval subject to a review of the swept path analysis to ensure the minimum loss of existing street parking places on Peel Place.

**Publicity and Number of Representations:**

Publicised by neighbour letters and site notice to 13 August 2015.

31 objections have been received.

88 representations in support have been received.

**Summary of Representations Received:**

**OBJECTIONS**

1. MORE TRAFFIC: The proposed bigger building, with staggered meeting times, will mean an almost permanent flow of traffic down Peel Place between 5pm and 9.30pm almost every night of the week. The traffic flow to and from the current scout HQ has increased noticeably over the past 2 years with regularly 6-10 cars dropping children off and then picking them up after meetings. When the current hut was built, traffic flow was not anything like on the scale it is today. The number of meetings has increased and, at the same time, the number of cars belonging to residents has increased.

2. **LARGER BUILDING:** The proposals are for an increase in building footprint of some 27.5% plus the increase in parking and traffic turning area. The proposals show an increase from the existing 1 Meeting Room and 1 Club Room, to 2 Meeting Rooms and 3 Club Rooms. This implies a considerable increase in usage, with a clearly anticipated increase in vehicle movements down Peel Place and extra potential use at weekends. Peel Place is a dead end road that already faces significant problems of congestion due to its width and existing levels of car parking on the street. There has also been a suggestion that the group will wish to rent out their new premises to other groups or individuals, to improve their finances. This would mean that the noise and traffic problems which their neighbours already suffer could become very much worse.

3. **INADEQUATE TURNING:** The proposed turning circle will not work. The Swept Path Analysis is inaccurate and unrealistic. A turning circle needs a 2 lane access so that exiting vehicles can leave the street and arriving vehicles can enter the street. It assumes vehicles arriving and leaving will be using the full carriageway width of Peel Place to allow two way traffic. This is not the case. Peel Place has parking to both sides of the carriageway which only allows a single vehicular lane. If the turning circle is to be used, the proposed plan would require residents' parking on Peel Place opposite the site to be reduced by some 5-6 spaces. This is totally unacceptable for existing residents, with there being no nearby alternative.

4. **LACK OF SPACE FOR PASSING:** Lack of space for passing is the main traffic problem along Peel Place. The carriageway is very narrow due to parking on both sides of the street. The plans offer no solution to this. It is at its most problematic and unsafe between Park Row and Main St, where there is frequently only a single vehicle width available to two-way traffic. Emergency vehicles have difficulties gaining access.

5. **IMPACT ON NEIGHBOURING HOUSES:** The siting and new orientation of the building will give rise to additional noise and affect the light to homes on Peel Place and Long Meadows (to the north) due to the proximity. The proposal will place the main entrance doors and 4 large windows facing across Peel Place as well as the 'turning circle' and 12 car parking spaces being in front of Peel Place residents. Neighbours call for the new building to be restricted to its existing position so the main entrance and principal windows face East or South (into the field) to reduce impact on Peel Place. The adjoining house at 19 Long Meadows has a sitting room about 3 metres from the proposed drop-off point and car park. This will greatly increase the amount of traffic noise affecting the house and garden compared with the present situation and the external store entrance and windows on the north side will be a problem.

6. Some residents suggest that vehicle access should be taken via a new road across the playing field from Long Meadows where car parking would be less of a problem. Long Meadows is a modern, 2 lane road with good access points and where every house has off-street parking. Or that a turning circle be built there and an eco-friendly path built across the north edge of the community field across which children could walk to meetings. Vehicle access to the scout HQ from Peel Place should be closed. Only pedestrian access should be allowed.



7. There are bats regularly flying around the vicinity of the Scout Hut and should be protected.

### **SUPPORT COMMENTS**

1. This development will provide much needed modern and expanded facilities for the Guiding and Scouting groups in Burley which are of immense value to the local community in providing activities for a significant number of local children. The current building constructed in 1968 is now tired and shabby. It has been outgrown and the kitchen is inadequate. The fabric of the current scout hut has deteriorated, and the long standing demand for use is far in excess of the current size/capacity, with waiting lists to join the units evident.

2. The visual appearance of the new building is in keeping with the surrounding buildings and environment.

3. The new building will offer modern facilities, ease parking difficulties and serve the children of our village for many years to come.

4. Burley in Wharfedale Scout and Guide Group does a huge amount of good for over 300 young people in Burley in Wharfedale, providing them with adventurous and social opportunities to develop. For the village, this is an important opportunity to renew the present facilities and construction of a new building will ensure that the village will be in a good position to continue to provide these opportunities for the current and future generations of Burley young people, benefiting the community as a whole.

