

Report of the Strategic Director of Regeneration and Culture to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 15 May 2013

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Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item No.</u>	<u>Site</u>	<u>Ward</u>
1.	6 Wheatley Rise Ilkley West Yorkshire LS29 8SQ-13/01037/FUL [Approve] (page 1)	Ilkley
2.	Field Head Farm Field Head Lane Oxenhope Keighley West Yorkshire BD22 0EJ - 13/00826/FUL [Approve] (page 11)	Worth Valley
3.	Garage Site West Of 45 Cliffe Lane Baildon West Yorkshire - 12/04587/OUT [Approve] (page 18)	Baildon
4.	Hawksworth Moor Service Reservoir Hillings Lane Menston Ilkley West Yorkshire - 13/00621/FUL [Approve] (page 25)	Wharfedale
5.	Town Hall Kirkgate Silsden West Yorkshire BD20 0PB - 13/00459/FUL [Approve] (page 34)	Craven

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Portfolio:

Change Programme, Housing and Planning

Improvement Committee Area:

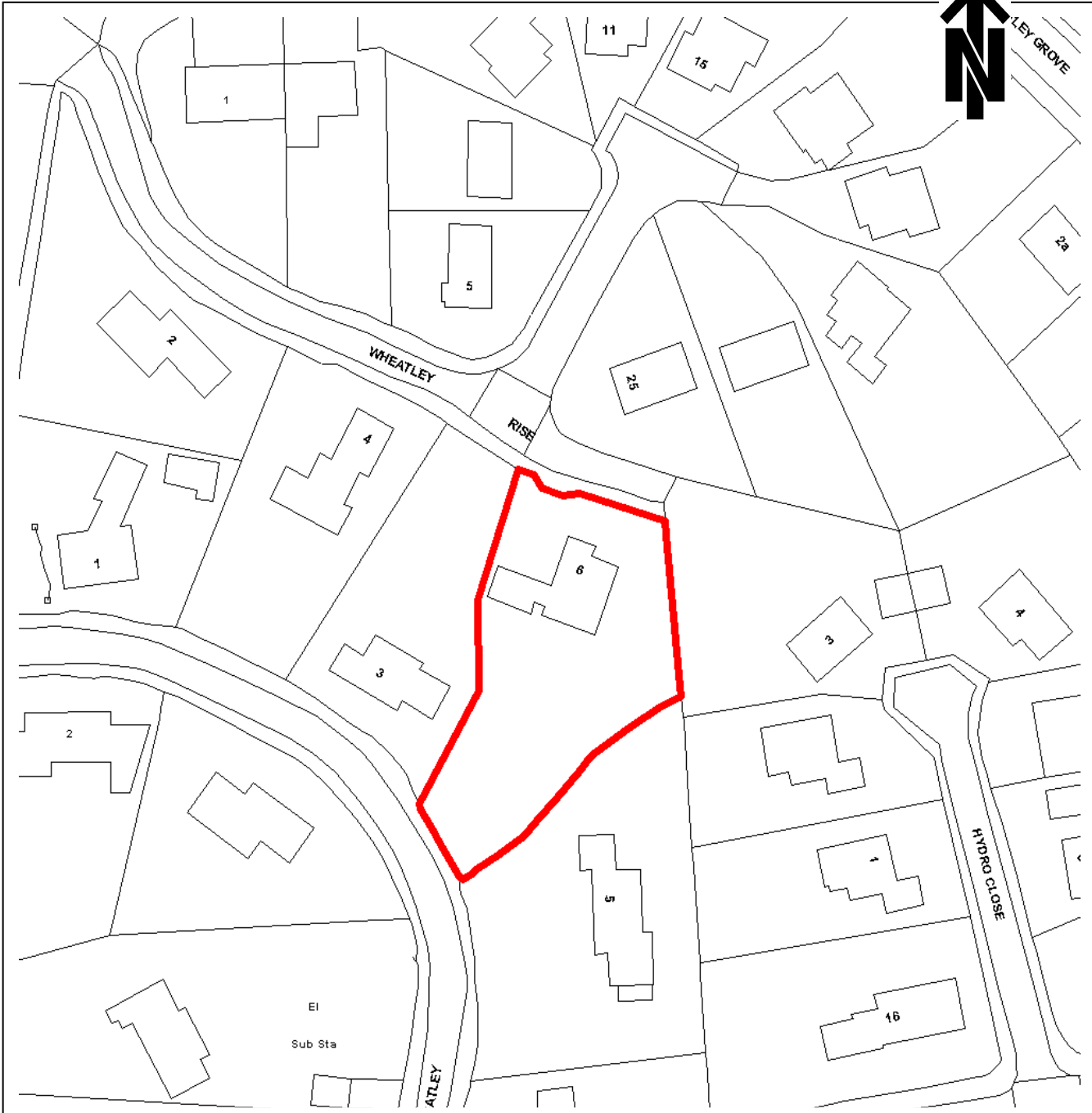
Regeneration and Economy



Area Planning Panel (Keighley and Shipley)

13/01037/FUL

15 May 2013



ITEM NO. : 1	LOCATION: 6 Wheatley Rise Ilkley
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15 May 2013

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

Application Number:
13/01037/FUL

Type of Application/Proposal and Address:
Full application for the construction of new dwelling at 6 Wheatley Rise Ilkley West Yorkshire LS29 8SQ

Applicant:
Mr And Mrs K Towler

Agent:
Mr Michael Allison

Site Description:
6 Wheatley Rise is located to the south east of the Ben Rhydding area of Ilkley within a mature residential area of low density dwellings, constructed sometime in the 1960's. Whilst the neighbouring dwellings are of a similar style and character, they are individually designed and set at differing angles and distances from the highway, with a good deal of variation between individual plots. The application property fronts onto Wheatley Rise but the rear garden, where the proposed development would be located, benefits from a frontage onto High Wheatley. Land levels rise steeply in the area from north to south towards the moor, which is located about 500m or approximately 0.4 miles to the south west. The site is currently given over to mature landscaped gardens and has a number of trees along its eastern side. A group TPO covers the site and much of the immediate locality.

Relevant Site History:
12/01146/FUL: Construction of detached dwelling with access from High Wheatley.
Withdrawn

Replacement Unitary Development Plan (RUDP):
Allocation
The site is unallocated

Proposals and Policies
D1 General Design Considerations
UR3 The Local Impact of Development
TM2 Impact of Traffic and its Mitigation
TM12 Parking Standards for Residential Developments
TM19A Traffic Management and Road Safety
NE5 Retention of Trees on Development Sites
NE6 Protection of Trees During Development

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.

The NPPF makes no specific comments about the acceptability of development within existing residential gardens. Rather It direct local planning authorities to consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. At present Bradford has no such policy and each application should be assessed on its individual merits having regard to the existing RUDP policies and any other relevant material planning considerations. The Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Ilkley Parish Council recommended approval subject to drainage report from BMDC.

Publicity and Number of Representations:

The application was advertised by individual neighbour notification letters and by the display of a site Notice to Neighbours (TPO). The publicity Expiry Date was 19.04.2013. 15 objections have been received, including one from the Ilkley Civic Society. In addition to these an objection has been received from a local ward councillor.

Summary of Representations Received:

- The road is steep and can be slippery and dangerous in the winter. School children regularly walk this way morning and evening and the new access will bring increased danger to them.
- This is a small garden site and the new dwelling will be shoehorned in.
- It will spoil the immediate area and character of the neighbourhood and create a precedent. Access from High Wheatley is poor as it is a narrow steep road on a bend
- Parking including construction vehicles would involve other vehicles great difficulty getting passed and would mean driving round the vehicles blind to traffic coming the other way because of the bend.
- Building new property in garden of existing will immediately set a president for the ratio between the size of property and size of garden on High Wheatley.
- Currently all properties on High Wheatley have a large garden to house ratio.
- Although property is built within garden of Wheatley Rise, all construction traffic will be on and through High Wheatley.
- The development will change the open spacious feel on High Wheatley.

- The developer's vision for the area as prescribed in the 1961 covenant (with plots each for just one dwelling, house and garage) has been maintained for over fifty years. I feel it is inappropriate that the applicants should be able to profit at the expense of longstanding neighbours who have clearly cherished and maintained the amenity as the covenant intended.
- Bradford Council has areas nearby designated for carefully designed housing development on a large scale.
- There is clearly a need for the kind of housing and space as exists at present in a city eager to attract business and employment to the area.
- The size and type of development is inappropriate for the area with small open plan living/dining/kitchen areas, no garage and furniture drawn to a minimalist size
- The applicant should demonstrate traffic movement for two proper sized vehicles on the hard standing/drive.
- The proposed development overlooks No 3 High Wheatley
- The proposed development of 6 Wheatley Rise degrades the existing housing stock and does not support the policy for 'protecting our environment without negatively impacting on the ability of future generations to do the same
- the proposed development does not comply with the Local Development Framework for Bradford nor NPPF 2012 setting out the development housing needs for Ilkley which can be met from large scale development sites
- Over development of the remaining green sites will have a negative impact on the flora and fauna
- Throughout the majority of 2012 and on into this year there has been excess water from newly emerging streams and blocked drains, this water has frozen on the roads. Climate change will make this more frequent.
- the fact that 6 Wheatley Rise has some frontage to High Wheatley with its vastly narrowing garden, does not at all mean to say that it is suitable for the development of a dwelling.
- Unusually, 6 Wheatley Rise, 3 High Wheatley and 4 Wheatley Rise have this dual frontage to both streets. If permitted, a very firm precedent would be set for the halving of these present plots which would undoubtedly destroy the character of the estate set in such close proximity to the moor, an Area of Outstanding Natural Beauty
- The applicant in part tries to justify development by helping with the shortfall of the 510 dwellings in the emerging Local Development Framework. Such a shortfall can't and shouldn't be met by improper "garden grabbing"
- The applicants have this time included a professional tree survey, the application appears to involve four trees being removed, three of which aren't even identified in their own survey as being poor specimens, but would simply inhibit development.
- Equally it is noticed that there are a handful of trees which were identified in the previous application for the site last year as wishing to be removed that no longer appeared to exist at the time of the applicant's tree survey. Have the relevant applications been made in the interim, and been granted, for the felling of such trees?
- The dwelling would undoubtedly cause damage to the root systems of the trees and would be detrimental to the health and their long-term contribution to visual amenity of this area.
- There will be undoubted significant pressure for further removal of trees in later years which again would be further detrimental to the character and local amenity value of the area.

