

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 9 December 2015

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.	20 Russell Street Keighley West Yorkshire BD21 2JP - 15/03167/FUL [Approve] – page 1	Keighley Central
2.	Houldsworth Of Yorkshire Cullingworth Mills Greenside Lane Cullingworth Bingley West Yorkshire BD13 5AB - 15/06203/FUL [Approve] – page 11	Bingley Rural
3.	1374 Thornton Road Denholme Bradford West Yorkshire BD13 4HE - 15/03205/HOU [Refuse] – page 20	Bingley Rural
4.	Land At Halifax Road Keighley West Yorkshire - 15/03334/FUL [Refuse] – page 26	Keighley East
5.	Side Garden In Church Farm Main Street Stanbury Keighley West Yorkshire BD22 0HA - 15/04267/FUL [Refuse] – page 35	Worth Valley
6.	Mill House 44 Ivy Bank Lane Haworth Keighley West Yorkshire BD22 8PD - 15/04597/TPO [Approve] – page 44	Worth Valley

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Portfolio:
Change Programme, Housing and Planning

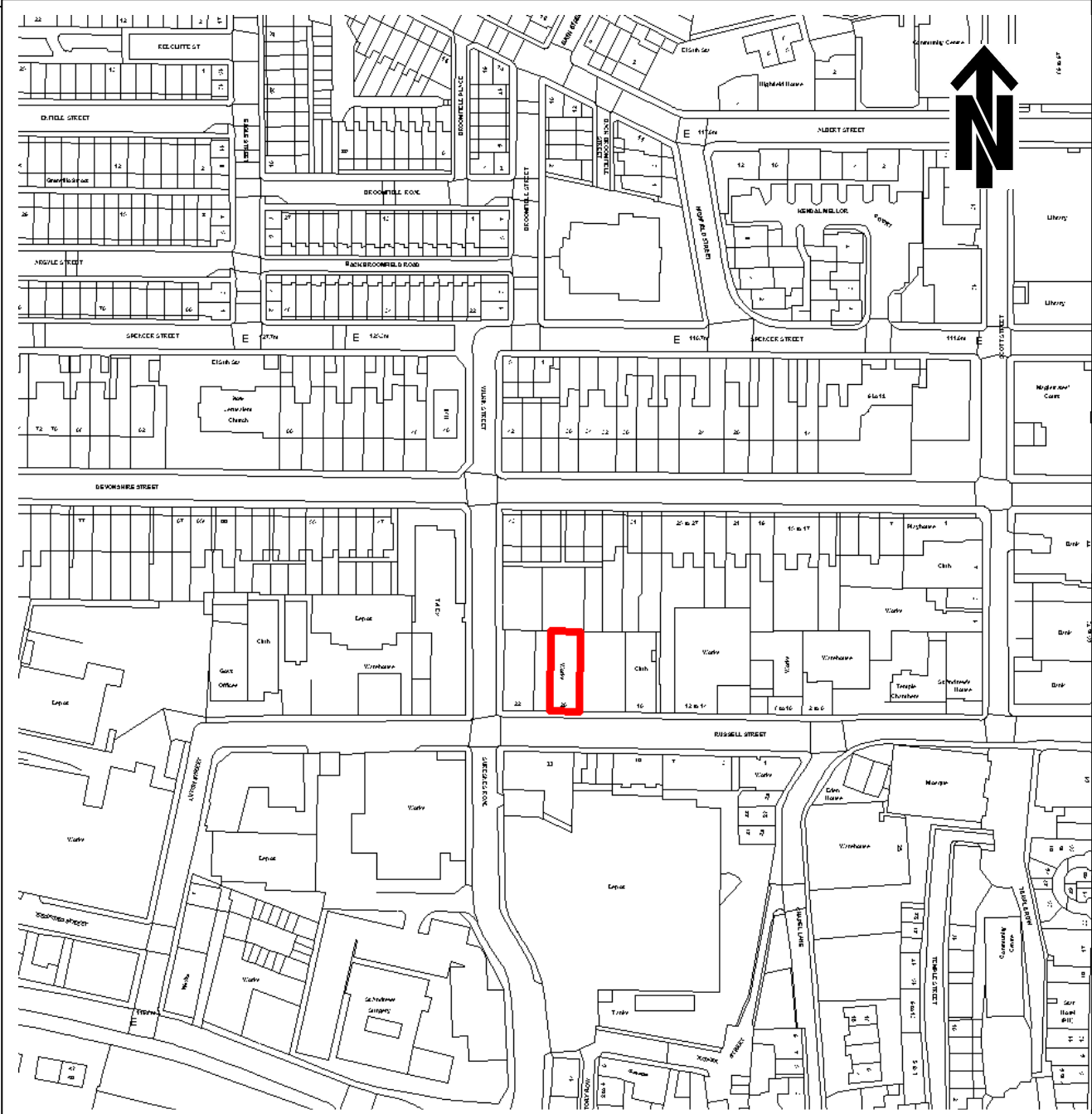
Improvement Committee Area:
Regeneration and Economy



Area Planning Panel (Keighley & Shipley)

15/03167/FUL

9 December 2015



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ITEM NO. : 1	LOCATION: 20 Russell Street Keighley BD21 2JP
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9 December 2015

Item Number: 1
Ward: KEIGHLEY CENTRAL
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
15/03167/FUL

Type of Application/Proposal and Address:

Full planning application for change of use from a training centre to create 7 no. one bed flats and a single retail unit at 20 Russell Street, Keighley, BD21 2JU.

Applicant:

Elite Properties

Agent:

Mr K B Ratcliffe

Site Description:

The application site consists of a two storey workshop building built in stone and render with a pitched blue slated roof. The building was originally used for industrial purposes and a flue on its side elevation reflects this past use. However, as the site history shows, the last use of the premises was as a youth and community arts development centre. It has been vacant for a while.

The premises have a yard with access off Russell Street, which is jointly used by the application property and the occupiers of a similar workshop building at 22 Russell Street. This neighbouring building accommodates a business that makes curtains and blinds. It is understood that the owners of both 20 and 22 Russell Street have ownership of separate parts of the yard.

Windows in the east (side) elevation of 22 Russell Street faces the west side elevation windows of 20 Russell Street across the intervening yard. To the east side of 20 Russell Street is an enclosed informal car park which is for let. Below this land is a Social Club that opens until 11.30pm at night 5 days a week and to 11.00pm on Sundays. Across Russell Street there is a mixture of flats and commercial premises, including a small private hire office.

Russell Street is close to North Street and the centre of Keighley. Russell Street has a high degree of on street parking. On street parking is controlled on Russell Street by yellow lines and limited time on street parking allocations.

Work on the conversion of the building has apparently already started.

Relevant Site History:

91/04601/FUL - Change of use of industrial premises to gymnasium. Granted.

04/05496/FUL - Change of use of ground floor from light industrial/distribution to youth and community development. Granted 17.02.2005.

10/05453/FUL - Extending the use of the ground floor to include music and arts performance as well as youth and community arts development activities. Granted 06.01.2011 subject to restricting the hours from 08.30 to 21.30 Mondays to Saturdays and from 10.00 to 18.00 on Sundays, Bank or Public Holidays in the interests of residential amenity.

11/02697/VOC - Variation of condition 3 attached to planning permission 10/05453/FUL, dated 6th January 2011, to extend operating hours to facilitate occasional late night events: Proposed hours of operation to be as follows: Monday to Thursday 08.30 to 21.00; Friday 08.30 through to Sunday 21.00. Granted 17.08.2011 as a personal permission.

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UDP1 Promoting Sustainable Patterns of Development

UDP7 Reducing the Need to Travel

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development

H7 Housing Density – Expectation

H8 Housing Density - Efficient Use of Land

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

D1 General Design Considerations

D4 Community Safety

CR3A Policy allowing small shops

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:

Recommends approval subject to bin storage considerations.

Publicity and Number of Representations:

The application was publicised by a neighbour notification site notice and individual neighbour notification letters. Overall publicity expired on 11 October 2015 .

There have been 9 representations in favour of the proposal and 10 representations objecting to the proposal.

Summary of Representations Received:

The grounds of support are summarised below:

1. Meets national and local demand for more residential properties / flat accommodation. It will help reduce the strain on In Communities waiting lists.
2. One bedroom flats will release larger family accommodation presently used for single people.
3. It will populate an area of Keighley which is in need of building up and renovation and population to increase its sustainability and keep the street alive and vibrant. Reference is made to similar developments in the street that have already been granted permission and implemented.
4. There are 7 commercial buildings empty within two street of this building on Devonshire Street and also on the top of Luton Street. If this development is not approved the whole area will look more rundown than it already does.
5. It will provide much needed residential accommodation close to the town centre and sustainable transport links.
6. Residents of the flats will support the town centre economy and help to create and support jobs.
7. There is a need for a convenience store in the area.
8. It will increase Council tax revenue.
9. It provides a good use for the building.
10. The reason the neighbour is objecting to the proposed project is probably because he wants to control the yard which belongs to both buildings.
11. Objectors are for the most part not local.

The grounds of objection are summarised below:

1. The proposed residential development will mean that security gates across the shared yard will not be able to be locked, thus compromising security to the commercial premises at 22 Russell Street contrary to Policy D4 of the RUDP.
2. There is likely to be a conflict in aspirations and expectation between commercial and residential users of the yard leading to problems.
3. It is anticipated that there will be conflict and problems caused by deliveries to the retail unit using the shared yard due to the parking restrictions on Russell Street.
4. The positioning of the refuse storage.
5. Where are the staff for the retail unit going to park?
6. There is serious concern that the new use will prejudice the operations of 22 Russell Streets business, through congestion in the yard which will impact on deliveries and employees and the potential for future residents to seek to limit the hours that the business can operate.

7. Loss of jobs because customers to 22 Russell Street will look for alternative suppliers if there are access problems to the premises.
8. Any adverse effect on the business of 22 Russell Street will adversely affect other businesses that either trade or work with them.
9. Incompatibility of residential use next to commercial use.
10. Congestion of the shared yard area.
11. This a not a safe position for private dwellings and parking, being so near a very busy junction, the area is busy at all times day and night and no parking on the road.
12. Off road parking for the residents, refuse storage / collection and maintenance of the proposed flats are all not compatible in an area that is shared with a commercial property and could prejudice the business.
13. There are strong health and safety issues arising from wagons delivering to the site several times a day.
14. Problems generated by the proposal would cause significant and possibly fatal damage to the continuing success of the business and could lead to it relocating and the costs and disruption would, inevitably, shrink the business and lead to some loss of employment.

Consultations:

Drainage: No comments to make.

Highways DC : The site is located in a controlled parking zone on the edge of Keighley Town Centre, close to bus routes and is within walking distance of the bus and rail stations. The Highway Officer does not foresee any undue highway safety problems, if approved, and therefore have no objections to raise on the proposed development.

While there is some space in the side street which could be used for parking, this is shared with No. 22 and therefore unlikely to be operationally practical if used by both premises, particularly as there is no turning facility. Short stay on-street parking is available on the opposite side on Russell Street during the day with parking on both sides available after 6pm.

Environmental Health: have no objection to this planning application but they would recommend that all operations on site be carried out to conform to BS5288 Parts 1, 2 and 4 (as appropriate) Noise Control on Construction and Open Sites. This will minimise the likelihood of dust and noise complaints from neighbouring properties.

Council Building Control Officer: confirms that the layout is acceptable from the building regulations perspective.

Summary of Main Issues:

Principle

Design

Impact on neighbouring occupants

Standards of residential amenity

Highway safety

Appraisal:

The proposal is to convert most of this two storey building to form 7 small one bedroom flats largely using existing windows. There would also be a small retail shop on the ground floor with a shop entrance and display window abutting the pavement.