### **Consultations:**

Council's Drainage Section: The developer's intention to include the use of a soakaway in their proposed surface water drainage scheme is acceptable subject to the developer providing the results of percolation tests (conducted in accordance with Building Research Establishment Digest No 365) and subsequent design details to this council for comment, prior to drainage works commencing on site. Soakaways should not be within 5m of a building or the public highway or in areas of unstable land.

Council's Countryside Officer: The building looks unsuitable for bats, but, as no bat roost potential survey has been submitted, bats cannot be ruled out. The applicants (and their contractors) should be made aware of the potential for discovering roosting bats during demolition process and their legal obligations - the applicants should seek advice from a licensed bat consultant. Provision for roosting bats (e.g. bat tubes/bricks) in the new building would be welcomed.

Design and Conservation Officer: The building will be more prominent when viewed from Peel Place and Park Row. However, this will not necessarily be detrimental to the character and appearance of the conservation area due to the improvements to the design and materials of the proposed hut. The existing building, whilst smaller, has a light coloured metal roof which is a significant visual detractor. The proposed building has a larger footprint but a similar eaves level and lower ridge height and the design is considered appropriate considering its end use. The use of timber

cladding, grey aluminium windows and a zinc standing seam roof is acceptable and will result in an enhancement to the existing situation.

Overall it therefore accords with saved RUDP Policy BH7 and section 12 of the NPPF. A condition should require samples of all facing and roofing materials to be submitted for approval prior to development commencing.

**Summary of Main Issues:**

1. Design and impact of the development on the Conservation Area.
2. Highway and parking issues on Peel Place.
3. Impact on the amenity of neighbours.

**Appraisal:**

**Proposal and background**

The proposal is to demolish the existing Scout and Guide Association building and to construct a replacement building. This will be longer than the existing but would maintain the same eaves and ridge heights. The footprint will be around 27.5% larger. The building will be in a different position, but sited further away from the houses across Peel Place.

The site stands on a piece of land that is unallocated on the RUDP Proposals Map. The adjoining recreation ground is protected as Playing Fields by the RUDP but the development will not encroach on this land. The site is within the Burley Conservation Area. In exercising its planning functions, the Council has a duty to preserve or enhance the character or appearance of the conservation area.

The access to the site via Peel Place is acknowledged to be restricted. Peel Place is a cul de sac that is narrow and the passage of vehicles along it is restricted by parking on both sides of the street. It presently lacks a proper turning head at the end. Most residents are noted to depend on parking on the street.

Some objectors have questioned land ownership. For clarity : the application land is owned by a charity, of which the Parish Council are Trustees. Bradford Council owns the recreation ground adjacent to the application land. Appropriate Notice has been served on affected owners.

**Social benefits**

The supporters of the application have highlighted the valuable role the Scout and Guide Association plays in the well being of young people in the village, providing them with opportunities to develop. The existing 1968 building is dated and in need of improvement. The applicant says construction of a new building will help lower maintenance and running costs and ensure that the village can continue to provide opportunities for future generations of Burley young people, benefiting the community as a whole.

The proposals to enhance what is clearly a much valued community facility are in accord with the social dimension of the National Planning Policy framework to support strong, vibrant and healthy communities with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

However, it is important that the local impact of the scheme is carefully considered, particularly the material concerns raised by neighbouring residents about the deficiencies of Peel Place as the continued means of access to the site.

### **Design and impact on the conservation area**

The existing Scout hut is a visually prominent building but it is of poor, functional appearance and does not contribute to the character or appearance of the Burley conservation area. The existing light coloured metal roof is a significant visual detractor. Officers therefore do not object to its demolition.

The proposed replacement hut has a larger footprint than the existing building as it is longer. It would be oriented differently, being set parallel to Peel Place. This would make it slightly more prominent when viewed from Peel Place and Park Row. However, the eaves and ridge height of the new building will be the same as the existing.

The proposals for the replacement building are to use a dark coloured zinc standing seam roof with a matt finish. The Conservation Officer considers this type of roof to be acceptable and that it would represent a significant enhancement that would outweigh any impact caused by the larger footprint and new position. The Conservation Officer also supports the intended use of treated larch timber cladding for the walls. The Heritage Statement develops the detailing of the cladding to explain the articulation of the elevations and shows that a sympathetic and carefully controlled choice of materials is intended that will ensure that the building does not appear visually intrusive. Windows would be dark grey, powder coated aluminium. The agent says there will be no requirement for security grilles on the outside of the windows.