- There is significant bat activity in the area. Development on the subject site, together with the removal of certain trees could potentially prejudice the habitat of such creatures.
- The design for the new house does not appear to be in the slightest in accordance with the surrounding area given that the site is so tight in comparison to surrounding houses and does not even have a garage whereas all surrounding houses do.

Ilkley Civic Society

Members of Ilkley Civic Society consider that this application puts pressure on existing trees and will impact on drainage in this steep area. We consider the development is out of character with the neighbouring properties and is very tightly situated on the plot. We suggest the application should be refused. If it is approved, however we suggest that disruptive work on site is limited to daytime hours excluding weekends in order to minimise the impact on neighbours.

An objection was also received from a ward councillor, citing concerns regarding the impact on the treescape, drainage and instability along with the change of character.

Consultations:

Highways

The proposal is to construct a detached dwelling with two on-site parking spaces and a new vehicular access from High Wheatley.

I consider that the new access and provision of parking within the site would adequately cater for vehicles and pedestrians generated by the development. Moreover, a single detached dwelling would not generate traffic levels to the extent that the safety of road users and pedestrians would be harmed in the locality.

Trees

The siting of the dwelling is in an acceptable position in relation to trees however a construction detail and methodology is required on the car parking area within the Root Protection Areas that is tree friendly and is of no a dig technique. Evidence needs to be provided together with sections that show that this can be achieved.

Drainage

No development shall take place until full details and calculations of the proposed means of disposal of foul and surface water drainage have been submitted to and approved by the local planning authority. The site must be investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Consideration should be given to discharge surface water to soakaway, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. Surface water flows should be restricted to the existing sites flow rates.

No development should take place until details of the proposed level changes are submitted to and approved by the local planning authority. The alteration of levels must be undertaken in such a manner so as not to change the overland surface water flow patterns to the detriment of adjacent landowners.

If the developer intends to undertake any excavation on the site, then he must submit to this council for comment, his proposals for dealing with any existing watercourses, culverts, land drains and springs affected by the works.

Summary of Main Issues:

1. Impact on Local and Residential Amenity
2. Trees
3. Highway Safety
4. Drainage

Appraisal:

Principle of development

The site is unallocated on the Replacement Unitary Development Plan and the principle of development for residential purposes is considered acceptable provided site specific constraints can be overcome and providing the character of the area can be maintained.

The site is private garden curtilage of a modest scale and its development would not harm the wider objectives of the development plan. The amendments to PPS3: Housing published by Government in 2010 removed gardens from the definition of previously developed land and this revised definition has been carried forward into the new National Planning Policy Framework. The aim of this change was to enable Local Planning Authorities to more strongly protect the character of established residential areas from "garden grabbing" by developers. However, this amended definition has not gone so far as to set a new policy objective of preventing residential infill. Development of garden land has not been prohibited by this amendment. The only change is to the definition of previously developed land and there remains a need to make more effective use of land for housing where this is appropriate having regard to other policies of the RUDP.

Visual Amenity

The site is set within a mature residential area typified by 1960's dwellings individually designed but to a consistent style and with a limited materials palette, predominately stone, render and concrete tiles. No strong building line is in evidence, the locality is characterised by its scattered pattern of development.

The design proposed for the development seeks to reflect the strong design character prevalent in the area, rather than to introduce a new style which would blend less successfully into the local environment. The adopted design is considered to be acceptable and appropriate. The building is roughly L shaped and is set back from the frontage of the site by around 9.3m; a distance which reflects the set back of the dwelling to the west and which is sufficient to ensure that the building will not appear as an unduly prominent or uncharacteristic feature in the street scene. This is in contrast with previous proposals for the site which positioned the dwelling much closer to the highway.

The scale, form and materials are not unduly imposing or out of keeping with the locality, and accord with Policy D1 of the RUDP. The sectional drawing submitted in support of the application demonstrate that the structure will be satisfactorily accommodated into the rising topography of Wheatley Rise and High Wheatley, in common with its neighbours. As far as possible existing mature vegetation within the site would be retained to provide a mature setting for the house and this would further reduce its prominence and impact on the local environment.

Overall, whilst this is development within an existing garden in an attractive suburban area typified by low density housing, it is considered that due to the small scale of the development, the sensitive design and the existing landscaping, the new dwelling would sit unobtrusively and modestly within the existing townscape and that it would not give rise to significant harmful impacts on local character.

Impact on Trees

High Wheatley, Wheatley Rise and the immediately surrounding residential streets are encompassed by a group Tree Preservation Order (TPO) and there are a number of trees within the site which have public amenity value and which contribute to the mature landscaped character of the local environment. The 2012 application was supported by a tree survey; however the credentials of the author are uncertain and the survey was not carried out to the correct British Standard. As a consequence it was inaccurate and included vegetation other than trees. The objectors have noted that the new survey submitted in support of the current application fails to mention several "trees" noted on this previous document, these were, however, not trees but shrubs including berberis, buddleia and laurel, which are not protected under the TPO regulations and so their removal is not unauthorised.

The new tree survey is considerably more accurate than the previous drawing and identifies all the trees within the site along with their root protection areas. The dwelling has been redesigned and repositioned within the plot since the 2012 application to move it outside the root protection areas and the Council's Tree Officer has confirmed that its size and position is now acceptable. Following the comments of the tree officer further information has been submitted regarding the construction of the driveway and officers are satisfied that this can be carried out with prejudicing the long term survival and health of the trees within the site. Subject to suitable tree protection measures during construction it is now considered that the development will not prejudice retention of the trees.

Residential Amenity

A minimum of 21m is retained between the new habitable room windows on the rear of the proposed building and those of the parent dwelling, ensuring that overlooking between the existing and the proposed dwellings will be limited to an acceptable level. Both the properties will retain sufficient outdoor amenity space.

The adjacent property to the west, No. 3 High Wheatley, has no upper floor habitable windows on the side elevation facing the proposed dwelling and the new dwelling would have no habitable room windows facing back towards this neighbour. No. 5, to the east, is set much further back from the highway, at an angle across a well vegetated boundary. The proposed dwelling has one upper floor habitable room window facing No. 5. This is, however, positioned approximately 10.8m from the shared boundary and No. 5 is positioned on higher ground across a boundary which benefits from existing mature landscaping which will be retained. There is no dwelling directly opposite on the far side of High Wheatley, the closest being set at an angle some 24m away. Habitable windows have been carefully placed and sufficient space around the proposed development is retained. Consequently the development will not result in undue overlooking of neighbouring residential neighbours. The proposed dwelling is set on higher ground than 3 High Wheatley, but it will be positioned along side this neighbouring property adjacent to its garage. No undue overshadowing or overbearing impacts are foreseen. The impact on residential amenity is found to be acceptable and the scheme is considered to accord with policies UR3 and D1 of the RUDP.

Highway Safety

The new dwelling will benefit from a separate access from High Wheatley and sufficient off street parking is provided for at least two vehicles. Highway officers are satisfied that the development of a single dwelling on this site will not generate levels of traffic such that highway safety would be compromised. Visibility at the access is acceptable.

Several objectors have noted that the road get icy and slippery during snowy weather and due to surface water freezing on the road. This is common to all estate roads on rising topography in the winter months and this would not be a reasonable or defensible reason to withhold planning permission for the development.

Drainage

A number of objectors have expressed some anxiety about local land drainage in the area and the flow of surface and underground water, highlighting that this is of particular concern after the prolonged wet weather which has been experienced in recent years. Note is made of the likelihood of this increasing in frequency due to climate change.

The site is outside flood risk zones 2 and 3 and therefore a formal flood risk assessment is not required. There are no known water courses or land drains within the site that could be affected by the development. The concerns relates not to flooding but to surface and groundwater flows in the area; a practical consideration which will require a practical solution in the form of a suitable drainage scheme for the site, something which in most instances would be addressed under the Building Regulations.

The drainage team have reviewed the application and have raised no fundamental concerns but have recommended a prudent and precautionary approach with details of the drainage scheme to be submitted to the council for approval prior to the commencement of the development, with the usual requirement for sustainable drainage techniques to be employed unless the underlying site conditions prove to be unsuitable. Surface water flows should be limited to the sites existing flow rates and details of excavations or levels changes provided. The proposed driveway is to be constructed from block paviors, a porous material which will aid the dispersal of surface water within the site, however a holistic drainage scheme will be required to deal adequately will all surface and foul drainage at the site. Subject to a condition requiring the submission, approval and implementation of such a scheme officers are satisfied that the development, if approved, would not case any new drainage problems nor would any existing problems be exacerbated.

Other Matters

Objectors have asserted that the development would have an unacceptable impact on Ilkley Moor, which they note is an Area of Outstanding Natural Beauty (AONB). AONB's are areas which are officially designated for their special landscape value. Ilkley Moor does not benefit from this designation. Moreover the site is some half a kilometre from the moor within an existing developed area. Any views of the dwelling from the moor would be limited and the building would "read" as being part of this existing suburban environment.

