

# Public Document Pack



## Agenda for a meeting of the Area Planning Panel (Keighley and Shipley) to be held on Wednesday 26 January 2022 at 10.00 am in the Council Chamber, City Hall, Bradford

### Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
Lee (Chair) Nazam Azam Humphreys Arshad Hussain	Barker Whitaker	Love

### Alternates:

LABOUR	CONSERVATIVE	THE INDEPENDENTS
Greenwood H U Khan S Nazir D Warburton	Pollard Sullivan	Hawkesworth

### Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- A legal briefing for all Members will take place at 09:15 in the Council Chamber on the day of the meeting.
- Anyone wishing to speak to any of the business items on the agenda either as a Ward Councillor, applicant/agent, in support of or objecting to an application must register to speak by emailing the Governance Officer [farzana.mughal@bradford.gov.uk](mailto:farzana.mughal@bradford.gov.uk) by midday on Monday 24 January 2022. Please provide a telephone contact number, together with the relevant application details and explaining who will be speaking. They will then be advised on how you can participate in the meeting. If you have not registered, you may not be able to speak.
- If anyone wishes to submit any accompanying photographs/plans they should not exceed four and must also be submitted in writing by midday on Monday 24 January 2022 to the following Governance Officers: [farzana.mughal@bradford.gov.uk](mailto:farzana.mughal@bradford.gov.uk).
- Please note that any representations will be allowed 5 minutes only and this will have to be shared if there is more than a single speaker.
- On the day of the meeting you are expected to wear a suitable face covering (unless you are medically exempt) and adhere to social distancing. Staff will be at hand to advise accordingly.

From:

Parveen Akhtar

City Solicitor

Agenda Contact: Farzana Mughal

Phone: 07811 504164

Email: [farzana.mughal@bradford.gov.uk](mailto:farzana.mughal@bradford.gov.uk)

## **A. PROCEDURAL ITEMS**

### **1. ALTERNATE MEMBERS (Standing Order 34)**

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

### **2. DISCLOSURES OF INTEREST**

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from Members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the Member during the meeting.

*Notes:*

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

### **3. MINUTES**

**Recommended –**

**That the minutes of the meeting held on 24 November 2021 be signed as a correct record.**

(Farzana Mughal – 07811 504164)

#### 4. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Farzana Mughal – 07811 504164)

#### 5. PUBLIC QUESTION TIME

(Access to Information Procedure Rules – Part 3B of the Constitution)

To hear questions from electors within the District on any matter which is the responsibility of the Panel.

**Questions must be received in writing by the City Solicitor in Room 112, City Hall, Bradford, by mid-day on Monday 24 January 2022.**

(Farzana Mughal – 07811 504164)

### B. BUSINESS ITEMS

#### 6. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL 1 - 72

The Panel is asked to consider the planning applications which were set out in (**Document “G”**) relating to items recommended for approval or refusal.

The sites concerned are:

- (a) 1 Briarfield Close, Ilkley, West Yorkshire, LS29 8TX - 21/05574/HOU (Approve) **Ilkley**
- (b) 70 - 72 Main Street, Haworth, Keighley, West Yorkshire, BD22 8DP - 21/05512/FUL – (Approve) **Worth Valley**

- (c) Land at Grid Ref 414347 439165 West Lane, Baildon, West Yorkshire - 21/04198/VOC (Approve) **Baildon**
- (d) Land to Rear of Laurel Bank, Sheriff Lane, Eldwick, Bingley, West Yorkshire - 21/04404/OUT (Approve) **Bingley**
- (e) Land 403553 434450 Back Leeming, Oxenhope, Keighley, West Yorkshire - 21/01571/FUL (Refuse) **Worth Valley**
- (f) Land to The West of Low Mill, The Old Cotton Mill, Gresley Road, Keighley, West Yorkshire - 20/05578/FUL (Refuse) **Keighley Central**
- (g) Land to The West of Low Mill, The Old Cotton Mill, Gresley Road, Keighley, West Yorkshire - 20/05579/LBC (Refuse) **Keighley Central**

(Mohammed Yousuf – 01274 434605)

## 7. MISCELLANEOUS ITEMS

73 - 84

The Panel is asked to consider other matters which are set out in **(Document “H”)** relating to miscellaneous items:

(A-D) Items to note.

(E-F) Decisions made by the Secretary of State – Allowed

(Mohammed Yousuf – 01274 434605)

## Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 26 January 2022

**G**


---

### Summary Statement - Part One

#### Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	1 Briarfield Close Ilkley West Yorkshire LS29 8TX - 21/05574/HOU [Approve]	<b>Ilkley</b>
B.	70 - 72 Main Street Haworth Keighley West Yorkshire BD22 8DP - 21/05512/FUL [Approve]	<b>Worth Valley</b>
C.	Land At Grid Ref 414347 439165 West Lane Baildon West Yorkshire - 21/04198/VOC [Approve]	<b>Baildon</b>
D.	Land To Rear Of Laurel Bank Laurel Bank Sheriff Lane Eldwick Bingley West Yorkshire - 21/04404/OUT [Approve]	<b>Bingley</b>
E.	Land 403553 434450 Back Leeming Oxenhope Keighley West Yorkshire - 21/01571/FUL [Refuse]	<b>Worth Valley</b>
F.	Land To The West Of Low Mill The Old Cotton Mill Gresley Road Keighley West Yorkshire - 20/05578/FUL [Refuse]	<b>Keighley Central</b>
G.	Land To The West Of Low Mill The Old Cotton Mill Gresley Road Keighley West Yorkshire - 20/05579/LBC [Refuse]	<b>Keighley Central</b>

---

Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

Report Contact: Mohammed Yousuf  
Phone: 01274 434605

Email: [mohammed.yousuf@bradford.gov.uk](mailto:mohammed.yousuf@bradford.gov.uk)

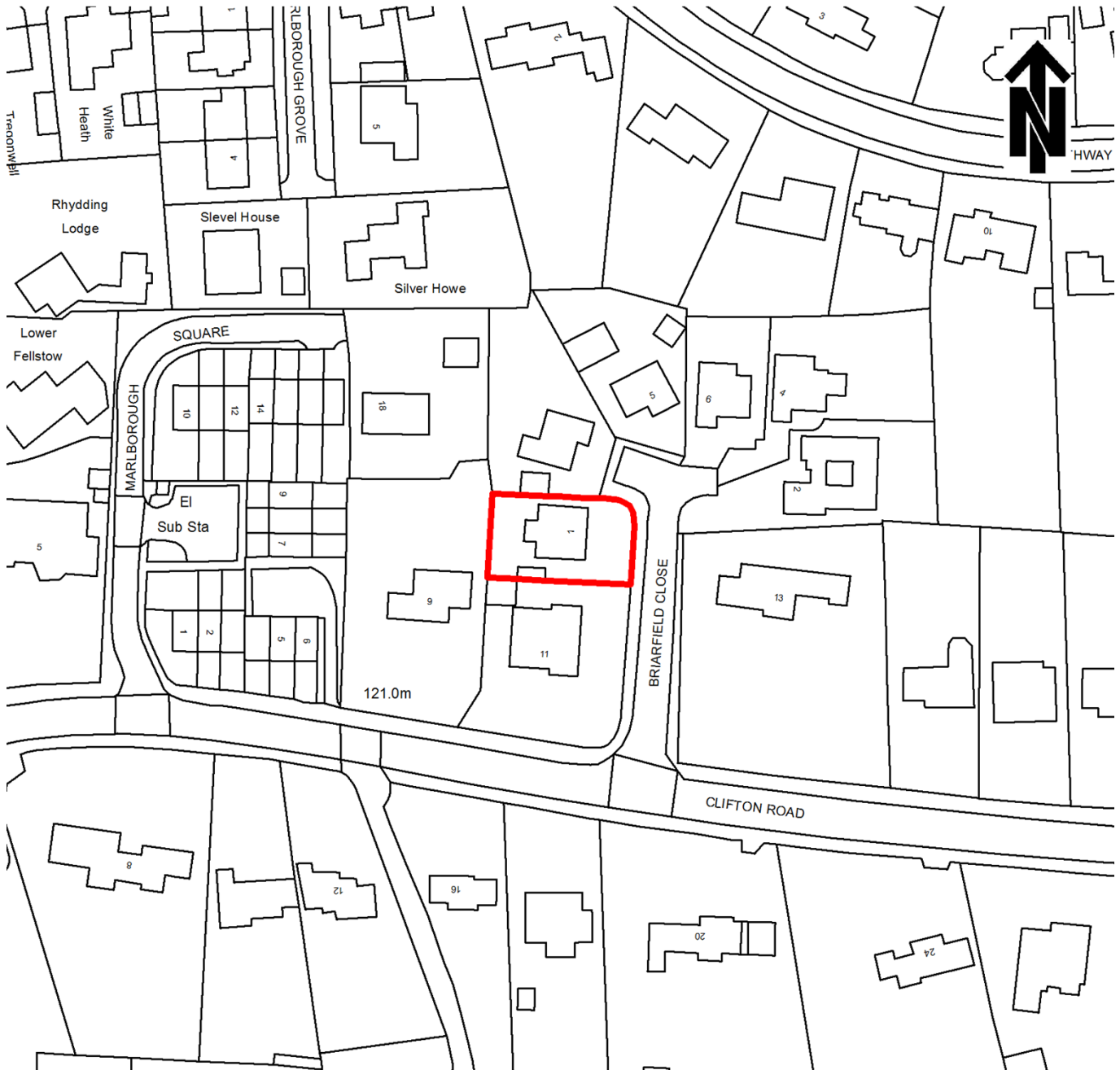
**Portfolio:**  
Regeneration, Planning & Transport

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

21/05574/HOU



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**1 Briarfield Close**  
**Ilkley**  
**LS29 8TX**



**26 January 2022**

**Item: A**  
**Ward: ILKLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
21/05574/HOU

**Type of Application/Proposal and Address:**  
Construction of rear extension, change to roof pitch and new dormer windows to front and rear elevations at 1 Briarfield Close, Ilkley, LS29 8TX.

**Applicant:**  
Mr Mark Rycroft

**Agent:**  
Langtry-Langton Architects

**Site Description:**  
1 Briarfield Close is a detached bungalow dating from the 1970's located on a short residential cul de sac off Clifton Road in the western suburbs of Ilkley. There is a mix of housing styles in the vicinity of Briarfield Close. For example, a neighbouring property to the south, No 11 Clifton Road, is a substantial 4-storey 19<sup>th</sup> century house which is a dominant feature of the area.

The site is not in a conservation area or near any listed buildings or other heritage features.

Originally the application bungalow was faced in stone with a concrete tiled roof, similar in style to those at Nos 3 and 5 Briarfield Close, but the property has been recently remodelled and extended. A single storey rear extension has been built on the site of a former conservatory and the whole building now has a white rendered finish and an artificial slate roof. The bungalow also has a pitched roof dormer with a small balcony to the front elevation and a box style dormer occupies the full width of the rear roof plane. A garage is to the side.

The applicant has not followed the plans that were approved under application 19/02812/HOU and this application seeks retrospective permission for what has been built.

**Relevant Site History:**  
19/02812/HOU Construction of extension to rear, raising of roof level and dormer windows with internal alterations. Approved 9.9.2019.

02/00519/FUL Rear conservatory. Approved 3.4.2002



**The National Planning Policy Framework (NPPF):**

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

**Core Strategy Policies**

DS1 Achieving good design  
DS3 Urban character  
DS5 Safe and inclusive places

Householder Supplementary Planning Document (SPD)

**Parish Council:**

Ilkley Town Council - Objects in the strongest terms and requests urgent enforcement action. The application is retrospective and represents major changes to the previously approved 2019 scheme and could set a precedent for building without planning permission. The Town Council have requested that the application is determined by the District Planning Panel (Keighley and Shipley Area) with an opportunity for a representative of the Town Council to attend to raise their objections and concerns which include: ridge height; rear dormer window; a substantial balcony (not Juliette balcony style) enabling the neighbour's privacy to be invaded; rendering materials; unsustainable tarmac parking and inadequate dimensions making it impossible to scale. The Town Council also registered concerns regarding the neighbour consultation process and the lack of opportunity for occupants of neighbouring properties, who do not have access to the internet, to make comments.

**Publicity and Number of Representations:**

The application was advertised by individual neighbour letter. The overall expiry date for comments was 19.12.2021.

Objections have been received from or on behalf of one neighbour, and one objection received from the Ilkley Civic Society.

A Ward Councillor has requested for the application to be determined by the Area Planning Panel.

**Summary of Representations Received:**

Ilkley Civic Society consider that the proposal should have been referred to as a retrospective application and has raised concerns over the changes in roof height, the increased size of the front dormer, potential for amenity concerns from the front and rear dormers and the appearance of the property generally. They have also commented that the driveway appears to have been recently resurfaced.

The objector notes that what has been built has departed from the previously approved 2019 scheme.

- The dormer window to the front is substantially bigger and taller.
- The balcony to the front is not a “Juliet” style, as initially planned, but will enable sitting out and would result in overlooking to the rear facing windows of the adjoining property.
- The changes to the height of the bungalow are not clear. The application of a rendered finish makes it difficult to establish how much the height of the property has increased.
- The application is misleading in that the proposed works have already been carried out by the applicant despite the application stating that the development has not commenced.

**Consultations:**

None

**Summary of Main Issues:**

Background – the proposal

Design issues - Impact on the built environment

Impact on residential amenity

**Appraisal:**

**The Proposal:**

As objectors and Ilkley Town Council point out, this application is retrospective insofar as the applicant has not carried out the development permitted by permission 19/02812/HOU in accordance with the plans approved under that application.

This new application is submitted following a challenge by the Planning Enforcement Service and seeks to regularise the situation and retain the development as built.

Whilst the terms ‘existing’ and ‘proposed’ have been used to describe the drawings it is evident that the ‘existing’ drawings show the bungalow in its original state as existed prior to 2019. The ‘proposed’ drawings show the property as built. No further changes are intended.

Planning permission 19/02812/HOU was granted on 9 September 2019 for development comprising alterations to the pitch of the roof, addition of front and rear dormers, the single storey rear extension and the alterations to the materials of the bungalow from stone to a white rendered finish.

The Council has previously agreed that the various alterations shown on the approved drawings were acceptable and in accordance with relevant Development Plan policies.

The main changes from that permission are:

- the increase in the size and height of the front dormer,
- change from a Juliet balcony to a more conventional balcony added in front of the dormer on the front elevation
- modifications to the windows on the front, including the addition of rooflights.

There have been no material changes to the single-storey extension, or the dormer window on the rear of the building.

The height of the building and roof pitch are no greater/steeper than was approved and, indeed on the side towards 11 Clifton Road, the ridge is actually lower than was approved in 2019.

The original building had a ridge height of 6.2 metres with the front gable being 5.58 metres high. The 2019 application permitted the ridge height to be raised to 6.6 metres. But it has been built with a maximum height of 6.2 metres on the side closest to 11 Clifton Road.

The height closest to No 3 Briarfield Close measures 7.2 metres from ground level due to the changes in levels across the site.

There has been one material change in circumstances at the site since the previous application was approved - the property to the rear of the site, at No 9 Clifton Road, has been demolished and is now being redeveloped by the construction of 3 houses (permission 20/01753/FUL refers). However, the development which is the subject of this application has no impact on that development.

The applicants wish to retain the scheme as built and do not propose to carry out modifications that would revert back to the earlier approval.

The Council therefore needs to consider the planning merits of what has been built.

### **Design Issues - Impact on the built environment**

The pitched roof dormer to the front is more prominent than was intended on the approved plans due to its increased height and its position further up the roof towards the ridge of the bungalow. Under the 2019 scheme, the dormer was set about 1-metre lower down the slope and had a simple "Juliet balcony" opening. The dormer opening now leads onto a small platform partially cut into the roof slope and enclosed by a glass balustrade. A dark grey cladding material has also been added to the outer face of the dormer.

The dormer as built is a little less subservient and does not fully accord with the Council's adopted Householder Supplementary Planning Document (SPD) insofar as it is not set down from the ridge. However, the SPD forms guidance to achieve good design. Of importance are the Design Principles and, in respect of those, Officers do not accept points raised by the objectors that the dormer addition unduly dominates the roof of 1 Briarfield Close or that it spoils the character of the cul de sac as a whole.

Although the dormer addition is now larger than approved, it remains proportionate in scale to the main roof. With the front and rear dormers, the original bungalow has been transformed into a “dormer bungalow”, but there are a variety of dwelling types within the area, and the dormer appears neither unbalanced nor unduly out of keeping with the main building or the wider street scene.

The glazed balcony is somewhat clumsy but is not a particularly noticeable feature given that the balcony platform is largely cut back into the roof slope and the transparent glass for the balustrading reduces the visual impact. As a feature it does not dominate or appear unduly discordant.

As regards the other aspects of the development, as was determined under the previous application, the single storey rear extension is a modest and subservient addition given its limited projection of less than 3 metres. The addition of the long box-style dormer to the rear is also acceptable in design terms. This type of dormer is commonplace on bungalows of this age and such enlargement can often be installed as permitted development.

Objectors have expressed concerns about changes to the height of the roof of the bungalow. Sections of the walls of the bungalow have been raised to enable the change of roof pitch and allow it to cover the rear extension. However, the resulting bungalow is no higher than was approved in 2019. Given the position of the bungalow in the street, and the variety of house types along the cul-de-sac and in the wider area, the mass and bulk of this extended bungalow does not appear out of keeping with the character of the area.

The objector asserts that the original bungalow was small scale and therefore well related to the other properties on Briarfield Close, and says that the result of the overall changes, the increase in the height of the ridge, and the addition of the dormer window is totally alien to the character of the original property.

Officers disagree that the resulting property is “totally alien” to the character of the Briarfield Close area. Although the applicant should have followed the approved plans or secured prior permission for amendments, the resulting building is balanced and of good design that is appropriate to its context.

In terms of Design Principle 1 of the Householder SPD, the size, position and form of the extensions and dormer windows have successfully maintained and improved the character and quality of the original house and that of the wider area. In terms of adopted design policies, the development, as it has been built, is considered to accord with Policies DS1 and DS3 of the Core Strategy Development Plan Document.

### **Impact On Residential Amenity**

Design Principle 3 of the adopted Householder SPD says that extensions and should not over dominate, seriously damage outlook or unacceptably reduce natural daylight reaching any neighbours’ property. Design Principle 2 is guidance which requires that extensions and alterations should not cause unacceptable harm to the privacy of neighbours.

The adjoining property on the north side at No 3 Briarfield Close is set some distance from the boundary with No 1 and has a blank side elevation facing the application site so occupiers of No 3 will not be significantly affected by any aspects of the development. To the west, there is in excess of 7m separation between the rear elevation of No 1 Briarfield Close and the boundary with the former No 9 Clifton Road where new houses are to be built. The proposals would not result in a loss of amenity to the houses being built on that site. There is in excess of 17m separation distance between frontage of No1 and the properties on the opposite (east) side of the cul de sac so effects on privacy in that direction are limited and within SPD recommendations.