There is no requirement to enclose the site with any significant means of enclosure. Existing unsightly fencing is to be replaced with a low rail simply to demarcate the land. The proposal should allow for retention of the trees on the field to the east of the site, and the hedge bounding the house to the north. There is a tree (sycamore) towards the front of the site which is reasonably attractive and would be retained as part of the proposals. The conifer appears to be in poor condition and is less valuable.

The proposed building design reflects its end use. It will create much more attractive, comfortable, flexible, and sustainable facilities for the existing users and this aspect of the scheme is generally welcomed. The improvement of the appearance of the existing building has also generally been welcomed and the proposal will result in an enhancement to the character and appearance of the conservation area and accord with Policies D1 and BH7 of the RUDP.

### **Impact on the amenity of neighbours**

The new building would be the same height as the existing but set further into the site from Peel Place on the hard standing behind the existing building. This position is further from the houses on the other side of Peel Place but residents have raised objection to the larger size, the siting and orientation which they say will give rise to additional noise and affect the light to homes on Peel Place and Long Meadows (to the north). It would result in principal windows facing towards the west. Neighbours call for the new building to be restricted to the existing site and rotated so the main entrance and windows face East or South (into the field) to reduce impact on Peel Place and Long Meadows.

However, this is not accepted. Officers consider that the additional impact on light, privacy and outlook of neighbours will be minimal for these reasons.

First, although the proposal will result in the entrance doors and 4 windows facing Peel Place, these would set well over 30 metres from the houses. This is a significant degree of separation which together with the fact that such a building will not be in permanent occupation or use, will mean any effects on privacy and amenity of houses such a distance away would be insignificant.

Second, the agent makes the point that the new building would be built to current Building Regulations Standards with significant improvements in accessibility, thermal and also acoustic insulation performance. It is not considered that the new building would give to any appreciable additional impacts on the amenity of neighbours in terms of noise and other disturbance from its use - especially given that much improved standards of insulation will be achieved.

In response to objections it has been observed that the adjoining house at 19 Long Meadows has a sitting room about 3 metres from the proposed drop-off point and car park. However, the existing access to the scout hut car park presently runs directly alongside the same boundary. The tall hedge provides screening between the two uses and is to be retained as part of the new scheme. The new proposals cannot be said to greatly increase the amount of traffic noise affecting the house and garden compared with the present situation. The applicant has also explained that the external store on the north side, mentioned in objections, would simply replace the existing concrete garage alongside the same boundary and would be used for the same purposes of storing equipment for occasional use by the scout/guide groups.

The hedge along the boundary of the houses on Long Meadows would be retained and the garage wall abutting the site is blank. The replacement building would have any significant impact on the houses adjoining or looking onto the site to the north and west. Features on the north side of the building will not present a problem for neighbours.

### **Highway safety and car parking**

The majority of objections refer to the feared adverse impact of the proposals on traffic conditions in Peel Place and subsequently on the safety and amenity of the residents of this street.

Objectors describe how the existing facility already causes much disruption to residents because many parents collect or deposit children by car. There is a fear that the use will be intensified as the proposed building is larger, and three main highway deficiencies have been identified.

1. Turning: Peel Place is a cul-de-sac with no formal turning facility. The existing site entrance can facilitate turning manoeuvres but manoeuvring is hampered by its width and position right at the end of the street, and by parked vehicles.
2. Parking: There are around 12 existing car parking spaces associated with the use but the present parking area is not properly laid out and is located out of sight behind the building. It is probably used by staff but much short stay, casual parking and dropping off/collecting children takes place on Peel Street which can cause access and parking problems for residents.
3. Passing: The main issue which residents highlight is that vehicles can't pass each other on Peel Street if there are cars parked on both sides of the road. Peel Place is relatively narrow and parking on both sides can obstruct two way traffic movements. The absence of passing places means vehicles have to reverse a considerable distance to pass, and the situation creates difficulties of access for service and emergency vehicles.

### **Intensification of use**

It is important to appreciate that the scheme is to replace the existing Scouts headquarters building at the end of Peel Place that has existed for many years. There is no change of use but residents have highlighted that the proposed building would be around 27.5% bigger than the existing, in terms of its longer footprint. Another concern is the proposal to increase the facilities from 1 meeting room to 2 meeting rooms.

