

Public Document Pack



Agenda for a meeting of the Area Planning Panel (Keighley and Shipley) to be held on Wednesday 29 June 2022 at 10.00 am in Ernest Saville Room - City Hall, Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
Lee (Chair) M Amran (Deputy Chair) J Humphreys Arshad Hussain	G Barker M Nazam	K Warnes

Alternates:

LABOUR	CONSERVATIVE	GREEN
S Akhtar R Berry R Jamil J Lintern	M Pollard P Sullivan	C Hickson

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 09:30 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 by midday on Monday 27 June 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 pages and must also be submitted in writing by midday on Monday 27 June 2022 to the following Governance Officer 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 encouraged to wear a suitable face covering (unless you are medically exempt) and adhere to social distancing.

From:

Bryn Roberts
Interim City Solicitor
Agenda Contact: Farzana Mughal 07811 504164
E-Mail: 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 26 January 2022 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 27 June 2022.

(Farzana Mughal – 07811 504164)

B. BUSINESS ITEMS

6. APPLICATIONS RECOMMENDED FOR APPROVAL OR REFUSAL

1 - 28

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

The sites concerned are:

- (a) 204 Gaisby Lane, Shipley, West Yorkshire, BD18 1AE -
22/00985/FUL (Approve) **Windhill and Wrose**
- (b) Former Mortuary, Skipton Road, Keighley, West Yorkshire -
21/05013/FUL (Approve) **Keighley Central**
- (c) Jewsons Royd, Ings Avenue, Keighley, West Yorkshire BD21 4BZ -
22/01258/VOC (Approve) **Keighley Central**

(Mohammed Yousuf – 01274 434605)

7. MISCELLANEOUS ITEMS

29 - 56

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

(A-M) Items to note.

(N-R) Decisions made by the Secretary of State – Allowed.

(S-AF) Decisions made by the Secretary of State – Dismissed.

(AG-AH) Decisions made by the Secretary of State – Allowed in Part/
Part Dismissed.

(Mohammed Yousuf – 01274 434605)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

Report of the Strategic Director of Place to the meeting of the Area Planning Panel (KEIGHLEY AND SHIPLEY) to be held on 29 June 2022

A

Summary Statement - Part One

Applications recommended for Approval or Refusal

The sites concerned are:

<u>Item</u>	<u>Site</u>	<u>Ward</u>
A.	204 Gaisby Lane Shipley West Yorkshire BD18 1AE - 22/00985/FUL [Approve]	Windhill And Wrose
B.	Former Mortuary Skipton Road Keighley West Yorkshire - 21/05013/FUL [Approve]	Keighley Central
C.	Jewsons Royd Ings Avenue Keighley West Yorkshire BD21 4BZ - 22/01258/VOC [Approve]	Keighley Central

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

Report Contact: Mohammed Yousuf
Phone: 01274 434605

Email: mohammed.yousuf@bradford.gov.uk

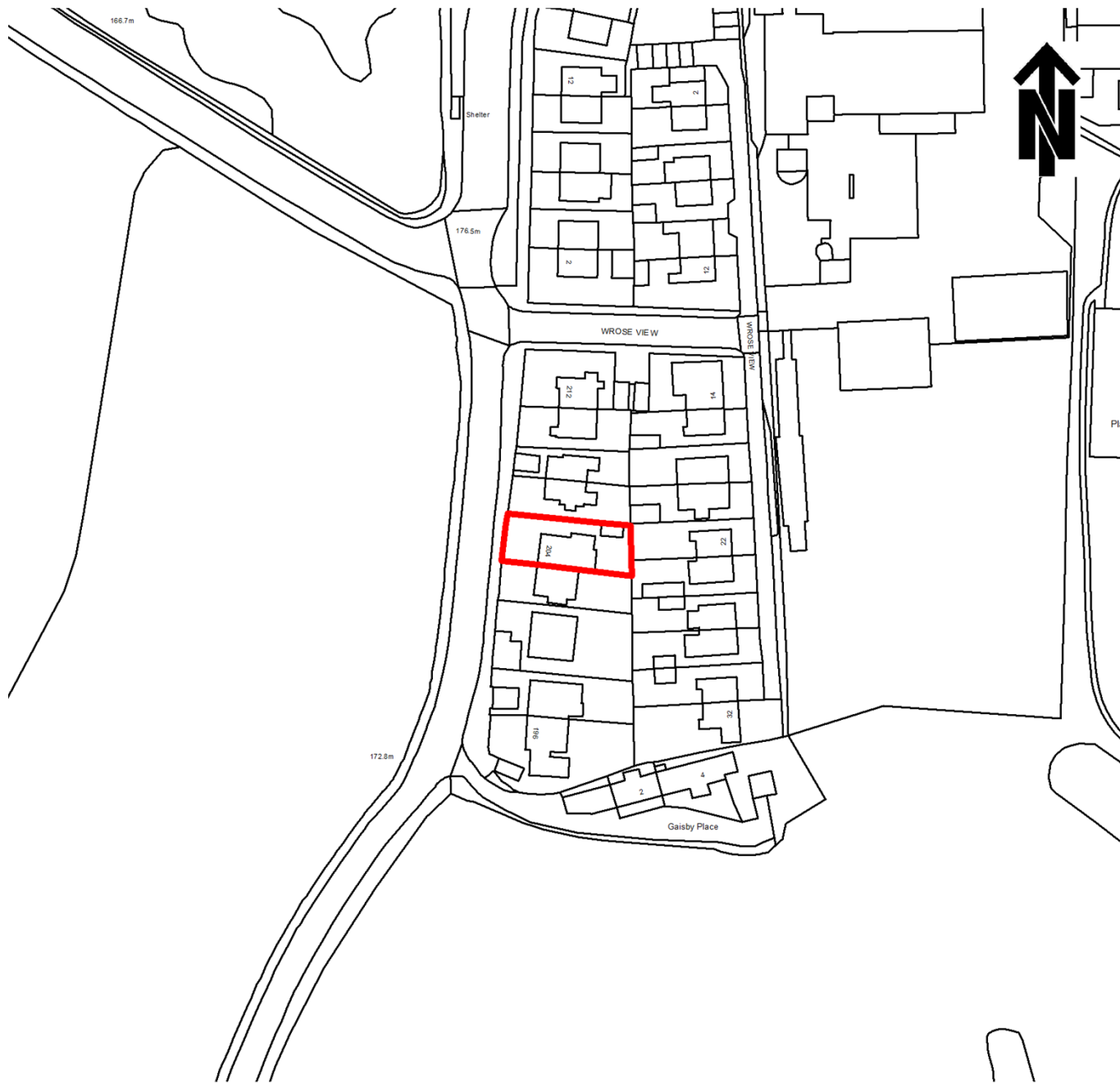
Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

22/00985/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

204 Gaisby Lane
Shipley
BD18 1AE

29 June 2022

Item: A
Ward: WINDHILL AND WROSE
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
22/00985/FUL

Type of Application/Proposal and Address:
Full application for demolition of house and construction of replacement, enlarged dwelling and rear boundary wall at 204 Gaisby Lane, Shipley, BD18 1AE

Applicant:
Mr Zakar Hussain

Agent:
Mr Eatzaz Hassan

Site Description:
The application site formerly was formerly occupied by a semi-detached dwelling that was elevated about 2.5 metres above the level of Gaisby Lane. The former dwelling was, and other properties on this side of the road are, set behind either a stone retaining wall or behind garages built into the ground with doors facing directly onto the pavement. The site previously had steps that rise up to a raised ground level to front elevation of the house. The surrounding properties are predominately similar two storey semi-detached dwellings with the exception of 196 and 198 Gaisby Lane which are bungalows. There is one other instance of dormer window to the front elevation at 198 Gaisby Lane and 208 Gaisby Lane has a two storey rear extension and there are various types and designs of single storey extension to rear of other properties along Gaisby Lane.

Relevant Site History:

10/01617/HOU: Construction of a two storey side extension and front underground garage, granted 09.09.2010

13/00873/HOU: Renewal of planning approval 10/01617/HOU, refused 01.05.2013.

19/05141/PNH (Larger Homes Extension): Construction of single storey rear extension (six metres deep three metres high), Prior Approval Not Required 14.01.2020

19/05236/HOU: Two storey side and rear extension, with front and rear dormer windows and front basement garage extension, granted 12.06.2020

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

DS4 Streets and Movement

DS5 Safe and Inclusive Places

EN2 Biodiversity and Geodiversity

EN7 Flood Risk

EN8 Environmental Protection Policy

HO5 Density of Housing Schemes

HO9 Housing Quality

SC8 Protecting the South Pennine Moors

TR2 Parking Standards

Homes and Neighbourhoods - A Guide to Designing in Bradford Supplementary Planning Document (SPD)

Householder SPD

Parish Council:

Wrose Parish Council – no response received

Publicity and Number of Representations:

The application was advertised by neighbour notification letters which expired on the 25.04.2022. Three objections were received.

Summary of Representations Received:

Permission was not to knock down and re-build the dwelling; it was for extensions.

Need to build back as previously existed.

The site looks and eyesore.

The works have cause damage to neighbouring properties and needs to be rectified and compensation paid.

Third party should construct the dwelling.

Response to the above objections. Officers agree that planning permission has not been granted to demolish the dwelling and the permission was for extension. Officers support the re-build of the dwelling to its previous state and so that it prevents a derelict site. Damage caused to neighbouring properties is not a material consideration it is civil matter for the private resolution of the parties involved.

Consultations:

Highways - No objections
West Yorkshire Police - no response received
Housing Standards - no response received
Biodiversity Team - Condition recommended

Summary of Main Issues:

1. Background
2. Principle of development
3. Impact on the character of the area
4. Amenities of existing and future occupiers
5. Highway safety
6. Other Planning matters

Appraisal:

Background

At the time of the Planning Officer's standard site visit (April 2022) the semi-detached dwelling of 204 Gaisby Lane had been demolished with the adjoining semi (No. 202) remaining. The site had been excavated well beyond foundation level up to the former dwelling's rear wall. The ground levels remain the same in the rear garden where 3 walls of a single storey structure have been constructed extending some six metres from the where the rear wall of 204 Gaisby Lane previously stood. A separate wall over two metres high stands to the rear boundary of the site.

Further to the above-noted recent planning history it is understood that the following is the sequence of events for the application site: -

19.05.2021: The last know time when the dwelling was present.

31.03.2022: Enforcement notice served. Without planning permission, the demolition of the existing two storey semi-detached house, engineering operations (excavation work) and construction of breeze block and stone structures above original ground level (determined by garden level of the adjacent property).

The agent has recently confirmed dwelling has been demolished due to safety concerns during the construction and excavation works.

Principle of development

The agent has confirmed that the application is for the construction of dwelling to appear as it previously existed along with the extensions approved under reference number 19/05236/HOU.

This scheme involved the following works;

1. A front basement garage extension excavated into the front garden.
2. Front and rear dormer windows.
3. Two storey extension to the side of the semi and projecting to the rear.
4. Two and single storey extension to the rear. The single storey projects 3metres in depth that sits up to the side boundary of 202 Gaisby Lane. The single storey extension then steps in 3metres away from side boundary of 202 Gaisby Lane and has total projection of 6metres.

In addition to the proposal includes the construction of rear boundary wall that exceeds two metres in height. The description has been amended accordingly.

It should be noted that this application does not include a 6metre single storey rear extension, which is currently partially constructed on site.

Notwithstanding the sequence of events, the site was occupied by a house and the surrounding area is residential in character so the principle of re-constructing of a dwelling on the site is acceptable subject to considerations of the local impact of the proposal as assessed below.

Impact on the character and form of the area

The design, scale, size and materials of the proposed dwelling would be the same as that which previously existed and the extensions/alterations that were approved under application reference 19/05236/HOU. These amounted to a two storey side and rear extension, single storey rear extension, forward projecting basement garage and dormer windows to front and rear.

The retaining wall to the rear boundary has not been previously approved. It would be constructed of block work and to be faced with artificial stone. The proposed wall is not prominent from public view points and so the wall would have no harmful effect on the appearance of the site or wider street scene.

The scheme as a whole would not have a harmful impact on visual amenity of the site or the wider area and therefore accords with the design related policies the Core Strategy.

Impact on the amenities of existing and future occupiers

As noted above the form and scale of the proposed dwelling would be the same as that of the previous dwelling and its approved extensions and alterations. Specifically, the single storey rear extension is subject of amended plans to show it follows the 3 metre projection to the common boundary with 202 Gaisby Lane as approved under 19/05236/HOU rather than the 6metre depth of the prior notification scheme (19/05141/PNH). This will restrict any significant adverse effect of overshadowing, over-dominance or loss of outlook on 202 Gaisby Lane.

The height of the proposed rear boundary wall is not excessive and its position would not have any harmful effect on the adjoining property.

The position of windows is unchanged and so no additional increase in excessive overlooking of neighbouring property would occur compared with the previous dwelling and its approved extensions.

The proposed dwelling is therefore acceptable in terms of its impact the living conditions enjoyed by neighbours as required by Policy DS5 of the Core Strategy. To ensure that this remains the case it would be prudent to remove permitted development rights for further windows and extensions additions to the property.

Highway safety

The proposed dwelling would not generate a level of traffic that would be neither greater than that of the previous property (as approved to be extended) nor that would overwhelm the local road network. The proposed front basement garage extension of the scheme is the only part of the proposal that could have an impact on highway safety but this arrangement provides off-street parking similar to that of adjacent dwellings.

The proposal would therefore have no adverse effect on highway safety and so accords with policies DS4 and TR2, and the NPPF.

Other Planning Matters

Biodiversity: Policy EN2 of the Core Strategy requires that plans, policies and proposals should contribute positively towards the overall enhancement of the District's biodiversity; they should seek to protect and enhance species of local, national and international importance and to reverse the decline in these species. Normally, demolition of a building should be subject to a Preliminary Bat Roost Assessment but advice from the Biodiversity Officer is that risk to bats is low and recommends a condition for incorporation of bird/bat boxes into the build. This will address the development's obligations towards contributing to biodiversity net gain. The proposal therefore accords with Policy EN2 of the Core Strategy.