Principle of the use

The proposal is for 7 one bedroom flats which meets normal density requirements and provides for an efficient and effective use of land as required by Policies H7 and H8 of the RUDP.

The site and surrounding area are unallocated by the RUDP. However, the site is situated within a mixed area that has both residential and commercial uses. It is also close to the town centre where formation of residential accommodation, such as accommodation above shop premises, is normally welcomed.

The applicant has made the point that several other premises along Russell Street have been converted to residential use in recent years – including some undertaken by the applicant. It is also noted that previous permissions to use the building as a youth and community arts development centre was subject to planning conditions restricting hours of operation so as to protect residential amenity.

The residential flats would be in a sustainable location with easy access to the facilities and services of the town centre and there will be ready access to sustainable transport modes, such as bus services. In principle, the proposal would accord with Policies UDP1 and UR2 of the RUDP and assist in providing the residential accommodation the district needs.

The proposed retail unit would have a 37m sq. floor area and would provide a small shop according with Policy CR3A of the RUDP that would cater principally for local needs and would not adversely affect the viability or vitality of Keighley Town Centre's primary shopping area.

Design

The external alterations associated with this change of use will consist of the relocation of doorways, renewal of window openings with slim profile black uPVC window frames, uPVC doors, security CCTV, security lighting and the insertion of a shop fascia and door on the Russell Street elevation. The external physical alterations will not be significant. The changes involve only modification of existing openings. They will not adversely affect the character and appearance of the street scene on Russell Street or the setting of the nearby Keighley Town Centre conservation area. In this respect the proposal will accord with Policies BH7, D1 and UR3 of the RUDP.

Impact on neighbouring occupants

Concern has been expressed by and on behalf of the owner of 22 Russell Street that the proposal to create flats is incompatible with the continued operation of the adjoining business and will have an adverse impact on that business due to noise and conflicts over the use of the shared yard. The business owner and his representatives fear conflict over use of the shared yard, and that residential use in the application property may affect its viability in the future by resulting in restrictions being placed on its operations in the future. The business use is presently unrestricted in terms of its operating hours and hours of deliveries etc.

The retention of employment uses and jobs within the district is clearly important. The objectors say that the business at 22 Russell Street presently employs 6 people but there is the chance that an increase in business will lead to up to 9 people being employed in the near future.

The existing business use is lawful and unrestricted by any planning conditions. The circumstances whereby restrictions might be imposed on the business would be under Environmental Protection legislation in circumstances where noise and other disturbance might constitute a statutory nuisance under Environmental Protection legislation. Therefore, Officers have responded to the concerns of objectors by re-consulting with the Environmental Health Officer; a joint visit to establish the nature of the business use at 22 Russell Street; and making a careful assessment of the relationship between the buildings to see if there is likely to be significant conflict between it and the proposed residential use.

The business at 22 Russell Street has been established for 14 years and involves the manufacture of bespoke curtains and blinds. After examination, Officers are of the view that the use falls within Class B1 (light industrial) of the Use Classes Order 1987. B1 uses include any industrial process “which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit”.

The manufacture of the curtains and blinds takes place in the building and the processes do not generate significant noise, vibration, smell, fumes, smoke and so on. It is generally accepted that, in principle B1 uses, are those that can co-exist with residential uses without detrimental impact on amenity.

In a letter, a representative of the business has said it can be known to operate until 9pm in the evening to meet orders and that deliveries to and from the business can be up to 4 per day. However, the Council’s Environmental Health Officer is not proposing to object to the introduction of the residential use next door. There seems no reason why there would be significant conflict or nuisance caused by the curtain and blind manufacture processes or ancillary deliveries of materials and collections of goods etc.

The objectors also fear that if residential use is introduced, the use of the intervening shared yard by the business at 22 Russell Street would be restricted. It is understood that the yard is in shared ownership, split down the middle. Security gates have been installed by the business to close off the yard. These extend right across the space and are attached to the application premises. It is understood that this has been without consent of the owner of the application property. However, this is a private legal matter.

It has been suggested that the business at 22 Russell Street relies on the whole of the shared yard to allow loading and unloading of vehicles. Their rights to use all the yard is a private matter but if the use of the whole yard was prejudiced there is a loading bay door to Russell Street which could also be brought into use by the business. Though it is understood that the business at 22 Russell Street has seemingly enjoyed unrestricted usage of the whole yard for a number of years, such rights will depend on such private legal arrangements continuing by private agreement. Any subsequent change of use or ownership of the application premises could result in the existing arrangements ceasing. For example, permission was granted in 2004 for its use as a gymnasium and if this use had been introduced, the arrangements may now have been different.

The only feature of the proposed plans that would affect the yard is a proposed bin store for the flats, although these would only occupy a small area and could be sited in a way that would not restrict its use by the business. Generally, officers consider that the application proposals would not prevent the employees and deliveries to 22 Russell Street taking place on their side of the yard and that the neighbouring use would not interfere with pedestrian access to the proposed flats via the shared yard.

Concerns have been raised as to the safety aspects of commercial vehicles unloading on a shared access used by residents. However, Highway and Environmental Health Officer comments have not raised this as an issue. It is expected that all users of the yard would use common sense to avoid conflicts arising.

It would therefore not be reasonable to refuse the application on the grounds of its impact on the operation of the shared yard with 22 Russell Street and their business.

Standards of residential amenity

It is important that the proposed flats are able to offer satisfactory standards of amenity for future occupiers. They will be located in an area that has traditionally had a wide variety of uses. Along the length of Russell Street there are entertainment uses, such as the nearby social club, and business premises such as the B1 blind manufacturing business. There is a long established private hire office across the road. There are also several traditional terrace houses and new residential conversions that have recently been introduced along Russell Street.

There was concern about whether nearby uses, and particularly the adjoining business, would have an impact on the residential amenity of the flat dwellers, particularly from noise. On balance, it is considered that people occupying the flats would be aware of the possible reduced standards of residential amenity prior to occupation. The situation is comparable with the occupiers of flats in town centre locations where 'living above the shop' is acceptable.

As noted above, the Council's Environmental Health Officer has visited the site and has considered the relationship, particularly to the business at 22 Russell Street. The Environmental Health Officer raises no objections to the residential conversion. However, it is considered that sound insulation of the flats should be required by condition. The Environmental Health Officer has suggested that a condition be imposed to require that, before the flats are brought into use, the developer shall have demonstrated in a report submitted to and approved in writing by the Local Planning Authority that the noise levels within the property will conform to World Health Organisation guidelines. This is that noise levels do not exceed: Day time Leq 35dB and Night time Leq 30dB.

Subject to this, the flats would offer satisfactory standards of accommodation and would meet a demand for this type of accommodation in an accessible edge of town centre location that already has residential flats in the varied mix of uses evident in the locality. It would be difficult to justify refusal on the grounds that the surrounding land uses would have an unacceptable impact on the residential amenities of the future occupiers of the flats.

The refuse bin storage area has been repositioned on amended drawings have been received that make the refuse arrangements more usable for the retail unit and site the bin store so it would not adversely affect the amenities of future residents.

The Council's Building Control Officer has also confirmed that the conversion proposals accord with their regulations that cover fire and standards for light and ventilation.

Highway safety

The Council's Highway Officer does not foresee any undue highway safety problems, if the application was approved, and therefore has no objections to either the flats or the small retail shop fronting Russell Street. It is not accepted that local parking congestion or traffic circumstances are so significant as to make this an unsafe location for the development, as is suggested in the objection comments.

The site is located close to Keighley Town Centre and has good access to facilities, services and public transport which would reduce the need for private transport. The accessibility of the site and the type of one bedroom accommodation being provided are such that car ownership levels of future occupiers would be expected to be low. It is not expected that the residential use would lead to significant additional car parking pressure. On street parking is controlled by double yellow lines in the vicinity of the site. There is agreement with the Councils Highway Officer's comments and that the proposal does accords with Policy TM12 with regard to the provision of parking and is unlikely to lead to highway safety issues contrary to Policy TM19A of the RUDP.

Community Safety Implications:

The flats and retail unit can be secured and their security will be enhanced by CCTV and security lighting in the yard. Entrance to the communal lobbies of the proposed flats can be controlled by secure locks that can only be accessed by the residents. Residents will access the proposed flats from the shared yard area but it is relatively short and open to surveillance from Russell Street and there will be CCTV and sensory lighting so this arrangement is not considered to raise unacceptable safety concerns.

Objections on behalf of the adjoining business also say that the proposal will not accord with Policy D4 of the RUDP because it would compromise security arrangements for the business. The shared yard is in two ownerships and access can only be secured with the agreement of both owners. A solution to the security concerns of 22 Russell street maybe to insert a security pad operated personnel security gate in the vehicular gates or have the vehicular gates operated by a security pad. However, this would involve agreement between the owners of 20 and 22 Russell Street.

In conclusion it is considered that the proposal will 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. The applicant presents protected characteristics of race and religion which have been considered but it is not considered that this raises any issues in relation to consideration of this application.

Reason for Granting Planning Permission:

The principle of the change of use to flats and a small shop is considered acceptable. The details have been assessed as being acceptable in terms of their impact on neighbouring occupants, visual amenity, and setting of Keighley Town Centre Conservation Area, residential amenity, parking, highway safety and community safety. As such the proposal is considered to accord with Policies E3, UDP1, UR2, CR3A, BH7, D1, H7, H8, UR3, TM12, TM19A and D4 of the RUDP and will form sustainable development compatible with the NPPF.

Conditions of Approval:

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

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

2. Before the flats are brought into use, the developer shall have demonstrated in a report submitted to and approved in writing by the Local Planning Authority that the noise levels within the property conform to World Health Organisation guidelines. This is that noise levels do not exceeded: Day time Leq 35dB and Night time Leq 30dB.

Reason: To protect the residential amenities of the occupiers of the flats and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

