

Report of the Strategic Director of Regeneration to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 15 June 2016

A

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
(a)	5 West View Wells Road Ilkley LS29 9JG - 16/02397/FUL [Approve]	Ilkley
(b)	53 Mallard View Oxenhope Keighley BD22 9JZ - 16/00612/HOU [Approve]	Worth Valley
(c)	7A Westgate Baildon BD17 5EH - 16/00980/FUL [Approve]	Baildon
(d)	Hindleigh Gawthorpe Lane Bingley BD16 4DE - 16/01240/FUL [Approve]	Bingley
(e)	Land adjacent Cliffe Cottages Lees Lane Haworth Keighley BD22 8RA - 16/01936/OUT [Approve]	Worth Valley
(f)	Land adjacent to 15 Stirling Road Burley in Wharfedale Ilkley LS29 7LH - 16/00577/FUL [Approve]	Wharfedale
(g)	Land at West Lane Baildon - 16/00350/OUT [Approve]	Baildon
(h)	Norwood House Green Lane Baildon Green Baildon BD17 5JA - 16/01818/FUL [Approve]	Shipley
(i)	Unit 8 Valley Road Business Park Gas Works Road Keighley BD21 4LY - 16/02500/FUL [Approve]	Keighley East
(j)	1 Belmont Avenue Baildon BD17 5AJ - 16/01938/FUL [Refuse]	Baildon
(k)	Land West of 300 Spring Gardens Lane Keighley - 16/00448/FUL [Refuse]	Keighley Central

Julian Jackson
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Portfolio:
Housing, Planning & Transport

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Overview & Scrutiny Committee Area:
Regeneration and Economy

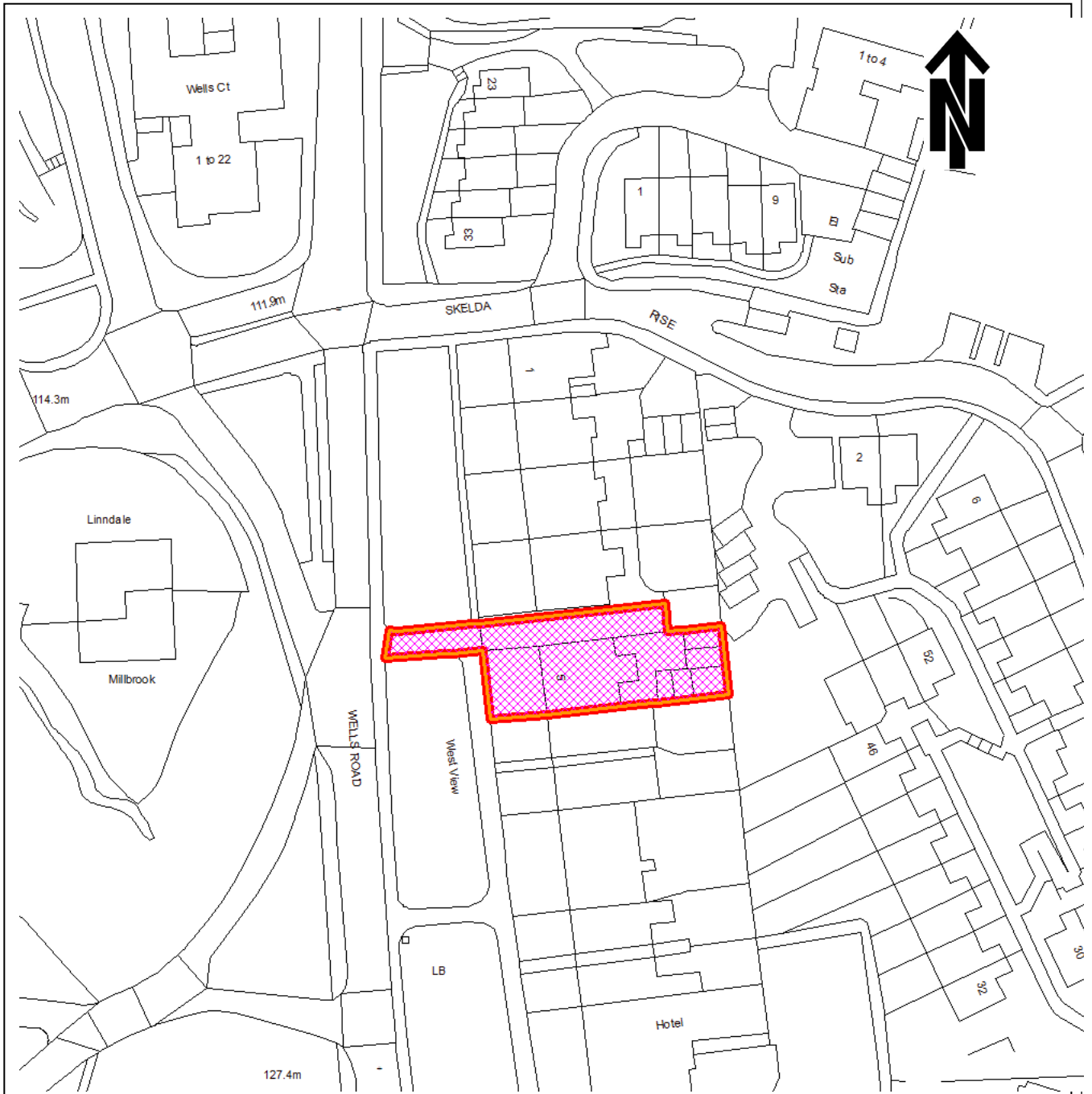
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Area Planning Panel (Keighley/Shipley)

16/02397/FUL

15 June 2016



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LOCATION:

ITEM NO. : (a)

**5 West View
Wells Road Ilkley**

15 June 2016

Item Number: (a)
Ward: ILKLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
16/02397/FUL

Type of Application/Proposal and Address:

Full application for conversion of eight bedsit flats into five self-contained apartments, as amended, at 5 West View, Wells Road, Ilkley, LS29 9JG.

AMENDMENTS

Since the receipt and publicity of the original application proposals, a number of unsatisfactory features of the scheme have now been omitted following negotiations with officers. Namely:

- The proposal to create extra parking by excavating into the front garden and removing the conservation area railings and boundary wall have been omitted.
- A proposed lift shaft at the rear has now been deleted.
- The existing front porch is now to be taken off the building.
- The existing dormer is to be retained rather than altered.
- New windows initially proposed in the side elevation have been deleted.

These changes address many of the objections that have been received.

Applicant:
Oak Tree Developments Limited

Agent:
Peter Brooksbank

Site Description:

The application site is a substantially sized 19th century end-terraced building. It is currently unused but was in use for many years as 8 x one bedroom flats on 4 levels. It forms part of an elegant row of historic terraced properties set back from Wells Road behind open common land. The adjacent dwellings 3, 4, 6 and 7 are all Grade II listed. The application property is not listed, but it does form part of the Ilkley conservation area. An access track runs off Wells Road along the north wall of the property giving access to a rear yard where there are some existing garages.

Relevant Site History:

None relating to this property. It appears to have been subdivided into flats many years ago.

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning

system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

The site is within the Ilkley conservation area but is otherwise unallocated within the Replacement Unitary Development Plan.

Proposals and Policies

BH7:	New development in a conservation area
BH4A:	Within the settings of listed buildings
UR3	The local impact of development
D1	General design considerations
TM19A	Traffic management and road safety
TM12	Parking standards for residential developments
TM2	Impact of traffic and its mitigation

Parish Council:

Ilkley Parish Council: Initially recommended refusal but after consideration of the amended plans, the Planning Committee of Ilkley Parish Council are delighted to see the amendments to this application, together with the detailed confirmation from the Planning Officer. The Committee now recommends approval.

Publicity and Number of Representations:

The application was initially publicised by individual neighbour notification letters, site notice and through the newspaper. The publicity period expired on the 12 May 2016. Following the receipt of amended plans, neighbour and contributors were re-notified. The publicity period expired on the 30th May 2016.

37 individual representations have been received from local residents opposing the development; this includes comments from the Ilkley Civic Society and a request from a Ward Councillor for the decision to be made at planning panel.

Summary of Representations Received:

A number of comments have been received noting support in principle for the re-use of the building but expressing objection to the following aspects of the original proposals. Some objectors have said that they regard the change of use of 5 West View positively, because

the property has been empty for some time, but objected strongly to the creation of a parking area in the front garden. This is out of keeping with the setting of the house and the special character of the street, which is much admired by residents of Ilkley and visitors alike. This seems particularly inappropriate as it is flanked by grade 2 listed buildings, both of which retain their traditional enclosed front gardens.

As well as opposing the alterations to the front garden to provide parking, objectors also oppose the use of UPVC for windows and doors and the roof top balcony on the 4th floor and the incongruous lift tower which are all detrimental to the conservation area and setting of listed buildings.

Other points of objection have been:

- Bin provision.
- There is no permission to alter a boundary wall with No 6 Wells Road.
- Bat roost may be in the dwelling.
- Ownership. Details on the site plan are incorrect.

Consultations:

Design and Conservation Team: Did not support the application in its original format, however, all matters opposed in their original consultation were removed as part of the amended scheme.

Highways Development Control: Following re-consultation after the removal of the parking in the front garden, Highways DC do not foresee any undue highway safety problems and raise no objections to the amended scheme.

Drainage: No comments to make.

Summary of Main Issues:

Principle.

Impact on the character and appearance of Ilkley conservation area and nearby heritage assets.

Residential amenity.

Highway safety.

Other issues raised in the representations.

Appraisal:

Background – amendments to the original plans

This is an application for the change of use of the building from 8 x one bed roomed bedsits to 5 x two-bed self-contained apartments. The application also seeks to demolish existing garages to the rear of the site to form 4 car parking spaces.

The proposed physical alterations to the building and its garden have been significantly amended during the course of the application. The changes include the removal of a proposed lift shaft at the rear; omission of a proposal to change the existing dormer to a recessed balcony cut into the roof; and omission of proposals for new windows in the side elevation. Previously proposed opening doors leading onto an existing balcony on the 2nd floor level have been abandoned and it is now proposed to remove the existing front porch.

All windows are now proposed to be timber framed. Previous proposals for upvc replacement windows have been shelved.

Most significantly, the front garden is now proposed to be retained as existing. The most controversial aspect of the original proposals was the proposal to excavate the garden for extra parking involving removal of a prominent stone wall and garden railings. The potential adverse impact on the conservation area of this excavation of the front garden and loss of the wall and railings was opposed by neighbours, Ward Councillor and the Conservation Officer but the proposals for this are now abandoned.

Therefore, the features which attracted the initial objections to the application, including those from the Ward Councillor, have now been deleted.

In effect the proposals are now only for change of use from 8 to 5 flats, demolition of the garages to the rear to create an open parking area, and some modest and generally beneficial alterations to the external appearance of the building.

Principle:

The site is situated in a sustainable location, close to the services and facilities of Ilkley town centre, which can be accessed on foot. Although there is a proposed reduction in the total number of residential units, the scheme will provide better quality accommodation and higher standards of amenity overall. The scheme also presents an opportunity to secure re-use and investment in this conservation area building. These factors weigh significantly in favour of the scheme and the development is unlikely to cause demonstrable and significant harm to the aims and objectives of the RUDP and NPPF. Taking into account the above, the principle of change of use is considered acceptable.

Impact on conservation area and listed buildings:

The application building and its garden are an attractive and positive feature of the conservation area, located in a prominent position in the street scene.

As originally presented, the proposals were unacceptable. The Council's Conservation Officer was particularly opposed to the proposal to remove part of the front garden and the stone retaining wall and railings to create car parking. There were also objections to the incongruous form and design of the lift shaft at the rear; to the introduction of new window openings in the gable wall, and the proposal to replace all the windows in upvc.

However, all these features have now been omitted from the amended drawings.

The proposed external alterations to the building, as amended, are now of minimal impact and considered to be an improvement to the existing situation. The changes are as follows:

1. The building currently has a mix of upvc and timber framed sash windows. The proposal, as amended, now seeks to replace all windows with timber frames. It is proposed that details of the new and replacement windows be reserved by a planning condition.
2. The existing porch on the front elevation has been present for many years but it masks the original front door. This is now proposed to be removed and the front entrance returned to its original form. This will contribute positively to the character of the building and its presentation to Wells Road.

3. The front dormer window is a poor feature of the building but it has been in place for a significant number of years. It can be seen in aerial photos dating back to 2009 and as such would be immune from enforcement action. Nonetheless, the proposals now seek to remove the existing white upvc cladding and replace it with a slate tile. Whilst the bulk of the window would remain, the materials proposed would improve the overall appearance of the window and lessen its prominence.

The timber garages evident to the rear of the site are of no architectural merit and their demolition and replacement with 4 open car parking bays poses no concerns on the character of the conservation area. These parking spaces are more likely to be used than the garages.

A condition is suggested to require that the new off-street parking areas created to replace the garaging shall be formed using only porous surfacing materials, or shall be surfaced in a manner that directs run-off water from a hard surface to a permeable or porous area within the curtilage of the site.

In conclusion, the proposed alterations to the building to facilitate this change of use are now considered to be minimal in scope and generally beneficial in that they will improve the character of the building and thereby preserve and enhance the character and appearance of the conservation area - with associated benefits to the setting of the adjoining listed buildings. The proposals will satisfy Policies D1, BH4A and BH7 of the Replacement Unitary Development Plan.

Residential amenity:

The change of use of the building does not pose any concerns on the amenity of the neighbouring occupants, with a reduced intensity of units proposed and no external enlargements to the building or additional windows proposed. Concerns regarding the lift shaft and its dominance of the immediately adjacent properties have been addressed by removal of this feature from the proposals.

Highways:

Access and egress to the site is now unaltered following omission of the car parking originally proposed in the front garden. To the rear, the proposed layout would allow 4 off street parking spaces to be created following removal of the garages. No concerns have been raised by the Council's Highway team who note that the amount of car parking and its arrangement is adequate, and that the level of traffic generated and parking demand would be similar to that of the existing demand for the eight bedsits.

The National Planning Policy Framework says that in setting local parking standards for residential and non-residential development, local planning authorities should take into account the accessibility of the development; the type, mix and use of development; and the availability of and opportunities for public transport;

In this case, the location of the building close to Ilkley town centre and the railway and bus stations, combined with the type of development and the fact that the proposal will be a de-intensification of use are all such that the development provides sufficient parking. It satisfies policies TM19A, TM2 and TM12 of the RUDP.

Drainage:

Block paving has been proposed to surface the area to the rear of the site, however, no drainage details have been provided. In the interests of securing satisfactory sustainable drainage and to accord with Policy NR16 of the RUDP, a condition will be added to ensure that the off-street parking shall be formed using only porous surfacing materials, or shall be surfaced in a manner that directs run-off water from a hard surface to a permeable or porous area within the curtilage of the site.

Other matters raised in the representations:

Bins: Objectors have pointed out that the plans do not show a designated bin storage area. However, there is ample yard space to the rear of the site to accommodate bin storage sufficient for 5 flats. Clearance of the garages will improve the available space and, as the scheme reduces the number of dwellings, the space needed for bin storage may be less than it has in the past.

Bats: Objectors have referred to possible presence of bats. The site is located in a bat alert zone but there is no firm evidence to indicate that a bat roost is actually present in the building. Notwithstanding the above, there are now no proposed alterations or enlargements to the roof of the building. This significantly reduces any concerns with regard to any impact on bats. A standard footnote will be added to the decision alerting the owner of the protocol and legal requirements should any bat activity be found during the conversion of the building and associated maintenance and repair work.

Boundary Walls and trees: The concerns raised with regard to the potential damage to the boundary walls following demolition of the garages are not a planning matter but a civil issue. A Sycamore tree (rear of site) and a Portuguese Laurel (front of site) are proposed to be removed as part of the scheme and a Norway Maple is proposed to be replanted in the front garden area. The Council's Tree Officer, has confirmed there are no concerns about the removal of the Laurel and that, whilst the Sycamore makes a contribution to the area, it is set to the rear of the site and not in a prominent location. Its removal is not considered to have any serious effects on the amenity of the area as to warrant a refusal. The replanting of the Maple is welcomed and helps to mitigate the loss of the trees on site.

Community Safety Implications:

None.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed development is considered to represent a sustainable form of development that relates satisfactorily to the character of adjacent properties and the wider locality. The impact of the development upon the occupants of neighbouring properties has been assessed and it is considered that it will not have an adverse effect upon their residential amenity and there are no highway implications foreseen. As such this proposal is considered

to be in accordance with the requirements of the NPPF and policies D1, UR3, BH4A, BH10, BH7, TM2, TM12 and TM19A of the RUDP.

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. Notwithstanding the details shown on the approved plans, the off-street parking shall be formed using only porous surfacing materials, or shall be surfaced in a manner that directs run-off water from a hard surface to a permeable or porous area within the curtilage of the site, and the surfaces shall thereafter be retained.

Reason: In the interests of securing satisfactory sustainable drainage and to accord with Policy NR16 of the Replacement Unitary Development Plan.

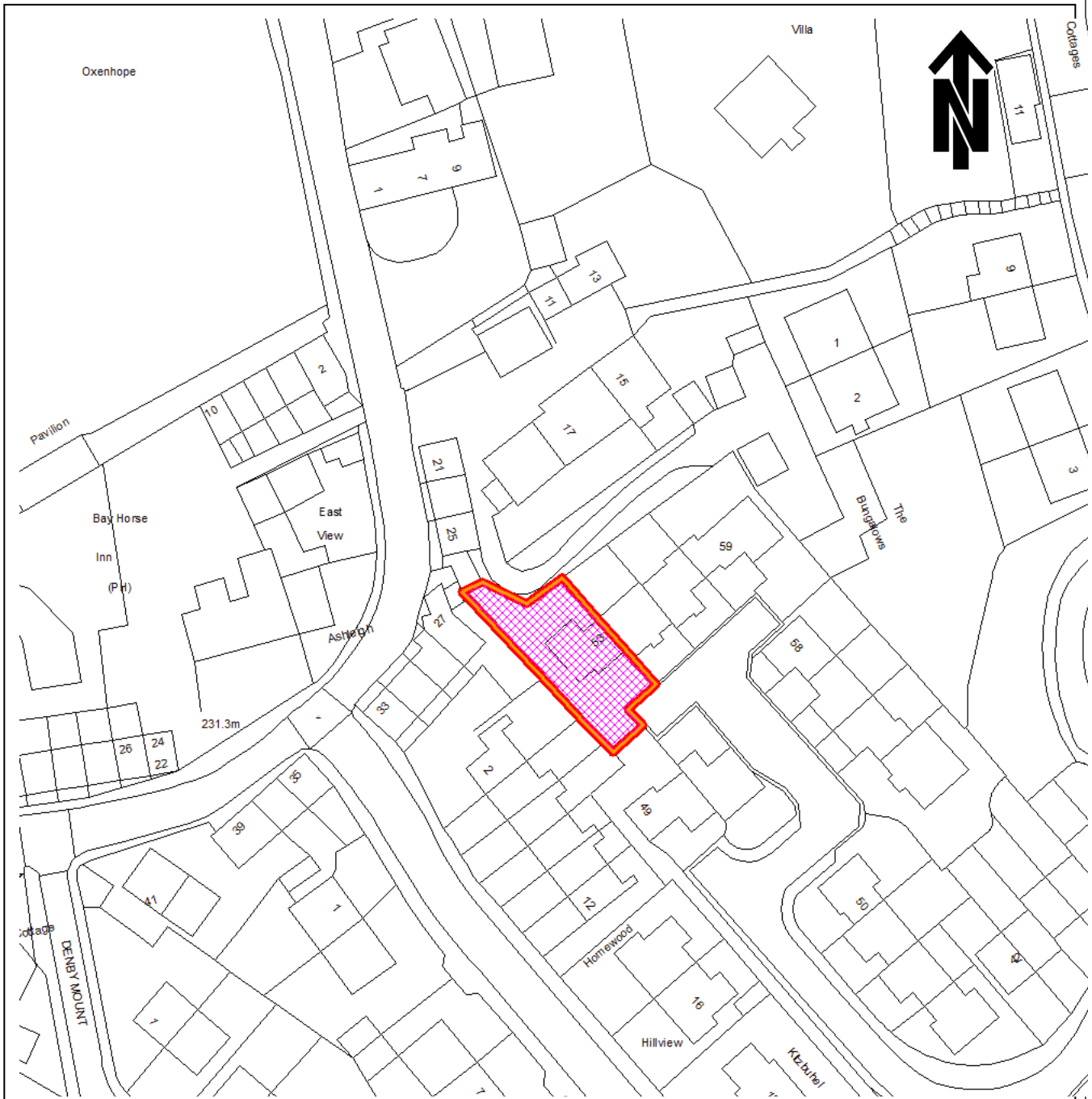
3. Prior to the installation of any new and replacement windows or doors in the building, details of the materials, joinery profile, pattern, method of opening and finish of these windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the windows and doors retained in accordance with such details.

Reason : In the interests of the character and appearance of the conservation area and to accord with Policy BH7 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

16/00612/HOU

15 June 2016



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LOCATION:

**ITEM NO. : (b) 53 Mallard View
Oxenhope Keighley**

15 June 2016

Item Number: (b)
Ward: WORTH VALLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
16/00612/HOU

Type of Application/Proposal and Address:
Housholder application for the construction of two single storey extensions to the rear at 53 Mallard View, Oxenhope, BD22 9JZ.

Applicant:
Mr Tony Richardson

Agent:
Chancellor & Young Ltd

Site Description:
The application is for extensions to a modern dwelling situated at the end of a row and served by a mews court cul de sac. The site is a modern, residential enclave that was developed in recent times. It is close to, but not within, the Oxenhope Uppertown conservation area.

Relevant Site History:
15/05397/HOU: Construction of a rear extension and garage. Refused 7 December 2015.

15/07688/CLP: Application for a certificate of lawfulness for a single storey rear extension to property: Withdrawn after the agent was advised that permitted development rights had been removed and so planning permission was required.

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

D1 – Design considerations

UR3 – Local Planning Considerations

The Householder Supplementary Planning guidance has also been taken into account as a material consideration.

Parish Council:

Oxenhope Parish Council : Members of the Parish Council were agreed that the 2016 application was not significantly different from the previous application 15/05397/HOU and therefore they raised the same objections:

- (i) proportionality, and
- (ii) adverse effects on the adjoining property.