Policy SC8 seeks to protect the biodiversity of the South Pennine Moors and their zones of influence. This application proposes a house in Zone C, within which the Council is introducing a tariff to fund mitigation of the effects of recreation pressures arising from additional housing on the integrity of the South Pennine Moors. However, such payments are only liable on applications received from 01.04.2022 onwards and this one was received before that date, so the tariff is not applicable in this instance.

The proposal raises no other planning-related issues that cannot be addressed through conditions and/or informatives.

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 proposed re-construction of the dwelling and the rear retaining walls are acceptable in terms of impact on visual and residential amenity, highway safety and all other planning-related matters. The proposal is acceptable when assessed against the Council's adopted planning policies and the NPPF.

Conditions of Approval:

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

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

2. The development hereby approved shall only be carried out in accordance with the approved plans.

Location Plan	19091-P-01	02.02.2022
Existing Plans and Elevations With Site Plan	19091-P-02	02.02.2022

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

3. Before development above damp proof course 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. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no development falling within Classes A to E of Part 1 of Schedule 2 of the said Order shall subsequently be carried out to the development hereby approved without the prior express written permission of the Local Planning Authority.

Reason: To prevent overdevelopment of the plot, to safeguard the amenities of occupiers of adjoining properties and to accord with policies DS3 and DS5 of the Core Strategy Development Plan Document.

5. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) no alterations comprising the addition of further windows or other openings shall subsequently be formed in the dwelling hereby permitted without the express written permission of the Local Planning Authority.

Reason: To safeguard the privacy and amenity of occupiers of neighbouring properties and to accord with Policy DS5 of the Core Strategy Development Plan Document.

6. The development hereby permitted shall not be occupied until bat and bird boxes have been installed in accordance with details shown on submitted plans first submitted to, and agreed in writing by, the Local Planning Authority.

Reason: To ensure compensation for nest or roost features for protected species that may have been lost due to demolition and to accord with Policy EN2 of the Core Strategy Development Plan Document.

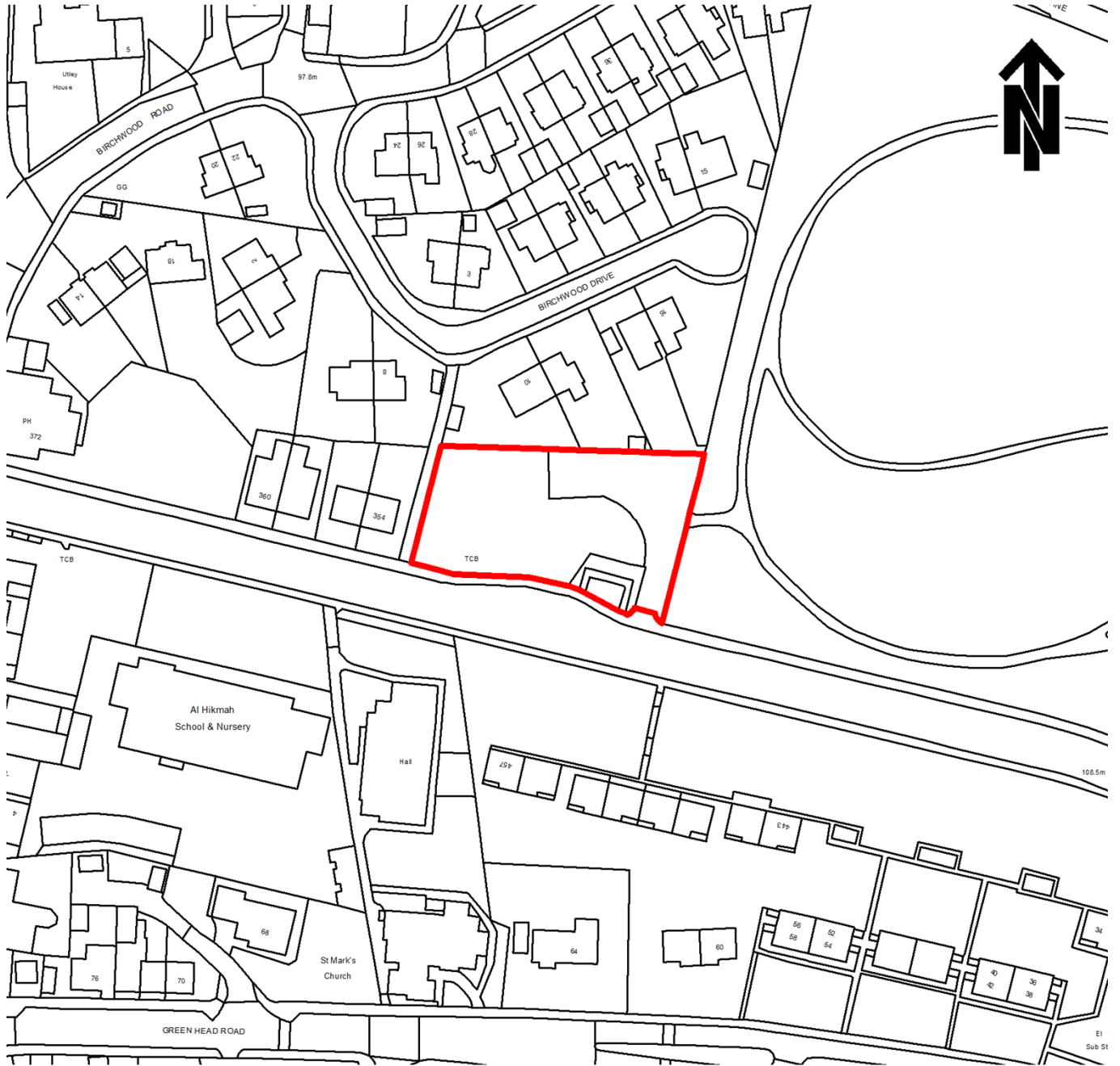
7. No piped discharge of surface or foul water shall take place from the development until details of a scheme for foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall thereafter be implemented prior to the commencement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

21/05013/FUL



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

Former Mortuary
Skipton Road
Keighley

29 June 2022

Item: B
Ward: KEIGHLEY CENTRAL
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
21/05013/FUL

Type of Application/Proposal and Address:
Full application seeking permission for the construction of six dwellings.

Applicant:
Mr James Cotterill

Agent:
Mr Sam Cotterill

Site Description:

The site comprises approximately 0.15ha of now vacant, cleared land. It was formerly occupied by buildings associated with Utley cemetery which is to the east. Some sections of perimeter walling and crushed and compacted hard-surfacing remain. The site is at a lower level than Skipton Road with a stone retaining wall to the highway. To the north and west are traditional mid-20th century two-storey houses faced with render and concrete tiles. Utley Cemetery is to the east. On the opposite side of Skipton Road to the south and at a higher level is a row of bungalows. Vehicular access is available from Skipton Road over a dropped crossing adjacent to a short parking bay adjoining the site frontage. Pedestrian access is available via an unmade footpath, which separates the site from housing to the west, and leading directly from Utley Cemetery.

Relevant Site History:

21/03171/REM: Reserved matters application requesting consideration of appearance, landscaping, layout and scale for residential development of 6 No dwellings (pursuant to outline approval 17/04999/OUT).

This was refused because the reserved matters were submitted too late, the Outline permission had lapsed.

17/04999/OUT: Outline permission for residential development - Granted 14 June 2018.

13/02002/REG: Five dwellings with off-street parking and associated access road, application was withdrawn 16 July 2013.

13/04678/RG4: Outline application for demolition of existing buildings and construction of three new dwellings associated access road and parking. Granted 16 April 2014. This application was granted by Area Planning Panel.

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

HO5 Density of Housing Schemes
HO8 Housing Mix
SC9 Making Great Places
DS1 Achieving Good Design
DS3 Urban character
DS5 Safe and Inclusive Places
TR2 Parking Policy
EN3 Historic Environment
EN7 Flood Risk
EN8 Environmental Protection Policy
SPD05 Planning for Crime Prevention SPD
SPD09 Sustainable Design Guide SPD

Parish Council:

Keighley Town Council has concerns regarding the drainage and highways relating to this application. Has requested that the application be referred to the Area Planning Committee (Panel) for detailed consideration before a decision is made.

Publicity and Number of Representations:

The application was publicised with neighbour notification letters and a site notice with an overall expiry date of 28.11.2021. One representation has been received neither objecting or supporting the proposal but raising question regarding boundary treatment and surface water drainage arrangements.

Consultations:

Drainage - No objections have been raised. Has suggested imposing a condition requiring approval of full drainage details.

West Yorkshire Police ALO – has no objection. ALO has provided recommendations for crime prevention.

Biodiversity - More information required.

Conservation Officer – Has raised concern regarding the impact of the proposal on the significance and setting of the nearby heritage asset at Utleigh Cemetery (see appraisal).

Yorkshire Gardens Trust - No objection made, comments made regarding lack of heritage statement.

Highways DC - Opposed the proposal as submitted but revised plans / additional information have addressed the technical concerns. The revised plans received 02 Feb 2022 now overcome previous highway concerns.

Summary of Main Issues:

Background and principle of residential development

Access and highway safety

Drainage

Design and impact on heritage setting/context

Amenities of occupiers of adjacent land

Appraisal:

Background and principle of residential development

The site has been granted outline permission for residential development in the recent past - most recently under outline permission reference 17/04999/OUT. That outline permission did not specify the number of dwellings or consider details of layout, but an illustrative layout showed 5 houses on the land. This new application seeks permission for six dwellings, comprising two rows of three attached townhouses. The properties would use the change in land levels to present a two storey property to Skipton Road and three storeys facing north.

Paragraph 11 of the National Planning Policy Framework requires that planning decision-takers should apply a presumption in favour of sustainable development which means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For applications involving the provision of housing, the presumption applies in situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

That is acknowledged to be the situation in Bradford District, within which the latest Housing Delivery Test results published on 14 January 2022 showed supply falling below this threshold.

The shortfall in the five-year supply of deliverable housing sites is therefore of significance. The site is not an asset of particular importance as defined in Footnote 7 of the Framework.

It is acknowledged that the site has presented technical issues relating to highway access and drainage, which are of concern to the Town Council. However, these technical issues have been resolved by amendments. It will be explained in the rest of the report how the development would not lead to unacceptable impacts on highway safety or drainage problems. Therefore, the planning balance must lead to a conclusion that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits of securing more housing, when assessed against the policies in the Framework taken as a whole.

Access and highway safety

The proposed means of access and layout of houses would mirror that shown in illustrative form as part of the outline application approved in 2017. It would also reflect the layout of the scheme approved by Panel in April 2014, albeit with more dwellings.

Given that access is onto a reasonably busy road, the Council's Highway Officer raised a number of concerns about the original proposals but discussions with Officers have resulted in a number of revisions to the layout responding to what were mostly technical design points. The Council's Highway Officer now supports the amended layout.

Suitable visibility splays to Skipton Road are now incorporated. The horizontal and vertical alignment of the access road is workable. Other details of the design have been amended to the satisfaction of officers.

The proposal indicates adequate space within the site for 2 x off-street car parking spaces plus visitor spaces within the development. Arrangements are made for bin storage and collection.

Given support from the Council's Highway Officer the proposal would not have any unacceptable effects on highway safety and is acceptable subject to the various conditions proposed by the Highway Officer and listed below.

Given the location of the site alongside a busy road and bus route, these include a requirement to agree construction site management proposals.

Drainage

It is noted that the Town Council alludes to drainage issues. However, the site is previously developed land and is not within an area of Flood Risk. Drainage issues were not raised during consideration of previous applications.

The Drainage Officer has referred to a watercourse near the development, but records show that this is well to the east of the site, within the cemetery, and so is well removed from development. There are no watercourses evident on the land itself.

The Council's Drainage Officers raise no objections to this new proposal subject to reserving detail of the proposed foul and surface water drainage scheme.

The applicant has submitted a strategy outlining their initial proposals for drainage, although that is not entirely complete in terms of detail.

A standard condition is proposed requiring that notwithstanding details contained in the supporting information, the drainage works for the development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage have been submitted to and approved in writing by the local planning authority. The development shall then only proceed in strict accordance with the approved drainage details. That would be consistent with past permissions and would address the interests of the amenity of future occupiers and the effective management of flood risk in accordance with Policies DS5, EN7 and EN8 of the Core Strategy.

Design and impact on heritage setting/ context

The site is immediately adjacent to Utley Cemetery. In 2013 the cemetery became a designated heritage asset when it was added to the Register of Parks and Gardens. It is a Grade II listed park/garden due to its special historic interest. The cemetery is laid out as quite a unique planned landscape. It originated in the 1850s and features various impressive structures, tombs and memorial stones to notable Keighley people. The best features being the stone entrance lodge, the remaining mortuary chapel and the Butterfield Mausoleum, which is a grade II listed building.

The impact of the proposal on the setting of the cemetery as a registered park/garden and on the listed mausoleum is therefore a material consideration in determining the planning application.

The Council's Conservation officer has observed that no Heritage Statement had been provided by the applicant, and this has also been noted by the Yorkshire Gardens Trust. However, the development does not lie within the Registered Park/Garden, it is on a distinct and separate piece of land. The requirement for a Heritage Statement for developments, like this proposal, that do not directly affect a listed building or a conservation area and, indeed, are some distance away, is a matter of judgement.

In paragraph 195, the Framework says local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise, and that the level of detail (to be provided by an applicant) should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

It is considered that the relationship of this development to the heritage asset formed by the cemetery and associated structures is easily appreciated and that appropriate expertise is available within the Council to undertake that assessment without requiring a written document. It is also noted that despite the lack of a formal written heritage evaluation neither the Council's Conservation Officer, nor the Gardens Trust object to the development proposals.

With regard to effects on the setting of the cemetery, the proposed dwellings would be located towards the southern boundary of the site, so are likely to be relatively prominent in views from the main road towards and from the cemetery. However, existing suburban development already exists within this setting and the conservation officer notes how the dwellings would be set down in the site, below street level. Due to the sloping topography and because of the use of shallow hipped roofs, the two rows of houses will not have a significant visual impact on the setting of the cemetery which is heavily wooded.

The proposed design of the two rows of houses appears appropriate to the location and the use of natural stone for the elevations is a positive aspect. The applicant has also agreed to amend the design by changing the previously proposed concrete tiles to a roof slate product which will have a more natural appearance, such as Cedral/Eternit artificial blue slates. These have a traditional appearance and will be more in keeping with the stone elevations. Given how prominent the roofs are likely to be, when viewed from the road, this would result in a higher quality appearance. It has been suggested that a condition be imposed requiring approval of the final roof slate to ensure that quality finish.