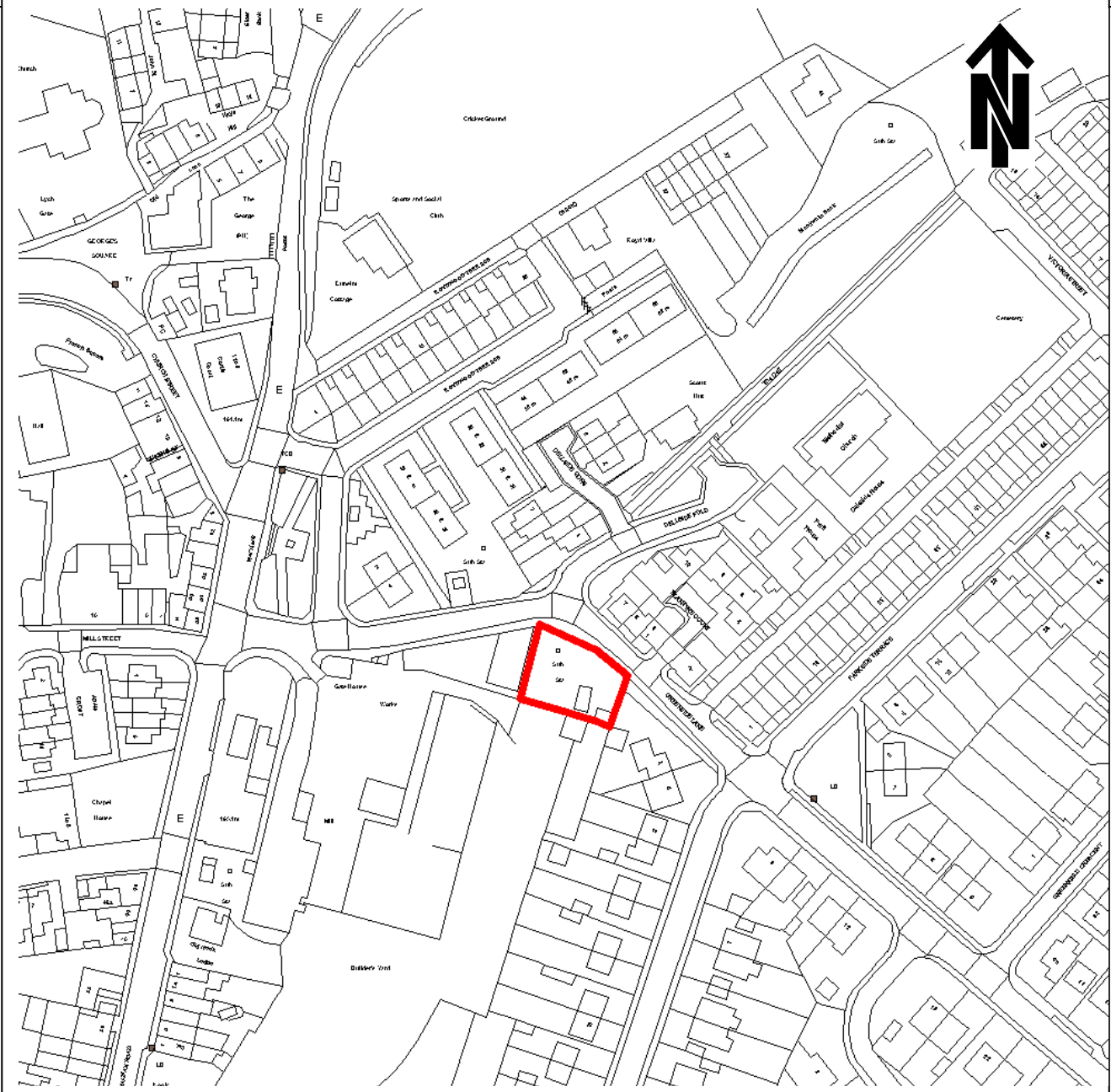
3. Prior to the first flat being occupied or the retail use starting the bin storage area shall be laid out and made available in accordance with the approved plan. The bin storage area shall thereafter be retained in its approved position.

Reason: In the interests of amenity and to accord with Policies D1 and UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley & Shipley)

15/06203/FUL

9 December 2015



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ITEM NO. : 2	LOCATION: Cullingworth Mills Greenside Lane Cullingworth BD13 5AB
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9 December 2015

Item Number: 2
Ward: BINGLEY RURAL
Recommendation:
TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS

Application Number:
15/06203/FUL

Type of Application/Proposal and Address:
Construction of new stone saw enclosure and boundary fencing at Houldsworth of Yorkshire Stone Yard, Cullingworth Mills, Greenside Lane, Cullingworth, BD13 5AB.

Applicant:
Mr Barry Houldsworth - Houldsworth of Yorkshire

Agent:
None

Site Description:
The approximately 6,500m² yard area to the east of Cullingworth Mills has been in long standing use as a stoneyard for the purposes of stone processing, storage and sale and is subdivided into two separate businesses. The stoneyard is accessed via a rough aggregate access road from the Cullingworth Mills parking courtyard, running between a remnant cellar void and the Co-operative shop located at a lower level on Greenside Lane. The larger part of the site to the south of the access road is operated by a company known as Bingley Stone and is not relevant to the current application. The smaller approximately 600m² area to the north of the access road, operated by Houldsworth of Yorkshire, is the site relevant to this current application and will hereafter be referred to as the proposal site.

The proposal site primarily comprises a small open yard but also includes several small sheds parallel to the western boundary and several dilapidated containers/ cabins located adjacent to the northern boundary. A 5.5m high open sided stone saw enclosure shed has recently been erected adjacent to the site's eastern boundary and would be regularised and incorporated into the extended stone saw enclosure proposed in this current application. The function of the site is to produce a range of natural stone building materials through the use of both industrial stone saws and powered and unpowered hand tools.

A Co-operative shop is located adjacent to the site to the north-west, Greenside Lane runs adjacent to the northern boundary with a residential area beyond. Semi-detached housing abuts the site to the east and south-east. The boundary between the proposal site and the larger stone yard to the south is not demarked; however the site's northern, western and eastern boundaries are defined by a stone retaining wall which ranges in height from approximately 2 metres along the eastern site boundary with the residential property 2 Greenside Lane to over 4 meters along the site's western boundary with the adjacent Co-operative and along the northern boundary with Greenside Lane. The remnant of the Cullingworth Mills building to the west of the proposal site has been sub-divided to accommodate a mixture of commercial uses.

Relevant Site History:

App. Ref.	Description	Decision
82/07/07409	Use of dam for slate store	Granted 04/03/1983
10/05275/FUL	Alterations to existing workshop, office and storage building, including the installation of new roller shutter doors, construction of a loading ramp and erection of a new building	Granted 28/01/2011

Replacement Unitary Development Plan (RUDP):

Allocation

- The proposal site is unallocated on the RUDP proposals map.

Proposals and Policies

The policies of the replacement Unitary Development Plan most relevant to the proposed development are considered to be:

- UDP4 (Economic Regeneration)
- E4 (Protecting Existing Employment Land and Buildings in Rural Areas)
- UR3 (The Local Impact of Development),
- D1 (General Design Considerations)
- P1 (Air Quality)
- P7 (Noise) are relevant to the proposed development.

The National Planning Policy Framework (NPPF):

The NPPF sets out the government’s national planning policies, which are a material consideration for all planning applications submitted in England. Detailed assessment of specific policies within the NPPF relevant to the proposed development is included in the report below; however, in general terms, the NPPF states that development proposals which accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or specific policies in the NPPF indicate development should be restricted.

The proposal has been reviewed for consistency with the NPPF. As assessed in detail above, it is considered that, subject to the imposition of the planning conditions recommended below, the proposed development would represent appropriate development to improve an established employment site and that the development would not exacerbate, and is likely to serve to mitigate, adverse impacts associated with the established lawful use of the site. Therefore it is considered that the proposal is consistent with the policy advice set out in the NPPF as well as the saved policies of the RUDP.

Parish Council:

Cullingworth Parish Council – No comments received.

Publicity and Number of Representations:

The planning application has been publicised by the posting of site notices and notification letters to neighbours. The date specified by which representations should be made was 01 December 2015. At the time of writing this report six representations objecting to the application have been made by residents of Hallowes Park Road and the adjacent property on Greenside Lane. Any additional representations received will be verbally report to the Panel.

Summary of Representations Received:

- The site already adversely affects neighbours through pollution (particularly noise and dust).
- The design of the building (open ends) will allow dust and noise to escape.
- Dust from stone yards has adverse health impacts.
- The proposed building is too high and will adversely affect the amenity of adjacent residents.
- The stoneyard is causing a nuisance to residents which has not been sufficiently addressed and would not be remedied by the proposed new building.

Consultations:

Drainage

- A public sewer crosses the site in the area of the proposed development. The sewerage undertaker (Yorkshire Water) must therefore be consulted for any layout constraints and for a view on the impact of the development on the public sewerage system.
- Records indicate a surface water sewer exists in this area, it is therefore possible this site is drained via a separate drainage system, the proposed development must maintain the separate system on site, if applicable.

Environmental Health

- With respect to the abovementioned application, I consider the proposal to enclose the saw area and, indeed, much of the operational part of the yard, as beneficial in mitigating ongoing issues of noise and dust created by the day to day processing of stone.
- In respect of noise, it is imperative that the structure does not exacerbate the situation by means of reverberation.
- To avoid this state of affairs arising it will be necessary to insulate the structure to absorb the sound energy generated.
- A suitable, robust and enforceable planning condition to require this should be placed on any planning permission granted.
- In principle, therefore, I am minded to support the application,

Summary of Main Issues:

- 1) **Principle**
- 2) **Design**
- 3) **Environmental Impacts (Noise & Dust)**
- 4) **Drainage/ Land Quality**

Appraisal:

1) Principle

The proposal site is unallocated land within the existing settlement boundary of Cullingworth. In terms of the established use of the site, although there is no relevant recorded planning history, it is clear from historical maps that the proposal site was previously developed as a gas works by Bingley Urban District Council, before being decommissioned at some point between the 1960s and 1980s. Historical maps indicate that the site was subsequently used as a Builder's Yard.

It is clear from Aerial Photographs of the site and other evidence previously submitted to the Council that the current use as a stoneyard has been established on the site for well over the relevant lawful establishment period of 10 years. The matter of the lawfulness of the stoneyard use has previously been explored by the Council's Planning Enforcement team who were satisfied that an enforcement notice requiring this use to cease would fail, as sufficient evidence had been provided to conclude on the balance of probabilities that the use had taken place for a period exceeding the relevant 10 year immunity period specified under of section 171B(3) of the Act.

Therefore it is accepted that the use of the site as a stoneyard is the current lawful use of the site and is not in question in relation to the current planning application. The current planning application does not propose any material change in, or imply any intensification of, the use of the land but instead simply proposes the construction of a building to enclose part of the yard including a relatively newly installed fixed band saw. The proposed building would increase the enclosure of the site which is likely to result in benefits in terms of the working conditions of the site operatives and the environmental effects of the proposed use.

Saved RUDP policy UDP4 sets out the objective of promoting economic regeneration and creating the conditions to support economic growth. Saved RUDP policy E4 safeguards existing employment sites in rural areas for employment purposes, except in certain specified circumstances. It is considered that the proposal to improve the enclosure of an existing established employment site is consistent with the employment planning principles implicit in saved policies UDP4 and E4.

2) Design

The proposal site is not a feature in the setting of Cullingworth village centre or Cullingworth Conservation Area, to the west of the village centre, due to the screening effect of the remaining structures of Cullingworth Mills and the adjacent Co-operative shop building. However the site is visible from Greenside Lane, the adjacent Blantyre Court residential estate and the adjacent residential dwelling on the corner of Greenside Lane/ Hallows Park Road. The impact of development on the site in terms of the Greenside Lane street scene and the adjacent Blantyre Court is increase by the relative elevation of the proposal site approximately 2m above the street level of Greenside Lane.

The proposal involves the retention of the existing unauthorised 5.5 metre high, 70m² footprint, mono-pitch roofed, profiled metal sheeting faced, stone saw structure within the eastern part of the site and the extension of this structure to enclose a 150m² area of the approximately 600m² yard. The extended building would remain a mono-pitched profiled metal shed structure, partially open along its western elevation orientated towards the adjacent Co-operative building. The proposed extended building would be set-back

approximately 15 metres from the western boundary with the Co-operative and would be set back up to 5 metres from the northern boundary with Greenside Lane. The rear wall of the structure would be located on the boundary with the adjacent property, 2 Greenside Lane, but this would be the lowest elevation, with the structure only project 2m above the height of the existing eastern boundary wall (4 metres in total).

The proposed structure would have the appearance of an industrial shed with the use of profiled metal sheeting as a facing material colour coated grey. The structure would not be attractive but would rather be a functional structure with a very simple industrial design. Taking account of the set-back of the proposed building from the western and northern site boundaries and the fact that the building would only project 2 metres above the existing stone wall on the eastern boundary it is considered that the building would not be unacceptably detrimental to visual amenity or create an incongruous or offensive street scene element.

Additionally, given the orientation and separation distances of adjacent residential dwellings at Blantyre Court and 2 Greenside Lane it is considered that the building would not unacceptably detrimentally affect the amenities enjoyed by the residents of these dwellings through overbearing, overshadowing or detriment to visual amenity. It is however considered that the installation of profiled metal sheeting as an additional fence along the site's northern boundary would unnecessarily detract from the street scene along Greenside Lane and therefore a condition is proposed at the end of this report reserving approval of the fencing material with a view to specifying an alternative more appropriate fence design, such a close boarded timber fencing.

