

## **REPORT TO AREA PLANNING PANEL (KEIGHLEY)**

**REPORT OF THE STRATEGIC DIRECTOR OF REGENERATION TO THE MEETING OF  
THE AREA PLANNING PANEL (KEIGHLEY) TO BE HELD ON 22<sup>nd</sup> January 2009.**

---

**W**

### **SUMMARY STATEMENT - PART THREE**

#### **Applications recommended for refusal**

The sites concerned are:  
21A Crossfield Road, Oxenhope, Keighley

---

Mike Cowlam Assistant Director (Economic Development Service)  
Regeneration

Report Contacts: Ian Wilson  
Phone: 01274 434605  
Fax: 01274 722840

E-Mail: [Ian.Wilson@bradford.gov.uk](mailto:Ian.Wilson@bradford.gov.uk)



2006-2007  
Improving Rural Services  
Empowering Communities



INVESTOR IN PEOPLE

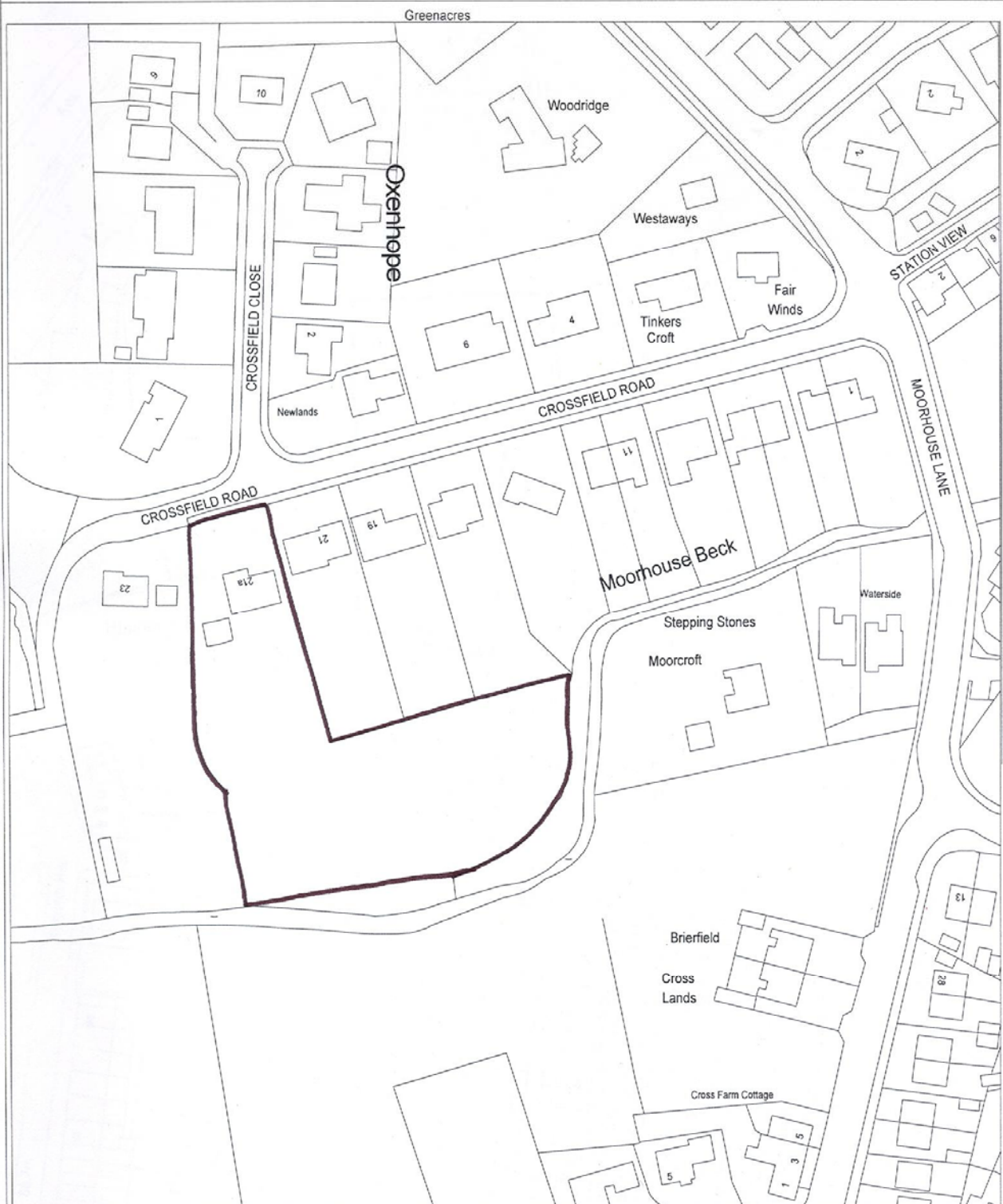
Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