Further improvement to the roof design have also been made by adding chimneys and strengthening eaves overhang. This subtle detailing will achieve a more visually appealing roof scape.

The scheme also allows the retention of most of the old stone boundary wall to Skipton Road (except for where the means of access enters) and the use of landscaping around the periphery of the site will help soften the visual impact.

Overall, the applicant has designed a scheme and incorporated additional detail to present a suitable scheme for the site. The proposal would offer a marked improvement on the appearance of the currently derelict site. It would not harm the setting of the heritage assets and on this basis the proposal is considered to accord with Policies DS1, DS3 and EN3 of the Core Strategy and paragraph 194 of the NPPF.

Amenities of occupiers of adjacent land

The proposal would site two blocks of three townhouse properties towards the southern edge of the site. The properties would present a two storey, rear elevation to Skipton Road set behind the existing stone boundary wall.

Properties across Skipton Road are a substantial distance away and also set at higher level and would not be impacted by the proposals.

The townhouses would be three storeys high at the northern elevation but sited between just over 11.6 metres at the closest and over 16 metres from the northern boundary of the site.

The properties beyond the northern boundary are set again at a much lower level and intervening 1.8 metre fence is proposed to be installed along with additional landscaped planting. As such the property to the north would not be unduly overlooked or overshadowed. The submitted plans demonstrate that the potential development would be possible without causing excessive harm to the residential properties to the north from any undue over-dominance, overshadowing, overlooking or loss of outlook.

Properties to the west are set on a similar alignment to the eastern row comprising plots 4-6. These houses would, similarly, not be unduly affected given the degree of separation.

Therefore, the proposed development meets the required separation distances and the massing arrangement of the buildings is not considered to represent a significant threat to neighbouring amenity. Policy DS5 (F) is satisfied.

Other planning matters

The Council's Biodiversity Officer has suggested that a preliminary ecological survey is required. However, that comment seems to have been based on an assumption that previous mortuary offices are still in existence. The Biodiversity Officer has not visited the site. However, the site has been cleared of buildings for several years and now comprises just a crushed rubble covering. There is nothing on the site that would now offer any biodiversity or habitat value for bats etc.

The proposals include intentions for landscaping proposing native plant species along the site perimeters, plus bat brick features will be added to the roofs of the proposed dwellings. Further details of these are to be reserved by conditions.

On this basis the proposal would be considered to assist in an enhancement of biodiversity on the site.

Community Safety Implications:

None foreseen.

Equality Act 2010, Section 149:

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

Reason for Granting Planning Permission

The site is previously developed land in the built up area with previous permissions having been granted for residential development. The proposed residential development is acceptable in principle and is supported by the presumption in favour of sustainable development.

The layout and scale of the dwellings would relate satisfactorily to local character and would not harm the setting of nearby heritage assets. The impact of the proposal on the occupiers of neighbouring properties has been assessed and the scheme meets normal requirements and would not have a significant adverse effect on residential amenity.

Subject to the amended proposals relating to the design of the means of access, the proposal raises no issues for highway safety. The proposals are not opposed by the Council's Drainage Section.

This proposal is in accordance with relevant Core Strategy Policies and the NPPF.

Conditions of Approval:

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

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

2. Development to be carried out in accordance with the Schedule of approved drawings.

Proposed Site Plan	UT-A-100 B	02.02.2022
Proposed Plan and Elevations	UT-A-101 B	02.02.2022
Proposed Sections	UT-A-102 B	02.02.2022
Drainage Layout	UT-A-103	30.09.2021
Highway Layout	UT-A-104 B	02.02.2022
Existing Site Plan	UT-A-105A	02.02.2022
Proposed Plan and Elevations	UT-A-106	02.02.2022

Reason: For the avoidance of doubt as to the terms of this permission.

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

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

4. Prior to the first occupation of the hereby approved dwellings, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall show the following details:
- i) Position of any trees to be felled, trees to be retained, proposed trees and defined limits of shrubs and grass areas.
 - ii) Numbers of trees and shrubs in each position with size of stock, species and variety.
 - iii) Types and scale of enclosures (fences, railings, walls).
 - iv) Types of hard surfacing (pavings, tarmac, etc).
 - v) Regraded contours and details of changes in levels.

Reason: In the interests of visual and residential amenity and to accord with Policies DS1, DS2 and DS3 of the Core Strategy Development Plan Document.

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with Policies DS1, DS2 and DS3 of the Core Strategy Development Plan Document.

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

Reason: To accord with Policies EN3, DS3 and DS5 of the Core Strategy Development Plan Document.

7. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent legislation, the development hereby permitted shall not be begun until a Construction Plan specifying proposals for the management of construction site access and the layout of construction site facilities has been submitted to and approved in writing by the Local Planning Authority.

The Construction Plan shall include the following details:

- i) full details of the position and width of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) intended hours of construction work, including any works of demolition;
- iii) intended hours of delivery of materials;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;
- vi) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- vii) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- viii) temporary warning and direction signing on the approaches to the site

The Construction Plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: In order to safeguard the amenity of neighbouring occupiers and the safety of road users it is essential that the detail of these facilities is satisfactorily resolved before any work begins. To accord with Policies DS5, DS9, TR2 and DS4 of the Core Strategy Development Plan Document.

8. Before the development is brought into use, the associated 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.

Reason: To support the effective regulation of car parking provision serving the development, in the interests of amenity and highway safety, and in accordance with Policy TR2 and Appendix 4 of the Core Strategy Development Plan Document.

9. Before any part of the development is brought into use, the visibility splays shown approved plans shall be laid out and there shall be no obstruction to visibility exceeding 600mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that the site is connected to existing street and path networks, public transport and places and that a safe and suitable form of access is made available to serve the development in accordance with Policy DS4 of the Core Strategy Development Plan Document and Paragraph 32 of the National Planning Policy Framework.

10. A Scheme for the provision of Electric Vehicle Charging Points on the site to meet the minimum requirements (or equivalent) of the Bradford LES planning guidance, including type and location of charging points shall be submitted to the City of Bradford Metropolitan District Council for approval prior to commencement of development at the site. All charging points shall be marked clearly and permanently with their purpose and be retained fully operational thereafter.

The approved scheme shall be fully complied with in implementing the development.

Reason: To facilitate the uptake of low emission vehicles by staff and visitors and to reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy and National Planning Policy Framework (NPPF).

11. Before any part of the residential development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced and drained within the site in accordance with the approved plans and completed to a constructional specification first approved in writing by the Local Planning Authority.

Reason: To ensure that the site is connected to existing street and path networks, public transport and places and that a safe and suitable form of access is made available to serve the development in accordance with Policy DS4 of the Core Strategy Development Plan Document and Paragraph 32 of the National Planning Policy Framework.

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

Reason: In the interests of pollution prevention and to ensure a satisfactory drainage system is provided and to accord with Policy EN7 of the Core Strategy Development Plan Document.

13. Notwithstanding details contained in the supporting information, the drainage works for the development shall not commence until full details of a scheme for separate foul and surface water drainage, including any existing water courses, culverts, land drains and any balancing works or off-site works have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Core Strategy Development Plan Document.

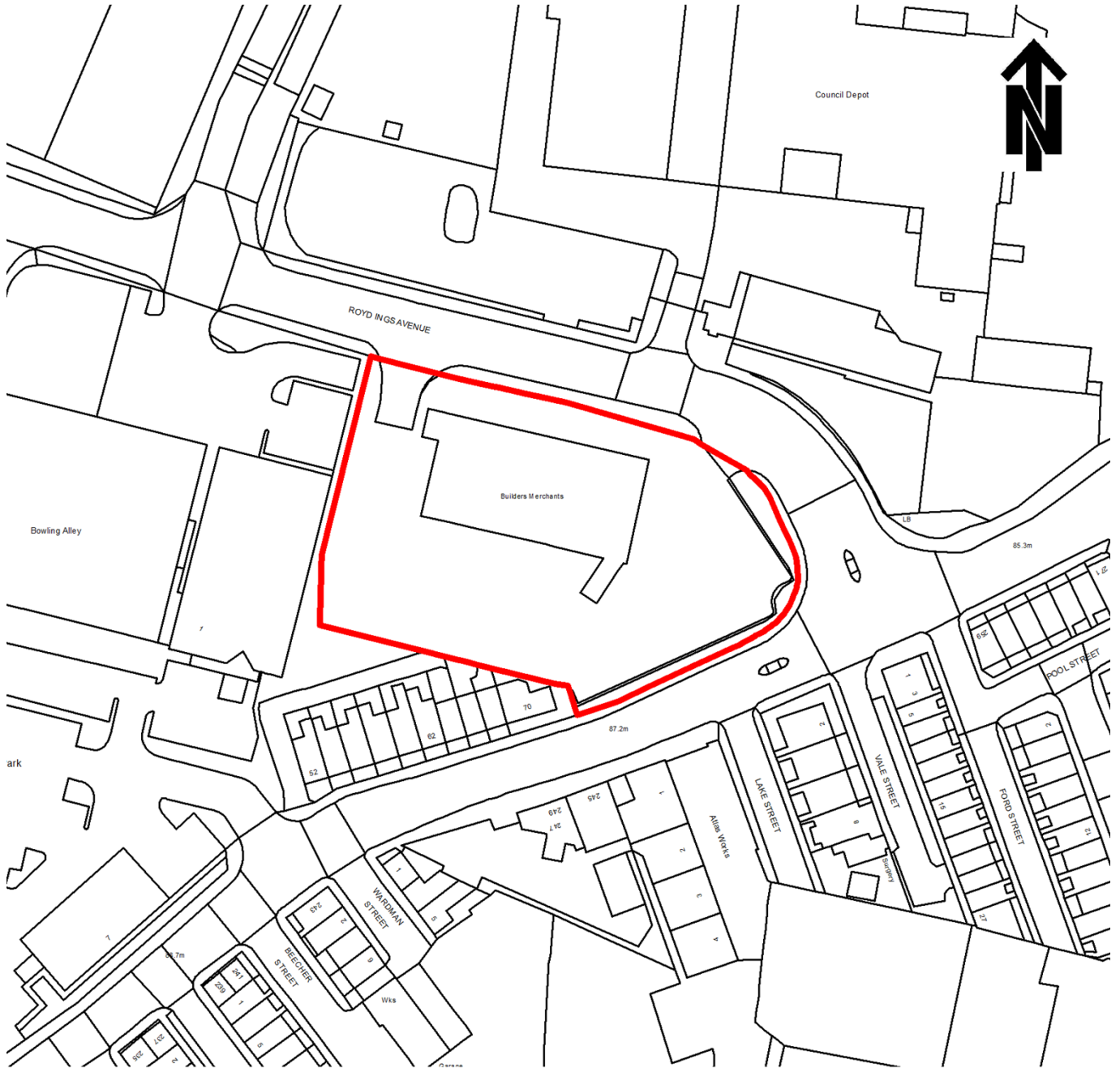
14. The development shall incorporate the inclusion of bat and bird roost and nest features, such as bat bricks or roof tiles or swift bricks in the design of the houses. Prior to the occupation of the dwellings, details of the numbers, specification and location of such features shall first be submitted to, and approved in writing by the Local Planning Authority and the development completed in accordance with those approved details.

Reason: To increase the biodiversity value of the scheme in accordance with the National Planning Policy Framework and Bradford Core Strategy Policy EN2.

22/01258/VOC



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

Jewsons
Royd Ings Avenue
Keighley
BD21 4BZ

29 June 2022

Item: C
Ward: KEIGHLEY CENTRAL
Recommendation:
TO GRANT PLANNING PERMISSION

Application Number:
22/01258/VOC

Type of Application/Proposal and Address:

An application under Section 73 of the Town and Country Planning Act (1990), as amended, to vary condition 14 of planning permission 06/02132/FUL.

This condition relates to the hours of operation of the premises at Jewsons, Royd Ings Avenue, Keighley.

The applicant seeks a variation to the condition to extend the permitted hours of business.

Applicant:

Jewsons

Agent:

Mr Mark Bassett - Freeths LLP

Site Description:

The site is an established builder's merchant business, housed in a modern metal clad shed on Keighley's Royd Ings Avenue close to its junction with Bradford Road. The site frontage is onto Royd Ings Avenue where there are two points of vehicular access, one to the front for customers and one leading into an external storage yard extending down the side and to the rear of the building. The area is predominantly commercial in character: Royd Ings Avenue includes a variety of trade warehouses and industrial development. Alston retail park which includes the Keighley B&Q store and Dunelm Homeware shop is to the west of Jewson's. However, a terrace of houses fronting Bradford Road is located immediately to the south of the application site and their rear yards and rear elevations face the application site.

Relevant Site History:

06/02132/FUL: Demolition of existing canopies and lean-to buildings and change of use of car dealership to builders' merchant. Granted 20.06.2006

21/04057/VOC: Variation of condition 14 of planning permission 06/02132/FUL: to increase hours of operation/trading hours to 7.00am to 6.00pm Mondays to Fridays and from 7.00am to 4.00pm on Saturdays and 8.00am to 4.00pm on Sundays and Bank Holidays. Refused 27.09.2021

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

DS5 - Safe and inclusive places

EN8 - Environmental Protection Policy

Parish Council:

Keighley Town Council - No comments received.

Publicity and Number of Representations:

The application was publicised with neighbour notification letters which expired on 26.04.2022. Two neighbours have written in objection and a petition has been received with 21 signatures objecting to the application.

Summary of Representations Received:

The extended hours of operation would lead to noise and disturbance and a severe reduction of amenity for neighbouring residential property that share a boundary with the site. It would have an adverse impact on neighbours well-being and enjoyment of their back yards.

The yard creates noise and disturbance with alarms and reverse warnings from forklift trucks etc. Powerful floodlights are also used in winter months. The extended hours are unnecessary and would cause harm to the enjoyment of the neighbouring residential properties.

Consultations:

Keighley Town Council - No comments received.

Environmental Health - Concur with the noise report findings that there will be no impact on properties 52-70 Bradford Road Keighley. The background noise level is very similar to the noise when Jewsons is operating, meaning no change in perceived sound levels should occur.