Subject to the planning conditions recommended at the end of this report reserving approval of the facing and fencing materials, it is considered that the proposed development would not generate unacceptable visual impacts in accordance with the design principles set out in saved RUDP policy D1.

3) Environmental Impacts (Noise and Dust)

As discussed in the principle section above, the current use of the site for the processing, storage and sale of stone is accepted to be lawful. Therefore the concerns raised by residents in relation to the existing noise and dust impacts of the stone yard use are not material to this application. Instead the matter for consideration in assessing the current proposal is whether the proposed extended stone saw enclosure shed is likely to exacerbate the noise and dust problems associated with the existing use of the site or conversely improve the situation for adjacent residents.

To inform this assessment the Council's Environmental Health Service have been consulted. Environmental Health have confirmed that they consider that the proposal to enclose the saw area and, indeed, much of the eastern operational part of the yard, as beneficial in mitigating ongoing issues of noise and dust created by the day to day processing of stone. However Environmental Health have confirmed their view that, in respect of noise, it is imperative that the structure does not exacerbate the situation by means of reverberation. To avoid this state of affairs arising Environmental Health advise that it will be necessary to insulate the structure to absorb the sound energy generated and that a suitable, robust and enforceable planning condition to require this should be placed on any planning permission granted.

Therefore, subject to the imposition of a planning condition requiring the proposed stone saw enclosure to be insulated in accordance with details submitted to the Council for approval in writing, it is considered that the proposed new building should serve to better mitigate the noise and dust impacts associated with the established stoneyard use on the site. On this basis it is considered that the proposal accords with saved policies UR3, P1 and P7 of the RUDP.

4) Drainage/Land Quality

The Council's Drainage Unit have confirmed that a sewer crosses the site in the area of the proposed development and have also indicated that the proposed new building should be drained via a separate surface water drainage system, if one is available. In relation to the existing sewer it is apparent that this does cross the north-eastern corner of the proposed building. However the proposed building is a light weight steel framed structure and should not unduly restrict sewer maintenance or substantially increase loading on top of the line of the sewer. In relation to the drainage of roof water from the proposed new building, it is considered that this matter can adequately be dealt with through the imposition of a condition requiring drainage details to be submitted for approval.

As a former gas works there is a risk that the ground beneath the site contains elevated levels of contaminants. However the proposal does not include any change to a more sensitive land use and the proposed new structure would not require substantial ground disturbance. Therefore it is considered that land quality matters can adequately be dealt with through the imposition of a planning condition specifying a procedure for assessing and addressing any contaminated material encountered during development works.

Community Safety Implications:

The proposed development is not considered to have any community safety implications. Although residents have raised concerns in relation to the potential health effects of silica dust, it is not considered that there is any sound basis to conclude that the proposed new building would increase dust emissions associated with the site and therefore this issue is not considered to be relevant to the planning application which is the subject of this report.

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, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the development scheme proposed and the representations which have been made have been reviewed to identify the potential for the determination of this applicant to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010.

The outcome of this review is that there is not considered to be any sound reason to conclude that the proposed development would have a significantly detrimental impact on any groups of people or individuals with protected characteristics. Furthermore it is not considered that the proposal would lead to significant adverse impacts on any people, regardless of their characteristics. Likewise, if planning permission were to be refused by the

Panel, it is not considered that this would unfairly disadvantage any groups or individuals with protected characteristics.

Reason for Granting Planning Permission:

The existing use of the site is considered to be lawful in planning terms and the proposal would not material change this lawful established use or exacerbate any of the environmental impacts associated with the use. Furthermore it is considered that the enclosure of a substantial part of the eastern area of the site under an appropriately insulated building should help to mitigate the impact of noise and dust generated by stone sawing operations upon adjacent residents. Subject to conditions reserving approval of details it is also considered that the proposed new building would be acceptable in design terms. The proposal is considered to accord with saved policies UDP4 (Economic Regeneration), E4 (Protecting Existing Employment Land and Buildings in Rural Areas), UR3 (The Local Impact of Development), D1 (General Design Considerations), P1 (Air Quality) and P7 (Noise) of the replacement Unitary Development Plan and the national planning policy principles set out in the National Planning Policy Framework.

Conditions of Approval/Reasons for Refusal:

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

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

2. Not later than the expiration of 2 months beginning with the date of this decision notice details of the facing materials and insulation of the building hereby approved and details of how the building will be joined onto the existing site hard standing and boundary features, shall be submitted to the Local Planning Authority for approval in writing. Unless an alternative timetable has otherwise been approved in writing by the Local Planning Authority, the building hereby approved shall be fully constructed and insulated in accordance with the approved details not later than the expiration of 6 months beginning with the date of this decision notice.

Reason: To ensure that the proposed building is appropriately constructed and insulated to minimise the adverse effects of activities carried out within the building, in accordance with policies UR3 and P7 of the replacement Unitary Development Plan.

3. Notwithstanding the details shown on the drawings hereby approved, not later than the expiration of 2 months beginning with the date of this decision notice details of the materials and design of the fencing hereby approved shall be submitted to the Local Planning Authority for approval in writing. Unless an alternative timetable has otherwise been approved in writing by the Local Planning Authority, the fencing shall be constructed in accordance with the approved details not later than the expiration of 6 months beginning with the date of this decision notice.

Reason: To ensure that the proposed fencing is constructed in an appropriate material, in the interests of visual amenity, in accordance with policies UR3 and P7 of the replacement Unitary Development Plan.

4. Not later than the expiration of 2 months beginning with the date of this decision notice details of the method to be used to drain roof water from the new building hereby approved shall be submitted to the Local Planning Authority for approval in writing. Roof water from the new building hereby approved shall thereafter only be drained by utilising the approved method.

Reason: In the interests of sustainable drainage, in accordance with saved policy NR16 of the replacement Unitary Development Plan.

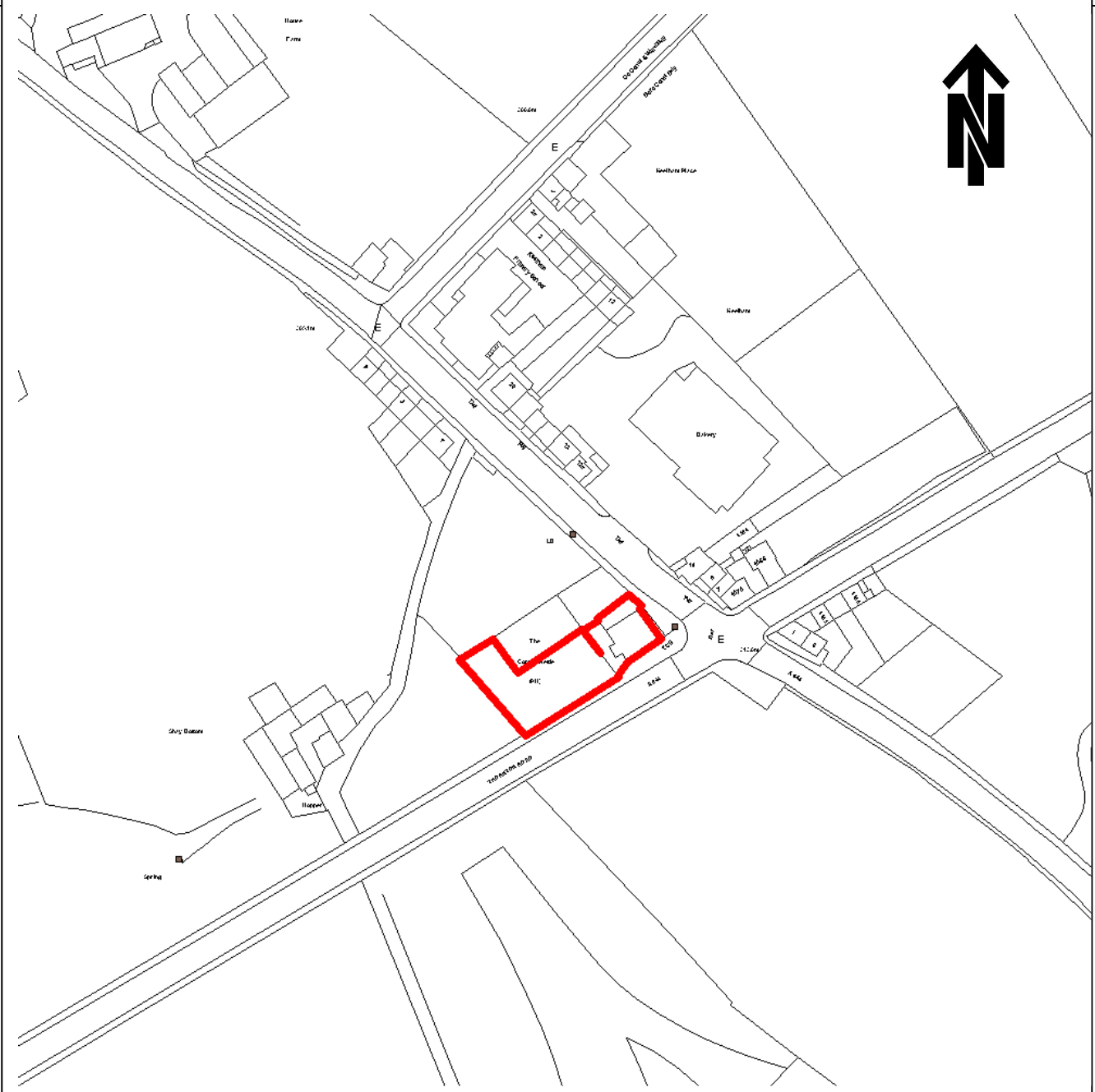
5. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, an investigation and risk assessment must be undertaken, details of which must be submitted to the Local Planning Authority for approval in writing before the expiration of 1 month from the date on which the contamination was found. If remediation is found to be necessary, a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing; following completion of measures identified in the approved remediation scheme and prior to the commencement of the use of the approved development a verification report must be prepared and submitted to the Local Planning Authority for approval in writing.

Reason: To ensure that risks from land contamination are minimised, in accordance with policies UR3, NR17 and NR17A of the replacement Unitary Development Plan and paragraph 121 of the National Planning Policy Framework.

Area Planning Panel (Keighley & Shipley)

15/03205/HOU

9 December 2015



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LOCATION:

ITEM NO. : 3	1374 Thornton Road Denholme Bradford BD13 4HE
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9 December 2015

Item Number: 3
Ward: BINGLEY RURAL
Recommendation:
TO REFUSE PLANNING PERMISSION

THIS ITEM WAS DEFERRED FROM A PREVIOUS PLANNING PANEL ON 7 OCTOBER

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 (eg 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.