It was noted that the inaccurate drawings made it appear that the dwelling was a stand-alone property. Members of the Parish Council also agreed that if the planners were minded to approve the planning application then determination should take place at the next Planning Panel meeting.

Publicity and Number of Representations:

Publicised by Neighbour Notification letters expiring 3 March 2016.

One letter of objection was received along with a request to refer the application to Area Planning Panel by a Ward Councillor.

Summary of Representations Received:

Grounds for objection were that the proposal would cause overshadowing to 55 Mallard View and would negatively impact drainage of surface rain water.

The plans do not show the adjoining house or boundaries and the proximity of the extension to the neighbouring property. The extension will overpower and overshadow that property, particularly a kitchen window. The trees in the locality already affect light and with the extension it will put our house and garden into constant shadow.

Consultations:

Oxenhope Parish Council objects (see above) and requested a referral to Area Planning Panel.

Design and Conservation Team: Notes the relationship to the Conservation Area and nearby listed buildings but has no objections.

Summary of Main Issues:

Impact on the local environment.

Impact on the amenity of neighbouring occupants.

Appraisal:

The main issue is the effects of the proposed extension on the amenity of occupiers of the adjoining property at 55 Mallard View.

The adjoining occupier has complained that his property is not shown on the drawings and so the relationship of the extension to that property and the boundary cannot be properly assessed. However, whilst it is always better if agents portray adjoining properties on drawings, the Case Officer has visited the property and a considered assessment of the relationship of the extensions to the adjoining properties has been made.

A previous planning application 15/05397/HOU proposed a rear extension and garage. This was refused for three reasons; two of which related to the effects of the proposed detached garage which was proposed in an intrusive position to the front of the dwelling and affecting car parking spaces in the mews.

The third reason for refusal related to the impact of the proposed rear extension which under that application projected 6 metres from the back wall of the original house along the boundary with 55 Mallard View. It was agreed that the 6 metre extension would have had an adverse impact on the occupiers of No 55 due to its proximity to the boundary and the excessive length due to loss of light and an overbearing impact.

The back wall of the application dwelling is stepped, and there are two separate single storey rear extensions attached to the two parts of that stepped back wall. Both are relatively modest. The first is a lean-to extension, projecting 2.675 metres from the section of the existing back wall adjoining the boundary with 55 Mallard View. The second is a pitched roof extension, 3.95 metres high, projecting from the gabled rear elevation of the house and set 3 metres from the boundary with 55 Mallard View.

However, the revised application has jettisoned the garage proposal and the applicant has reconfigured the scheme to reduce the size of the single storey rear extension that runs next to the boundary with No 55 Mallard View to a depth of 3m. This is considered acceptable and also, the degree of projection accords with the design principles for rear extensions in the Householder SPD.

The Parish Council has said that there is no significant difference between the new scheme and the previous proposals, but the refused extension is of less significant mass than the previous scheme. As well as omitting the garage at the front, the part of the previously proposed extension that ran 6 metres along the joint boundary with No 55 is also omitted. The amount of new masonry against the boundary with the neighbour will now be reduced to 3 metres. Such a 3 metre rear extension complies with the Householder SPD and in the view of officers will cause no significant harm to the amenity of occupiers of adjoining properties.

It should also be noted that the small scale of the extensions is such that both could ordinarily have been constructed under permitted development allowances. Planning permission in this instance is only required due to Part 1 Class A permitted development

rights having been removed by a condition imposed when the housing development was originally constructed.

In respect of the design and visual appearance, the extensions would be built to the rear of the existing dwelling and would not be visible from any public place. The proposed materials would match the existing dwelling and the scale and design of the proposed extensions are considered to relate well to the existing dwelling and its surroundings. In this regard the proposal is considered to be in accordance with Policies D1 and UR3 of the RUDP.

There are no changes to existing parking or access arrangements for the house and therefore the proposal has no impact on highway safety.

The proposed extensions are not considered to result in any significantly adverse impact on surface water drainage.

Community Safety Implications:

There are no community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

In terms of residential amenity, the proposed extension is considered to overcome objections to the previous scheme and is not considered to cause any significant negative impact on the occupants of neighbouring dwellings. The proposal complies with the requirements of the Council's adopted Householder Supplementary Planning Document and accords with Policies D1 and UR3 of the RUDP.

Conditions of Approval:

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

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

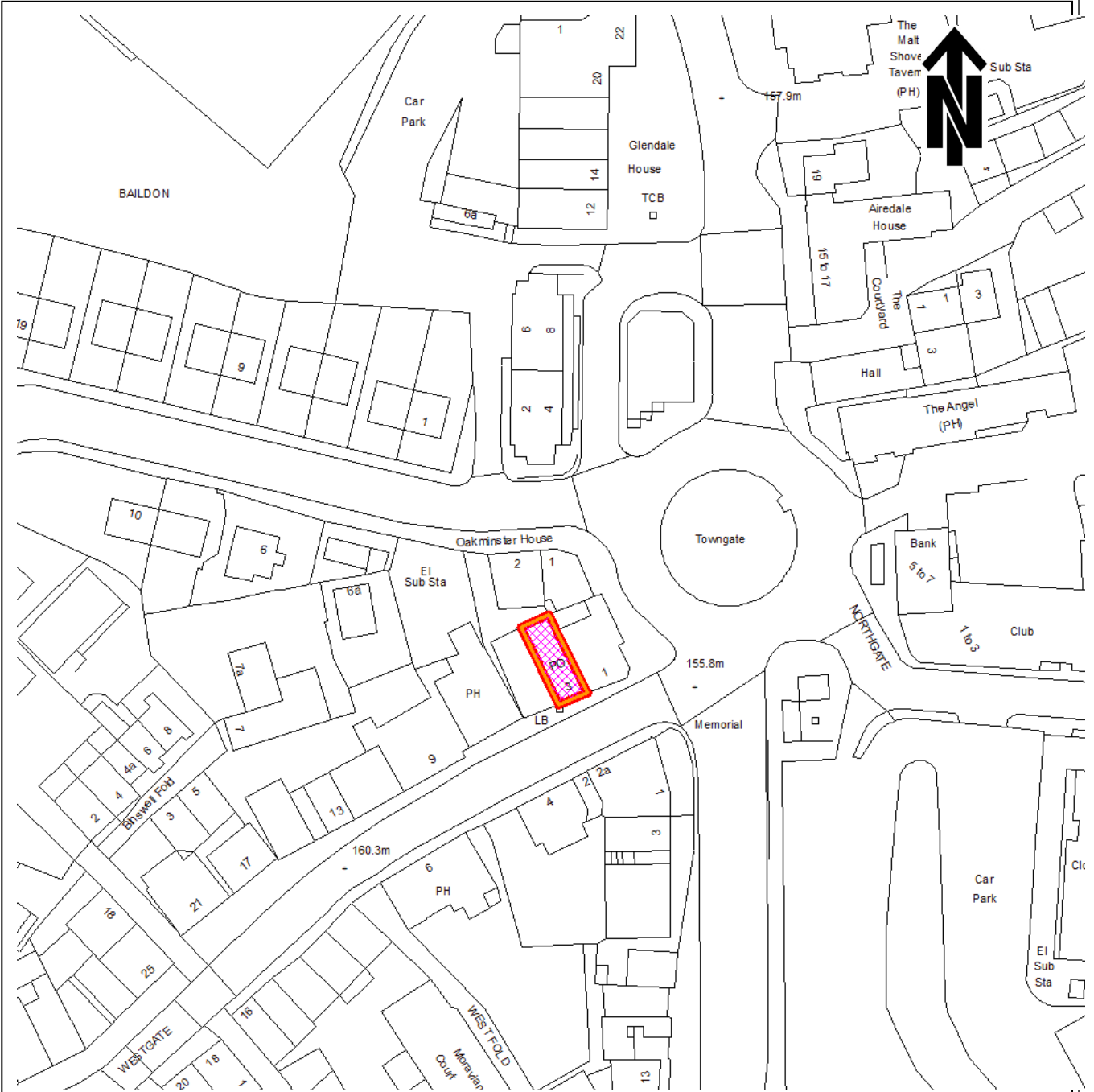
2. The development hereby permitted shall be constructed of facing and roofing materials to match the existing building as specified on the submitted application.

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

Area Planning Panel (Keighley/Shipley)

16/00980/FUL

16 June 2016



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<p>ITEM NO. : (c)</p>	<p>LOCATION: 7A Westgate Baildon</p>
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15 June 2016

Item Number: (c)
Ward: BAILDON
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
16/00980/FUL

Type of Application/Proposal and Address:
Change of use from Class A1 retail (Post Office) to Class A5 (Hot Food Takeaway) at 7A Westgate, Baildon, BD17 5EH.

Applicant:
Mr Firas Kinndy.

Agent:
Mr David Gleghorn.

Site Description:
The existing building, 7A Westgate, is a traditional property with retail use at ground floor. It is in the village centre of Baildon; in the designated Local Centre of Baildon and Baildon Conservation Area. The shop unit was formerly a post office which has now been relocated to within a nearby shop and No 7A is currently unoccupied. The ground floor projects forward to the street as a single storey structure. It has a traditional shopfront with a recessed doorway. The first floor accommodation is set back in a stone faced two storey traditional structure with a pitched roof. The character of Westgate is one of a varied mix of commercial business premises. Immediately adjacent to the application property (on the west side) is an existing hot food takeaway. Beyond this, and also fronting Westgate to the west is a bar (Westgate Bar) and a café. The two premises adjoining to the east are in use as a florist and barber's shop. Elsewhere along Westgate are shops, estate agents, a solicitor's office, beauty treatment and chiropody businesses, a restaurant and hairdressing salons. Across the street is a bridal shop, a hairdressing salon and a public house (Bulls Head).

Relevant Site History:
No relevant site history for this property.

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

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

BH7 - Baildon Conservation Area.

CR1A - Baildon Central Shopping Area

Proposals and Policies

UR3 – Local Impact of Development

D1 – General Design Considerations

UDP3 Quality of Built and Natural Environment

UDP6 Continuing Vitality of Centres

BH7 New Development in Conservation Areas

CR1A Retail Development Within Centres

TM11 Parking Standards for Non-Residential Developments

Account has also been taken of the adopted Hot Food Takeaway Supplementary Planning Document (SPD).

Parish Council:

Baildon Parish Council – No comments have been received.

Publicity and Number of Representations:

Advertised by neighbour notification letters and site notice to 29 April 2016.

198 representations have been received objecting to the development.

Summary of Representations Received:

There are already an excessive number of hot food takeaways within Baildon and the surrounding area. We do not need another take away in Baildon. We have more than we need and it is spoiling our village.

Providing other shops, such as a bakery or grocers, would make more sense.

Potential increase in vermin - already a problem in Baildon.

The proposal will result in more litter and waste food being discarded within the area.

It will have a negative impact on surrounding established businesses.

Adverse effect on the Conservation area, due to signage etc.

It will cause more parking issues on Westgate.

The use will probably only open in the evening - resulting in the loss of active daytime use and viability which will harm the character of Westgate and the village.

Consultations:

Design and Conservation Officer – Westgate has a strong character as the retail core of the village, with buildings closely flanking and enclosing the street.

Considers that the proposed takeaway use is unlikely to benefit the daytime economy or vitality of the conservation area and retail heart of Baildon. The loss of active daytime use and vitality will harm the character of Westgate as the centre of commercial activity in the traditional townscape of the conservation area.

Whilst the application suggests no external changes are to be made, new signage will result and it must be stipulated that this will be subject to specific further consent. Also, any changes to the shopfront, security measures and visible external flues would require further specific consent and could cause harm to the visual character of the conservation area.

Environmental Health Officer – No objections in principle to the use, but has requested further information in respect of the location and detail of extraction equipment, so that it does not give rise to noise or odour nuisance at neighbouring dwellings.

Drainage – To protect the sewer network, drainage serving the kitchen area to be fitted with a grease separator or other effective means of grease removal.

Summary of Main Issues:

Principle of the use.

Impact on amenity.

Conservation Area.

Highway Issues.

Appraisal:

This is an application for the change of use of an A1 retail unit, which is currently disused but was previously occupied by a Post Office, to an A5 hot food takeaway. The shop unit is small and situated on Westgate within a row of commercial properties. To the right is a florist and to the left is an existing hot food takeaway that opens into the evening. Further up the street is Westgate Bar which has an outdoor seating terrace to the rear. Behind the two storey section of the application property is a rear yard for bin storage which abuts the outside seating of the Westgate Bar.

Principle of the use

As described above, the character of uses along Westgate is mixed, with a variety of commercial uses along its length including an existing restaurant, cafes, bars, beauty treatment and hairdressing salons, professional offices, and some conventional shops.

Policy CT5 of the RUDP attempts to avoid an imbalance between retail and non retail uses affecting the attractiveness of shopping streets, but this policy is applicable only in the Primary Shopping areas of town centres such as Shipley and Bingley. It does not apply to the Local Centre of Baildon. The application site is not in a defined primary shopping area so there is no other specific policy in the RUDP which would preserve the site solely for retail purposes. Local and Town Centres are regarded by the RUDP as the focus for a range of retail, leisure, business and community facilities.

An objective of the Hot Food Takeaway SPD is to ensure City, District and Local Centres retain their primary purpose of providing a range of shopping and other functions and also contain appropriate concentrations of hot food takeaway establishments.

Principle 1 of the Hot Food Takeaway SPD says that when considering whether a proposed hot food takeaway would result in an over-concentration of such uses, to the detriment of the vitality and viability of the city centre, town or local centre, regard will be had to:

- A. The number of existing hot food takes away establishments in the immediate area and their proximity to each other;*
- B. The type and characteristics of other uses, such as housing, shops and public houses;*
- C. The importance of the location for local shopping, and the number, function and location of shops that would remain to serve the local community;*
- D. The potential benefits of the proposal for the wider community; and*

Any known unresolved amenity, traffic or safety issues arising from existing uses in the area.

As described above, Westgate is a focus for a wide variety of business uses, including existing pubs/bars and restaurants/cafes, the type and characteristics of which add to its vibrancy. The street is not solely a focus for conventional shopping.

The number of existing hot food takeaway establishments in the immediate area and their proximity to each other is such that these cannot be said to dominate Westgate at the moment. Although restaurants nearby offer a takeaway service and there is an existing hot food takeaway immediately next to the application property, the width of frontage involved at Unit 7A is only 3.75 metres. The adjoining takeaway is slightly wider but, should this small unit also become a takeaway, even the cumulative extent of the Hot Food takeaway uses along Westgate would not be unduly excessive.

Objectors have referred to an excessive number of food/takeaways already within Baildon and the surrounding area and consider that another will negatively impact on surrounding established businesses. However, it is not clear how the use would have such negative impacts or what these might be. Some objectors have said there are too many takeaways in Baildon, and that the viability of existing ones will be undermined. However, it is not the role of the local planning authority to exercise controls in the interests of local competitiveness.

Although objectors have said that other uses are needed more than a takeaway, other enterprises will presumably have had the opportunity to make offers for the vacant unit, but other proposals have not been forthcoming. The Council can only consider the merits of the proposal presented, on planning grounds.

Whilst it is important to evaluate the possible adverse effects of an over-abundance of hot food takeaways on the vitality and viability of existing designated centres, having regard to the criteria listed in Principle 1 of the Hot Food SPD, it is not accepted that there is a strong case to refuse this additional small scale A5 use. Especially given that in its current unoccupied state, the unit is playing no part in the local economy.

The Council's adopted Hot Food Takeaway Supplementary Planning Document (SPD) also includes recommendations (Principle 2) that, to minimise their negative impacts on childhood health, account should be taken of the proximity of new takeaways to schools, parks and other premises where children will congregate. However, it is expressed clearly in the SPD that restrictions on the location of takeaways on grounds of childhood health will not apply within City, District, Town or Local Centres, including the Baildon Local Centre.

Impact on amenity

The proposed hours of business are stated on the planning application form to be from 4pm to 12 midnight. It is recognised that the activities associated with hot foot takeaway establishments often tend to peak at times when the surrounding background noise levels may be low (eg late evenings).

However, in this instance, the Westgate area is an already vibrant and active commercial area with the public house opposite and a bar and a restaurant further along the street. These are all premises in use until 11.30 or midnight and possibly beyond. In comparison, with existing levels of night time activity, another hot food outlet on the street, particularly one of such limited size, is not likely to harm local amenity or any residential occupiers. The Council's Environmental Health Officer is not opposed to the change of use, in principle, providing an effective extraction system is installed.

Having regard to the likely impacts on residential amenity; the existence of an established late night economy in the area; the character and function of the immediate area, including existing levels of background activity and noise; there appears no compelling reason to impose any planning restrictions on the hours of business.

With regard to the Environmental Health officer comments regarding kitchen extraction, the agent has confirmed that a new flue will need to be installed to ventilate the new kitchen area in the rear part of the premises. The agent anticipates that the flue will be routed up to roof level within the existing chimney. The flue would be designed with appropriate odour filters and noise attenuation. It is proposed that a condition should be included on any approval granted to the change of use to require further details of the extraction system. Such details would then be the subject of consultation with Environmental Health to ensure that measures to direct emissions from the kitchen are sited and designed so they do not cause odour or noise nuisance.

An additional concern of objectors is more litter and waste food being discarded resulting in vermin within the area. Information had been received by the agent detailing appropriate waste storage and collection from space at the rear of the premises to serve the needs of the business. As the site is in the village centre there are already litter bins at various locations around the premises.

With regard to concerns raised by objectors about vermin, this will largely depend on effective management of the premises and is not necessarily an issue relevant to the planning use of the premises. The Environmental Health officer has raised no objections on this point.

Impact on the conservation area

There are no proposed changes to the external appearance of the premises. Existing stallrisers and display windows would be maintained. There are therefore no effects on the visual appearance of the traditional townscape of Westgate.

The Council's Conservation Officer has remarked how the probable loss of active daytime use and vitality might harm the character of Westgate. However, the extent of frontage affected is limited, and any effects would be offset by the opportunity to bring an empty unit into productive use.

In addition, permission is being given for the use of the premises, not a specific business. Although the applicant business has indicated an intention to open between 4pm and 12 midnight, another A5 business may well have an operating model more suited to conventional daytime hours. Such effects on the appearance of Baildon village centre would not be significant. It is not considered that this provides a sustainable reason for refusal of an alternative A5 use of this small vacant shop.

No signage has been included in this application. However, this is controlled under the Town and Country Planning (Control of Advertisements) Regulations. Some signs can be displayed under deemed consent rights. Any proposals for illuminated signs would need to be subject to a separate application under the Regulations.

Impact on Highway Safety:

The premises are in a village centre location with limited parking available on street and reasonably good public transport links. There is also car parking in nearby village centre car parks. The previous use of the site as a post office would have generated significant activity, and existing traffic conditions and the accessibility of the site by public transport, walking and cycling; the availability of public parking provision in close proximity to the premises, including on street parking, are such that the proposal is acceptable.

The site is not immediately next to junctions, crossings or bus stops; and, whilst limited and subject to availability, there is an amount of accessible and safe on street parking provision for customers and delivery vehicles in close proximity.

The location and scale of the use are such that it is unlikely to generate significant trips or lead to safety problems in comparison with the previous retail use. The proposal is not considered to have any significant impact on highway safety contrary to Policy TM19A of the RUDP.

Community Safety Implications:

The proposal poses no apparent community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed development is considered to relate satisfactorily to the character of the existing building and adjacent properties. The impact of the proposal upon the occupants of neighbouring properties has been assessed and it is considered that it will not have a significant adverse effect upon their residential amenity. As such this proposal is considered to be in accordance with Policies UR3 (The Local Impact of Development) and D1 (General Design Considerations) of the Replacement Unitary Development Plan.

Conditions of Approval:

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

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

2. The development shall not begin until details of kitchen extraction and measures to control emissions to the atmosphere likely to emanate from the proposed use have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be fully completed prior to the first occupation of the takeaway to be constructed as part of the development and retained whilst ever the use subsists.

Reason: For the avoidance of doubt and in the interests of the amenities of neighbouring properties and pollution prevention and to accord with Policies UR3 and P1 of the Replacement Unitary Development Plan.

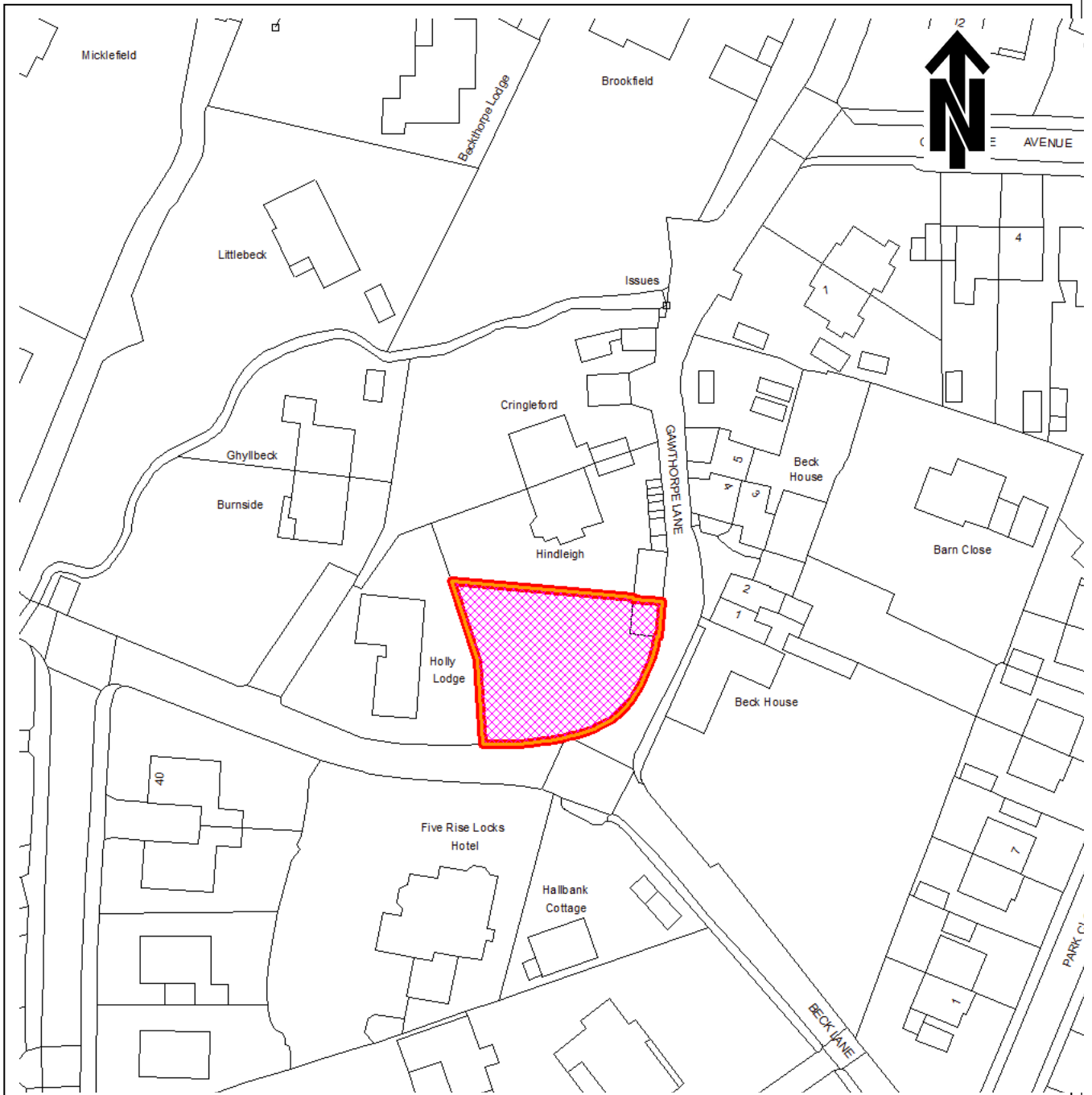
3. To protect the sewer network, drainage serving the kitchen area is to be fitted with a grease separator or other effective means of grease removal which shall be installed before the development is brought into use.