# KEIGHLEY AREA PLANNING PANEL

DATE

22 January 2009



For reference only (Crown Copyright)

**ITEM No. 9**

LOCATION

**21A CROSSFIELD ROAD, OXENHOPE**

**DATE:** January 22nd 2009  
**ITEM No:** 9  
**WARD:** Worth Valley (ward 29)  
**RECOMMENDATION:** To refuse planning permission  
**APPLICATION No:** 07/08032/OUT

**Application referred to Panel at request of a Ward Councillor**

**Type of Application/Proposal & Address**

Outline planning application for construction of three bungalows and three garages on land at 21A Crossfield Road Oxenhope Keighley West Yorkshire.

**Site Description**

21A Crossfield Road is a modern detached house situated on the south side of Crossfield Road and is one of a row of similar modern houses sited on a ridge of land with gardens sloping down towards Moorhouse Beck. The site has an area of 0.48ha and consists of the detached two storey house and detached garage facing the street and extensive gardened grounds sloping down from Crossfield Road to Moorhouse Beck and wrapping around the backs of adjoining houses. TPO'd trees lie on the western and southern boundaries of this site. Access to the site is gained off Crossfield Road. To the east, west and north of the site are detached and semi detached dwellings with large garden areas. To the south of the site is an open field.

**Relevant Site History**

None

**Replacement Unitary Development Plan (UDP) Proposals and Policies**

The land is unallocated on the RUDP Proposals Map. The following RUDP policies are relevant:

[UDP1](#) Promoting Sustainable Patterns of Development

[UR2](#) Promoting Sustainable Development

[UR3](#) The Local Impact of Development

[H7](#) Housing Density – Expectation

[H8](#) Housing Density - Efficient Use of Land

[TM2](#) Impact of Traffic and its Mitigation

[TM12](#) Parking Standards for Residential Developments

[D1](#) General Design Considerations

[D4](#) Community Safety

[OS8](#) Small Areas of Open Land in Villages

[NE4](#) Trees and Woodlands

[NE5](#) Retention of Trees on Development Sites

[NE6](#) Protection of Trees during Development

[NE10](#) Protection of Natural Features and Species

[NR15B](#) Flood Risk

**Town/Parish Council**

The Parish Council considered the amendment to the scheme reducing the development to single storey at its meeting of 08 January 2009 and considers that, in the light of the appeal decision at Crofter's Green, this development would not contribute to sustainable patterns of development.

### **Publicity and Number of Representations**

Proposal publicised by means of individual neighbour notification letters expiring 1.11.07. Representations have been received from six households and a Ward Councillor.

### **Summary of Representations Received**

All six household representations object to the application. The grounds of objection are summarised below:

1. They understand that in the Oxenhope Village Plan the site is designated as a green village area and therefore cannot be built upon.
2. This is village green space Oxenhope Village Design Statement - UDP land designation 1998) and should be kept as such and not built on.
3. There is a covenant on the land in question limiting development to one single property with appropriate outbuildings.
4. Development would have an adverse affect on wildlife, which is considerable in the field and stream next to the site.
5. Trees should not be removed as this would affect the wide range of birds in the area.
6. The proposed access is considered to be totally inadequate for additional residential development – inadequate passing space at entrance and along driveway.
7. Detrimental impact on numerous trees protected by TPO's to the full southern and western sides of the proposed development.
8. Loss of residential / visual amenity by developing land which is village green space.
9. The proposed dwellings up to three storeys in height with possibly living accommodation in the roof would not reflect surrounding property types as recommended in the Village Design Statement. Only 3/4 storey development has been mill conversions at the other end of the village.
10. Incorrect information given – the area is within designated Village Green Space; the area is Greenfield and has never been used in a way that would confer brownfield status; the recommendations on special designation (conservation Area) have not been taken in to account; incorrect location of Village Green Space; the land has never been subject to past development and has always been used for grazing / agricultural use – witness stockproof fencing.
11. Loss of character of the village.
12. Development would set a precedent.
13. Planning application for one dwelling in the garden of 17 Crossfield Road was refused in 2005. What has changed?
14. Loss of visual amenity.
15. Flooding of the site from the beck.
16. Flooding of the gardens of neighbouring properties from displaced flood waters (especially if the raised access was provided) is not mentioned in the Flood Risk Assessment.