The main impact to consider is therefore the possible effects of the development on the amenity of occupiers of No 11 Clifton Road.

As stated above, this is a substantial C19th house which stands to the south of 1 Briarfield Close. But as it stands to the south, it would therefore not be impacted in terms of daylight.

No 11 does have rear elevation windows that face towards No 1 Briarfield Close but these mainly look out over the roofs and onto the side gable of No 1. The increase in height caused by the change to the roof pitch is relatively modest and has not had any noticeable or detrimental impact upon day light levels or outlook from habitable rooms within 11 Clifton Road. The rear extension is largely screened from view from No 11 by the intervening garage and boundary fencing.

The main area for concern in terms of effects on neighbouring occupiers is the impact of the balcony to the front. The potential effects of that are limited to the occupiers of 11 Clifton Road as any views towards No 3 Briarfield Close are blocked by the forward gable roof.

However, views from the balcony towards 11 Clifton Road are sideways, not direct and the balcony is partly recessed into the roof. It has a total floor area of c 1.9m x 2.6m and is accessed off a bedroom not a living room. Whilst capable of being used for sitting out, the potential for intensive use or gatherings is very limited.

There is separation distance of around 12.7 metres from the balcony platform and the kitchen window to the rear of No 11 Clifton Road.

The Council's Householder SPD normally recommends that balconies and raised platforms are set 7 metres off a property boundary so as to safeguard amenity and privacy. The balcony at No 1 falls short of this as it is set around 5.7 metres off the boundary with No 11 Clifton Road. However, views from the balcony are sideways rather than direct. Due to the slope, the rear elevation of No 11, including the ground floor accommodation is elevated in relation to ground levels at 1, Briarfield Close. Also, the north (rear) elevation is largely open to the cul de sac and is not especially private. Oblique views towards the rear kitchen window can be obtained from points along the cul-de-sac due to changing levels.

Because the balcony gives only sideways views towards areas that are already visible from public vantage points, Officers consider that it does not pose significant harm to residential amenity. Whilst not in strict accordance with the Householder SPD guidance, the proposal would accord with the requirements of Policy DS5 (F) of the Core Strategy in that the effects on amenity of neighbours would be modest and would not justify refusal of the application.

**Other Issues**

The objectors have raised the matter of the surfacing of the front garden of No 1 Briarfield Close to create a larger car parking area at the expense of what was a lawn. Such works could be permitted development depending on the size of the surfaced area and levels of porosity. However, the applicant has not asked for that aspect of development to be considered here.

**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 equality of opportunity between different groups and foster good relations between different groups. It is not however considered that that any issues with regard thereto are raised in relation to consideration of this application.

**Reason for Granting Planning Permission**

The resulting building does not detract from the character of the wider street scene or result in conditions that would be so prejudicial to the amenities of neighbouring occupiers to warrant a refusal of planning permission. The proposal is considered to accord with Policies DS1, DS3 and DS5 of the Core Strategy Development Plan Document.

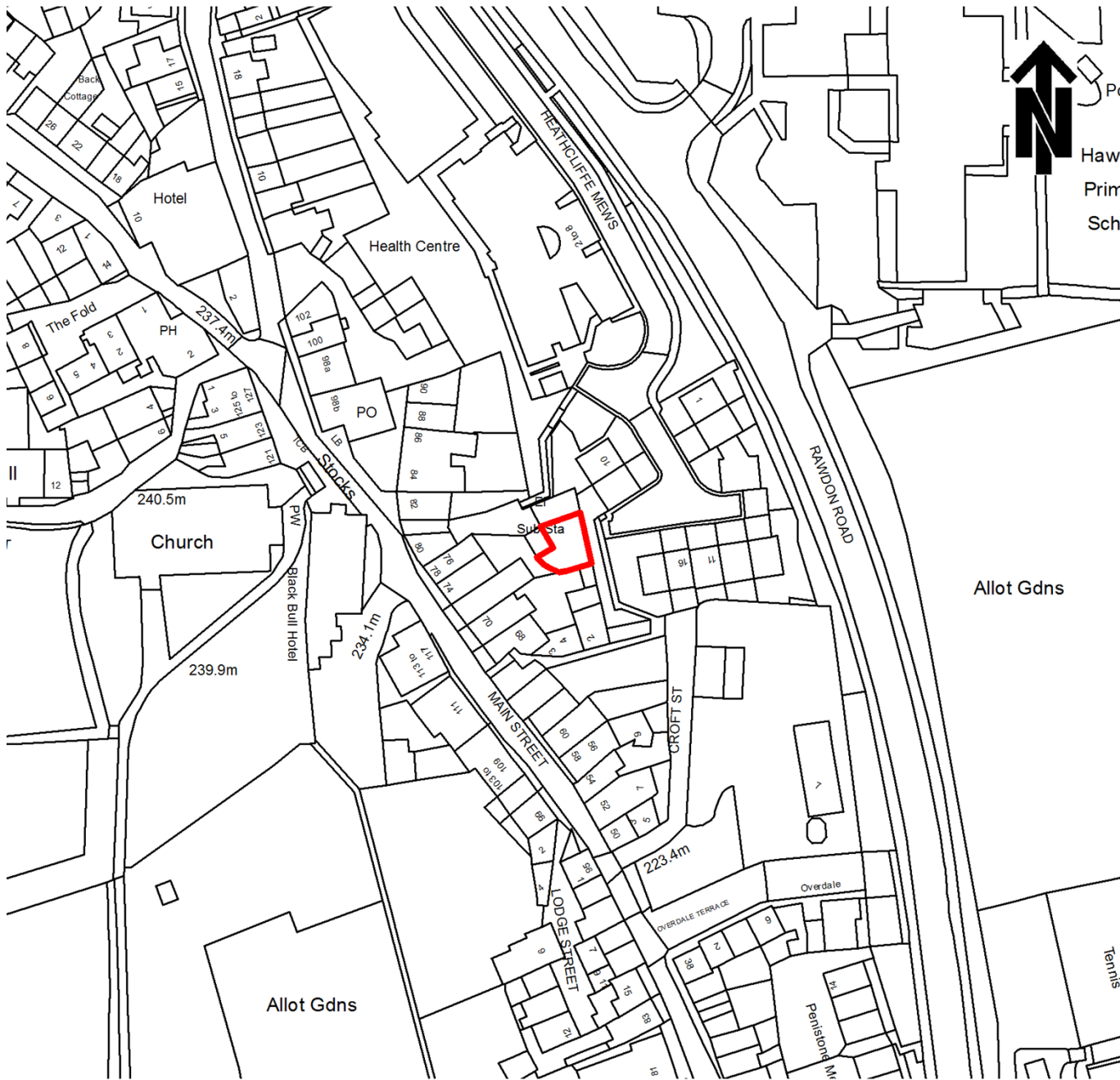
**Conditions of Approval:**

The development has already been built and no conditions are therefore necessary, except a condition to identify the approved drawings.

21/05512/FUL



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**70 - 72 Main Street**  
**Haworth**  
**Keighley**  
**BD22 8DP**

**26 January 2022**

**Item: B**  
**Ward: WORTH VALLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
21/05512/FUL

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

Part retrospective application for patio, outdoor seating area and boundary fencing at 70-72 Main Street, Haworth (The Cobbles and Clay café).

The application is “partially retrospective” in that some of the development has been carried out before the applicant was alerted to the need for planning permission,

The ‘sail’ or canopy which was originally proposed to cover the outdoor area has now been omitted from the proposal.

**Applicant:**  
Mr Michael Ross

**Agent:**  
Mike Harris Planning Consultancy

**Site Description:**

This application relates to a piece of land to the rear of 70-72 Main Street in Haworth. Those buildings are Grade II listed and form the Cobbles and Clay café. The plot of land which is the subject of this application has been partially brought into use as an outdoor seating area for café customers. This includes an area of decking which is already built. The land is accessed via an archway between numbers 80 and 82 Main Street. The narrow track leading through the arch also gives access to the rear of the other premises on this part of Main Street and residential properties on Bank Street. There is also an electricity sub-station nearby which is encased by 2.5m high palisade fencing. To the east of the plot but at a much lower level are houses on Heathcliffe Mews. There is steep banking down to the level of Heathcliffe Mews and beneath the decking area Nos 12 and 10 Heathcliffe Mews back onto the steep banking and 14 Heathcliffe Mew is orientated with its side elevation facing towards the application site.

The site is part of Haworth Conservation Area.

**Relevant Site History:**  
None related to this plot of land.



### **The National Planning Policy Framework (NPPF):**

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

### **Local Plan for Bradford:**

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

### **Core Strategy Policies**

DS1: Achieving Good Design

Policy DS3: Urban Character

Policy DS4: Streets and Movement

Policy DS5: Safe and Inclusive Places

Policy EN3: Historic Environment

Policy EC2: Supporting Business and Job Creation

Policy EC5: City, Town, District and Local Centres

### **Other Relevant Legislation**

Planning (Listed Buildings and Conservation Areas) Act 1990

### **Parish Council:**

Haworth, Cross Roads & Stanbury Parish Council has a number of concerns.

- the development of this site has commenced without planning permission.
- the materials that are not in keeping with the heritage of the Conservation Area.
- The area behind 70-72 Main Street, Haworth was previously underused, and (the Parish Council is) not against improvements and acknowledge that due to the pandemic more outside seating has been a challenge in Main Street.
- any improvements must make a positive contribution to Haworth Conservation Area.
- Neighbourhood Development Plan, policy BHDD1 which relates to any proposed development in Haworth Conservation Area.
- One of the recommendations states incorporated boundary walls gates gateposts and railings in the development in a way which complements those already in existence using similar materials and details,
- the Parish Council feel that the type of fencing which has already been installed is not in keeping with the heritage and Conservation of the Area.
- A section of the fencing will be 1.8m the majority will be 1.1m which we believe is too low
- The proposed development is in an elevated position above, Heathcliffe Mews and the houses/gardens will be severely overlooked resulting in a serious invasion of privacy.
- It is clear from all the photographs
- The proposed fencing does not afford the adequate privacy of the

- Article 1 of the Human Rights Act states a person has the right for peaceful enjoyment which includes their home.
- Article 8 of the Human Rights Act which states a person has the substantive right to respect for their private and family life.
- In this case we believe the proposed development would have a dominating factor to the quiet enjoyment of their property.
- The installation of a fabric sail over the proposed decking area would be completely out of character for the Conservation Area.
- Concern regarding the usage of the proposed development for outdoors seating, regarding noise from potential users.
- The current premises have an alcohol licence there is no mention if this area will be included in the licence.
- There are currently a number of noise disturbances from outdoor spaces in the village,
- future owners could change opening hours and use the area for other types of activities.
- The Parish Council currently can't support this application.
- The Parish Council request (the application) is heard by "area committee".

**Publicity and Number of Representations:**

The application was publicised with neighbour notification letters which expired on 17th December 2021, site notice which expired on the 17th December 2021, and a press advertisement which expired on 9th December 2021.

12 objections;  
69 support; and  
1 neutral.

**Summary of Representations Received:**

Objections – reflect the detailed points raised by the Parish Council:

- The decking causing overlooking and a loss of privacy to the residents behind on Heathcliffe Mews.
- Noise pollution from the use of the decking by customers.
- Concern about lighting and music.

Support:

Local business on Main Street should be supported.

**Consultations:**

Drainage: No objection subject to conditions

Conservation: No objection subject to alterations and conditions.

Right of Way Officer: No objection provided the public right of way remains free of obstruction.

**Summary of Main Issues:**

1. Impact on Conservation Area/Listed Buildings
2. Residential amenity
3. Right of way

**Appraisal:**

**Impact on the setting of the Haworth Conservation Area/Listed Buildings**

The site is towards the top of Main Street in Haworth. The buildings on the eastern side of Main Street are grade II Listed and within the Haworth conservation area. The application relates to an area to the rear of the buildings that serves as a shared yard area for the commercial premises and the handful of dwellings located to the west that face into the yard.

This application is partly retrospective. An area of decking had been laid out in part of the yard up to the edge of the land with Heathcliffe Mews. The application site is immediately adjacent to an electric substation.

Planning (Listed Buildings and Conservation Areas) Act 1990 s.72(1) states:

“In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Section 66 of the Act also sets a general duty as respects listed buildings in exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy BHDD1 of the Haworth Cross Roads & Stanbury Neighbourhood Development Plan sets out a series of design points in respect of development in the conservation area including:

- Use of quality materials that reflect the architectural and/or historic interest of the area and sit harmoniously with the existing building fabric and respect the uniformity in the colour and texture of the built form of the conservation area;
- Use of external surfacing materials in accordance with those traditionally used in the particular part of the conservation area affected;

The decking and associated features consist of a timber platform enclosed by some post and rail fencing and a section of close-boarded fencing. There is existing timber fencing on the banking below the decking – defining the residential garden - so the timber features would not, therefore, introduce a material that is not already found locally. However, the colour of the decking and fencing at present appear stark and the development is not well assimilated into its surroundings - especially when viewed from Heathcliffe Mews. With reference to the Haworth Neighbourhood Plan, the colour is such that it does not “sit harmoniously with the existing building fabric and respect the uniformity in the colour and texture of the built form of the conservation area”.

However, if the decking and fencing is suitably coloured, and maintained as such, then the development would not cause detriment to the heritage value or significance of the conservation area. Similarly, the relationship of the decking and ancillary features to the closest listed buildings is such that, subject to control of the finish, the development will not conflict with the duty under S.66 to safeguard the listed buildings or their setting.

Officers are therefore proposing a condition (see below) to require the timber to be stained 'Moss Grey' RAL 7003. Willingness to do this has been agreed by the agent by email dated 17th December 2021.

Whilst the concern of the Parish Council for the heritage of Haworth is acknowledged, Officers do not accept that this development harms the character or appearance of the Conservation Area or the setting of the various listed buildings nearby.

### **Impact On Residential Amenity**

Core Strategy policy DS5(F) states that development should "Not harm the amenity of existing or prospective users and residents."

The decking is placed on land elevated above the height of the houses on Heathcliffe Mews. Officers regard the site as forming part of the curtilage of the Cobbles and Cay café so its use as an ancillary area for the café does not represent a material change of use of the land. It could be used as an ancillary seating area for the café without requiring planning permission.

The decking and fencing, however, have introduced new built-form that should have been the subject of a planning application. The impact of the structures on the amenity of the adjacent residents is a matter for consideration.

The land stands to the rear of Heathcliffe Mews and the decking sits on land that is significantly higher. This means that when people are stood on the decking there is a view over the rear of numbers 10 and 12 and towards the side of number 14.

The application form proposes to limit the use of the decking to the same hours as the opening hours for the cafe, that is 08.45 to 17.00 Monday to Sunday.

The Haworth Main Street is already a semi-commercial area and although this backland site is not as busy as the Main Street itself, those intended hours do not seem unreasonable given the context. The suggested hours do not involve unsocial times of day and to safeguard the amenity of the neighbours, it is suggested that a condition be attached to limit the opening hours to that which has been proposed: 8.45 to 17.00.

As a further safeguard, it is also suggested that a condition be imposed to require that there is no amplified music or flood lights used on the decking. This would have the result of limiting the impact of the use of the decking on residential neighbours. At present, there is no restrictions on the use of the land and so a condition this would help to formalise the use in an enforceable way.

Residents are also concerned about overlooking of their homes and gardens by users of the decking and the resultant loss of privacy. However, the boundary fencing has been designed to limit the potential for overlooking. For example, the north-west corner of the decking is enclosed by vertical closed boarded fencing which acts as a screen to prevent direct overlooking from this corner of the decking over the gardens and rear windows of numbers 10 and 12.

The section drawings submitted with the application show the severity of the drop in height between the decking and houses on Heathcliffe Mews. The overall height of the fence in the north-west corner is 1.8m which is an adequate height to block views from this corner over Heathcliffe Mews. The post and rail fence along the eastern side of the decking has a height of 1.1m. It is designed with a lattice between the horizontal rails. So the gardens to the rear of numbers 10 and 12 are not unduly overlooked from that point.

Apparently there was a post and rail fence at 1.1m high along the boundary before the current work and fencing up to 2m in height could be erected along this boundary under permitted development rights (Part 2, Class A).

Given that the land could be used lawfully as an ancillary seating area, using moveable tables and chairs, it is not considered that the decking and the perimeter fencing would cause any greater harm to the amenity of neighbouring residents compared with a less formal use of the land as outdoor seating.

Weight also needs to be given to the needs of this Main Street business in accordance with the economic strand of the NPPF and Core Strategy economic and tourism policies.

Officers consider that with suitable conditions to restrict the permitted hours of use and avoid amplified music, the completion of the decking and fencing would not result in significant loss of amenity for nearby resident that would warrant a defensible refusal of planning permission.

### **Right of way**

A public right of way crosses by the decking area from Main Street into Heathcliffe Mews. The decking does not obstruct the footpath or impact significantly on its usability or the recreational value of it.

### **Other Issues**

Reference has been made by objectors to Articles 1 (protection of property) and 8 (right to respect private and family life) of the Human Rights Act. It is established in law that in respect of planning applications the local planning authority must balance the rights of the objectors with the rights of the developer. The impact of the development in the amenity and enjoyment of nearby residents and their property has been carefully considered above.

### **Community Safety Implications:**

There are no implications for community safety

**Equality Act 2010, Section 149:**

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

**Reason for Granting Planning Permission**

The land to which this application relates is within the same planning unit as the café, as such no change of use has arisen from its use as an ancillary outdoor seating area. Subject to the conditions suggested below, the operational development, comprising of the laying out of the decking and the perimeter fencing, will not result in significant harm to the visual amenity of the locality or detriment to the living conditions of nearby residents.

It is recommended that the times of use of the decking is limited by condition and further restrictions relating to lighting and amplified music are also suggested.

The representations from the public that have been received have been noted and form a material consideration in the assessment of the application and reaching the conclusion to recommend approval.

**Conditions of Approval**

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

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

The development hereby approved shall be carried out in accordance with the following drawings:

- Location Plan received 29.10.2021
- Existing and Proposed Plans received 17.12.2021
- Proposed Elevations 1/2 received 17.12.2021
- Proposed Elevation 2/2 received 17.12.2021

2. Within 6 months of the date of this decision the decking and fencing, hereby approved shall be stained 'Moss Grey' RAL 7003, as submitted by email on the 17<sup>th</sup> December 2021 and shall be maintained as such for the duration of the development.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies EN3, DS1 and DS3 of the Core Strategy Development Plan Document.