Reason: To ensure proper drainage of the site and in the interests of pollution prevention and to accord with Policy UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Shipley/Keighley)

16/01240/FUL

16 June 2016



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LOCATION:

ITEM NO. : (d)

**Hindleigh
Gawthorpe Lane Bingley**

15 June 2016

Item Number: (d)
Ward: BINGLEY
Recommendation:
TO GRANT PLANNING PERMISSION
ITEM DEFERRED FROM A PREVIOUS PANEL
HELD ON 27 APRIL 2016

Application Number:
16/01240/FUL

Type of Application/Proposal and Address:
Full application for construction of a detached house and garage. Hindleigh,
Gawthorpe Lane, Bingley, Bradford, BD16 4DE.

Applicant:
Mr J Cooper

Agent:
Mr P Brooksbank

Site Description:
The site comprises a roughly triangular plot of existing residential garden space located at the junction of Gawthorpe Lane with Beck Lane, Bingley.

The locality is residential in character but there is no uniformity to the surrounding housing, which is of varying age and arrangement. The local road network has not been significantly upgraded such that both Beck Road and Gawthorpe Lane are largely without footways.

The site stands above the level of Beck Lane but is screened behind a wall and hedge. An existing, but substandard gated access into the site from Gawthorpe Lane is located to the side of a stone outbuilding within the site and on the boundary with the highway.

Hindleigh, the parent dwelling is a rendered semi-detached property. Holly Lodge to the west is a split level dwelling at lower level than the application site and a well-established hedge defines the boundary between the site and that neighbouring dwelling.

The site is not within a conservation area.

Relevant Site History:
None on this land.

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

POLICY UDP3

OBJECTIVE TO ENSURE THAT THE QUALITY OF THE BUILT AND NATURAL ENVIRONMENT IS MAINTAINED AND IMPROVED.

POLICY UR3

DEVELOPMENT WILL BE PERMITTED PROVIDED THAT IT DOES NOT HAVE AN ADVERSE EFFECT ON: THE SURROUNDING ENVIRONMENT; OR THE AMENITY OF OCCUPANTS OF ADJOINING LAND.

POLICY D1

ALL DEVELOPMENT PROPOSALS SHOULD MAKE A POSITIVE CONTRIBUTION TO THE ENVIRONMENT AND QUALITY OF LIFE THROUGH HIGH QUALITY DESIGN, LAYOUT AND LANDSCAPING.

POLICY TM2

EFFECT OF DEVELOPMENT ON EXISTING AND PROPOSED TRANSPORT INFRASTRUCTURE OR SERVICES, INCLUDING PUBLIC TRANSPORT AND WALKING AND CYCLING FACILITIES, IN THE VICINITY OF THE SITE, OR THE LOCAL ENVIRONMENT

POLICY TM12

PROVISION OF PARKING IN ACCORDANCE WITH THE COUNCIL'S ADOPTED STANDARDS.

POLICY TM19A

THE POTENTIAL IMPACT ON TRAFFIC MANAGEMENT AND ROAD SAFETY.

Parish Council:

None for this area.

Publicity and Number of Representations:

Application advertised by way of Site Notice and Neighbour Letters. Eight objection letters received.

Summary of Representations Received:

1. Loss of natural light for neighbours.
2. Loss of privacy.
3. Inaccurate plans.
4. Risk to highway safety on a dangerous bend in the road.
5. Lengthy list of vehicular obstruction and accidents in local road network.
6. Intensified use of substandard roads contrary to highway guidance.
7. Inadequate publicity.

Consultations:

Highways

No objections subject to conditions.

Drainage

No objections subject to conditions.

Biodiversity

No response at time of writing.

Summary of Main Issues:

Principle.

Local Amenity.

Design.

Highway Issues.

Appraisal:

Principle

This application relates to a sizable garden space associated with an existing dwelling close to the junction of Gawthorpe Lane with Beck Lane, Bingley.

The site is at higher level than Beck Lane and is bounded by stone boundary walls with associated shrub planting along its frontage with the public highway, whilst a neighbouring dwelling stands beyond the western site boundary hedgerow.

The existing dwelling, with which the garden space is associated, stands to the north of the proposed development.

Vehicular access would be taken from Gawthorpe Lane, a short distance from the junction with Beck Lane, this involving the improvement of an existing access point. The existing parking arrangements for Hindleigh would be unaffected by the development although the applicants indicate an intention to improve those existing arrangements.

In terms of principle, the proposals are considered to be broadly acceptable in light of a pressing need to make best and most efficient use of urban land for new housing provision; this reducing the pressure for building on the Green Belt. However it is necessary to establish that the development can be undertaken without significant impact on local

residential amenity and privacy, on the appearance of the street scene or on highway safety. These matters are considered below.

Local Residential Amenity

The site is reasonably well screened although there is a neighbouring property, 'Holly Lodge', at lower level to the east. The development would introduce windows facing towards that property but given the difference in levels and the well-established hedgerow along the common boundary it is not considered that there would be implications for privacy for the neighbour, or for existing levels of natural light given the relative site levels.

A further dwelling, 'Beck House', stands on the opposite side of Gawthorpe Lane. This property is tight up to the highway boundary and without a footway between the dwelling and road. This property presents only a secondary elevation to the highway and towards the application site beyond. There would be no significant implications for that property in terms of impact on privacy or light.

The proposals include a reduction in the ground level of the development site such that the dwelling would sit appreciably lower in level than the existing dwelling on the plot, and this reduction in height would also assist in reducing impact on neighbouring properties and it is considered that in each case, privacy and light would not be compromised.

Design

This area contains a mix of property types - showing a range of ages, designs and facing materials to existing buildings. Hindleigh, for example, has rendered walls, the Five Rise Locks Hotel to the south is built in stone, and the older properties on Gawthorpe Lane are painted. The submitted drawings propose a detached two storey house with a traditional appearance, including the use of chimneys to the gables. In terms of materials, the proposals indicate the use of natural coursed stone to all external walls and blue slate roof covering. The massing and general arrangement of the dwelling is acceptable. The dwelling would maintain space to side boundaries and would be partially screened in views along Beck Lane by the boundary wall and hedge. It would not appear out of place in the surrounding context, where there is no uniformity in the appearance of dwellings or in their materials.

On this basis there would be no conflict with Policies UDP3, UR3 or D1 of the Replacement Unitary Development Plan and the National Planning Policy Framework (2012).

Highway issues

It is noted that the objections focus on the substandard nature of the roads leading to the site. The Council's Highway engineer had some concerns with regard to potentially limited visibility from the existing access gate. The submitted scheme overcomes the problems of limited visibility at the existing site access by widening the access point to Gawthorpe Lane and moving it south - away from the stone outbuilding adjoining the entrance and abutting the lane.

Although several objections are on grounds of road safety, the Council's Highway engineer notes that traffic speeds in the vicinity are low and, given that the existing access into the site is to be significantly improved and a new turning space provided within the site, raises no objections to the proposals.

The Highway Officer recommends standard conditions on any approval granted to secure the improvements to access and turning shown on the drawings and provision of the of street car parking. Subject to these, the development would satisfy Policies TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

Drainage

The Council's Drainage Engineer notes that a public sewer crosses the application site. However this sewer is in excess of three metres from any part of the development and thus is unlikely to represent a constraint to the development.

Representations

Objections have been received from local residents, whose concerns are in large part in respect of the standard of Gawthorpe Lane and Becks Road; that the development would result in danger for road users and pedestrians, and that light and privacy for neighbours would be adversely affected. These objections are acknowledged and have been considered above. However, in view of low local traffic speeds and of an improvement to an existing access into Gawthorpe Lane it is not considered that an objection on highway grounds could be sustained.

In terms of light and privacy, whilst the new dwelling would be locally noticeable it is considered that the site arrangement and its relationship to neighbouring property is such that no significant harm to light, privacy or outlook would arise.

Conclusions

Local authorities are required to deliver significant new housing and there is resulting pressure on green-field sites and the Green Belt for new development. Therefore in cases where new housing development can be satisfactorily achieved within the existing urban area councils will be expected to support such proposals. In this case, the development would not give rise to significant harm and the relevant policies of the local plan and National planning policy are satisfied.

Community Safety Implications:

There are no community safety implications

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed development would not give rise to demonstrable harm to local interests of acknowledged importance and would contribute to local housing provision.

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

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

3. Before the dwelling is brought into use, the new vehicular access and vehicle turning area shall be completed and made permanently available for use in accordance with details shown on the approved site layout plan 112/1.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

4. Any gates to be constructed as part of the development shall not open over the highway.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

5. Surface water shall be discharged to soakaways designed and constructed in accordance with Building Research Establishment Digest 365. Only in the event that soakaways prove not to be viable shall surface water be disposed of to sewer, in which case the site shall be drained on separate surface and foul water systems.

Reason: To provide an adequate and sustainable means of surface water drainage and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

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

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

7. The pointing to the external walls of the building shall be flush with the face of the stone or slightly recessed. "Ribbon" or "strap" pointing shall not be used.

Reason: To ensure the use of appropriate pointing details and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

8. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no

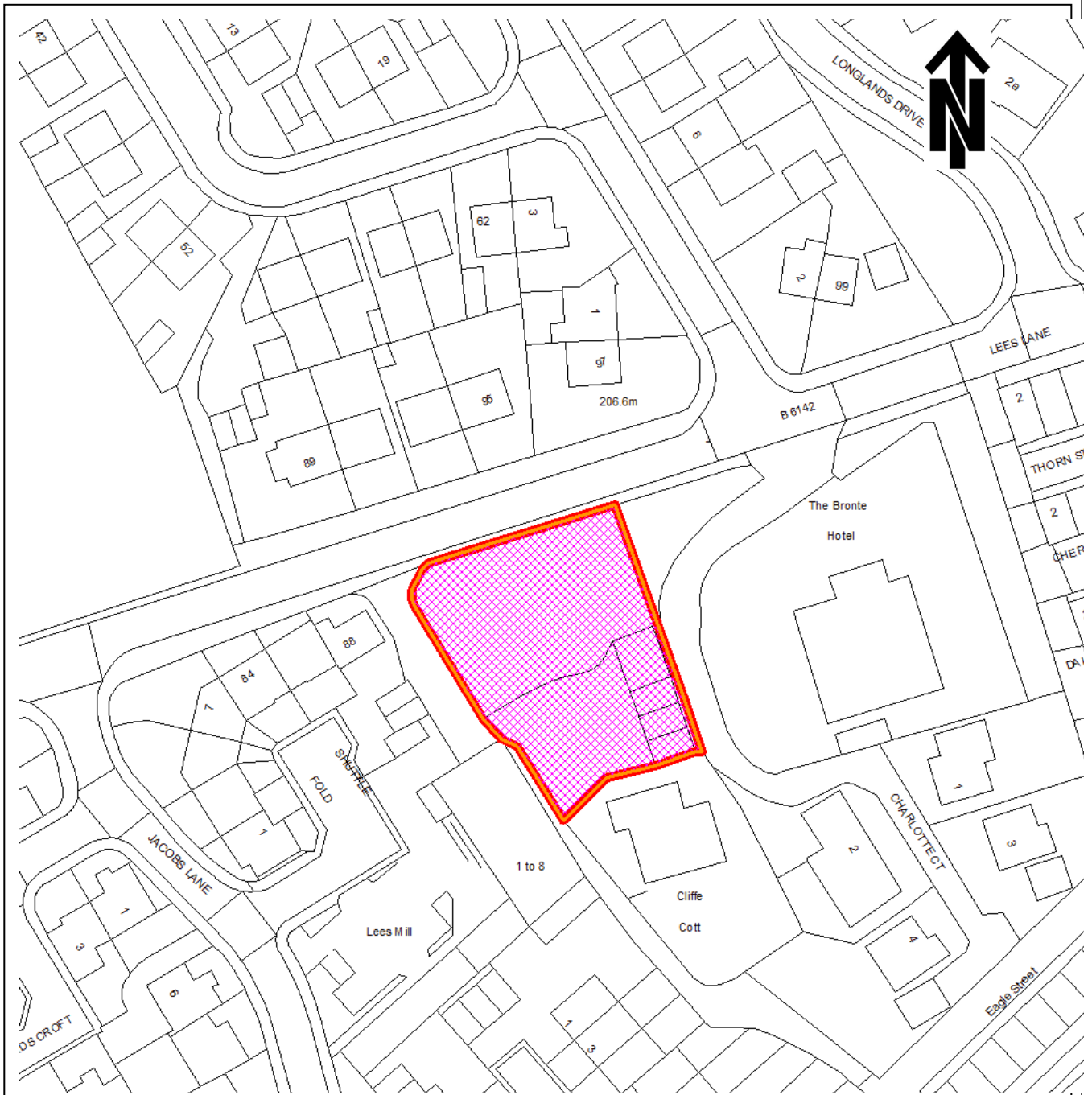
development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall be carried out without the prior written permission of the Local Planning Authority.

Reason: To accord with Policies UDP3, UR3 and D1 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

16/01936/OUT

15 June 2016



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LOCATION:

ITEM NO. : (e)

**Land Adjacent Cliffe Cottages
Lees Lane Haworth**

15 June 2016

Item Number: (e)
Ward: WORTH VALLEY
Recommendation:
TO GRANT OUTLINE PLANNING PERMISSION

Application Number:
16/01936/OUT

Type of Application/Proposal and Address:
Outline planning application for construction of 3 No three bedroom houses on land adjacent to Cliffe Cottages, Lees Lane, Haworth, Keighley, BD22 8RA.

Layout and scale are tabled for consideration. Other matters are reserved.

Applicant:
Mr A Merrett

Agent:
Mr John Wharton

Site Description:
This application relates to 0.12 ha of undeveloped land with vehicular and pedestrian access off Lees Lane via a private drive. There also appears to be access from the private drive through to Shuttle Fold. The site is a grassed area with mature trees along its east, north and west borders. The trees are protected by Tree Preservation Order. To the south is garaging and a parking forecourt and a row of dwellings at Cliffe Cottages.

Relevant Site History:
15/07796/OUT - Construction of three 3-bedroom houses. Refused 22.02.2016 on grounds of inaccurate information being submitted relating to trees and the impact of the development on trees.

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Adjacent to The National and Local Cycle Network TM10.

Proposals and Policies

UDP1 Promoting Sustainable Patterns of Development

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development

D1 General Design Considerations

D4 Community Safety

D5 Landscaping

NE4 Trees and Woodlands

NE5 Retention of Trees on Development Sites

NE6 Protection of Trees During Development

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

Parish Council:

Haworth, Cross Roads and Stanbury Parish Council objects to this application for the following reasons:

1. It is a tight infill site.
2. It removes green space from that area.
3. Lack of parking.
4. Access issues.
5. The development is too close to trees which are a subject of TPO.

Publicity and Number of Representations:

Publicity has been carried out by means of a site notice and individual neighbour notification letters. Overall expiry date of publicity was 26 April 2016.

17 representations of objection have been received.

Two Ward Councillors oppose the development and request that should officers be minded to approve the planning application it is considered by the planning panel.

Summary of Representations Received:

The Councillors consider this to be a very tight plot surrounded by mature trees on three sides. It is one of the few green spaces in a densely built up area. The plans squeeze the three properties within the existing tree canopies but take no regards for the future tree growth. This will lead to overshadowing and reduction in light to the three properties and may lead to subsequent pressure to remove the trees by the occupiers of the properties.

The access is via a very tight access road with 45 degree turns. There is already parking pressure from existing properties and at peak parking times the access road is only single

track due to parked cars. The access to the proposed properties would also cause access problems to the existing cottages to the south of the site.

The panel needs to further consider:

1. The status and method of tree protection both, short and long term.
2. The amount of, appropriate, off street parking on site.
3. The access to the site for emergency vehicles.

Representations from third parties object to the development on the following summarised grounds:

1. Damage to Lees Lane. Further development would affect maintenance costs.
2. Parking proposals would impede vehicular access to Cliffe Cottage West 1 and Cliffe Cottage East 2. Existing residents do not wish to be forced to park in front of the garage that is being suggested. This is unacceptable and unreasonable.
3. Parking generally in and around the suggested parking areas in front of the garage would become limited. It could impede emergency vehicles, which would be dangerous.
4. Refuse collection for the new properties would potentially create a great deal of extra bin and litter storage and the space to leave bins on the main road is very limited.
5. Damage to protected trees is likely and loss of green open space and therefore the proposal is detrimental to the rural character of the area. Green space has visual amenity value in the area.
6. Loss of habitat for birds and wildlife.
7. Pressure from future occupiers to fell the protected trees due to the impact of the trees on residential amenity.
8. It is a poor, inappropriate design, suburban in character and out of keeping with the present character of the area and damaging to the setting of Lees Mill.
9. It is a cramped development. Overdevelopment of the site.
10. Loss of recreational land for surrounding residents.
11. Inadequate access.
12. The need to develop the land for housing is questioned. Development should be concentrated on derelict run down brownfield land.
13. Loss of parking space for local residents.
14. The plans also do not fit with the National Planning Policy Framework which seeks protection and enhancement of the natural environment.

Consultations:

Minerals Planning: A former landfill site is approximately 190m from the proposal. It was small and the site has been redeveloped. The landfill site is a sufficient distance from the proposal not to cause any stability issues and coupled likely remediation of the landfill site due to its redevelopment; it is not considered that there will be any adverse impacts from this landfill site on the proposal.

There are no other apparent minerals or waste legacy issues relevant to the proposed development.

Drainage Section: Drawing 2599A indicates the developer intends to discharge foul water from the development to the existing private drainage system serving Shuttle Fold, this is

acceptable subject to the developer providing the results of a survey, together with flow calculations, to demonstrate the existing private system is both hydraulically and structurally suitable to drain the proposal from the developer's point of connection to the private systems outfall to public sewer.

The developer's must submit, to this Council for comment their proposals for disposing of surface water from the development.

Development to be drained via a separate system.

The development should not begin until details of a scheme for foul & surface water drainage, including any balancing & off site works have been submitted to & approved in writing by the Local Planning Authority.

Highways Development Control Have no objections to the proposals from a highways point of view subject to a condition covering provision of on-site parking prior to occupation of the houses.

Trees Team: The layout is now informed by a tree survey and is acceptable. If approving, a tree protection condition should be imposed on the planning permission.

Summary of Main Issues:

Principle.

Impact on character and appearance of the surrounding area.

Impact on trees.

Impact on residential amenity.

Impact on highway safety.

Other matters raised.

Appraisal:

The application is in outline. The amount of development (3 dwellings), layout and scale of development are to be considered at this stage.

Principle

The site is undeveloped land within the built up area of the District. It is in a sustainable location with access to services and facilities in Haworth and it is close to bus routes.

Objectors have indicated that the land is used by children to play on and by dog walkers. The site is, however, private land and has no formal planning designation or protection as open recreational space. The use of the land by adults, children and dog walkers is on an unofficial basis and the owners could presumably stop access to it at any time by enclosing the land.

Development here for housing would contribute to the deficit in housing land across the District. Subject to the physical impact of residential development being acceptable, the principle of developing the site for residential dwellings will accord with Policies UDP1 and UR2 of the RUDP.

The National Planning Policy Framework not only seeks protection and enhancement of the natural environment but also seeks to plan for people 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. This scheme not only provides for people but does so in a way that protects protected trees that form an important part of the natural environment in this locality. Development of the site will contribute to the meeting the shortfall in the supply of land for new housing in the District and meet the needs of present and future generations.

Density

The three dwellings proposed would equate to a density of 25 dwellings per hectare. Although not meeting the expectations of RUDP Policies H7 and H8, a higher density of housing development on the site is prevented by the need to retain space for the protected trees around the site. A higher density would be impractical and inappropriate in this instance.

Impact on character and appearance of the surrounding area

The terraced, two storey development shown on the submitted drawings is in keeping with the general character of other development in the surrounding area. The indicative elevations show an appropriate form and scale of development, although details of design and materials are not tabled for consideration at this stage. The submitted drawings do demonstrate how the terrace could be designed so that its appearance reflects and harmonises with existing surrounding development. The relationship of the development with the existing trees is discussed in the following section of the report.

The development is considered to be sited sufficiently far away so that it will not adversely affect the setting of Lees Mill.

Objections have expressed concerns about the impact of parking on the appearance of the area. The new development will make use of an existing parking area and therefore the impact of this will not vary significantly from the present situation.

Impact on trees

The site is surrounded on 3 sides by mature, protected trees to three sides. The trees dominate the site. They are large and prominent and make a valuable contribution to the character and visual amenity of this locality. It is important that they should be retained in any development of the site.

A previous application was refused because the applicant had made little attempt to consider trees. However, the applicants have now addressed this by providing accurate tree information and addressing the earlier concerns of the Council's Tree Officer. Despite objections and comments by Ward Councillors and others, the Tree Officer agrees with the submitted tree survey and is satisfied that the proposed development will not adversely impact on trees - subject to the recommended tree protection condition being imposed on any planning permission.