### **Consultations**

**Trees Team :** the submitted tree plan has not offset the Root Protection Areas (RPA) distances to take into account the beck – roots will be growing more into the site which would mean a repositioning of the protective fence line. However, they are satisfied that the position of the protective fence line is a fair account of the space needed to protect roots and is therefore acceptable.

The scheme needs modifying slightly given the additional tree information supplied. They recommend that all building needs to be at least 2m beyond fence lines to ensure trees can be protected during construction. This will also reduce the amount of shading to the [bungalows] from the large south side tree belt.

Presently the scheme is contrary to NE5 and 6 of the UDP but appears fairly easy to rectify.

**Biodiversity Officer:** There is lots of suitable bat foraging habitat in the region of this property so it is reasonable to assume that bats are active in the area. Prior to demolition of buildings and/or felling/pruning of trees to accommodate development there should be surveyed for bat activity. Please ensure the applicants are aware of the protection afforded to bats by the Wildlife and Countryside Act 1981, as amended, and the Habitat Regulations.

**Highways Development Control Section:** the access road looks too narrow to accommodate the two way movement of traffic and there appear to be no suitable passing places. They require some improvements to the access to serve four dwellings.

**Drainage Services Unit:** Recommends conditions for any approval and that Yorkshire Water Services Ltd. Be consulted as a public sewer lies within the site boundary.

**Environment Agency:** No objection subject to the imposition of conditions recommended by them on any approval.

### **Summary of Main Issues**

1. Principle
2. Density
3. Impact on character of Oxenhope and loss of open space
4. Impact on trees
5. Impact on flood risk
6. Impact on highway safety
7. Impact on amenities of neighbouring occupiers
8. Comments on other representations

### **Appraisal**

The application is accompanied by a proposed site layout but the application forms state that all matters have been reserved for consideration at the reserved matter application stage. The application has also been amended. It was originally for three detached dwellings but has been amended to three bungalows and garages. No details are given of the lower and upper height limits for the bungalow and garage widths.

#### **1. Principle**

The principle of residential development of this land stands to be assessed against Policy UDP1 of the UDP. The main issue for consideration with regard to principle is whether the proposal would contribute to a sustainable pattern of development, in light of local and national policy guidance.

The Planning Inspectorate has recently provided a decision on another site within the village of Oxenhope. This Appeal Ref: APP/W4705/A/08/2084168 for development on land to the south of Crofters Green, Hill House Lane, Oxenhope contains opinions on

the sustainability of development in Oxenhope that would be a material consideration in the determination of this current application and the relevant portions are quoted below: The Inspector considered that :

6. At the heart of the UDP's strategy for the promotion of sustainable patterns of development is the plan's approach to the location of development as expressed in principal UDP policy UDP1. I do not regard criterion 5 of this policy as relevant in this instance, but in other respects I am satisfied the development of the appeal site would be inconsistent with the locational principles espoused by this policy.
7. Oxenhope could not in my opinion be described as an urban area, for it lacks the character and infrastructure to justify that description – it is a village. Nor, on the evidence available, would I regard it as an area with good public transport or, otherwise, that it is proximate to essential and wider facilities and services. I would accept Oxenhope retains a range of services and facilities. But, from all that I was able to see on my site visit, they are restricted, including public transport. The Worth Valley line is not part of the national network. The number and range of shops and services is limited as are local employment opportunities. There is a school, but only it would appear to primary level. I would not therefore regard Oxenhope as performing highly in terms of its sustainability credentials.
8. National policy guidance, in the form of Planning Policy Guidance 13: *Transport* (PPG13) aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car. However, given what I have said above, occupants of the proposed dwelling would in my view be likely to be highly reliant on the use of a car for most journeys. I consider the sustainability characteristics of the site within Oxenhope not of a high order. Consequently, the proposal would fail to contribute to sustainable patterns of development and so would be in conflict with the objectives set out in PPG13.
10. Overall I have concluded that the proposal would not contribute to sustainable patterns of development and would not thereby accord with local policy and national guidance.