To understand present levels of activity, the Scout and Guide Association has submitted the following information. It presently runs 12 active scout/guide units for different age groups of children and caters for over 300 children each week. The building is in use every weekday from late afternoon to evening. It is sometimes used on weekends. The Association has already increased the number of units for younger-age children over the last 2 - 3 years to meet demand.

The existing building comprises two multi functional meeting spaces of different sizes, with ancillary kitchens offices, toilets and stores. Some of the meetings have to be held in the smaller of these meeting areas which is of substandard size. It is proposed to increase the size of the present building from 1 fully sized meeting room to 2, so that the Group may run two unit meetings using two adequately sized meeting rooms rather than as at present, using one adequate room and one substandard room.

Though residents oppose the increase in the size of the building and the number of meeting rooms on the grounds that this would increase traffic, the Scout and Guide Association argues that this would not necessarily be the case. The building will be catering for around the same number of groups of children. The expansion of the building footprint would simply mean that children are meeting in better sized meeting rooms than is possible at present. The capacity to increase numbers will be limited more directly by the number of scout/guide leaders available, rather than the size of the building.

Also there is great concern by objectors that the applicant has signalled an intention to allow the improved facilities to be used by other groups within the community when it is not used by Scout and Guide groups. In response, the Scout and Guide Association has said this would only be at times when the building is not needed for its own purposes. There is no intention to allow use of the premises for any other activities that would intensify use of Peel Place by vehicles.

The Association has also said it intends to discourage parents from travelling to the site by car and to encourage walking - as far as it is able. It has submitted examples of letters being sent to parents to attempt to do this. The Association claims that only a small minority of parents do drive, but admits this is a difficult issue for it to control.

On balance, having considered the representations from Peel Place residents, and on the basis of a number of meetings with the applicant, Officers accept that the increased size of the building mostly aims to improve the quality of the meeting space and other facilities rather than to accommodate a substantial expansion of the Scout/Guide groups beyond what presently exists. The Scout/Guide Association has made the point that any further expansion is limited by other factors such as availability of volunteer leaders rather than the size of the building. It is not certain that the proposal is likely to lead to a significant increase in traffic activity on Peel Place.

In any case, the Council's Highway Officer considers that the proposed development would mitigate any subsequent increase in traffic and would bring significant benefits to the existing situation by providing better placed on-site car parking spaces and by creating a more effective turning and drop off area at the front of the building.

### **Improved Turning**

The proposals include a turning facility and drop off area alongside Peel Place. The turning circle will enable parents dropping off and picking up children to turn more easily than at present and for children to be dropped off in safety outside the hall whilst causing least obstruction possible. The drop-off facilities are outside the turning circle, and so that it will not become blocked by cars manoeuvring to park in the 12 parking bays provided behind. This turning facility would be kept open and so would be available for use by residents and their visitors as well as by service and emergency vehicles.

The turning and drop off proposals are regarded as a significant improvement on the existing turning facilities and present an opportunity to substantially reduce the impact of the Scout and Guide use on Peel Place.

The Council's Highway Officer does not agree with comments by local residents that the turning circle will not work if residents' cars are parked along the length of street opposite. The Highway Officer is satisfied that the turning facility will function and a swept path diagram from the applicant's highway consultant confirms this.

At the moment, turning for the existing use has to take place in the highway, or involves difficult manoeuvres using the existing entrance which is right at the end of the street. There is presently no formal dedicated turning area.

There is also no proposal to impose any TRO restrictions to prevent residents parking their cars outside their houses along Peel Place. The turning circle would give significantly more space for manoeuvring and be of benefit for other residents and for visitors and deliveries as it will not be gated off from the highway.

### **Improved car parking**

The existing building has about 12 spaces, but these are hidden behind the building and are not marked out in any formal arrangement. The proposal is to provide 12 spaces but which are better laid out, are more visible and are easier to use. Intended materials for the hard surfaced areas are proposed, suggesting use of block paving or bound gravel for the car spaces with appropriate edging detail to the turning area. They would be more prominently placed compared with the existing facilities which are behind the building. They are therefore more likely to be used by parents than the existing spaces and this is considered to represent a significant improvement.

### **Other suggestions for highway mitigation**

Objectors have called for a new access to be formed to the site across the adjoining recreation ground. However, the applicant does not own this land. The land is protected open space and such an access could affect mature trees. In any case, the applicant has not proposed this access as part of this application.