It has been mentioned that bats are active in the local area; this is more than likely however no buildings or large mature trees which might contain bat roost are affected by the proposal.

Community Safety Implications:

None identified.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission:

The impact of the scheme has been carefully assessed and it is considered that the development will have no significant adverse effects in terms of impacts on highway safety, visual amenity, residential amenity, drainage or protected trees. The development will have no significant adverse effect on local character, which is typified by a low density dwellings of a variety of sizes and designs set amongst mature landscaping with a scattered pattern of development and no defined building line. The proposal therefore complies with policies UR2, UR3, D1, TM2, TM12, TM19A, H7, H8, NE5, and NR16 of the replacement Unitary Development Plan.

Conditions of Approval:

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

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

2. The development shall not begin until details of a scheme for foul and surface water drainage, including details of balancing and attenuation of surface water discharges from the site have been submitted to and approved in writing by the Local Planning Authority. The submission will provide for sustainable drainage techniques, or will provide evidence, based on site investigations, to show that such techniques cannot be used on the site. 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any subsequent equivalent legislation) no development falling within Classes A to C 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 safeguard the character of the site and the amenity of adjoining occupiers in accordance with with Policies D1 and UR3 of the Replacement Unitary Development Plan.

4. The development shall not be begun, nor shall any demolition, site preparation, groundworks, construction materials or machinery be brought on to the site until temporary Tree Protective Fencing has been erected around the Root Protection Areas of the trees within the site and along the boundaries of the site. The Tree Protective Fencing shall be to a minimum standard as indicated in BS 5837 (2012) "Trees In Relation To Construction". The position of the temporary Tree Protective Fencing will be outside Root Protection Areas (unless otherwise agreed with the Local Planning Authority). It shall be fixed in position and mounted on poles driven at least 0.6m into the ground and shall not move or be moved for the duration of the development.

The Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing and have confirmed in writing that it is erected in a satisfactory position and to a satisfactory specification.

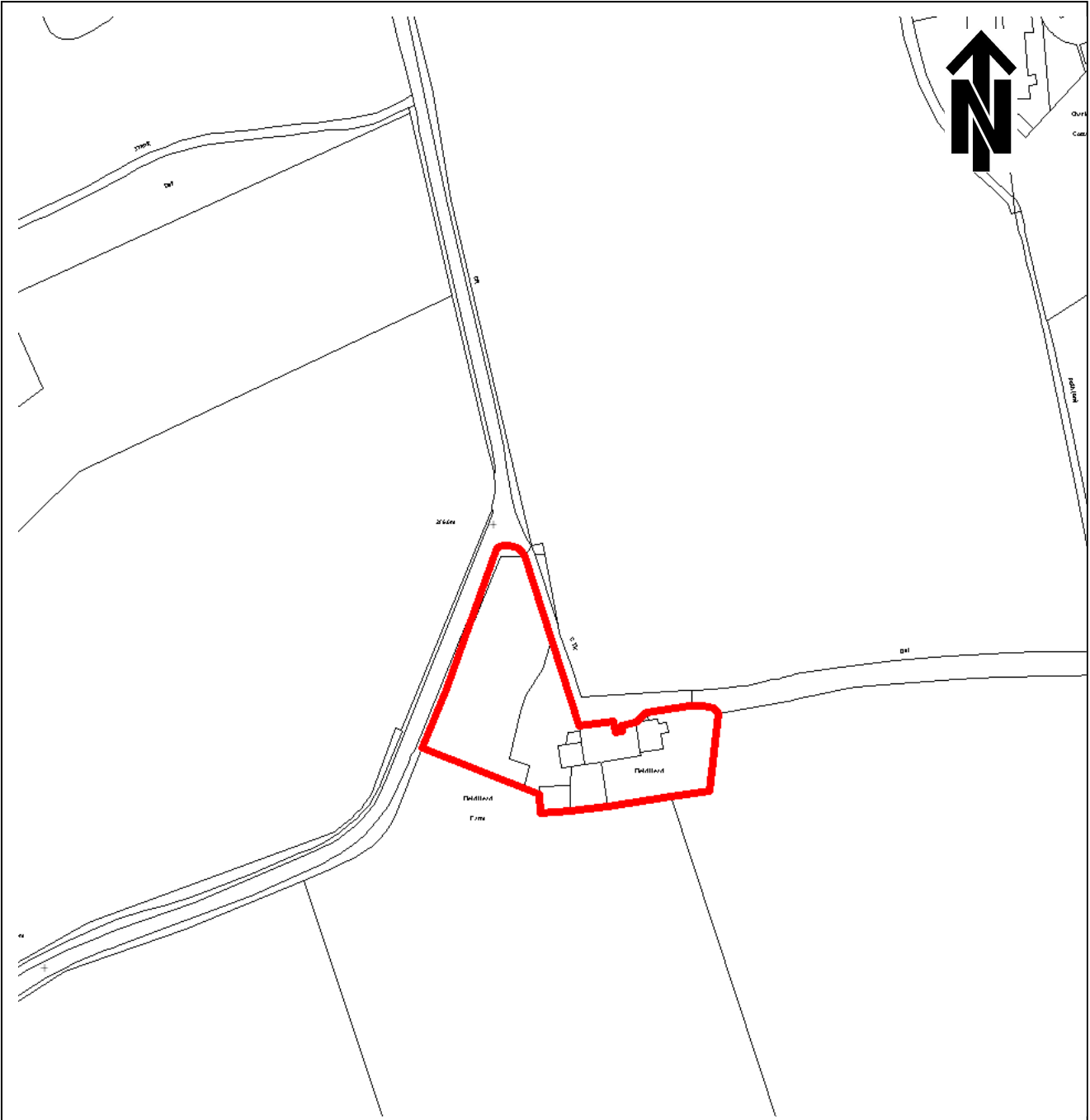
No development, excavations, engineering works and storage of materials or equipment shall take place within the protected areas for the duration of the development, without written consent by the Local Planning Authority.

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 on the site and to accord with Policies NE4 and NE5 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley and Shipley)

13/00826/FUL

15 May 2013



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ITEM NO. : 2	LOCATION: Field Head Farm Field Head Lane Oxenhope Keighley
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15 May 2013

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

Application Number:
13/00826/FUL

Type of Application/Proposal and Address:

Full planning application for alterations and conversion of existing flat-roofed single storey garage into a two storey home office, including new dual-pitched roof at Field Head Farm, Field Head Lane, Oxenhope Keighley West Yorkshire BD22 0EJ

Applicant:
Trevor Kirk

Agent:
James Elliot

Site Description:

The application relates to an existing stone built detached garage used for storage and forming an ancillary building serving Field Head Farm. The garage has a mono pitch roof and stands behind and to one side of the dwelling. Along with the adjoining Field Head Farm and the adjoining house called Field Head it forms a group of traditional stone buildings in open countryside outside the settlement of Oxenhope. The site is within the Green Belt as designated in the RUDP. Access to the site is via a crushed stone surfaced track off Field Head Lane between Haworth and Oxenhope.

Relevant Site History:

90/02045/FUL : Siting of propane gas storage tank for central heating system
Dimples Lane Junction Of Fieldhead Ln Keighley GRANT 18.06.1990

04/01054/FUL Single storey extension to side of dwelling GRANT 27.04.2004

12/02006/FUL Alterations and conversion of an existing flat-roofed single storey garage into a two storey home office, including new dual-pitched roof REFUSE 02.08.2012

Replacement Unitary Development Plan (RUDP):

Allocation
Green belt

Proposals and Policies

D1 – General Design Considerations
UR3 – The Local Impact of Development
GB1 – presumption against inappropriate development in the green belt
GB2 - siting of buildings in the green belt
GB5 – Extension and alteration of buildings in the greenbelt
TM19A – Traffic Management and Road Safety

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

Oxenhope Parish Council – objects to the proposal. Consider it to be inappropriate development in the green belt due to substantial rebuilding of the garage. It is contrary to UDP Policy GB4 section 3 as it would involve substantial rebuilding of the property.

Requests Area Planning Panel determination if approval is recommended by officers.

Haworth Stanbury and Crossroads Parish Council – No objection subject to sufficient off street parking.

(The site falls on the boundaries of the two parishes).

Publicity and Number of Representations:

Publicised with a site notice and neighbour notification letters – no objections were received.

Summary of Representations Received:

None to report

Consultations:

Rights of Way Officer : Public Footpath Keighley 153 crosses the front of Field Head Farm but would be unaffected by these proposals.

Minerals Planning - suggest condition CL01 (contaminated land)

Drainage - No comment to make.

Summary of Main Issues:

- 1. Green Belt policy constraints.
- 2. Implications for landscape character
- 3. Impact on residential amenity
- 4. Highway safety

5. Community safety

Appraisal:

The application is for the conversion and alteration of an existing domestic garage at Field Head Farm to form an office for home working. It is a resubmission of a scheme that was previously refused due to a lack of information about the degree of rebuilding required to convert the building. Oxenhope Parish Council opposed this earlier scheme and this clarification was therefore sought.

A Structural Report accompanying the new application now confirms that the scheme is to adapt and extend the existing garage structure – and is not a proposal for an entirely new building – and the application drawings confirm the degree of rebuilding required to add the new roof. The proposed building already has a domestic appearance and is regarded as standing within the domestic curtilage of Field Head Farm. It already fulfils an ancillary domestic purpose.

The proposed use is for a home office for the occupants of the house. The application form states that there will be no employees and therefore the use would be ancillary to the use of the dwelling house.