3. There shall be no playing of any amplified music on the decking at any time.

Reason: To safeguard the amenities of nearby residents and reduce the impact on local amenity properties and to accord with Policy DS5 of the Core Strategy Development Plan Document

4. There shall be no floodlighting on the decking at any time.

Reason: To safeguard the amenities of nearby residents and reduce the impact on local amenity properties and to accord with Policy DS5 of the Core Strategy Development Plan Document

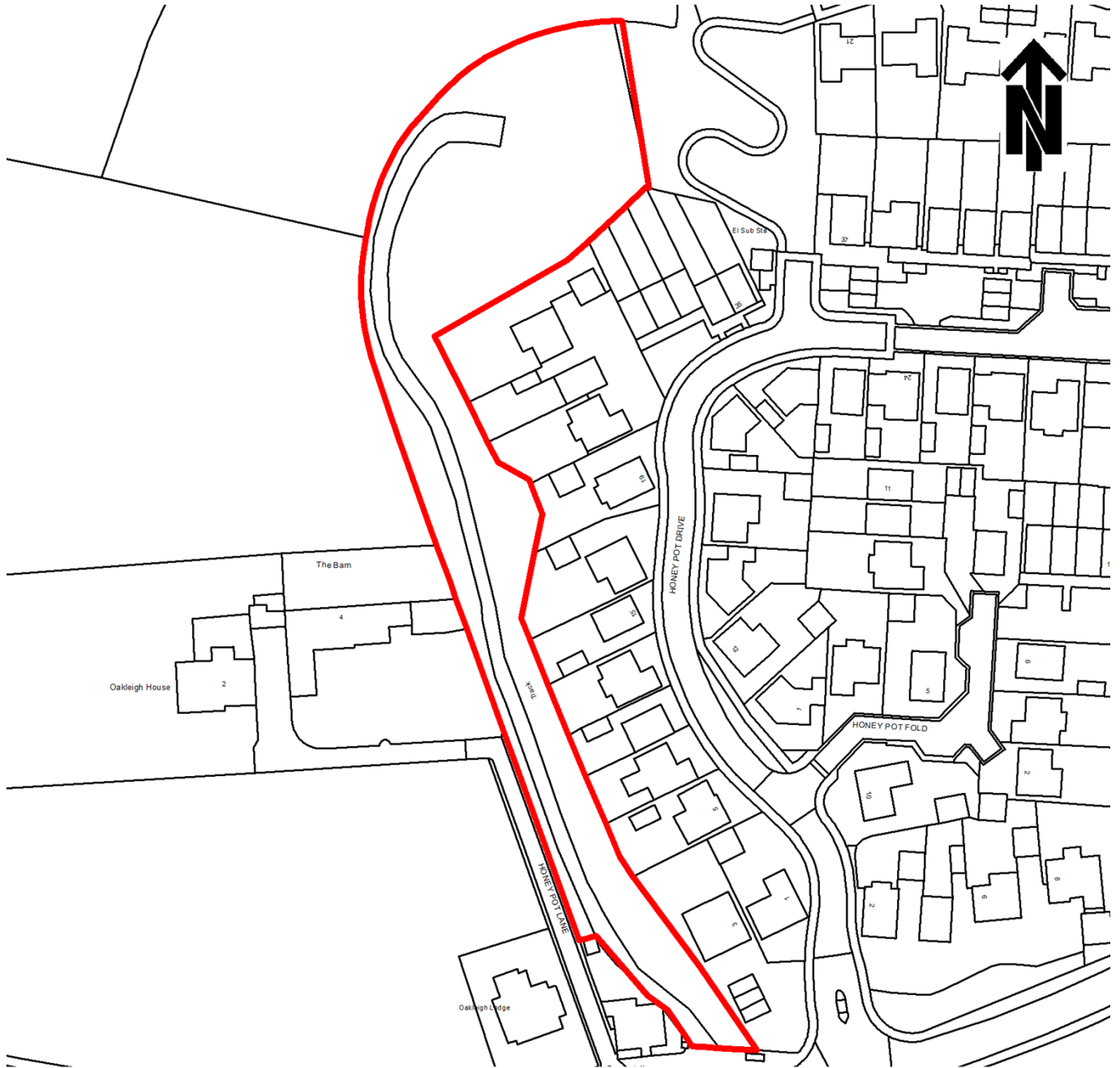
5. The decking area that is the subject of this decision shall not be open for use in connection with the business of the associated café between the hours of 17.00 and 0845 and no customer shall be served or otherwise make use of the premises between these hours.

Reason: In order to safeguard the amenity of nearby residents and to accord with the requirements of policy DS5 of the Core Strategy Development Plan Document.

21/04198/VOC



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**Land At Grid Ref 414347 439165**  
**West Lane**  
**Baildon**



**26 January 2022**

**Item: C**  
**Ward: BAILDON**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
21/04198/VOC

**Type of Application/Proposal and Address:**  
Section 73 application for the variation of condition 2 (approved plans) of planning permission 20/02294/FUL to raise the house and road levels.

Land at Grid Ref 414347 439165 West Lane Baildon

**Applicant:**  
Mr Jason Hudson

**Agent:**  
Mr Sam Birks/Lark Architects Ltd.

**Site Description:**  
This application site is a leftover strip of land between the edge of a completed residential development on the former West Lane reservoir and the boundary of the Green Belt. The Green Belt fields extend to the north and west of its boundaries. The site comprises the existing access to the reservoir which enters the site from West Lane next to Reservoir House, and an elevated area of land to the north - which is where the 5 houses would be built. The land was once an ancillary part of the former reservoir complex. Whilst the rest of the reservoir was reclaimed for housing development, this strip had to be retained by Yorkshire Water until the reservoir was fully de commissioned and operational features (mostly below ground) were dismantled.

Much of the site would be used as the vehicular access which will follow the route of the former reservoir maintenance access. On the elevated land to the north, the 5 proposed dwellings would be sited in a line east to west across the application site. The front elevations would face south-east towards the side elevation of 25 Honey Pot Drive and the rear elevations of 27 to 31 Honey Pot Drive. An access road would pass the front elevation of the proposed dwellings and parking is proposed the front with the main gardens rising to the rear.

**Relevant Site History:**

16/00350/OUT: Outline permission including access, scale and layout for the construction of up to 2 dwellings on the site. Granted by Area Planning Panel in June 2016.

17/06410/FUL: Construction of three residential dwellings with associated access, parking and landscaping provision. Granted: 19 February 2018.

20/02294/FUL: Development of five detached split level dwellings with associated access, parking and landscaping on land at West Lane Baildon. Granted by Virtual Regulatory and Appeals Committee 18 September 2020.

The most recent permission which authorised development on the adjacent land is 07/01356/FUL: Construction of 74 dwellings and associated garages, Baildon Bank Reservoir. Granted in April 2007.

**The National Planning Policy Framework (NPPF):**

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

**Core Strategy Policies**

- EN7 - Flood Risk
- EN8 - Environmental Protection Policy
- TR2 - Parking Policy
- SC9 - Making Great Places
- DS1 – Achieving Good Design
- DS2 - Working with the Landscape
- DS3 - Urban Character
- DS4 – Streets and Movement
- DS5 – Safe and Inclusive Places

**Supplementary Planning Guidance**

Homes and Neighbourhoods – SPD

**Parish Council:**

Baildon Town Council says it has similar concerns about this development to those submitted by Debbie Davies, Ward Councillor regarding potential negative impact on existing neighbouring properties.

**Publicity and Number of Representations:**

Advertised by neighbour notification letters. Overall expiry date 09.10.2021

Objections have been received from 11 persons, including one from a Ward Councillor requesting the application be heard at planning panel should officers be minded to support it.

**Summary of Representations Received:**

Out of keeping  
Impact residential amenity  
Overlooking.  
Overshadowing  
Property values  
Loss of country views  
Drainage problems: water-flow run off

**Consultations:**

Conservation Team: The application site is within the Saltaire World Heritage Site (WHS) Buffer Zone but the proposed alterations to the housing heights and road levels are of an extent that will not make this grouping of new houses notably stand out within the site's residential setting. This proposal will not result in further impact to the setting of the WHS or impact on views towards the WHS.

Police Designing out crime officer: Having examined the information there are no concerns with the proposal. The site plan shows low boundary walls, with some 1800mm high fencing to rear plot dividers.

**Summary of Main Issues:**

Background – previous permissions  
Design/ effects on visual amenity  
Residential amenity  
Drainage

**Appraisal:**

**Background**

The development of this last portion of the redundant West Lane reservoir site has been considered by the Panel in the past and the site has an extant permission 20/02294/FUL for the development of five detached split level dwellings - with associated access, parking and landscaping. That permission was granted by the Virtual Regulatory & Appeals Committee in September 2020.

This new application is submitted under S.73 of the Town and Country Planning Act 1990 which allows for applications to be made to undertake development subject to conditions differing from those subject to which the previous permission was granted. In considering such an application, the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted.

This application seeks changes to some details of the 5 houses. Specifically, to adjust the levels of the houses and the access road serving them. The level of the access road at the front of the houses needs to be lifted by 1.0 metre. The floor levels of the 5 houses then need to be adjusted upwards by 1.0m to correspond to the new level of the road. This will ensure that drainage works, and that parking spaces and access to the houses are reasonably level.

The applicant has sought to change these details by the variation of Condition 2 which lists the plans approved by the Regulatory and Appeals Committee. If deemed acceptable, this VOC application will amend Condition 2 by substituting the new plans and sections so that the new levels can be lawfully incorporated.

In addition, details of landscaping were previously reserved by Condition 9 of planning permission 20/02294/FUL. The new drawings include a detailed landscaping proposal (Drawing 15) for new tree and shrub planting. If this is deemed appropriate, the applicant asks that Condition 9 is amended to reflect that, and so further landscaping submissions will not be required.

Consideration of this application must consider only the conditions of the approval and the impact the proposed variations would have.

### **Design/Visual Amenity**

The applicant has not sought any changes to the layout of the site or to the design/appearance or to the materials to be used in the 5 dwellings approved under 20/02294/FUL.

The only changes to the scheme involve lifting the access road level by 1.0m and the plot ground levels by 1.0m to suit that new level.

These changes are not considered to have significant adverse effects in terms of the landscape or setting of the 5 houses which would be generally seen in the context of the larger development adjoining the plot.

The submission includes a detailed landscape plan 420/15. Previously no details were provided so Condition 9 of planning permission 20/02294/FUL reserved those details for further assessment by Officers. However, the landscape plans show adequate details of the hard surfaces, hard standings and house gardens together with some, albeit limited hedgerow and native tree planting where opportunities arise such as additional tree planting along the access road. These landscaping details are acceptable and will enable a new permission to be issued with an adjustment to Condition 9 so that it simply requires the landscaping proposals forming part of the approved plans schedule to be implemented in accordance with the submitted specifications.

In terms of impact on local amenity and landscape character, the scheme accords with design Policies DS1, DS2, DS3 and DS4 of the Core Strategy.

### **Residential Amenity**

Objectors raise concerns in relation to the effects of the raised levels on the residential amenity of the nearby houses. Principally the fears are about overshadowing and overlooking from the new houses towards the existing homes on Honey Pot Drive.

As stated above, this scheme does not change the layout or appearance of the dwellings approved under 20/02294/FUL when such matters were carefully considered. The only material change to the scheme is that the road and houses will be lifted by 1.0 metre.

However, the layout still achieves the same separation distances that were considered to be acceptable before.

The separation between dwellings is generous. The houses on Plots 2 and 3 would face the gable elevation of No 25 Honey Pot Drive but at some distance and across the intervening access. Plots 4 and 5 would face the back elevation of Nos 27-31 Honey Pot Drive but at a further separation distance.

The following distances are achieved to those neighbouring properties:

- The houses on Plots 2 and 3 are located 13 and 14-metres away from the boundary and 19 and 21 metres away from the side elevation of 25 Honey Pot Drive. In addition, the section drawing number 07 demonstrates that the houses proposed on Plots 2 and 3 would not impinge on a line drawn at 25-degrees from the habitable room windows in 25 Honey Pot Drive so this test shows that effects on light would not be significant.
- Plots 4 and 5 are located 12 metres away from the rear garden boundary and 27 to 29 metres away from the rear elevation of the existing houses at 27-31 Honey Pot Drive. Views towards the gardens would be across the access and a 2-metre high timber fence screens their rear gardens. In addition, the section drawing number 07 also demonstrates that the houses on Plots 4 and 5 avoid impinging into the 25-degree line drawn from the habitable room windows in 27-31 Honey Pot Drive. This demonstrates that impacts on light and outlook would not be significant.

The above distances achieve and exceed the separation distances recommended by the adopted Homes and Neighbourhood SPD (Principle 3.6 requires new houses to achieve 21 metres separation from one habitable room window to another).

Even accounting for the slope of the site and the fact that the new houses will be set at a higher level, the sections demonstrate that the new houses would be located so they will not encroach within a 25-degree line drawn from the windows of habitable rooms within the existing dwellings.

Objections are received concerning effects of the changes on the amenity of existing occupiers. However, the above demonstrate that no additional impact will be caused in terms of privacy or dominance.

With regard to effects on light, the new houses would be built on the north side of the existing houses so overshadowing will not be caused. The separation between the new houses and the existing houses is considered to allow the requested change to levels without giving rise to any undue harm to outlook or privacy for occupiers of the existing houses. The effects of the change in the height levels is considered to minimal. The amended proposals will not have significant adverse effect upon the residential amenity of occupiers of the adjacent residential properties. The scheme therefore accords with Policies DS1 and DS5 of the Core Strategy Plan document and the NPPF.

### **Drainage**

Objectors raise concerns in relation to run-off and flooding. There is concern that if permission is given to raise the house and road levels then the negative impact on existing properties will be even greater in relation to drainage issues.

However, this proposal will introduce positive arrangements for surface water drainage from the land.

The Regulatory and Appeals Committee was satisfied that such matters could be reserved by conditions requiring agreement of full details. Under the extant permission 20/02294/FUL drainage details were reserved by conditions 4, 5 and 7.

Condition 4 required separate systems of surface and foul water drainage.

Condition 5 required that:

No piped discharge of surface or foul water shall take place from the development until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

Condition 7 required that:

Notwithstanding details contained in the supporting information, the groundworks shall not commence until a report is submitted to show the applicant's proposals for dealing with any existing watercourses, culverts, land drains etc. affected by the works. This shall subsequently be approved by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved report.

It is recommended that Conditions 4, 5 and 7 be re-applied to any permission granted in respect of this S.73 application and that technical matters relating to them are dealt with under the Submission of Details process in consultation with the Council's Land Drainage Team.

The developer is known to have done a great deal of work to progress the drainage proposals for the site prior to submission of the necessary details specified within Conditions 5 and 7 to the Council for evaluation. If possible, Officers can update Members on progress with such matters at the Panel meeting which may give re-assurance as regards surface water issues.

However, in terms of this S73 application, there is no evidence to demonstrate why the change to levels of road and houses would cause greater surface water problems at the site.

All the conditions of the previous planning permission should be re-imposed subject to amendments to Conditions 2 and 9.

### **Other issues**

Objectors raise concern in relation to property values and loss of country views. Both these issues are not material planning considerations.

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

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups.

The loss of daylight for neighbouring property and the personal circumstances are noted but it is not however considered that the impacts would be so significant to justify refusing the planning application.

### **Reason for Granting Planning Permission**

It is recommended to grant the section 73 application to vary condition 2 (plans). The variation of the list of approved plans show only changes to levels of the access road and house floor levels, with added details of landscaping. These are not considered to have any adverse effects on either the character and setting of the housing development or the residential amenity of occupiers of existing adjoining houses. The variations are in accordance with Policies DS1, DS2, DS3, DS4, DS5 and EN4 of the Core Strategy DPD and the National Planning Policy Framework.

### **Conditions of Approval**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Location Plan 01
- Existing Site Plan 03
- Existing Sections 04
- Proposed Site Plan 06 A
- Proposed Sections 07A
- Proposed Sections 08A
- Proposed Floor Plans 09A
- Proposed Elevations 10A
- Proposed Elevations 12A
- Landscaping Proposals 15
- Cut and Fill Analysis MP4182S10 REV B
- Retaining Wall Detail MP4182S11 REV A

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

3. Before any development above damp proof course level of the dwellings commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all external 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 DS1 and DS3 of the Core Strategy Development Plan Document.

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

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

5. No piped discharge of surface or foul water shall take place from the development until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement of the development.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

6. During the development, and other than those changes shown on the approved drawings, no alterations of ground levels or changes to overland surface water flow patterns within the site shall be caused.

Reason: In the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.

7. Notwithstanding details contained in the supporting information, the groundworks shall not commence until a report is submitted to show the applicant's proposals for dealing with any existing watercourses, culverts, land drains etc. affected by the works. This shall subsequently be approved by the local planning authority. The development shall thereafter only proceed in strict accordance with the approved report.

Reason: In the interests of the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document.



Reason for pre-commencement condition: It is necessary to secure agreement of effective land drainage measures before commencement, in the interests of the amenity of future occupiers, pollution prevention and the effective management of flood risk and to accord with Policies DS5, EN7 and EN8 of the Core Strategy Development Plan Document

8. No development (excluding demolition and site clearance) shall be undertaken until appropriate intrusive site investigation works have been undertaken to confirm the presence or otherwise of shallow coal mining legacy features. The results of such investigation shall be submitted to, and approved in writing by the Local Planning Authority. In the event that site investigations confirm a need for remedial works or other mitigation measures to ensure the safety and stability of the development (e.g. gas protection), these works should be undertaken prior to commencement of development.

Reason: To ensure that risks from land stability are minimised, in accordance with Policy EN8 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

9. In the first planting season following the completion of the development, or in accordance with an alternative timetable for implementation that has been agreed in writing by the Local Planning Authority, the landscaping proposals forming part of the approved plans schedule shall be implemented in accordance with the submitted specifications and details.

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: In the interests of visual amenity and to accord Policies EN5, DS2 and DS3 of the Core Strategy Development Plan Document.

10. Before any of the dwellings are brought into use, the proposed means of vehicular and pedestrian access shall be laid out, surfaced and drained within the site, and the associated turning facilities and passing places shall be made available for use in accordance with the approved plan numbered 02B and 06A and retained whilst ever the development is in use.

Reason: To ensure that a safe and suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policies TR2 and DS4 of the Core Strategy Development Plan Document.

11. Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15, and retained whilst ever the development is in use.

Reason: In the interests of amenity and highway safety, and in accordance with Policies TR2 and DS4 of the Core Strategy Development Plan Document and the National Planning Policy Framework.