In early consultation advice in response to the application, the Highway Officer suggested that a Residents parking scheme, to which the Scout Association pays a contribution, could also help mitigate the impact of the development caused by the lack of passing space for two way traffic along Peel Place. The idea was that a TRO could be used to restrict car parking at a couple of points along the street so as to provide informal passing places at suitable locations along the street. However, some residents have reacted strongly to this suggestion due to feared loss of the ability to park outside or near their homes. There is no alternative parking in the locality.

The TRO suggestion has been discussed further with the Council's Highway Officers. It is appreciated that a scheme would need to be part of a more comprehensive look at parking and access in Peel Place, North Parade and elsewhere. It would need further engagement with residents and it is recognised that creating meaningful passing places along Peel Place is likely to displace much

needed parking spaces and the proposal is not going to be easy to implement whilst maintaining enough parking for all those affected. It seems clear from comments that residents already seem very antagonistic towards the idea. Officers are therefore not now considering pursuing contributions towards a more comprehensive Residents Parking scheme as a requirement of this planning application.

### **Highway Issues: The balance**

The use already exists at the site and Peel Place has been the sole means of access to the Scout/Guide facility for many years. It is appreciated that levels of parking and congestion on the street have worsened in recent years but the car parking and turning facilities proposed would improve the existing situation. On balance, Officers do not consider that the increased size of the building would necessarily lead to a significant increase in the numbers of vehicles seeking to access the site. The proposed turning and parking improvements are considered to sufficiently mitigate the impact of the proposed replacement building on local highway conditions in line with Policy TM2 of the RUDP and by enabling turning to take place clear of the highway, these proposals will appropriately offset the feared impact of the larger building on local highway safety conditions in accordance with Policy TM19A of the RUDP.

### **Bats**

Some objectors have seen bats fly across the area, but there is no evidence that they actually use the building. The prefabricated nature of the building (including its roof) are such that it looks unsuitable for bats. The Council's Biodiversity Officer has pointed out that, though bats are unlikely to be present, this cannot be ruled out. It is recommended that a footnote on the decision notice be imposed alerting the applicants (and their contractors) of the modest potential for discovering roosting bats during demolition process and their legal obligations in relation to European Protected Species.

### **Drainage**

Development will need to be drained via a separate drainage system within the site boundary.

The strategy for drainage is that foul drainage will be pumped to the existing connection to the public foul drain in Peel Place. The invert level on the drain will not allow sufficient fall for a simple gravity drain. An automatic pump and standby pump will be provided in a proprietary packaged pump installation. Surface water from the car parking areas drain away to ground, as all the surfaces will be porous. Roof drainage will be run to a soak away within the retained grass area, subject to tests on the ground conditions. If ground conditions are not suitable, then surface water storage attenuation would be introduced.

The Council's Drainage Officer has advised that development should not begin until details of a scheme for foul and surface water drainage, including any balancing and off site works have been submitted to and approved in writing by the Local Planning Authority.

### **Community Safety Implications:**

None.



**Equality Act 2010, Section 149:**

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance 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. The proposals create level access to the building allowing use by people with disabilities in accordance with Policy D3 of the RUDP.

**Reason for Granting Planning Permission:**

This is a proposal for the enhancement of a valuable community facility that already exists at the site. The design and scale of the building are appropriate. The new timber clad building and roof are considered sympathetic to the character of the conservation area and accords with Policies D1 and BH7 of the RUDP. The new building would not lead to any appreciable adverse impact on the amenity of adjoining residents.

It is fully acknowledged that Peel Place suffers from existing congestion problems, but the scout and guide use is long established. The proposals presented have considered the implications of the larger building on existing traffic conditions and amenity for residents. The applicant has therefore included proposals for a more formalised arrangement for turning, drop off and car parking within the site. These would be of wider benefit in terms of addressing the existing problems and mitigating the impact of the development on local traffic conditions.

On balance, Officers consider that the improved facilities for turning and parking appropriately mitigate the impact of the development on transport infrastructure and road safety in accordance with Policies TM2 and TM19A of the RUDP.

**Conditions of Approval:**

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

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to safeguard the appearance of the Burley Conservation Area in which it is located and to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.

2. Before any part of the development is brought into use, the vehicle turning area and drop off area shall be laid out, hard surfaced and drained within the site, in accordance with details shown on the approved plan. It shall be 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 TM2 and TM19A of the Replacement Unitary Development Plan.

3. Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, marked out into bays and drained within the curtilage of the site in accordance with the approved plan numbered 1004/101 Rev A. The car parking facility 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 Policies TM19A and TM11 of the Replacement Unitary Development Plan.