Also no objections have been raised by the Council's Tree Officer in respect of the impact of trees on the daylight and amenity for the middle of the three properties. The Tree Officer considers that it would not be possible to defend a refusal on the grounds of the adverse impact on residential amenity of future occupiers of the shading provided by existing trees.

Impact on residential amenity

The layout of the development demonstrates that a terrace of three dwellings can be sited on this site without adversely affecting the residential amenities of occupiers of the existing dwellings close to the site. It is not accepted that the new houses would be overbearing, or cause overshadowing or overlooking / loss of privacy. In this respect, the development would maintain satisfactory standards of amenity for existing and future occupiers in accordance with objectives of the NPPF and Policies D1 and UR3 of the RUDP.

Impact on highway safety

Despite the objectors' concerns about parking and access, the Council's Highway Officer has raised no objections considering that the three dwellings would not cause any significant problems in relation to highway capacity or road safety. The lane leading into the site off Lees Lane already provides vehicular and pedestrian access to Cliffe Cottages. The lane is not adopted and its maintenance and upkeep is a private matter not related to consideration of this planning application. Many of the third party comments are from residents of Shuttle Fold and Lees Mill and, although they can use the unnamed access road to access and exit their properties, examination of the highway layout in the area suggests that access / exit could also be gained via Shuttle Fold - an adopted highway with pavements and street lighting.

No objection was raised by the Council's Highways Officer to bin storage and collection, which is therefore considered to be acceptable despite being raised in the objections.

The Council's Highways Officer has also not raised any objections to the proposed car parking arrangements for the new houses or the impact on access to or from Cliffe Cottages.

Despite third party representations it is considered that this will be satisfactory it is considered that access to the development is satisfactory and the proposal accords with Policies TM2, TM12 and TM19A of the RUDP.

Other matters

Concerns regarding amenity and light for the new residents, impact on the character and appearance of the area, the principle of development, loss of amenity land, trees, density of development, access, parking, highway safety, siting, impact on the setting of Lees Mill, refuse collection have been assessed in the proceeding report.

The application was validated on 29.12.2015 and therefore could not have been disclosed for the sale of a house in October 2015. This is not a planning matter.

An objector has raised Government Planning Policy Statement PPS1, but this has been superseded as a material consideration by the NPPF.

Damage to, and future maintenance of the access road is a private matter and not a matter for consideration in determination of this planning application.

The liability of the occupiers of Cliffe Cottage East due to works to the roots of trees owned by them is a private matter and not a matter for consideration in determination of this planning application.

Community Safety Implications:

The proposed dwellings will have enclosed curtilages as a deterrent to crime although the enclosure is not high and nor would the Authority wish for it to be so in the interests of preserving the character and appearance of the site and surrounding area. With low boundary walls and a high degree of visibility from Lees Lane this may of itself deter crime as the site will be overlooked from neighbours and public areas. It is considered that the proposal layout on balance 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. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

The principle of residential development in this sustainable location at the density proposed is considered acceptable and the impact on layout and scale on character and appearance of the site and surrounding area, residential amenity, protected trees, highway safety and community safety has been assessed as being acceptable. The proposal therefore is considered to accord with policies UDP1, UR2, H7, H8, D1, D4, D5, UR3, NE4, NE5, NE6, TM12 and TM19A of the Replacement Unitary Development Plan and forms sustainable development compatible with the National Planning Policy Framework.

Conditions of Approval:

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

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

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

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

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

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

Reason: To accord with the requirements of Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

4. The dwellings hereby granted by this permission shall not exceed the dimensions shown on the approved plans in terms of their height, width and length unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to ensure the dwellings do not have an adverse impact on protected trees and to accord with policies D1, UR3, D5, NE4 and NE5 of the Replacement Unitary Development Plan.

5. The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, tree removals, or materials or machinery brought on to the site until temporary tree protection measures are installed in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority.

The temporary tree protection measures shall be installed in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

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

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

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

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

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

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

9. The development should not begin until details of a scheme for foul & surface water drainage, including any balancing & off site works have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

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

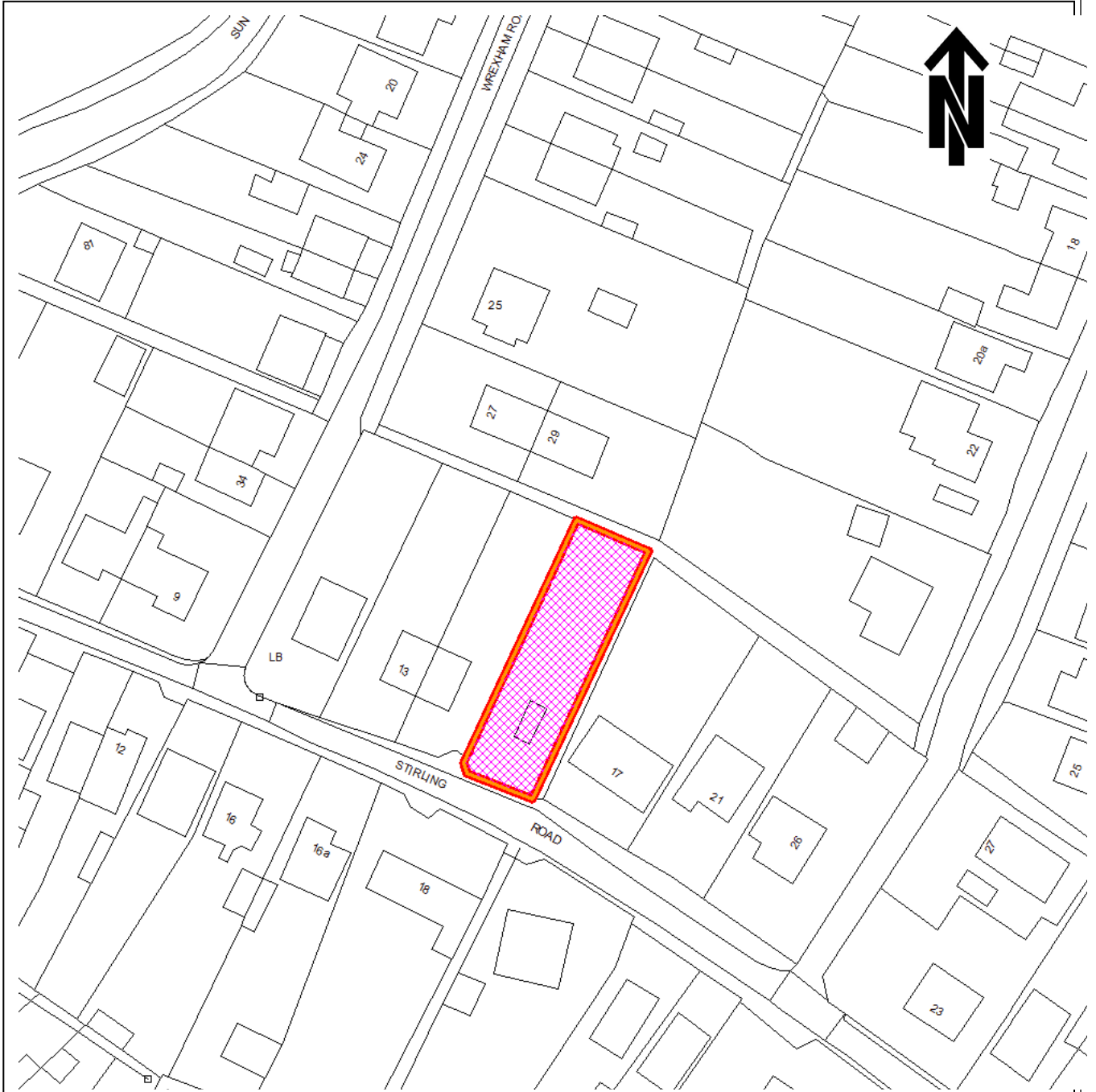
10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A, D, E and F of Part 1 and Classes A and B of Part 2 of Schedule 2 of the said Order shall be carried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

Reason: To protect the preservation of trees on site that make a positive contribution to public amenity and to accord with Policies D1, D5, UR3, NE4 and NE5 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

16/00577/FUL

15 June 2016



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ITEM NO. : (f)	LOCATION: Land Adjacent To 15 Stirling Road Burley In Wharfedale
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15 June 2016

Item Number: (f)
Ward: WHARFEDALE
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
16/00577/FUL

Type of Application/Proposal and Address:
Construction of a detached dwelling with external decking to rear on land adjacent to 15 Stirling Road, Burley in Wharfedale, Ilkley, LS29 7LH

Applicant:
Mr Richard Houldsworth

Agent:
Mr Neil Grimes

Site Description:
The site comprises the side garden area to No 15 Stirling Road, Burley in Wharfedale. This is now in separate ownership to the house. Pegs on site mark the division of the plot. At the time of writing this report, the existing house was still unoccupied.

Stirling Road is an unadopted road with a tarmac surface but no footways. There is an assortment of different types of houses and bungalows along this and neighbouring streets. The existing house is a two storey semi-detached house faced in render and red brick, with a red tiled roof. The adjoining semi at No 13 has a two storey extension on the side and the application property Number 15 has an unimplemented planning permission to be extended with a similar two storey extension on the side and a single storey extension at the rear. The position of these approved, but un-built extensions has been added to the revised drawings to clarify the relationship between the proposed house and the extensions.

The side garden on which the proposed house would be built extends a significant distance to the north. A hedge forms the east boundary and a Public footpath runs adjacent to this eastern boundary and continues along the northern perimeter. Beyond the public footpath is No 19 Stirling Road (incorrectly labelled as No 17 on the plans). This is a dormer bungalow with a single storey side extension towards the application site and parking on its frontage.

Relevant Site History:
15/07656/HOU - Two storey side and single storey rear extension and internal alterations to existing property : Granted 18.02.2016

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UR3 The Local Impact of Development

D1 General Design Considerations

TM2 Impact of Traffic and its Mitigation

TM12 – Parking standards for residential developments

TM19A Traffic Management and Road Safety

Parish Council:

Burley Parish Council - The planning committee of Burley Parish Council has resolved to recommend the application for approval.

Publicity and Number of Representations:

Publicised by neighbour notification letters, site notice and advertisement in the local press.

Overall expiry date for comments was 2 March 2016.

Letters/emails of comment have been received from 3 separate addresses objecting to the proposal, one is from a Ward Councillor.

The councillor requests referral to planning committee should officers be minded to support the proposal.

Summary of Representations Received:

The proposal should be considered along with the approval given for a side extension to No 15. It would be overdevelopment of the area with a massive impact on this private road. The distance between the new house and No 19 is too small.

The proposal would result in problems for traffic using this narrow single track road due to lack of parking. If permission is granted there must be enough parking provided.

Objection to loss of mature hedge down the footpath boundary which would affect local character.

There is a road committee for Stirling Road because it is a private road and the road committee may want to comment on the proposed development.

Consultations:

Drainage - Development to be drained via a separate system within the site boundary. 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.

Highways Development Control - No objections in principle to the proposed dwelling. Initially expressed concern that there did not appear to be any off street parking available for the existing dwelling. However, this has since been clarified (see appraisal).

Rights of Way Officer - Public Footpath No 87 (Ilkley) is adjacent to the rear boundary of the red outlined site and Public Footpath No 45 (Ilkley) is adjacent to the eastern boundary. The proposals initially showed a new 1.8 metre high close boarded fence to be constructed to separate the site from the footpaths. This fence must be positioned so that it does not encroach into the width of the public footpaths.

Summary of Main Issues:

Principle of Development.

Amenity considerations.

Impact on neighbouring residential amenity.

Highways and Parking.

Appraisal:

The application seeks full permission for the construction of a detached dwelling on the fairly wide garden at the side of No 15 Stirling Road. To address the concerns raised by objectors, amended plans have been requested which slightly reduce the width of the dwelling (by 500mm) and adjust the position so it is better related to the side boundaries. Also the agent's amended plans now show the extent of the extensions approved under permission 15/07656/HOU and confirm the retention of the boundary hedge running alongside the public footpath.

The existing house has now been sold so it is not in the control of the applicant.

Principle of development

An additional dwelling is acceptable in principle in this established residential area, subject to suitable design and the detailing being sympathetic to the locality, and providing there is no significant impact on neighbouring properties - and subject to relevant RUDP Policies.

Amenity of neighbours

The proposed dwelling would not have any significant harmful effects on the amenity of occupiers of neighbouring dwellings. It has been designed with main windows facing north down the long back garden, and south towards Stirling Road. This would minimise any potential for overlooking and loss of amenity for neighbours and allow adequate amenity for prospective occupants of the proposed dwelling.

The existing house has no significant windows in the side elevations. To the east, No 19 Stirling Road is separated from the application plot by the by reason of its siting and orientation. A single storey extension is between the main body of that dwelling and the application site. There is a window in the gable wall of no 19 facing across towards the site, but the elevation of this window and degree of separation is such that there will be no

significant harm to outlook or daylight to this window. The side elevation that will face towards No 19 is shown on the plans to have no windows, so privacy of occupiers of No 19 will be safeguarded.

To the north, there are bungalows but these are around 25 metres from the new dwelling which would have a 21 metre long rear garden stretching down to the intervening public footpath along the north boundary.

Subdivision of the plot would allow the proposed dwelling to have a long back garden giving sufficient outdoor amenity space for future occupants. The parent dwelling would also retain a large rear garden area.

Impact on local character

To address concerns regarding “overdevelopment”, the relationship of the new house to the approved side extension has been shown on the amended drawings.

The overall gap between the existing side wall of No 15 and the public footpath is around 17 metres. The extension to No 15 would be 4 metres wide and the new house is shown as being 9.5 metres wide. This allows for a gap of 2 metres between the extension and the proposed house and 1 – 1.5 metres to the footpath boundary, allowing retention of the hedge.

It is also suggested that a condition (Condition 4) be imposed to ensure retention and protection of the hedge as part of the development scheme.

The context of the surrounding area is one of a wide variety of C20th house types. Much infill has occurred over many decades and there is no regular pattern to the development and the spacing between the various house and bungalows is not regular.

Even considered alongside the approved extension to No 15, the new house would not dominate the plot or appear out of keeping. Adequate space is retained to the side boundaries to avoid perceptions of “overdevelopment”.

Design

The proposed dwelling is designed as a conventional 2-storey detached house with a hipped roof design. This feature would reflect the character of the existing pair of semis at 13 and 15 Stirling Road. The drawings show an intention to face the dwelling in through coloured render with concrete roof tiles. The use of render is acceptable given that this is the predominant facing material for 13 and 15 Stirling Road. It is suggested that samples of materials be reserved for written agreement.

The design, scale and roof form reflects surrounding dwellings and are considered appropriate in the context of its surroundings. Following amendments, including a shift in the siting, and a reduction in the width of the building by 500mm, the proposed dwelling would include the retention of established boundary planting and achieve suitable separation to boundaries and neighbouring property, such that it would not appear cramped or otherwise be visually harmful with respect to the street scene or the residential amenities of neighbours. The proposal would sit comfortably on the plot and within this mixed street scene. The proposal would accord with the requirements of Policies UR3 and D1 of the RUDP.

Highway and parking issues

Concerns have been raised that the proposed house would result in problems for road users due to the narrow width of Stirling Road, lack of passing places and lack of on street parking. Also that Stirling Road is a private road.

The proposed house includes provision of an integral garage and a conventional 7.3 metre long permeable paved driveway in front of this garage. The scheme therefore provides space for two cars to be parked off the private street. This meets normal requirements for this size and type of dwelling.

The Council's Highway Officers have no objections to the scheme on the basis that the existing dwelling has off street parking.

With regard to the existing dwelling, this currently has no off street car parking facility. There is evidence that a single garage used to stand on the garden but it has not been present for some years.

The recent permission 15/07656/HOU for the side and rear extensions to No 15 included provision of a new 6 metre long integral garage with a new driveway in front. This scheme will therefore provide adequate off street parking for that house when it is implemented.

However, as the existing house is not owned by the applicant, it would not be possible to impose any planning conditions requiring the applicant to implement that permission or create any new off street parking facilities for occupiers of No 15. The additional dwelling would include car parking for its own needs and so maintain the current level of parking - even if the new owners/occupiers of No 15 do not immediately implement the garaging and parking shown on the recent permission.

Although objectors have referred to the maintenance of the road by a private maintenance committee, arrangements for this and for levying contributions from the developer towards road upkeep is a private matter.

The Council's Highway officer has raised no objections to the principle of one additional house served off the private road. There are no grounds to oppose development on grounds of its capacity or road safety. Whilst the objections are noted, the proposal is acceptable and meets with requirements of Policies TM2, TM12 and TM19A.

Community Safety Implications:

None Foreseen.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed development is considered to relate satisfactorily with the existing street scene and is not considered to result in any significant loss of residential amenity or significant harm to highway safety or the street scene. As a result the proposal is considered to comply with Policies UR3, D1, TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

Conditions of Approval:

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

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

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

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

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

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

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

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

5. Unless otherwise agreed in writing by the Local Planning Authority, the existing hedge on the east boundary of the site shall be retained as shown on the approved site layout drawing. It shall be retained and protected during the course of the development to avoid damage to this feature.

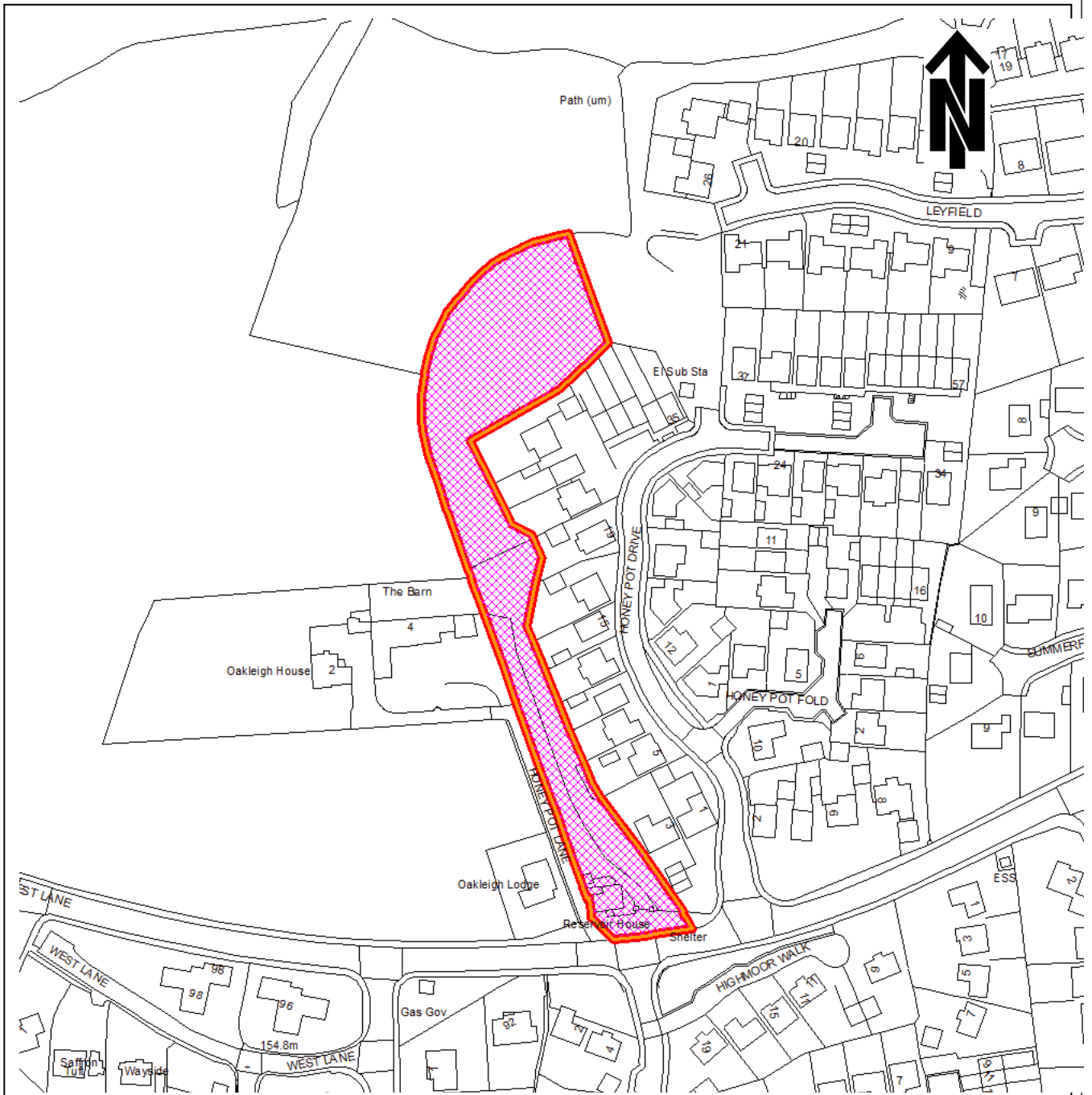
Any part of the hedges being damaged or becoming diseased or dying within the first 5 years after the completion of development shall be removed immediately after the disease or death is apparent, and replacement hedging of similar species and specifications shall be planted no later than the end of the first available planting season following the disease or death of the original hedge.

Reason: For the maintenance and improvement of tree cover and hedges in the interests of visual amenity, the character of the area and the amenity of existing and future adjacent occupiers, and to accord with Policies D1, D5 and NE12 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

16/00350/OUT

15 June 2016



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ITEM NO. : (g)	LOCATION: Land At West Lane Baildon
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15 June 2016

Item Number: (g)
Ward: BAILDON
Recommendation:
TO GRANT OUTLINE PLANNING PERMISSION

Application Number:
16/00350/OUT

Type of Application/Proposal and Address:
Outline application with permission being sought for Access, Scale and Layout - for the construction of up to 2 dwellings on land at West Lane, Baildon.

Applicant:
Mr Matthew Naylor, Keyland Development Ltd, Western House, Western Way, Halifax Road, Bradford.

Agent:
Mr Alistair Flatman, I D Planning, Atlas House, 31 King Street, Leeds.

Site Description:
The site is a parcel of land 0.47 hectares that was formerly an area of operational land used by Yorkshire Water in association with a reservoir. A recent housing development now stands on the reservoir site immediately to the east. Open fields that are part of the green belt extend beyond the western and northern boundaries. Existing access is via a gated drive from West Lane which is also used by single detached property known as Reservoir House set at a lower level than the site. The site suggested for the proposed 2 properties is located around 0.1 miles further up the private drive. The height differential from the site access at West Lane to the site of the proposed dwellings is around 18 metres. The main part of the site has a grade change of 6.5 metres from east to west and north west to south east of 2 metres.