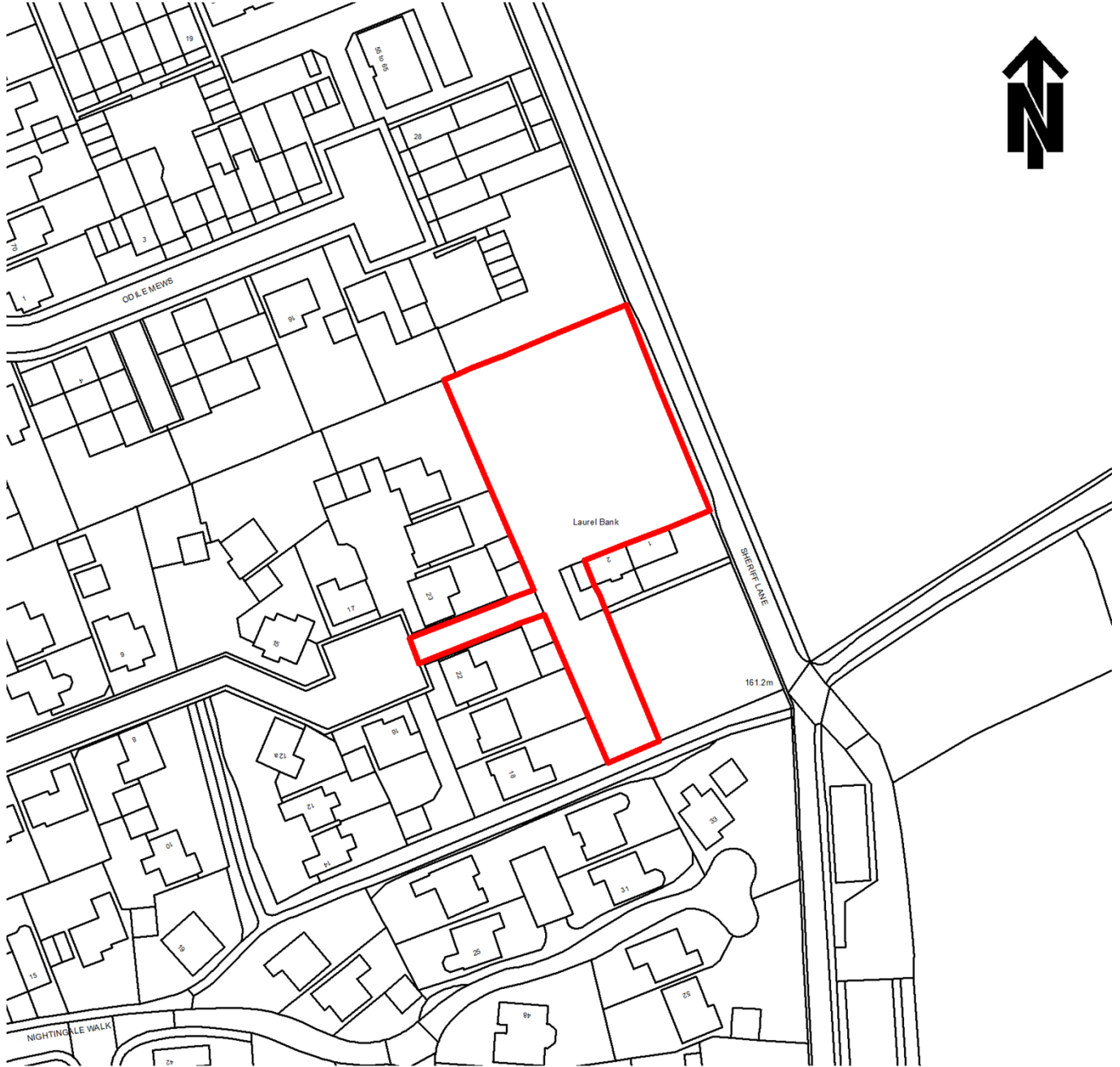
12. Notwithstanding the provisions of S.55 of the Town and Country Planning Act and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) the integral garages within the dwellings hereby permitted shall remain available for the purposes of garaging, and no subsequent alterations to convert these garages to residential accommodation shall be carried out without the express written permission of the Local Planning Authority.

Reason: To ensure these facilities remain for parking purposes, in the interests of amenity and highway safety and to accord with Policies TR2, DS4 and DS5 of the Core Strategy Development Plan Document.

21/04404/OUT



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**Land To Rear Of Laurel Bank**  
**Laurel Bank**  
**Sheriff Lane**  
**Eldwick**  
**Bingley**

**26 January 2022**

**Item: D**  
**Ward: BINGLEY**  
**Recommendation:**  
**TO GRANT PLANNING PERMISSION**

**Application Number:**  
21/04404/OUT

**Type of Application/Proposal and Address:**  
Outline application for residential development (3 dwellings) of the land, requesting consideration of access.  
Land to the rear of Laurel Bank, Sheriff Lane, Eldwick

**Applicant:**  
Mrs ESA Rowntree and Mrs DMH Marriott

**Agent:**  
F M Lister and Son

**Site Description:**  
The application site is a 0.2 hectare field abutting Sheriff Lane on the edge of Eldwick. Sheriff Lane is narrow and poorly surfaced at this point. To the south of the land are two traditional, stone cottages known as Laurel Bank which are indicated as being within the ownership of the applicants and which take shared access from Sheriff Lane. The edged red application land is open agricultural grassland bounded by dry stone walls and hedgerows. There is a belt of mature trees along the northern boundary of the plot. Vehicular access up to the east boundary of the field is via a block paved drive between the side walls of numbers 22 and 23 Lark Vale. This access also serves the garages of the existing houses and forms part of the network of streets serving the modern housing development east of Warren Lane that is centred around Swan Avenue.

**Relevant Site History:**  
21/02202/OUT - Outline application for residential development of land (site area 0.24 ha) with no more than six dwellings requesting consideration of access. Refused 28.07.2021.

**Reason for Refusal:**  
The proposed development would be accessed via Sheriff Lane (2 dwellings) and Lark Vale (4 dwellings). Lark Vale is a narrow cul-de-sac with no pavements and it already accommodates development. The applicant has not demonstrated that this part of the site could accommodate the additional requirements of 4 further dwellings - including the need for adequate off-street parking and a turning head of sufficient size to accommodate the needs of the development. Sheriff Lane is a narrow, unmade road, with a substandard surface, lack of drainage, few passing places and is a popular recreational walking/cycling route. Additional vehicles associated with the development would compromise the safety of the users of this substandard stretch of highway. The proposed development would, therefore be contrary to Core Strategy policy DS4 and cause unacceptable highways safety impacts contrary to NPPF para. 111.

**The National Planning Policy Framework (NPPF):**

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

**Core Strategy Policies**

HO9 Housing Quality  
DS1 Achieving Good Design  
DS2 Working with the Landscape  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
SC9 Making Great Places  
EN3 Historic Environment  
EN4 Landscape  
EN5 Trees and Woodland

**Saved RUDP Policies**

The application site is designated for housing on the RUDP Proposals Map. It forms part of Housing Site S/H1.11, the majority of which has been developed.

**Parish Council:**

Bingley Town Council recommends that this application be refused, despite the reduction of dwellings, on the grounds of access and parking issues particularly on Sheriff Lane as this is an unmade road and a popular walking route which will be unsuitable for additional traffic. Overdevelopment of the site and out of character with existing properties.

**Publicity and Number of Representations:**

Neighbour notification letters. 29 objections received, Two letters in support.

**Summary of Representations Received:**

Objections:

- Parking on Lark Vale and the approach road is already problematic and the estate road is narrow.
- There is no pavement for pedestrians.
- The drains cannot cope with more housing.
- This would be the loss of a green field and harm ecology.
- Trees surrounding the site are TPOd.
- The local schools are heavily over-subscribed.
- Loss of outlook for houses on Lark Vale.
- Concern over construction vehicles damaging the brick paved road.

Support:

- Better now that access is not from Sheriff Lane.
- Good location for infill development.

**Consultations:**

Highways DC: Access shown is via Lark Vale and would form a large turning head requiring the removal of existing outbuilding extension to 2 Laurel Bank. The access would form a private drive, as a continuation of that between 22 and 23 Lark Vale, and therefore it is unlikely that refuse vehicles would enter this and as such a bin collection area would be required as close to the highway as possible.

Drainage: no objection subject to conditions.

Environmental Protection (Land Quality): No objection.

Police ALO: No objection with observations.

Minerals and Waste Planning: No objections.

Rights of Way: No objections.

**Summary of Main Issues:**

1. Principle
2. Impact on highway safety
3. Impact on residential amenity
4. Biodiversity

**Appraisal:**

**Principle of Housing Development:**

The site is a green field site on the edge of the settlement. To the east Sheriff Lane which acts as a physical demarcation between the urban area and the countryside to the east. The fields to the east are in the Green Belt, but the application land is part of a large housing site reference S/H1.11 that was designated for residential development on the 2005 Replacement Unitary Development Plan (RUDP) Proposals Map.

The majority of RUDP housing site S/H1.11 was developed and now forms the large residential estate including the houses along Lark Vale, Swan Avenue and associated streets. The application site is therefore a small remnant that was not developed by the national house builders who built that estate.

The site is in a reasonably sustainable location adjacent to the edge of Eldwick and there is residential development abutting three sides of the site, so the development could be reasonably considered as rounding off of the urban edge of the settlement.

It is known that the Council is unable to demonstrate a 5-year housing supply, as of January 2021, the figure stands at 2.03 years. With this in mind it is necessary to consider paragraph 11 of the NPPF which states that there is a presumption in favour of sustainable development. There are no relevant development plan policies that would protect the land as an asset of particular importance.

Given the past RUDP designation of the site for housing development, there are no clear reasons for refusing the principle of the development proposed and there is no evidence that any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

**The Proposal:**

The application is in outline seeking permission for the principle of three dwellings on the land with only the means of access tabled for consideration.

The matters of i) Appearance ii) Layout iii) Landscaping iv) Scale are all for consideration at a later reserved matters stage.

A previous application for six houses, with 2 to be accessed off Sheriff Lane was refused principally due to highway objections to the substandard access arrangements off Sheriff Lane and concerns about serving 4 more houses off Lark Vale.

The applicant proposes to address the previous reason for refusal through omitting the dwellings served off Sheriff Lane, slightly reducing the number of dwellings served off Lark Vale and proposing a turning facility within the site.

### **Impact on Highway Safety**

The development would be accessed from Lark Vale via the gap between numbers 22 and 23 which comprises and adopted shared surface highway that stops at the front boundary of the houses. Lark Vale has a shared surface constructed of brick setts up to its junction with Swan Avenue. The road between the houses is, in effect a shared driveway that serves garages.

Lark Vale is part of the network of adopted highways serving the large housing estate centred around Swan Avenue and to the east off Warren Lane. The roads serving this residential estate were laid out in the 1990's and they are built to modern adoption standards. The junction of Lark Vale and Swan Avenue gives clear visibility in both directions and allows safe access from Lark Vale to the wider highway network. The cumulative impact of the three proposed houses on the road network would not be severe. Lark Vale itself serves approximately 25 dwellings at the moment so adding 3 more would not impact negatively on the safety or amenity of other users of the highway.

The access up to the development plot is between existing houses so the developer would extend what is now the end of Lark Vale into the field and thus increases traffic passing between numbers 22 and 23 Lark Vale.

The submitted plan shows that there is sufficient space in the site to lay out a turning circle to allow for vehicles to manoeuvre within the site and turn around to exit in forward gear. In highway safety terms, that would be an important component of the development and it is important that the turning area is of adequate size and specification. With that in mind, a planning condition is suggested to ensure that full design details of the turning facility are provided for approval before the site is developed.

It would be necessary to prevent any new driveways or vehicles accesses being created onto Sheriff Lane as it is not appropriate to increase vehicles using this road due to its poor condition, narrowness and poor visibility. (see previous reason for refusal). It is proposed that this outline permission be granted subject to a planning condition that no vehicular access shall subsequently be taken from Sheriff Lane.

Objectors to the scheme have highlighted that there is a high level of on street parking along Lark Vale that causes an obstruction to the free flow of traffic, this is exacerbated by the shared surface of the highway, i.e. there is no pedestrian footway. However, it is considered that the site itself can be laid out with sufficient allocated parking spaces for each dwelling. Occupiers of the three houses should have no reason for them or visitors to have to park in Lark Vale.

The layout is not considered as part of this outline application but appropriate parking can easily be accommodated in accordance with normal standards as set out in the Core Strategy Appendix.

The NPPF at paragraph 111 states:

“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”

The proposed development would accord with paragraph 111.



### **Impact On Residential Amenity**

Details of the scale and siting of the 3 houses are not tabled for consideration, but the submitted plan indicates the position of 3 generous plots which would accommodate the units. These can accommodate three dwellings and they would be adequately separated from any existing houses. Lark Vale, to the west, is marked by close boarded fencing that enclose and screen the rear gardens of the existing houses. The proposed dwellings could therefore easily be laid out to achieve adequate standards of amenity and ensure that the amenity of nearby residents is not compromised.

### **Other Issues**

Trees along the northern boundary of the plot overhang the site and are protected by a Tree Preservation Order. These trees are of high amenity value and must be retained and protected by ensuring any building work will be outside the root protection areas. Siting of the houses in relation to trees would be a matter for future consideration as part of the reserved matters, but a condition is suggested to ensure that a suitable Arboricultural Impact Assessment is prepared to inform the siting and with respect to tree protection.

Local residents have commented that the field has a high ecological value and provides habitat for a number of various species. However, the field is undeveloped grass land used for grazing and with no obvious biodiversity interest or signs of habitat features.

### **Community Safety Implications:**

There are no implications for community safety

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

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

### **Reason for Granting Planning Permission**

The application site has a historic designation for housing development under the Replacement Unitary Development Plan. The principle of developing the land for residential use is therefore acceptable. The matters of i) Appearance ii) Layout iii) Landscaping iv) Scale are all for consideration at a later reserved matters stage. The access off Lark Vale is suitable for the amount of development being proposed and can accommodate an additional three dwellings without detriment to highway safety or the capacity of the wider highway network. The trees to the north do not preclude the development of the site and the plot can accommodate the number of dwellings proposed without detriment to the adjacent dwellings that abut the site. In principle, the proposal accords with the relevant Development Plan policies.

### 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. The development hereby approved shall only be carried out in accordance with the approved plans listed below: -

Existing Site Plan dated 21st Jan 2021  
Proposed Site Plan dated 21st Jan 2021  
Location Plan dated 21st Jan 2021

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted.

4. Before any development is begun plans showing the:

- i) Appearance
- ii) Layout
- iii) Landscaping
- iv) Scale

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

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

5. No vehicular accesses shall be formed between the dwellings hereby approved and Sheriff Lane.

Reason: In view of the substandard nature of that road and to ensure that the development is served by a suitable and safe form of access and to accord with Policy DS4 of the Core Strategy Development Plan Document.

6. Notwithstanding details shown on the approved site plan, before the development commences, full design details of the vehicle turning area to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority and the approved facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site prior to the development being brought into use and retained whilst ever the development is in use.

Reason: No design details have been submitted and such a facility is necessary 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 DS4 of the Core Strategy Development Plan Document.

7. All trees, including any trees whose canopies overhang the development site, shall be protected throughout the construction period with tree protection fencing or other tree protection measures that are in accordance with BS 5837: 2012 Trees in Relation to Construction.

The development shall not begin until a detailed Arboricultural Method Statement and/or a Tree Protection Plan, setting out full details of proposals to protect trees within or adjoining the site during the development process, have been submitted to and agreed in writing by the Local Planning Authority. The Arboricultural Method Statement and/or Tree Protection Plan shall accord with recommendations contained in BS: 5837.

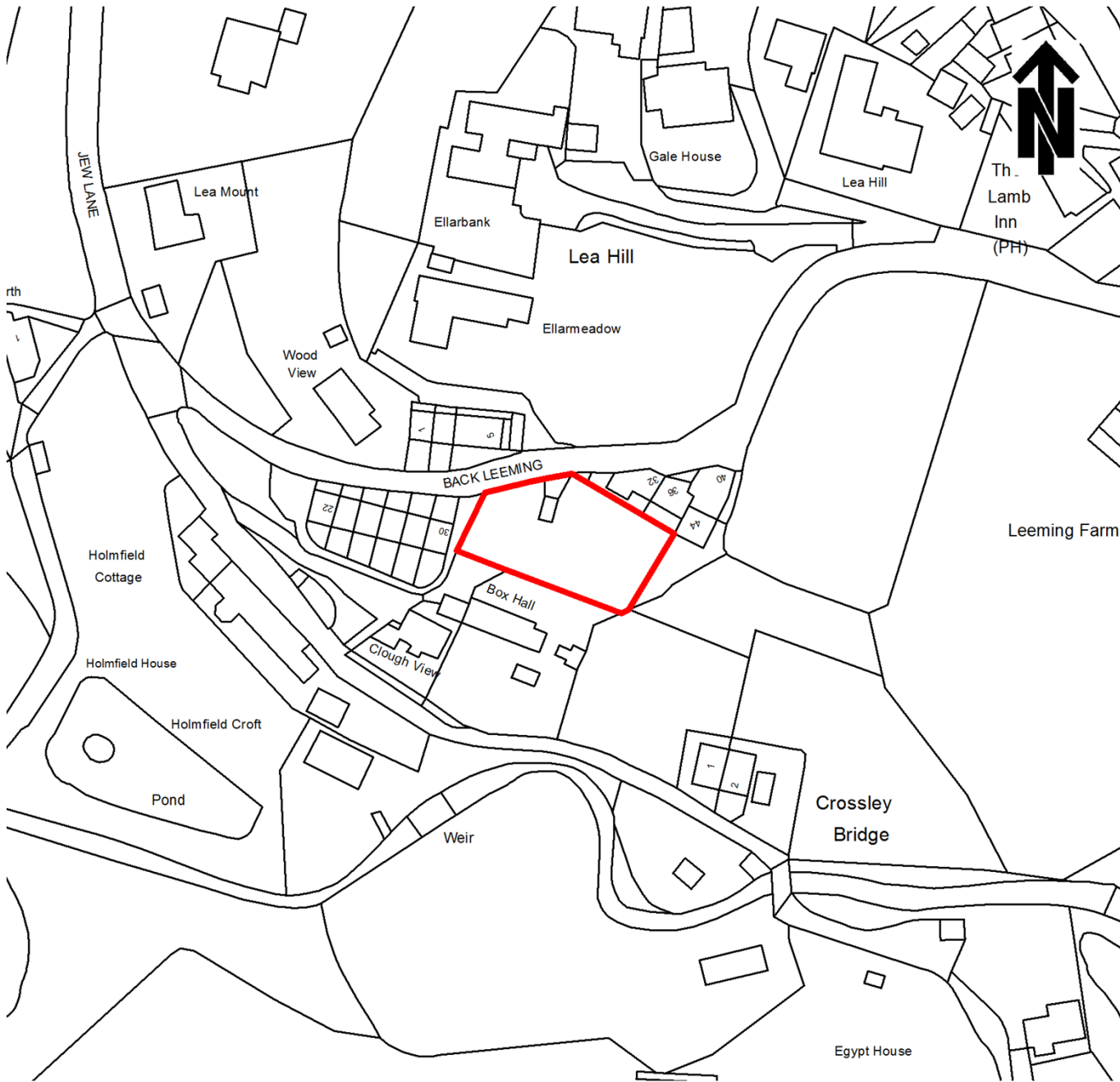
Following the approval of such tree protection details, the development shall not begin, nor shall there be any demolition, site preparation or ground works, nor shall any materials or machinery be brought on to the site until the tree protection measures have been installed in accordance with the approved details. Thereafter the development shall be implement in accordance with the requirements of the approved tree protection details.