Summary of Main Issues:

Implications for the amenity of adjoining occupiers

Appraisal:

Background – reason for the condition:

In 2006, planning permission 06/02132/FUL authorised the change of use of a former car dealership on this site to a builder's merchant.

Condition 14 of that permission controls the hours the premises can be used. That condition was deemed necessary and relevant to the planning purpose of protecting the amenity of occupiers of the adjoining residential properties. The southern boundary of the site adjoins the rear yards of residential dwellings at Nos 52-70 Bradford Road.

Condition 14 says:

"The premises shall not be used outside the hours of 7.00am to 5.00pm Mondays to Fridays and from 7.00am to 1.00pm on Saturdays and not at all on Sundays, Bank or Public Holidays unless otherwise first agreed in writing by the Local Planning Authority."

Previous refusal

This application follows the recent refusal of a similar application 21/04057/VOC to vary permitted hours. This sought more flexible hours than those currently proposed.

The previous request to vary the permitted hours was refused for the following reason:

"The proposed increase to the hours of operation of the builder's merchant would subject nearby residents to additional daily activities and the associated noise and general disturbance, particularly by introducing full weekend working thus removing any respite from these adverse effects. The proposal would result in excessive harm to the residential amenities of occupants of neighbouring housing and their rear gardens to the southern boundary of the site, which fails to accord with policies DS5 and EN8 of the Core Strategy Development Plan Document."

The Proposal

The applicant seeks to increase the permitted business hours to allow operations on Sundays, and Bank/Public Holidays between 8.00 am and 4.00pm and extend the 5.00pm limit on midweek days (Monday to Friday) to 6.00pm. Also to extend Saturday hours to open until 4.00pm instead of the existing 1.00pm.

This proposal would therefore increase midweek (Monday to Friday) hours by 1 hour to 6pm, and by 3 hours on Saturdays (to 4pm).

It would permit opening on Bank/Public Holidays between 8.00am and 4pm, on the same basis as Saturdays.

The request to amend permitted Sunday hours has been abandoned and is omitted from this application.

The new application includes an Acoustic Survey Report which attempts to justify the request for flexibility and so address the previous reason for refusal.

The suggested amended condition requested by the applicant is;

Variation of condition 14 (hours of opening) of planning permission 06/02132/FUL to increase hours of operation/trading hours to 7:00am to 6:00pm Mondays to Fridays, 7:00am to 4:00pm on Saturdays, 08:00 to 4:00pm on Bank or Public Holidays - the premises shall not be used on Sundays.

The applicant points to a number of nearby retail units on adjacent retail park which do not have restrictions placed upon their hours of business.

The applicant acknowledges that those businesses are further away and the relationship to the residential properties is different, but the business argues that a balance needs to be struck between protecting the residential properties to the south and the commercial needs of the business.

The Council has received a petition and public comments objecting to the proposed change of hours. The immediate neighbours say that the site already generates substantial noise especially with forklift trucks and lorries loading up and reversing. The neighbours say that the extended hours would further erode their residential amenity.

The key planning issue is the impact of the increased hours of operation on the residential amenity of occupiers of the properties beyond the southern boundary of the site.

Impact on residential amenity

A professional acoustic survey by Sharps Redmore has been provided with the application. It assesses the current noise generated by activity at the site, along with background noise levels. It makes comment about the impact of extending hours on the adjoining residential properties.

The noise survey was undertaken on 15 November 2021 and measured noise levels at the site boundary between 15.30 hours and 18.00 hours (to reflect both trading and closed periods), with the measurement location specifically chosen to represent the closest residential properties on Bradford Road.

The assessment suggests that there is no significant difference between the background and ambient noise levels when the site is open and when it is closed. Existing noise levels affecting the houses are reported to be dominated by road traffic noise.

The applicant's noise assessment concludes that the site could operate during the increased hours, including during Bank/Public Holidays, without causing detrimental noise impact to local residents.

The report did acknowledge that if previous proposals to operate on Sundays was to be pursued, there would need to be some mitigation by restricting delivery times and the use of forklift trucks. In response, however, the applicant has decided not to pursue the request for Sunday opening, so it will not be necessary to devise additional conditions precluding forklift truck operations on that day.

The Council's Environmental Health Nuisance team has been consulted and has considered the analysis within the submitted noise report. The EH Officer agrees that the report correctly considers the effects on nearest "noise sensitive receptors", these being properties at 52-70 Bradford Road, Keighley. The report considers the impact of noise from trading/operational activity at the site on these properties using established methods.

The EH Officer accepts the findings and advises that there is no reason to object to the variation of condition 14. The Noise Impact Assessment is robust and has demonstrated that the requested increase in the opening hours will not cause any loss of amenity to the local residents of 52-70 Bradford Road. The predicted background noise levels are such that the small variations requested to the hours will not significantly change the impact of noise on the adjoining homes.

This application to amend the hours of business incorporates significant concessions to the hours requested compared with the refused application. Importantly, this time the request has been accompanied by evidence in the form of a Noise Report demonstrating that the amended hours will not give rise to additional noise nuisance. Whilst the concerns of the neighbours are duly noted, given that this evidence has been checked and is supported by the Council's Environmental Health Noise team, there is no justification to refuse this application.

Reason for Granting Variation of Condition:

The proposals will facilitate a relatively modest extension to the site's operating hours in support of greater trading flexibility for the business. The submitted noise assessment and the comments of the Environmental Health Officer justify that request by showing that the proposed alteration to hours would not result in harm to the amenities of neighbouring occupiers. As such, it is considered that the proposals would accord policies DS5 and EN8. The proposal will also support the viability of the business and support the local economy to which weight must also be given.

The recommendation is that the Condition (14) of permission 06/02132/FUL be amended as follows:

The premises shall not be used outside the hours of 7.00am to 6.00pm Mondays to Fridays and from 7.00am to 4.00pm on Saturdays and 8.00am to 4.00pm on Bank or Public Holidays. The premises shall not be used on Sundays.

Reason: In the interests of the amenities of neighbouring residents and to accord with Policy DS5 of the Core Strategy Development Plan Document.

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 29 June 2022

B

Summary Statement - Part Two

Miscellaneous Items

	<u>No. of Items</u>
Requests for Enforcement/Prosecution Action	(13)
Decisions made by the Secretary of State - Allowed	(5)
Decisions made by the Secretary of State - Dismissed	(14)
Decisions made by the Secretary of State - Part Allowed	(2)

Julian Jackson
Assistant Director (Planning, Transportation and Highways)

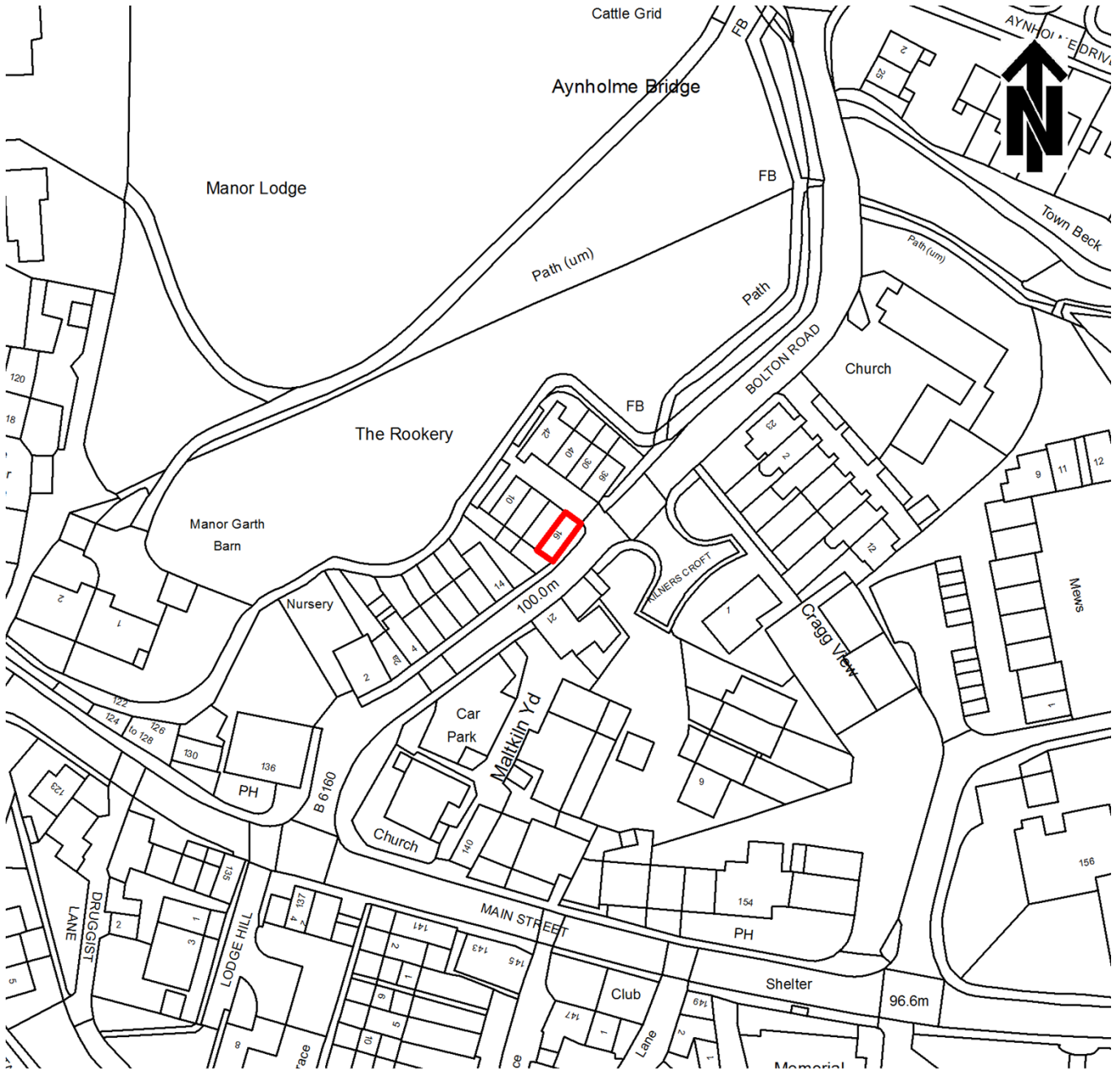
Report Contact: Mohammed Yousuf
Phone: 01274 434605

Email: mohammed.yousuf@bradford.gov.uk

Portfolio:
Regeneration, Planning & Transport

Overview & Scrutiny Committee Area:
Regeneration and Environment

19/00995/ENFLBC



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

16 The Rookery
Bolton Road
Addingham
LS29 0NP

29 June 2022

Item Number: A
Ward: CRAVEN
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
19/00995/ENFLBC

Site Location:
16 The Rookery Bolton Road Addingham West Yorkshire LS29 0NP

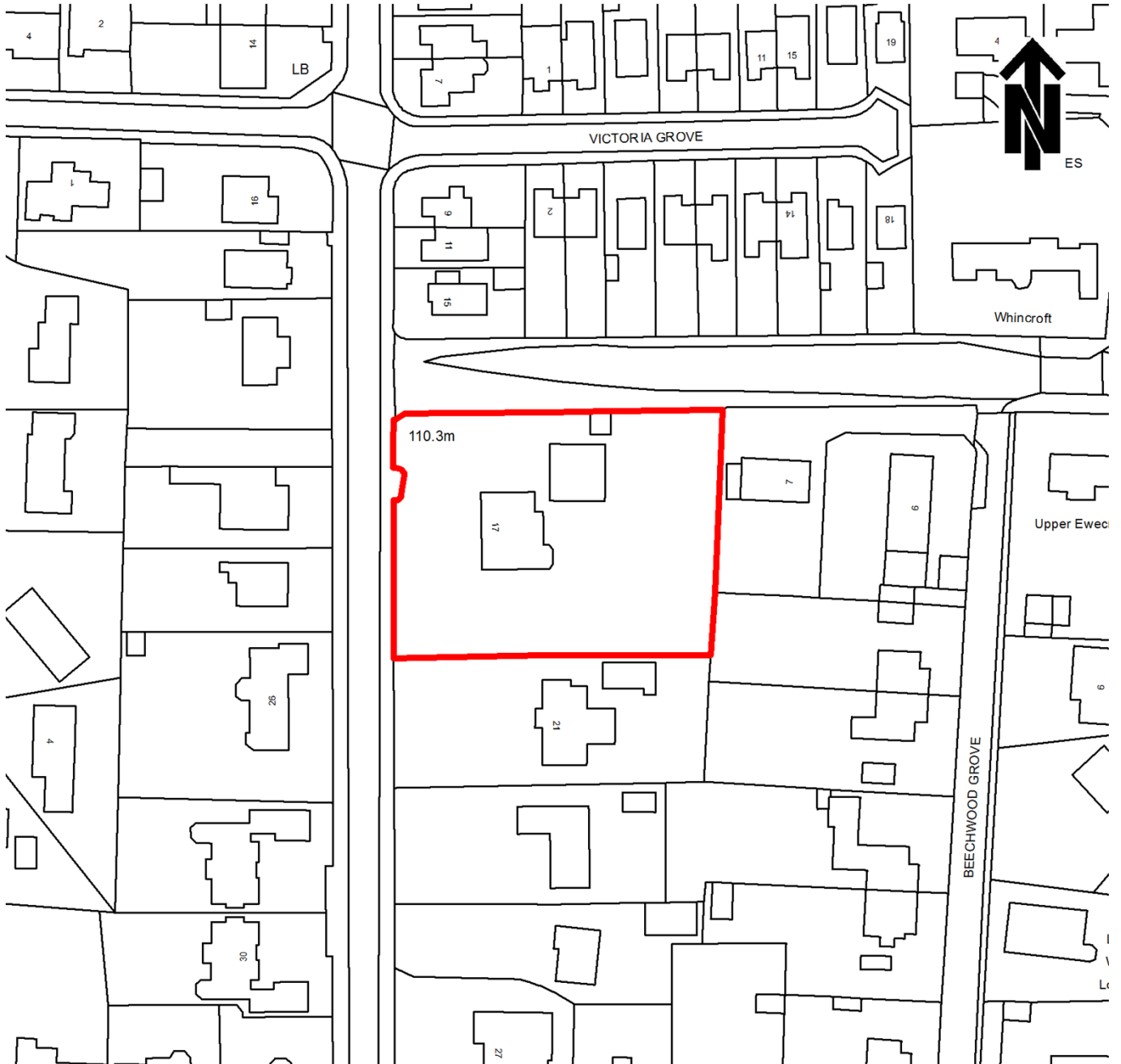
Breach of Planning Control:
Unauthorised installation of canopy to rear of property

Circumstances:
It was brought to the attention of the Local Planning Authority that works had been carried out to construct a canopy above the door to the rear of a grade II listed dwelling located in the Addingham Conservation Area without the benefit of listed building consent.