4. The turning and drop off facility identified on the approved drawings shall remain ungated and open for use by other road users.

Reason: To provide mitigation for the impact of the development on local highway conditions, the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

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

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

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

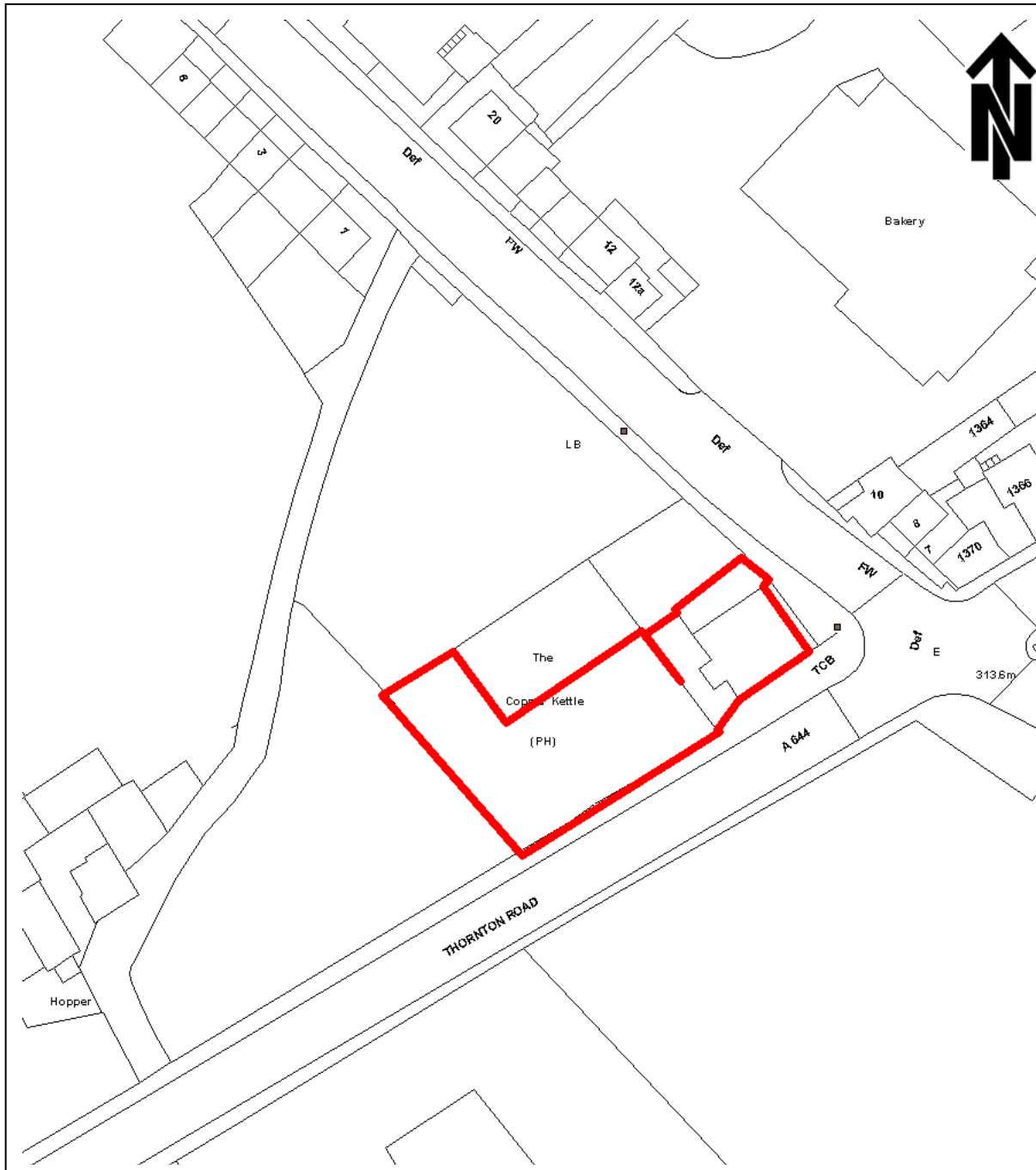
Reason: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

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**Area Planning Panel (Keighley/Shipley)**

**15/03205/HOU**

7 October 2015



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ITEM NO. : 4	LOCATION: <b>1374 Thornton Road Denholme</b>
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**7 October 2015**