The scheme would adapt and retain the existing building, which appears to be of some age, giving it a much more traditional appearance than the existing mono-pitch structure. The structure would be enlarged through the addition of a new 1st floor and roof but the extent of enlargement has been reduced in height compared to the previous refused application. The main issue to be considered is the impact on the building on the openness of the green belt and the purposes of including the land in the green belt.

The Council, along with other Local Planning Authorities, have traditionally regarded construction of garages and other ancillary buildings in the curtilage of houses in the Green Belt as being acceptable provided they are closely related to the parent dwelling and do not result in disproportionate additions. New garages and the extension of existing garages have usually been assessed against policy GB5 of the RUDP which relates to extensions to dwellings.

The building at Field Head Farm will have to be raised in height compared with the existing structure and will incorporate two storeys - with the office space in the roof and ancillary facilities including a kitchen, wc and entrance at ground floor. The additional roof raises the height of the ridge to 6.2 metres, but the building would still appear subordinate in relation to the mass and scale of Field Head Farm.

The NPPF maintains the Government's strong support to protecting Green Belts and preventing urban sprawl by keeping the land permanently open. However, Para 89 of the NPPF says that the extension or alteration of a building will be allowed as an exception to the Green Belt presumption against inappropriate development - provided that this does not result in disproportionate additions over and above the size of the original building.

The additional volume added to the building is regarded as insubstantial and insignificant. Calculations of previous volume increases to the existing dwelling have also been provided and show that the total additions to the house as originally built, including previous extensions, would not exceed 30%. This is the amount by which it is suggested in the Council's Householder SPD that dwellings in Green Belt can be extended without such increases being regarded as disproportionate.

The garage abuts open fields to the rear, but in views from the front and from Field Head Lane it appears closely related to the existing group of traditional buildings. Policy GB2 of the RUDP requires that where new buildings are considered acceptable in Green Belt areas they should be sited in close relationship to existing buildings in the landscape in order to minimise the effects on openness. It is considered that this is achieved with this proposal which is set against the existing building group in most views from roads and public footpaths.

Also, the slope of the land is such that part of the building is set slightly down into the slope and it is not considered that its enlargement will detract from the appearance of the surrounding area. Whilst additions to height of buildings in the green belt are normally unacceptable as they create a much more noticeable building that can harm openness, in this case the building would remain relatively unobtrusive and subordinate to the main house.

The proposal is, in this instance, is considered to be an enlargement of an existing building that is not disproportionate and that maintains and, indeed enhances the character of that existing structure. The proposal is considered to have no significant impact on openness and would not conflict with the purposes of including this land in the green belt such as safeguarding the countryside from encroachment. It is felt to be acceptable in terms of Policies GB1, GB2 and GB5 of the Replacement UDP.

In addition weight has been given to the fact that by facilitating home working, the proposal will reduce the need to travel and, to a small degree, contribute to the local rural economy. The alternative for the applicant might be to form a home office by constructing outbuildings in the curtilage which could be built under permitted development rights with the Local Planning Authority being unable to exert control over character and appearance which would be potentially harmful to the character of the area. Adaptation of an existing feature of the landscape is therefore a preferable solution.

The current proposal is sympathetically designed and enlarges the existing garage structure, improving its current appearance.

The site is defined as being mixed upland pasture landscape (Volume 10: Worth and North Beck Valleys in Landscape Character SPD). The development would not expand the existing domestic curtilage of Field Head. The increase in height of the resultant building and its different design would make it more visible in the landscape. However, there are few openings in the most visible elevations and subject to roof materials matching the existing house it is not considered the new building would detract from the landscape character of the area and therefore would not be contrary to policies NE3 and NE3A of the RUDP.

Window/door openings in the proposed office would impinge only upon the privacy of the applicant's own rear garden. The proposals raise no concerns regarding impact on the amenity of any neighbours. However, given the relationship to the existing house, a condition tying the office to use solely by occupants of the house and preventing use by other separate businesses would be appropriate.

Access to the site from the public highway, Fieldhead Lane, is via a private access track serving both Field Head Farm and Field Head. Visibility at the junction of the access road and Fieldhead Lane is adequate for vehicles entering and leaving the site safely and is therefore the proposal is considered to accord with Policies D1 and TM19a of the RUDP. If the office is for home working by the occupiers, there will be no intensification of the use of this access and no highway safety issues will arise.

Although the development would lead to the loss of garage parking for Field Head a large existing yard is included within the red edge which will provide sufficient off road parking for the dwelling and can accommodate 5 vehicles. As the office is ancillary and the users will be residents of the dwelling it is not considered that additional parking is required.

The Parish Council may be concerned that the modified building could be capable of future conversion to a dwelling. However, conversion to a separate dwelling would have to be subject to a separate planning application that would need to be considered on its own merits taking into account the implications of this for the Green Belt plus other factors such as the availability of parking and amenity space and the impact on the host property.

In conclusion it is considered that the proposed alterations to the garage are acceptable and will not affect the openness and character of the green belt. The building will remain ancillary to the occupants of the dwelling house and is therefore considered to accord with the relevant development plan policies. Approval is recommended.

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 development will have no significant adverse effects on local amenity or neighbours and complies with Policies D1 and UR3 of the Replacement Unitary Development Plan (RUDP) and relevant Householder Supplementary Planning Guidance. The extensions will remain disproportionate in relation to the scale of the original dwelling and will appropriately reflect the character of the property and the character of the Green Belt. They will meet criteria for the enlargement of existing dwellings in the Green Belt set out in Policy GB5 of the RUDP and are compatible with the National Planning Policy Framework.

Conditions of Approval:

1. The development hereby permitted shall be constructed of natural stone 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.

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

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

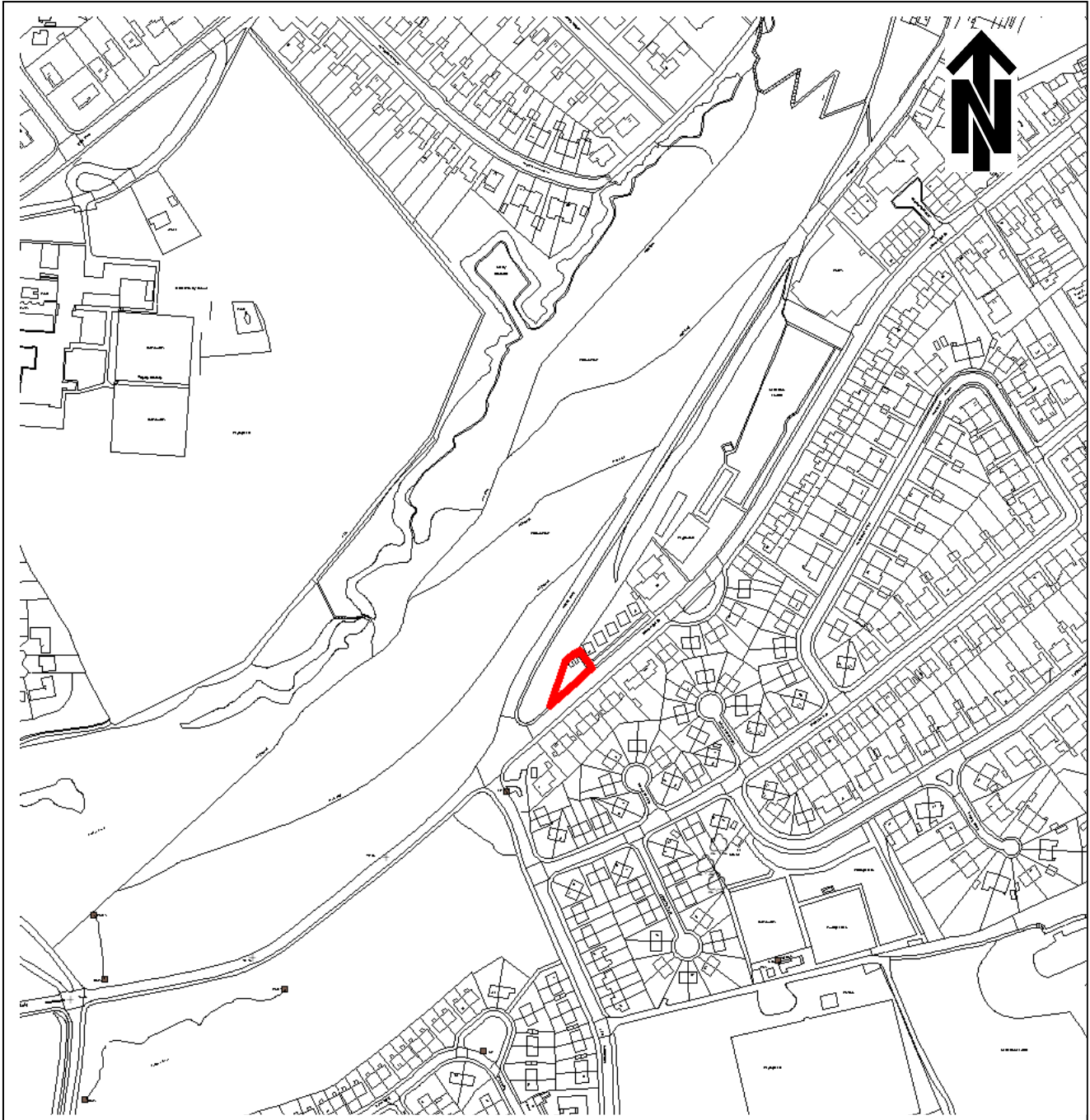
3. The development hereby permitted shall only be occupied or used in connection with and ancillary to the occupation of the dwelling house and by the occupants of the dwelling house known as Field Head Farm. At no time it shall be severed and occupied as a separate independent unit.