Reason: Trees adjoining the site are of high amenity value and implementation of the tree protection measures prior to any development work beginning on the site is essential to ensure that trees are adequately protected in the interests of amenity and to accord with Policy EN5 of the Core Strategy Development Plan Document.

21/01571/FUL



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**Land 403553 434450**  
**Back Leeming**  
**Oxenhope**  
**Keighley**

**26 January 2022**

**Item: E**  
**Ward: WORTH VALLEY**  
**Recommendation:**  
**TO REFUSED PLANNING PERMISSION**

**Application Number:**  
21/01571/FUL

**Type of Application/Proposal and Address:**  
Full application for the construction of one dwelling with access and landscaping at land between numbers 30 and 32 Back Leeming, Oxenhope.

**Applicant:**  
Mr S Couch

**Agent:**  
J O Steel Consulting

**Site Description:**  
The site is in the small settlement of Back Leeming which is separate from the nearby larger village of Oxenhope to the north-west. The site formerly hosted a garage and small woodland. The highway to the front (also called Back Leeming) is narrow with walls to either side. It has a speed limit of 20mph.

The site is on a sloping land that falls away to the south towards Jew Lane. The site was historically of a domestic character with garages/outbuildings. Over time these became dilapidated and a number of trees grew on the site. The trees on the site have been removed.

The houses along Back Leeming are typically constructed of stone and are set behind small front gardens.

**Relevant Site History:**  
20/01334/FUL - Construction of one pair of semi-detached houses with access and landscaping. Withdrawn 01.02.2021

**The National Planning Policy Framework (NPPF):**

The NPPF is a material planning consideration on any proposal and confirms the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF says that local planning authorities should approach decisions on proposals in a positive and creative way to secure developments that will improve the economic, social and environmental conditions of the area. It requires that decision-makers at every level should seek to approve applications for sustainable development that accord with the statutory development plan.

**Local Plan for Bradford:**

The Core Strategy Development Plan Document (DPD) was adopted in 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP) remain applicable until adoption of Allocations and Area Action Plan DPDs. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted Core Strategy DPD and saved RUDP policies are applicable to this proposal.

**Core Strategy Policies**

HO6 Maximising the Use of Previously Developed Land (PDL)  
HO9 Housing Quality  
DS1 Achieving Good Design  
DS2 Working with the Landscape  
DS4 Streets and Movement  
DS5 Safe and Inclusive Places  
SC9 Making Great Places  
EN3 Historic Environment  
EN4 Landscape  
EN5 Trees and Woodland

**Other Relevant Legislation**

Planning (Listed Buildings and Conservation Areas) Act 1990

**Parish Council:**

Oxenhope Village Council objects to this planning application. Although the application is now for a single dwelling (as opposed to the previous application for a pair of semi-detached houses) it is still of considerable bulk and significantly adds to the infill in what is a key break within the cottages in this part of the conservation area. The openness has been acknowledged as integral to the character of the conservation area.

**Publicity and Number of Representations:**

Advertised by neighbour notification letters, site notice and press advert with an overall expiry date of 13 May 2021

Objections received from 32 people (to the original plans and the revisions).

**Summary of Representations Received:**

Trees have been felled on the site without permission.  
The house would fill in an important open space in the Conservation Area.  
The house would cause overlooking, loss of privacy and a reduction if daylight.  
The road is too narrow and a new access would be dangerous.  
Cars already park dangerously on the road side.

**Consultations:**

Highways: Based on the revised plans, no objection subject to conditions.

Conservation: No objection subject to revisions (now received) and conditions.

Landscape Team: The general principle of a housing development on this site will not impact on the broader Landscape Character, lying on an elevated hillside amongst a cluster of existing buildings.

Drainage: No objections subject to conditions.

Trees: Ongoing investigations into felled trees.

**Summary of Main Issues:**

Principle of development  
Trees in the conservation area  
Biodiversity and ecology  
Highway safety  
Other planning issues

**Appraisal:**

**Principle of Development**

This application was deferred at the Area Planning Panel that convened on 24 November 2021 for the following reason:

“That the application no. 21/01571/FUL be deferred pending a report to be submitted regarding whether a tree replacement notice is to be served and if so the details of that notice is to be taken account of in the determination of this application.”

A number of trees have been removed from the site without consent. Consent is necessary as the land is within a conservation area.

Members are informed that a Tree Replacement Notice was issued on 9 December 2021, requiring the planting of the following within the site:

6 x Prunus Padus (Mayday tree)  
3 x Betula Pendula (Silver Birch)  
6 x Pinus Sylvestris (Scots Pine)  
1 x Ilex Aquafolium (holly)

The location of the replacement trees precludes the proposed development i.e. it is not possible to develop the site in the way shown. It was subsequently agreed that the Notice was defective on a technicality and so has no effect.

According to section 38(6) of the Planning and Compulsory Purchase Act 2004 planning decisions “must be made in accordance with the development plan unless material considerations indicate otherwise.”

The site has been cleared of trees and this was done without the necessary consent of the Council. Trees located in a conservation area are protected by virtue of section 211 of the Town and Country Planning Act. This section sets out that works to trees without consent is an offence.

Whilst it is the case that the Council is unable to demonstrate a 5-year housing supply, as of January 2021, the figure stands at 2.03 years.

It is considered that one dwelling would represent a very modest contribution to the housing figure and would be contrary to NPPF paragraph 11, specifically, that granting the development would have adverse impacts that would significantly and demonstrably outweigh the benefits of granting permission.

### **Trees in the Conservation Area**

As noted above, the site is within the Leeming Conservation Area. Planning (Listed Buildings and Conservation Areas) Act 1990 s.72(1) states:

“In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Core Strategy policy EN5 states “The Council will seek to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the District.”

The trees that formerly stood on the site consisted, primarily of small broadleaf trees. An investigation into the removal of the trees has been completed and a Tree Replacement Notice Served, as set out above. The Conservation Area Appraisal identified the trees on the site as being ‘important trees’; their removal, therefore has had neither preserved nor enhanced the character or appearance of the conservation area and has rather cause detriment to it.

The proposed development includes a tree planting scheme, however, this is deficient to overcome the demonstrable harm that the removal of the trees has done to the conservation area.

There is the established principle that a person should not benefit from wrongdoing. In this case, the proposed development could not be completed if the replacement trees were in place. The felled trees were included in the Conservation Area Appraisal as being ‘important’, indicating that they contributed to the character of the area and therefore would prevent development. The felling of the trees has opened up the site and removed the main constraint to developing the site but at the same time this action, without consent, negates their contribution to the conservation area. The site cannot be developed in the way shown to secure suitable replacement tree-planting to mitigate for the loss of the trees on the site that made an important contribution to the conservation area.

The replacement of the felled trees would allow for the continued tree coverage of the site and for them to make a positive contribution to the character and visual amenity of the conservation area. The proposed dwelling on the plot would prevent this. NPPF paragraph 199 states: “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.”



### **Biodiversity and Ecology**

The site is in a bat alert zone and in the buffer of the South Pennines Special Protection Area and Special Area of Conservation.

It has been claimed by local residents that lizards have been seen on the site and therefore a Preliminary Ecological Appraisal has been undertaken concluding that the proposed development of the site would not impact negatively of the biodiversity or ecology. This is accepted by the Council and the proposal therefore meets the requirements of Core Strategy Policy EN2.

### **Highway Safety**

In respect of highways safety, the modest scale of development, i.e. a single dwelling, would not generate a level of traffic that would overwhelm the local highway network. The plans show that the site can be laid out in a way that allows vehicles to manoeuvre in the site and so enter and exit in a forward gear with adequate off-street parking and visibility in both directions that is acceptable. The proposal therefore complies with policies DS4 and TR2 of the Core Strategy.

### **Other Planning Matters**

The proposal raises no other planning-related issues such as residential amenity, drainage, contamination, etc., that could not, ordinarily be controlled through conditions as appropriate.

### **Community Safety Implications:**

There are no implications for community safety

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

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

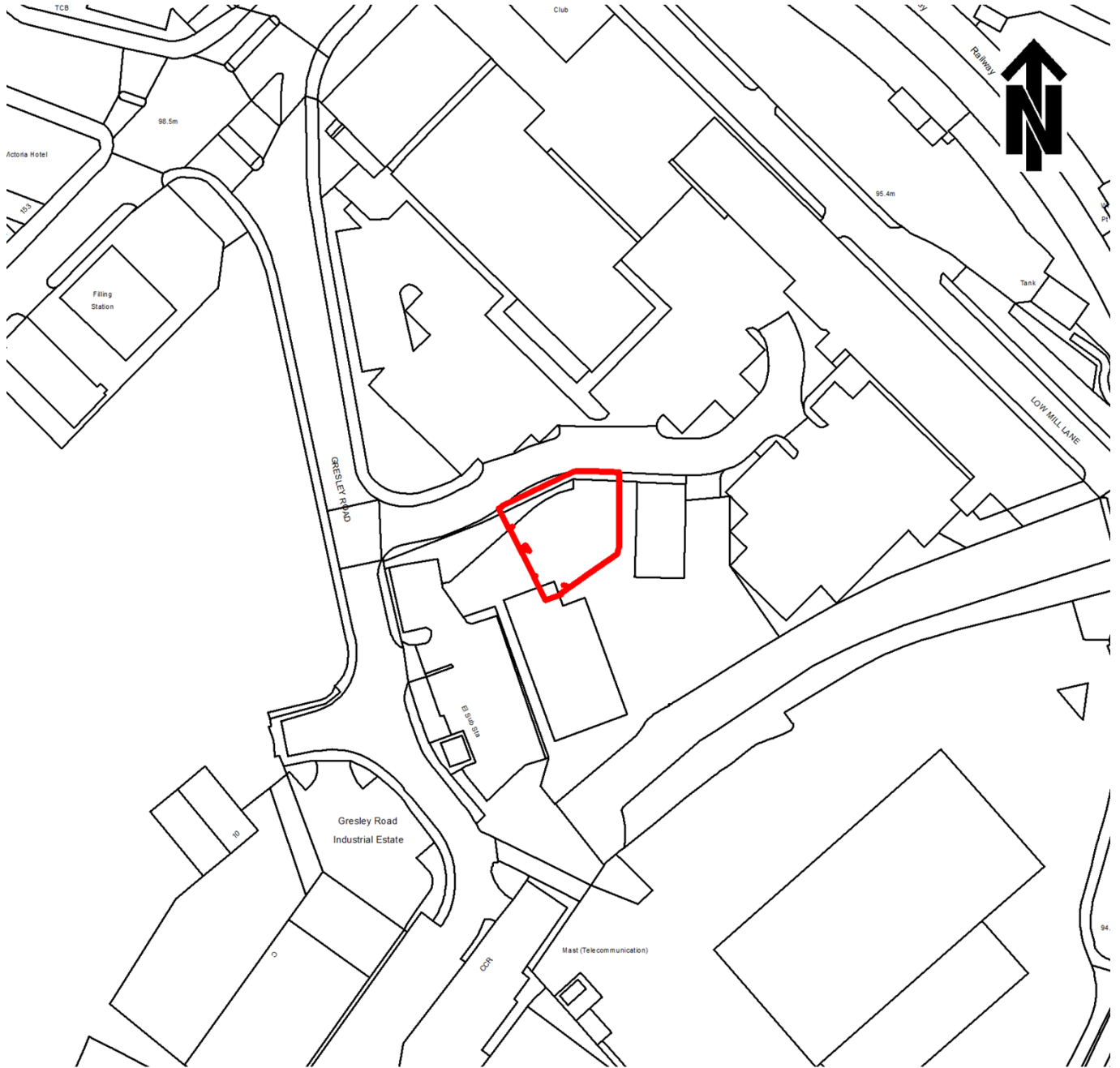
### **Conclusion**

The development site has been cleared of the trees that were previously present. This felling was done without the consent of the Council. The trees had been identified as 'important trees' in the conservation area. The removal of the trees has opened up the site and what is proposed now would not have been possible if the trees were still in place. That being the case it is considered that there needs to be replacement trees planted on the site in numbers, position and of species that would mitigate the removal of the trees. A landscaping scheme has been submitted as part of the application however, this does not adequately mitigate for the loss of the trees due to the number and their position, to the periphery of the site. This being the case, the proposal cannot be approved since to do so would firstly, result in detriment to the conservation area by seeing a reduction in the tree coverage of the area. Secondly, to grant permission would see the developer benefit from the result of an unlawful act, i.e. the removal of the trees in the conservation area without consent.

**Reason for Refusal:**

1. The proposed development, by reason of its size and siting, would preclude the necessary tree planting on the site to mitigate the loss of the important trees that formerly stood on the site and thus see a loss of trees that make a positive contribution to the spatial quality and character of the conservation area. The application is contrary to policies EN3 and EN5 of the Core Strategy Development Plan Document.

20/05578/FUL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**Land To The West Of Low Mill  
The Old Cotton Mill  
Gresley Road  
Keighley**

## **Supplementary report/update.**

### **Planning application 20/05578/FUL and 20/05579/LBC: Construction of an industrial unit to be used as a steel fabricating workshop Land to the West of Low Mill, The Old Cotton Mill Gresley Road Keighley**

The Area Planning Panel that convened on the 30<sup>th</sup> September 2021 resolved for both the above applications 20/05578/FUL and 20/05579/LBC as follows:

Resolved: That the application(s) be deferred to a future meeting so that information could be provided to the Planning Panel in relation to the current progress of enforcement action regarding the condition of the adjoining Grade II\* listed mill and its associated structures.

Further information concerning the condition of the mill and application site has been received. Councillors will be updated by Officers at the meeting but, in summary a structural survey of the mill was undertaken by the Council and identifies the extent of deterioration. The collapsed roof of the mill needs to be replaced due to the poor condition of the trusses and the north gable wall. The north gable has been patched with infill panels in the past and needs to be rebuilt.

The Old Cotton Mill dates from late 18<sup>th</sup> century and is of a high historic significance. The mill is amongst the county's first purpose built textile mills and reputedly the earliest to employ a steam engine to augment waterpower. It is of national and arguably international significance due to its role in the development of the region's textile industry and later Keighley's pre-eminent role in making machinery for this industry nationally and internationally. The views of Historic England on the high significance of the building are reported in the main report.

Adjacent to the building and within the red line of the application site, the land has been regraded and the historic water channels and infrastructure associated with the Old Cotton Mill have been destroyed. These structures were linked by historic association with the Grade II\* listed building.

The application site straddles a water channel and spill way or overflow channel associated with the mill's water management system, and a mill pond that lay to the west at a slightly higher level than the mill. These curtilage structures have been destroyed without permission and without the chance to formally record them. The development site therefore encompasses and affects the setting of highly significant aspects of Keighley and West Yorkshire's industrial history with potential for specific evidence relating to early mechanised textile manufacture, a branch of engineering Keighley went on to dominate nationally and internationally in the 19<sup>th</sup> and 20<sup>th</sup> centuries.

The proposed development would occupy a position within the curtilage of the mill above the site of the destroyed water channel, spill way, overflow channel and apparatus. The erection of the proposed commercial building in the location identified would cause demonstrable harm to the setting of the listed building and would prevent any chance of reinstating the destroyed listed water channels and apparatus. It has been shown from the structural survey that the adjacent mill building can be retained. Also, the Grade II\* listed building is outside the site and there is no current application proposing removal of the Old Cotton Mill. Moreover, as the NPPF sets out the demolition of the mill, as a Grade II\* listed building should be wholly exceptional.

NPPF paragraph 199 states “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 220 states “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

As the NPPF makes clear here, the building and the curtilage listed structures (here unlawfully removed) are assets of the highest significance.

The view of Officers is that to develop the application site as proposed would further compound the harm already caused and the proposed building would cause substantial harm to the setting of the Grade II\* Listed Building.

**26 January 2022**

**Item:** F  
**Ward:** KEIGHLEY CENTRAL  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
20/05578/FUL

**Type of Application/Proposal and Address:**  
Construction of an industrial unit to be used as a steel fabricating workshop adjacent to the 'Old Cotton Mill' off Gresley Road, Keighley.

**Applicant:**  
Mr John Ludbrook

**Agent:**  
Mr C Hinittat Craft Design + Build

#### **SUPPLEMENTARY UPDATE**

This application is for listed building consent for the erection of an industrial unit on land adjacent to the 'Old Cotton Mill'. The application, along with the companion application for planning permission was considered at the meeting of the District Planning Panel on 24 February 2021.

Officers had recommended refusal of the listed building consent and planning applications for reasons set out in the report to that meeting which is appended below.

The February meeting minutes' record that:

'Members stated that they would like to know more information about the enforcement action as it would be a mistake to grant permission only to find that remedial works would then need to be carried out and would not be possible to do so if construction had already been completed. The Legal Officer confirmed that the current owner would still be liable and recommended that a decision be referred pending confirmation and additional information on the pending enforcement action.'

It was resolved that:

'That the decision be deferred pending receipt of information in relation to ongoing enforcement action.'

To advise the Panel, the Council's Enforcement Manager and Senior Conservation Officer will attend the Panel meeting to provide an update on the above action.

The condition of the mill is of serious concern to the Council, which has powers under the Planning (Listed Buildings and Conservation Areas) Act, 1990 to ensure the proper preservation of listed buildings in their area.

Officers are endeavouring to work with the mill owner to secure a structural survey of the listed building to determine its condition and inform what urgent works might be necessary to protect the significance of the building. Structural survey results will be a key factor in the progression of any Enforcement action, but the availability of suitable engineers to undertake a survey and difficulties in securing agreements with the owner are resulting in this taking longer than hoped for. It is expected that a survey will be achieved before the end of the year and that any necessary measures for the protection of the building can then subsequently be secured. If negotiations fail, the Council may need to use the powers afforded by the Act.

The above notwithstanding, Members should be aware that the application site is not within the same ownership as the Grade II\* listed mill and so actions by the applicant are not delaying investigation of its structural condition. However, at some point in the recent past damage to the listed building has been committed by the removal of historic water channels and sluices from adjoining land.

Officers remain of the view that development on the application site, particularly the nature of the development that is proposed, would compound the harm already caused to the historic water features and prevent any chance of reinstating these key historic features that are important to understanding the original purpose of the Grade II\* Listed Building.