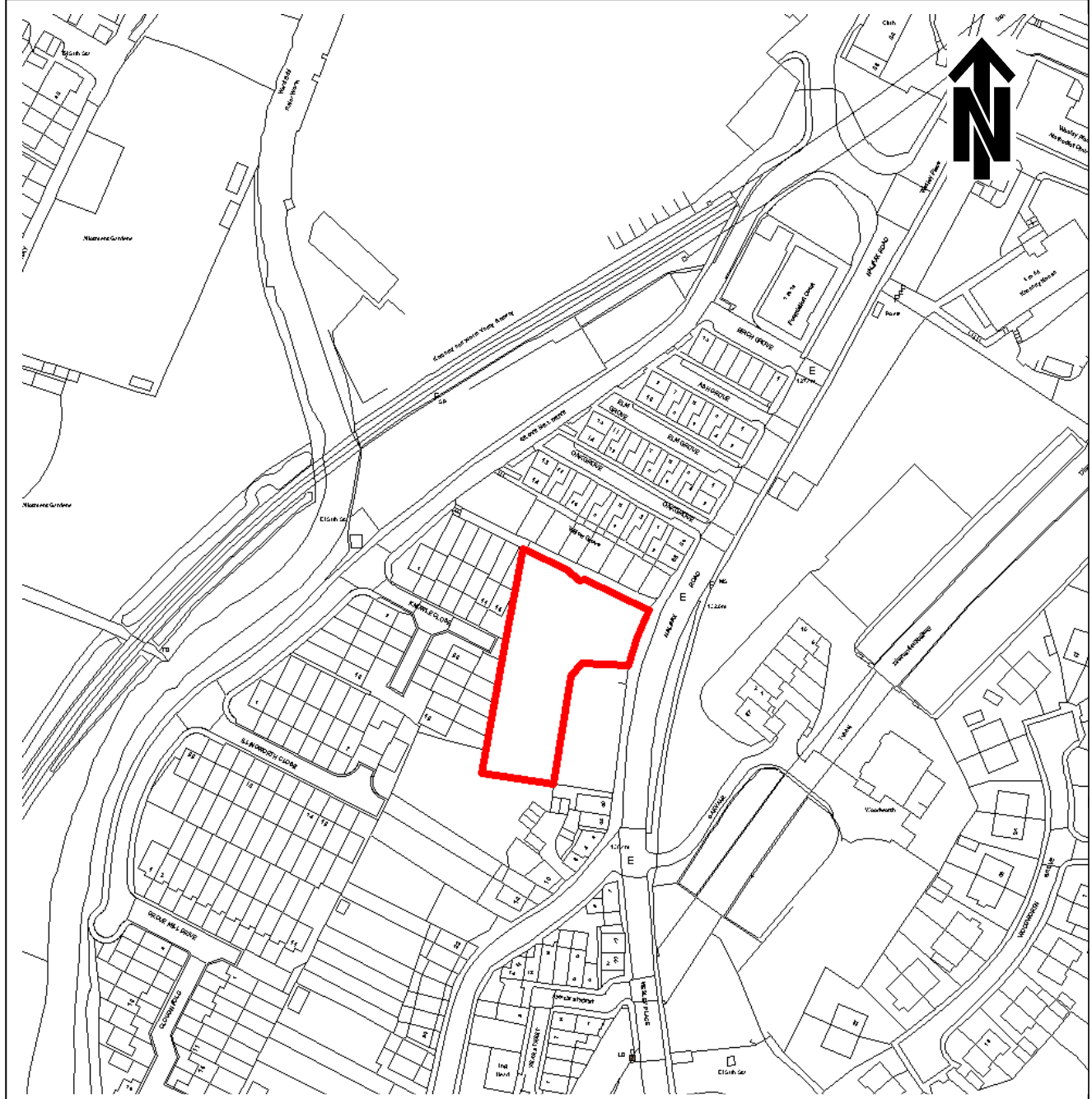
Reasons for Refusal:

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.

Area Planning Panel (Keighley & Shipley)

15/03334/FUL

9 December 2015



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ITEM NO. : 4	LOCATION: Land At Halifax Road Keighley
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9 December 2015

Item Number: 4
Ward: KEIGHLEY EAST
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
15/03334/FUL

Type of Application/Proposal and Address:

Full planning application for the construction of 5 residential dwellings and new access road and parking on land at Halifax Road Keighley West Yorkshire.

Applicant:

Mr Michael Ainsworth

Agent:

None

Site Description:

This application relates to an area of cleared land alongside the well-used Halifax Road (A629). The site was once occupied by a school building (Wesley Place County Primary) which was demolished some years ago, and the site temporarily grassed. There are trees on land adjacent the southern boundary. The application site is 0.18 ha in area and slopes down from Halifax Road towards houses on Knowle Close, which is part of a recently built residential development on the site of the former Grove Mills. This residential development has separate vehicular access (Grove Mill Drive) from the north east. The school occupied a rectangular shaped cleared site but not all the cleared land is shown as being in the applicant's ownership. This application covers only part of the total site. To the north of the land is Willow Grove, a stepped development of traditional two storey terraced housing served by streets that slope steeply down from Halifax Road.

Relevant Site History:

No previous applications are recorded on this land.

Replacement Unitary Development Plan (RUDP):

Allocation

Mixed Use Areas K/UR7.1 (policy UDP5 of the RUDP has not been saved)
Adjacent to The National and Local Cycle Network TM10
Adjacent to Transport Corridors K/D10.5

Proposals and Policies

UDP1 Promoting Sustainable Patterns of Development
UDP3 Quality of Built and Natural Environment
UR2 Promoting Sustainable Development
UR3 The Local Impact of Development
H7 Housing Density - Expectation

H8 Housing Density - Efficient Use of Land
TM10 The National and Local Cycle Network
TM12 Parking Standards for Residential Developments
TM19A Traffic Management and Road Safety
D1 General Design Considerations
D4 Community Safety
D5 Landscaping
D10 Environmental Improvement of Transport Corridors
P4 Contaminated Land
P5 Development Close to Former Landfill Sites

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:

Keighley Town Council recommends approval.

Publicity and Number of Representations:

Publicised by site notice and individual neighbour notification letters.
The overall expiry date for publicity was 19 October 2015.

9 representations in support and 7 representations objecting to the proposal have been received.

Summary of Representations Received:

7 representations objecting to the proposal have been received, on the following grounds:

- 1) Loss of privacy and light to side window and gardens of 15 Knowle Close.
- 2) Damage to garden from construction traffic.
- 3) Increase in traffic / parking in Knowle Close that is already feeling the impact from Skipton Properties Development
- 4) The new phase of development by Skipton Properties is already providing new homes and developers are squeezing too much housing into a small area with concerns raised about traffic volumes, and the impact of over development on local GP surgeries, dentists, schools etc. which are already at full capacity.

- 5) If the current plans go ahead, it is going to seriously reduce the amount of parking for the residents of Willow Grove which is already overburdened.
- 6) Keighley is being overrun with development, and this parcel of land affords an open aspect from Halifax Road which breaks up the enclosed feel of Keighley.
- 7) Objectors say they have had to endure the ongoing development by Skipton Properties that is as yet unfinished and don't see the need for yet more housing when there are many houses unsold nearby. There is already lots of housing development in Keighley.
- 8) It is well known that the drainage infrastructure of Keighley is struggling for capacity. So any additional pressure will likely lead to more issues.
- 9) This open site affords views of the valley from Halifax road and gives some break to the oppressive nature of buildings close to the road.

A Ward Councillor has requested referral of the application to Area Planning Panel, on Highway grounds, unless the evaluation process is going down the road of approval.

9 representations of support have been received on the following grounds:

- 1) It is widely recognised that we have a severe housing shortage. As such they feel it is in the local interest to allow development to help alleviate this.
- 2) The scheme proposed appears to be sympathetic to its surrounding and of an attractive nature visually.
- 3) They are aware that the district of Bradford is under increasing pressure to build new homes. Keighley allows for the development of affordable homes. And they believe the re use of this site will allow that.
- 4) The development does not have an adverse effect on the neighbours around it.
- 5) Should be passed as there is little wrong with the application. It utilises a small parcel of disused land and the design appears over and above the usual quality.
- 6) Keighley needs new affordable housing
- 7) As a frequent user of Halifax road, pleased to see this unsightly parcel of land being proposed for a suitable use. To bring a derelict site into use can only be good for Keighley as a whole. Housing at affordable prices is in short supply, and these will help alleviate that.

Consultations:

Minerals Planning:

1. The proposal site is the former site of Wesley Place County Primary School. The site is approximately 40m from an infilled railway cutting. 'Planning permission (ref 86/06/03005) was granted in 1986 for the infilling of the railway cutting by the deposit of inert wastes. This has been taking place intermittently over the years but has now ceased. A Waste Disposal Licence issued in 1987 was surrendered in April 2005. There are no significant concerns in relation to the potential for the / this infilled railway cutting to adversely affect the proposed development site through contamination.
2. As the application site is previously developed land, it would normally be expected for site investigations to be undertaken to confirm its suitability for residential development, due to the risk that contaminated demolition materials may remain on-site. Although the applicant has submitted a Groundsure Enviroinsight report in support of the application, this is only a factual report and does not fulfil the requirements of paragraph 121 of the NPPF to provide a site investigation report prepared by a competent person in circumstances where land contamination or stability problems are suspected. The expert advice of the Environmental Health land

contamination team should be sought; however, as a minimum, if planning permission is to be approved, conditions should be imposed requiring a further, more detailed Contamination Risk Assessment, informed by site investigations and a remediation strategy prior to development commencing and remediation verification prior to the development being occupied.

Highways DC: The Council's Highway Officer has previously stated that access to this site should be taken from the residential estate below the site and not from Halifax Road. Halifax Road is a busy classified highway (A629) and traffic turning right into the site is likely to hold up through traffic and could be waiting some time for a gap in the downhill flow of traffic. Traffic turning right out would more than likely have to wait some time for a gap in traffic and this can lead to frustration and drivers taking risks. They also believe that the gradients of the proposed access road would be excessive.

For the above reasons the Highway Officer cannot support the application from a highway safety point of view.

Drainage Section: The site must be investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered.

A public sewer crosses the site in the area of the proposed dwellings. The sewerage undertaker (Yorkshire Water) must therefore be consulted for any layout constraints and for a view on the impact of the development on the public sewerage system.

Summary of Main Issues:

Principle

Impact on character and appearance of the surrounding area

Impact on residential amenity

Highway safety

Appraisal:

Principle

The site is previously developed land in the built up area of Keighley and alongside a bus route. It will provide reasonably good access via sustainable modes of transport to local services, goods and facilities. In principle, the site is a sustainable location for housing development, according with Policies UDP1 and UR2 of the RUDP.

The application site forms part of a larger area of cleared land. The rest of the former school site is not included in the application site and there is a concern to avoid piecemeal development. However, the proposed layout is such that there would seem to be potential for the rest of the cleared land to be developed effectively as a separate site. It is not considered that the current application proposals would prevent the potential for later development of the rest of the site.

The proposed density of development would be approximately 27 dwellings per hectare. The Local Planning Authority would ordinarily seek 30-50 dwellings per hectare but it is acknowledged that the site constraints of slope and proximity to adjoining houses are such that a higher density would not be practicable. The terraced form of the development does

seem to make the most efficient use of the land within those constraints and therefore accords with the NPPF.

There is no objection to the principle of residential development on the land provided issues relating to safe access, impact on existing properties and design can be resolved.

Impact on character and appearance of the surrounding area

The proposed external materials for the development are shown as reconstituted stone and concrete interlocking tiles. These could be conditioned to require submission of samples to ensure compatibility with the modern development on the Grove Mill site. Proposed materials are similar to these and would therefore be acceptable.

The applicant is proposing a row of town houses in a terrace stepping down the steep slope. This form of housing reflects the general character of the traditional residential development in the immediate locality of the site but, because of the position of the access, the proposed terrace has not been placed to run parallel to the existing terraces on Willow Grove or Knowle Close. Also, the proposed shape and form of some of the dwellings seem awkward and incongruous, possibly due to the attempt to place bedroom accommodation in the roofspace, particularly to the house types on Plots 1 and 5. As a result the appearance of the overall terrace would appear incongruous in relation to the existing character of development nearby.

The low height of the ridge to Plot 1 would also detract from the stepped appearance of the proposed terrace and the design of Plots 1 and 5 with their lower eaves, dormers and gables and the window pattern all would all fail to ensure the cohesion of the proposed terrace and it would fail to reflect the strong uniform character of terraced residential development elsewhere in this area. Plot 5 - the end house of the proposed terrace would be very visible from Halifax Road, a main through road, and so it is important to reinforce the existing urban character.