The owners have been advised to take action to rectify the breach of planning control however despite challenge no listed building consent has been sought with respect to the canopy which remains unauthorised.

The unauthorised canopy causes harm to the setting of the listed building, is detrimental to the character and special architectural and historic interest of the grade II listed building and fails to preserve or enhance the character of the Addingham Conservation Area. The Planning Manager (Enforcement and Trees) authorised the issuing of a Listed Building Enforcement Notice with respect to the canopy under delegated powers, on 30 May 2022.

19/01105/ENFCON



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**17 Victoria Avenue
Ilkley
LS29 9BW**

29 June 2022

Item Number: B
Ward: IILKLEY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
19/01105/ENFCON

Site Location:
17 Victoria Avenue Ilkley West Yorkshire LS29 9BW

Breach of Planning Control:

Failure to comply with the requirement of Condition 3 of planning permission 11/00135/HOU with respect to the occupation of a 'granny flat' in connection with and incidental to the existing dwelling

Circumstances:

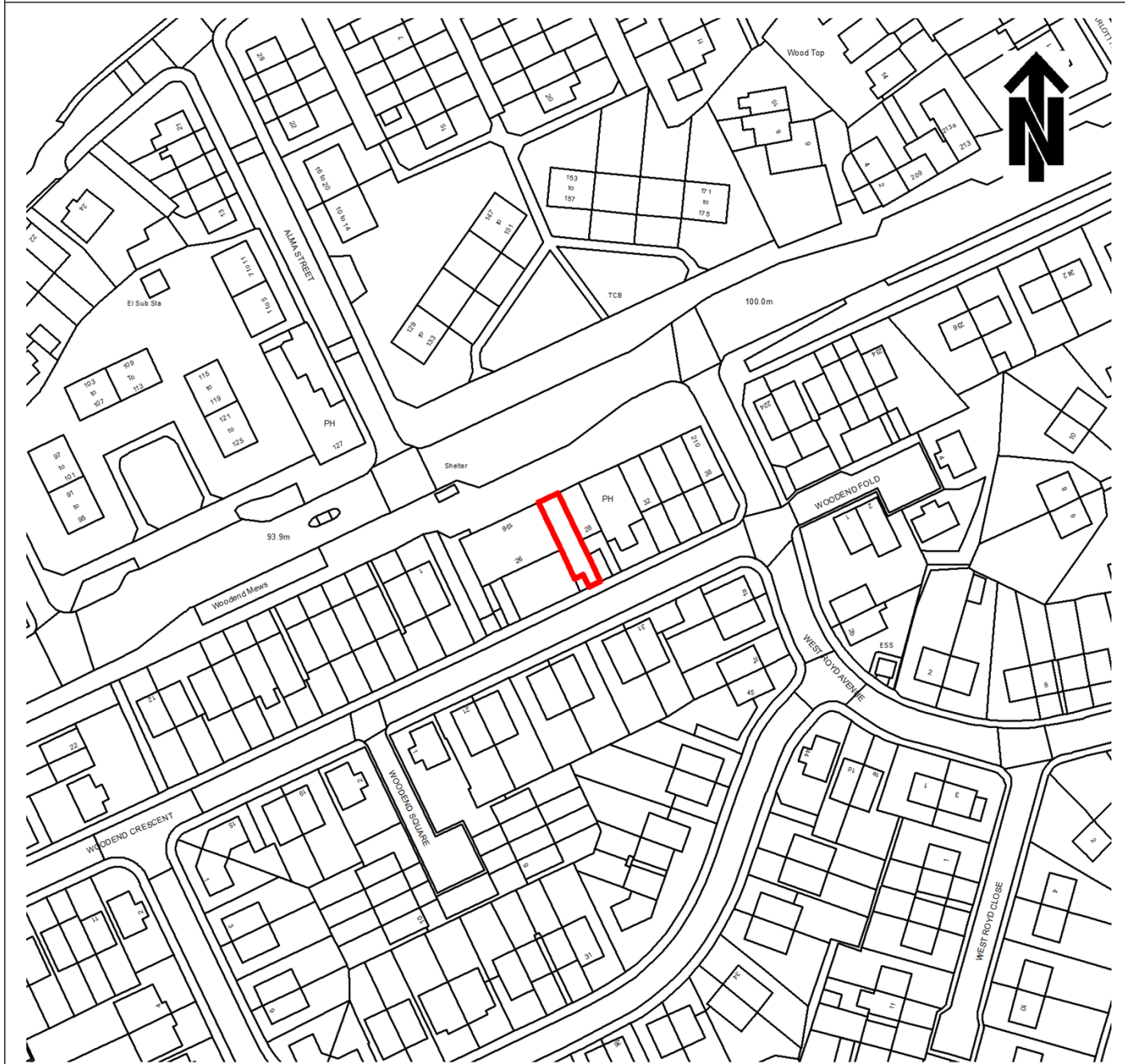
The Local Planning Authority was made aware of the occupancy of a 'granny flat' as a separate and independent dwelling in breach of the requirement of condition 3 of 11/00135/HOU which restricts any occupation of the 'granny flat' to that incidental and in connection with the existing dwelling at 17 Victoria Avenue. A site visit confirmed that the property was occupied in breach of the requirements of condition 3 and the owners were challenged in writing. Following correspondence with the owners a variation of condition application (21/02620/VOC) was submitted seeking to vary the requirement of condition 3 to allow for the occupation of the accommodation by a non-relative for a temporary period. The application was subsequently refused. The property continues to be occupied in breach of condition and in it is considered expedient in the interest of efficient administration to issue a Breach of Condition Notice to seek compliance.

The Planning Manager (Enforcement and Trees) authorised the issuing of a Breach of Condition Notice under delegated powers on 22 Feb 2022.

20/01425/ENFUNA



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

198 Leeds Road
Shipley
BD18 1EA

29 June 2022

Item Number: C
Ward: WINDHILL AND WROSE
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
20/01425/ENFUNA

Site Location:
198 Leeds Road Shipley West Yorkshire BD18 1EA

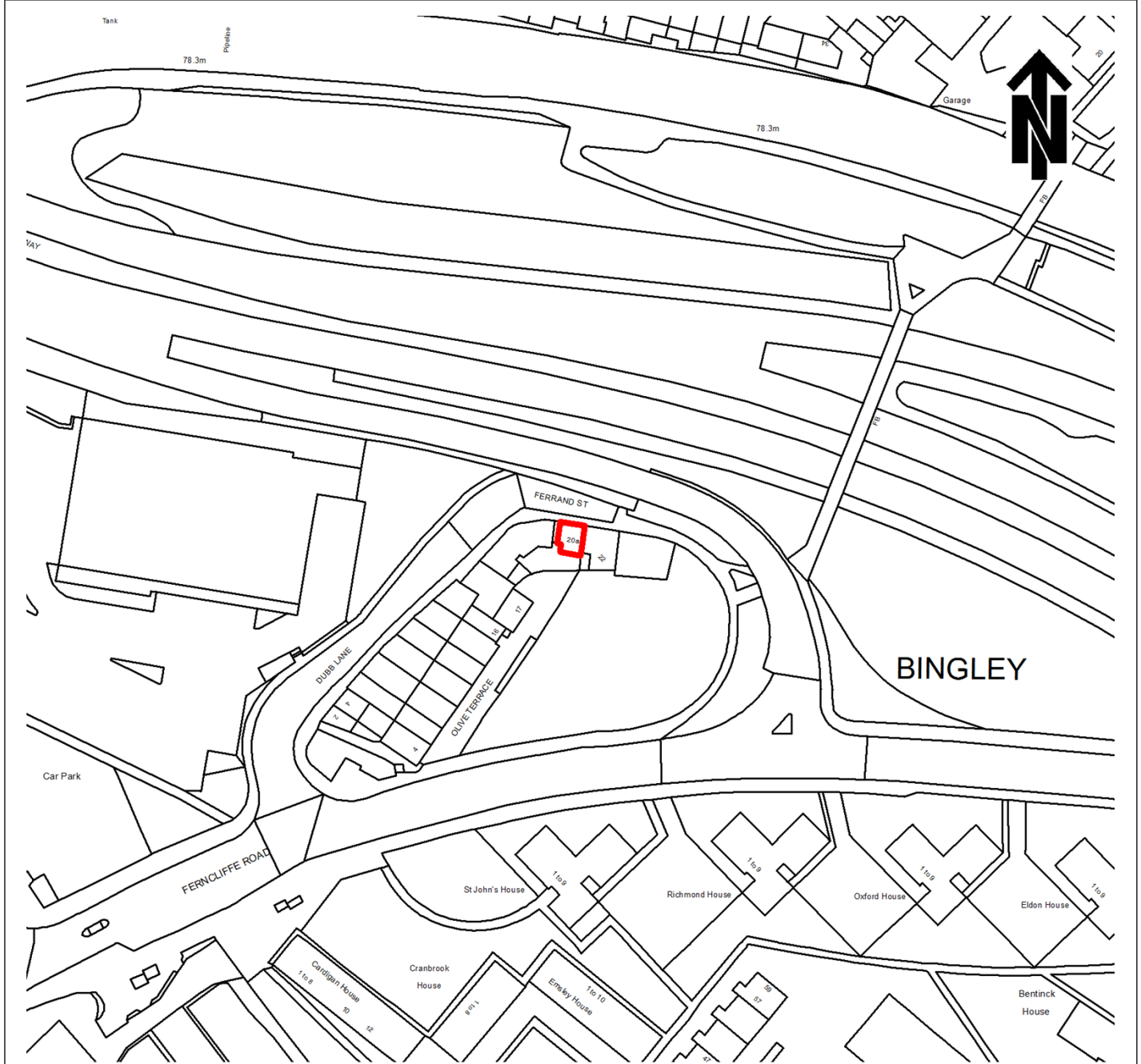
Breach of Planning Control:
Without planning permission, the erection of a timber canopy structure on the land,

Circumstances:
Further to the receipt of an enquiry an inspection in November 2020 showed that a timber shop frontage and canopy have been erected to the front of the property. The council had no record of any consent being granted for the shop frontage or canopy as installed.

Letters have been sent to the owner/occupants of the property, requesting action to rectify the breach of planning control. Retrospective planning application reference 21/02115/FUL was refused by the council in April 2021. Further application reference 21/03992/FUL was also refused in July 2021. The applicant appealed the second refusal to the planning inspectorate. The decision relating to the canopy was upheld.

On 22nd February 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised timber canopy structure erected on the land is detrimental to visual amenity by virtue of its position, design and appearance, forming an incongruous feature on the land and within the street scene, contrary to Policies DS1 and DS3 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

20/01549/ENFUNA



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**20A Dubb Lane
Bingley
BD16 2NW**

29 June 2022

Item Number: D
Ward: BINGLEY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
20/01549/ENFUNA

Site Location:
20A Dubb Lane Bingley West Yorkshire BD16 2NW

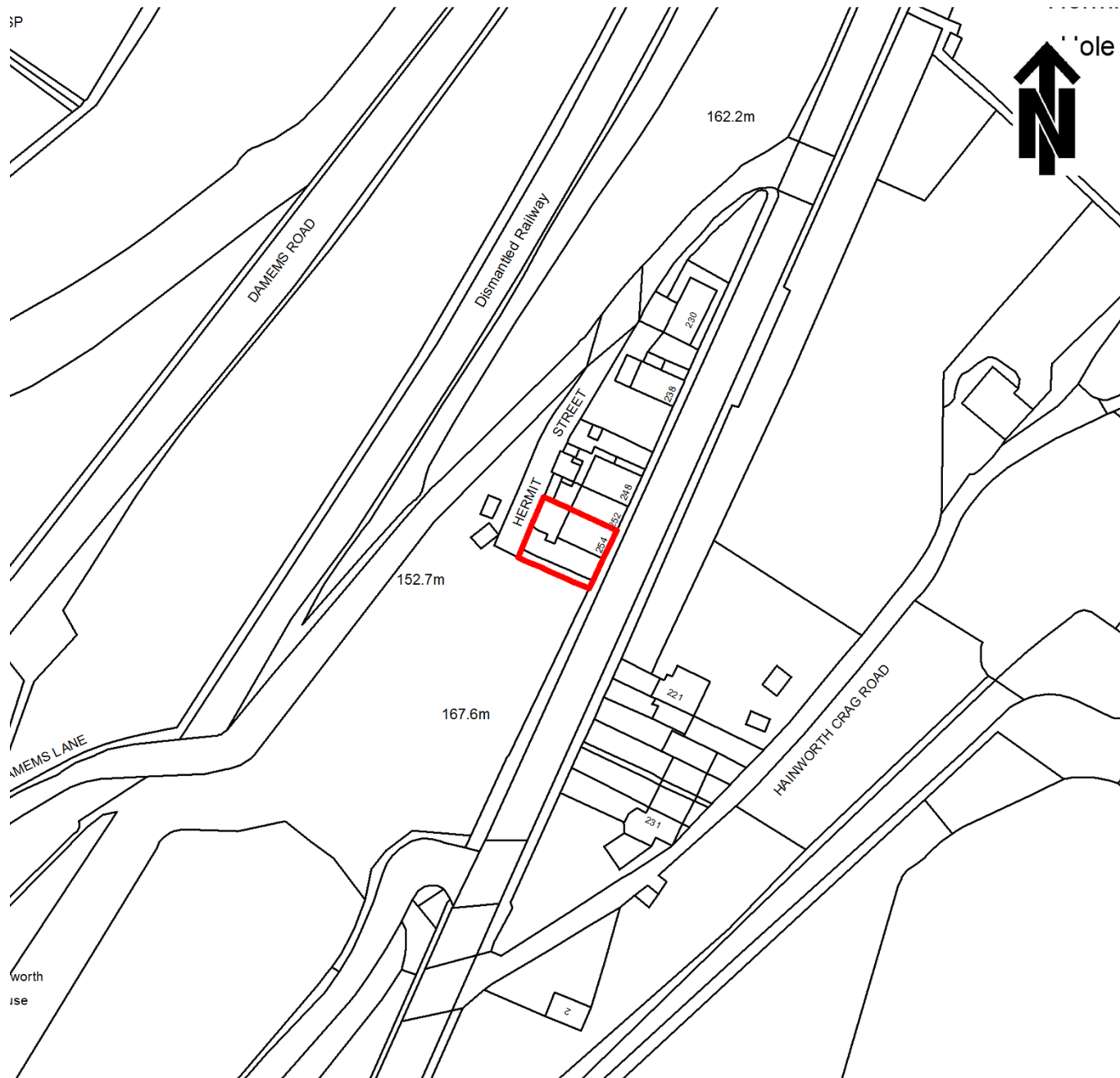
Breach of Planning Control:
Without planning permission, the construction of front and rear dormer windows on the dwelling on the land.