**Item Number: 4**  
**Ward: BINGLEY RURAL**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
15/03205/HOU

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

Retrospective householder application for the retention of wall cladding to south-west elevation of 1374 Thornton Road Denholme Bradford BD13 4HE

**Applicant:**  
Mr S Ahmed

**Agent:**  
SR Design

**Site Description:**

The property is the former Copper Kettle public house which has been converted to one dwelling. The two storey stone building stands at the junction of the A644 Thornton Road with the Brighthouse/Denholme Road. It is part of a cluster of buildings forming a settlement known as Keelham. This includes the bakery premises occupied by Asa Nicolsons and several of the nearby dwellings are Grade II listed buildings. Various garages and outbuildings have been constructed on the former public house car park to the south west of the building. This retrospective application relates to the south west facing gable wall and an attached lean-to extension which have been covered in a dark grey coloured metal cladding material.

**Relevant Site History:**

08/02037/FUL – Demolition of public house and construction of two detached houses. Refused.  
10/06192/FUL – Conversion of former public house to single dwelling. Granted 09.02.2011.  
11/04711/CLP – Detached garage building. Permitted Development - Granted.  
12/00478/CLP Detached building for gym and games room. Permitted Development – Granted.  
12/02295/FUL – Detached dwelling to north of existing building. Granted by Area Planning Panel 12.09.2012.  
12/03699/CLP – Garden summerhouse/tennis court. Granted.  
13/00281/FUL – Conversion of dwelling to 2 dwellings. Granted.  
13/00961/FUL – Construction of detached dwelling (resubmission of 12/02295/FUL). Granted: 09.08.2013.  
13/02377/FUL – Detached dwelling (renewal of permission 12/02295/FUL). Granted.  
14/03757/FUL – Construction of two apartments (as amendment to approved application 13/02377/FUL). Granted 28.10.2014.

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

**Allocation**

Green Belt.

**Proposals and Policies**

GB1 - New Building in the Green Belt

D1 - General Design Considerations

UR3 - The Local Impact of Development

BH4A - Safeguarding the setting of Listed Buildings

**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.

**Parish Council:**

Denholme Town Council objects to the application. Although it applauds the applicant's desire to weatherproof the building, there seems to be no evidence of consideration of other methods. The Council feels the cladding is incongruous with domestic buildings in the area.

**Publicity and Number of Representations:**

Publicised by a site notice. Three letters of support have been received. Two Ward Councillors have also e-mailed in support and have requested referral of the application to Panel in the event that Officers recommend refusal.

**Summary of Representations Received:**

Ward Councillors have been assured that the cladding seems to be the only practicable solution to address damp problems.

A letter received in support says before the cladding was installed, during times of high winds the loose fragments of render from the wall, often blew in to my garden and have damaged my car. Therefore the cladding has improved the highway and public safety around the building.

The applicant has clad half of the elevation in a sympathetic manner, as it was required in order to maintain the building. By doing so, he has improved the elevation visually, whilst utilising an appropriate material which is a common feature in the surrounding landscape.

**Consultations:**

None deemed relevant.

**Summary of Main Issues:**

Visual impact of the cladding material balanced with the claimed need for the work.

**Appraisal:**

**Background**

The applicant converted the former Copper Kettle public house to residential use a few years ago under permission 10/06192/FUL. Following the conversion, single storey buildings were added onto land to the south west that was formerly occupied by the pub car park using permitted development rights.

During 2015 the south west facing gable of the Copper Kettle building and a projecting single storey extension (formerly the pub toilets) on that elevation were clad in dark grey profiled steel sheeting without the benefit of planning permission.

Following Planning Enforcement enquiries this planning application was submitted to retrospectively seek permission for the retention of the cladding.

The cladding has not had any harmful effect on neighbouring properties, and there is no conflict with the openness of the Green Belt or the purposes of including the land in the Green Belt.

The sole issue is the visual impact of the cladding on the character and appearance of this traditional building and its rural surroundings.

**The claimed need for the cladding**

The applicant states that the metal cladding was necessary to address problems of water ingress into the building.

The applicant lists previous attempts to rectify the problems before installing cladding which have included the gable elevation being re-rendered with cement that contained a waterproofing agent. An oil based storm shield paint was applied and the interior surface of the property on the gable wall elevation was lined in plastic sheeting to prevent mould and damp growing as it thrives in plasterboard.

The applicant claims he carried out months of research to find alternative methods unfortunately none are available. Due to the age of the property the gable wall does not have a clear cavity, instead it is rubble filled. Therefore any moisture which hits the external face of the wall and penetrates through the wall onto the internal surface, creating damp and mould patches.