**24 February 2021**

**Ward: KEIGHLEY CENTRAL**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
20/05578/FUL

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

Construction of an industrial unit to be used as a steel fabricating workshop adjacent to the 'Old Cotton Mill' off Gresley Road, Keighley.

**Applicant:**

Mr John Ludbrook

**Agent:**

Mr C Hinitat Craft Design + Build

**Site Description:**

The application site is immediately adjacent to the Old Cotton Mill (alternatively known as Low Mill). The site is to the south of Aldi supermarket which is on the edge of Keighley town centre. The river Worth is located around 30m to the south of the site.

Old Cotton Mill is a Grade II\* listed building that is in a poor state of repair. The application site is within the curtilage of the listed building however the site has been separated from the mill building which is not within the ownership of the applicant. However, the application site is precisely the location of the former water supply and control features of the mill.

The proposal is to erect an industrial unit for use as a steel fabricating workshop over the former waterways and sluices associated with the adjacent Grade II\* listed Low Mill.

**Relevant Site History:**

96/01103/COU - Change of use of mill to timber merchants and formation of timber store.  
Granted 22.05.1996

04/04757/LBC - Conversion of building to six flats. Granted 15.04.2005

04/04756/FUL - Conversion of existing mill to six flats and construction of a further fifty flats.  
Granted 11.10.2005

18/00282/FUL - Construction of building to create parking for six coaches and office. Granted 16.10.2018



**The National Planning Policy Framework (NPPF):**

The NPPF is a material planning consideration on any development proposal. The NPPF 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 NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Local Plan for Bradford:**

Core Strategy Development Plan Document

**Core Strategy Policies**

DS1 – Achieving good design

DS3 - Urban Character

DS4 – Streets and Movement

DS5 - Safe and inclusive places

SC1 - Presumption in Favour of Sustainable Development

SC9 - Making great places

EN2 - Biodiversity and Geodiversity

EN7 - Flood Risk

EN8 - Environmental Protection

EC1 - Creating a successful and competitive Bradford District economy within the Leeds City Region

EC2 - Supporting Business and Job Creation

EC3 - Employment Land Requirement

EC4 - Sustainable Economic Growth

**Parish Council:**

Keighley Town Council is concerned about the negative impact on the Grade II\* listed building. The council notes the objections from Historic England and further notes the outstanding planning enforcement for the site. The council strongly recommends the application is refused.

**Publicity and Number of Representations:**

Advertised by site notice, neighbour notification letters and press advert in Keighley News. Overall expiry date 7 January 2021. 1 objection received, NB 28 letters of support received in response to the allied LBC application ref (20/05579/LBC)

### **Summary of Representations Received:**

#### **Objections:**

- No archaeological assessment has been submitted and the site lies over the former waterways and sluices.
- The development substantially alters the curtilage of a Grade 2\* listed building.
- Query over land ownership.
- Previous applications for development on this site have been refused.
- Approving this application is not in the public interest.

#### **Consultations:**

Historic England - The site subject of this application lies to the west of Low Mill, over the former waterways and sluices that fed the eighteenth century internal waterwheel of the mill. It appears that these were recently destroyed. The current proposal seeks the erection of an industrial structure on the site.

The introduction of a building on this location would be extremely harmful to the setting and significance of the listed structure, with no resulting heritage benefits.

Consequently, Historic England cannot support this application and recommends consent is not granted for the proposals.

West Yorkshire Archaeological Advisory Service - The site lies within the curtilage of the grade II\* listed Low Mill and is of national and arguably internationally significance in the development of the region's textile industry and later Keighley's preeminent role in making machinery for this industry nationally and internationally (Historic List for England No. 1200162 and West Yorkshire Historic Environment Record PRN 6293). The mill is amongst the county's first purpose built textile mills and reputedly the earliest to employ a steam engine to augment waterpower.

The application site straddles a water channel and spill way or overflow channel. These are associated with Low Mill's water management system and a mill pond that lay to the west at a slightly higher level than the mill. These curtilage remains have recently been destroyed without record.

The development site encompasses highly significant aspects of Keighley's and West Yorkshire's industrial history with potential for specific evidence relating to early mechanised textile manufacture, a branch of engineering Keighley went on to dominate nationally and internationally in the 19th and 20th centuries.

The WYAAS recommend that planning permission be refused on grounds of the impact to the mill's setting.

Drainage – No objection subject to conditions.

Conservation - The harm which would result from the proposed development would not be offset by any public benefit and as such is contrary to paras.193, 194 and 196 of the NPPF. The proposals would fundamentally conflict with policies EN3, SC1 (11), SC9 and DS1(F) of the core strategy. The proposals also fail to meet the obligations of Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Summary of Main Issues:**

Heritage Significance  
Economic Benefit  
Design and Appearance  
Drainage/Flood risk  
Highways  
Other Matters

**Appraisal:**

**Heritage Significance**

The Planning (Listed Buildings and Conservation Areas) Act 1990 66 states “In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Core Strategy policy EN3 states “The Council, through planning and development decisions, will work with partners to proactively preserve, protect and enhance the character, appearance, archaeological and historic value and significance of the District’s designated and undesignated heritage assets and their settings.”

Policy SC1(11) states that planning decision should seek to “Ensure that developments are of high quality and well designed and that they contribute to inclusive built and natural environments which protect and enhance local settings, and heritage and reinforce or create a sense of local character and distinctiveness.”

The adjacent mill is Grade II\* listed and the application site is within its curtilage. A Listed Building Consent application has been submitted with the application (ref 20/05579/LBC) and is also under consideration. In respect of the proposal to construct a new building, it is necessary to set the context of the wider site and that of the Old Cotton Mill in particular.

The building we see today is what remains of a much larger complex. Although the area has been subject to subsequent development, the building remains a prominent structure in views from Gresley Road and Cavendish Street towards the Station, where it can be appreciated against the backdrop of the former goods shed and the wooded hills behind. The survival of the grade II listed mill complex to the east of the site contributes importantly to the setting of this grade II\* building.

Old Cotton Mill was the first cotton spinning mill in West Yorkshire. The building was constructed in 1779-80 and was originally powered with a large internal water wheel. It is highly significant for a number of reasons including the early date of construction, the fact that it was a cotton mill (unusual in this area) and the association with Sir Richard Arkwright, renowned industrial engineer.

The mill is understood to be Keighley's first purpose-built textile building. Its importance at national level is reflected in its listing at grade II\*, a status awarded to less than 6% of the listed buildings in the country. The vacant and deteriorating condition of the building is a cause of concern and has led to its inclusion on the Historic England Heritage at Risk Register. The potential for the regeneration of Low Mill was assessed in Natural England's 2016 published report *Engines of Prosperity: New Uses for Old Mills*, alongside 7 other 'target' mills within West Yorkshire.

The application site is to the west of Old Cotton Mill and lies over the former waterways and sluices that fed the eighteenth century internal waterwheel of the mill. These constituted an important curtilage component of the listing but appear to have been destroyed relatively recently. The land has been partitioned and the site no longer remains in the same ownership as the mill.

The subdivision of the property is regrettable, as this will have a direct impact on the feasibility of repairs of this important heritage asset. The current proposal is for the erection of an industrial structure on the site, in close proximity to the listed building.

The introduction of a building on this location would be extremely harmful to the setting and significance of the listed structure. It is acknowledged that the significance and setting of the listed building have been affected by the construction of the coach garage to the south west of the building, permission was granted partly on the basis that it would contribute towards the feasibility of repairs of the listed building. The current proposal, being in different ownership, could not be argued to do so.

In addition, the garage building sits to the south of the listed mill and is recessed in views of the site from the north. The proposed building, by virtue of its position in relation to the access road, would be much more visible, partially obscuring views of the mill and therefore having a higher – and cumulative - impact on its prominence.

The Planning (Listed Buildings and Conservation Areas) Act 1990 asks local planning authorities to have special regard to the desirability of preserving a listed building, its setting and any features of special interest. Likewise, paragraph 193 of the NPPF asks that great weight be given to the conservation of designated heritage assets.

Paragraph 194 of the NPPF asks that all harm to the significance of heritage assets requires a clear and convincing justification. In this instance, that justification should be in line with paragraph 196 which states that 'harm should be weighed against the public benefits of the proposal.'

In heritage terms, there are no benefits that would outweigh the harm the proposal would cause to the setting and significance of the listed building. The regeneration of this highly significant asset must remain a key objective in its preservation and a primary planning consideration.

The archaeology of the site has to be assessed. At present there is an absence of any significant archaeological assessment of the site. As has been noted above, the application site straddles a water channel and spill way or overflow channel. These are associated with Low Mill's water management system and a mill pond that lay to the west at a slightly higher level than the mill.

The water management features, which run below the application site, are important evidence of the mill's construction and development. The mill was powered by a water wheel fed from the mill pond which in turn was supplied with water from a weir on the River Worth.

However, competition for water to power other mills and industries was such as to make it necessary and cost effective for the tail-water to be pumped back to the mill pond from the mill's tail leat (artificial watercourse). An early steam engine was used to do this. Research suggests that up to 30 early Yorkshire mills employing this system of recirculation but none have been scientifically examined or recorded.

The proposed building will sever the mill building from its setting, obscuring the view from the slightly higher Gresley Road and mill pond and obscure its important functional relationship with the underlying landscape. The mill's low position was fundamental to its operation and would have been an essential factor in determining to build it here and the suitability of the site for the Arkwright system to be installed and operated.

The applicant's offer to demarcate the extent of the channels, whilst acknowledged, cannot be accepted as sufficient explanation of the site's importance nor as an enhancement to its setting until the ongoing enforcement case has been concluded.

The development site encompasses highly significant aspects of Keighley's and West Yorkshire's industrial history with potential for specific evidence relating to early mechanised textile manufacture, a branch of engineering Keighley went on to dominate nationally and internationally in the 19th and 20th centuries.

The proposal entails construction of an industrial unit and its parking area, access and services on the site of a nationally significant heritage asset. This would cause further significant harm to a designated heritage asset and may impact on and destroy important new evidence of the water management system of one of the county's World's first mechanised textile mills.

### **Economic Benefit**

The proposed building is to be in industrial (E(g)(iii)) use as a steel fabricating workshop. The proposal would introduce 202sqm of commercial floor space to Keighley. No employment information is given in terms of proposed employee numbers.

Core Strategy policy EC2 is a strategic policy and states "The Council will support the delivery of at least 1600 new jobs annually in the District".

Policy EC4 "The Council through planning and development decisions and supporting economic development tools will seek to manage economic and employment growth in a sustainable manner".

The NPPF's economic objective is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth.

Whilst there is a clear encouragement for economic development, and the proposed development, although employment figures are absent, would be beneficial to the local economy. However, the important overarching approach is that such development has to be sustainable. It is the case that the harm caused by the proposed development to the heritage significance of the Grade II\* listed building. The proposed development is not, therefore, sustainable since it would cause demonstrable detriment to the historic setting of the adjacent listed building and its curtilage.

### **Design and Appearance**

Core Strategy policy DS1 states “Planning Decisions including Plans, development proposals, and investment decisions should contribute to achieving good design and high quality places”.

The proposed building is two stories in height measuring 7.3m at the ridge and 6.0m to the eaves. The sloping ground level of the site means that from the lowest point the eaves is 6.7m to the eaves and 8.0m to the ridge. The dimensions of the building is 16m x 10.2m. The plans show that the profile of the building has been designed to incorporate details of the Old Cotton Mill. The external materials comprise course squared stone walling to match neighbouring listed building to two side and polycarbonate cladding to the other two all under a polycarbonate sheet roof.

The new building seeks to reference the adjacent listed structure in the proposed form, proportion and choice of materials. Also the proposed landscaping has sought to partially reinstate the traces of the destroyed waterways. Whilst the appearance and materiality to the proposed building may harmonise with the listed building, this in no way reduces the harm which would derive from its proximity to the listed building and impact upon the site of the former water supply system. Whilst the design and appearance of the building, taken in isolation, may be acceptable, it has to be considered in its context.

In this instance, the location of the building, within the curtilage of the Grade II\* listed building and on top of the historic watercourses or mill races and associated sluices and control mechanisms which served the water wheel which would have been located within the building and which were until recently visible but have been affected by unauthorised groundworks carried out on the site is not acceptable.

### **Drainage/Flood risk**

The site is to the north of the river Worth which is around 20m to the south. The site is in flood zone 2. The use of the proposed building is considered to be less vulnerable and should be assessed against the Environment Agency’s Flood Risk Standing Advice.

The development will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 (EPR) from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Worth and this should be included in an Informative should the application be granted.

The details of the drainage at the site needs to be agreed before it is installed and this can be achieved through planning conditions.

### **Highways**

The plans show a gated access onto the highway off Gresely Road. This allows for an unspecified number of parking spaces and turning area. If members are minded to grant permission, then it is recommended that details of the car parking arrangement are agreed prior to the site being brought into use.

### **Other Matters**

It is acknowledged that the Grade II\* listed building and its curtilage are in a poor state and clearly has a detrimental effect on the visual amenity of the locality. The proposed development would not directly improve the physical condition of the Old Cotton Mill since it is on a separate parcel of land in different ownership. The division of the site curtilage into different ownership has, to a degree, hindered the improvement of the listed building and its curtilage. Moreover, the investigation into the destruction of the former waterways and sluices that fed the internal waterwheel of the mill is an ongoing matter. The proposed development does not resolve this outstanding issue.

The public benefit of the development does not outweigh the substantial harm caused to the listed building and its setting.

### **Community Safety Implications:**

There are no implications for community safety

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

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

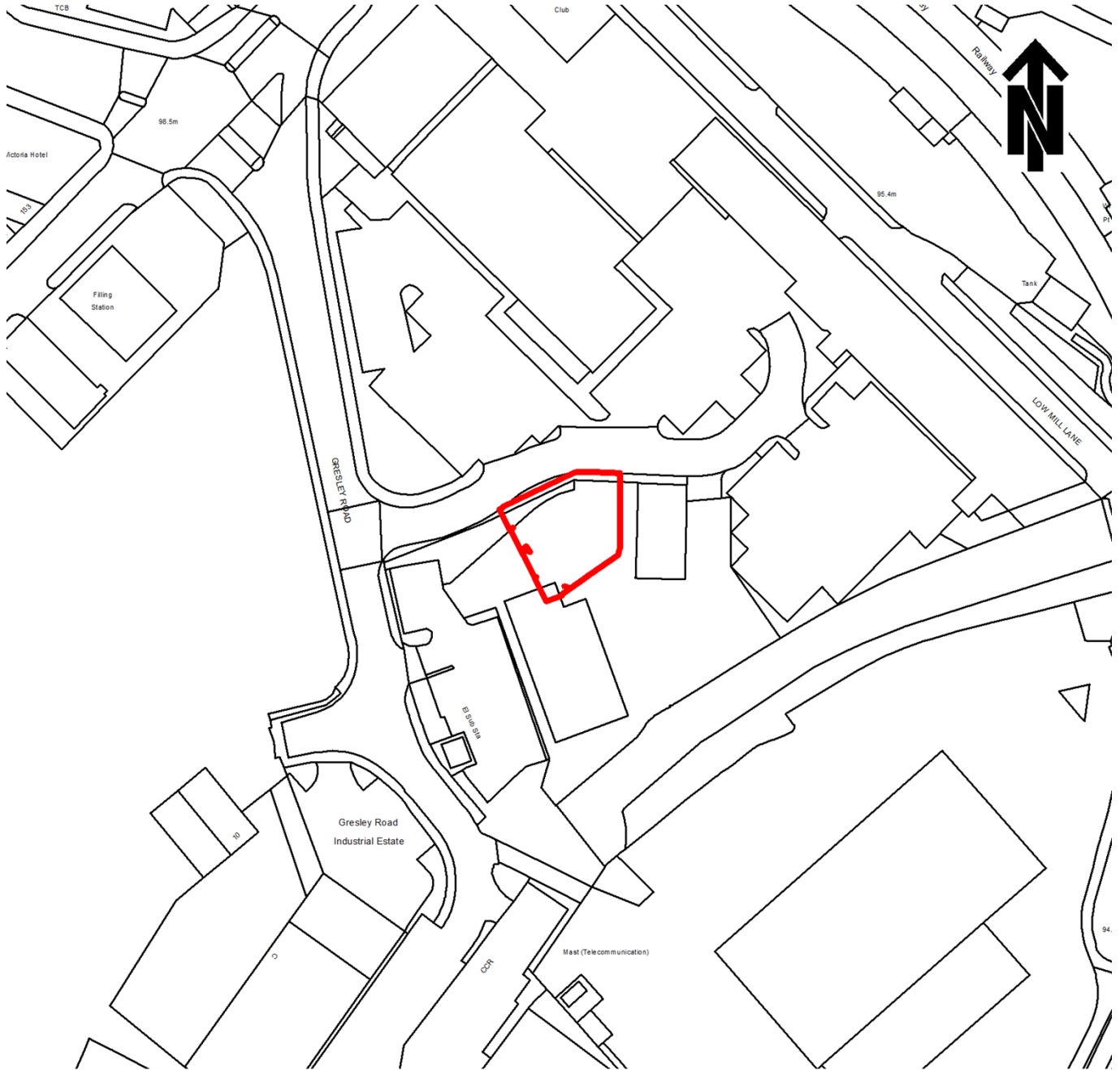
### **Reasons for Refusal:**

1. The proposed building by virtue of its size, proximity to the Old Cotton Mill and position within the curtilage would cause substantial harm to the Grade II\* Listed Building. The development would be contrary to NPPF paragraphs 193, 194 and 195 in respect of substantial harm the development would cause to the Grade II\* listed building and its setting. The development would not comply with Core Strategy policies EN4 and DS1.

20/05579/LBC



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**Land To The West Of Low Mill  
The Old Cotton Mill  
Gresley Road  
Keighley**



## **Supplementary report/update.**

### **Planning application 20/05578/FUL and 20/05579/LBC: Construction of an industrial unit to be used as a steel fabricating workshop Land to the West of Low Mill, The Old Cotton Mill Gresley Road Keighley**

The Area Planning Panel that convened on the 30<sup>th</sup> September 2021 resolved for both the above applications 20/05578/FUL and 20/05579/LBC as follows:

Resolved: That the application(s) be deferred to a future meeting so that information could be provided to the Planning Panel in relation to the current progress of enforcement action regarding the condition of the adjoining Grade II\* listed mill and its associated structures.

Further information concerning the condition of the mill and application site has been received. Councillors will be updated by Officers at the meeting but, in summary a structural survey of the mill was undertaken by the Council and identifies the extent of deterioration. The collapsed roof of the mill needs to be replaced due to the poor condition of the trusses and the north gable wall. The north gable has been patched with infill panels in the past and needs to be rebuilt.