The status of the current application as either greenfield or brownfield land has been debated by objectors to the development and by the applicant who has put forward evidence to support his argument that the site is brownfield and therefore more worthy of development than if it had been green field. The letters and photographs supplied by the applicant do give some credence to the view that the site in question is brownfield as there is evidence of some use as part of the domestic garden to 21A Crossfield Road. However, no Certificate of Lawfulness has been granted that would confirm the legality of use of the land as part of the domestic cartilage of 21A Crossfield Road so whether the site is brownfield or greenfield is not conclusive.

In any case, whether the site is garden or not garden does not automatically mean it should be developed for housing. It is made clear in PPS3 on "Housing" that just because a site is previously developed land, it is not always suitable for development. It is considered, especially in light of the Crofters Green appeal decision, which takes account of both RUDP policy and up to date Central Government guidance in PPS3, that it is more important to give more weight to the sustainability of the site rather than its previously developed status. If this is done it is considered that a similar conclusion to that of the Crofters Green Inspector must be drawn - that this development would result in the development within an unsustainable village with poor transport links and where no substantial justification has been put forward by the applicant for the need for this development on grounds of meeting some sort of local need.

Based on the reasoning set out above it is considered that the principle of the development should be not be promoted as it would be contrary to Policy UDP1 of the RUDP.

## **2. Density**

Notwithstanding the objection outlined above to the principle of development on this land if the site was to be developed, the residential development would need to demonstrate the efficient/effective use of land in line with Policy H7 of the RUDP and guidance in PPS3 which would mean development of at least 30 dwellings / hectares. The red edge of the application gives a site area of 4839m<sup>2</sup>. The development of this site for three dwellings plus the existing dwelling would give a density of development of just over 8 dwellings per hectare. Even taking account of the need to preserve trees and improve the access (which could involve demolition of the garage and /or existing dwelling to maximise efficient use of the site) proposed density of development still falls far short of density requirements of Policy H7 of the RUDP and PPS3. If the site was considered suitable for housing, it is not considered that the applicant's proposal would develop it in the most efficient and effective manner and so the proposal must be judged contrary to the RUDP and the advice in PPS3.

## **3. Impact on the character of Oxenhope and loss of open space**

The application site is seen as providing an open break in the built up area of the village and the setting for the houses on Crossfield Road which are elevated above the site with their open gardens sweeping down the ridge towards the stream. It is seen as a continuation of the more extensive areas of open space extending along the valley of the Moorhouse Beck, bringing countryside into the heart of the settlement. Oxenhope is a "linear" rather than a "nuclear" village with housing and development straddling linear features such as the roads. "Rounding off" would not always be appropriate where it would result in loss of the tracts of green, open space that bring the countryside into the village and provide a setting for existing development.

The importance of such smaller, localised open spaces was identified in the RUDP through Policy OS8 which along with Policy OS7 which relates to larger, identifiable sites over 0.4ha in are seeks to protect small areas of open land in villages "which have an important local amenity value, contributing to the character and setting of the village."

The relevant paragraph 12.42 of the RUDP goes on to state that "Development of these areas, some of which may be privately owned or include areas of Recreation Open Space, would be harmful to the visual, quality, character and setting of the village. This is particularly so where the land is very prominent within the village or where it possesses good tree cover."

Policy OS8, which covers small areas of open land such as the site in Oxenhope states that permission will not be permitted where "...it would result in the loss of open space which is important to the character, visual amenity and local identity of the settlement".