The applicant says the cladding provides a physical barrier between the wall and the weather. The cladding is mounted on battens, creating an air gap between the wall and the cladding. Therefore the air circulation continually dries the wall. Other methods such as render, pebble dashing, painting, water sealers are attached directly to the wall and so, due to the extreme weather conditions and the prevailing winds which the gable elevation suffers from, moisture still penetrates through the applied finishes and directly into the wall so after a short period the damp and associated mould returned.

The applicant says a water sealant sprayed on to the gable wall externally, in order to prevent moisture from entering also failed. A false internal stud wall was erected, which was independent of the original external wall to prevent the damp patches showing. However this still couldn't prevent the continuous smell of damp. The flat roof was re-covered with torch on felt and then lead, then it was coated with three layers of bitumen paint. He says this also failed to provide any benefits.

The applicant says all of the above works failed to overcome the damp problem. Hence the cladding was introduced.

However, there is no independent, professional verification (e.g. from a Building Surveyor) to establish the nature and source of the claimed problems, or verification of what alternative measures have been tried and whether the methods listed were applied effectively. There is no independent advice verifying that this cladding is the only feasible solution.

### **Impact on local amenity**

The external cladding of a traditionally proportioned stone building with sheet steel is not usually an attractive or acceptable form of development. In this case, the gable wall faces down the A644 Thornton Road and is very prominent to traffic approaching Bradford District from the south west. The cladding has resulted in a stark and incongruous feature causing significant visual harm by substantially changing the character of the building to which it is attached. It appears particularly alien in these rural upland surroundings.

Sheet steel-clad dwellings are clearly not in any way a locally distinctive form of development in West Yorkshire. The use of these inappropriate external materials is therefore fundamentally contrary to Policies UDP3, UR3 and D1 of the RUDP, all of which seek a satisfactory quality of development and the maintenance of local distinctiveness.

The applicant has provided in support of this application a number of photographs of agricultural, industrial, educational or commercial buildings that have been constructed with external cladding of walls and roofs and says these examples set a precedent for the treatment of this dwelling with similar materials. The applicant states that the cladding material is "in keeping with the surrounding area". Officers disagree. Some of the examples given are not in rural areas and many are not domestic buildings. The supporters have said the cladding is the same as used on the Westfield shopping centre but this is clearly a very different building and context. Some of the examples given by the applicant are historic developments that are

clearly unattractive and out of keeping with their surroundings and would not set a precedent for further harmful visually unattractive development.

There is no established pattern of residential development anywhere in West Yorkshire that includes the use industrial steel sheeting. The unauthorised use of this material is considered to be unacceptable as a treatment to a domestic property irrespective of setting.

**Weight to be given to the water ingress problem**

The Parish Council has expressed sympathy with the applicant's stated efforts to prevent water penetration the building. However, it rightly points out that there seems to be no independent evidence of how other methods have been considered and how effectively they have been applied or tested. Nor has the applicant explained why the Copper Kettle is suffering such problems when it does not appear significantly different in construction from the majority of similar buildings in the area.

Officers do not accept that the applicant has clearly and convincingly demonstrated that other methods could not be used to overcome the claimed damp and mould problem. There is no independent professional advice to verify that this cladding is the last and only available option.

**Conclusion**

The profiled steel cladding appears incongruous and out of keeping with the domestic character of this building. It is out of keeping with other domestic buildings in the area. There does not seem to be a special case for the use of these incongruous and inappropriate materials, they are harmful to wider visual amenity next to a busy local distributor road. It is also relevant that the building is close to several listed cottages in Keelham and affects their setting contrary to Policy BH4A of the RUDP.

The use of this material here is unacceptable and contrary to Policies UDP3, UR3, D1 and BH4A of the RUDP and contrary to the NPPF.

The removal of the material will likely require enforcement action if necessary, subject to any appeals lodged by the applicant.

**Community Safety Implications:**

None.

**Equality Act 2010, Section 149:**

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



**Reasons for Refusal:**

The external cladding of part of this dwelling with sheet steel is not an acceptable form of development, since it results in significant visual harm by substantially changing the character of the building. The use of sheet steel cladding on the exterior of dwellings is not in any way a locally distinctive form of development and this use of inappropriate external materials is fundamentally contrary to Policies UDP3, UR3 and D1 of the RUDP, all of which seek a satisfactory quality of development and the protection of visual amenity.

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