Reason: To prevent the undesirable establishment of a separate independent unit and in the interests of amenity and highway safety and to accord with Policies UR3 and TM2 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley and Shipley)

12/04587/OUT

15 May 2013



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ITEM NO. : 3	LOCATION: Garage Site West Of 45 Cliffe Lane Baildon
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15 May 2013

Item Number: 3
Ward: BAILDON
Recommendation:
TO GRANT OUTLINE PLANNING PERMISSION

Application Number:
12/04587/OUT

Type of Application/Proposal and Address:
Construction of single storey dwelling at garage site west of 45 Cliffe Lane, Baildon, BD17 6NX.

Applicant:
Mrs Christine Waterhouse, Estate Management, CBDMC

Agent:
None

Site Description:
The site is a tapering parcel of land about 300 square metres in area. It contains three garages that are served by flagged hardstandings and includes part of a large grass verge running down to the junction of Cliffe Avenue and Green Road. The site is close on the edge of a residential housing estate in the built up area of Baildon. A variety of property type can be found in the area with small pebble dash bungalows adjoining the site to the north east and two storey semi detached properties across the street.

The site is owned by the Council and this application is submitted by the Council's estate management department.

It is not allocated for any purpose on the Replacement Unitary Development Plan.

Relevant Site History:
No previous planning applications.

Replacement Unitary Development Plan (RUDP):
Allocation
Unallocated

Proposals and Policies
UR3 – local planning considerations
D1 – design considerations
TM2 Impact of Traffic and its Mitigation
TM19A Traffic Management and Road Safety

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

Baildon Parish Council says it does not wish to comment and so is presumed to raise no objections to the proposal.

Publicity and Number of Representations:

The application has been publicised by way of neighbour notification letters and site notice, with an overall expiry date for comments to be received of 20.11.2012.

Comment has been received regarding the proposal from two separate addresses and also from a local councillor who has requested the application be referred to planning panel for a decision should officers be minded to support.

Summary of Representations Received:

The objections complain about lack of notification from the council as the tenants of the garages on the land. Loss of the parking and garaging facility.

There is objection on grounds of loss of yet another green space in Baildon.

Consultations:

Baildon Parish Council – has no wish to comment on the proposal.

Drainage – Site to be drained using separate surface water and foul water systems. Developer should investigate the use of porous materials for vehicular areas.

Summary of Main Issues:

- 1. Principle of Development
- 2. Impact on character and neighbouring residential amenity
- 3. Highways and Parking

Appraisal:

The application seeks outline planning permission for the construction of a single detached single storey dwelling with all matters reserved. Indicative plans showing the siting and scale parameters of a single storey dwelling on the plot have been submitted to assist the Local Planning Authority's decision. .

The application has been submitted following pre application advice

Principle of development

The site is unallocated by the Replacement Unitary Development Plan and currently comprises part of the large open grass verge and a council owned garage site containing 3 lock-up garages that is on the edge of this open land adjacent to a row of small bungalows.

An additional dwelling would adjoin the existing bungalows and would be set within this established residential area. The applicant points out that the site is in a reasonably sustainable area with good access to existing facilities in Baildon centre. It is close to local schools (Salt's secondary school and Glenaire primary) and community facilities – such as Baildon Community Link which is further along Cliffe Avenue. As such, the principle of development is considered to be acceptable in principle, subject to the satisfaction of other RUDP Policies and the NPPF.

Impact on character and neighbouring residential amenity

The key consideration in assessing a proposal for a house on this land is firstly, whether the land makes an appreciable contribution to the character of the surrounding residential neighbourhood and secondly the design and scale of any new house must respect its surroundings, neighbouring properties and any existing features of merit.

The site is an open plot which is prominently located but lies within an established residential area and a single storey detached dwelling would match the development of bungalows that continues to the north east. Such a development could be accommodated unobtrusively on the land without any significant adverse impact on the character of the area.

The site already contains 3 garages with access from Cliffe Avenue and so it is not entirely an open plot. The dwelling is shown contained mostly within the garage site but with its curtilage taking in a small part of the adjoining verge. The rest of the grass verge that sweeps down to the junction of Cliffe Avenue and Green Road would be undeveloped. A single dwelling of the modest proportions intended and shown on the indicative drawings would not significantly diminish the quality of the environment nor would it harm the character of the wider area.

The proposed siting (which is indicative only) demonstrates that a property that could be designed that would meet the required distances from any adjoining properties and could be located on the land without adversely affecting the amenity of occupiers of any neighbouring properties by virtue of loss of privacy, overlooking or overshadowing. Details regarding design regarding the appearance, boundary details and window positions etc are not provided at this outline stage and would be a detailed matter for consideration at the reserved matters stage.

It is, however, important that the residential curtilage is clearly defined and demarcated from the adjoining public grass verge and that an appropriate quality of boundary is secured because the boundary treatment is likely to be prominent. The applicant has indicated an intention to erect 1.2m boundary fences but it is suggested that a requirement for details of boundary treatment as part of the reserved matters is made clear by a specific condition.

Highway issues and parking

The proposed dwelling has been submitted with indicative plans. These do demonstrate that the site could accommodate a dwelling and driveway and with garaging providing sufficient off street parking.

Means of access would be from Cliffe Avenue – similar to the other 5 bungalows along the same side of the road. The Councils Highways Officer has not raised any concern with respect to the proposal.

The proposal would however lead to the loss of three existing garages which are situated on the plot of land and which are leased from the Council by private tenants. Whilst the loss of the garages currently on the site would be inconvenient for the current tenants, their loss would not be considered to result in highway safety concerns. The surrounding streets are such that there is not a local problem with regard to on street parking.

Drainage

The Council's Drainage Officer notes that there is a surface water sewer in Cliffe Avenue and that the development should be drained on separate foul and surface water systems. It is suggested that the use of porous materials should also be investigated in the construction of the car parking and hard standing areas to reduce run off.

The drainage details could be reserved by condition and full detail provided at the reserved matters stage.

Community Safety Implications:

None apparent

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 development would provide new housing within an established residential area without undue harm to the prevailing character of the surrounding area and without appearing cramped or over dominant. Residential use is acceptable in principle and a suitable layout and design could be accommodated on the plot and the development could be designed to avoid significant adverse impact on the amenity of neighbouring occupiers. Appropriate and acceptable arrangements could be made for parking, turning and servicing of the development and there will be no adverse impact on highway safety. The development would accord with Policies UR3, D1, TM12, TM19A and TM2 of the Replacement Unitary Development Plan for the Bradford District and is 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
- iii) landscaping
- iv) layout,
- v) and scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4)

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

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

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.

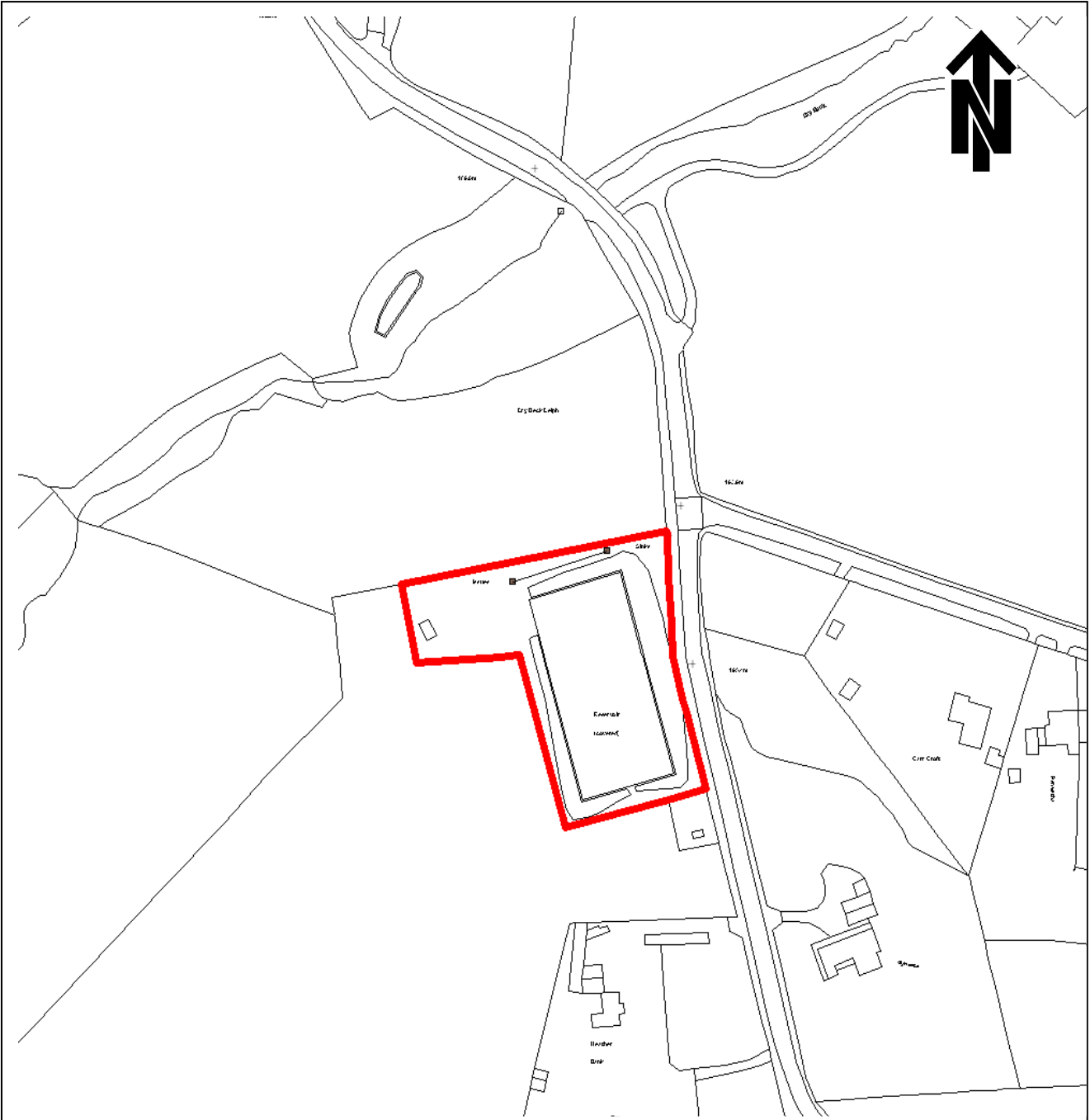
5. The application for the approval of the reserved matters shall include details of the proposed treatment of the boundaries of the plot, showing the height, position and materials for all means of enclosure together with proposals for landscaping. The treatments so approved shall then be provided in full prior to the first occupation of the dwelling and shall thereafter be retained.