Relevant Site History:
"text"

The National Planning Policy Framework (NPPF):

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated.

Proposals and Policies

UR3 – local planning considerations

D1 – design considerations

TM2 – Traffic impact of development

TM12 – parking standards

TM19A – traffic management and road safety

Parish Council:

Baildon Parish Council: Would like to see concerns regarding drainage issues addressed. The Parish Council would not support this application unless it is demonstrated that any building will not contribute to possible flooding.

Publicity and Number of Representations:

Advertised by Site Notice and Neighbour Letters. Fifteen comments have been received with fourteen objection letters and one making general comment.

Summary of Representations Received:

1. Development will increase traffic congestion, parking issues, noise and pollution.
2. Access Road would jeopardise the stability of rear garden areas on Honey Pot Drive.
3. Harm to or loss of wildlife.
4. Increased local flooding will result.
5. Proposal would devalue nearby property.
6. Children play on the land and there are safety concerns regarding conflict with construction traffic.
7. Loss of attractive rural views.
8. Existing sewer network is inadequate.
9. Development may increase local crime.
10. The proposed properties would overlook and appear overbearing to neighbouring property.
11. Development would be out of scale with surrounding property.
12. The access would conflict with the bus stop at the access from West Lane.
13. Inaccuracies in the red line boundary.

Consultations:

The Coal Authority

The Coal Authority concurs with the recommendation of the Coal Mining Risk Assessment Report and that with the attachment of condition requiring prior to the commencement of development for a scheme of intrusive site investigations for approval with any required remediation undertaken.

Highways Development Control

There appears to be some land ownership issues which need to be resolved as this could affect the potential for access.

The dwellings are to be sited a long distance from the highway and access is via a steep single width track. Although turning and parking have been indicated, I have concerns with regard to potential for conflicts on the drive and implications for servicing.

More details are required of the width and gradient of the access road, passing places and confirmation of the ownership.

Drainage

No objection, suggest conditions regarding submission of details for agreement prior to development.

Summary of Main Issues:

Principle of Development.

Impact on neighbouring property.

Highways Issues.

Drainage.

Appraisal:

This land is not in the Green Belt. It is an unallocated site leftover between the recent housing development on the reservoir and the open fields to the west and north. The land was part of the former reservoir complex but was not developed as part of the recent new housing scheme. This was possibly because the site has a number of water services on the site which would need to be de-commissioned.

One is along the eastern boundary of the land, and 2 cross the site from east to west. There is also an area in the northern portion of the site which contains inspection chambers and services.

Yorkshire Water has sold the site to Keyland Developments for disposal but has retained a right of access across the Keyland owned land and has easements to ensure all apparatus on the site is protected and can be accessed. Yorkshire Water retains a right of access to the land but the agent advises that access is only needed infrequently, if there is an issue or problem. Routine visits are not required. There is no above ground apparatus on the site.

The proposed application seeks outline permission and submits details of means of access, the siting of the dwellings and an indication of their scale.

Principle of residential development

The site is unallocated by the RUDP. It is bounded by approved Green Belt along its western edge and part of its northern boundary. It adjoins established residential areas to the east.

In terms of principle, subject to satisfactory access and to appropriate siting and orientation of the proposed dwellings, the development of this previously developed area of land is acceptable as a matter of principle. The development assists towards new housing land supply targets.

Two additional dwellings are considered acceptable in principle subject to suitable design and detailing being sympathetic to the local area, and providing there is no significant impact on neighbouring properties, subject to relevant RUDP Policies.

Impact on neighbouring properties Residential Amenities

It is not considered that this former operational Yorkshire Water land makes any appreciable contribution to the visual quality or character of the surrounding area. Its retention as open space is therefore not important. The Green belt to the west and north makes a more important contribution to the spatial and landscape setting of Baildon.

The site is unobtrusive plot and is on land previously connected with former the operation of the former reservoir. The proposed houses would be sited on land that has been cleared of any above ground features and it adjoins the recent housing development and Honey Pot Drive.

Concerns have been raised about the impact on houses on Honey Pot Drive but the submitted sections show that the intended two and a half storey detached houses could be accommodated unobtrusively on the land despite the sloping site and without any significant impact on the character of the area. They would be similar in scale and type to the modern housing development on the reservoir.

The positions of the proposed house also meet the required separation distances from the adjoining houses. Detailed design and position of windows would be the subject of a reserved matters application but the houses could be designed so as not to affect occupiers of neighbouring properties by virtue of loss of privacy, overlooking or overshadowing.

To address concerns about the relationship with the existing residential development, the agent has provided section drawings showing the height differentials between the proposed dwellings and properties lower down the slope along Honey Pot Drive.

The house on Plot B, on the eastern end of the site, is shown with its side elevation and double garage 8 metres from the shared rear boundary with the properties on Honey Pot Drive. Plot A is shown oriented north/south towards the western edge of the plot. Its front elevation would be 18 metres from the boundary to the rear gardens of the nearest property on Honey Pot Drive.

Confirmation has been given of maximum heights for the proposed properties by the agent, with the properties on both plots having a maximum eaves height of 5.1 metres from finished floor level and a ridge height of 7.9 metres from finished floor level. Datum heights have also been confirmed and are stated on the submitted plans.

Subject to appropriate design at reserved matters stage, the two properties could be accommodated on the site without resulting in harmful overlooking or overshadowing of neighbouring property and in this respect, the proposal meets the requirements of RUDP Policies UR3 and D1.

Highway Issues

Given that the proposals are in outline, the available details are limited. The indicative layout shows detached dwellings at the end of the existing access currently used by Reservoir House and for occasional visits by Yorkshire Water personnel. The existing track would form the basis for the access road to the proposed dwellings but at this outline stage the full details of its proposed construction are not available for consideration.

The applicants' agent has confirmed that YW would still maintain the right to access the site but that it would not be regularly visited by operational traffic and only in the event of a problem.

Full detailed plans of the access drive would of course be required at the reserved matters stage and condition could be attached to require submission of details showing passing bays and details of retaining structures for the road to neighbouring property which is set at higher level than the track.

Some comment has been raised regarding potential conflict between users of the access track with the bus stop and pavement at West Lane. However, the level of traffic associated with just two additional dwellings would not be likely to result in significant traffic generation and would take the number of property using the established access to only three in total. No significant conflicts or safety issues are considered to arise.

The dwellings are to be sited a long distance from the highway and access is via a steep single width track. Although turning and parking have been indicated, the Highway Officer initially raised concerns with regard to potential for conflicts on the drive and implications for servicing and conflict between Yorkshire Water traffic and prospective residents.

However, since then, the agent has confirmed that operational traffic on the access will be infrequent and comprise only small vans. It is indicated that passing bays can be incorporated into the access drive but the detail of these and other access alterations could be submitted for consideration under an application for the reserved matters.

With the attachment of suitable conditions requiring full details of works to the access, including provision of passing bays, retaining structures and surfacing, the proposal would not result in highway safety concerns. Sufficient off street parking could be provided for the two proposed houses and suitable turning areas provided as part of the layout.

Other Issues

Drainage – Comment has been received regarding existing issues with both foul and surface water drainage in the area and particularly regarding problems that have arisen during the construction of the adjacent new housing development.

The site is not in an area of Flood Risk and the Councils Drainage section has assessed the proposal but has not raised any concerns with regard to the principle of developing the site on flood risk grounds. Whilst the proposal is outline at this stage and detail design is not

available, full details would be required at reserved matters stage. They advise that a surface water sewer exists in West lane and as such the site could be drained via separate systems on and off site.

It is acknowledged that due to the topography of the site that sustainable drainage technique would not be appropriate and that the dwellings and any hard surface areas should be positively drained.

It is also advised that as the site comprised part of a former reservoir that land drainage could have had connection to the site. As such condition should be attached to require to investigate the site for land drains, culverts and watercourses and to submit findings and any proposals for dealing with any identified land drains watercourses affected by the development.

Subject to appropriate conditions it is considered that the site could be suitably drained without detriment to adjoining neighbours or the local drainage and sewer networks.

Land stability and safety concerns

Comment has been received regarding land stability concerns in connection with the use of the access road on the land to the rear of the new properties on Honey Pot Drive which are set at a higher level to the access track. Levels currently slope down towards the access road and neighbours are concerned that construction and general traffic could affect the land.

If necessary details of any necessary retaining structures could be required for submission as part of the detailed design for the access under a reserved matters application.

Some comment has also been made regarding conflict between construction traffic with children who play in the area. The land and building site would need to be secured as any other development site and would not be a reasonable issue on which to refuse a planning application.

Biodiversity

The application has been submitted with an accompanying ecological appraisal which confirms that there is no protected species or important habitat at the site. The site is cleared and graded ground and offers no wildlife or habitat value. A landscaping scheme would be provided at reserved matters stage and opportunity could be taken to improve the habitat.

Mining

Coal mining risk assessment report has been submitted and comment received from the Coal Authority. It is confirmed that the site is within an area of likely historic unrecorded underground coal mine workings.

The submitted report concludes that intrusive site investigations are carried out in order to establish the exact situation in respect of coal mining legacy issues on site.

The Coal Authority recommends that the LPA attach condition to require submission of a scheme of intrusive site investigations, including findings arising from the survey and a scheme for any required mitigation for approval.

Community Safety Implications:

There are no community safety implications.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposed development is considered to relate satisfactorily with the existing street scene and is not considered to result in any significant loss of residential amenity or significant harm to highway safety or the street scene. As a result the proposal is considered to comply with Policies UR3, D1, TM2, TM12 and TM19A of the Replacement Unitary Development Plan.

Conditions of Approval:

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

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

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

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

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

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

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

4. Before any works towards the development starts on site, full details and specifications of the works associated with the site access drive including passing bays, retaining features and all associated highway works shall be submitted to and be approved in writing by the Local Highway Authority. The development shall then not be brought into use until these works have been completed on site to the satisfaction of the Local Highway Authority.

Reason: In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

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

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

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

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

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

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

8. No development shall begin on the site the developer has carried out an investigation to determine the presence of any any watercourses, culverts, land or drains on the site and has submitted the findings of such an investigation together with measures/proposals for dealing with any watercourses, culverts, land drains etc, existing within the site boundary to the Local Planning Authority Council for its approval. The development shall thereafter be carried out in accordance with the details for dealing with any watercourses, culverts or land drains so approved.

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

9. No development (excluding demolition and site clearance) shall take place until appropriate intrusive site investigation works have been undertaken to confirm shallow coal mining conditions the results of which should be submitted to and approved in writing by the local planning authority. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings, and/or any other mitigation measures (e.g. gas protection) to ensure the safety and stability of the proposed development, these works should be undertaken prior to commencement of the development.

Reason: To ensure that risks from land stability are minimised, in accordance with policy P6 of the Replacement Unitary Development Plan and paragraphs 120-12 of the National Planning Policy Framework.

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

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

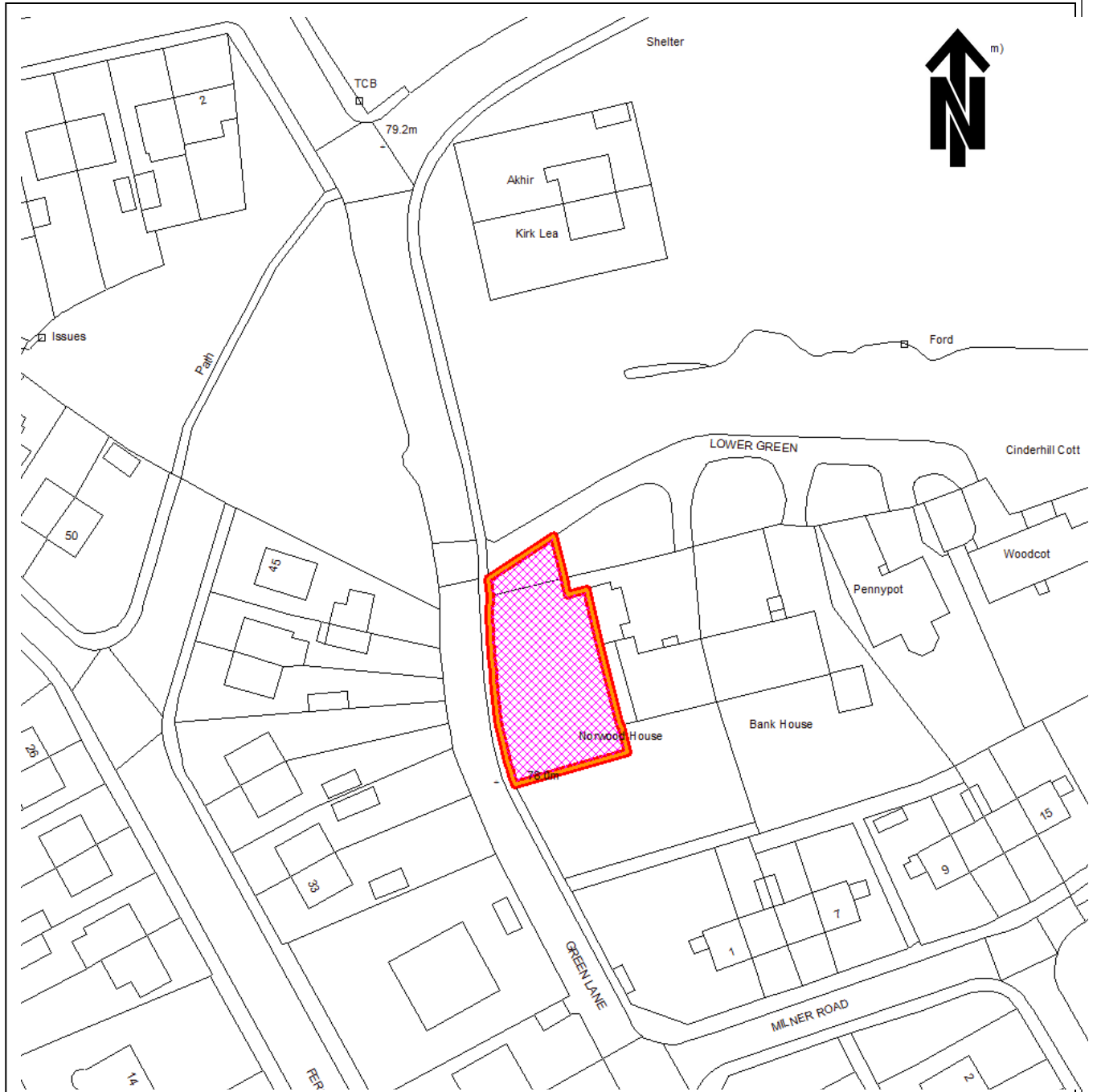
11. The overall height of the proposed dwellings shall not be higher than the ridge heights shown on drawing number PL-10A.

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

Area Planning Panel (Keighley/Shipley)

16/01818/FUL

15 June 2016



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LOCATION:

ITEM NO. : (h)

**Norwood House Green Lane
Baildon Green Baildon**

15 June 2016

Item Number: (h)
Ward: SHIPLEY
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
16/01818/FUL

Type of Application/Proposal and Address:
Full planning application for construction of two semi-detached dwellings at Norwood House, Green Lane, Baildon Green, Baildon, BD17 5JA.

Applicant:
Mr and Mrs A Ilahi

Agent:
Mr Andrew Redmile

Site Description:
This application proposes development in a walled garden at the side of Norwood House. This is a traditional stone-built, two storey, semi-detached dwelling set behind the walls and at right angles to Green Lane. Its windows face north and south. There are various single storey outbuildings attached to the north of the house including a breeze block garage which extends towards the wall along the north boundary. The north elevation faces the open land of Baildon Green. An unmade track comes off Green Lane on the north side and gives access to Norwood House and the adjoining Bank House. Access to the new houses would be formed from this track and would cross the open verge and give access through a new opening to be created in the perimeter wall. The site measures 540 m sq in area. The stone wall to Green Lane is about 2.2 metres high and abuts the back of footway. This wall is a strong feature of the site and is to be retained as the boundary to the new houses.

Relevant Site History:
None recorded on this land.

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

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;

- (iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

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

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated apart from the grass verge / access abutting the northern edge of the land which is within the Green Belt.

Proposals and Policies

UDP1 Promoting Sustainable Patterns of Development
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

Parish Council:

Baildon Town Council has concerns over the side windows of the development and their propensity to overlook neighbouring properties. The privacy issue is exacerbated by the relative height of the proposed building.

Publicity and Number of Representations:

The planning application was publicised by means of a site notice and individual neighbour notification letters. Expiry of publicity was 14 May 2016.

Nine representations have been received objecting to the application.

The objections include two from Ward Councillors. One asks that this matter is referred to the planning panel for their consideration and that councillors please consider carrying out a site visit.

One representation has been received supporting the application.

Summary of Representations Received:

Support

Comments on access: The proposed plans show car access to the property from the track shared with an adjoining house which would seem appropriate. The traffic using that track has stayed fairly stable for the past 20 years. None of us or our visitors has had a crash emerging from the track which is obviously a manoeuvre that requires care. There have been no crashes on the stretch of Green Lane outside the property since the installation of speed bumps. We are all fortunate in having space both on the track and on the grass in front of our houses for extra parking.

Objections

One Councillor objects to this application on the grounds that there will be significant overshadowing and overlooking of nearby residential properties and, therefore, an adverse impact on local residential amenity.

One Councillor has written in support the objection already noted by residents and also objects on the following grounds:

- Road safety issues due to increase in resident numbers.
- Oppressive development that will cause over-shadowing of nearby properties.
- Loss of privacy for nearby residents.

A Local MP has written to make enquiries in behalf of a constituent but has not raised specific objections.

The other neighbour representations object to the proposal on the following summarised grounds:

1. Loss of privacy to 45 Fernbank Drive, overshadowing of garden of 45 Fernbank Drive and loss of sunlight. Increase in traffic headlights shining into the windows of 45 Fernbank Drive
2. Increase in traffic will cause highway safety issues. Access is poor and will increase highway safety issues that already exist on Green Lane.
3. Overshadowing of 35, 37, 39, 41 and 43 Fernbank Drive and their garden, loss of view for the occupiers of 35, 37, 39, 41, 43 Fernbank Drive leading to loss of house value and amenity.
4. Overlooking of 35, 37, 39, 41 and 43 Fernbank Drive
5. Lack of visitor parking
6. Semi-detached dwellings as proposed are fundamentally suburban, rather than rural, in character and thus not in keeping with the existing properties that surround the edge of Baildon Green itself. The proposed dwellings will be too imposing.
7. The shadow cast by the new dwellings could cause icy conditions on Green Lane.

Consultations:

Highways Development Control: Have no objections to the proposals from a highways point of view subject to the imposition of standard conditions requiring off road parking provision.

Drainage Section: Note the intention to restrict the proposed surface water discharge to sewer to 5 litres per second, consequently, the developer must submit details and calculations to demonstrate their proposed surface water drainage system has sufficient capacity to contain flows generated in a 1:30 year event plus climate change within the underground system together with details and calculations to demonstrate flows generated in a 1:100 year event plus climate change will be contained within the site boundary without affecting the proposed dwellings or safe egress and access.

Conservation Officer: The application site is within Saltaire WHS buffer zone and just outside of Baildon Green conservation area. Consideration must be given to the impact of the proposal on the setting of these designated heritage assets. However, the application site is on the edge of the built up suburban area of Baildon and as such will not harm any key views into and out of Saltaire WHS. Baildon Green conservation area is a small hamlet with

a rural setting. The application is unlikely to harm this setting as it is located alongside existing built form and the proposal will continue the building line of the existing houses.

IMPACT: If the above advice is followed the proposal will maintain the setting of the nearby heritage assets and therefore accords with saved RUDP Policies BH7 and S/BH14.

Summary of Main Issues:

Principle.

Density of development.

Impact on character and appearance of the area.

Impact on residential amenity.

Highway safety.

Other matters.

Appraisal:

Principle

The majority of the site is unallocated but is a residential garden and the surrounding area is residential and within the built up area. Two additional dwellings will accord with policies UDP1 and UR2 of the RUDP and contribute, albeit in a small way, with meeting the Council's housing land supply targets.

The stone boundary wall on the north side of the property is the boundary of the Green Belt. The curtilage of the dwellings would be contained within the stone walls surrounding the site which are to be retained. The houses are part of the built up area but the verge across which the short length of new vehicular access would be formed lies within the green belt. The provision of an access on this land would be an engineering operation, but the length of it is such that it can be regarded as a minor operation that would not materially affect the openness of the green belt. This aspect of the scheme can therefore be regarded as not inappropriate and to accord with the exceptions set out for Green Belt in Para 90 of the NPPF.

Density of development

The density of development equates to 40 dwellings per hectare and therefore accords with policies H7 and H8 of the RUDP which call for the efficient and effective use of land for development. The density and character of the proposed development also reflects existing development in the surrounding area, which is a mixture of detached semi-detached and terraced properties and would not appear to be out of character.

Impact on character and appearance of the area

Within the area is a mixed variety of housing types, designs and materials. The modern houses on Milner Road and Fernbank Drive are built in brick and render. However, Norwood House and Bank House are stone built, traditional houses, as are those in the nearby Baildon Green conservation area.

The design and materials for the new houses therefore follow the design of these traditional houses. The drawings show a traditional gabled form to the houses and the intended use of natural coursed stone and natural stone slates would match the existing dwelling. Doors and windows are shown to be timber/timber framed and adopt proportions to those in the existing house.

The design and materials of the dwellings therefore reflect the traditional form and palette of materials of the adjacent dwellings. The height and form of the dwellings also relate well to Norwood House and do not give the dwellings an over dominant or oppressive feel. Windows are shown with a vertical emphasis to reflect the character of traditional dwellings in the area. The gable elevation would not be set immediately adjacent to Green Lane and will be behind the 2 metre high stone wall to Green Lane. The gable end would not have an oppressive or overbearing impact when viewed from the highway. The dwellings will have both front and back gardens and the provision of such space will be such that they would not appear cramped on the site.

The site lies next to Baildon Green Conservation Area and is in the buffer zone of the Saltaire World Heritage Site. However, the proposed houses would appear subservient to the parent property. Importantly, the good quality stone boundary wall will remain as a feature of the area. On this basis the proposal is considered to maintain the setting of the heritage assets.