Circumstances:
Further to the receipt of an enquiry, an inspection in September 2021 showed that front and rear dormer windows had been constructed at the property for which planning permission was required. Retrospective planning application reference 21/03322/HOU seeking consent for the dormer windows as built was refused by the council in August 2021. A subsequent appeal made against the council's decision was dismissed by the planning inspectorate in February 2022.

Letters have been sent to the owner/occupants of the property, requesting action to rectify the breach of planning control. The unauthorised dormer windows are still in place and the breach of planning control remains unresolved.

On 23rd February 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised front and rear dormer windows, by reason of their unsympathetic design and scale, with an excess of non-matching upvc cladding, form an incongruous feature on the host dwelling and appear visually prominent within the street scene, causing significant detriment to the visual amenity of the local environment, contrary to Policies DS1, DS3, and SC9 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy.

20/01161/ENFUNA



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

254 Hermit Hole
Halifax Road
Keighley
BD21 5HL

29 June 2022

Item Number: E
Ward: KEIGHLEY EAST
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
20/01161/ENFUNA

Site Location:
254 Hermit Hole Halifax Road Keighley West Yorkshire BD21 5HL

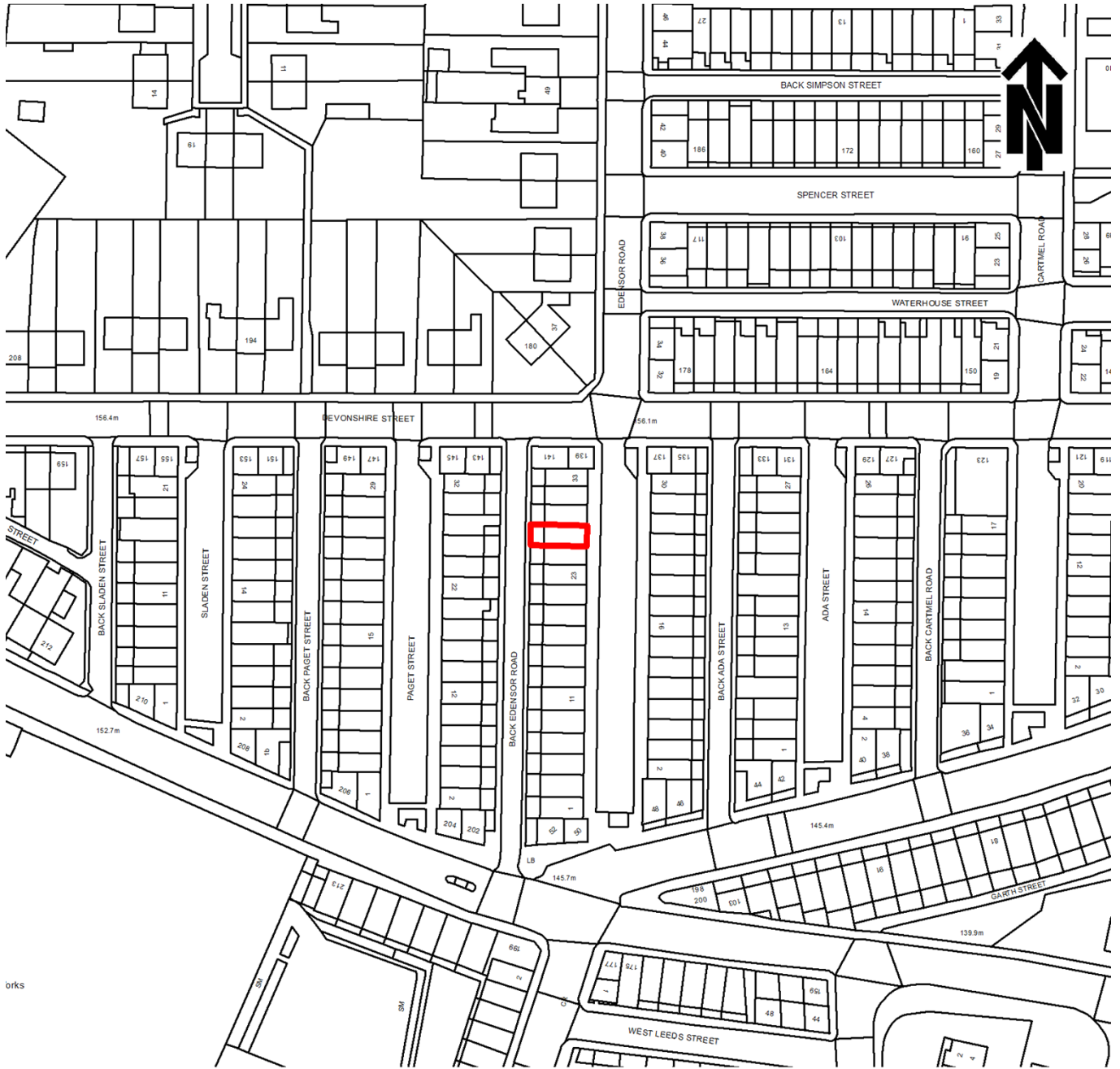
Breach of Planning Control:
Without planning permission, the construction of a timber boundary fence to the south of the dwelling on the land (Breach now resolved)

Circumstances:
Further to the receipt of an enquiry an inspection in March 2021 showed that a boundary fence had been erected on top of an existing stone walling fronting onto Halifax Road. The council had no record of any consent being granted for the fencing in situ.

Retrospective planning application reference 21/01655/HOU seeking consent for the fencing as built was refused by the council in May 2021. No valid appeal or further application have been made. The unauthorised fencing remained in place and the breach of planning control unresolved.

On 23rd February 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It was considered expedient to instigate Enforcement (Legal) Action as the unauthorised boundary fencing represents a prominent feature, that is at odds with the immediate surrounding area, causing significant detriment to the visual amenity of the street scene, landscape and local environment, contrary to Policies DS1, DS3 and EN4 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

21/00322/ENFUNA



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

27 Edensor Road
Keighley
BD21 2LS

29 June 2022

Item Number: F
Ward: KEIGHLEY CENTRAL
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
21/00322/ENFUNA

Site Location:
27 Edensor Road Keighley West Yorkshire BD21 2LS

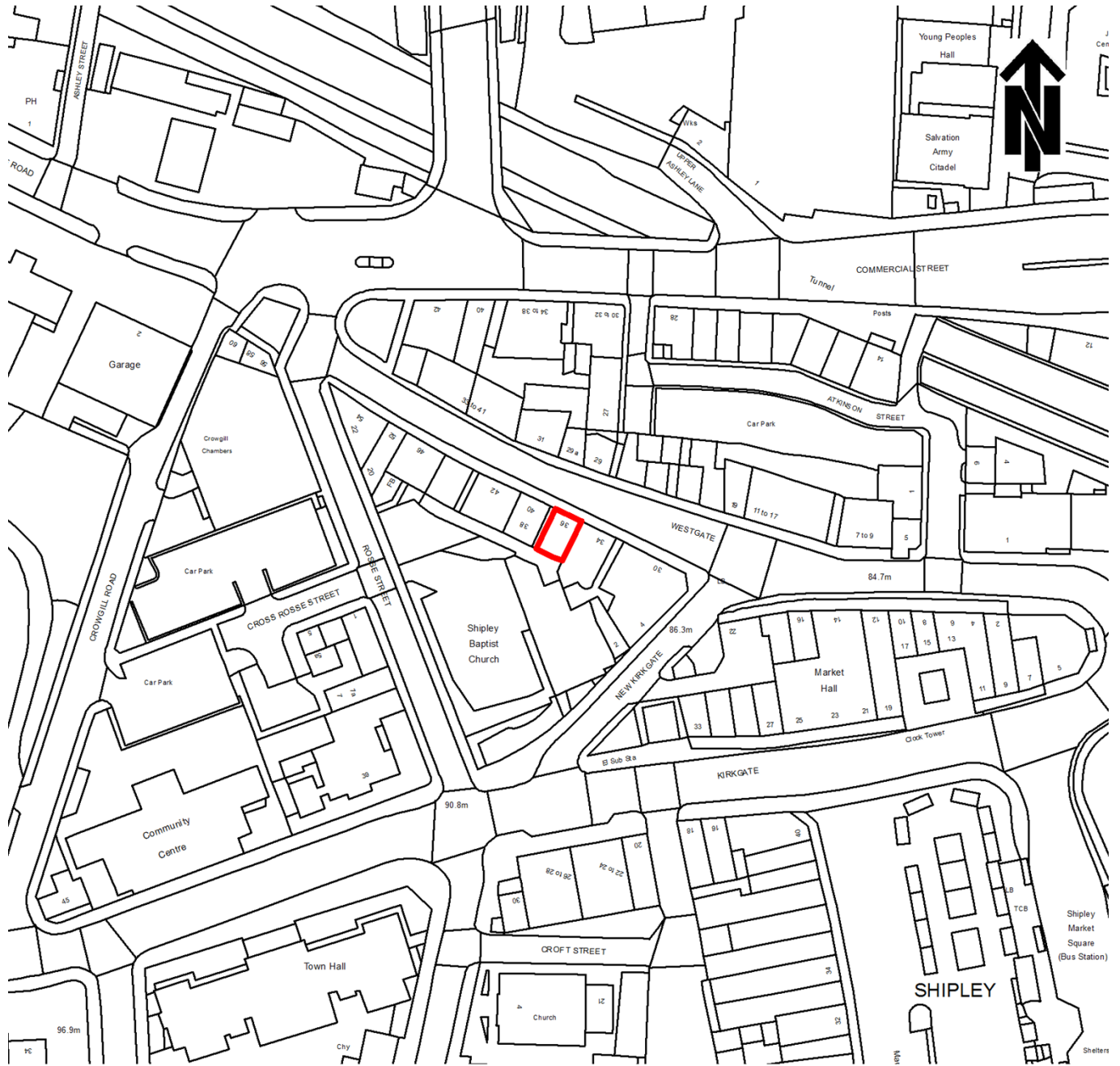
Breach of Planning Control:
Without planning permission, the construction of a single storey extension to the rear elevation of the dwelling on the land

Circumstances:
In April 2021 the council received an enquiry regarding an alleged unauthorised single storey rear extension at the above property.

An inspection in September 2021 showed that single storey rear extension had been constructed at the property for which planning permission was required. Letters have been sent to the owner/occupants of the property, requesting action to rectify the breach of planning control. However, no correspondence has been received from the owner or occupiers. The unauthorised extension is still in place and the breach of planning control remains unresolved.

On 23rd February 2022, 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 rear represents a visually incongruous and prominent feature, due to the use of poor non-matching materials and an overall poor design and appearance. The single storey rear extension fails to relate well to the character or appearance of the host dwelling and the immediate surrounding area, causing detriment to the visual amenity of the local environment, contrary to Policies DS1 and DS3 of the Council's adopted Core Strategy Development Plan Document and The principles of the National Planning Policy Framework.

21/00087/ENFUNA



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**36 Westgate
Shipley
BD18 3QX**

29 June 2022

Item Number: G
Ward: SHIPLEY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
21/00087/ENFUNA

Site Location:
36 Westgate Shipley West Yorkshire BD18 3QX

Breach of Planning Control:

Without planning permission, the installation of an externally mounted roller shutter and roller shutter box on the front elevation of the building on the land

Circumstances:

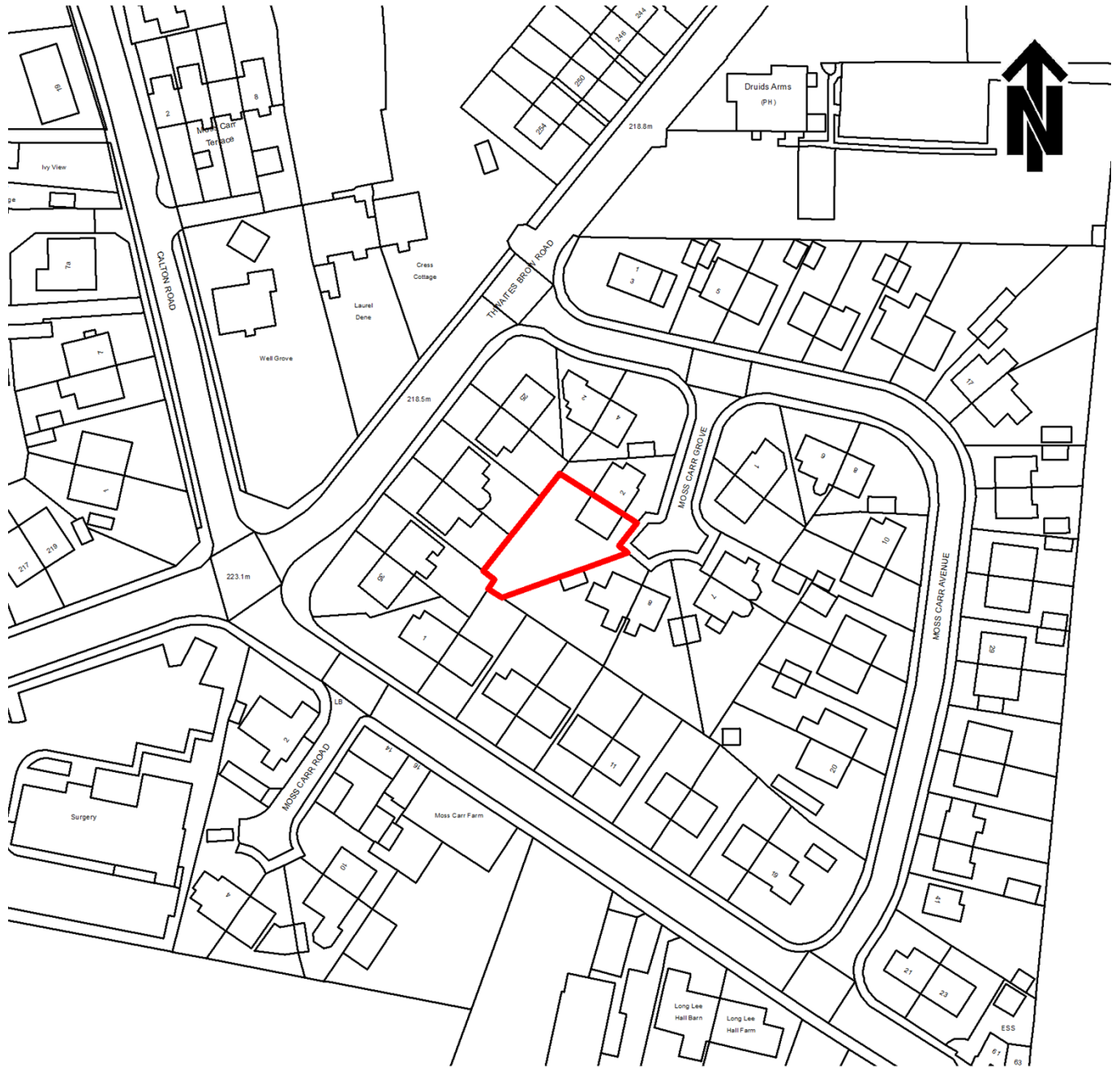
In February 2021 the council received an enquiry regarding an alleged unauthorised externally fitted roller shutter at the above property.