Reason: To ensure an appropriate treatment to the prominent perimeters of the site, in the interests of visual amenity and to accord with Policies D1 and D5 of the Replacement Unitary Development Plan.

Area Planning Panel (Keighley and Shipley)

13/00621/FUL

15 May 2013



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ITEM NO. : 4	LOCATION: Hawksworth Moor Service Reservoir Hillings Lane Menston Ilkley
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15 May 2013

Item Number: 4
Ward: WHARFEDALE
Recommendation:
TO GRANT PLANNING PERMISSION WITH CONDITIONS

Application Number:
13/00621/FUL

Type of Application/Proposal and Address:

This is an application for full planning permission for amendments to previous planning approval reference 11/02347/FUL for the change of use of service reservoir to form a single dwelling at Hawksworth Moor Service Reservoir, Hillings Lane, Menston.

Applicant:

Mr Jonathan Smith

Agent:

Mr Chris Hunt

Site Description:

The site is located within green belt land and is situated alongside Hillings Lane close to its junction with Moor Lane. The site currently accommodates a redundant reservoir and also encompasses a small booster station immediately to the south of the site. There is a significant rise in levels from Hillings Lane to the position of the reservoir. The land in this area slopes steeply to the east. The site is bound by mature vegetation on the northern, eastern and southern boundaries of the site with all of these trees protected by a group preservation order. The site does not currently have any vehicular access.

Relevant Site History:

11/02347/FUL - Change of use of service reservoir to form a single dwelling – Granted 13.09.2011

Replacement Unitary Development Plan (RUDP):

Allocation

The site is in Green belt on the Replacement Unitary Development Plan.

Proposals and Policies

Policy UR3	<i>The Local Impact of Development</i>
Policy GB1	<i>New Buildings in the Green Belt</i>
Policy GB3	<i>Conversion and Change of Use in the Green Belt</i>
Policy H7	<i>Density</i>
Policy H8	<i>Density</i>
Policy D1	<i>General Design Considerations</i>
Policy TM2	<i>Impact of Traffic and its Mitigation</i>
Policy TM12	<i>Parking Standards for Residential Developments</i>
Policy TM19A	<i>Traffic Management and Road Safety</i>
Policy NR16	<i>Surface Water Runoff and Sustainable Drainage Systems</i>
Policy NE4	<i>Trees & Woodland</i>

Policies NE5 & NE6

The Protection & Retention of Trees on Development Sites

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

Menston Parish Council – The proposed development exceeds the site lines for this property and will produce a significant increase in light pollution due to the new design. The new development will dominate the landscape and will be visible from the rest of Menston. The address is incorrect – ‘Gynesta’ refers to an adjacent property (*Note -This has since been revised to accurately identify the site*).

Publicity and Number of Representations:

The application was publicised with neighbour notification letters and the display of a site notice. The publicity period expired on 20 March 2013. One representation has been received.

Summary of Representations Received:

1. Overlooking and light pollution are the main problems in this application.
2. To allow the building to rise above the level of the reservoir would be a blot on the landscape. The previous plan was far superior.

Consultations:

Highways DC – No objections subject to conditions relating to the provision of the vehicular access, turning area, domestic parking and visibility splays.

Drainage –No objections subject to conditions requiring the submission of foul and surface water drainage details and the use of porous materials for hard surfaces. Initially raised concerns relating to the presence of a watercourse adjacent to the site however following further investigation it has been agreed that this does not present any flood risk issues.

Yorkshire Water (from the previous application) – No objections subject to conditions relating to the drainage of the site.

Trees – The tree belts to the north and south have a strong visual presence and due to their height they may result in more shade being cast than indicated. Following receipt of amended drawings showing the roof design to the garage block altered no objections are raised subject to conditions requiring the provision of tree protective fencing and an arboricultural method statement which needs to address tree management during and immediately after construction.

Summary of Main Issues:

1. Principle of the Development
2. Visual amenity & Trees
3. Residential Amenity
4. Highway Safety
5. Community Safety Implications

Appraisal:

Principle of the Development

The principle of the conversion of this reservoir storage facility has been established by the recent approval on this site which remains extant. While a section of the proposed building will be taller than that previously approved all of the new structure will be within the original void and will not protrude beyond the volume of the cap of the reservoir as it currently stands. The application also now proposes to convert the small booster station to the south of the site to an underground pool. The existing building would only be altered by blocking up the existing opening on the south elevation and steps are to be created to a new basement level entrance on the southern elevation of the site. The stairs are a minor addition which would not have significant impact on openness and no additional volume will be created to accommodate the pool. It is therefore considered that the principle of the conversion of the structure is in compliance with greenbelt policy GB4 and guidance contained in the National Planning Policy Framework as it would involve the redevelopment of a previously developed site without having a greater impact on the openness of the Green Belt than the existing covered reservoir.

With regard to housing density the development is well below the density target of 30 dwellings hectare. However a higher density of development is prevented by the access to the site, the change in levels between the road and the site and the mature trees which surround the site. The proposal is therefore considered to be acceptable in principle subject to its local impact.

Visual Amenity & Trees

The application differs significantly in terms of its design to the previous approval with the main house now being placed to the north of the site and single storey guest accommodation is provided between the main house and the garages which located on the southern side of the site. The main house is three storeys but does not extend beyond the roof structure of the existing reservoir and only a small section of the building would project above the void of the reservoir. The guest accommodation is single storey and would not be visible from outside the site. While the tip of the roof the garage structure would project beyond the void it is unlikely that this would have any significant visibility from outside the site. Considering the scale and the appearance of the existing roof of the reservoir the proposal would have a net benefit on openness and the appearance of the surrounding area.

Combined with the rise of levels to the west and the tall protected trees which surround the site the proposal would, at least during the summer months while the trees are in leaf, be barely visible from the surrounding area. The application also proposes to convert the existing booster station to the south of the site to an underground pool and associated showering, changing and toilet facilities. The only external alterations would consist of the blocking up of the existing doorway on the south elevation and the construction of steps down to a new basement level entrance door to the existing underground chamber. Subject to the approval of facing and roofing materials, a tree protection plan and an arboricultural method statement the proposal is unlikely to cause any significant harm to visual amenity or the protected trees.

Residential Amenity

The site is distant from the nearest residential dwelling (47m to the south) and so it would not have any significant negative impact on this property. The site is surrounded by tall trees with canopies varying between 5 and 14m but with an average height of 9m. The greatest overshadowing would occur from the trees to the south however the proposed dwelling has been designed to situate the house far from these trees on an east-west axis and also places the main living areas on the upper floors. The greatest overshadowing would occur in the winter months however this affect would likely be lessened to an extent as the trees would not be in leaf despite the lower angle of the sun. The main living areas would however still receive direct sunlight during the middle of the day through the use of double height spaces and large amounts of glazing. Overall the proposal would not therefore cause any significant to the amenities of neighbouring properties or the prospective occupants of the proposed dwelling.

Highway Safety

The proposal retains the previously approved access point to Hillings Lane but improves the parking and turning facilities significantly by providing a three car garage with sufficient space within the site to turn a vehicle. Visibility splays of 2.5m x 50m are provided and so subject to conditions requiring the provision of the new access, parking, turning and visibility splays the proposal is considered to be acceptable in terms of its impact on highway safety.

Community Safety Implications:

The proposal does not present any 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 proposal, as amended, is considered to result in a sympathetic and sensitive conversion of the existing structure without adversely affecting the openness of the green belt. No significant adverse implications are foreseen in terms of highway safety, impact upon protected species and trees, residential amenity or effect on the openness of the green belt. The revised proposal is therefore in compliance with policies UR2, UR3, D1, TM2, TM12, TM19A, GB1, GB4, NR16, NE4, NE5 and NE6 of the Replacement Unitary Development Plan and the principles of the National Planning Policy Framework.

Conditions of Approval/Reasons for Refusal:

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

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

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

Reason: To accord with Policies GB1, GB2 and GB4 of the Replacement Unitary Development Plan.

3. Before any part of the development is brought into use, the vehicle turning area shall be laid out and drained within the site, in accordance with details shown on the approved plan numbered (10).01 3 and retained whilst ever the development is in use.

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

4. Before any part of the development is brought into use, the visibility splays hereby approved on plan numbered (10).05 2 shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

5. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan numbered (10).05 2 and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

6. 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.

7. The garages hereby approved shall be retained whilst ever the use subsist, and not be converted to any habitable accommodation or storage facilities that would prevent adequate parking being provided within the curtilage of the site.

Reason: To ensure adequate off street parking facilities are maintained in the interests of highway safety, so as to avoid undue congestion on surrounding streets and to accord with Policies of the Replacement Unitary Development Plan.

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

Reason: To prevent the undesirable establishment of a separate independent unit and in the interests of amenity and highway safety and to accord with Policies UR3 and TM2 of the Replacement Unitary Development Plan.

9. 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.