The following conditions have been suggested by the Conservation Officer:

- Samples of all facing, roofing and paving materials should be provided for approval and a sample panel of stonework erected on site for approval
- Pointing should have a flush or slightly recessed finish, not strap or weatherstruck
- All external joinery should have a painted finish and windows be recessed into the reveals by approx. 100mm, as is traditional and to give a better appearance.
- Roof lights should be conservation type.

Gutters and downpipes should be timber or cast aluminium as opposed to uPVC to give a more high quality finish and be more in keeping than the use of uPVC proposed.

The plans have been amended to reflect the detailed advice of the Conservation Officer and there is consequently agreement with the Conservation Officer's assessment that the proposal will maintain the setting of the nearby heritage assets and therefore accords with saved RUDP Policies BH7 and S/BH14. In this context the design, appearance and materials of the proposed dwellings are considered to be acceptable and will not appear out of place with their surroundings.

Impact on residential amenity

A number of objections have been received from occupiers of dwellings on Fernbank Drive which are set at a lower level to the west of the site, with gardens running towards Green Lane. However, the development will be separated from the rear garden areas of the objectors' dwellings by the width of Green Lane. Indeed there will be a gap of at least 12 to 13m between the west gable of the dwellings and the nearest part of those gardens. Although they are set slightly below the level of Green Lane, the distance between the side of the proposed dwellings and the rear facing elevation of the dwellings in Fernbank Drive will be in the order of approx 30m.

In addition, the dwellings are not unduly high – being shown as conventional two storey structures with accommodation in the roofspace. The separation from the gardens and the height is such that the houses are not so large as to be oppressive or to cause any significant harm by virtue of dominance or overshadowing to neighbouring houses.

With regard to fears about the impact on privacy of occupants living on Fernbank Drive, the houses are shown orientated with main windows facing north and south. The proposed dwelling abutting Green Lane would only have landing/stair windows, secondary door and ground floor w.c. window in the west gable that faces towards the properties on Fernbank Drive. Ground floor windows would be screened by the existing stone wall retained around the garden. The stair windows serve non habitable rooms. In these circumstances it is not considered that the concerns raised about a propensity for overlooking or loss of privacy are well founded. The proposed dwellings would not adversely affect the residential amenities of the residents on Fernbank Avenue by reason of being overbearing, overshadowing or overlooking.

Given the obvious concerns of neighbours, however, it is suggested that a condition removing permitted development rights to install further windows in the gable elevations might be imposed to safeguard privacy.

Distances of 10.5m to the rear boundary of the properties and 27.6m to the rear boundary of properties built to the south on Milner Road will ensure that the proposed development would not adversely affect the residential amenities of occupiers at 1-7 Milner Road.

The position of the proposed dwellings and absence of any habitable room windows (except landings) in the east wall will mean that there will be no unacceptable overbearing, overshadowing or overlooking of the main habitable rooms and garden area of Norwood House. Norwood House has a conservatory structure close to the boundary but the proposed dwellings will not run the whole length of the conservatory so any impact on this would be slight.

Highway safety

The access to the two dwellings would not be taken directly off Green Lane but would come off the access track running across the open land to the north of the plot. A gap would be created in the existing wall to facilitate this and, inside the wall, the proposal provides for turning and two car spaces per dwelling - adequate off road parking in accordance with policy TM12 of the RUDP.

Despite the highway safety concerns raised by representations, the Council's Highway Officer has not objected on highway safety grounds. There are no objections to the amount of development served from the access and it is not agreed that traffic conditions on Green Lane would be worsened. It is therefore considered that it would be difficult to refuse the development on highway safety grounds.

Community Safety Implications:

The proposed dwellings will sit within secure residential curtilages and present no community issues contrary to 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. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

Reason for Granting Planning Permission:

The principle of residential development is acceptable in this location and the openness of the green belt will not be adversely affected by the very limited proposed access works. The density, form, height and design of the development is acceptable and in keeping with the character of the area and the impact of the development on the character and appearance of the area, including the setting of Baildon Green Conservation Area. The relationship of the houses to surrounding dwellings and gardens has been carefully assessed but the houses would have no significant effects on residential amenity. Highway safety and community safety impacts have been assessed as being acceptable. As such the proposal will accord with policies UDP1, UR2, H7, H8, UR3, D1, D4, BH7, TM12 and TM19A of the RUDP and 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 development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all paving, facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

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

3. Concurrently with the submission of a sample of the walling materials, a sample panel of those materials and type of pointing to be used shall be erected on site for inspection before development begins.

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

4. The pointing to the external walls of the building shall be flush with the face of the stone or slightly recessed. "Ribbon" or "strap" or "weatherstruck" pointing shall not be used.

Reason: To ensure the use of appropriate pointing details in harmony with the rest of the building and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

5. All external joinery shall have a painted finish and all windows are to be recessed into the reveals by 100mm.

Reason: To safeguard the appearance of the Baildon Green Conservation Area and to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.
6. All roof lights shall be conservation type roof lights.

Reason: To safeguard the appearance of the Baildon Green Conservation Area and to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.
7. All gutters, down pipes and other external plumbing shall be timber or cast aluminium in black finish and so retained thereafter.

Reason: To safeguard the appearance of the Baildon Green Conservation Area and to accord with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.
8. Prior to commencement of work on site the developer must submit details and calculations to demonstrate their proposed surface water drainage system has sufficient capacity to contain flows generated in a 1:30 year event plus climate change within the underground system together with details and calculations to demonstrate flows generated in a 1:100 year event plus climate change will be contained within the site boundary without affecting the proposed dwellings or safe egress and access.

Reason: To ensure proper drainage of the site and to accord with Policies UR3 and NR16 of the Replacement Unitary Development Plan.
9. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

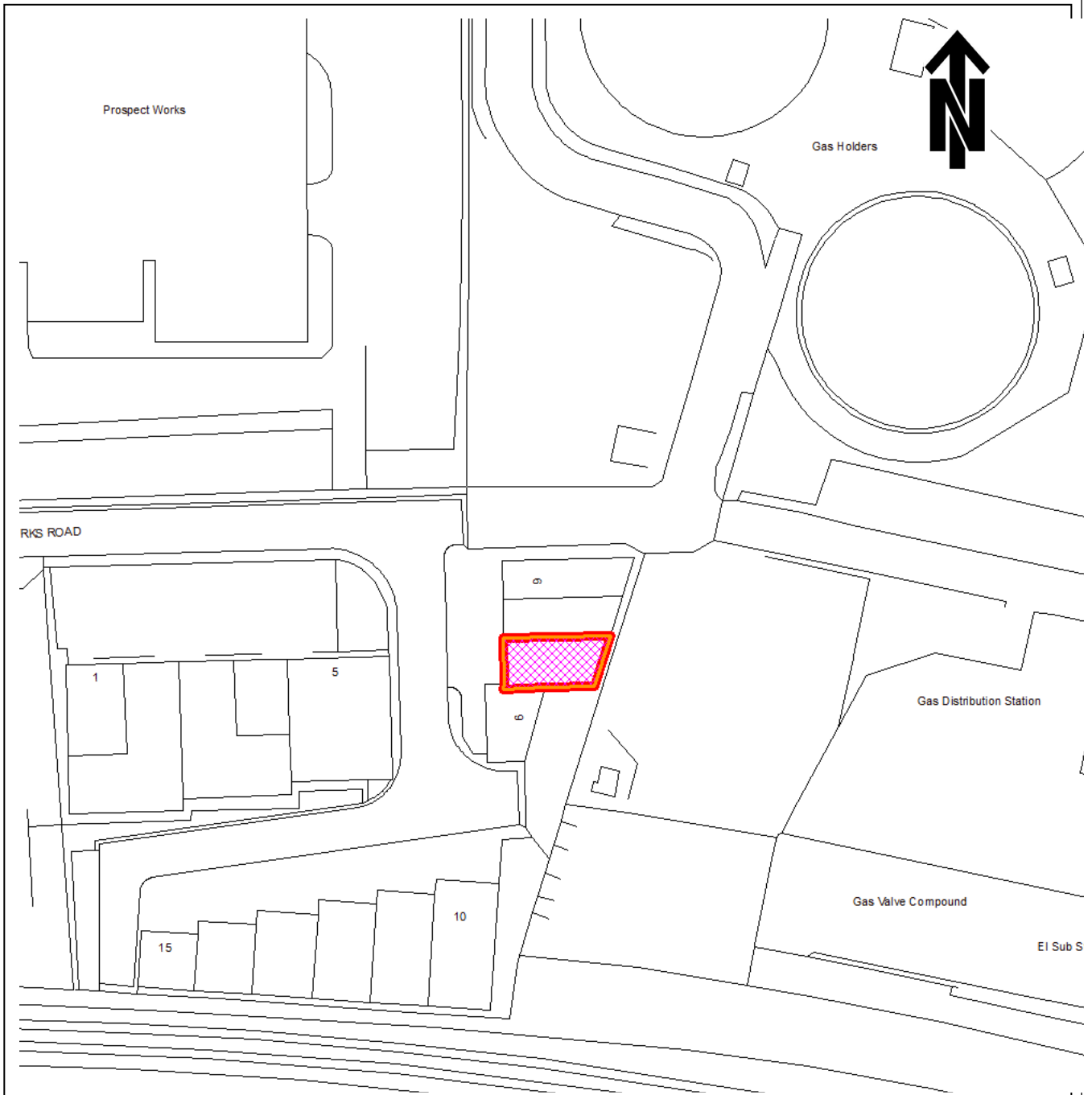
Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.
10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no further windows, including dormer windows, or other openings shall be formed in the side elevations of the dwellings hereby granted without prior written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policies D1 and UR3 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

16/02500/FUL

15 June 2016



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ITEM NO. : (i)

LOCATION:

**Unit 8 Valley Road Business Park
Gas Works Road Keighley**

15 June 2016

Item Number: (i)
Ward: KEIGHLEY EAST
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
16/02500/FUL

Type of Application/Proposal and Address:

Retrospective application for change of use to a children's party venue including groups of children with Autism, open weekends only, at Unit 8, Valley Road Business Park, Gas Works Road, Keighley BD21 4LY.

Applicant:

Mr L Rooke

Agent:

None.

Site Description:

The site comprises a modern industrial unit located in an industrial estate located close to the Aire Valley Trunk Road. The unit is in a row of 4 and has a grassed area to the rear surrounded by a security fence. The adjoining Unit 7 is in use as a dog day care centre.

Relevant Site History:

None relevant to this unit.

At Unit 7: 14/03342/FUL: Retrospective change of use from a store unit and college plastering training unit to a dog day care centre (dog crèche), granted 3.12.14

The National Planning Policy Framework (NPPF):

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Employment Zone

Proposals and Policies

UR3 Local Impact of Development

E6 Employment Zone

D1 General Design Considerations

D3 Accessibility

D4 Security

TM2 Impact of Traffic and its Mitigation;

TM11 Parking Standards for Non-Residential Developments

P7 Noise

Parish Council:

Keighley Town Council – No response received.

Publicity and Number of Representations:

The application was publicised with a site notice and neighbour notification letters.

Ninety objections and one petition objecting to the proposal and 64 letters of support have been received.

Summary of Representations Received:

In Objection:

Conflict between the proposed use and the dog care business next door.

Noise from music will disturb the dogs.

Children and dogs may be in the same area in the event of a fire due to the location of the fire escape which would be dangerous.

Children may open the fire escape and be in the same area as the dogs unsupervised which may be dangerous.

In Support:

This is a well-run business providing a good facility for the local area.

It is alleged that noise is not excessive.

Consultations:

Highways Development Control - The application site is located in an industrial area and is being used as a children's party venue.

During weekday working hours (typically 7am to 6pm) Gas Works Road has a high degree of on-street parking taking place and Unit 8 has little or no off-street parking associated with its use. However given that the operational hours of the party venue is limited to weekends (10am to 6pm) then this will not clash with the busy times of the industrial area.

Therefore if the Council were minded to approve this application then a suitably worded condition should be attached to the Decision Notice limiting the use of the site as a party venue to the hours stated on the application form.

Minerals and Waste Team - No objection.

Environmental Protection - Note that the above application is retrospective and that the premises are already in use. I have no objections, however I do have some concerns relating to noise arising from the proposal.

I suggest a noise limiting device must be installed and must operate at all times that regulated entertainment takes place at the premises. The device must be of a type, in a location and set at levels:-

80 dB, LCeq
59 dB at 63 Hz
73 dB at 125 Hz

and approved in writing by the appropriate officer of the Council.

With regards to waste, the applicant will need to ensure that there are a sufficient number of bins, which have a secure lid and should also be of a size, which can adequately contain the waste so that it is not overflowing

Summary of Main Issues:

Principle of use.
Impact on neighbours and the surrounding environment.
Highway safety.
Response to objections.

Appraisal:

Principle of Use

This is a retrospective application for the change of use of an industrial unit to use as a children's party venue, providing discos. The stated intention of the applicant is that it would operate at weekends only.

The industrial unit has its main entrance to the front. No external alterations are proposed to the building and the internal alterations are minimal.

Whilst the proposed use is not industrial in nature, planning permission has already been granted in 2014 for the change of use of the adjoining premises to a dog day care centre which is also not industrial in nature. The view was taken when this unit was changed from a college plastering training centre to the current use that the site is designated as an employment site and the proposal is of a commercial nature and does provide a place of employment.

The unit is small in size and would not unduly affect or conflict with the aims and objectives of the Employment Zone or the industrial estate within which it is currently operating. In addition the use is well-located, being away from residential property. This use will provide jobs for 3 staff at weekends only and is also commercial in nature again being located well away from residential property; it would not conflict with the aims of the development plan and will provide an opportunity for small business in line with the guidance in the NPPF. Accordingly, the proposal is acceptable in principle.

Impact on Neighbours and the Surrounding Environment

In terms of potential noise levels from loud music, potentially this unit could be in use as any type of industrial use which would create noise. It is accepted that animals are present in the adjoining unit and they may be disturbed by loud noise. If the disco use is restricted to weekends only when the dog care business is not open this should overcome this concern. Any other excessive noise that causes a stator nuisance can be controlled by the Council's Environmental Health Officer, who has suggested that a noise limiting device be installed at the premises and be in use at all times when regulated entertainment is taking place; this should be controlled through separate Environmental Health legislation.

It is noted that an entertainment licence is not required for this type of use and the applicant has confirmed that he has spoken to the Council's Licensing Department in this regard.

Highway Safety

The Council's Highway Officer has no objection in principle to the change of use, but it is essential that it only operates at weekends. This is due to there being insufficient parking provision at the site to serve a leisure use when neighbouring business units are in use. It is noted that during the week, when the other neighbouring industrial units are in use, there is a high demand for the scarce amount of on-street parking available. If the proposed party venue use was to open during the week there would be too much demand for the on-street parking available in the vicinity. This would have highway safety implications. Therefore in terms of highway safety this proposal is only acceptable if it is restricted to weekend operation only, this can be controlled with a planning condition.

Response to Objections

A large number of people have raised concerns about children potentially coming into contact with dogs. These objections have been largely raised by users of the dog day care centre. The fire escape from the premises leads onto the grassed area at the rear of the units that is currently used as a dog exercise area. This area appears to be shared by all four units and the ownership and any entitled use is a private matter.

Whilst the location of the fire escape is a concern, it must be noted that the personal responsibility of all parties (staff and customers) to keep children and dogs safe when entering and leaving the respective premises, as it would be in any public place, is not a matter that can be controlled through the planning system. Nevertheless, the Council's Building Control Section suggested that a fence be installed to provide a corridor to allow users of Unit 8 to escape in the event of an emergency without encroaching on the dog exercise area. This fence with a protective mesh is now in situ as recommended by Environmental Health. In addition the fire escape door can be secured such that it only operates in an emergency to prevent accidental opening, or for ventilation purposes. The front door of the premises should be the main entrance.

These measures have also been agreed by West Yorkshire Fire Service. These measures are acceptable in terms of the objections raised as well as the restricted opening hours which mean that the business do not operate together. Whether dogs are present has no bearing on whether the use is acceptable in planning terms.

With regard to bin storage, details of this will be requested from the applicant and controlled with a condition.

Community Safety Implications:

The issue of dogs and children is discussed above.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The proposal will have no significant detrimental impact on local amenity, road safety or the character of the surrounding area and so accords with the above policies of the RUDP and the NPPF.

Conditions of Approval:

1. Within 28 days of the date of this decision, the applicant must submit details to the Local Planning Authority for its written approval details to demonstrate that there is a sufficient number of bins to serve the business, such bins shall have a secure lid and be of a size to adequately contain waste without overflowing. The waste bin details so approved must thereafter be provided and retained whilst ever the use subsists.

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

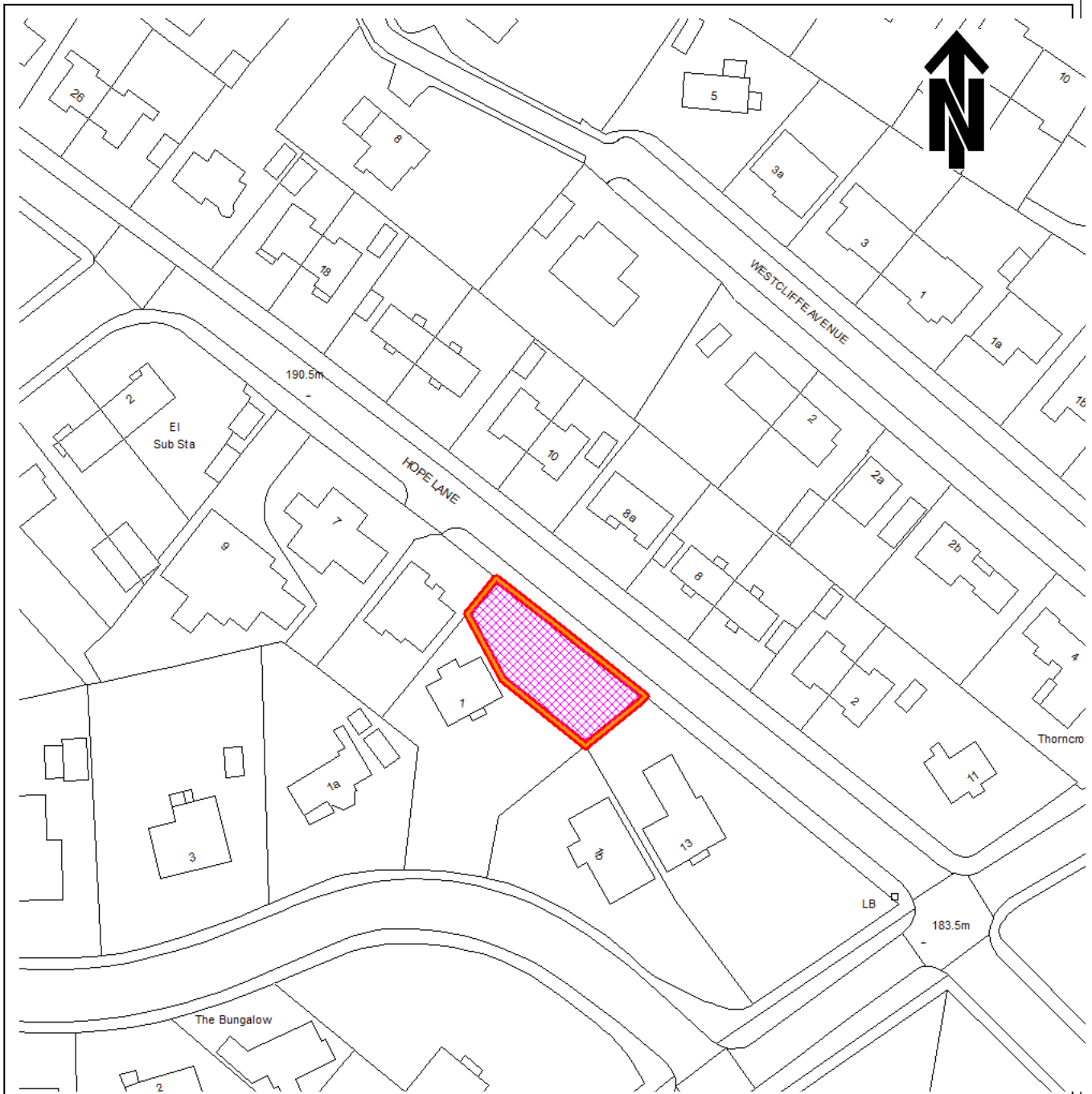
2. The premises shall not be used for purposes of a children's party venue outside the hours of 09:00 to 19:00 on Saturdays and Sundays and not at all on Mondays to Fridays including Bank or Public Holidays. No customers shall make use of the premises outside these permitted hours.

Reason: In the interests of the amenities of neighbouring occupants and highway safety to accord with policies UR3, TM11 and TM19A of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley/Shipley)

16/01938/FUL

15 June 2016



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ITEM NO. : (j)	LOCATION: 1 Belmont Avenue Baildon
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15 June 2016

Item Number: (j)
Ward: BAILDON
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
16/01938/FUL

Type of Application/Proposal and Address:
Full planning application for construction of detached house and garage on land at 1 Belmont Avenue, Baildon, BD17 5AJ.

Applicant:
Mr Osler

Agent:
Belmont Design Services

Site Description:
The site forms part of a larger residential curtilage that has frontages to Hope Lane and Belmont Avenue. The application site only has a frontage to Hope Lane. There is a substantial stone built property located centrally within the site which presents its front elevation to Belmont Avenue and its side elevation to Hope Lane. Vehicular access exists from Hope Lane and Belmont Avenue.

The surrounding area is mainly residential with large detached dwellings in substantial gardens on Belmont Avenue and a mix of detached and semi-detached dwellings in smaller plots on Hope Lane. The land has a gentle slope to the south.

Relevant Site History:
09/04916/FUL - The construction of one new dwelling and an extension to an existing dwelling with a new double garage. Granted 23.06.2009 and subject to a Section 106 agreement preventing the carrying out of further permitted development on the site of 1 Belmont Avenue. The Section 106 agreement did not prevent the erection of a buildings or structures agreed by subsequent planning permission.

09/03133/FUL - Two new dwellings and one extension and double garage to an existing dwelling – Withdrawn 09.09.2009

08/02991/FUL - Demolition of existing dwelling and construction of three 4 bedroom detached dwellings with integral garages – Withdrawn 12.08.2008

08/00244/FUL - Demolition of existing property and construction of 3 detached dwellings with integral garages – Refused – 07.04.2008 (Subsequent appeal dismissed)

The National Planning Policy Framework (NPPF):

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Unallocated land.