An inspection in July 2021 showed that an unauthorised externally fitted solid roller shutter had been installed to the shop frontage at the property. The council had no record of any consent being granted for the externally fitted shutter as installed.

Further to a challenge letter a retrospective application was submitted and refused permission. A subsequent appeal against the refusal was dismissed by the Planning Inspectorate. The unauthorised roller shutter remains in place and the breach of planning is unresolved.

On 1st June 2022, the Planning Manager (Enforcement & Trees) authorised the issue an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised externally mounted roller shutter and shutter box have a detrimental, deadening effect on the premises and appear as a stark and discordant feature of this shopping street, causing an unacceptable level of harm to the character and appearance of the area, contrary to; Policies DS1, DS3, and SC9 of the Council's adopted Core Strategy Development Plan Document, the Council's adopted Shopfront Design Guide, the Council's adopted A Shopkeepers Guide to Securing Their Premises Supplementary Planning Document and the principles of the National Planning Policy Framework.

21/00483/ENFUNA



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**4 Moss Carr Grove
Thwaites Brow
Keighley
BD21 4SG**

29 June 2022

Item Number: H
Ward: KEIGHLEY EAST
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
21/00483/ENFUNA

Site Location:
4 Moss Carr Grove Thwaites Brow Keighley West Yorkshire BD21 4SG

Breach of Planning Control:
Without planning permission, the erection of a single-storey timber and plastic extension to the rear of the property

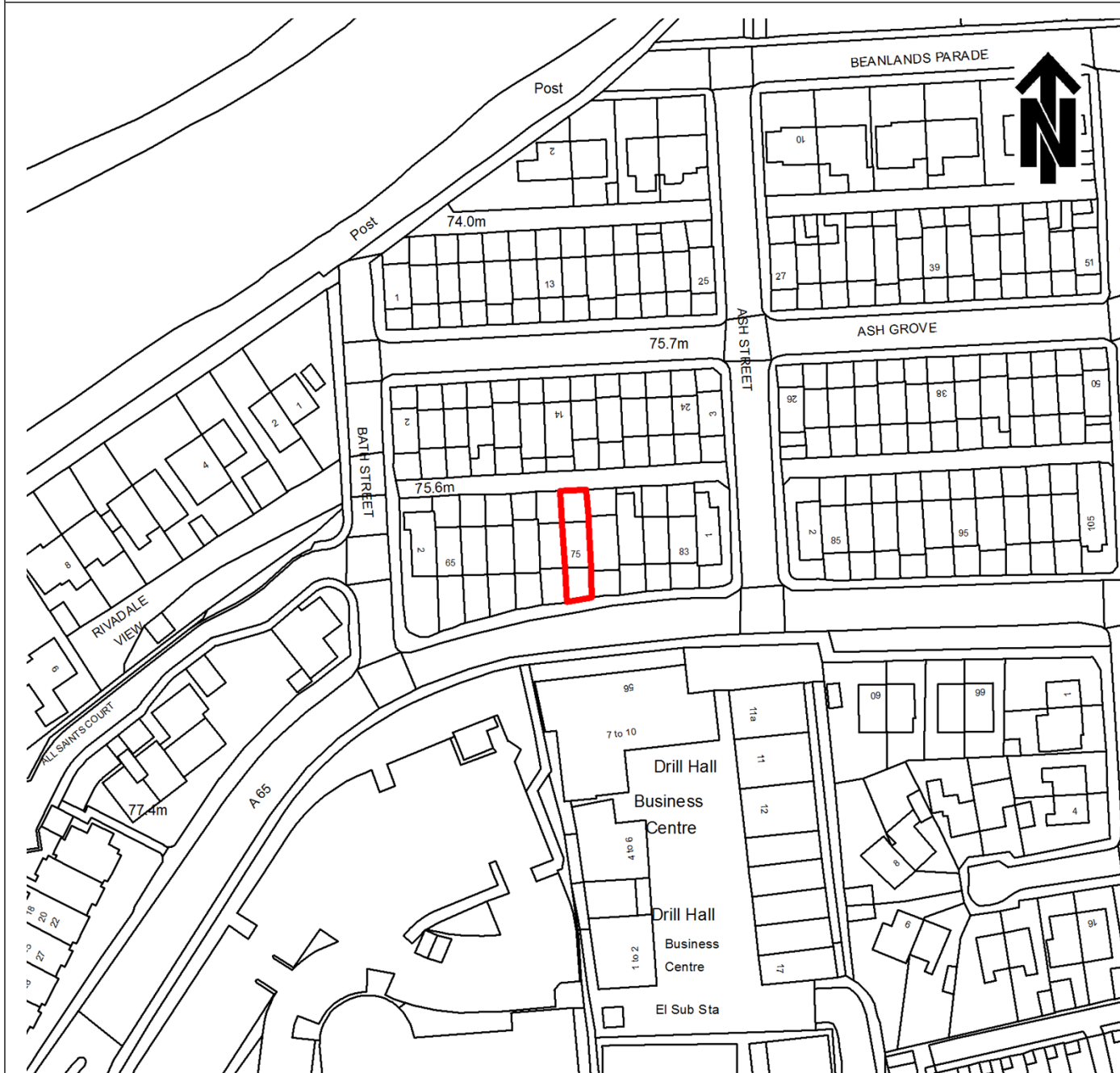
Circumstances:
The Local Planning Authority was made aware of works to erect a timber and plastic extension to the rear of a dwelling. The unauthorised extension located to the rear of the property is of significant detriment to visual amenity by virtue of its design and appearance and the use of non-matching materials, forming an incongruous feature at the property and within the street scene. Despite correspondence sent to the owner the outbuilding remains in situ and unauthorised.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 25 April 2022.

21/00207/ENFUNA



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

75 Leeds Road
Ilkley
LS29 8EG

29 June 2022

Item Number: I
Ward: ILKLEY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
21/00207/ENFUNA

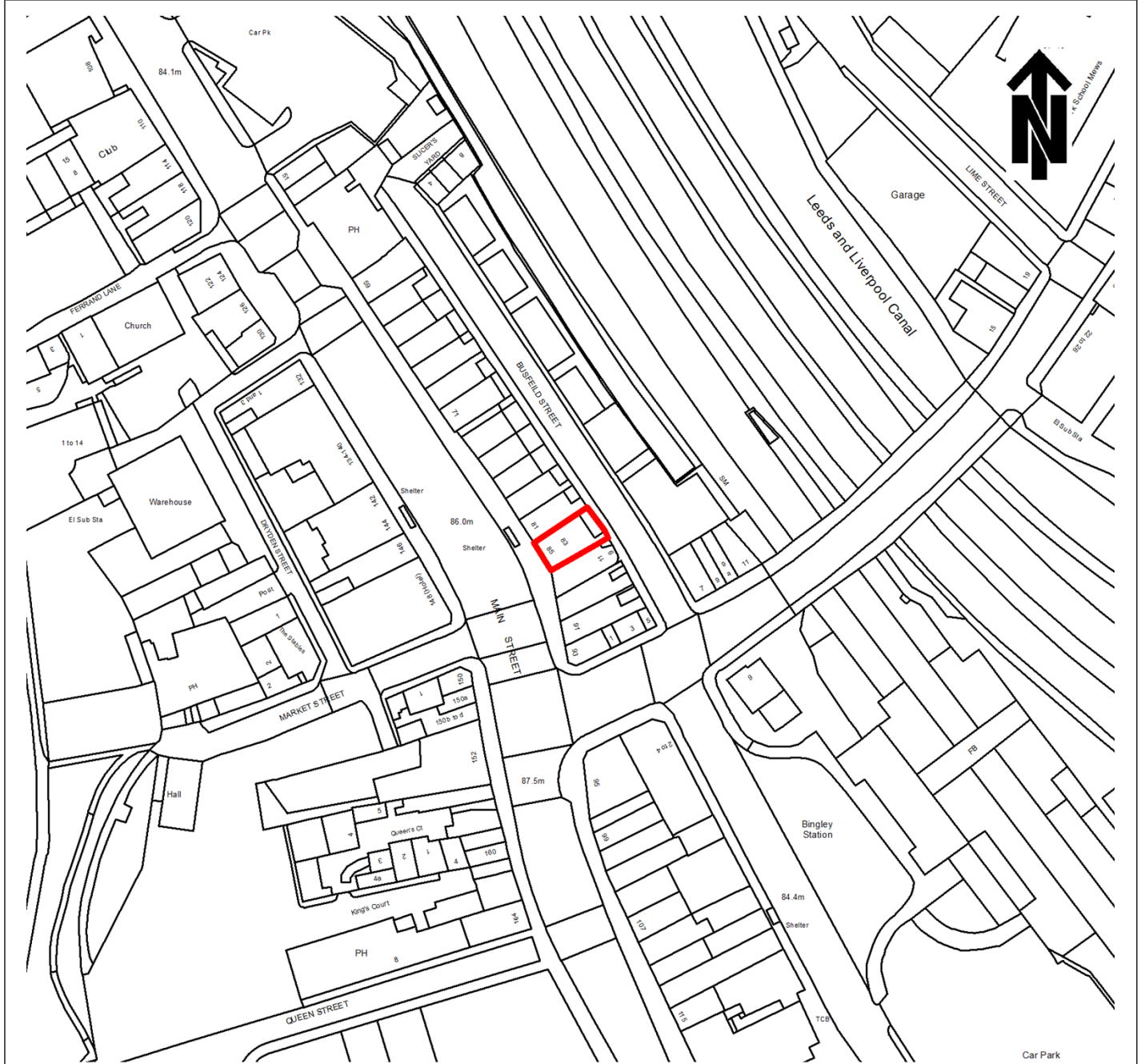
Site Location:
75 Leeds Road Ilkley West Yorkshire LS29 8EG

Breach of Planning Control:
Without planning permission, the erection of a timber outbuilding in the front garden of the property

Circumstances:
The Local Planning Authority was made aware of works to erect a painted timber outbuilding in the front garden of a dwelling and adjacent to a public highway. The unauthorised outbuilding located to the front of the property is of significant detriment to visual amenity by virtue of its prominent siting, scale, design and appearance, forming an incongruous feature at the property and within the street scene. Despite correspondence sent to the owner the outbuilding remains in situ and unauthorised.

The Planning Manager (Enforcement and Trees) authorised the issuing of an Enforcement Notice under delegated powers on 22 February 2022.

20/01118/ENFUNA



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

83 - 85 Main Street
Bingley
BD16 2JA

29 June 2022

Item Number: J
Ward: BINGLEY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
20/01118/ENFUNA

Site Location:
83 - 85 Main Street Bingley West Yorkshire BD16 2JA

Breach of Planning Control:
The installation of an unauthorised externally mounted roller shutter on the front elevation of the property

Circumstances:
In August 2020 the council received an enquiry regarding an alleged unauthorised roller shutter at the above property.

An inspection in January 2021 showed that an externally mounted roller shutter and shutter box had been installed to the front elevation of the building. The council had no record of any consent being granted for the roller shutter as installed.

Letters have been sent to the owner/occupants of the property, requesting action to rectify the breach of planning control, however no appropriate action has been taken to date.