The window arrangement on the rear of the proposed terrace also lacks cohesion due to the use of gables and dormers and the lack of uniformity due to insertion of large patio windows and Juliette balconies to some houses. As a result the back elevation appears unduly fussy and detracts from the character of the area when viewed from Willow Grove.

In conclusion it is considered that the proposed form and appearance of the development represents poor design that is not in keeping with the strong character of the housing elsewhere along Halifax Road or in the vicinity. The development as presented on the submitted drawings would detract unacceptably from the character and appearance of the surrounding area contrary to Policies D1 and UR3 of the RUDP.

Trees

There are some trees close to the boundary of the site but the submitted tree survey reveals that these are not of high quality. They are not protected by TPO. A requirement for new higher quality trees and landscaping as part of the development would best serve the interests of amenity. It is concluded that the proposal would accord with Policies D5, NE4, NE5 and NE6 of the RUDP.

Impact on the amenity of adjoining occupiers

The car parking spaces for some of the houses would be remote from the houses, being placed on elevated land facing towards the rear elevations of the new terrace dwellings on the Grove Mill development.

The parking spaces would be at an elevated level in relation to the adjoining dwellings and therefore residents are concerned that they would dominate those homes and glare from vehicle headlights could be an issue for the residents of these properties. The applicant has shown an intention for tree planting on the slope to mitigate the adverse effect to residential amenity but there are no details of the species and size of trees. This tree mitigation would take many years to have an effect and it cannot be guaranteed that the trees would provide adequate mitigation in the long term.

Adequate mitigation could however be provided by a stone wall feature 1.5m in height but this may affect the outlook of homes below.

The proposed terraced block would have a gable wall facing the gable wall of 15 Knowle Close. There are secondary windows in the side elevations of the existing houses at the lower level. The windows in the proposed dwelling would be obscure glazed, so there would be no overlooking. Given the secondary nature of the windows in the existing house and the space retained between, it is not considered that the houses themselves would cause an unacceptable impact on residential amenity by reason of being overbearing, overshadowing or causing overlooking.

It is noted that No. 15 Knowle Close has both a front and rear garden but the position of the dwelling on Plot 1 is such that this dwelling will not have a significant overbearing or overshadowing impact on the occupiers of the existing property, although it is appreciated that these occupiers have objections to the application.

The proposed terrace has been offset from the existing terrace of dwellings forming Willow Grove so that the rear facing windows will not directly overlook the front facing windows of Willow Grove. The distances between the rear of the proposed dwellings and the existing terrace will be at least 22m, which accords with normal recognised distances between dwellings to prevent undue overlooking. The proposed dwellings will maintain a distance of at least 7m to the rear boundary of the front gardens of the dwellings on Willow Grove. This distance is considered sufficient for a rear extension under the permitted development order and therefore it would be difficult to argue that the dwellings would present undue overlooking / loss of privacy for the users of these front gardens. The proposed terrace would lie to the south of the terrace on Willow Grove and it is expected that there would be overshadowing of the proposed dwellings rear gardens in the afternoon but this would be similar to existing properties such as Knowle Close. Given the distances between the terrace on Willow Grove and the new terrace it is not considered that the proposed terrace would unduly impact on the gardens or curtilages of the Willow Grove dwellings by reason of overshadowing.

It is concluded that the proposed houses will not have a significant adverse impact on residential amenity of neighbouring occupiers for the reasoning given and in this respect the proposals would accord with Policies D1 and UR3 of the RUDP. There is concern about the implications of the car parking spaces, but this could be overcome by imposing a planning

condition to require more details of proposed screening by walling, planting or fencing and its subsequent implementation and retention.

Highway safety issues

Means of Access from A629

The Council's Highway Officer cannot support the proposal for the highway safety reasons set out in the consultation comments noted above.

In discussing past proposals for development on this land, the Council's Highways Development Control Section has consistently stated that access to this site should be taken from the new residential estate roads below the site and not from Halifax Road which is a busy classified highway (A629). There is particular concern that traffic heading south from Keighley and turning right into the site would hold up through traffic climbing the hill, and at peak times could be obstructing the safe flow of traffic up the A629 for some time as drivers wait for a gap in the downhill flow of traffic.

Also traffic turning right out of the site and heading south towards Haworth would also more than likely have to wait some time for a gap in traffic and this can lead to frustration and drivers taking risks. The Highway Officer also considers that the gradients of the proposed access road would be excessive, adding to safety concerns.

It is appreciated that taking vehicular access from the Grove Mill development via Knowle Close is presently problematic because it is not controlled by the applicant. This street runs to the site boundary but has not yet been adopted by the Council under adoption procedures. As such it remains in the control of the developer of the Grove Mills site.

It is not fully understood what approaches the applicant has made to agree an alternative means of access with the adjoining developer, but irrespective of this, the Council's Highway Officer does not consider that any new residential access should be taken off Halifax Road due to the significant road safety implications. These would be eliminated if the site is accessed through the Grove Mill development.

Parking

On paper, the proposal provides 2 off road parking spaces for the development in accordance with Policy TM12 of the RUDP but there is concern about the dimensions and position of these spaces.

Firstly, the remoteness of the car parking for Plots 5 from the front door of that dwelling. The remoteness is such that the earmarked spaces for Plot 5 would not be well used and residents and particularly visitors to this plot are more likely to park on the access road which would lead to congestion in the vicinity of the proposed access onto Halifax Road. Plot 1 would not have a garage and only one parking space within its curtilage and one remote parking space. There is concern that residents and visitors to this property will also use the turning head for on street parking causing possible turning issues within the site.

The drive in front of Plot 2 is also of inadequate length for a vehicle to park on it, being only 3.81m long at its shortest point. This would mean that more vehicles would be using either remote parking or parking on the very steep access road.

In conclusion, it is considered that the highway safety implications of forming access off Halifax Road are such that proposal should be refused on the grounds that it would have a negative impact on highway safety and fails to accord with Policy TM19A of the RUDP.

Community Safety Implications:

The curtilages of the proposed dwellings could be secured however Plots 5 and 1 and visitors would have to use remote parking that cannot be secured and no street lighting is shown. This means that vehicles parked in these spaces would be even less subject to surveillance and more liable to be the victim of crime as would users of the vehicles at night because of the lack of street lighting. It is considered that the remote unlit parking provision is contrary to Policy D4 of the RUDP and forms a reason for refusing the planning application.

Equality Act 2010, Section 149:

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

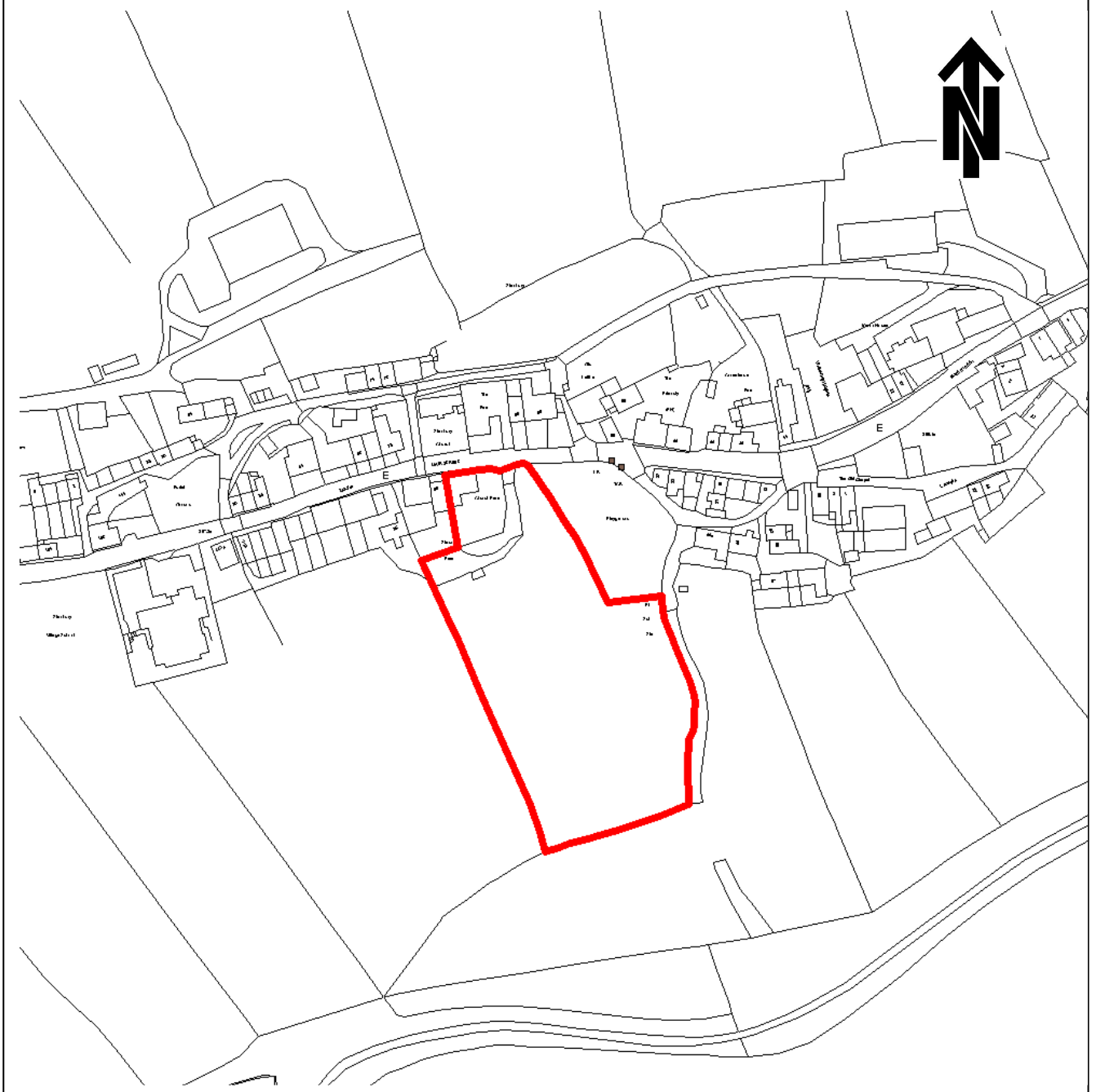
Reasons for Refusal:

1. The proposed development is unacceptable due to the proposed means of access being from Halifax Road which is a busy classified highway (A629). It is considered that right turning movements into and out of the site are likely to lead to conditions prejudicial to highway safety contrary to Policy TM19A of the Replacement Unitary Development Plan.
 2. The proposal fails to provide workable off road parking for all the development. In particular the parking provision for Plots 1, 2 and 5 is either too remote to ensure that the parking provision would be used, or the driveway lengths are too short. As a result, on street parking would cause congestion near the access or blocking the turning head to the detriment of highway safety contrary to Policy TM19A of the Replacement Unitary Development Plan.
 3. The layout of the terrace, the ridge and eave heights and fenestration of the proposed development fails to adequately reflect the stepped uniform terrace development in the area and would form an incongruous feature detracting from the strong uniform character of terraced residential development in this area. It is considered that the proposed form and appearance of the development represents poor design that will detract unacceptably from the character and appearance of the surrounding area contrary to Policies D1 and UR3 of the Replacement Unitary Development Plan and not form sustainable development compatible with the National Planning Policy Framework.
-

Area Planning Panel (Keighley & Shipley)

15/04267/FUL

9 December 2015



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ITEM NO. : 5	LOCATION: Side Garden In Church Farm Main Street Stanbury BD22 0HA
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9 December 2015

Item Number: 5
Ward: WORTH VALLEY
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
15/04267/FUL

Type of Application/Proposal and Address:

Full application for the construction of 3-bedroom subterranean dwelling with associated car parking and landscaped garden.