Within Saltaire World Heritage Site Buffer zone BH14.

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

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

D1 General Design Considerations

D4 Community Safety

D5 Landscaping

S/BH14 Saltaire World Heritage Site

Parish Council:

Have not commented.

Publicity and Number of Representations:

The application has been publicised by means of a site notice and individual neighbour notification letters. Overall publicity expired on 20 April 2016. Seven representations have been received in support of the application.

Eighteen representations have been received objecting to the application.

Objectors include a local Ward Councillor and a local MP.

Summary of Representations Received:

The local MP objects to the application because:

1. The proposed property would overlook neighbouring houses.
2. Overdevelopment of the plot.
3. An additional house has already been built in the garden of this property - to build another one would be out of keeping with the area.

The Ward Councillor objects to the application because the site has already been developed so it currently houses two properties (one significantly extended) and if approved the site would be overdeveloped (see 08/00244/FUL when the development of three detached houses was refused and the subsequent appeal dismissed). The property would overlook neighbouring houses and detrimentally alter the character of the area and the street scene on Hope Lane.

If Officers are minded to approve this application she would like to request it is considered by councillors at a planning committee.

The Ward Councillor has also commented that apparently there is an underground stream beneath 1 Belmont Avenue which has caused lots of flooding problems in the vicinity. She has been told the stream runs under 1 Belmont Avenue and then between 5 Hope Lane and 13 West Lane meaning this development would be built over the course of the stream.

The following is a summary of the planning grounds given in the representations objecting to the application:

1. The development constitutes overdevelopment of the site, does not respect the building line and will be out of keeping with the existing character of development in the area.
2. The proposal appears cramped within the site and would stand out as an obtrusive addition to the street-scene and be detrimental to residential and visual amenity. It is clearly an over-development within the building footprint leaving very little open space.
3. The overall design is not in keeping with the historic residential buildings already existing in the locality.
4. Increased traffic.
5. The access forms a highway safety concern given increased traffic and on street parking.
6. Increased use of the Hope Lane/West Lane junction forms a highway safety concern.
7. Construction disturbance to the residential amenities of existing residents.
8. Significant adverse impact on the level of privacy enjoyed by existing residents on Hope Lane.
9. The proposal is an over-development of a restricted site, loss of garden land and leaves little opportunity for landscaping which is a feature of the green and residential nature of the neighbourhood.
10. Planning permission has already been refused for three dwellings on this site and this application does not represent an improvement on those rejected plans.
11. Unacceptable overlooking of dwellings across Hope Lane.
12. Difficult to negotiate into the site and garage for vehicles.
13. Lack of publicity.
14. The development would encourage crime contrary to policy D4 of the RUDP.

The following is a summary of the planning grounds given in the representations in support of the application:

1. The proposed dwelling would not impinge on neighbours by reason of overlooking, overshadowing or overbearing, impact on highway or wildlife.
2. Another property and household would economically support the local economy and the Council financially.
3. Precedent in other parts of the District.
4. Development does not form overdevelopment of Baildon.
5. The intended proposal meets with the 'Right To Build: Supporting Custom Self-Build' consultation white paper.
6. Providing more housing.
7. No negative impact on roads.

Consultations:

Drainage: Records indicate separate foul & surface water sewers exist in Hope Lane. The development shall therefore be drained via a totally separate system.

Local knowledge indicates an unrecorded watercourse crosses the site. The developer must therefore investigate the site in the area of their proposed development in order to determine the extent of any land drainage network and submit, to this Council for comment, proposals for dealing with any watercourses, culverts, land drains etc., affected by the development.

Highways Development Control: The agent has advised the Highways Officer that there is an existing garage and drive recently constructed with access from Belmont Avenue to serve the occupiers of 1 Belmont Avenue. Highways DC therefore raise no objections to the proposals.

Summary of Main Issues:

Principle and density of development.
Impact on local character.
Design and appearance.
Residential Amenity.
Highway Safety.
Other matters.

Appraisal:

The appraisal is in respect of amended plans and drawings received by the Council on the 23 and 24 May 2016 which has attempted to address officer and local objections by positioning the proposed dwelling further into the site away from the Hope Lane frontage. As originally presented, the house would have stood within 3 metres of the boundary to Hope Lane. The amended drawings increase this to 5m, reduce the height of the proposed dwelling and provide additional rear garden.

Principle

The site is unallocated on the Replacement Unitary Development Plan and is not therefore protected for any uses other than those which accord with the general policies of the plan. The site is presently part of a domestic garden area and the surrounding area is dominated by residential uses so the principle of the development is acceptable and development of it will accord with policies UDP1 and UR2 of the RUDP. The density of development equates to

33 dwellings per hectare and accords with density expectation policies H7 and H8 of the RUDP.

Impact on character

The main concern with the proposal relates to the lack of space on the site to squeeze in a new dwelling. There would be a lack of space around the dwelling, which leads to the development appearing to be cramped and overdeveloped, and poorly related to the existing buildings. This concern reflects those raised by objectors, the Councillor and the MP for Shipley that the site has already been developed so it currently houses two properties (one significantly extended) and if approved the site would be overdeveloped, reference is also made to previous application 08/00244/FUL when the development of three detached houses was refused and the subsequent appeal dismissed.

The proposed property would be cramped and awkwardly sited and would detrimentally alter the character of the area and the street scene.

The applicant has tried to overcome the cramped overdeveloped aspect of the development by increasing the rear garden area, reducing the height of the proposed dwelling and moving it back from Hope Lane so the main body of the front elevation is 5 metres rather than 3 metres from Hope Lane's footpath. It is still however considered that the development will appear cramped and an overdevelopment when viewed from Hope Lane. In particular there is a cramped awkward relationship with 1 Belmont Avenue that adds to the cramped appearance.

It is considered that the cramped and overdeveloped nature of the development would erode the remaining spacious character of this side of the street and the open, green suburban character and appearance of Hope Lane. It should therefore be resisted as being contrary to policies D1, UR3 and UDP3 of the RUDP.

Design and appearance

The site is located on the edge of the outer buffer zone of the Saltaire World Heritage Site but its scale and remoteness are such that it would not harm the setting of the World Heritage Zone contrary to policy BH14 of the RUDP.

Dwellings on Hope Lane show a mixture of designs and styles. The agent proposes a detached bespoke dwelling that would not appear out of place. The new dwelling reflects aspects of existing dwellings with the use of quoins, stone heads, cills and jambs, corbels and materials. It is considered that the appearance of the dwelling would be acceptable.

The materials of the proposed dwelling consisting of stone walls and slate roof, would reflect materials in the area and would be acceptable in principle subject to approval of the exact stone and slate, that could be done by condition on an approval.

Residential amenity

The main elevation of the proposed dwelling has habitable windows in it, facing across Hope Lane. The distance between the proposed dwelling and the dwellings on the opposite side of Hope Lane at over 18m is sufficient distance so that the development will not adversely affect the residential amenities of either existing or future residents by reason of overlooking / loss of privacy, overshadowing or overbearing impact contrary to policies D1 and UR3 of the RUDP.

13 West Lane has no habitable room windows facing the site and 5 Hope Lane is set back from the Hope Lane so the residential amenities of the properties in terms of overbearing impact, overshadowing or overlooking will not be adversely affected by the proposed dwelling contrary to policies D1 and UR3 of the RUDP.

The proposed dwelling will show a blank elevation to the common boundary with 1 Belmont Avenue except for utility door, wc window and roof lights serving non habitable rooms. The arrangement of windows will stop overlooking / loss of privacy. The rear elevation of the proposed dwelling will be 1 ½ storeys high and although close to the front elevation of 1 Belmont Avenue will be set at an angle going away from the front elevation. The large front garden to 1 Belmont Avenue and the reduced height of the proposed dwelling will prevent overbearing and the residents of 1 Belmont Avenue feeling overshadowed by the new property.

Highway Safety

The proposal has provided sufficient off road parking to serve the new dwelling and parking is retained for the existing house so the proposals accord with policy TM12 of the RUDP. The vehicular access is onto Hope Lane, which is wide enough at 5.53m carriageway width, excluding pavements, to allow vehicles to manoeuvre in and out of driveways without difficulty, despite concerns raised by third parties. The Council's Highways Development Control Officer has raised no highway safety concerns. There is agreement with the Council's Highway Officer that the development will not be unacceptable on parking and highway safety grounds and that it will accord with policies TM12 and TM19A of the RUDP.

Other matters

The development would not damage any trees of public amenity value that are worthy of retention.

With regard to the unrecorded watercourse that may run across the site this matter would be addressed by condition if the application had been recommended for approval.

Community Safety Implications:

The proposed dwelling and detached garage will be sited in a curtilage which can be secured and therefore despite third party concerns the development raises no community safety issues contrary to 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. It is not however considered that any issues with regard thereto are raised in relation to consideration of this application.

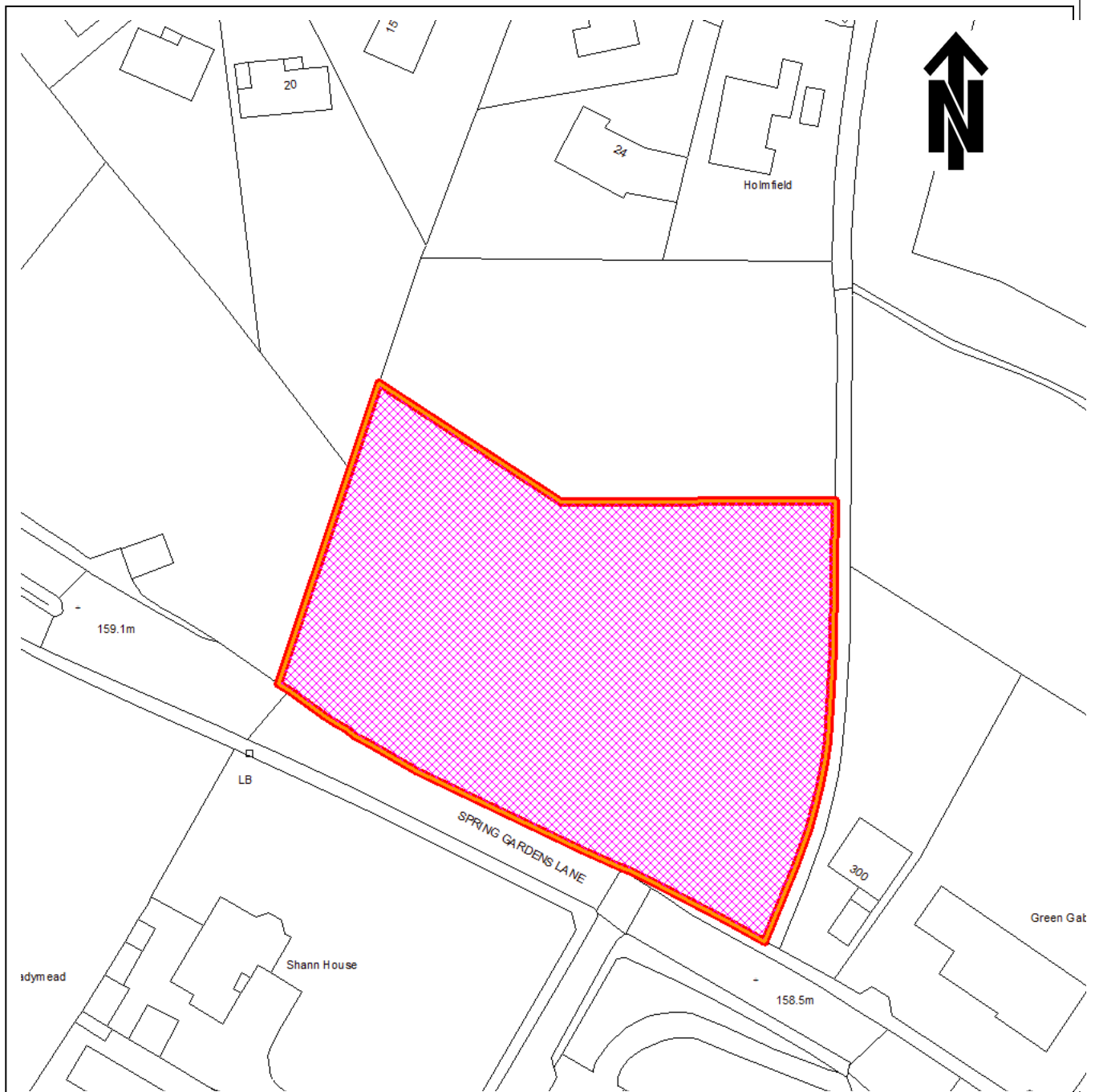
Reasons for Refusal:

The development is unacceptable as its cramped awkward relationship with 1 Belmont Avenue viewed from Hope Lane would lead to the development appearing cramped and an over development of the site, out of keeping with the open, green suburban character and appearance of Hope Lane. The development would therefore be contrary to policies D1, UR3 and UDP3 of the Replacement Unitary Development Plan and will not form sustainable development compatible with the National Planning Policy Framework.

Area Planning Panel (Keighley/Shipley)

16/00448/FUL

15 June 2016



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LOCATION:

ITEM NO. : (k)

**Land West Of 300 Spring Gardens Lane
Keighley**

15 June 2016

Item Number: (k)
Ward: KEIGHLEY CENTRAL
Recommendation:
TO REFUSE PLANNING PERMISSION

Application Number:
16/00448/FUL

Type of Application/Proposal and Address:
Full planning application for construction of 5 detached houses at land west of 300 Spring Gardens Lane, Keighley.

Applicant:
Mr Michael Ainsworth

Agent:
None.

Site Description:
This application site of 4,424sq m consists of a field that slopes steeply down from Spring Gardens Lane towards the back of single- and two-storey residential dwellings on Manor Road and part of the curtilage of 23 Manor Road. Access to the site would be off Spring Gardens Lane. The southern boundary of the site to Spring Gardens Lane is formed by a stone wall and behind which (on the field side) is a line of mature trees subject of a Tree Preservation Order (TPO) under-planted by unprotected conifers. There is a wooden post and rail fence on the southern boundary of the site dividing the field in two. The lower part of the field has an extant planning permission for 4 detached dwellings (13/04890/FUL). The site extends down to and includes part of the curtilage and the driveway of 23 Manor Road to provide the development with drainage. To the east of the site behind a broken stone wall is Keighley Public Footpath 16 which runs from Utley to Spring Gardens Lane. There is a line of protected mature trees along the far side of the footpath.

Relevant Site History:
13/04890/FUL - Construction of 4 four bed detached dwellings with integral garages, gardens and demolition of existing garages to form new private driveway access at Holmfield Manor Road, granted by Panel 24.07.2014.
15/07034/FUL - Construction of 5 detached houses, withdrawn by the applicant as the wrong ownership certificate had been submitted.

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

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

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

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

Replacement Unitary Development Plan (RUDP):

Allocation

Urban Greenspace K/OS1.6

Adjacent to Conservation Areas (as at time of adoption) BH7 Devonshire Park and Cliffe Castle Conservation Area

Proposals and Policies

UR2 Promoting Sustainable Development

UR3 Local Impact of Development

H7 Housing Density - Expectation

H8 Housing Density - Efficient Use of Land

TM2 Impact of traffic and its Mitigation

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

D1 General Design Considerations

D2 Energy Efficiency and Sustainable Design

D4 Community Safety

D5 Landscaping

BH7 New Development in Conservation Areas

OS1 Urban Greenspace

NE4 Trees and Woodlands

NE5 Retention of Trees on Development Sites

NE6 Protection of Trees During Development

NE10 Protection of Natural Features and Species

NR15B Flood Risk

NR16 Surface Water Run Off and Sustainable Drainage Systems

P5 Development Close to Former Landfill Sites

P6 Unstable Land

P7 Noise

Parish Council:

Recommended for refusal based on the reports from the Highways Engineer. This is also in a conservation area and there are objections from the residents.

Publicity and Number of Representations:

This application was publicised by means of two site notices (one on Spring Gardens Lane and one on Manor Road) and individual notifications. The overall date of publicity finished on the 14 April 2016. 118 representations objecting, 50 in support and 6 neither objecting nor supporting the application have been received.

Summary of Representations Received:

In Objection:

1. Adverse impact on the setting of the Devonshire and Cliffe Castle Conservation Area.
2. Negative impact on tourism.
3. Development of the site would be contrary to its designation in the RUDP as Urban Green Space and policy OS1.
4. Adverse impact on owls, bats, hedgehogs and other wildlife and their habitats.
5. Increase in traffic generated by the development will have an adverse impact on pedestrians and the safety of children walking to and from Holy Family School.
6. Flooding of the proposed dwellings.
7. Development will increase flooding on Manor Road, Aireville Close and Green Head Lane as the impervious surface of the houses will increase water run-off.
8. Development will increase land slippage with the removal of vegetation.
9. Inadequate drainage in Manor Road to cope with the additional dwellings.
10. Sewerage problems.
11. Loss of view across the valley.
12. The choice of site is questioned – shouldn't it be in more sustainable urban location? Brownfield sites need developing first.
13. Overdevelopment of the site. One representation considered there could be scope for the site being developed for two dwellings in principle.
14. Adverse impact on TPO trees both during the developments construction and after its completion.
15. There is a need for more affordable/first time buyer housing rather than 5 large dwellings. Not meeting the needs of the housing shortage.
16. The design and appearance of the proposed dwellings and retaining walls will be out of keeping with the character of the area and look an eyesore.
17. Use of inappropriate materials on the dwellings.
18. Inadequate access and turning head.
19. Highway safety.
20. Green Head Lane will become more of a rat run if the development is approved.
21. How can the development be built so close to a Gas Main (315mm)? Is the location of the gas main acceptable in relation to the dwellings, turning head and driveway? If work is undertaken on the gas main this will affect resident's ability to access their new homes.
22. Impact on the wall adjacent the public right of way.
23. Topography of the site makes it unsuitable for housing.
24. Development fails to follow national or local planning guidelines.
25. Planning application needs to be considered on its planning merits, not on the planning history of the area.
26. Inclusive/disabled access to the dwellings would be difficult, particularly in icy conditions.
27. Loss of privacy for the occupants of 14 Manor Road and the occupants of the proposed four houses in the lower part of the field.
28. Loss of amenity for proposed residents as their houses and gardens will be overshadowed by trees.
29. Loss of light to the proposed residents at the bottom of the hill.
30. The impact on Manor Road of moving the soil required to be moved as part of this development. Soil removal from the site – how will this take place?
31. Increased use of on road parking in icy conditions.

32. Parking provision for 19 cars but the plans only show provision for 14 and therefore there will be parking on Spring Gardens Lane.
33. Site is not in a sustainable location and the development is not consistent with the Council's criteria for sustainability found in its Sustainability Appraisal Scoping Report.
34. Development of this site would contravene RUDP Policy UR2, i.e. would overload the existing infrastructure to the detriment of existing users or the environment.
35. Increase in noise from increased traffic.
36. Development would increase the danger to users of the public footpath next to the site entrance.
37. Conflict of use of site for residential and adjacent field for the keeping of livestock and fowl.

Furthermore, several of the representations make allegations of fraud and corruption and question the impartiality of Ward and Keighley Councillors, and the Keighley and Shipley Area Planning Panel to consider the development because of their relationship with the owner of the site.

One representation also questions the impartiality of Council Planning officers in dealing with the application on the grounds that the applicant is their friend. This allegation is without basis and there is no reason why the relevant officers should not be involved in processing the application.

In Support:

1. The houses are well designed and will be in keeping with the size and character of existing dwellings in the area, more so than affordable housing.
2. This is a built up area and there are houses all the way up Spring Gardens Lane so this development will be a natural progression.
3. Having a private drive set behind the trees provides adequate privacy to Glenlyon Drive and likewise to the new proposed houses.
4. The houses will look very aesthetic pleasing and improve the street scene.
5. The houses will complement the conservation area that surrounds the site.
6. The set back of the proposed houses from Spring Gardens Lane will minimise their impact on the environment.
7. The choice of materials selected for the build is sympathetic to the surrounding properties.
8. Development would enhance the area which is currently untidy and deter any antisocial behaviour along the side path.
9. Precedent has been set by the planning approval for 4 houses on the lower part which is also green space and the development of 300 Spring Gardens Lane.
10. The proposed development raises no highway safety issues.
11. The development will cause minimal disruption to protected trees.
12. The development would help reduce the current housing supply deficit Bradford has.
13. The development is not within the Devonshire and Cliffe Castle Conservation Area and therefore does not affect it.
14. Development will bring economic benefits to the District in terms of the jobs it will create/support.
15. No drainage issues/problems are raised in the submitted report.
16. Wildlife will be preserved. Bat and owl survey suggests neither is present in the field.
17. With the tree and hedges remaining and the houses appropriately set behind the trees, this will have minimal impact on the views.
18. No gas pipe issue.

19. The hillside view will remain.
20. The development does not contravene any planning guidelines.

Neither Supporting Nor Objecting:

1. Loss of on street parking should be restricted by providing and maintaining parking on the development site.
2. Additional traffic calming measures are needed in connection with the project because of the high traffic speeds along Spring Gardens Lane.
3. The site might work for one or perhaps two houses of appropriate size and design with safer access through Manor Road and this might overcome many of the issues with developing the field.
4. Panel need to carefully consider drainage and the access to / egress from the development.

Consultations:

Highways Development Control:

The 4 main highway issues are layout, visibility, speed of traffic and road gradients.

The proposed access is to remain private and therefore the geometry of the access road and turning head is acceptable in highway terms.

Visibility of 2.4m x 43m is required and this has been shown on the plans.

Traffic speeds have been established following a speed survey, the 85th percentile wet weather speed was less than 30mph which confirms my estimation following at least two site visits. The appropriate visibility for 30mph is 2.4m x 43m.

The applicant has submitted a cross section through the access road showing that a gradient of 1:15 can be achieved without the need for retaining walls but with embankments. The embankments do not impact on the public footpath. The submitted plan has been annotated to advise that an existing speed hump needs to be replaced and this could be covered by condition and a Section 278 Agreement.

It is unlikely that refuse vehicles will enter the site and as such the applicant has indicated a bin storage area close to the access.

It is their view that the proposals meet the highway requirements and they therefore raise no objections to the proposals from a highways point of view subject to conditions covering provision of pedestrian and vehicular access, provision of visibility splays, provision of turning area, provision of off road parking, the relocation of a speed hump on Spring Gardens Lane and the provision and implementation of a management construction site plan.