10. The development shall not be begun, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until a until a Tree Protection Plan showing Root Protection Areas and location of temporary Tree Protective Fencing has been submitted to and approved in writing by the Local Planning Authority.

The Tree Protection Plan shall be to a minimum standard as indicated in BS 5837 (2005) Trees In Relation To Construction Recommendations and show the temporary Tree Protective Fencing being at least 2.3m in height of scaffold type construction and secured by chipboard panels or similar. The position of the temporary Tree Protective Fencing will be outside Root Protection Areas (unless otherwise agreed with the Local Planning Authority) as shown on the Tree Protection Plan.

The development shall not be begun, nor shall any demolition, site preparation, groundworks, materials or machinery be brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted in the Tree Protection Plan as approved by the Local Planning Authority. The temporary Tree Protective Fencing shall be driven at least 0.6m into the ground and remain in the location as shown in the approved Tree Protection Plan and shall not move or be moved for the duration of the development.

The Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing and have confirmed in writing that it is erected in accordance with the approved Tree Protection Plan.

No development, excavations, engineering works and storage of materials or equipment shall take place within the Root Protection Areas 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 on the site and to accord with Policies NE4 and NE5 of the Replacement Unitary Development Plan.

11. No works forming part of or ancillary to the development shall be carried out on the site until an Arboricultural Method Statement for Arboricultural Works has been submitted to and approved in writing by the Local Planning Authority.

The Arboricultural Method Statement for Arboricultural Works shall include a detailed programme of timescales for the carrying out of the works identified in the statement during the period immediately prior to, during and after the proposed development.

The works the subject of this statement shall be carried out in accordance with the timescale set out in the approved statement.

The management statement shall include a detailed tree management programme with timescales.

The programme shall be carried out in accordance with the timescales set out in the approved statement.

Reason: To ensure the future sustainability of the trees being retained on the site in the interests of visual amenity and to accord with Policies UR3 and D5 of the Replacement Unitary Development Plan.

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

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

13. The development shall not begin until details of a scheme for separate foul and surface water drainage, including any balancing works or off-site works, have been submitted to and approved in writing by the Local Planning Authority. Surface water must first be investigated for potential disposal through use of sustainable drainage techniques and the developer must submit to the Local Planning Authority a report detailing the results of such an investigation together with the design for disposal of surface water using such techniques or proof that they would be impractical. The scheme would also be required to demonstrate that there is no resultant unacceptable risk to controlled waters. The scheme so approved shall thereafter be implemented in full before the first occupation of the development hereby permitted

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

14. 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.

15. Unless otherwise approved in writing by the Local Planning Authority all hard-surfaced areas shall be surfaced in a porous material.

Reason: In order to keep the impermeability of the site to a minimum and to comply with Policies UR3 and NR16 of the Replacement Unitary Development Plan.

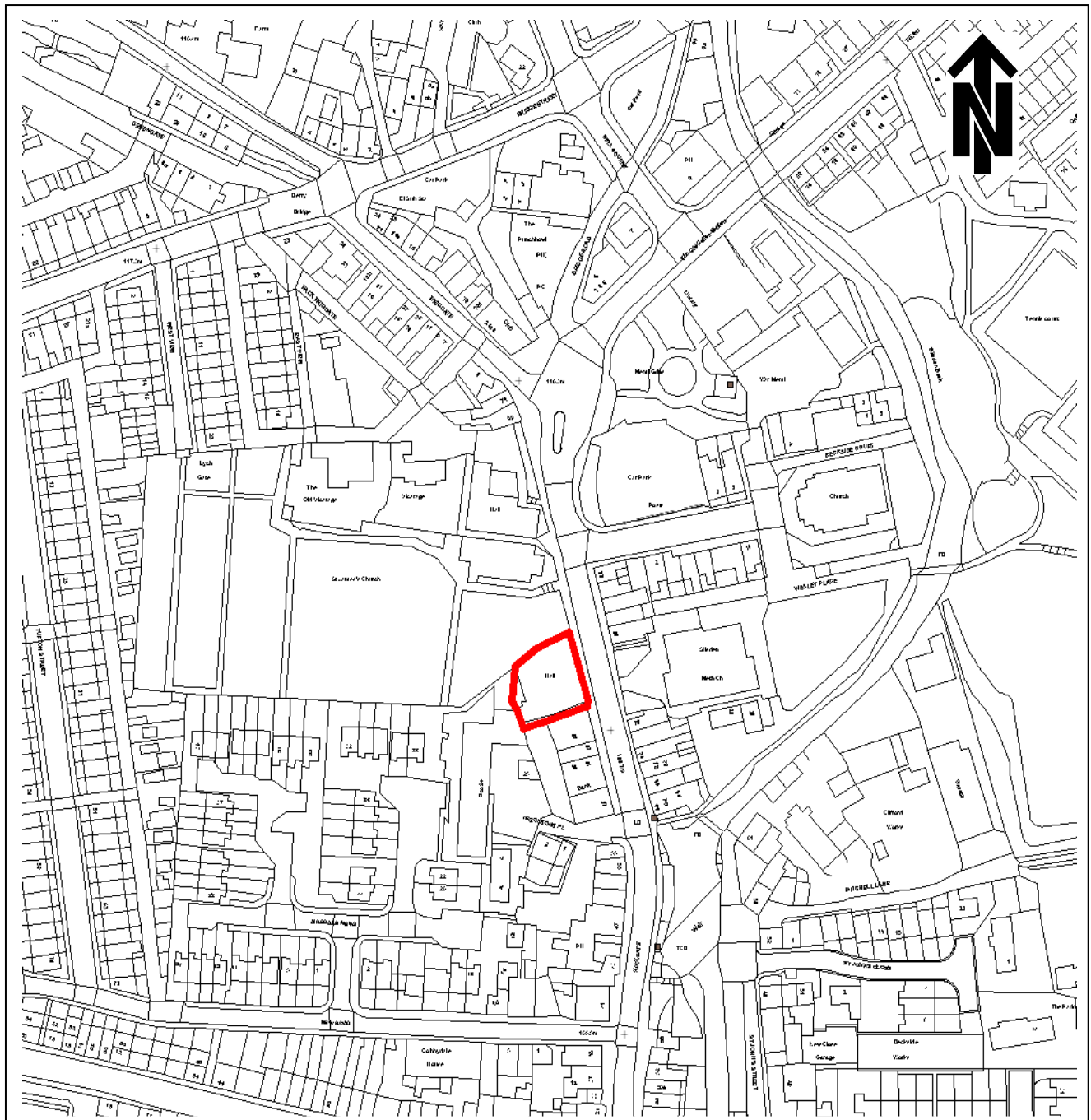
STATEMENT OF COMPLIANCE WITH ARTICLE 31 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2012

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Area Planning Panel (Keighley and Shipley)

13/00459/FUL

15 May 2013



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ITEM NO. : 5	LOCATION: Town Hall Kirkgate Silsoen
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15 May 2013

Item Number: 5
Ward: CRAVEN
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
13/00459/FUL

Type of Application/Proposal and Address:

Full planning application for alterations to the front entrance to provide ramped access and replacement escape stairs to rear at Town Hall, Kirkgate, Silsden, West Yorkshire, BD20 0PB.

Applicant:

Mr Ade Faboro F Davidson

Agent:

Mr Ade Faboro F Davidson

Site Description:

Silsden Town Hall is a key unlisted building in a Baroque Revival style dating from c.1900 situated in a prominent position in the Silsden conservation area in the town centre. Nearby, the church of St James the Great, its gate piers and gates are Grade II listed structures.

At present there is not inclusive access to the building which limits its use.

The pavement width outside the Town Hall varies between 2670 and 2700mm. There is a zebra crossing outside the Town Hall and railings to prevent egress straight out of the Town Hall into the carriageway of Kirkgate (the A6034) which projects from the kerb edge by 46mm. There is tactile paving which slopes slightly down to the dropped kerb of the crossing.

To the rear of the building in a courtyard hemmed in by the rear gardens and high stone wall to Nicholson Place and Saint James churchyard is a metal fire escape staircase.

Relevant Site History:

None

Replacement Unitary Development Plan (RUDP):

Allocation

Local Centre Plan (K/CR1LC.Silsden)
Silsden Conservation Area (BH7)

Proposals and Policies

TM19A	Traffic Management and Road Safety
D1	General Design Considerations
D3	Access for People with Disabilities
D4	Community Safety
BH7	New Development in Conservation Areas
UR3	The Local Impact of Development

The National Planning Policy Framework (NPPF):

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

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

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

Parish Council:

The Parish Council object. Their objections are set out below:

Front

We agree with highways regulations that the pavement should be a minimum width of 1.5m throughout the length of the ramp to the steps. It would appear from the plans that there is NOT a uniformed 1.5m distance throughout.

There are no safety measures on the step end, nothing to indicate to partially sighted the steps are there, therefore not DDA (Disability Discrimination Act) compliant.

The plans do not show the pedestrian crossing directly outside the town hall doors this needs to be shown in order to assess the impact of this feature on the proposal.

Materials

The plan is totally silent on the materials to be used, therefore in order to be able to comment on them, which is a pertinent planning concern especially in a conservation area, please explain what they are.

Doorway - are these changing in order to be DDA compliant or are they being kept in order to comply with the current conservation policy - again details required in order for a full consultation to be feasible.

Conservation

There seems to be a lack of general detail on how this application would fulfil the requirements of the conservation area policy and we request details as to how the proposed changes fit in with said policy.

Health and Safety

Given that there is an oil tank and gas meter and fixtures in the cellar we see no provision for ventilation as it appears the ramp as proposed will cover and prevent the current ventilation.