The Old Cotton Mill dates from late 18<sup>th</sup> century and is of a high historic significance. The mill is amongst the county's first purpose built textile mills and reputedly the earliest to employ a steam engine to augment waterpower. It is of national and arguably international significance due to its role in the development of the region's textile industry and later Keighley's pre-eminent role in making machinery for this industry nationally and internationally. The views of Historic England on the high significance of the building are reported in the main report.

Adjacent to the building and within the red line of the application site, the land has been regraded and the historic water channels and infrastructure associated with the Old Cotton Mill have been destroyed. These structures were linked by historic association with the Grade II\* listed building.

The application site straddles a water channel and spill way or overflow channel associated with the mill's water management system, and a mill pond that lay to the west at a slightly higher level than the mill. These curtilage structures have been destroyed without permission and without the chance to formally record them.

The development site therefore encompasses and affects the setting of highly significant aspects of Keighley and West Yorkshire's industrial history with potential for specific evidence relating to early mechanised textile manufacture, a branch of engineering Keighley went on to dominate nationally and internationally in the 19<sup>th</sup> and 20<sup>th</sup> centuries.

The proposed development would occupy a position within the curtilage of the mill above the site of the destroyed water channel, spill way, overflow channel and apparatus. The erection of the proposed commercial building in the location identified would cause demonstrable harm to the setting of the listed building and would prevent any chance of reinstating the destroyed listed water channels and apparatus.

It has been shown from the structural survey that the adjacent mill building can be retained. Also, the Grade II\* listed building is outside the site and there is no current application proposing removal of the Old Cotton Mill.

Moreover, as the NPPF sets out the demolition of the mill, as a Grade II\* listed building should be wholly exceptional.

NPPF paragraph 199 states “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

Paragraph 220 states “Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

As the NPPF makes clear here, the building and the curtilage listed structures (here unlawfully removed) are assets of the highest significance.

The view of Officers is that to develop the application site as proposed would further compound the harm already caused and the proposed building would cause substantial harm to the setting of the Grade II\* Listed Building.

**26 January 2021**

**Item: G**  
**Ward: KEIGHLEY CENTRAL**  
**Recommendation:**  
**TO REFUSE PLANNING PERMISSION**

**Application Number:**  
20/05579/LBC

**Type of Application/Proposal and Address:**  
Construction of an industrial unit to be used as a steel fabricating workshop adjacent to the 'Old Cotton Mill' off Gresley Road, Keighley.

**Applicant:**  
Mr John Ludbrook

**Agent:**  
Mr C Hinittat Craft Design + Build

#### **SUPPLEMENTARY UPDATE**

This application is for listed building consent for the erection of an industrial unit on land adjacent to the 'Old Cotton Mill'. The application, along with the companion application for planning permission was considered at the meeting of the District Planning Panel on 24 February 2021.

Officers had recommended refusal of the listed building consent and planning applications for reasons set out in the report to that meeting which is appended below.

The February meeting minutes' record that:

'Members stated that they would like to know more information about the enforcement action as it would be a mistake to grant permission only to find that remedial works would then need to be carried out and would not be possible to do so if construction had already been completed. The Legal Officer confirmed that the current owner would still be liable and recommended that a decision be referred pending confirmation and additional information on the pending enforcement action.'

It was resolved that:

'That the decision be deferred pending receipt of information in relation to ongoing enforcement action.'

To advise the Panel, the Council's Enforcement Manager and Senior Conservation Officer will attend the Panel meeting to provide an update on the above action.

The condition of the mill is of serious concern to the Council, which has powers under the Planning (Listed Buildings and Conservation Areas) Act, 1990 to ensure the proper preservation of listed buildings in their area.

Officers are endeavouring to work with the mill owner to secure a structural survey of the listed building to determine its condition and inform what urgent works might be necessary to protect the significance of the building. Structural survey results will be a key factor in the progression of any Enforcement action, but the availability of suitable engineers to undertake a survey and difficulties in securing agreements with the owner are resulting in this taking longer than hoped for. It is expected that a survey will be achieved before the end of the year and that any necessary measures for the protection of the building can then subsequently be secured. If negotiations fail, the Council may need to use the powers afforded by the Act.

The above notwithstanding, Members should be aware that the application site is not within the same ownership as the Grade II\* listed mill and so actions by the applicant are not delaying investigation of its structural condition. However, at some point in the recent past damage to the listed building has been committed by the removal of historic water channels and sluices from adjoining land.

Officers remain of the view that development on the application site, particularly the nature of the development that is proposed, would compound the harm already caused to the historic water features and prevent any chance of reinstating these key historic features that are important to understanding the original purpose of the Grade II\* Listed Building.

**24 February 2021**

**Ward: KEIGHLEY CENTRAL**  
**Recommendation:**  
**TO REFUSE LISTED BUILDING CONSENT**

**Application Number:**  
20/05579/LBC

**Type of Application/Proposal and Address:**  
Addition of an industrial unit for use as a steel fabricating workshop over the former waterways and sluices associated with the adjacent Grade II\* listed Low Mill

**Applicant:**  
Mr John Ludbrook

**Agent:**  
Mr C Hinitat Craft Design + Build

**Site Description:**  
The application site is immediately adjacent to the Old Cotton Mill (alternatively known as Low Mill). The site is to the south of Aldi supermarket which is on the edge of Keighley town centre. The river Worth is located around 30m to the south of the site.

Old Cotton Mill is a Grade II\* listed building that is in a poor state of repair. The application site is within the curtilage of the listed building however the site has been separated from the mill building which is not within the ownership of the applicant. However, the application site is precisely the location of the former water supply and control features of the mill.

The proposal is to erect an industrial unit for use as a steel fabricating workshop over the former waterways and sluices associated with the adjacent Grade II\* listed Low Mill.

**Relevant Site History:**  
96/01103/COU - Change of use of mill to timber merchants and formation of timber store.  
Granted 22.05.1996

04/04757/LBC - Conversion of building to six flats. Granted 15.04.2005

04/04756/FUL - Conversion of existing mill to six flats and construction of a further fifty flats.  
Granted 11.10.2005

18/00282/FUL - Construction of building to create parking for six coaches and office. Granted 16.10.2018

**The National Planning Policy Framework (NPPF):**

The NPPF is a material planning consideration on any development proposal. The NPPF 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 NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

**Local Plan for Bradford:**

Core Strategy Development Plan Document

**Core Strategy Policies**

DS1 – Achieving good design

DS3 - Urban Character

DS4 – Streets and Movement

DS5 - Safe and inclusive places

SC1 - Presumption in Favour of Sustainable Development

SC9 - Making great places

EN2 - Biodiversity and Geodiversity

EN7 - Flood Risk

EN8 - Environmental Protection

EC1 - Creating a successful and competitive Bradford District economy within the Leeds City Region

EC2 - Supporting Business and Job Creation

EC3 - Employment Land Requirement

EC4 - Sustainable Economic Growth

**Parish Council:**

The comments were made in respect of application 20/05578/FUL but are applicable to the Listed Building Consent application:

Keighley Town Council is concerned about the negative impact on the Grade II\* listed building. The council notes the objections from Historic England and further notes the outstanding planning enforcement for the site. The council strongly recommends the application is refused.

**Publicity and Number of Representations:**

Advertised by site notice, neighbour notification letters and press advert in Keighley News. Overall expiry date 7<sup>th</sup> January 2021. 1 objection received and 28 letters of support.

**Summary of Representations Received:**

28 representations in support of the application.

Support:

- This will improve the look of the area.
- The design is similar to the old mill and keeping in character of the area.
- This will improve the look of the site it's been an eye sore for years.
- Support investment in Keighley.
- The proposed fabrication facility will provide a number of jobs and apprenticeship opportunities within the immediate local area.

Objections:

- This will look completely out of place.
- Anything that poses a risk to the heritage of this area should not be allowed to take place.
- This is not in keeping with the area and will create traffic problems on a congested narrow road.

**Consultations:**

Historic England - The site subject of this application lies to the west of Low Mill, over the former waterways and sluices that fed the eighteenth century internal waterwheel of the mill. It appears that these were recently destroyed. The current proposal seeks the erection of an industrial structure on the site.

The introduction of a building on this location would be extremely harmful to the setting and significance of the listed structure, with no resulting heritage benefits.

Consequently, Historic England cannot support this application and recommends consent is not granted for the proposals.

Conservation: The harm which would result from the proposed development would not be offset by any public benefit and as such is contrary to paras.193, 194 and 196 of the NPPF. The proposals would fundamentally conflict with policies EN3, SC1 (11), SC9 and DS1(F) of the core strategy. The proposals also fail to meet the obligations of Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**Summary of Main Issues:**

Heritage Significance

Economic Benefit

Other Matters

**Appraisal:**

**Heritage Significance**

The Planning (Listed Buildings and Conservation Areas) Act 1990 16(2) states “In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Core Strategy policy EN3 states “The Council, through planning and development decisions, will work with partners to proactively preserve, protect and enhance the character, appearance, archaeological and historic value and significance of the District’s designated and undesignated heritage assets and their settings.”

Policy SC1(11) states that planning decision should seek to “Ensure that developments are of high quality and well designed and that they contribute to inclusive built and natural environments which protect and enhance local settings, and heritage and reinforce or create a sense of local character and distinctiveness.”

The adjacent mill is Grade II\* listed and the application site is within its curtilage. A Listed Building Consent application has been submitted with the application (ref 20/05579/LBC) and is also under consideration. In respect of the proposal to construct a new building, it is necessary to set the context of the wider site and that of the Old Cotton Mill in particular.

The building we see today is what remains of a much larger complex. Although the area has been subject to subsequent development, the building remains a prominent structure in views from Gresley Road and Cavendish Street towards the Station, where it can be appreciated against the backdrop of the former goods shed and the wooded hills behind. The survival of the grade II listed mill complex to the east of the site contributes importantly to the setting of this grade II\* building.

Old Cotton Mill was the first cotton spinning mill in West Yorkshire. The building was constructed in 1779-80 and was originally powered with a large internal water wheel. It is highly significant for a number of reasons including the early date of construction, the fact that it was a cotton mill (unusual in this area) and the association with Sir Richard Arkwright, renowned industrial engineer.

The mill is understood to be Keighley’s first purpose-built textile building. Its importance at national level is reflected in its listing at grade II\*, a status awarded to less than 6% of the listed buildings in the country. The vacant and deteriorating condition of the building is a cause of concern and has led to its inclusion on the Historic England Heritage at Risk Register.

The potential for the regeneration of Low Mill was assessed in Natural England’s 2016 published report Engines of Prosperity: New Uses for Old Mills, alongside 7 other ‘target’ mills within West Yorkshire.



The application site is to the west of Old Cotton Mill and lies over the former waterways and sluices that fed the eighteenth century internal waterwheel of the mill. These constituted an important curtilage component of the listing but appear to have been destroyed relatively recently. The land has been partitioned and the site no longer remains in the same ownership as the mill.

The subdivision of the property is regrettable, as this will have a direct impact on the feasibility of repairs of this important heritage asset. The current proposal is for the erection of an industrial structure on the site, in close proximity to the listed building.

The introduction of a building on this location would be extremely harmful to the setting and significance of the listed structure. It is acknowledged that the significance and setting of the listed building have been affected by the construction of the coach garage to the south west of the building, permission was granted partly on the basis that it would contribute towards the feasibility of repairs of the listed building. The current proposal, being in different ownership, could not be argued to do so.

In addition, the garage building sits to the south of the listed mill and is recessed in views of the site from the north. The proposed building, by virtue of its position in relation to the access road, would be much more visible, partially obscuring views of the mill and therefore having a higher – and cumulative - impact on its prominence.

The Planning (Listed Buildings and Conservation Areas) Act 1990 asks local planning authorities to have special regard to the desirability of preserving a listed building, its setting and any features of special interest. Likewise, paragraph 193 of the NPPF asks that great weight be given to the conservation of designated heritage assets.

Paragraph 194 of the NPPF asks that all harm to the significance of heritage assets requires a clear and convincing justification. In this instance, that justification should be in line with paragraph 196 which states that 'harm should be weighed against the public benefits of the proposal.'

In heritage terms, there are no benefits that would outweigh the harm the proposal would cause to the setting and significance of the listed building. The regeneration of this highly significant asset must remain a key objective in its preservation and a primary planning consideration.

The archaeology of the site has to be assessed. At present there is an absence of any significant archaeological assessment of the site. As has been noted above, the application site straddles a water channel and spill way or overflow channel. These are associated with Low Mill's water management system and a mill pond that lay to the west at a slightly higher level than the mill.

The water management features, which run below the application site, are important evidence of the mill's construction and development. The mill was powered by a water wheel fed from the mill pond which in turn was supplied with water from a weir on the River Worth. However, competition for water to power other mills and industries was such as to make it necessary and cost effective for the tail-water to be pumped back to the mill pond from the mill's tail leat (artificial watercourse). An early steam engine was used to do this. Research suggests that up to 30 early Yorkshire mills employing this system of recirculation but none have been scientifically examined or recorded.

The proposed building will sever the mill building from its setting, obscuring the view from the slightly higher Gresley Road and mill pond and obscure its important functional relationship with the underlying landscape. The mill's low position was fundamental to its operation and would have been an essential factor in determining to build it here and the suitability of the site for the Arkwright system to be installed and operated.

The applicant's offer to demarcate the extent of the channels, whilst acknowledged, cannot be accepted as sufficient explanation of the site's importance nor as an enhancement to its setting until the ongoing enforcement case has been concluded. The development site encompasses highly significant aspects of Keighley's and West Yorkshire's industrial history with potential for specific evidence relating to early mechanised textile manufacture, a branch of engineering Keighley went on to dominate nationally and internationally in the 19th and 20th centuries.

The proposal entails construction of an industrial unit and its parking area, access and services on the site of a nationally significant heritage asset. This would cause further significant harm to a designated heritage asset and may impact on and destroy important new evidence of the water management system of one of the county's World's first mechanised textile mills.

### **Economic Benefit**

In order to weigh the public benefit of the scheme against the impact on the listed building it is necessary to consider the wider economic contribution that the development would make.

The proposed building is to be in industrial (E(g)(iii)) use as a steel fabricating workshop. The proposal would introduce 202sqm of commercial floor space to Keighley. No employment information is given in terms of proposed employee numbers.

Core Strategy policy EC2 is a strategic policy and states "The Council will support the delivery of at least 1600 new jobs annually in the District".

Policy EC4 "The Council through planning and development decisions and supporting economic development tools will seek to manage economic and employment growth in a sustainable manner".

The NPPF's economic objective is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth.

Whilst there is a clear encouragement for economic development, and the proposed development, although employment figures are absent, would be beneficial to the local economy. However, the important overarching approach is that such development has to be sustainable. It is the case that the harm caused by the proposed development to the heritage significance of the Grade II\* listed building. The proposed development is not, therefore, sustainable since it would cause demonstrable detriment to the historic setting of the adjacent listed building and its curtilage.

### **Other Matters**

It is acknowledged that the Grade II\* listed building and its curtilage are in a poor state and clearly has a detrimental effect on the visual amenity of the locality. The proposed development would not directly improve the physical condition of the Old Cotton Mill since it is on a separate parcel of land in different ownership. The division of the site curtilage into different ownership has, to a degree, hindered the improvement of the listed building and its curtilage. Moreover, the investigation into the destruction of the former waterways and sluices that fed the internal waterwheel of the mill is an ongoing. The proposed development does not resolve this outstanding issue.

The public benefit of the development does not outweigh the substantial harm caused to the listed building and its setting.

### **Community Safety Implications:**

There are no implications for community safety.

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

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

### **Reasons for Refusal:**

1. The proposed building by virtue of its size, proximity to the Old Cotton Mill and position within the curtilage would cause substantial harm to the Grade II\* Listed Building. The development would be contrary to NPPF paragraphs 193, 194 and 195 in respect of substantial harm the development would cause to the Grade II\* listed building and its setting. The development would not comply with Core Strategy policies EN4 and DS1.

This page is intentionally left blank

## Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 26 January 2022

**H**

---

### Summary Statement - Part Two

#### Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	(4)
Decisions made by the Secretary of State - Allowed	(2)

---

Julian Jackson  
Assistant Director (Planning, Transportation and Highways)

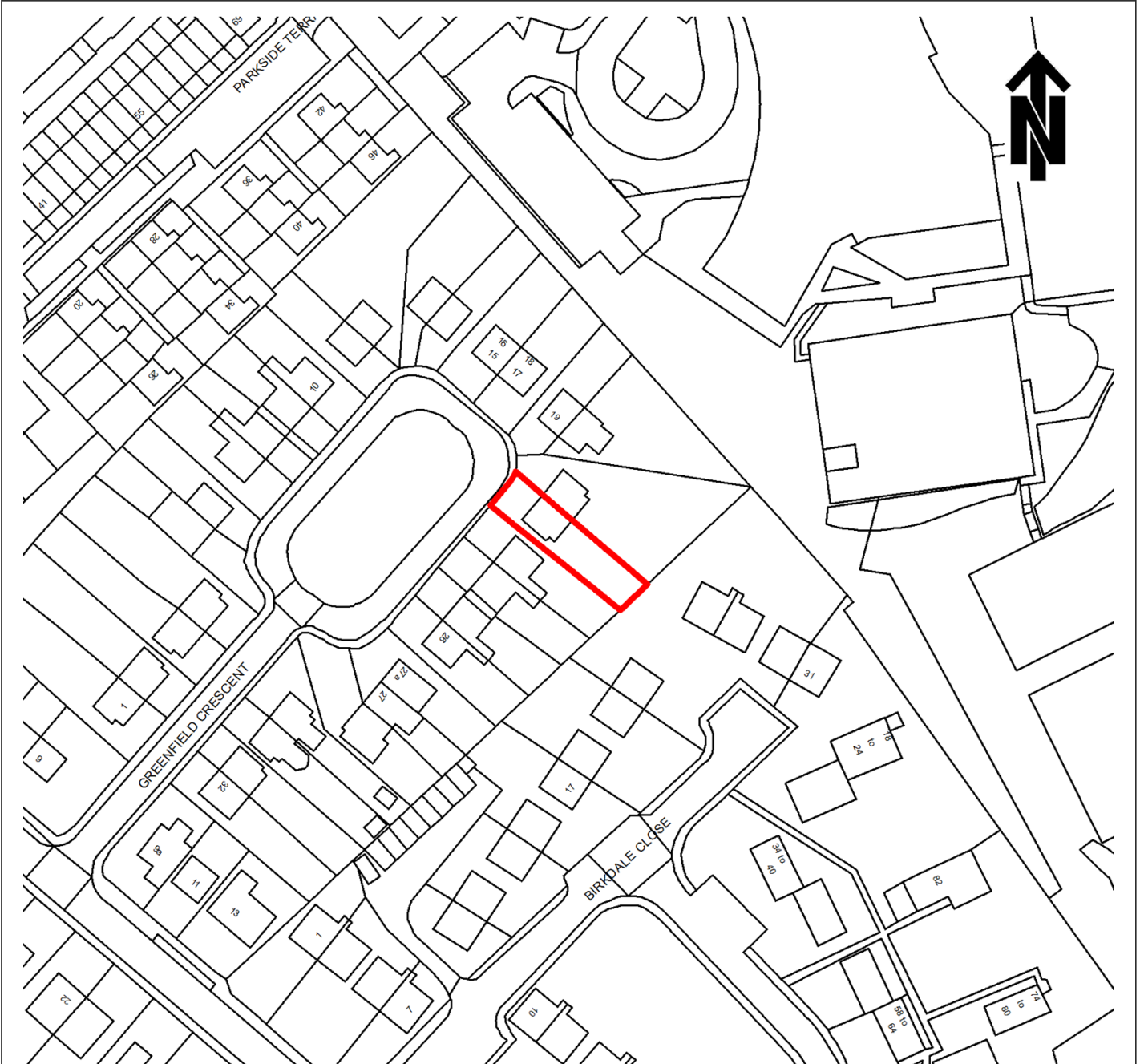
Report Contact: Mohammed Yousuf  
Phone: 01274 434605

Email: [mohammed.yousuf@bradford.gov.uk](mailto:mohammed.yousuf@bradford.gov.uk)

**Portfolio:**  
Regeneration, Planning & Transport

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

19/00929/ENFUNA



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

<b>22 Greenfield Crescent Cullingworth Bingley BD13 5AW</b>	
---	--

**26 January 2022**

**Item Number: A**  
**Ward: BINGLEY RURAL**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
19/00929/ENFUNA

**Site Location:**  
22 Greenfield Crescent Cullingworth Bingley West Yorkshire BD13 5AW

**Breach of Planning Control:**

Without planning permission, the construction of a fence and gates along the front boundary of the property.