Conservation Officer:

Can identify no appreciable changes from the previous submission which would result in any differing impact on the setting of the conservation area and repeats his comment for the previous submission:

The site is surrounded to the south, west and east by the Devonshire Park and Cliffe Castle conservation area. It is steeply sloping open pasture with a mature belt of trees to the southern edge adjacent to Spring Gardens Lane. The areas to the east and west of the site

are assessed as predominantly making a positive contribution to conservation area character and the development site is considered to make a positive contribution to the setting of the conservation area. The mature trees are consistent with the maturity of landscaping and built form in many parts of the conservation area. They also provide a sense of enclosure to the road. Mature trees are identified as one of the key characteristics of the conservation area, with tree lined roads. The site is also identified as providing key open views from the conservation area, north towards the Aire valley.

The development proposed would result in loss of some trees to create a site access, together with loss of some of the enclosing stone wall. The open views would be predominantly lost to a screen of built form comprising 5 closely set detached properties of some stature.

Development of this site would cause harm to the setting of the conservation area, despite retention of a good part of the roadside tree belt. The existing openness is a positive characteristic which affords beneficial views. The positive contribution the site makes in its present form would not be outweighed by any public benefits of development. The harm would be contrary to Para.134 of the NPPF and not in accordance with policies BH7 and UDP3 of the RUDP.

Historic England:

The application proposes the construction of five detached dwellings on land west of 300 Spring Gardens Lane. The development site is bordered on three sides by the boundary of the Devonshire Park and Cliffe Castle Conservation Area. Developments outside a conservation area can still have a harmful impact on the area's character and appearance and this has been upheld in appeal decisions (see appeal ref APP/N5660/W/14/2216737). In the case of this application, a key view across the development site has been identified in the Conservation Area Appraisal published by CBMDC in February 2007.

The character of the conservation area is of a historic suburban development resulting from the increased wealth of Keighley on the back of the town's successful textile industry. As the industrialists became more affluent they desired grander homes in more open surroundings, still within easy reach of the town yet with views out to the moorlands beyond.

This development continued into the early twentieth century. The pattern of development consists primarily of large, detached houses in large plots with substantial gardens (the most extreme example of this being Cliffe Castle, now a public park). This results in a leafy and open character throughout most of the conservation area, particularly in the area around the development site. The value of the conservation area lies primarily in the largely original street pattern and high quality architectural development, the areas of open space with little infill development and long-distance views out from the area to the moors surrounding the town.

In the immediate vicinity of the development site are a number of key unlisted buildings, as identified in the Conservation Area Appraisal. These are the boundary wall to the site itself and the two large twentieth-century villas opposite. Spring Gardens Lane could also be considered to have heritage value as it follows a historic route, and Glenlyon Drive, which terminates opposite the development site, retains historic stone setts. Altogether, the area surrounding the development site is attractive, with a strong historic character and high

degree of integrity. The open site also facilitates a key view out across to the moors to the north.

The proposed development would reduce the openness in this part of the conservation area, almost entirely restrict the key view identified in the Conservation Area Appraisal and introduce a pattern of development which does not reflect that found elsewhere in the conservation area. It would also result in the loss of a section of the boundary wall, a key unlisted structure within the conservation area, and some mature trees.

At present they do not consider the proposed development would preserve or enhance the character or appearance of the Devonshire Park and Cliffe Castle Conservation Area. This would result in harm to the designated heritage asset through development within its setting. Paragraph 132 of the National Planning Policy Framework requires any harm to designated heritage assets to have a 'clear and convincing justification', which they have not seen demonstrated. As such they do not support the application as currently submitted.

If the Council considers the principle of development is acceptable on the site, a smaller amount of development may be possible if it retained those elements which contribute strongly to the character and appearance of the conservation area. These are the openness, leafy character, boundary wall and the key views to the north east across the site.

Recommendation

Historic England recommends permission is not granted for the application in its current form due to the harm the proposals would cause to the significance of the Devonshire Park and Cliffe Castle Conservation Area.

Trees Officer:

It is apparent that the planning scheme was drawn up before the tree report and arboriculturalist impact assessment (AIA). For instance the planning layout is dated Nov 2015 whilst the tree report is dated 31/12/2015.

Given the site layout proposed it is their opinion that the development has not considered trees properly. For instance the design and access (D&A) statement fails to qualify the major incursions into RPAs (Root Protection Areas) of trees and states that no trees are to be removed when there are trees to be removed.

The additional planning statement adds that RPAs will be safeguarded however that is clearly not the case as there are major RPA incursions proposed. In fact the RPA incursions are so extreme that they are doubtful, should planning permission be granted, that trees to Spring Gardens Lane will survive this development. This is despite the arboriculturalist submissions.

As has been highlighted in the reports the trees are a collectively significant and prominent feature of the area. Therefore very special attention is required to protect this feature.

The tree reports have attempted to mitigate and justify the poor layout in relation to trees. However there is little to no evidence or justification that much of the construction methodology proposed is either realistic or even possible in a way that will avoid or minimise potentially terminal damage to trees.

They do not agree with the tree report RPA shapes. The roots from the trees will be significantly biased into the site which is currently prime suitable rooting habitat whilst the engineered road is inhospitable to tree root growth. Consequently it is their opinion that the damage will be even greater than that calculated in the tree reports.

The AIA indicates a construction exclusion zone. However it is so close to the trees to Spring Gardens Lane that it is almost of no real protection to these trees. They are not convinced by the arboricultural argument that the proposed tree protection is sufficient enough to comply with BS5837. Further, the proposed tree fencing is unlikely to be practical or possible in the location shown with respect to its proximity to engineering work likely to take place should this application be approved. For instance the fencing is tight to plots 1 and 5 and there is no detail provided that the dwellings etc can be built with the tree fencing so close.

No details of cut and fill are provided. For instance the development shows the final surface heights but does not demonstrate what engineering is required to build up or down during construction (which would likely damage tree roots). For instance level changes beyond the immediate footprint of build will usually be required especially on sloping land.

The tree report highlights pruning to the trees along the access which may not be arboricultural justified. They would certainly be opposed to the proposed reduction of one of the trees – the proposed reduction is to offset root damage according to the tree report and they do not agree with this approach. In addition the reports highlights long term management issues with tree retention – i.e gradual natural loss of trees. However the reports do not provide any solutions, for instance tree planting. The D&A statement suggest that low level shrub planting only would form the proposed landscaping.

The application fails to comply with D1, D5, NE4, NE5 and NE6.

Drainage:

The drainage department have carried out a review of the submitted Flood Risk Assessment reference 16012216/RIW dated January 2016, and accompanying drainage layout reference 16012215 01 and Drainage Strategy reference 16012215/MP/RWI and furthermore have carried out a site walkover of the development site and surrounding area.

From this assessment it is noted that the development site slopes steeply and appears to be covered with drift deposits compromising clay soils. The available borehole data confirms this geological build up and in addition indicates a low groundwater table. The desk study of historical mapping suggests no presence of seasonal or permanent springs. The site walkover however did highlight areas of running surface water predominately springing in the rear garden of 24 Manor Road within the proximity of the development site. The overlying ground surface was also notably soft with mossy vegetation across the majority of the development site.

It has been brought to the Drainage Department's attention that an existing 315mm medium pressure gas main runs parallel with the eastern boundary of the development and a 6 metre easement of no development has been imposed by the operating authority Northern Gas Networks. Although not directly a flood risk issue it is noted the proposed surface water attenuation tanks on the development potentially encroach into this easement and subsequently the position of these structures may need revising.

The drainage strategy and associated plan indicate surface water runoff will be attenuated with a peak flow of 5 litres per second and it is proposed to discharge into the drainage system that serves the previously approved planning application 13/04890/FUL. This strategy is acceptable in principle however the drainage design for the previously approved application will need to be re analysed to show it can manage the additional flows generated by this application. As both the combined foul and surface water flows from this application and the previously approved application 13/04890/FUL are proposed to ultimately discharge to Yorkshire Waters combined sewer within Manor Road, it is recommended Yorkshire Water are consulted pre determination to ensure the additional volumes of drained water now proposed by this development can be accommodated by their sewerage network.

Further to these observations the following details are recommended to be implemented and secured by way of a planning condition on any future planning permission:

The development shall not commence until full details and calculations of the proposed means of disposal of surface water and foul water drainage up to the discharge point of the combined sewer within Manor Road have been submitted to and approved by the local planning authority.

No development to take place until the location of the medium pressure gas main is located by means of intrusive site investigation and subsequently the drainage design as approved is shown to not encroach within the specified easement.

No development shall take place until details for proposals for dealing with any existing watercourses, culverts, land drains or springs encountered during the works are submitted to and approved in writing by the Local Planning Authority. The development to be carried out in accordance with the approved details.

Minerals and Waste Team:

There are no apparent minerals or waste legacy issues relevant to the proposed development; however they note that the currently proposed 5 new dwellings and access would be constructed on a relatively steeply sloping field and that therefore significant groundworks will be required as part of the development scheme. It appears from the submitted sectional drawings that the currently proposed 5 dwellings would be accommodated on the site both through the multi-storey house design and through the formation of a level platform to accommodate the access road and front gardens/ driveways retained by the house structure and steps/ embankments.

Although it is not possible to be precise, given the level of detail provided, the proposed plans indicated that around 3,000m³ of fill material would be required to achieve the proposed levels (approximately 400 HGV loads). Unless this material will be sourced from site, i.e from the already approved 4 dwelling development which appears to involve substantial excavations, the impacts of this level of HGV traffic during construction on the local highway network should be considered as part of the planning consideration.

They would recommend that at this stage certain further information is requested from the applicant in order to further understand the nature if the groundworks proposed:

- Quantity of fill material required (cut/fill balance).
- Nature and source of the fill material.

- Construction traffic implications.
- Proposals to retain the material and ensure slope stability.

They would also recommend that the Structural Engineers in Building Control are consulted to ascertain their views on the land stability implications of the proposals and the provisions/details which would be required to ensure that the development would not pose a significant risk of creating or being affected by land instability.

If the planning application were to be approved then they would recommend that the following condition is imposed:

Prior to the commencement of development an infill scheme shall be submitted to and approved in writing by the Local Planning Authority. The infill scheme shall include:

- i) Confirmation of proposed and existing levels throughout the site;
- ii) Details of any retaining structures or new slopes and embankments required to retain proposed new site levels including engineering and landscaping/ design details;
- iii) The volume of infill material required to achieve the proposed ground levels;
- iv) The type and quality specifications of the infill material to be used;
- v) The quality control protocols which will be put in place to ensure the infill material meets the specifications;
- vi) The number and type of HGVs required to transport infill material to the site;
- vii) A transportation strategy setting out the maximum daily HGV movements, anticipated haulage routes, access provisions and the hours during which transportation of infill material will take place;
- viii) Details of the mitigation which will be put in place to minimise adverse environmental impacts associated with the works and transportation of infill material.

Thereafter the development shall only proceed in strict accordance with the approved infill scheme.

Reason: To ensure that only suitable infill material is used and that the works associated with the development do not unacceptably harm amenity or safety, in accordance with policies UDP9, TM2, TM19A and UR3 of the Replacement Unitary Development Plan.

Yorkshire Water Services Ltd: note the content of the submitted Drainage Strategy (dated Jan 2016 ref 16012216/MP/RIW that has been prepared by Hutchinson Whitlam Associates). The report indicates;

- i) Sub-soil conditions do not support the use of soakaways.
- ii) Surface water will discharge to public combined sewer, via storage, with a restricted discharge.

With the above in consideration, the drainage details (submitted on drawing 1601221601 dated Jan 2016 that has been prepared by Hutchinson Whitlam Associates) should be updated to show the surface water discharge rate will not exceed 3 (three) litres/second.

If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team.

Building Control: With regards the gas pipe the gas network company, Northern Gas Networks should be consulted to establish the location of the pipe and their advice regarding minimum safe distances between the pipe and new dwellings. It is not permitted to build a dwelling over a gas main that the occupant has no means of isolating.

If there are questions regarding land stability the applicant should be asked to provide a ground investigation and slope stability assessment from a suitably qualified Engineer. The plans on Public Access do not include a cross section of the site detailing the slope or extent of excavations into the hillside so it is difficult to comment at this stage.

Northern Gas Network, The Council's Biodiversity Team and the Council's Planning Policy Team have been formally consulted but have not responded within the given consultation framework.

Summary of Main Issues:

Urban Greenspace and Principle of Development.

Impact on Conservation Area.

Impact on Trees.

Impact on Residential Amenity.

Highway Safety.

Drainage and flooding.

Other issues.

Appraisal:

Urban Greenspace and Principle of Development

The site (apart from 23 Manor Road) is allocated as part of an area of Urban Greenspace on the RUDP and needs to be assessed against Policy OS1. This policy seeks to maintain the contribution to the landscape made by those tracts of unused and open land across the district which often forms an attractive green backdrop to the urban areas. This particular tract of open urban land also includes the playing fields attached to the former Greenhead School and other woodland to the east. Policy OS1 states that development will not be permitted unless it retains the open character of the urban green space and through design makes a positive contribution to the character and amenity of the area.

Balanced against this material consideration is the need to provide more land for residential development in the District in a sustainable manner which is an aim of the emerging Local Plan for Bradford, the RUDP and the NPPF. Paragraphs 7 and 8 of the NPPF makes it clear that "providing an increase supply of housing to meet the needs of present and future generations" in a sustainable manner cannot be done without "creating a good quality built environment" and "by protecting and enhancing the natural, built and historic environment...".

Planning permission was granted for four dwellings on the lower part of the field under reference 13/04890/FUL. The reason given in the report for the permission was that the development would be restricted to only a small portion of the Urban Greenspace which was the bottom of the steeply sloping field. The rest of the field sloping up to Spring Gardens Lane would remain undeveloped and the section of field to be developed was not as prominent and was related to the housing on Manor Road. The impact of development on the open and green character of the area was not considered to be substantial because the site was not particularly prominent. Subject to environmental improvements the development could be made to make a contribution to local amenity. The design of the development made

a positive contribution to the character and amenity of the area by retaining the significant trees on the site or close to the site's boundary so the development retained and enhanced the green nature of the Urban Greenspace and was therefore considered to accord with Policy OS1 of the RUDP.

The current submission (excluding the land needed for drainage requirements) relates to the upper part of the field that is more prominent to views from public land and across the Airedale Valley and therefore the impact of the development on the open and green character of the area will be substantial. Despite details shown on the submitted plans the development as assessed by the Council's Tree Officer will lead to the loss of significant trees on site that make a positive and important contribution to public amenity further adversely impacting on the green nature of the urban green space.

It is therefore considered that the proposal will not accord with Policy OS1 of the RUDP.

Impact on Conservation Area

Unlike the planning permission for the four houses at the bottom of the field the current site is surrounded by Devonshire Park and Cliffe Castle Conservation Area on three sides. In consultation with the Council's Conservation Officer and Historic England, the assessment of the development on the setting and the character and appearance of this heritage asset is an important material planning consideration in determination of this proposal, the requirement being covered by policies in the RUDP, the NPPF, specifically paragraph 149 and the Planning (Listed Buildings and Conservation Areas) Act 1990. The assessment of the proposal by both the Council's Conservation Officer and Historic England is very comprehensive and concludes that the development should be resisted as it would cause harm to the setting of the conservation area and that the positive contribution the site makes in its present form would not be outweighed by any public benefits of development. The harm would be contrary to para.134 of the NPPF and not in accordance with policies UR3, D1 and BH7 of the RUDP.

Impact on Trees

The site has mature trees either within the site or near to the boundary of the site on its northern, western and eastern boundaries that are subject of a TPO. The trees are a collectively significant and prominent feature of the area and make an important and positive contribution to public amenity. Protection and enhancement of the natural, built and historic environment is one of the three main themes of the NPPF in ensuring the planning system delivers sustainable development and therefore very special attention is required to protect this feature.

The Council's Tree Officer has given a comprehensive and thorough appraisal of the impact of the proposed development on the protected trees identified above. The supporting information supplied by the applicant has been identified as inaccurate, inadequate and misleading and the conclusion of the Council's Tree Officer is that the development will adversely impact on the retention of the protected trees and fails to comply with policies UR3, D1, D5, NE4, NE5 and NE6 of the RUDP and therefore as currently submitted the development should be resisted.

Impact on Residential Amenity

There will be a distance of between 47 and 30 metres separating the elevations of the proposed dwellings and existing or approved houses. The distance from the raised platforms

of the proposed dwellings to the rear gardens of those approved at the bottom of the field will range from between 16.6 metres and 29 metres.

The proposed dwellings are of a scale and form and have been positioned, taking into account the steeply sloping nature of the land, so that they will not have an adverse impact on either existing residents or future residents by reason of overbearing impact or overshadowing. Equally the habitable room windows will not cause overlooking of private garden areas or habitable room windows at close quarter either for existing or future residents. The proposal will accord with policies D1 and UR3 of the RUDP in terms of its impact on residential amenity.

Highway Safety

Despite the representations raising parking concerns and highway safety issues the Council's Highways Engineer is satisfied that the amended site layout and supporting highway information will make the scheme acceptable in terms of parking and highway safety and it will accord to policies TM2, TM12 and TM219A of the RUDP subject to conditions on any approval covering provision of pedestrian and vehicular access, provision of visibility splays, provision of turning area, provision of off road parking, the relocation of a speed hump on Spring Gardens Lane and the provision and implementation of a management construction site plan. It should be noted that the relocation of the speed hump on Spring Gardens Lane could only be achieved by the completion of a Section 106 legal agreement.

Drainage and Flooding

Representations concerning drainage and flooding matters have been received but the Council's Drainage Section has not objected to the principle of development. Details of drainage would be controlled through the Building Regulations. The Drainage Section and Yorkshire Water Services Ltd have recommended application of planning conditions to ensure compliance with policies D1, UR3 and NR16 of the RUDP.

Other Issues

The development will involve excavation and removal of spoil in order to create a workable development site. The Council's Minerals and Waste Team has recommended a suitable planning condition to ensure control over these excavations. Conditions would also be needed to ensure excavation will not affect the stability of retaining structures to Spring Gardens Lane.

Objectors have referred to the harm to nature conservation. Bats and owls are protected species and the trees provide potential roosts and the field a potential habitat for feeding and the site is located within an area of the district where there is a high likelihood of a bat presence. Given the adverse impact of the development on the trees on the site there is potential for the development to erode the bat and owl environment contrary to Policy NE10 of the RUDP. The applicant has submitted a bat report to support development of this land however the contents have not been verified by the Council's Biodiversity Team and therefore it is uncertain whether the proposal will be satisfactory in terms of its impact on protected species. It is however considered that the Council are not in a position to put forward these concerns as a reason for refusal as there is insufficient information to defend these concerns at appeal.

Representations have raised the issue of precedent set by earlier planning applications. Although different planning applications can raise similar issues the circumstances of

development will never be identical and therefore each individual proposal must be judged on its own merits with reference to material planning considerations.

With regard to the concerns about a gas main crossing the site and impacting on the development, although Northern Gas Networks have not responded to the Council's formal consultation they did provide comments to a third party that have been forwarded to the Council.

They confirm that "*Northern Gas Networks **does have** an easement on a 315mm medium pressure pipeline running between Spring Garden Lane and a property named as Holmfield. This easement is of 6m from the centre of the pipeline and is documented in the title deeds for the land. Therefore the landowner is well aware of the pipeline. Northern Gas Networks has been contacted by a search company in the last 2 years relating to this area and we have made them aware of our apparatus.Should anyone build over the pipeline without NGN's permission then NGN will have legal rights for the removal of such a structure.*

In the meantime, I will arrange the periodic visit to the area to monitor any developments and take remedial action as I deem necessary."

It is assumed that the search may have been carried out by the applicant and that they have taken the line of the pipe and the necessary easements into account when drawing up their plans so the development could proceed without amendments if granted permission. Northern Gas Networks are aware of the situation and have powers to deal with the matter if necessary to ensure public safety.

Representations have pointed to the potential economic benefits to the District of approving the development and others have pointed to the loss of economic benefit through a loss in tourism. Although economic benefits are one of the themes highlighted in the NPPF with regard to promoting sustainable development this is only one of the themes and needs to balance against the need to protect and enhance the natural and historic environment. If the development was allowed at the expense of loss of Urban Greenspace the development would fail to be sustainable.

Regarding the concerns expressed about land stability in the representations there is no evidence of land slippage or instability on the site. If permission were to be granted conditions would need to be attached in line with the recommendations of the Council's Building Control Service to ensure this matter was adequately addressed.

Representations raise the need for development of the site to provide affordable housing rather than the large dwellings shown in the proposals. In providing housing supply there is a need for providing a range of different house types. The development of the site in the manner proposed would not damage the Council's ability to seek affordable housing provision though legal agreements associated with larger development sites in the District.

A representation has raised concern about the conflict of the development with livestock and fowl kept on the adjacent field. Other residential development has been approved in rural locations near to livestock and there is not seen to be a conflict in land use planning terms.

Community Safety Implications:

Despite the existence of the public footpath next to the development the dwellings would have secure amenity areas and the occupiers of the dwellings would provide surveillance for each other. It is considered that the proposal would 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. 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 proposal is unacceptable in principle as (apart from the land needed for drainage requirements) the development will take place on a steeply sloping undeveloped field that is prominent to views from public land and across the Airedale Valley. The built nature of the development will significantly reduce the open and green character of the area, which is defined as Urban Greenspace on the Replacement Urban Development Plan. Furthermore, the adversely impact on the green nature of the Urban Greenspace will be exacerbated by the loss of mature protected trees on site that make a positive impact on the green nature of the Urban Greenspace. For these reasons, the proposal is contrary to Policy OS1 of the Replacement Urban Development Plan and fails to form sustainable development compatible with the National Planning Policy Framework.
2. The development is unacceptable as it would cause harm to the setting of the Devonshire Park and Cliffe Castle Conservation Area and the positive contribution the site makes in its present form would not be outweighed by any public benefits of proposed development. The harm would be contrary to policies UR3 and BH7 of the Replacement Unitary Development Plan and paragraph 134 of the National Planning Policy Framework.
3. The information submitted with regard to the impact of the development on protected trees on and close to the site is inaccurate, inadequate and misleading. Consequently the proposed development is unacceptable as it will lead to harm to the trees and prejudice their retention contrary to policies UR3, D1, D5, NE4, NE5 and NE6 of the Replacement Unitary Development Plan and fails to form sustainable development compatible with the National Planning Policy Framework.