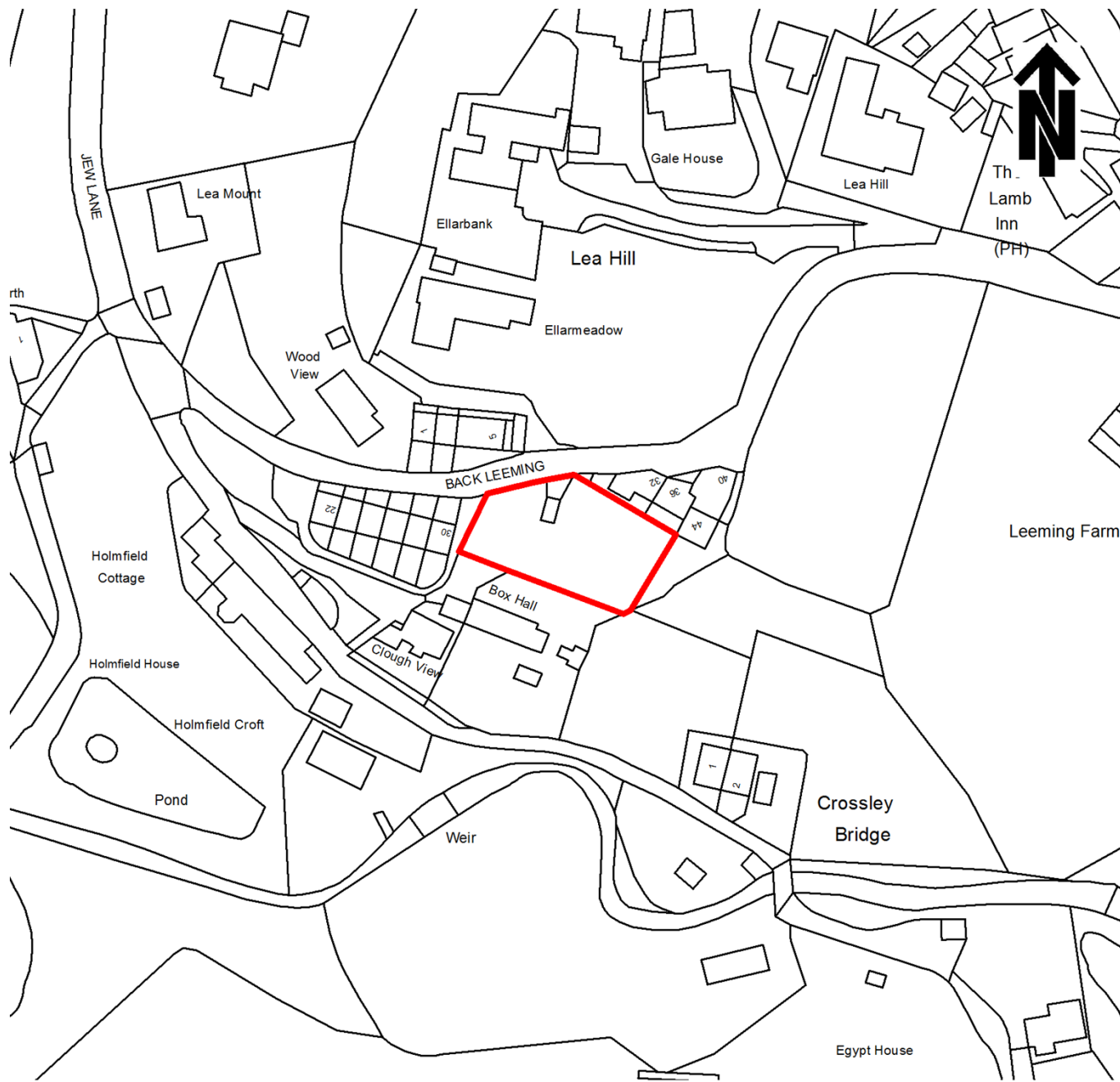
On 9th February 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised externally mounted roller shutter and shutter box is detrimental to visual amenity by virtue of their design and appearance, forming incongruous features on the building and in the street scene and to the detriment of the Bingley Conservation Area.

The unauthorised development is contrary to Policies DS1, DS3, EN3 and SC9 of the Council's adopted Core Strategy Development Plan Document, the Council's adopted Shopfront Design Guide, the Council's adopted A Shopkeepers Guide to Securing Their Premises Supplementary Planning Document and the principles of the National Planning Policy Framework.

19/00565/TPOCN



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

29 June 2022

Item Number: K
Ward: WORTH VALLEY
Recommendation:
THAT THE REPORT BE NOTED

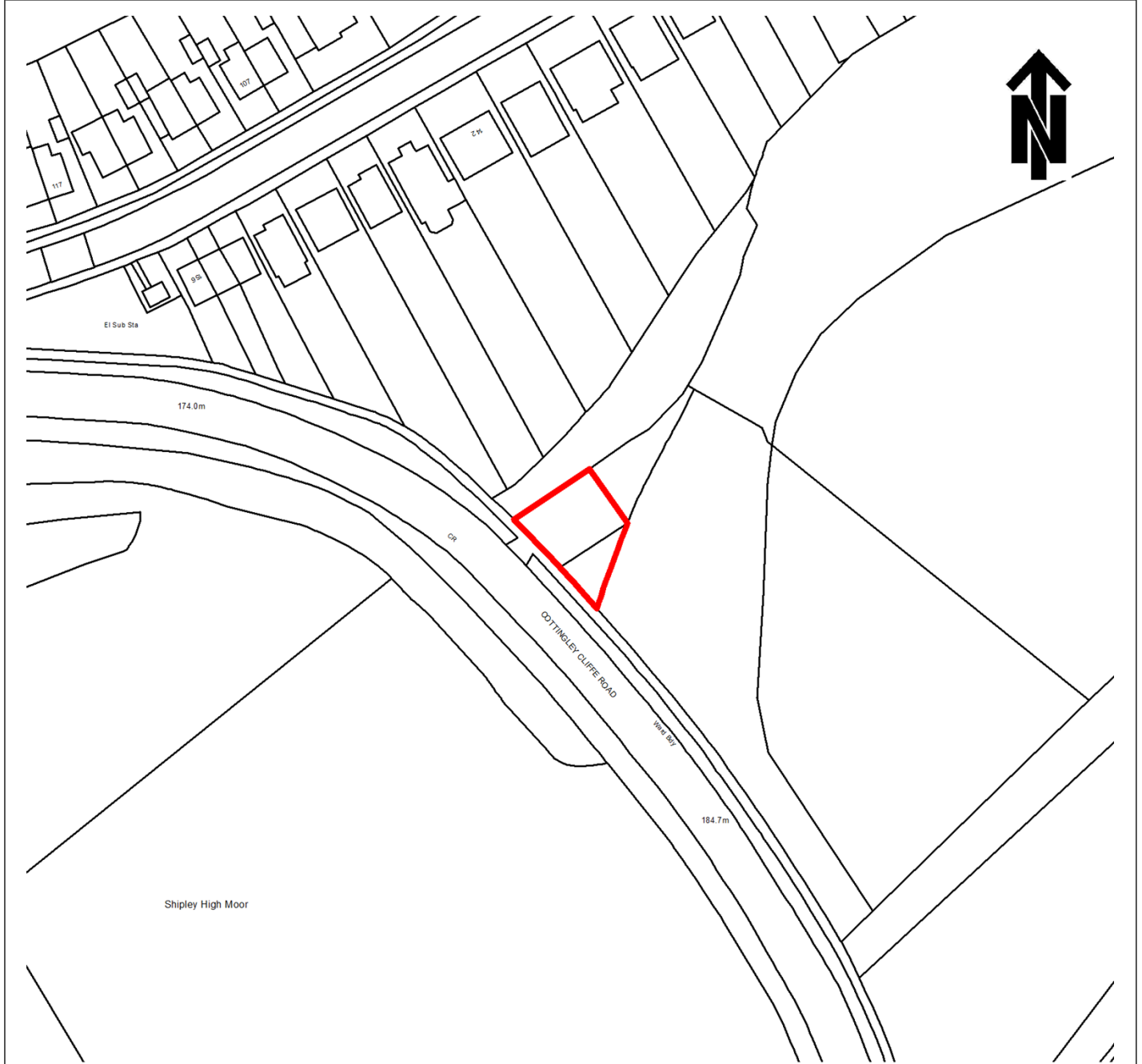
Enforcement Reference:
19/00565/TPOCN

Site Location:
Land 403553 434450 Back Leeming Oxenhope Keighley West Yorkshire

Breach of Planning Control:
Tree Replacement Notice under S.207 of the TCPA 1990 to enforce the duty to replant trees in a conservation area

Circumstances:
16 trees removed in Leeming Conservation area. The requirement for replacement planting is necessary to remedy the harm to visual amenity resulting from removal and destruction of trees and to preserve and enhance the character of the Leeming conservation area and to protect the contribution that trees make to the Conservation Area. The failure to replant the trees is also contrary to the Council's Core Strategy Development Plan Document Policies EN5 (Trees and Woodland) and EN3 (Historic Environment).

20/00841/ENFUNA



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

**Land Adjacent To
Cottingley Cliffe Road
Cottingley
Bingley**

29 June 2022

Item Number: L
Ward: SHIPLEY
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
20/00841/ENFUNA

Site Location:
Land Adjacent To Cottingley Cliffe Road Cottingley Bingley West Yorkshire

Breach of Planning Control:
Unauthorised single storey structure

Circumstances:
In May 2020 the Council received an enquiry regarding development works on the land.

An inspection showed that a single storey structure had been constructed on the land, for which the Council had no record of planning permission having been granted.

Retrospective planning application reference 20/05267/FUL for the single storey structure was refused by the Council in April 2021. An appeal was made against the decision; however, the Council was advised by The Planning Inspectorate in November 2021 that the appeal could not be accepted as not all required documentation had been submitted.

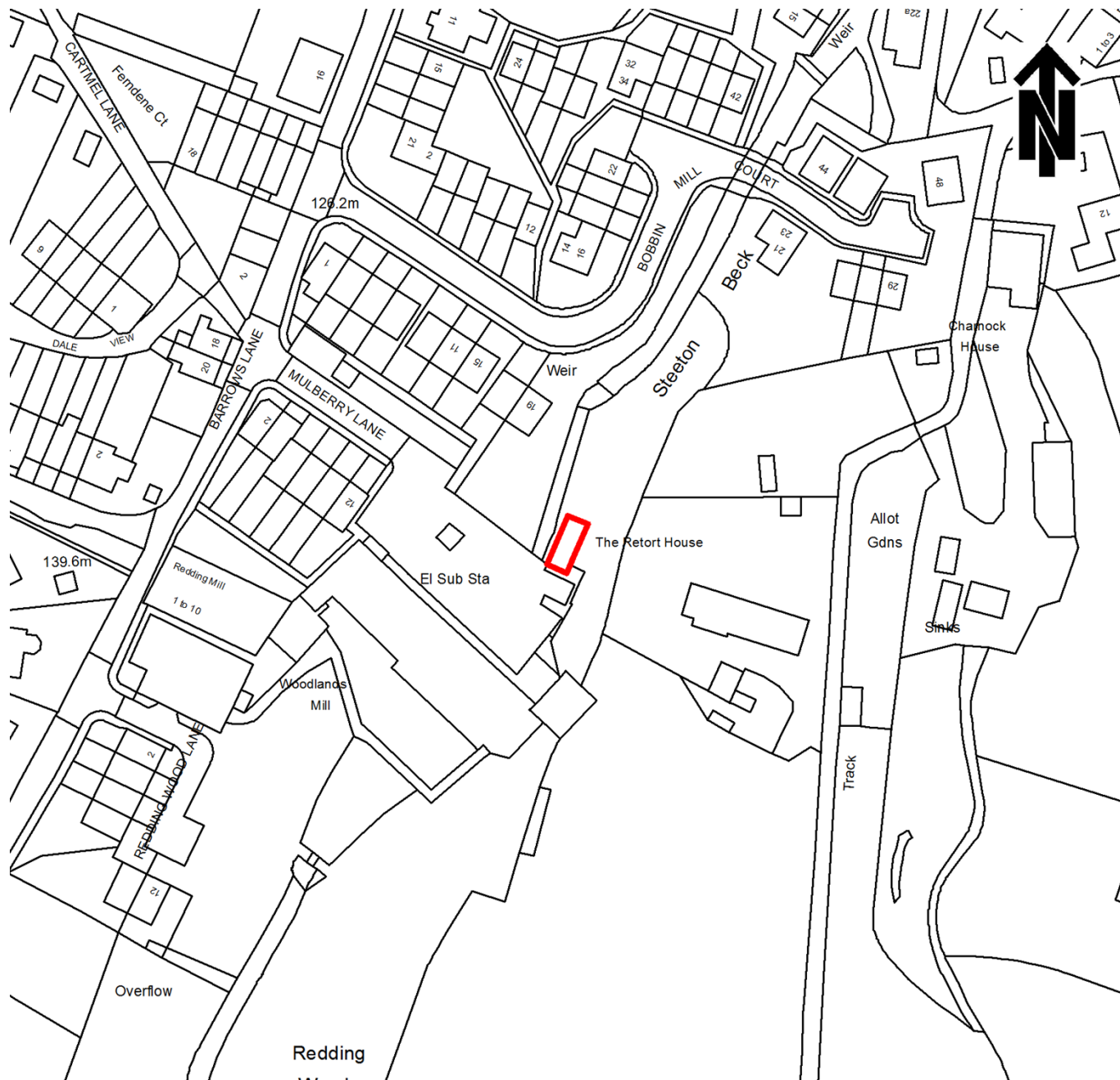
The land occupier has been requested to rectify the breach of planning control, however no action has been taken.

On 10th March 2022 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 is detrimental to visual amenity by virtue of its design and appearance, forming inappropriate development in the Green Belt and an incongruous feature on the land, contrary to saved Policy GB1 of the Replacement Unitary Development Plan, Policies DS1 and DS2 of the Council's adopted Core Strategy Development Plan Document and the principles of the National Planning Policy Framework.

20/01331/ENFLBC



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:1,250

© Crown copyright and database rights 2020 Ordnance Survey 0100019304

The Retort House
Mulberry Lane
Steeton With Eastburn
BD20 6PP

29 June 2022

Item Number: M
Ward: CRAVEN
Recommendation:
THAT THE REPORT BE NOTED

Enforcement Reference:
20/01331/ENFLBC

Site Location:
The Retort House Mulberry Lane Steeton With Eastburn West Yorkshire BD20 6PP

Breach of Planning Control:
Without planning permission, the construction of an unauthorised timber structure situated to the east of the dwelling on the land

Circumstances:
Following the receipt of an enquiry an inspection in August 2021 showed that an unauthorised timber outbuilding had been constructed to the front of the Grade II listed building on the land. The council had no record of any consent being structure as built.

Letters have been sent to the owner/occupants of the property, requesting action to rectify the breach of planning control. To date the unauthorised timber structure remains in place and the breach of planning is unresolved.

On 1st June 2022, the Planning Manager (Enforcement & Trees) authorised the issue of an Enforcement Notice. It is considered expedient to instigate Enforcement (Legal) Action as the unauthorised structure represents a poorly designed feature, that fails to relate to the character or appearance of the heritage asset. The unauthorised structure is at odds with the host building and represents a visually incongruous addition which is also detrimental to the visual amenity of the wider street scene and local environment. No public benefit arises to compensate for this harm and the development is therefore contrary to Policies DS1, DS3, SC9 and EN3 of the adopted Core Strategy Development Plan Document, Section 16 of the Planning (Listed Buildings & Conservation Areas) Act 1990 and policy guidance contained within the National Planning Policy Framework.

This page is intentionally left blank