**Circumstances:**

The Local Planning Authority received an enquiry regarding the above development. Despite a request from the Local Planning Authority the owners/occupiers of the property have taken no action to rectify the breach and the matter remains unresolved.

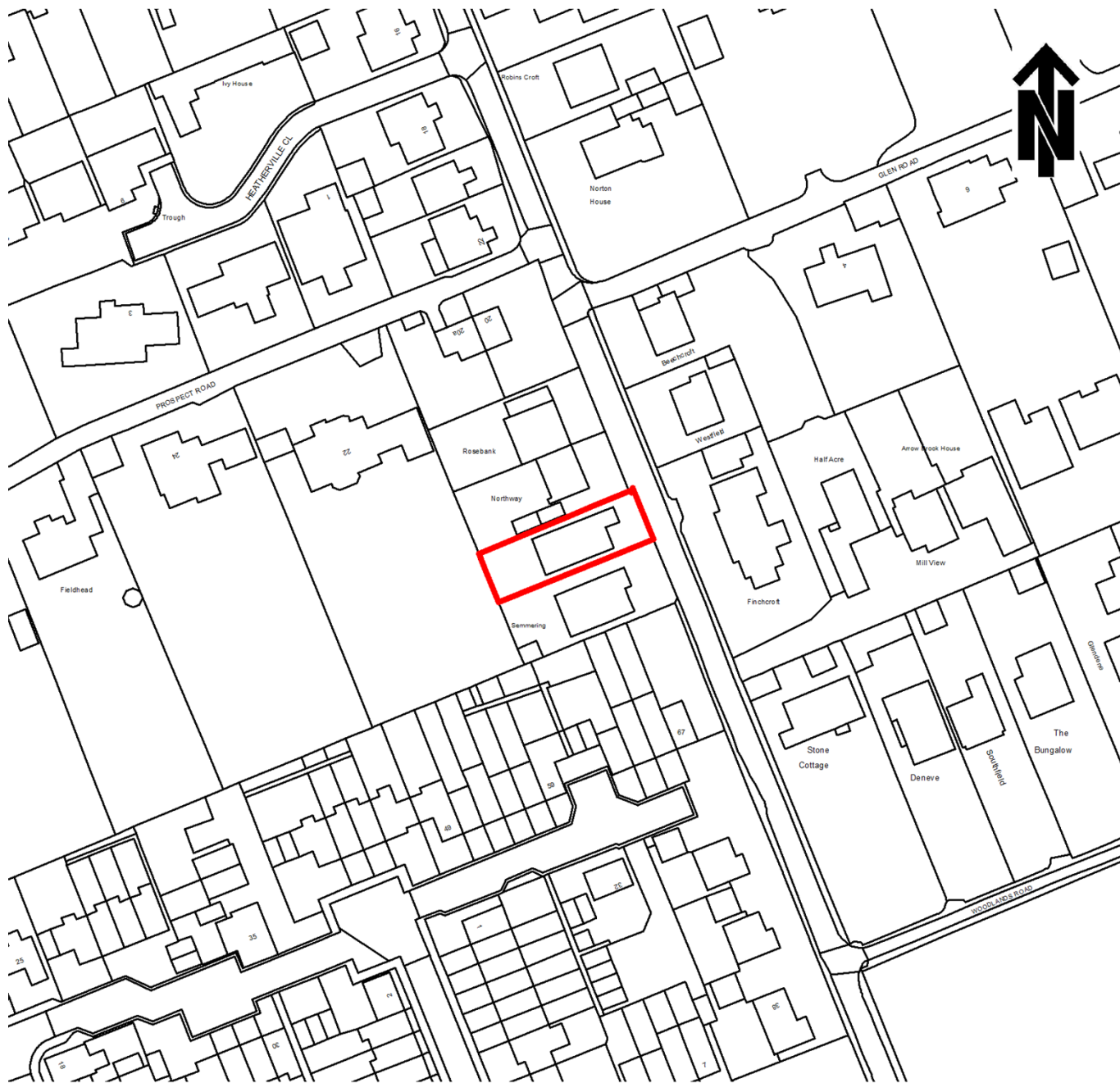
It is considered expedient to issue an Enforcement Notice because the fence and gates by reason of their height, position and appearance represent an unwelcome and strident feature visually incongruous with the prevailing character of the locality. The means of enclosure is harmful to the appearance of the street scene, and is unacceptable when measured against policy DS1 of the Core Strategy Development Plan Document.

The Planning Manager (Enforcement and Trees) authorised enforcement action on the 14 October 2021 requiring the owner of the property to remove the unauthorised fence and gate from the front boundary of the property or reduce the height of the fence and gate so that no point exceeds 1 metre in height from the original ground level.

19/00763/ENFAPP



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**Former Site Semmering**  
**Sheriff Lane**  
**Eldwick**  
**Bingley**



**26 January 2022**

**Item Number: B**  
**Ward: BINGLEY**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
19/00763/ENFAPP

**Site Location:**  
Former Site Semmering Sheriff Lane Eldwick Bingley West Yorkshire

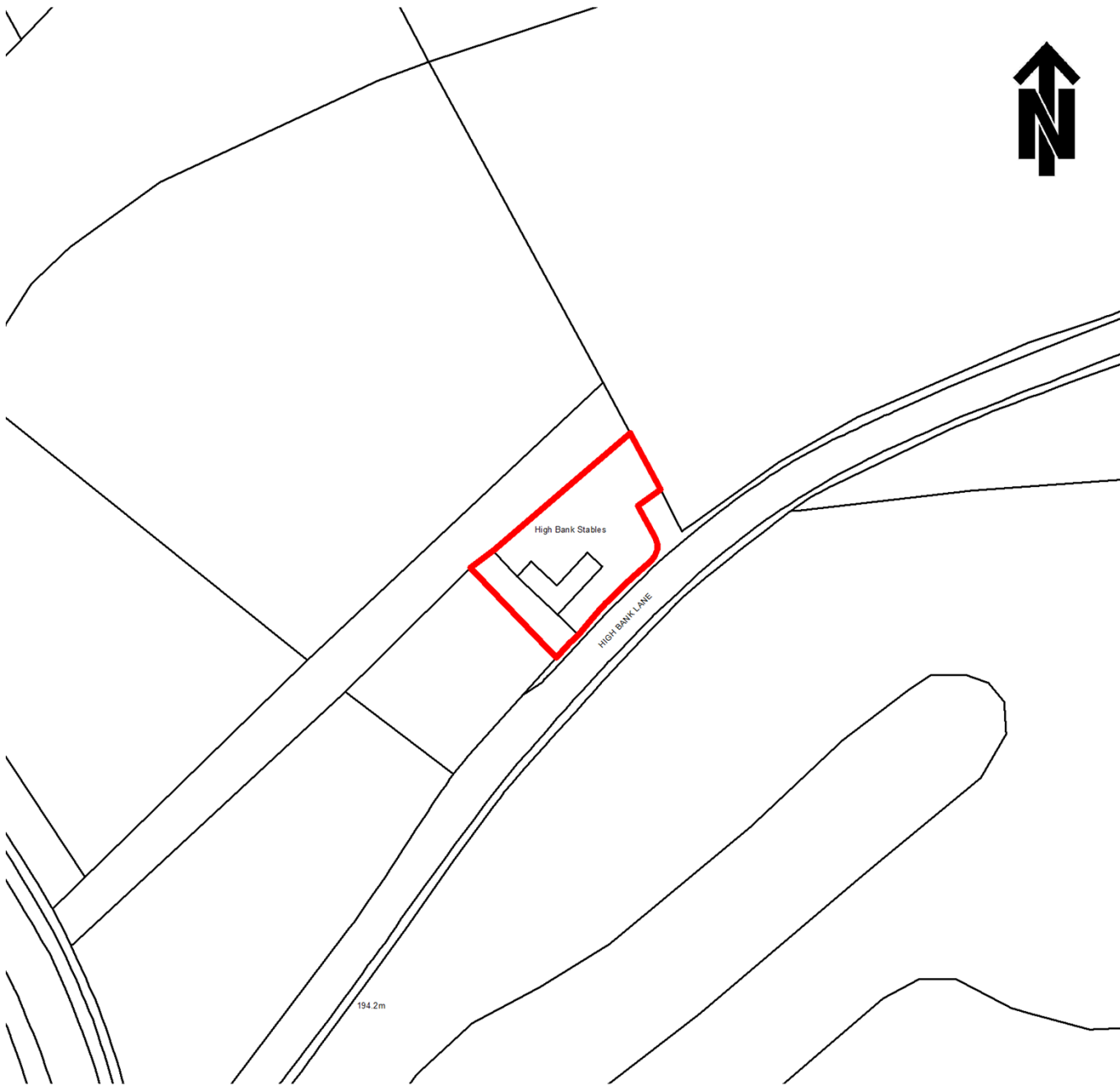
**Breach of Planning Control:**  
Breach of condition 3 of planning permission 18/00139/FUL and condition 2 of 18/02365/VOC.

**Circumstances:**  
In March 2018 planning permission was granted for the construction of one dwelling, car parking and landscaping on the land. In July 2018 planning permission was granted to vary that permission under reference 18/02365/VOC. The variation related to changing the construction materials.

Condition 3 of planning permission 18/00139/FUL and condition 2 of 18/02365/VOC required the first floor windows in the north and south elevations of the dwelling to be glazed in obscure glass prior to the first occupation of the building. The dwelling is occupied and the windows have not been obscure glazed.

On 14 October 2021 the Planning Manager (Enforcement & Trees) authorised proceedings to issue a Breach of Condition Notice. It is considered expedient to instigate enforcement action, as the breach of condition is detrimental to residential amenity.

21/00269/ENFUNA



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**Land Adjacent To  
High Bank Lane  
Shipley**

**26 January 2022**

**Item Number: C**  
**Ward: SHIPLEY**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
21/00269/ENFUNA

**Site Location:**  
Land Adjacent To High Bank Lane Shipley West Yorkshire

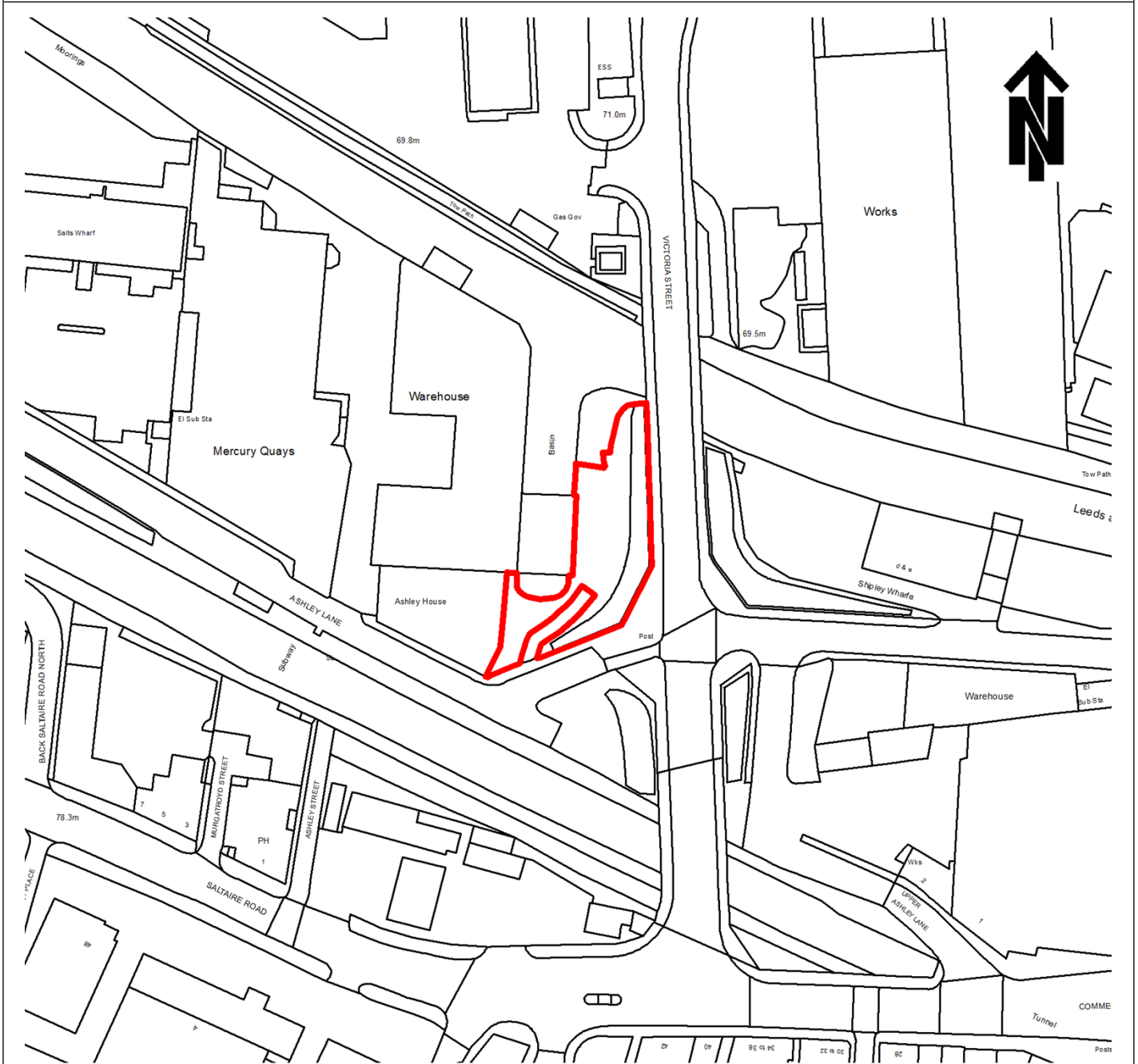
**Breach of Planning Control:**  
Unauthorised single storey building and timber structures

**Circumstances:**  
In March 2021 it was noted that a single storey building and timber structures had been sited on the Green Belt land, for which the Council had no record of planning permission having been granted.

The land owner/occupier has been requested to take action to rectify the breach of planning control, however no action has been taken.

On 16th December 2021 the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised single storey building and timber structures are sited on designated Green Belt land and do not fall within any of the exceptions set out in National Planning Policy Framework paragraph 149. The single storey building and adjacent timber structures are considered to be inappropriate development in the Green Belt and to have a detrimental effect on the character of the landscape by virtue of their position, design and appearance, contrary to Policies SC7 and EN4 of the Council's adopted Core Strategy Development Plan Document.

21/00278/ENFCOU



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**Land East Of Ashley House  
Ashley Lane  
Shipley  
BD17 7DB**

**26 January 2022**

**Item Number: D**  
**Ward: SHIPLEY**  
**Recommendation:**  
**THAT THE REPORT BE NOTED**

**Enforcement Reference:**  
21/00278/ENFCOU

**Site Location:**  
Land East Of Ashley House Ashley Lane Shipley West Yorkshire BD17 7DB

**Breach of Planning Control:**  
unauthorised use of land for the storage, processing and transfer of waste tyres.

**Circumstances:**  
Inherent within the unauthorised use are issues of bulk storage and loading and unloading of bulk shipments. The use is over spilling the building leading to highway obstructions and harms pedestrian and highway safety as it restricts the free passage and manoeuvring of vehicles and leads to conflict between road users.

There are design and layout concerns and a fear of crime due to the over spilling and the location of the site in close proximity to a main railway line.

The unauthorised use spills out into the open and harms the character and appearance of the Leeds/Liverpool Canal conservation area and the setting of the Saltaire World Heritage Site

The unauthorised use is therefore contrary to the following policies of the Councils Local Development Plan Document, WDM1 unallocated sites (waste), WDM2 site specific criteria (waste) and relevant policies SC9, EN8, DS1, DS5 and EN3.

## DECISIONS MADE BY THE SECRETARY OF STATE

### Appeal Allowed

<u>ITEM No.</u>	<u>WARD</u>	<u>LOCATION</u>
E.	Wharfedale (ward 26)	11 Moss Brook Court Burley In Wharfedale Ilkley West Yorkshire LS29 7RZ  Determination under Section 191 that the occupiers of the land and the previous owners of 11 Moss Brook Court, Burley In Wharfedale have been using the land as their garden continually since 2002 – 2003 - Case No: 21/00646/CLE  Appeal Ref: 21/00073/APPACLE
F.	Wharfedale (ward 26)	51 Grangefield Avenue Burley In Wharfedale Ilkley West Yorkshire LS29 7HA  Replace existing front dormer - Case No: 21/02894/HOU  Appeal Ref: 21/00119/APPHOU

### Appeals Dismissed

There are no Appeal Dismissed Decisions to report this month

### Appeals Upheld

There are no Appeal Upheld Decisions to report this month

### Appeals Upheld (Enforcements Only)

There are no Appeal Upheld Decisions to report this month

### Appeals Withdrawn

There are no Appeal Withdrawn Decisions to report this month

### **Appeal Allowed in Part/Part Dismissed**

**There are no Appeals Allowed in Part/Part Dismissed to report this month**

### **Notice Upheld**

**There are no Notice Upheld to report this month**

### **Notice Varied and Upheld**

**There are no Notice Varied and Upheld to report this month**

This page is intentionally left blank