The site possesses good tree cover and the adjoining tract of land is identified in Oxenhope's Village Design Statement (1 April 1999) as being an existing village green space that is vital to the character of Oxenhope and should therefore be retained. This document did undergo public consultation and therefore needs to be accorded some weight in consideration, although this weight is limited given the time that has elapsed. The bottom portion of the application site is visible to views from Cross Lane / Moorhouse Lane and public footpath Keighley 196.

It is considered the loss of this open space would be damaging to the character, visual amenity and local identity of this part of Oxenhope, which consists of dwellings formed in a line with large areas of undeveloped, open space to the rear of the properties by

fragmenting the open space by the placing of buildings on it and should therefore be resisted as being contrary to Policies D1 (clauses 1 and 8), UR3 and OS8 of the UDP.

#### **4. Impact on trees**

On the basis that siting and access have not been applied for at this stage there is no objection to the proposal on the grounds of its impact on protected trees on site. The Tree Officer has expressed concern about the incomplete nature of tree protection information submitted and has some concerns with the illustrative layout submitted. Any decision should contain an informative making it clear that the details of access and siting of buildings on the illustrative site layout would not be acceptable in relation to their impact on protected trees and would not be approved if submitted for reserved matters approval.

#### **5. Impact on risk of flooding**

The Flood Risk Assessment supplied as part of this application demonstrates in line with PPS25 how flood risk from all sources of flooding to the development itself and flood risk to others will be managed now and taking climate change into account. The Environment Agency has assessed the Flood Risk Assessment and accepted it along with its findings. In the light of the Agency's expert assessment it is considered that the site can be developed whilst according with Policy NR15B of the RUDP.

#### **6. Impact on highway safety**

Details of access have been reserved for approval at the reserved matters stage. The submitted layout plan shows a narrow access snaking into the site from Crossfield Road. Crossfield Road has no inherent deficiencies and could accommodate the limited additional development proposed, so the Council's Highway Development Control Section have raised no objections, in principle, although the Council's Highway Officers would be looking for improvements to the access road shown on the illustrative site layout submitted with this current application and clarification of matters such as visibility and gradient. Provision of passing places and a turning head would be important. If approval is granted it would be important to emphasise that this is notwithstanding the access details shown and full details of access would need to be reserved by conditions.

#### **7. Impact on amenities of neighbouring occupiers**

There is insufficient information at this outline stage, with all matters being reserved, to comment in detail on the impact of the development on the residential amenity of existing occupiers or occupants of the proposed bungalows. The existing low density nature of residential development in the area, with dwellings set in large garden areas gives scope for a development to be designed so that it respects privacy and does not lead to overshadowing or loss of residential amenities for existing residents. In addition, the reduction of the size of the development to single storey will further ensure that the impact on neighbouring properties could be effectively managed at the Reserved Matters stage.

#### **8. Comments on other representations**

The lawful use of the site, the loss of the land as important open space, impact on the character of the village, the height of the buildings, loss of visual amenity, impact on trees, impact on residential amenity, impact on wildlife and birds, flooding of the site and adjoining land from displaced flood waters and access have been addressed in the preceding report.



The presence of covenants on the land limiting development to one single property with appropriate outbuildings is not a material consideration in the determination of this planning application.

Although account is taken of the decisions made on similar applications to try and ensure consistency in decision making precise details of applications differ and also circumstances may differ. All planning applications are considered against policy and on their individual merits and just because one application is determined in a certain way it does not guarantee that another similar application will receive the same determination.

### **Community Safety Implications**

The proposal in its outline form raises not community safety issues and is considered in principle to accord with Policy D4 of the UDP.

### **Reasons for Refusal**

1. The proposed development would result in the loss of an area of open space that contributes to the character, visual amenity and local identity of Oxenhope, the setting of surrounding development and the visual amenity of the area. As such the proposal would be contrary to Policies D1 (clauses 1 and 8), UR3 and OS8 of the Replacement Unitary Development Plan.

2. The proposed development would not contribute to sustainable patterns of development and is therefore contrary to Policy UDP1 of the Replacement Unitary Development Plan and advice contained within PPS3 on "Housing". Notwithstanding this, if the site were to be developed for housing, the application proposal equates to a density of only 8 dwellings per hectare and the proposal would not result in it being developed in an efficient and effective manner. This would be contrary to Policies H7 and H8 of the Replacement Unitary Development Plan and advice in PPS3.