Side Garden of Church Farm, Main Street, Stanbury, Keighley BD22 0HA

Applicant:

Mr & Mrs J L Suckling

Agent:

Watts Planning Ltd

Site Description:

This site comprises an area of grassland on the south side of Stanbury village that has recently been enclosed by a post and rail timber fence. The status of the site and its description as existing garden is discussed in this report.

The site is bounded to the east by a children's playground and to the west by former outbuildings and walls associated with Church Farm. Levels fall away from the application site towards the Sladen Valley and Lower Laithe Reservoir, the site being prominent in views from the south.

Access to the site is from Main Street via an existing gateway serving Church Farm.

Relevant Site History:

85/00857/FUL - Barn conversion to dwelling with new access and garage. Granted

10/03121/FUL - Construction of haylage store. Granted 2010

13/02204/PN - Construction of haylage store. Prior Approval Not Required

Replacement Unitary Development Plan (RUDP):

Allocation

In the Green Belt

In Stanbury Conservation Area

Proposals and Policies

Policy UDP3 – Impact on natural and built environment

Policy UR3 – Local Impact of development

Policy D1 – design considerations

Policy GB1- Presumption against inappropriate development in the Green Belt

Policy GB3 – Policy for infill in the Green Belt.

Policy BH7 – Development in conservation areas

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:

No objections provided development is completed in a timely manner.

Publicity and Number of Representations:

Advertised by press notice, site notice and letters to nearest residents.

8 letters of support have been received.

Summary of Representations Received:

1. This is sustainable development
2. The development respects historic vernacular
3. The development is an innovative design
4. The dwelling will enable the applicants to stay in the village

Consultations:

Highways DC :

No objections subject to off-street car parking being provided prior to first occupation of the dwelling.

Council's Landscape Officer

This innovative approach will, in terms of the building itself, have a negligible impact on the landscape. It may be that parked vehicles associated with the proposed dwelling will have more of an impact on the landscape than the building itself. There is a vehicle parking area to

be created a short distance from the proposed building, and to the rear of 'Staunch Farm'. While this parking area will be enclosed by dry stone walls, the land slopes such that vehicles may well be on view from the other side of the valley. For this reason I would suggest that the parking area is screened with not only a dry stone wall, but with informal planting of native shrubs or small trees. Existing planting might be enhanced so that it has a more substantive and immediate screening effect.

Drainage Section

Development must be drained via a separate drainage system. The 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. Noted that it is the developers intention to dispose of surface water using a combination of green roof technology and soakaways. The use of soakaways 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 for comment, prior to drainage works commencing.

Council's Design and Conservation Officer

One of the characteristics and strengths of the (Stanbury) conservation area is the size of gardens to houses dependant on original status and important views across the valley and between the buildings illustrating the villages industrial and agricultural past. These traditional views and vistas have been maintained where the gaps between the houses have not been infilled. This site provides a key view or vista between the buildings to the agricultural land beyond and I would have strong reservations about its development as it would change the character of this area.

The proposed dwelling is described as subterranean, but it will still be partly visible above ground level and the associated parking areas and other domestic paraphernalia would have a potentially harmful impact on the character of the conservation area and setting of the listed buildings. Inappropriate development can gradually erode the character of the area. It is important that the view across the site and green setting is maintained otherwise the proposal would be contrary to BH7 and BH4a.

If approval is recommended the roofing and walling materials visible above ground level should be natural stone and slate in keeping with the surrounding area, boundary treatments and surfacing should be controlled and I would suggest that permitted development rights are restricted.

Biodiversity (Council's Countryside Officer)

There are no biodiversity issues here but recommend conditions to require details of landscaping and green roof.

Summary of Main Issues:

Status of Site

Principle/Green Belt

Design and impact on local amenity and the conservation area.

**Appraisal:
Status of Site**

The applicant describes the site of the proposed dwelling as an “existing garden”. However, in 2010 and 2013, planning applications were submitted and granted for an agricultural storage building on the land (see planning history above - 10/03121/FUL and 13/02204/PN). The applicant certified in June 2013 that the land was in agricultural use and had been so for 100 years.

The post and rail boundary fence, described now as the “existing garden boundary” seems to have been constructed after the planning submission of 2013, which showed the intended line of the fence associated with the then proposed hay store and adjacent rebuilt calf pen. There has been no grant of planning permission for change of use of the land from agriculture to residential curtilage and its use for domestic purposes needs to be considered as part and parcel of this application, or it would represent a breach of planning control.

The proposed development

The proposed new dwelling would be set into the sloping site such that it would present a single storey elevation facing towards the south. The building is described as 'subterranean' but it is not entirely below ground and cross sections indicate that it would, to an extent, stand out of the ground along its side elevations and would be more widely visible than might be inferred from the description.

The development would bring with it various domestic outdoor accoutrements that add to visual encroachment upon, and thus harm to, the openness and character of the Green Belt.

In this respect, the applicants say that because [in their view] the application site is 'residential curtilage', it could already be used for various developments without the control of the local planning authority. The applicants quote the erection of sheds, outbuildings, gazebos, greenhouses and climbing frames as well as car parking, caravan and vehicle storage. These arguments would obviously rely on such development being lawful. The list does however reflect the wider impact of domestic occupation when introduced into a rural setting.

Green Belt Policy

The whole of Stanbury village is in the Green Belt. In terms of broad principle, new residential development is not identified by the National Planning Policy Framework (NPPF) as a use or development that is an exception to the well-established presumption against inappropriate development in Green Belt areas. Construction of a dwelling, including a partially subterranean one, plus the associated garden curtilage, is normally regarded as inappropriate development unless there are very special circumstances. It is for the applicant to demonstrate such very special circumstances.

The RUDP recognizes that, in the Green Belt, there are often gaps within existing settlements or within groups of existing buildings where a strictly limited amount of new building could occur without resulting in any encroachment of development into open countryside and without conflicting with other objectives of the Green Belt. It is important however that such development is strictly controlled.

Paragraph 89 of the NPPF also sets out a number of exceptions to the presumption against inappropriate development in the Green Belt. These include “limited infilling in villages.....under policies set out in the Local Plan.” The NPPF reaffirms the importance of protection of the Green Belt from inappropriate development but does not expand on the definition of circumstances in which limited infilling in villages may be regarded as an exception.

Currently, the Local Plan is regarded as being the RUDP and Policy GB3 of the RUDP sets out the criteria whereby limited, small-scale infilling can take place in a small number of listed settlements within the Green Belt. It is regarded as being in conformity with the NPPF.

POLICY GB3

WITHIN THE SETTLEMENTS LISTED BELOW AND WASHED OVER BY THE GREEN BELT PLANNING PERMISSION WILL ONLY BE GRANTED FOR INFILLING PROVIDED THAT:

- (1) IT FALLS WITHIN THE INFILL BOUNDARY OF THE SETTLEMENT, AS DEFINED ON THE PROPOSAL MAP
- (2) IT FILLS A SMALL GAP IN A SMALL GROUP OF BUILDINGS;
- (3) IT IS RELATED TO THE SCALE OF THE SETTLEMENT AND DOES NOT ADVERSELY AFFECT THE CHARACTER OF THE SETTLEMENT OR ITS SURROUNDINGS.

IT WOULD NOT RESULT IN THE LOSS OF OPEN SPACE WHICH IS IMPORTANT TO THE CHARACTER, VISUAL AMENITY AND LOCAL IDENTITY OF THE SETTLEMENT PROPOSALS FOR THE EXTENSION OF THE LISTED SETTLEMENTS WILL NOT BE PERMITTED.

Policy GB3 does identify Stanbury as one of the listed settlements where small scale infill development can be permitted subject to the above criteria. In the case of each identified settlement, the physical boundary around the settlement within which infill development might take place in accordance with GB3 (1) is defined by the RUDP Proposals Map.

In this case, the application site is outside the infill boundary of the settlement specified by the RUDP. The settlement limit to Stanbury is quite tightly defined in recognition of the strong linear character of the village which, historically has developed along the ridge. The site is also not regarded as forming a small gap in a small group of buildings as specified in GB3 (2). The proposed development would therefore represent an expansion of the settlement of Stanbury outwards beyond the RUDP boundary. This would harm openness and conflict with the purposes of including the land in the green belt – specifically to check the unrestricted sprawl of built-up areas and to assist in safeguarding the countryside from encroachment.

The proposed development lies outside the infill-settlement boundary and therefore does not benefit from the provisions of Policy GB3 of the RUDP and has to be regarded as inappropriate development contrary to Policy GB1 of the RUDP.

As a matter of principle, the proposed development is considered unacceptable as it would result in an expansion of the village outside its identified GB3 envelope. It would be contrary to Policy GB1, the RUDP and paragraphs 87 to 89 of the NPPF.

In order to overcome inappropriateness, new residential development might be justified by way of association with a use that is itself appropriate within the Green Belt, such as a viable agricultural business. However, in this case there is no supporting information that would serve to justify a departure from the development plan on these grounds or on grounds of very special circumstances. Officers cannot see convincing grounds for the setting aside of fundamental Green Belt policy objections.

Impact on conservation area and local amenity

The settlement of Stanbury is tightly grained and arranged in a roughly linear form - running west-east along the ridge. Main Street passes through the village core to the north of the application site. The edges of the village are generally well defined with long established stone walling or buildings forming a clear boundary with upland pastures extending north and south of the village down the flanks of the ridge.

The planning application site, including an extent of proposed garden space, is partitioned off from the pasture land that extends to the south by a recent post and rail fence. This fence is not a locally distinctive boundary in an area where stone walling predominates and it accentuates the impact of garden space encroachment into farmland.

One of the characteristics and strengths of the Stanbury Conservation Area is the limited extent of gardens associated with existing houses, which are predominantly tightly drawn around properties. Views into and out of the settlement, often between buildings, are pivotal to the character and quality of the conservation area, particularly since the village is for the greater part very tightly grained. These views and vistas remain where gaps between buildings have not been infilled, and proposals for such infilling need to be carefully considered to ensure that the essential characteristics of the settlement are not lost.

The application site provides a key view or vista to the south of the settlement to the agricultural land beyond and its proposed residential development would significantly change the character and value of this part of the conservation area. It should be noted that the infill settlement boundary (RUDP Policy GB3) was drawn in such a manner that the application site would remain free from development and thus the open vista from this part of Main Street would be preserved.

In visual terms it is already noted that the proposed dwelling would not be entirely hidden from view as the description 'subterranean' might suggest. The Conservation Officer observes that the dwelling would be partly visible above ground level and the associated parking areas and other domestic paraphernalia would have a potentially harmful impact on the character of the conservation area and setting of nearest listed buildings.

The development would be visible and, together with its associated car parking and gardens extending down the slope, would result in an extension of the urban form into the valued rural landscape setting of the village. This would unacceptably harm local visual amenity and the character and quality of the landscape setting, contrary to Policies UDP3, UR3, NE3 and NE3A of the Replacement Unitary Development Plan and the NPPF.

Given its proposed position and orientation, the dwelling itself would not result in loss of privacy or related impact for nearest neighbouring occupiers but the wider visual effect is the critical issue and one that cannot be supported. It is considered important in heritage conservation terms that the view across the application site and its open green setting is maintained. The development would therefore be considered contrary to Policies BH7 and BH4A of the Replacement Unitary Development Plan.

Highways

The development would not give rise to harm to highway safety subject to off-street parking being provided prior to first occupation of the dwelling.

Conclusions

In the absence of any planning approvals to the contrary, the application site is considered to be agricultural land, not existing garden as described by the applicants. Importantly, the site is not within the infill settlement boundary as identified by Policy GB3 of the Replacement Unitary Development Plan, and its residential development would represent an expansion of the settlement and a clear encroachment of urbanising form into Green Belt agricultural land.