Internal

The route to use the fire escape through the kitchen would require access down at least 2 steps. The route through the kitchen itself surely cannot comply with fire regulations for a public building as a kitchen is always classed as the most probable site of a fire where one exists. Bradford Council's Heritage impact statement says of paramount importance is the necessity to guarantee the safe and adequate ingress and exit from the building of all who are likely to use it. The design does not comply with this - exiting the building by the downstairs fire escape does not comply with the minimum need for 1.5m turning circle for wheelchairs as is reflected in the front of the building plans.

Back Fire Escape

Assuming there was to be an emergency during a production with the max 200 capacity and an evacuation is required and use the back fire escape is in play the area of land and space available for movement is not large enough and will cause a delay in evacuation there will also be a bottle neck when meeting the route from the alternative fire escape with a high risk of crush, there is no space to pass a wheelchair and obstacles may also cause delay.

We see no evidence of a legal agreement that gives access out in perpetuity, to guarantee the way out is clear at all possible times, as at the moment the access is locked to the rear of the Skipton Building Society. This agreement must include all the properties that front Kirkgate [57, 59, 61, 63, 65, 67] and the associated flats above and that the area must be clear at ALL times.

We query the siting of the refuse bins. Where will these be as choice limited due to the narrowness of this proposed access/escape route currently they are located in the area to be designated as the escape route in the proposal.

The description on the application states DDA compliance; officer's reports in this application so far confirm that this is not DDA compliant. Please advise what regulations exist that have to be complied with both in planning and building regs.

These concerns are raised on the information that we have to hand, but we reserve our right to comment further once the full information is in the public domain and notified. We still require sight of:

- Cross sectional information on the ramp
- Correct dimensions as different ones are shown on different plans

- Full information as regards to the material to be used and confirmation for like for like such as the marble steps already in situ
- Confirmation of the correct plans to be used as plans on the web site are different to plans consulted on at the public meeting and also original plans sent to the Town Council.

Given the number and seriousness of the objections so far, should Bradford be of mind to approve this application this Town Council request that it goes before panel. We would also like you confirm which panel it will go before, area or regulatory given that this is in fact an internal application.

Publicity and Number of Representations:

The application was publicised by means of individual neighbour notification letters and a site and press notice. Overall the publicity period for comments expired on 2 May 2013. At the time of preparing this report one representation of support and fourteen representations objecting to the proposal had been received. Any further representations will be reported verbally to Panel.

Summary of Representations Received:

Objections can be summarised as follows:

1. Lack of compliance with matters governed by building regulations.
2. Lack of compliance with matters governed by DDA requirements.
3. Concern with loss of Council chamber furniture.
4. Use/s of the building.
5. Impact of ramp on highway safety, particularly of pedestrians using the pavement and the zebra crossing.
6. Lack of parking / drop off point outside the Town Hall for disabled users.
7. Unsightly impact of ramp on Silsden Conservation Area.
8. Errors on the application form.
9. No mention of materials for a proposal in the conservation area.
10. Lack of space to accommodate both the ramp and required pavement.
11. Outside lift is inappropriate for a listed building.
12. Opposed to sale of Wesley Place to fund the changes.
13. Not enough funds for the changes.

Councillor Mallinson has written that he fully supports the application as it will make the building more accessible at the front and provide added safety at the rear with a reconfigured fire escape.

Councillor Naylor has emailed raising questions over details of the application, regulations regarding access to public buildings, what Committee will determine the application, and asking for clarification on various points.

Consultations:

Highways Development Control: Note that the proposed ramp is located within the existing footway immediately adjacent to a zebra crossing where railings are erected. The ramp itself appears to be retained by a wall with railings on. This is a structure within the highway and would require a formal highway closure. The remaining footway width is indicated as 1500mm and this is the minimum width that HDC will support in addition to associated works relating to the road crossing.

Design and Conservation:

Initial concerns have been allayed following the submission of additional information and discussion with the applicant. They are now satisfied that the areas of concern have been addressed and, subject to a condition relating to ramp section and detailing, the proposals will now maintain the character of the conservation area in accordance with RUDP Policy BH7.

The Planning and Highways Access Forum (PHAF):

Due to the restrictive nature of the space available the proposed design is accepted as the best solution. Tactile warning surfaces should be placed at the top and bottom of steps opposite the ramp. The end part of the vertical up-stand support and the edge should be highlighted to alert partially sighted pedestrians of its presence.

Summary of Main Issues:

1. Impact on inclusive access
2. Impact on highway safety
3. Impact on the character and appearance of Silsden Conservation Area
4. Impact on residential amenity
5. Comment on third party representations
6. Community safety implications

Appraisal:

Planning permission is required for the access ramp and rear fire escape. No change of use has been applied for. Planning permission is not required for interior alterations to this unlisted building.

Impact on inclusive access

Silsden Town Hall currently has limited access for users with mobility issues due to the stepped access from Kirkgate. This application seeks to improve access/egress for all users to secure use of the building in the future.

The location of the building, its tight curtilage, and the internal layout have made it difficult to achieve inclusive access. The applicants have examined various options including a lift, internal ramp, and an alternative entrance for mobility impaired users but these have proved impractical or undesirable due to physical constraints, their impact on other uses of the building, or equality objectives.

The proposed ramp outside the front of the building has, after careful consideration of a range of options, emerged as the best solution in the circumstances. It would improve access to the building by providing ramped access where none currently exists making it usable by an increased number of mobility impaired users as well as able bodied users. The proposal therefore accords with RUDP Policy D3.

The advice of PHAF with regard to tactile surfaces at the top and bottom of the steps opposite the ramp and highlighting the up-stand and edge is accepted and could be achieved by condition.

The proposed rear fire escape replaces an existing fire escape and is acceptable in principle. Its design is an improvement over the existing staircase. It includes a landing, is less steep, and would face the direction of escape rather than into a dead end corner of the rear yard as at present.

Impact on highway safety

The proposed ramp would be located within the existing footway immediately adjacent to a zebra crossing where railings prevent those exiting the Town Hall from straying onto the highway. The ramp itself would be retained by railings on a low wall.

In the interests of highway safety, the applicants have stated their intention to retain a pavement clear of obstruction in front of the ramp and to raise the crossing and tactile paving serving the crossing so that pedestrians would have a level pavement in front of the ramp. Highways Section advise that these are the minimum measures required to make the proposal acceptable in terms of highway safety and to accord with RUDP Policy TM19A.

The proposed fire escape stair would have no impact on matters of highway safety.

Impact on the character and appearance of the Silsden Conservation Area

There were initial concerns about the impact of the ramp across the front of the building, a general lack of information regarding materials, and a lack of justification for the proposed option (as opposed to alternative approaches). These concerns have been allayed following the submission of additional information and discussion with the applicant. The Conservation Officer is now satisfied that, subject to a condition showing a final section through the ramp and confirming the appearance of the plinth coping and railings, the addition of the ramp in the street would not harm the conservation area as required by RUDP Policy BH7.

The impact of the replacement rear fire escape on the character and appearance of the conservation area would be no greater than the existing situation. Subject to a condition requiring the railings to be painted a dark colour, this element of the application would accord with RUDP Policy BH7.

Impact on residential amenity

The rear of the site is enclosed by a high stone wall with residential development and gardens beyond. People standing on the existing fire escape can overlook the residential development and garden areas already. The use of the fire escape is for emergencies and people do not stand on it on a daily basis. The proposed replacement fire escape will not worsen the current overlooking situation would accord with RUDP policies D1 and UR3.

Comment on third party representations

Compliance with building regulations, the loss of the Council Chamber furniture, use/s of the building, the lack of a parking/drop off point outside the Town Hall for disabled users, and the sale of Wesley Place to fund the proposal are not material considerations in the determination of this planning application.

All material planning considerations have been considered in the above report.

Community Safety Implications:

The proposed ramp presents no community safety implications.

The proposed replacement fire escape to the rear of the property would be accessible down an unsecured side passageway. Although this situation is not ideal it mirrors the current situation and is therefore not considered to form a reason for refusal.

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 replacement fire escape and the ramp would improve access / egress to a prominent building in Silsden's Conservation Area improving its use and helping to secure a future use for the building and therefore any harm to the appearance or character of the conservation area is outweighed in this instance by the public benefit of the ramp. The proposal has furthermore been assessed as having an acceptable impact on matters of highway safety, residential amenity and community safety. As such the proposal will accord with Policies D1, UR3, D4, T19A of the Bradford Replacement Unitary Development Plan and is sustainable development compatible with the National Planning Policy Framework.

Conditions of Approval:

1. Prior to the ramp being constructed the crossing railing next to Kirkgate and the existing dropped kerb of the pedestrian (zebra) crossing shall be removed and the height of the pavement in the vicinity of the crossing and the pedestrian (zebra) crossing on the Kirkgate carriageway lifted, in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure level and safe pedestrian access past the ramp and to accord with Policy TM19A of the Bradford Replacement Unitary Development Plan.

2. Details of the final section and appearance of the plinth coping and railings and the surface of the ramp shall be submitted to and approved in writing by the Local Planning Authority before development commences and the development shall be constructed in accordance with the approved details and materials.

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

3. The fire escape shall be painted in a dark colour.

Reason: In the interest of visual amenity and to safeguard the character and appearance of the Silsden Conservation Area in accordance with Policies UR3, D1 and BH7 of the Replacement Unitary Development Plan.

4. There shall be tactile warning surfaces at the at the top and bottom of the proposed steps at the opposite end of the ramp to the slope and the vertical up stand support and the edge of the ramp shall be highlighted in a manner that has first been submitted to and agreed in writing by the Local Planning Authority in writing.

Reason: To alert partially sighted pedestrians of the presence of the ramp and to accord with Policy D3 of Bradford's Replacement Unitary Development Plan.

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