The development of the site would lead to harm to the character of this part of the Stanbury Conservation Area through the compromising of a key open view or vista out of the village towards the south. Accordingly the proposals do not merit support.

NOTE: The proposed development here represents a departure from the development plan and so, in the event that the Area Planning Panel is minded to support the proposed development the matter must be **referred to the Regulatory and Appeals Committee** with the Area Planning Panel's considered recommendation.

Community Safety Implications:

No 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.

Reasons for Refusal:

1. The proposed development would involve inappropriate development in the Green belt as it would be outside the settlement limit of Stanbury defined on the RUDP Proposals Map and would not fill a small gap in a small group of buildings. The development would not accord with criteria set out in Policy GB3 of the Replacement Unitary Development Plan. The expansion of the settlement would be to the detriment of the openness and would conflict with the purposes of including the land in the Green Belt. As such the proposals are contrary to Policy GB1 of the Replacement Unitary Development Plan and contrary to the National Planning Policy Framework.
2. The proposed development would result in the expansion of urbanising form into the valued rural landscape setting of the village. This would unacceptably harm local visual amenity and the character and quality of the landscape setting of the village, contrary to

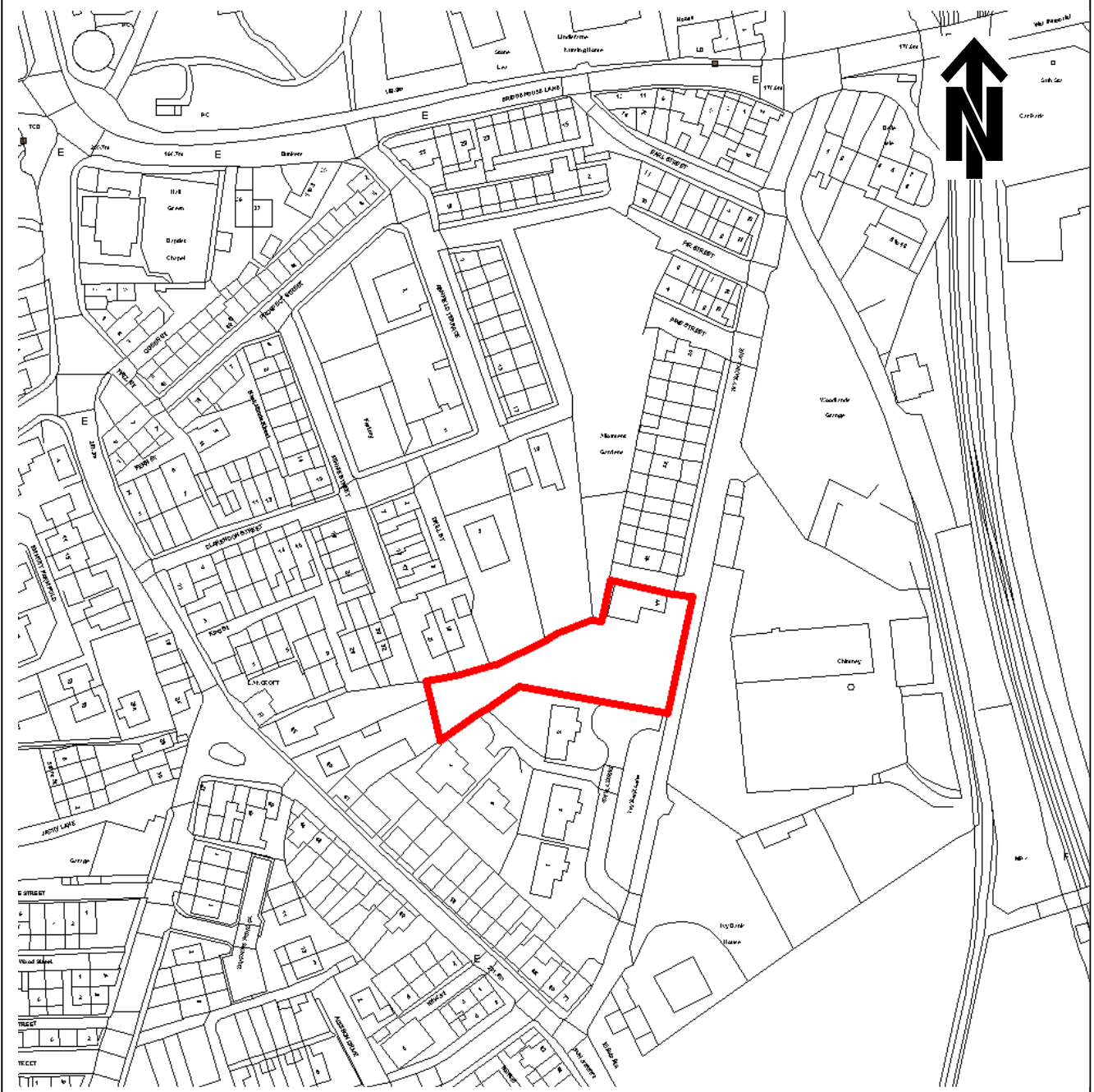
Policies UDP3, UR3, NE3 and NE3A of the Replacement Unitary Development Plan and the National Planning Policy Framework.

3. The application site is open in character and provides a key vista to the south through the Stanbury Conservation Area. The proposed development of the site would compromise this key view or vista. The development would also result in a substantial and incongruous garden space with its associated domestic accoutrements, car parking and driveway/turning area extending south from the identified settlement boundary to the detriment of the character of the Stanbury Conservation Area, contrary to Policies UDP3 and BH7 of the Replacement Unitary Development Plan and the National Planning Policy Framework.

Area Planning Panel (Keighley & Shipley)

15/04597/TPO

9 December 2015



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ITEM NO. : 6	LOCATION: Mill House 44 Ivy Bank Lane Haworth BD22 8PD
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9 December 2015

Item Number: 6

Ward: WORTH VALLEY

Recommendation:

TO GRANT CONSENT TO THE REMOVAL OF T1 HORSE CHESTNUT AND CONDITION ITS REPLACEMENT WITH 2 X LIME TREES

Application Number:

15/04597/TPO

Type of Application/Proposal and Address:

Tree Preservation Order application to fell one Horse Chestnut tree on land at 44 Ivy Bank Lane, Haworth

Applicant:

Councillor Rebecca Poulsen

Agent:

Keighley Tree Services

Site Description:

Ivy Bank Lane is a private road accessed via either Bridgehouse Lane to the north or Sun Street to the south. There are vehicle restrictions preventing travelling by car along the length of the road and so the subject property is accessed only from Bridgehouse Lane side only with the subject property being at the "end" of the road.

The property is a large detached dwelling set within sizeable grounds at the "head" of Ivy Bank Lane. The property is within the Haworth conservation area.

There are numerous trees within the property protected by the Conservation Area and by a Tree Preservation Order (TPO no. 303).

The subject tree, identified as T1 in the submitted survey, is a Horse chestnut. It is a mature specimen located to the east of the house. The tree is listed as Tree 8 in the TPO.

Relevant Site History:

05/02361/CPN – Removal of tree REFUSED

05/06004/CPN – Pruning of tree GRANT

09/03463/TPO – Pruning of tree REFUSED

11/04249/TPO – Pruning of tree REFUSED

12/00833/TPO – Felling of tree REFUSED

13/02525/TPO – Pruning of tree GRANT

Replacement Unitary Development Plan (RUDP):

Allocation

Haworth Conservation Area

Proposals and Policies

Not applicable

Parish Council:

There is no statutory requirement to seek Parish Council views in respect of TPO work.

Publicity and Number of Representations:

None required under the TPO legislation.

Summary of Representations Received:

None

Consultations:

None

Summary of Main Issues:

Whether enough justification is given to remove a tree of public amenity value and protected by a Tree Preservation Order (TPO)

Appraisal:

The subject Horse Chestnut tree is approximately 100 years old, around 17m in height and has a stem diameter of approximately 900mm. It is located to the east side of the application dwelling and its canopy spread extends over the driveway to one side and over Ivy Bank Lane to the other side.

The size and position of the tree make it valuable in terms of public visual amenity. It is highly prominent especially from the north looking south down Ivy Bank Lane with the tree appearing as the first tree at the head of the road.

There are also other mature trees in the vicinity and the subject tree is part of a line of other mature trees. Overall the trees contribute significantly to the character of this part of the Haworth Conservation Area.

The subject tree was heavily pruned at some point in the distant past – probably in the 1970s. This pruning comprised of a topping cut which removed almost the entire canopy. Topping a mature tree is the worst form of pruning that can be undertaken because large areas of decay tend to spread from the pruning cut down the stem. The branches that eventually regrow near the pruning cut are confined to a relatively small surface area at the top of the cut stem and as they grow they become congested and mould into one another. As these new branches grow they become heavier, but being attached to the decaying stem, are prone to failure. Topping trees therefore tends to create major structural weaknesses in the wood that become evident later in the tree's life.

The subject tree exhibits all of the problems associated with the previous topping cut. There are now numerous heavily weighted branches, several large decay points and numerous structural weaknesses. There is therefore an elevated risk of harm of branch failure either onto the driveway or onto Ivy Bank Lane and there have been branches falling from the tree in recent years.

The tree was also in the past infected by the disease known as bacterial canker. This disease kills the bark of horse chestnuts and usually allows secondary infections (usually fungi) to enter and rot the wood beneath.

There is a large occluded wound on the stem of the tree and several large branches with longitudinal bark splits which are the remnant symptoms of the bacterial canker infection.

The subject TPO application is accompanied by a report from a professional tree surgeon that recommends that the tree be removed. The report states that the tree has fewer than 10 years of life remaining and that felling and replacement with two Lime trees is the best course of action. The Council's arboricultural officer concurs with the conclusions reached in the submitted tree report and considers that other possible options such as pruning should be disregarded.

Weighing up all the problems with the tree, the Council's arboricultural officer considers that that the removal of the tree is justified based on its condition, health and elevated risk of harm that may be caused if it is not removed. However, its removal certainly will have an immediate negative impact on the Conservation Area and on public visual amenity. However the impact is not as severe as it could otherwise have been because there is another mature Lime tree immediately behind the Horse Chestnut when viewing from the north towards the tree. In addition the application proposes to replace the tree with two Lime trees. These replacements will, in time, compensate for the loss of amenity arising from the removal and the new plantings will link into views of other Lime trees in the area and provide longer term continuity of tree cover.

Should the recommendation of felling and replacement be approved it is further recommended that a new TPO be made on the site to replace the existing one and to protect the new replacement plantings long term.

Reason for Granting Permission to Fell:

Removal of the Horse Chestnut will have a negative impact on the visual amenity of the Conservation Area and to public visual amenity. However there are numerous structural and health issues with the tree and its removal and replacement with two replacement Lime trees is considered to be justified.

Conditions of Approval:

1. It is a condition that two replacement trees be planted within 12 months from the date of felling.

The replacement trees shall comprise of the species Lime (*Tilia cordata*) and must be 12-14 centimetres in girth (Heavy Standard), planted within 5 metres either side of the removed tree, at least 1m away from areas of hardstanding and at least 2m outside the canopy spreads of existing trees and shrubs or as otherwise agreed before felling commences.

All new trees must be to British Standard BS 3936 Nursery Stock rootballed or containerised staked and tied in accordance with good arboricultural practice. If within a period of 5 years from the date of planting a replacement tree is removed, uprooted, is destroyed or dies, another tree of the same size and species shall be planted at the same place or in accordance with any variation for which the Local Planning Authority gives its written approval.

Reason: To maintain a continuity of tree cover in the location and to compensate the visual amenity value of the surrounding area once the replacement has matured.
